

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 29 June 1994

The Council met at Nine o'clock

PRESENT

THE PRESIDENT

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

THE CHIEF SECRETARY

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE SIR NATHANIEL WILLIAM HAMISH MACLEOD, 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 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.

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

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

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

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

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

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

THE HONOURABLE RONALD JOSEPH ARCULLI, O.B.E., 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., J.P.

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, O.B.E., J.P.

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, O.B.E., J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

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, O.B.E., J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING, J.P.

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

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

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

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

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

THE HONOURABLE ALFRED TSO SHIU-WAI

IN ATTENDANCE

MR MICHAEL LEUNG MAN-KIN, C.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

MR CHAU TAK-HAY, J.P.
SECRETARY FOR TRADE AND INDUSTRY

MR HAIDER HATIM TYEBJEE BARMA, I.S.O., J.P.
SECRETARY FOR TRANSPORT

MR DONALD TSANG YAM-KUEN, O.B.E., J.P.
SECRETARY FOR THE TREASURY

MR NICHOLAS NG WING-FUI, J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

THE DEPUTY SECRETARY GENERAL
MR LAW KAM-SANG

Papers

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Securities and Futures Commission (Levy) (Securities) (Amendment) Order 1994	367/94
Securities and Futures Commission (Levy) (Futures Contracts) (Amendment) Order 1994	368/94
Money Lenders (Amendment) Regulation 1994	370/94
Companies Ordinance (Amendment of Eighth Schedule) (No. 2) Order 1994	371/94
Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 1994	372/94
Legal Officers Ordinance (Amendment of Schedule) Order 1994	373/94
Limited Partnerships Ordinance (Amendment of Schedule) Order 1994	374/94
Places for Post-Mortem Examination (Amendment) Order 1994	375/94
Rabies (Declaration of Places Prohibited to Animals) Order	376/94
Regulation of Movement of Dogs (Consolidation) (Repeal) Order 1994	377/94
Air Pollution Control (Amendment) Ordinance 1994 (19 of 1994) (Commencement) Notice 1994	378/94
Air Pollution Control (Motor Vehicle Fuel) Regulation (L.N. 196 of 1994) (Commencement) Notice 1994	379/94
Companies Ordinance (Fee for Taking Affidavit, Affirmation or Declaration) (Amendment) Notice 1994	380/94

Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 1994 (L.N. 271 of 1994) (Appointed Day) Notice 1994	381/94
Insurance Companies (Amendment) (No. 2) Ordinance 1994 (26 of 1994) (Commencement) Notice 1994	382/94
Noise Control (Amendment) Ordinance 1994 (2 of 1994) (Commencement) Notice 1994	383/94
Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (L.N. 309 of 1994) (Commencement) Notice 1994	384/94
Rabies Ordinance (Cap. 421) (Commencement) Notice 1994	385/94
Waste Disposal (Amendment) Ordinance 1994 (28 of 1994) (Commencement) Notice 1994	386/94
Waste Disposal Ordinance (Amendment of Schedules) Notice 1994 (L.N. 311 of 1994) (Commencement) Notice 1994	387/94
Waste Disposal (Livestock Waste) (Amendment) Regulation 1994 (L.N. 310 of 1994) (Commencement) Notice 1994	388/94
Motor Vehicles (First Registration Tax) (Amendment) (No. 2) Ordinance 1994 (43 of 1994) (Commencement) Notice 1994	389/94
Motor Vehicles (First Registration Tax) (Amendment) (No. 2) Ordinance 1994 (43 of 1994) (Commencement) (No. 2) Notice 1994	390/94
Motor Vehicles (First Registration Tax) Regulation	391/94

Sessional Papers 1993-94

No. 91 — 1993 Annual Report by the Commissioner of the Independent Commission Against Corruption

- No. 92 — Audited Statement of Accounts of the Hong Kong Rotary Club Students' Loan Fund for the Year Ending 31 August 1993
- No. 93 — Audited Statement of Accounts for the Sing Tao Foundation Students' Loan Fund for the Year Ending 31 August 1993

Miscellaneous

Technical Memorandum for Specifying Air Quality Objective for Hong Kong

Address

1993 Annual Report by the Commissioner of the Independent Commission Against Corruption

MR RONALD ARCULLI: Mr President, as a Member of the Advisory Committee on Corruption, I have pleasure in introducing the 1993 Annual Report by the Commissioner of the Independent Commission Against Corruption (ICAC), which is tabled in this Council today.

The main feature of 1993 was undoubtedly the huge increase in the number of corruption reports received from the public; 3 284 reports was a 44% increase over 1992. This increase was across the board and, significantly, the number of pursuable reports also rose by 34% over the corresponding figure for 1992.

The Commissioner has tried to find an explanation for these remarkable increases but has not been able to come to any definite conclusions. A self-evident fact is that more people are prepared to come forward and report their allegations and this shows that the community wants to take a stand against corruption and trusts the ICAC to do the job of beating it back. Moreover, two thirds of the people who report corruption are prepared to give their names and addresses and that is important because it is far more likely that a complaint of corruption can be investigated effectively when the complainant identifies himself.

All of this is positive but there is a darker side of the picture. When the ICAC relates the increase in the number of reports to its own intelligence, the assessment is that there is indeed more corrupt activity about than in recent years. It is difficult to gauge how much more. The widely perceived "1997 quick buck syndrome" and the huge growth in cross-border trade are probable principal causes. By the end of 1993 the Administration had agreed to fund an additional Operations Department investigating group of 44 officers to help deal

with the increase in work and cope with the additional demands anticipated this year arising from district board elections. The new investigating group is now in place.

In his policy address in October last the Governor called for the launching of a business ethnics campaign. Although the main thrust of the ICAC's efforts will continue to be directed at the public sector it was felt that there was a need to train a spotlight on the private sector. This campaign urges large companies and trade and industry associations to establish codes of conduct. The major chambers of commerce are taking a leading role, assisted by the Commission's Community Relations and Corruption Prevention departments.

In 1993 the Commission also sought to assist China in the major campaign it launched against corruption. The anti-corruption authorities in China seek the help of the ICAC which shares with them its experience in community education and corruption prevention. The ICAC has developed anti-corruption guidance for Hong Kong businessmen doing business in China, guidance that spells out China's laws and regulations on bribery and embezzlement and offers friendly advice. This important work by the Community Relations and Corruption Prevention departments has continued into 1994. At the 6th International Anti-Corruption Conference in Mexico in November 1993, China was chosen as the host for the next conference which will be held in Beijing in October 1995. The ICAC was pleased to be able to lend their help to China's successful bid.

The year ended with preparations being made for the ICAC's 20th anniversary in February 1994 and for a re-affirmation of its determination to fight corruption in the years ahead.

Mr President, in tabling this report I wish to join the Commissioner in thanking the public for their support and the confidence they show in the ICAC, the members of the advisory committees who put so much time and effort in giving valuable assistance and all the ICAC staff for their dedication, hard work and many successes in 1993.

Written Answers to Questions

Development of Government, Institution and Community sites

1. MR ERIC LI asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *the gross area covered by existing Government, Institution and Community (GIC) sites in the territory;*
- (b) *the gross building area available for development, as calculated by private development plot ratio, if these sites are fully utilized;*

- (c) *whether procedures have been formulated for the Government to develop GIC sites in conjunction with private developers; if so, what the procedures are, and the time required to complete these procedures; and*
- (d) *the effect on Hong Kong's land supply if the Government adopts positive measures to develop GIC sites in conjunction with private developers?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) About 2 965 hectares of land are zoned for GIC purposes in the territory. About 940 hectares of these are not yet developed for such purposes.
- (b) Not all GIC sites can be developed or redeveloped for commercial or residential uses because factors such as land use compatibility, infrastructural constraints and reprovisioning problems prevent this. Each case therefore has to be considered on its own merits. While the gross floor areas which might theoretically be made available from the development or redevelopment of all these sites could be assessed by assuming an overall potential plot ratio, it would serve no real purpose to conduct such a theoretical exercise. It would simply mislead us all into believing potential exists where it does not.
- (c) My response is confined to the redevelopment of GIC sites owned by the Government (that is, "government" sites). Selling such sites to the private sector is one way to involve them. As indicated in my oral reply to the Honourable Ronald ARCULLI on 22 June, 12 "government" sites have been sold for private sector development since 1990. To facilitate the redevelopment of other "government" sites, we are considering the possibility of involving the private sector in reprovisioning government facilities on some of them. But each case has to be considered on its merits and suitable funding arrangements worked out. The time required to reach agreement with the private sector will vary from case to case, depending on the complexity of the specific requirements and obligations to be negotiated.
- (d) Because it depends on the number of sites that can be rezoned, the impact on land supply is hard to assess. Nevertheless, we are already making every effort to realize the full development potential of "government" sites. A Committee on Redevelopment of Under-developed Government Sites was set up in August 1991 to determine the appropriate land uses and redevelopment potential of under-utilized

“government” sites. Also, in the course of its deliberations, the Task Force on Land Supply and Property Prices has examined the possibility of rezoning and releasing “government” sites for housing purposes. We will continue to look for more such opportunities.

Islands ferry service from Tsim Sha Tsui

2. MR WONG WAI-YIN asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the number of passengers using the holiday ferry service from Tsim Sha Tsui to Cheung Chau and Mui Wo in the past year, and the occupancy rate; and*
- (b) *whether consideration has been given to stepping up publicity and improving the related services, particularly the ticket selling arrangement, so as to attract more people to use this service?*

SECRETARY FOR TRANSPORT: Mr President, the Hongkong and Yaumati Ferry (HYF) operates services to Mui Wo and Cheung Chau from the Star Ferry Pier at Tsim Sha Tsui on weekends and public holidays. The patronage and capacity of these two services during the period from May 1993 to April 1994 are:

<i>Service</i>	<i>Total patronage</i>	<i>Carrying capacity</i>	<i>Occupancy</i>
Tsim Sha Tsui - Mui Wo	381 970	1 442 100	26.5%
Tsim Sha Tsui - Cheung Chau	34 370	328 900	10.5%
Total	416 340	1 771 000	23.5%

Steps are being taken by HYF to promote these services. This includes putting up attractive posters at piers and vessels to inform the public of service schedules, location and operating hours of the ticket counter and the enquiry telephone number.

Regarding the ticket selling arrangements, because of police concerns on crowd control, tickets are presently available only from a ticket booth located at the basement of Star House and not at the pier. This is not too convenient.

Having reviewed the current situation, the police now see no objection to the setting up of a ticket booth at the Tsim Sha Tsui Ferry Pier on a three-month trial. HYF is now consulting Star Ferry and subject to the latter's agreement, this will be provided.

Impact of Buildings Department's checking procedures on the new airport

3. MISS EMILY LAU asked (in Chinese): *At Present, the building projects undertaken by the Provisional Airport Authority, including the terminal building, have to go through the usual checking procedures as required by the Buildings Ordinance. Will the Government inform this Council:*

- (a) whether the projects will be delayed and whether the costs (including consultation fees and administrative costs) will increase due to this requirement;*
- (b) what additional manpower will be required by the Buildings Department for checking these projects; and*
- (c) whether such checking procedures will give rise to an "overlapping of responsibilities" between the professional staff employed by the Provisional Airport Authority and those of the Buildings Department, thus resulting in a waste of public funds?*

SECRETARY FOR WORKS: Mr President,

- (a) No, this requirement is unlikely to cause any delay or increase in cost.

The Government and the Provisional Airport Authority (PAA) will work closely together to ensure that this requirement has no impact on the programme or cost for the new airport. Both are committed to meeting the Memorandum of Understanding (MOU) obligation that the new airport should be completed in a cost effective manner and to the maximum extent possible by June 1997.

Discussions have been going on between the PAA and the Buildings Department (BD) on the streamlining of the procedures for submission and approval, including appropriate exemptions from the provisions of the Buildings Ordinance, with a view to implementing the airport projects according to schedule.

The BD has established a Centralized Processing Co-ordination Committee (CPCC) to monitor the expeditious processing of the plans for the airport and related developments to facilitate their

early implementation. This committee comprises representatives from the Fire Services, Lands, Planning, Highways, Transport Departments as well as other departments who will be invited to sit on the committee as and when required.

Regular consultations with the BD have also been carried out throughout the course of the design process for the passenger terminal building and concourse. For those projects which are still in mid-design stage or only just awarded, consultation with the Buildings Department will be carried out before detailed proposals are finalized.

In fact, even for other government projects which are exempted from the requirements of the Buildings Ordinance, it is common that the design will be submitted to relevant government departments for independent checkings/comments, as a prudent practice to ensure public health and safety. Hence the carrying out of independent checkings for the projects will not cause additional cost or delay.

- (b) In order to expedite processing of plans for the new airport and associated projects, the Buildings Department has been given additional manpower to set up a dedicated task force comprising a surveying team and an engineering team led by a Chief Structural Engineer together with technical support.
- (c) No, there is no overlapping of the responsibilities of PAA staff, who are mainly responsible for the design and overseeing the construction work, and BD staff, who are responsible for independent checking for compliance with the Buildings Ordinance.

Dicipline of a Senior Crown Counsel

4. MISS EMILY LAU asked (in Chinese): *According to press reports, when a case concerning the hiring of a killer by a businessman was heard in the High Court on 29 May this year, the prosecutor of the case, who was a Senior Crown Counsel of the Legal Department, was found absent during the time when the Court's verdict was returned. He also used abusive language when subsequently asked by a reporter about the case. Will the Government inform this Council:*

- (a) *why the Senior Crown Counsel was absent;*
- (b) *whether disciplinary action will be taken against him; and*
- (c) *whether the Government has issued guidelines instructing officials not to use abusive language when answering enquiries from reporters?*

ATTORNEY GENERAL: Mr President,

- (a) This case concluded on Sunday, 29 May 1994. When the jury retired, the prosecutor returned to his room in the Legal Department to work on some urgent papers leaving his telephone number with the jury clerk and the police officer in charge of the case. Despite the fact that the prosecutor remained in his room, telephone calls made to him were not received. It was only after the proceedings had been completed that contact was made with him.
- (b) The prosecutor was telephoned on two occasions by a newspaper reporter asking for his explanation for his non-appearance. He declined as he first wished to inform the Judge, which he did. On 30 May 1994, the reporter telephoned once again and once more an explanation was declined. As the prosecutor was putting down the telephone, he used an expletive which was not intended for her ears but which she did hear. As a result the prosecutor apologized to the editor of the newspaper in writing and the Director of Public Prosecutions spoke to the editor offering his regrets at what had occurred.

Disciplinary action has not been taken but the prosecutor was advised as to his conduct.

- (c) There is no specific guideline for civil servants relating to the circumstances mentioned. The general guideline is that civil servants should be courteous when in contact with members of the public, including the press. They should always be helpful and polite.

Arrangement for detained persons

5. MR SIMON IP asked: *Will the Government inform this Council of the places in which persons held under section 32(4) (Detention pending removal or deportation) of the Immigration Ordinance (Cap. 115) may be detained and what guidelines exist for the placement and treatment of minors who are so detained?*

SECRETARY FOR SECURITY: Mr President, places for the detention of persons pending removal or deportation, including those detained under section 32(4) of the Immigration Ordinance, are specified in the Immigration (Places of Detention) Order made under section 35 of the Immigration Ordinance.

Most illegal immigrants detained under section 32(4), are accommodated in Victoria Prison. Prison Rules covering prisoners awaiting trial apply, except for access to a telephone, which, under paragraph 3B of the Immigration (Places of Detention) Order, is more freely available than for prisoners awaiting trial.

The Immigration (Places of Detention) Order also provides that young persons under the age of 16 may be detained in the following places:

- (1) The Chuk Yuen Children's Reception Centre
- (2) The Ma Tau Wai Girls' Home
- (3) The Begonia Road Boys' Home
- (4) The Pui Yin Juvenile Home
- (5) The Pui Chi Boys' Home

Boys between the age of eight and 16 detained under section 32(4) are usually accommodated in Pui Chi Boys' Home; girls in the same age group in Ma Tau Wai Girls' Home. Section 32(4) is not used for the detention of illegal immigrant minors who are seven years old or younger.

Young persons accommodated in these homes receive the same treatment as those detained in places of refuge under section 34E of the Protection of Children and Juveniles Ordinance. The Protection of Children and Juveniles (Places of Refuge) Regulations made under section 39, and the rules approved by the Director of Social Welfare for welfare, education and control apply.

We are intending to amend the Immigration (Places of Detention) Order to make it possible for those young persons between 16 and 18 years of age to be detained in future in Boys' and Girls' Homes operated by the Director of Social Welfare, rather than in prison.

Importation of labour

6. MR JAMES TIEN asked (in Chinese): *Will the Government inform this Council, with the strict restriction on the quota of imported labour under the General Scheme on Importation of Labour, whether the increase in local workers' wages has been restrained because of labour imported under this scheme; and whether the Government will consider allowing the wages of the imported labour to be adjusted freely according to market demands instead of linking them rigidly to the mean wages for the same kinds of work?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, there is no evidence to suggest that the increase in local workers' wages has been restrained because of imported labour. As the number of workers under the General Importation of Labour Scheme is restricted to 25 000, which represents only less than 1% of the total workforce, it is unlikely that the small number of imported workers would have any noticeable impact on the local wage trend.

The Government's policy is that imported workers should receive no less favourable treatment in employment, including wages, as that enjoyed by local workers. This serves to protect imported workers against exploitation and, at the same time, safeguard the interest of local employees. It is in line with the requirement under Convention No. 97 of the International Labour Organization which has been applied in Hong Kong.

Anti-corruption laws in Hong Kong and China

7. MR JAMES TIEN asked (in Chinese): *In view of the busy cross-border trade between Hong Kong and China and the different criteria set by anti-corruption ordinances in the two places, will the Government consider comparing China's latest laws on commission rebate with Hong Kong's anti-corruption laws, and compiling briefing notes showing the similarities and differences of the two sets of laws for the reference of the industrial and commercial sectors?*

CHIEF SECRETARY: Mr President, during the Commissioner of the Independent Commission Against Corruption's (ICAC) visit to the Guangdong Provincial People's Procuratorate last October, the ICAC and the Procuratorate agreed to produce jointly a publication on the anti-corruption laws of China and Hong Kong for the benefit of Hong Kong businessmen involved in cross-border trade and investment. The objective of the publication is to explain the differences between these two sets of anti-corruption laws and to offer practical advice on how to make complaints of corruption in Guangdong or in Hong Kong. The publication is now under preparation and will be ready for distribution to Hong Kong businessmen through ICAC regional offices by the end of 1994. However, the publication will provide general information only and is not intended to take the place of professional legal advice which Hong Kong businessmen should seek from their own legal advisers.

Outreaching service for the elderly

8. MR HUI YIN-FAT asked (in Chinese): *As the pilot scheme launched by non-government organizations to provide outreaching service for the elderly has been assessed as very successful by the social welfare sector at large, will the Government inform this Council whether consideration will be given to*

providing funds to the organizations concerned for expanding this new service, so that more elderly people can benefit from this service?

SECRETARY FOR HEALTH AND WELFARE: Mr President, two outreaching teams for elderly persons at risk were established on 1 April 1991 as an experimental project with a grant from the Lotteries Fund. At the end of the experimental period, an evaluation exercise was conducted. The two operating agencies began to receive subvention for the two outreaching teams with effect from 1 October 1993.

As outreaching teams for elderly persons at risk are a relatively new service, the Social Welfare Department, the Hong Kong Council of Social Service and the two operating agencies are jointly monitoring their operation and performance. The mode of service delivery and development of this service will be reviewed after the service has operated for some time. Proposals for further expansion will be considered in the light of available resources and competing priorities.

Unfair treatment in tertiary institutions and the Civil Service

9. DR CONRAD LAM asked (in Chinese): *In view of the deep concern expressed by the general public over the case in which a staff member of the Hong Kong Polytechnic was punished for revealing alleged deficiencies in the operation of the institution, will the Government inform this Council how it can ensure that the staff members in both the tertiary institutions and the Civil Service will not be unfairly treated for pointing out the mistakes of senior staff members?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, a panel set up by the Hong Kong Polytechnic to look into the case referred to in the preamble to this question concluded that there was no supporting evidence to the allegation. The Administration cannot therefore associate itself with the preamble when answering this question.

The University Polytechnic Grants Committee (UPGC)-funded institutions are legally autonomous bodies which, under their respective ordinances, are entitled to freedom of action, within the laws of Hong Kong, in managing their internal affairs, including the termination of appointment and dismissal of their staff.

The Administration understands that all UPGC-funded institutions have established procedures governing the termination of contracts and dismissal of their staff. The governing bodies of the institutions are ultimately responsible for ensuring that these procedures are applied fairly and reasonably. The Administration has been given to understand that all institutions endeavour to

act carefully and responsibly to prevent unjust treatment of their staff and appeals procedures are in place for staff to seek redress if necessary. Nevertheless, disputes about contracts of employment or dismissal of staff may be resolved by the courts if necessary.

As regards practices in the Civil Service, the Administration promotes open and positive management in the Civil Service. There are a number of channels, both formal and informal, for staff to put forward suggestions for improvements, as well as views and criticism on the inadequacies of individuals or organizations. The management always treat these criticisms positively with a view to making improvements wherever possible. If a staff member feels unfairly treated for revealing deficiencies of his department, he has the right to lodge a complaint with his Head of Department or even higher authorities, such as the Chief Secretary or the Governor. There are clearly laid down complaints and grievance procedures to ensure that staff are protected from victimization and that their complaints are dealt with promptly and fairly.

Working Group on Care for the Elderly

10. DR LEONG CHE-HUNG asked: *At the Legislative Council sitting on 1 December 1993, the Secretary for Health and Welfare said that the Working Group on Care for the Elderly, established to review the policy on care for the elderly people and to advise on ways of meeting the demand for services for the elderly, had to report by August 1994. Will the Government inform this Council:*

- (a) of the progress of work of the working group;*
- (b) whether it will complete its work on time; and*
- (c) whether the working group's report will be released for public consultation?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, in his annual address to the Legislative Council on 6 October 1993, the Governor announced that a Working Group on Care for the Elderly would be appointed to conduct a general review of services for the elderly and to advise on the formulation of a strategy for the development of future policies and services. The working group was appointed on 11 November 1993.

The working group is making good progress in its work. It has almost completed its deliberations and a report will be submitted to the Governor on time in August this year. The report will not be published before it is submitted to the Governor.

Traffic accidents inside tunnels

11. DR HUANG CHEN-YA asked (in Chinese): *Since speeding might have been the cause of some serious traffic accidents which took place inside the tunnels, will the Government inform this Council of:*

- (a) *the number of speeding cases detected in the tunnels in the past year (please provide the breakdown by the day and time of the week) and the number of such cases in which the drivers concerned were prosecuted; and*
- (b) *the number of traffic accidents which occurred inside the tunnels in the past two years which were caused by speeding?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) 2 518 cases of speeding in road tunnels were detected in 1993 and 485 drivers were prosecuted for the offence.

A breakdown of cases by day of the week and time is attached. This shows that 85% occurred in the early hours of the morning, when traffic is light.

- (b) Police investigations indicate that in the past two years 70 accidents were caused by vehicles speeding in road tunnels.

To follow up this and other recent questions asked by Honourable Members on speeding and accidents in tunnels, I have asked the police, Transport Department and the private tunnel operators to give higher priority to tackling these problems.

Tunnel speeding offences for the year 1993

<i>Time</i>	<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thur</i>	<i>Fri</i>	<i>Sat</i>	<i>Total</i>
0101-0700	299	329	297	268	340	263	346	2 142
0701-1300	0	0	256	0	91	0	29	376
1301-1900	0	0	0	0	0	0	0	0
1901-0100	0	0	0	0	0	0	0	0
Total	299	329	553	268	431	263	375	2 518

Insurance Claims Complaints Board

12. DR HUANG CHEN-YA asked (in Chinese): *The great majority of complaints to the Insurance Claims Complaints Board are caused by disputes over the terms of insurance policies, and of the complaints made to the Board in 1993, four cases were decided in favour of the complainants and 21 in favour of the insurance agents. In this connection, will the Government inform this Council:*

- (a) *what action will be taken to ensure that the terms of insurance policies are not so worded that they place the consumer at a disadvantage; and*
- (b) *whether the Government has investigated the reason for the low success rate of complaints, and whether it is satisfied that the Board is acting fairly for the protection of the interests of the general public in handling complaints?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) There is little evidence to suggest that the terms of insurance policies are so worded that policy holders are placed at a disadvantage. According to the 1993 Annual Report of The Insurance Claims Complaints Board (ICCB), there were 30 complaints about the terms of insurance policies and these were mainly attributable to policy holders not fully understanding the meaning of the terms. The number of complaints about policy terms is very small bearing in mind that in life insurance alone there are already 2 million policies in force in Hong Kong.

In 1993, The Insurance Claims Complaints Board dealt with 99 cases including those carried over from the previous year. By the end of 1993, 32 cases were still being processed in various stages. Sixty-seven cases were settled, of which 40 were settled by agreement between the parties concerned before adjudication by the board. These 40 cases were settled on an *ex gratia* basis and were therefore not mentioned in the annual report. Thus, although awards were made by the board in four cases, in fact two out of three cases handled by the board in 1993 were closed in favour of the complainants.

Steps have been taken by the insurance industry to improve the comprehensibility of insurance proposal forms and policies. Simple English is used in insurance proposal forms and Chinese translations are now available for most insurance proposal forms as well as motor and employees compensation insurance policies. The drafting of a standard Chinese translation of policy terms is also in progress.

Apart from the above, the Insurance Companies (Amendment) (No. 3) Bill 1993 has been introduced into the Legislative Council and has received support from the Bills Committee of the Council for early enactment. This Bill will enhance the professional standards of the insurance agents and brokers. An insurance agent or broker will be required, among other things, to give clear explanation of the terms of an insurance policy to a prospective policy holder.

- (b) The ICCB is an integral part of self-regulation by the insurance industry. It provides an independent avenue for complaints in respect of personal insurance policies. The majority of the members of the ICCB are persons drawn from outside the insurance industry. It has been chaired by a retired Justice of Appeal over the past few years. The fact that two out of three cases handled by the board were closed in favour of the complainants, cannot be regarded as indicating a low success rate. That the rest did not succeed was due mainly to the lack of understanding of the policy terms on the part of the complainants. There is no reason to doubt the integrity, independence and fairness of the board. The working of the ICCB has been closely monitored by the Government. It is noteworthy that the maximum amount of award by the ICCB has recently been increased from HK\$250,000 to HK\$400,000 and its jurisdiction has been extended to cover complaints lodged by third party claimants.

It should also be borne in mind that insurance companies who are members of the ICCB are bound by the awards of the board while policy holders have the right to pursue their claims in court if they are not satisfied with the awards.

Voluntary Repatriation Programme of Vietnamese migrants

13. MRS SELINA CHOW asked: *Will the Government inform this Council:*

- (a) *of the number of Vietnamese boat people who have returned to Vietnam under the Voluntary Return Programme since January 1994; and*
- (b) *whether these figures reflect a deterioration; and if so, how they have fallen short of the estimated figures and what the Administration intends to do to remedy the situation?*

SECRETARY FOR SECURITY: Mr President, 3 747 Vietnamese migrants returned home under the Voluntary Repatriation Programme in the first five months of this year. This represents a significant decline over the 7 909 who returned to Vietnam in the last five months of 1993.

We do not maintain estimates of the number of Vietnamese expected to return each month.

The remedy to the current situation lies in promoting the Voluntary Repatriation Programme. The UNHCR take the lead in this area. Their promotional efforts include individual and group counselling, distribution of newspapers, magazines and information bulletins, and the operation of information centres in the detention centres where videos, photograph exhibitions and other printed information on the latest developments in Vietnam are made available to the Vietnamese migrants.

The report of the Whitehead Inquiry has suggested that, in conjunction with the international community, the Government should consider how the incentives for voluntary return could be improved. We are now exploring with UNHCR how this suggestion might be taken forward.

Regulation of airguns

14. MR WONG WAI-YIN asked (in Chinese): *Will the Government inform this Council:*

- (a) of the number of injury cases involving airguns in the past three years; the number of persons who had been prosecuted successfully for causing such injuries and the penalties imposed on such persons; and*
- (b) what measures are in place to regulate the use of airguns; whether consideration will be given to reviewing the existing legislation so as to step up the control of airguns; if so, when the review will be completed; if not, what the reasons are?*

SECRETARY FOR SECURITY: Mr President,

- (a) We do not keep statistics on the number of cases reported to the police of injuries inflicted by airguns, nor of resulting prosecutions. We believe such cases to be very rare.
- (b) Airguns from which any shot can be discharged with a muzzle energy greater than two joules are defined as “arms” and hence subject to control under the Firearms and Ammunition Ordinance. The Ordinance requires licences for the possession of such arms and

contains conditions regarding their use, transport and safe storage. An applicant for an arms licence must be able to demonstrate that he has a legitimate need for arms and that he is a fit and proper person to be eligible for the possession of such arms. It is also a requirement that no licence shall be granted to any person under the age of 18 years.

Licence conditions require that such airguns (that is, with a muzzle velocity of more than two joules) may be fired only on specific ranges. These include:

- (i) ranges approved for air pistol/air rifles under the control of shooting associations; and
- (ii) other ranges approved for air pistol/rifle shooting when the licensee is participating in a *bona fide* competition under internationally recognized rules, or if he is a member of a team constituted by the association participating in such a competition.

There are currently no controls over airguns with a muzzle velocity of less than two joules. However, the Firearms and Ammunition Ordinance is currently under review, with the objective of strengthening the licensing regime of arms, including airguns, in Hong Kong. The question of whether licensing controls should be extended to airguns with a muzzle velocity of less than two joules will be considered as part of this review. We expect the review to be completed by the fourth quarter of the year.

Protection of Wages on Insolvency Fund

15. MR PETER WONG asked: *The audited accounts of the Protection of Wages on Insolvency Fund as at 31 March 1993 show reserves at some \$500 million but claims not yet approved stood at \$91 million which was almost twice the amount paid out in 1992-93. Will the Government inform this Council whether:*

- (a) *the levy at a rate of \$250 for every Business Registration Certificate issued is excessive in view of size of the reserves in the above-mentioned fund;*
- (b) *the objectives of promptly relieving hardship caused to employees in the event of insolvency of employer have been achieved;*
- (c) *the rate of recovery from insolvent employers' estates is satisfactory;*

- (d) there are plans to raise the preferential amount of wages eligible for prior claim on the estates and if so what are the justifications; and*
- (e) there are plans for the investment of the reserves?*

Also will the Government give a detailed breakdown of the claims amounting to \$91 million not yet approved, together with claims lodged since 31 March 1993, demonstrating the time taken between:

- (a) the date the employer went into liquidation or bankruptcy;*
- (b) the date when the application for payment was lodged with, or recognized by the Labour Department, together with the amount applied for; and*
- (c) the date when the claim was paid and the amount paid out?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the replies to the eight-part question are as follows:

- (a) At present, the maximum sum an employee can obtain from the Protection of Wages on Insolvency Fund is \$118,000 in the event of insolvency of his employer. This sum is made up of three items, namely, arrears of wages up to \$18,000, wages in lieu of notice up to \$6,000 and severance payment up to \$94,000. During the past four years from 1990-91 to 1993-94, an average of 6 800 applications were received each year. Considering that the total accumulated fund of \$500 million is only sufficient to cover 4 237 applicants at the maximum payment of \$118,000 each, the levy at the current rate of \$250 for each Business Registration Certificate issued is not excessive. Besides, there is a need for the fund to have a significant reserve to cope with any sudden downturn of the economy which will give rise to more insolvencies. In fact, the number of applications made to the fund has been increasing during the past five years from 4 460 in 1989-90 involving \$60.6 million to 7 091 in 1993-94 involving \$189.6 million.
- (b) Payments from the fund have been made to applicants much faster than is possible under the normal liquidation and bankruptcy proceedings. The objective of promptly relieving hardship caused to employees in the event of insolvency of employers has on the whole been achieved.
- (c) The rate of recovery from insolvent employers' estates has been dropping. The annual average recovery rate is 17%. The declining trend is partly due to the fact that the preferential limits in respect of arrears of wages, wages in lieu of notice and severance payment

under the Companies Ordinance and Bankruptcy Ordinance have not been revised since 1977 while the maximum payment limits to employees out of the fund have been revised upward for several times.

- (d) The Administration is reviewing the preferential limits under the Companies and Bankruptcy Ordinances. At present, the preferential limits in respect of arrears of wages, wages in lieu of notice and severance payment under the two Ordinances were set in 1977. Consideration is being given to bring them to a more realistic level, taking into account the interest of other debtors as well.
- (e) The fund board has been adopting a prudent investment strategy in managing its uncommitted surplus. Most of these surplus funds were placed on term deposits, and a minor portion was handled by a fund manager investing mainly in fixed-term securities. The fund board is currently considering to entrust further funds with a second fund manager to handle up to 20% of the uncommitted funds.
- (f) The required information on detailed breakdown of claims is not readily available. To produce such information would require manual analysis of all applications received by the fund before and since 31 March 1993. Nevertheless, the available statistics for the months of April and May 1994 indicate that of the 1 150 applicants who received payments during these two months, 129 were paid within three months after liquidation petitions were presented or upon the recommendation of the Director of Legal Aid where the presentation of such petitions were considered not appropriate. Another 1 015 applicants were able to receive payment in four to six months.

Issue of covered warrants

16. MR CHIM PUI-CHUNG asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *how the Securities and Futures Commission and the Stock Exchange of Hong Kong monitor the issuance of covered warrants;*
- (b) *whether the issuance of covered warrants would exert pressure on the stock market and stock prices; and*
- (c) *whether any issuers of covered warrants have been found to be parties with vested interest and, if so, whether this is in the public interest?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) The Stock Exchange of Hong Kong Limited (SEHK) vets and approves every issuer of listed derivative warrants for compliance with the requirements of the Listing Rules. In respect of any new derivative products, or any new features of existing derivative products, as in the case of the recent call-spread warrants, the SEHK is required to consult the Securities and Futures Commission (SFC) pursuant to the Memorandum Of Understanding Governing Listing Matters before granting listing approval.
- (b) While there have been many international studies on the correlation between the cash or physical markets and the derivative markets, the findings of such studies have so far been inconclusive. In any event, the level of activity of listed derivative warrants in Hong Kong still falls well short of the level which might give rise to concern that the derivative warrant market over listed stocks may be exerting pressure on the price of the underlying stocks. To guard against such a situation occurring, the Listing Rules permit derivative warrants to be issued only over highly capitalized listed stocks and also limit the number of derivative warrants which may be issued over any particular listed stock to a small percentage of that listed stock.
- (c) The Listing Rules prohibit the issue of derivative warrants directly or indirectly by a controlling shareholder or a person who has effective management control of the underlying listed company, with the result that derivative warrants issued over shares of listed companies are issued by arms-length third parties.

The Listing Rules further require the issuer to disclose to the Exchange and in the listing document any agreement or arrangement in place at the date of issue between the issuer and any substantial shareholder of the underlying listed company.

In order to promote greater transparency in the activity involving the underlying stock, an issuer of derivative warrants is also required to disclose to the Exchange and in the listing document any dealings in such stock by itself and a wide range of persons associated with it or the issue during the period leading up to the issue.

The Administration and the regulator consider that these Listing Rules adequately deal with the question of vested interests.

Proposed Tsing Yi South Bridge

17. DR SAMUEL WONG asked: *This Council was given to understand that, to improve the traffic flow between Tsing Yi and Kowloon mainland, the construction of a duplicate south bridge was proposed sometime ago, and that it would be constructed and paid for by the future operators of Container Terminal No. 9 (CT9). However, up to the present, there is still no progress in the appointment of CT9 operators. Will the Government inform this Council:*

- (a) whether design stages have been completed for this bridge; and*
- (b) if further delays are anticipated, what are the fallback positions to cater for the local traffic demands, bearing in mind the present south bridge was meant for carrying utility connections primarily with very limited provisions for traffic?*

SECRETARY FOR TRANSPORT: Mr President, the duplicate Tsing Yi South Bridge will add four lanes to the existing two-lane bridge. The transport justification and timing for the expanded bridge hinge on the decision to locate (CT9) on Tsing Yi. We intend to entrust construction of the bridge to the developers of CT9 and to require that the first two additional lanes are completed before the commissioning of the first berth of the container terminal. The whole project is to be completed before CT9 becomes fully operational.

The detailed design of the bridge has been completed. The Finance Committee approved a sum of \$785 million for the construction of the bridge in July 1992.

The duplicate Tsing Yi South Bridge has been designed to meet both existing traffic demands and those which will arise from the operation of CT9. Since it remains the Government's firm intention that CT-9 should be built on Tsing Yi as soon as possible, we believe that there is no reason to revise our plans or proceed with a project that only seeks to accommodate local traffic demands.

Telephone tapping

18. MISS CHRISTINE LOH asked: *In 1984, the European Court of Human Rights found the United Kingdom's then arrangements for telephone tapping were inconsistent with the right to privacy. As a consequence, the United Kingdom legislated the Interception of Communications Act 1985 to make the arrangements transparent and provide for supervision of the scheme by an independent commissioner. Will the Government inform this Council of the following:*

- (a) *are the arrangements in Hong Kong as good as, or better, than those now in operation in the United Kingdom from the point of view of the protection of the right to privacy; and*
- (b) *having regard to the Secretary for Security's advice that the publication of the figures on the number of warrants issued for telecommunications interception is not justified in the public interest, but noting that these figures are, however, published in the United Kingdom in the commissioner's annual report, is public interest defined differently in Hong Kong as compared with the definition in the United Kingdom?*

SECRETARY FOR SECURITY: Mr President, we are committed to upholding the right to privacy. As I made clear in my answer to the question on this matter on 25 May, we have rigorous safeguards against abuse built into our procedures.

We are prepared to consider ways in which existing arrangements may be improved. This is why we have asked the Law Reform Commission to address the whole issue of privacy, including the question of telephone interception. When the Law Reform Commission reports, we will consider the recommendations and whether changes are required.

As regards part (b) of the question, our view remains that the public disclosure of detailed figures would serve to make the jobs of the Police Force and the Independent Commission Against Corruption (ICAC) in the prevention and detection of serious crime, which includes corruption, more difficult. Criminals and others who do not have the best interests of Hong Kong at heart should not be able to estimate, however approximately, the extent to which lawful interception takes place. Much of the work of the police and ICAC relies on informants and extreme confidentiality. Revealing details of the number of interceptions would have the effect of making this work more difficult.

Redemption of own shares by listed companies

19. MR CHIM PUI-CHUNG asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *what ordinances are in force to regulate the redemption by listed companies of their own shares and whether these ordinances will be reviewed; and*
- (b) *whether the practice whereby a listed company using the company's funds to redeems its own shares and write them off subsequently is fair to small shareholders; and whether the Government will review such a practice?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) Redemption or repurchase of its own shares by a listed company is not regulated by ordinance, but by the Hong Kong Code on Share Repurchases (the code) administered by the Securities and Futures Commission (SFC) and the Listing Rules of the Stock Exchange of Hong Kong Limited (SEHK), both of which are non-statutory.

Under the code, a listed company that wishes to redeem or repurchase its own shares is required to make a general offer to all of its shareholders in accordance with the rules set out in the code. However, the company may seek exemption from this requirement if it does not wish to make a general offer. The most common exemption a company may resort to is for on-market repurchase, that is, the company may repurchase its shares through the facilities of SEHK, in which case, the re-purchase will be subject to the Listing Rules of SEHK.

The Listing Rules impose a number of requirements on a company repurchasing its shares on-market including:

- (a) specific approval or a general mandate at a shareholders' meeting of the company approving the repurchase following the provision of an Explanatory Statement cleared by the SEHK;
- (b) a 10% ceiling on the proportion of the issuer's share capital that may be repurchased under any mandate to repurchase shares;
- (c) a limit on share repurchases in any calendar month of 25% of the trading volume on the SEHK during the preceding calendar month; and
- (d) a prohibition on share repurchases being made from a "connected person".

The purpose of the code and the relevant sections of the Listing Rules is to ensure that all shareholders will be treated fairly in the event that their company wishes to redeem or repurchase its shares. The arrangement is working well and is not currently under review.

- (b) It is considered that in appropriate circumstances, the repurchase by a company of its own shares may be favourable to the remaining shareholders, such as by increasing a company's earnings per share or allowing a company to use its excess cash more effectively. This reflects the widely accepted practice in major international markets. So far, this issue has not been a cause for concern in Hong Kong and

no problems have been identified by our regulators. The Government therefore has no plans to review such arrangements.

Employment problem subsequent to upgrading of tertiary institutions

20. MR HENRY TANG asked: *As approval-in-principle has been granted for a number of tertiary institutions to be upgraded to the status of a university, it is believed that some of their existing staff are unable to satisfy the required qualifications for the teaching posts in a university. Will the Government inform this Council:*

- (a) of the estimated number of unqualified teaching staff in each of these institutions;*
- (b) what measures will be taken to ensure these institutions will handle properly the employment problem of these unqualified teaching staff and the personnel disputes that may arise therefrom; and*
- (c) whether consideration will be given to setting up an independent body to deal with these issues?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the two polytechnics and the Hong Kong Baptist College (HKBC) have been offering degree programmes for some time. The approval to grant university title/status to the three institutions followed acceptance by the institutions of the principle and terms of a differentiation of roles, implementation of common salary scales for staff primarily engaged on degree level work, and successful self-accreditation. The Administration is aware that in fact all University Polytechnic Grants Committee (UPGC)-funded institutions, including the two polytechnics and the HKBC, would like to enhance the quality of their academic staff and in this process the required qualifications for the staff of some disciplines have been raised.

The two polytechnics will continue for the foreseeable future to offer sub-degree level courses in order to fulfil their distinctive roles and missions. Those of their staff who are not considered to be suitably qualified for degree level work may, therefore, continue to teach sub-degree programmes. Regarding HKBC, it has been 100% degree-awarding since the academic year 1993-94 and all the college's teaching staff are engaged in teaching at degree level.

The three institutions concerned have established procedures and criteria for selecting their academic staff whereby only suitable candidates are offered appointment. The Administration understands that all their existing staff satisfy

the required qualifications for teaching posts either at degree level or at sub-degree level.

All the UPGC-funded institutions have established procedures governing the selection, termination of contracts and dismissal of their staff. Disputes about contracts of employment or dismissal of staff may be resolved by the courts if necessary.

The UPGC-funded institutions are autonomous statutory bodies which, under their respective ordinances, are entitled to freedom of action, within the laws of Hong Kong, in managing their internal affairs, including the appointment, termination of appointment and dismissal of their staff. The Administration does not consider it appropriate, therefore, to set up an independent body to deal with disputes concerning the employment of their teaching staff.

Motions

FACTORIES AND INDUSTRIAL UNDERTAKINGS ORDINANCE

THE SECRETARY FOR EDUCATION AND MANPOWER moved the following motion:

“That the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation, made by the Commissioner for Labour on 8 June 1994, be approved.”

He said: Mr President, I move the motion standing in my name in the Order Paper.

Under section 7(1) of the Factories and Industrial Undertakings Ordinance, the Commissioner for Labour is empowered to make regulations to ensure the safety and health of employees in industrial undertakings. The Factories and Industrial Undertakings (Suspended Working Platforms) Regulation was made by the Commissioner for Labour on 8 June 1994. In accordance with section 7(3) of the principal ordinance, I now move that this regulation be approved by this Council.

In recent years, there has been an increasing use of suspended working platforms (commonly known in the trade as gondolas) for construction, maintenance and external cleansing work on high-rise buildings. In the past four years, there were 18 gondola accidents resulting in two fatalities and 17 injuries.

At present, the use of suspended working platforms is governed by the Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) Regulations. However, the provisions are neither specific nor stringent enough to ensure their safe operation.

To strengthen control on the use of suspended working platforms, we consider it necessary to make a new set of regulations to provide for additional safety measures. The main provisions of the new regulation are:

- (a) the owner of a suspended working platform must ensure that it is of good design and construction and is properly constructed, anchored, supported, suspended, counter-balanced, installed and assembled;
- (b) additional safety ropes fitted with automatic fall-arresting device must be provided;
- (c) a suspended working platform should be inspected by a competent person once every seven days, examined every six months and tested and thoroughly examined every 12 months by a registered professional engineer;
- (d) a suspended working platform must not be used in bad weather conditions; and
- (e) any worker on a suspended working platform must wear a safety belt and keep it attached to an independent lifeline.

We propose that the new regulation should be brought into effect 12 months after enactment to give time for owners of these platforms to make necessary modifications and install additional safety devices.

Mr President, I beg to move.

Question on the motion proposed.

MR LAU CHIN-SHEK (in Cantonese): Mr President, I speak in support of stepped-up control of suspended working platforms (gondolas). However, it has taken the authorities concerned several years to draw up the relevant regulations. I find such kind of work efficiency regrettable.

Gondolas have been in widespread use in Hong Kong since the early 1980s but the Labour Department has all along been neglecting the safety problems posed by the use of gondolas.

Although a series of gondola accidents occurred at the end of the 1980s, the authorities concerned still acted as if nothing had happened. Then in 1990, the gondola in Pacific Place fell which unfortunately led to the death of two

workers. It was only upon the strong demands of labour organizations and family members of the dead workers that the authorities concerned promised to consider drawing up legislation for controlling the safety of gondolas. The formulation of the relevant legislation has taken as long as four years which indeed make people doubt the degree of determination to legislate and the work efficiency on the part of the departments concerned. Therefore, apart from passing the legislation, it is necessary for the authorities concerned to review the problems that surface in the legislative process.

I wish to raise two points regarding the contents of this regulation which I urge the authorities concerned to consider in detail.

Firstly, I think that all gondola operators have to be provided with training by the employers. They can only work on gondolas after they have been issued with the work permits. The training programme should include how to use safety belts, how to operate gondolas, contingency measures in case of danger and fire prevention techniques on the gondolas.

Secondly, the present proposed legislation will only be brought into effect 12 months after enactment. The time involved is indeed too long. Taking into account that the formulation of the legislation has already dragged on for over four years, the enacted legislation should now be implemented as soon as possible.

I hope that the Government will consider the relevant proposals.

Mr President, with these remarks, I support the motion.

Question on the motion put and agreed to.

CRIMINAL PROCEDURE ORDINANCE

THE SECRETARY FOR THE TREASURY moved the following motion:

“That the Criminal Appeal (Amendment) Rule 1994, made by the Chief Justice on 24 May 1994, be approved.”

He said: Mr President, I move the resolution standing in my name in the Order Paper.

Rule 63 of the Criminal Appeal Rules stipulates the fees for a transcript of the note of the proceedings which are appealed against. This fee was last reviewed in 1988. The purpose of the Criminal Procedure (Amendment) Rule 1994, which was made by the Chief Justice on 24 May of this year, is to revise the fee from \$10 to \$17 to take into account the increasing costs since the last review.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bill

PROTECTION OF TRADING INTERESTS BILL

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

Second Reading of Bills

PROTECTION OF TRADING INTERESTS BILL

THE SECRETARY FOR TRADE AND INDUSTRY moved the Second Reading of: “A Bill to provide protection from requirements, prohibitions and judgments imposed or given under the laws of countries outside Hong Kong and affecting the trading or other interests of persons in Hong Kong.”

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, I shall speak in Chinese today. However, Honourable Members need not worry that their ears will suffer for I am going to speak in Cantonese, not Putonghua.

I move the Second Reading of the Protection of Trading Interests Bill. The Bill seeks to localize the United Kingdom Protection of Trading Interests Act 1980 (Hong Kong) Order 1990, which I will refer to as the “1990 Order”.

The 1990 Order provides useful protection for Hong Kong businessmen and companies against extraterritorial demands placed on them by overseas governments or courts which may damage the trading interests of Hong Kong.

The Bill repeals the 1990 Order and replicates its provisions, with minor changes of drafting style, to provide the same protection to Hong Kong businessmen and companies. Its main purpose is to enable the Governor to prohibit persons in Hong Kong from complying with extraterritorial measures of overseas countries or requirements of overseas courts if those measures or requirements may damage the trading interests of Hong Kong or would infringe the jurisdiction of Hong Kong. The Bill also imposes restrictions on the enforcement of overseas judgements for multiple damages and certain judgements in restraint of trade.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

**LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (AMENDMENT) BILL
1994****Resumption of debate on Second Reading which was moved on 9 March 1994**

Question on Second Reading proposed.

MR ANDREW WONG: Mr President,

Report of the Bills Committee

As Chairman of the Bills Committee studying the Bill, I shall first report on the deliberations of the Bills Committee before expressing my personal views.

At the outset, Members agreed that the Bills Committee should concentrate on the technical aspects of the Bill only and seek clarification on the proposed provisions.

On the proposals on functional constituencies (FC), the Bills Committee sought clarification from the Administration the groupings under the respective constituencies.

Some Members suggested that the Health Care FC should be renamed Health Services FC to reflect more accurately the functions of the respective groups under the constituency. This suggestion has been taken on board by the Administration and the Administration will move such an amendment at the Committee stage. Some other Members are opposed to it and will obviously speak to the effect at the Committee stage.

The proposal to replace corporate voting in some existing FCs by individual voting was also discussed by the Bills Committee. The Bill proposes no limit on the number of company directors (or executive committee members of organizations) who can register as electors, but measures are introduced to tighten the qualification for registration, that is, the need for the company (or organization) to be carrying on business for at least a year, for company directors (or executive committee members) to have served for at least a year, and attended at least 50% of meetings. Members noted that different qualifications are set for the Labour FC, as individual union officials are not subject to the “one-year rule”, and the number of electors of each trade union is restricted to no more than four officers. The reasons, as explained by the Administration, are to cater for different circumstances of the trade unions, which usually hold annual re-elections of office-bearers, with the main officer-bearers normally comprising a chairman, a vice chairman, a secretary, and a treasurer. Some Members have reservations on these proposed arrangements, and will no doubt state their views in the debate today.

Members have put forth to the Administration a number of suggestions for improving the voter registration system for FC elections. They include the stipulation of both the names of electors and their respective companies (or organizations) in the voter register, with the names of electors grouped under each company name; finalization of registration for FCs before the nomination for candidature; inclusion of residential and business address of individual voters on the voter register. The Administration advised that voter registration would be completed before the close of nomination for candidates, and undertook to consider the suggestions raised by Members.

On proposals concerning the Election Committee (EC), the Bills Committee invited the Administration to illustrate the operation of the “single transferable vote” (STV) system to be adopted by the EC in electing 10 Legislative Council Members. As advised by the Administration, the STV system will produce maximum proportionality in the allocation of seats based on the votes cast. Members enquired why there is a need for voters to state no less than 10 preferences on their ballot papers. The Administration explained that this would facilitate the transfer of votes which is the essential feature of the STV system, and that EC members have a duty and do have the ability to indicate their preferences in full in order to make the system work efficiently.

Members discussed ways to minimize any possibility of election corruption under the STV system for EC election. There were concerns that votes would be easily identifiable if voters put down a specific number of preferences on the ballot papers. Members therefore requested the Administration to consider the possibility of using machine or computerized voting for the purpose.

At the request of the Bills Committee, the Administration also briefed Members of its 1993 modified proposals on the delineation of the new FCs and on the Election Committee. Such information provided useful reference for Members in considering the Bill and form the basis of some of the amendments to be moved by some of the Members during the Committee stage.

Personal views and proposals

Mr President, I shall now turn to my personal views and proposals. I have given notice to move amendments to the Legislative Council (Electoral Provisions) (Amendment) Bill 1994, and I earnestly urge you to favourably consider my proposed amendments on 29 June 1994 at the Committee Stage.

My amendments form a total and thorough package for the reform of Legislative Council elections. The package is logical and coherent. It is democratic and meets the requirements of Article 25 of the International Covenant of Civil and Political Rights and Article 21 of the Bill of Rights Ordinance. In other words, elections must at least be universal and equal. Furthermore, it does not contravene the stated requirements of the Basic Law, in other words 30 functional, 20 geographical and 10 Election Committee seats.

It is my honest belief and considered opinion that my package is superior to any package on the table, namely the Governor's 1992 package which is the substance of the Bill and his 1993 package which was put to the Chinese side in 1993 during negotiations, the Honourable Emily LAU's amendment Bill to the Electoral Provisions Ordinance which calls for all 60 seats to be elected directly on a single-seat, single-vote basis, and the various partial packages which are based on but modify either the Governor's 1992 package (for example, the United Democrats and the Meeting Point) or his 1993 package (the Liberal Party together with some independent Members and the Association for Democracy and People's Livelihood).

It should be crystal clear, Mr President, that the Honourable Emily LAU's proposal will be unacceptable to China as it clearly contravenes the Basic Law. It should also be clear by now that any package based on though modifies the Governor's 1992 or 1993 package will not be embraced by China with open arms. A new way must be found, hence, my package. The superiority of my package does not rest here, nor do I claim that mine will be acceptable to China. My superiority is in the package itself. Let me explain.

Reform of functional constituencies

Mr President, first and foremost, I propose to reform all 30 functional seats in such a way that they become universal, equal and direct elections yet, at the same time, remain functional. Specifically, I propose to group the 30 functional seats into five constituencies of six seats each: Commerce, Culture and Education, Industry, Labour, and Public and Social Services. All registered electors on the general electoral roll registered under the Electoral Provisions Ordinance will be deemed to be registered electors in all five functional constituencies, hence, entitled to five votes and can vote in all five functional constituencies. However, such elections are functional as candidates are restricted to persons who possess substantial knowledge and experience in the functions concerned, and the power to nominate is confined to recognized bodies in the functions concerned and to recognized political parties. These will be provided for in regulations to be made by the Governor in Council under section 28 of the Ordinance.

I freely and boldly confess that my reform of functional constituencies deviates from the existing arrangement of segregating voters into separate functional electoral rolls to elect their own representatives. However, the reform does not contravene the Basic Law which does not provide for a definitive definition of functional constituencies.

The reform is necessary in the interest of democracy. Under the existing arrangement, it is impossible to achieve universal and equal elections. Even if we are able to include all voters on the general electoral roll in one or another functional electoral roll, thereby making the franchise universal, the number of voters in the various functional electoral rolls cannot be made more or less equal, thus violating the concomitant principle of equality. The existing

arrangement can only find equivalents elsewhere in the concept of minority communal representation which, in most cases, is communal and not functional and which, in all cases, does not feature as many as half of the entire legislature.

Furthermore, the existing arrangement tends to encourage functional representatives to narrowly focus on the interests of their respective constituents with the result that we either have 30 sectorally segmented functional members or have 30 functional members segmented along class lines and that will be very dangerous indeed. What should be a battle at the ballot boxes for popular votes to secure seats in the legislature has deteriorated into a battle, in the current controversy — electoral reform controversy — for seats to secure sectoral or, even worse, class interest.

The Governor's 1992 and 1993 packages and their variants have not addressed the above concerns. They further muddy the water by preserving and/or creating different types of functional constituencies which are radically different in nature. The existing two municipal council seats are obviously very different from the other functional seats (they were originally electoral college seats). The nine new "employee" functional seats in the Governor's 1992 package are obviously so radically different from the others that they are tantamount to direct elections without any functional flavour. The fashioning of functional seats according to whether they are "employer-based", "employee-based", "self-employed-based", "professional/occupation-based", or "unemployed-based" or whatever-based further detracts from the satisfaction of the transitional need of securing various talents to ensure a knowledgeable legislature, and deteriorates into the satiation of the gluttony of vested interests demanding a piece of the cake. It is indeed time that we lift ourselves up from this quagmire.

The Election Committee Constituency

Second, Mr President, on the question of the composition of the Election Committee Constituency, I am of the view that the Governor's 1992 package to give the vote to directly elected district board members only can be and should be supported at least prior to 1997.

I have to admit that I had been saying, since 1992, that if in addition to the 20 geographical seats, the 30 functional seats were to be reformed along the above lines, that is, in my lines, we should not worry ourselves excessively over whether or not the remaining 10 election committee seats satisfy the principles of universal and equal elections. However, I had all along been supportive of the idea of a "single grand electoral college" type of election committee. In other words, I support one single election committee, not a few separate committees, to be composed of members who had originally been elected universally, equally and directly and this is precisely what the Governor proposes.

It has been argued that this proposal deviates from the Basic Law. I can agree with this argument but only to the extent that it deviates from the intent of having only one election committee to elect both the 10 Legislative Council Members and the Chief Executive, which committee is founded on the concept of a four-part composition. However, it deviates from no provision governing the composition of the election committee for the election of the 10 election committee seats for 1997, as there is none in the Basic Law nor in any decision of the National People's Congress.

Proportional representation for all three types of constituencies

My third proposal, Mr President, is to introduce proportional representation as the system of voting and counting in elections for all three types of constituencies — election committee, functional and geographical. The Bill, which follows the Governor's 1992 package, proposes to stipulate the "single transferable vote" (STV), which is a form of proportional representation, as the system of voting and counting, albeit, for the 10-seat Election Committee Constituency only. This, at least, is indicative of the Government's acceptance that proportional representation is a respectable system. In fact, proportional representation is widely adopted in European countries. It is an equally if not more democratic system of voting and counting, if introduced across the board for the entire or, at least, a majority, a large majority of the legislature. It has been rejected in Hong Kong perhaps because we had had no experience of it, hence, do not really understand it, but primarily because proponents of proportional representation in Hong Kong wished to introduce it only for the 20 geographical seats, and not the 30 functional seats.

The single-seat constituency nature (Labour being the only exception) of the 30 functional seats in the Governor's 1992 and 1993 packages and their variants has meant that candidates can only be returned under a single-seat-single-vote, or an alternative-vote or a preferential vote system of voting, none being a proportional representation system. However, with my proposed reform of functional constituencies into five multi-seat constituencies of six seats each, it becomes possible for proportional representation to be introduced.

With the introduction of proportional representation to the 30 functional seats, it is only rational and fair that the 20 geographical seats ought to be returned in like manner. I, therefore, propose to provide for the creation of five geographical constituencies of four seats each, instead of 20 single-seat constituencies.

The specific proportional representation system of voting and counting I proposed is a "list system". The contest will be between and amongst lists of candidates arranged, at the time of nomination in descending order of priority. A list can and will normally be a party list, but "independents" can either organize themselves into lists or stand as single-candidate "list". Electors will choose and vote for one list only.

A list system does pose problems for independents. However, our first concern must go to the electors, and not to the candidates. For the electorate, the list system is much simpler than the single transferable vote. A list system requires voters to choose categorically only one list while the single transferable vote requires them to rank-order as many candidates as there are vacancies. This not only puts an unbearable burden on the voters, but also can produce bizarre results caused by the so-called “donkey votes” (for example, in the case of six vacancies, the lazy voter might simply pick the first six names and rank all them in that order) and “void ballots” (if the system compels rank-ordering candidates for all vacancies).

The particular list system I propose is commonly known as the d’Hondt rule. It is a system of vote counting and seat allocation in accordance with the rule of largest average. In other words, it is designed to make the number of votes per member elected equal, as nearly as possible, for all parties concerned. This ensures fairness in the distribution of seats amongst different parties and lists and, hence, different political persuasions.

A further word on the geographical constituencies

Interwoven into my third proposal of introducing the list system of proportional representation for all three types of constituencies is my fourth proposal — the creation of five multi-seat geographical constituencies of four seats each. In my proposed amendments, the power to delineate constituency boundaries is vested in the Boundary and Election Commission but I hasten, Mr President, to stress that this proposal is conditional on the Legislative Council’s acceptance of my reform of functional constituencies and my proposed list system of voting and counting. That is to say I will move the amendments concerned if and only if my amendments to the functional seats and the voting method are carried.

Simplicity and economy

Mr President, my fifth is a technical proposal to consolidate all matters relating to consolidation into the Legislative Council (Electoral Provisions) Ordinance. Mr President, the package detailed above appears to be complex. This is due entirely to the need to frame amendments to an amendment bill which seeks to amend the existing Legislative Council (Electoral Provisions) Ordinance. In fact, the package, if adopted, provides for an electoral system which is not only democratic and within the stated requirements of the Basic Law, but is much simpler and less expensive.

A final word

Mr President, I do hope I have demonstrated to you and all Honourable Members that my comprehensive and democratic package is the superior package and deserves your support. My package is in your hands. Hong Kong is in your hands. Mr President, I support the motion.

CHIEF SECRETARY: Mr President, the Legislative Council stands today on the brink of one of the most momentum decisions in its entire history — a decision that will pave the way for the first fully elected Council. It is therefore right that Members of this Council and community should have the opportunity to debate fully the electoral arrangements for the 1995 Legislative Council, and to put forward proposals. Indeed, the debate today marks the culmination of a long and intensive discussion within the community stretching over 18 months from October 1992 when the Administration first announced its proposals. We must now decide exactly how the Legislative Council election in 1995 should be conducted. The decision we make today will have far-reaching implications and will affect future generations for many years to come.

The key objective of the Joint Declaration is clear. It is to preserve Hong Kong's stability and prosperity, in the run-up to 1997 and beyond. At the heart of this, and of Hong Kong's spectacular success over the years, is the rule of law. For our remarkable success story to continue after 1997, therefore, it is paramount that there is confidence, both in Hong Kong as well as internationally, that the rule of law will continue after 1997. That can best be assured by an electoral system which is manifestly open and fair and in which the community can have faith.

This Council has served the community well for many years, but just as the Hong Kong success story has been founded on the constant search for progress and improvement, so too our electoral system must evolve to meet the community's growing aspiration for a greater say in the process of government. That is the Hong Kong way. We must do our best to set a blueprint for the historic elections next year that will bear the stamp of openness, fairness and credibility.

The establishment of fairly and openly elected representative institutions is not just an abstract, lofty political ideal. It brings practical benefits. It is essential for the protection of the fundamental aspects of Hong Kong's way of life which we hold so dear, including just an honest government, a level playing field for business, respect for human rights, the resolve to tackle corruption at all levels, and the impartial enforcement of our laws. In other words, all the vital elements which underpin Hong Kong's stability and prosperity. Experience in established democracies round the world offers ample evidence that representative government and economic prosperity go hand in hand.

Open and fair election is what our Bill sets out to achieve and, I strongly believe, the yardstick against which any alternative proposals should be measured. But whilst the community aspires for clean electoral arrangements, it also aspires for arrangements which are capable of achieving continuity after 1997. That is why in putting together our proposals we have been careful to ensure conformity with the Joint Declaration, the Basic Law, and past agreements with China. That is why, for instance, we have not put forward proposals to increase the number of geographical seats to more than 20 even

though that would have been the most direct way to broaden the representation of this Council.

It is for those same reasons that we conducted, in good faith, 17 rounds of intensive talks with China last year in the hope of being able to legislate for the 1995 electoral arrangements on the basis of an agreement between the two sides. Most unfortunately, an agreement proved beyond our reach. But time marches on and we must move with it. It is incumbent on the Administration to introduce legislation which meets the clear aspirations of the community. In doing so, we go down a path already signposted by this Council when it, earlier this year, supported our proposals to turn district boards and municipal councils into fully elected bodies and to provide for a “single-seat, single-vote” system in geographical elections.

There have been concerns, and understandably so, about the consequences of putting in place arrangements without an agreement with China. On such concerns, I have three observations.

- Firstly, whilst it would doubtless have been preferable to legislate on the basis of an agreement with China, it does not follow that we should go for an agreement at any cost. For, clearly, electoral arrangements which are less than open and fair strike at the very root of the rule of law on which the whole fabric of this vibrant, articulate and successful community depends.
- Secondly, whether China will dismantle all tiers of our representative government on 1 July 1997 is a question which only China itself can answer. But if it does, as no doubt it can if it really wants to, how will that sit with the community's clear and often-repeated wish for a through train for the Legislative Council? Under the Joint Declaration, both Britain and China are obliged to ensure a smooth transition. The abolition of representative institutions which are carefully constituted, properly elected and which command the support of our people cannot be conducive to a smooth transition. Nor is any suggestion, I would add, that we should ourselves limit the tenure of the 1995 Legislative Council to 30 June 1997.
- Thirdly, the Administration continues to believe that the best case for a through train is for the electoral arrangements to be demonstrably open and fair, resulting in a credible Legislative Council which can command the wide respect of the community. This, Mr President, is what our Bill is all about.

Ultimately, it is for this Council to decide whether to pass, amend, or reject the Bill before us today. I am confident that in making your decisions, Members will not fall below the level of events on this historic day and will not

fail to act in accordance with the hopes and wishes of the people of Hong Kong. The community expects nothing less from this Council.

Thank you, Mr President.

MR ALLEN LEE (in Cantonese): Mr President, since the Governor, Mr Chris PATTEN, unveiled his political reform package in this Council on 7 October 1992, the people of Hong Kong have experienced emotional ups and downs that ride with the fluctuations of Sino-British relations. Little wonder that many are now feeling helpless and disgusted. A latest public opinion poll has found that only 15% of the people of Hong Kong are interested in these constitutional reforms, compared with a much higher percentage interested in the World Cup. One does not know whether to laugh or cry at this.

The Liberal Party has been steadfast in its position. We made our position clear in this Council as early as a month after Governor PATTEN had unveiled his package in the Legislative Council. In our opinion, the 1992 package was neither consistent with Britain's policy in respect of Hong Kong's political system in the wake of the Sino-British Joint Declaration signed in 1985, nor in observance of the seven diplomatic letters exchanged between China and the United Kingdom in 1990. We were of the view that the 1992 constitutional package was detrimental to a smooth transition of Hong Kong. We have also made many statements stressing the paramount importance of full co-operation between China and the United Kingdom and between China and Hong Kong to a smooth transition. The Sino-British dispute over Hong Kong's constitutional reform has now spilled into other areas. The undeniable fact is that since October 1992, the dispute has adversely affected the new airport project, the Container Terminal No. 9 project, the disposal of military sites and the work of the Sino-British Joint Liaison Group. The Liberal Party has made active attempts to reverse the adverse effects of the Sino-British dispute during the last 20 months or so. We have urged China and the United Kingdom to settle the question of Hong Kong's transition by way of talks and discussions. Regrettably, all our efforts have come to naught at the last minute.

I remember that in our visit to the United Kingdom in January last year, we asked the British Prime Minister, Mr John MAJOR, to reopen the talks between China and Britain. In March last year, we visited Beijing to make a similar request to the Chinese Premier, Mr LI Peng, and to explain the Legislative Council's role. After some hard work on our part, the Sino-British talks were finally reopened. In September last year, we successfully persuaded both sides to overcome their impasse by proceeding to resolve the easier issues first. We thought that China and the United Kingdom would move gradually towards reaching a consensus. Little could we have envisaged that the voting method for the Legislative Council election could become a fuse for the breakdown of the talks.

When he first came to Hong Kong, Governor PATTEN stressed that the people of Hong Kong needed democracy as well as a smooth transition. In many question and answer sessions in the Legislative Council in 1993, he emphasized again and again that while any package should be democratic, it must also be endorsed with continuity and be acceptable to China and the people of Hong Kong. If he had put the interests of the people of Hong Kong first, he would not have tabled his 1992 package at the Legislative Council under any circumstances, knowing very well that the people of Hong Kong want a smooth transition. How could he use the future of the people of Hong Kong as a gambling stake? Last week, the Secretary for Constitutional Affairs made a speech in the Legislative Council. But his speech clearly showed everything has been a charade, did it not? Everybody knows that the 1992 package will not have continuity. And yet the Secretary could be so impudent as to tell our colleagues right to their face that it would. He was treating us as either kindergarten children or dim-witted persons, not to mention a downright insult to our intelligence.

The Liberal Party and many independent Members have worked together to fortify the principle of convergence which Britain has said time and again that the people of Hong Kong should accept. Despite China's repeated stresses that Hong Kong's representative government framework will be reconstituted in 1997, we think that the system should not be changed dramatically. We feel that nothing could be worse than starting all over again, and that repercussions should be contained to the minimum. Our 1994 package is a consolidation of the views of all those colleagues who are opposed to fundamental and drastic changes in 1997. It has also incorporated the views exchanged between China and Britain during their talks including, among others, the many basic and essential points on which there is consensus between them. A case in point is our suggestion about the five new functional constituencies and our suggestion that the election committee should be elected and constituted by four sectors of people. Our suggestion concerning the election committee is the same as that put forth by the British side during the talks. Additionally, we have taken on board the views expressed inside and outside this Council, including the views expressed to and discussed by this Council Select Committee in 1992. We have also noted the findings of many surveys, in particular many Hong Kong people's view that any package should be geared towards compromise. These are the cornerstones of our 1994 package.

The reality that we have the Basic Law above us begs the question whether we should consider it a constraint or a safeguard. From a positive point of view, it is a starting point for everything on 1 July 1997. Any statement which calls for disregard for the Basic Law is misleading and an utterance made without considering the possible consequences. We must be vigilant against such arguments. It has been suggested that the Standing Committee of the National People's Congress of China can amend the Basic Law even now. If one amendment can be made, then any amendment can be made. Many colleagues were members of the Basic Law Drafting Consultative or the Basic Law Consultative Committee. They had worked hard for five years

before they finished drafting Hong Kong's post-1997 constitution. Hong Kong is a society ruled by law. Are we being responsible to Hong Kong if we seek amendments to a piece of legislation even before its very commencement?

The administration of Hong Kong will be turned over to China in three years' time. But three years will pass very quickly. I remember 11 years ago I organized a group of local elites into a delegation to Beijing, stating to the Chinese leaders Hong Kong people's worries about the 1997 question. I am sorry to note that two members of this delegation have passed away and see not the onset of 1997. I have very often indulged in this thought: Will Hong Kong's economic prosperity, social stability, rule of law and free lifestyle continue beyond 1997? Our first visit to Beijing was meant to reflect to the Chinese leaders our concerns over these questions. We proposed that problems should be resolved through dialogue rather than confrontation. I am deeply convinced that the majority of the people of Hong Kong want dialogue. The people of Hong Kong now still do not quite understand the meaning of sovereign state. But I am equally deeply convinced that this problem will be resolved soon.

Many colleagues of this Council have never set foot on China over the past five years. They have not witnessed China's development which includes not only an increased number of modern buildings, but also a gradual progress towards openness, as I have noted. The people have now a greater degree of freedom of expression and higher expectations for the government. They are heading gradually towards a society ruled by law. It is true that the Chinese Communist Party has made many mistakes since coming to power. But which government does not make mistakes? The Chinese people have already paid the price. Seeing China's present development, I think it is heading in the right direction. There are, of course, many problems to be resolved. A country with a population of 1.2 billion cannot change overnight. World-renowned economists have predicted that China will become the world's biggest economic entity by the year 2012. It has always been my view that China's future is Hong Kong's future. China and Hong Kong are closely linked not only by political ties, but more obviously in the economic sense. Hong Kong would not have become what it is today had it not been for China's policy to open up. Therefore, I neither agree to nor appreciate Governor PATTEN's constitutional package, which has no future and which has led to a breakdown in Sino-British and China-Hong Kong relations. Governor PATTEN will leave Hong Kong on 30 June 1997. He would not have to bear the consequences which the six million people of Hong Kong have to bear. I hope that honourable colleagues will give the question a second thought.

Finally, I would like to urge honourable colleagues to support our 1994 package, which is a result of discussions and compromises between us and independent colleagues, for the sake of discharging our obligations towards Hong Kong and ensuring that the next three years will see both democratic development and smooth transition in the territory.

MR MARTIN LEE (in Cantonese): Mr President, today makes a historic moment because the future of Hong Kong will rest on several Members of the Legislative Council. It depends on how they will “push the button” to decide whether Hong Kong people will have the chance to enjoy “one country, two systems”; “a high degree of autonomy”; and “Hong Kong being ruled by Hong Kong people” after 1 July 1997. All I can say is “there is such a chance” because we all know that it is never easy to truly realize the great notions of “one country, two systems”; “Hong Kong being ruled by Hong Kong people”; and “a high degree of autonomy”. Suffice it to say that on 4 May this year I put forth a motion in this Council criticizing the Chinese and British Governments for not working in compliance with the Joint Declaration and calling on the two governments again to genuinely realize the rights which Hong Kong people have been promised in the Joint Declaration. How did we vote at that time? No one voted against the motion. In fact we all know that implementing the Joint Declaration is extremely difficult. Now what should we do?

I have listened to the Honourable Allen LEE’s speech and looked at his recent publicity leaflets. Now the Liberal Party also follows in the footsteps of the United Democrats by distributing many leaflets. What are their ideas? They actually want to abandon what the Joint Declaration has bestowed on us.

Mr President, faced with the Chinese Government’s approach directed at Hong Kong, how do we feel? According to Mr Allen LEE, China is growing wealthier and stronger with her economy getting better and better. We are, of course, happy about it. But what about Hong Kong? Does Hong Kong have to continue protecting human rights? Nothing seems to have been mentioned in this regard. Obviously, money is important. Without money we will have nothing to feed on. But I hope that Members will understand one point. The Bible says: “Man does not live on bread alone.” To us human beings, if all we have is food to feed on, is it worthwhile to lead such a life? Now we are facing the ultra-leftist approach adopted by the Chinese Government. We all know what the Chinese Government is waiting for. The state of mind of the leaders of the Chinese authorities resembles that of one at the end of a dynasty. Even the leaders themselves have no idea what position they will be in in future. So, pursuant to the usual practice of the Chinese Government, “left” rather than “right” will be the order of the day. Hence, striking hard blows on Hong Kong every time. So how can “a high degree of autonomy” and “Hong Kong being ruled by Hong Kong people” be deemed possible?

Today, irrespective of whatever resolution the Legislative Council has passed and however close the wish of the Chinese Government is being adhered to and even if we support the “capitulation proposal” of the Liberal Party, Mr LU Ping would say, “It has to be knocked down anyway on 1 July 1997.” Such being the case, what do we have to capitulate? In fact, is it so difficult for us to make our choice? If we do not look at the matter from a self-serving point of view but have in mind the overall interest of the public, and, even knowing that our purse might be affected and still not caring at all, then, today’s vote will be very easy to cast.

According to newspaper coverage, many Members have called themselves “independent legislators”. But judging from the inclination so far, one feels that they are not so “independent”. In reality, is it easy to be an independent legislator in Hong Kong? When some leading financial corporations are exerting their pressure and when the powerful Chinese Government is exerting its pressure, is it easy to handle them? There are many reasons which would make one succumb to the Chinese Government. Who does not want stability, prosperity and smooth transition? “Smooth transition” seems to be the monopoly of the Liberal Party. Whoever refuses to listen to its advocacy is acting against stability and prosperity. It seems that if Hong Kong citizens choose Members whom they favour instead of them (the Liberal Party) to sit in the Legislative Council, there would be serious consequences and social unrest would arise in Hong Kong. Based on what evidence are they saying this? Of course, they can write whatever they like in the leaflets to be distributed. But do they not have to be responsible? In fact, why do they not have confidence in themselves?

According to newspaper coverage, Members from the Liberal Party have been to Beijing entreating the Beijing Government to lend a helping hand by making those pro-China Members assist them or else the Liberal Party’s amendment proposal would not be passed. Should it be voted down, the Hong Kong society would not be able to achieve stability and the democrats would become as the dominant party.

I found this very funny. Why would a comparatively open and fair election system render the Liberal Party a disastrous failure? Even our friends from the Democratic Alliance for the Betterment of Hong Kong (DAB) have not said so. Of course, friends from the DAB have greater confidence. But why do Members from the Liberal Party hold such view? Why do they think so poorly of themselves? Why would they suffer defeat because of an open and fair system? I was a bit disappointed by what the Honourable James TIEN had said in Beijing (according to newspaper coverage). I think he lacks confidence to a far too large extent in himself and other Members from the Liberal Party. But if they go on doing this, support for them from the Hong Kong people will be further undermined. In fact, under an open and fair system, no matter who gets elected, I will accept that. What the United Democrats support and hope for is a comparatively democratic political reform package. The United Democrats know that we are not doing this for our own selves. There is no guarantee that we will win all elections. It rests on the decision of the general public in choosing which candidate. Why do we not trust even the Hong Kong citizens? If you do not trust the Hong Kong citizens, how can you possibly make them choose you? The simple truth is: in order to have faith in the public, you will have to, at least, make the public believe in you. If you do not have confidence in the public, how can the public have confidence in you?

Mr President, I wonder if there is any other proposal which is worse than the present one put forward by the Liberal Party. It seems that there is none. I think even if Lord WILSON is the incumbent Governor, it is believed that he

will not ask the three *ex officio* Members to vote for it because it is indeed far too bad. From what has been covered in news reports, even the Chinese officials have not put forward any proposal which is worse than this one. The only possibility is that some fiddling may have to be done to those 20 directly elected seats. The Liberal Party has done nothing of the sort. At least, they have not played any gimmicks here. But what is Hong Kong people currently in need of? Hong Kong people need a Legislative Council which can genuinely counteract the Government, with its legislators never cowering before brute or arbitrary power. To be honest, it is very difficult for Hong Kong citizens, in particular friends from the industrial and commercial sector or professionals, to stand out and speak into the loudhailer about the rule of law and about democracy. Why? Because everyone wants to make money. Everyone is thinking of securing business from China. But would colleagues elected from respective functional constituencies in the Legislative Council think clearly what your constituents actually want? Do your constituents want you to press the button to vote in line with Beijing's wishes on all matters in the Legislative Council? Is it the wish of your constituents that you listen to whatever Beijing says? And now is it being feared that it is already late in inviting Beijing to exercise control over Hong Kong? Is it what your constituents think? Do your constituents object to democracy?

Several Members from the functional constituencies have enquired about their constituents' choice by means of questionnaires. Having received the feedback, many Members, who are basically very conservative, were very surprised to find that their constituents are in favour of democracy. In fact, this is not surprising at all. To Hong Kong people, businessmen, professionals or the general public, who would ever want to live under the tyranny of the communist system? If they do, why do they stay in Hong Kong but not go to China? As Mr Allen LEE has spoken so highly of the mainland, why do we not head for the mainland? As a matter of fact, we all understand that the wish of Hong Kong citizens is to see Hong Kong truly having "a high degree of autonomy", with all of its internal affairs being free from the control of the Beijing Government.

Therefore, I would like to say one thing to Members who are elected by functional constituencies. Why did your constituents elect you? It is because you can speak their mind (which they themselves dare not). If what you do is the same as what they do, that is, casting vote with an eye on how it will affect your purse, then you should not be their representatives. What they want you to do is what they are unable to do.

As to the appointed Members, I also have one thing to tell them. Most of the appointed Members in the Legislative Council now were not appointed by Governor Chris PATTEN. They are not accountable to the public. Is it enough just being accountable to their conscience? I do not know how stringently their conscience exercises supervision over their behaviour, but apart from being accountable to their own conscience, they are obligated to be accountable to the conscience of the general Hong Kong public as well. As for the three Members

appointed by Governor Chris PATTEN, they know what is contained in Governor Chris PATTEN's proposal when they accepted their appointment. If they did not agree with the proposal, they should not have accepted their appointment. Since they have accepted their appointment, they should, at least, have the courage to support it.

Mr President, later on when we vote, would all of us please bear in mind that we shall not vote for our personal interests. We should vote for the general benefits of the public and for the goals of "Hong Kong being ruled by Hong Kong people" and "high degree of autonomy".

MRS ELSIE TU: Mr President, when the Governor made his fateful speech in October 1992, he committed two fundamental errors.

1. He broke the Sino-British agreement for the two countries to work out the details on the run-up to 1997, following on discussions in writing between the two foreign ministers in early 1990.
2. He said he was only putting forward proposals when in fact he knew that he was announcing decisions that he would not change. This has been proved by the fact that in spite of receiving thousands of submissions, and in spite of holding numerous discussions, he has not moved one inch from his so-called proposals. They are in this Bill before us today.

When China enacted the Basic Law she first consulted the Hong Kong people. Consultations continued for five years. When eventually the Basic Law was formulated, naturally it did not meet everyone's aspirations, but no law ever does because human beings have different expectations. However, the Basic Law was an acceptable beginning and gave promise of steps towards full democracy after 10 years of Chinese sovereignty. The British, in contrast, had never consulted the Hong Kong people on its constitution for Hong Kong during 150 years of sovereignty until the 1997 changeover came within view. The Basic Law, therefore, was a vast improvement on anything that went before it. Given co-operation by Britain, I believe that a smooth transition could have been reached. And since China has tolerated unequal treaties with Britain for 150 years, even during the Cultural Revolution, there is no reason to believe that China would have reneged on either the Joint Declaration or the Basic Law. Nor is there reason to believe China will renege even now.

Fragile agreements between China and Britain still required some final touches when in October 1992 hope for 1997 was brutally crushed under the clumsy feet of a Governor who trod on it in the belief that he knew how to deal with China, in the same way that western politicians have for centuries dealt with Asians and other nations they once colonized.

Leaving aside these bull-like tactics, the Governor committed a further blunder by putting before the Legislative Council a Bill that the Administration was not prepared to discuss or amend in the way other bills are discussed and amended. The so-called proposals were actually orders to the Constitutional Affairs Branch, who came to the meetings of this Council to explain and persuade, but never to listen to or accept any alternative proposals. The fact that there are so many amendments today is living proof that no official listened with the intention of amending, before putting the Bill to the vote. As far as the Governor was concerned, this Bill was a *fait accompli* from the start, except for the fact that today we now have the final say. Yet the Governor has tried to circumvent even this requirement in the Letters Patent and the Royal Instructions, by lobbying Members as no other government has done, to persuade them to vote his way.

Turning now to the amendments, I will attempt but cannot promise, to put all I have to say into this one speech.

I shall vote against the Bill as it stands because it contravenes all previous concepts of the meaning of functional constituencies, because it does not make a viable path towards the election committee as set out in the Basic Law for future elections, and because it constitutes unashamed gerrymandering, a term interpreted in my favourite Chambers' Dictionary as "manipulating facts, arguments, and so on, so as to reach undue conclusions" in the context of electoral constituencies.

On the amendment put forward by the United Democrats, I notice that they have taken up my original proposal that women, students and the elderly should have their own constituency seats. However the concept differs from mine in that my proposal was for women's organizations, student unions and associations for the elderly and the handicapped to elect representatives for these seats, but it was not my intention to give them double votes as individuals. I see no way in which functional constituencies can operate by means of double universal franchise. I therefore have to write these proposals off as a form of gerrymandering.

I will not pass any remarks on Mr Andrew WONG's amendments except to say that I find them erudite, but not so easy to understand or carry out. I received the copy only this morning and I am sure that in the future we can consider their merits, but at this moment I think we are not sufficiently aware of what he wants.

I hope that Mr Frederick FUNG will find it possible to join with the group which has attempted to find a coalition agreement. That agreement may not last beyond 1997 because I believe that China intends to make a new start in July 1997. But at least the proposals voiced today which will be voiced by Mr Howard YOUNG will avoid unnecessary upheaval in the next three years, and will smooth over the 1997 transition. The amendments which I invite Mr FUNG to support, because some are similar to his own, go under the name

of the Liberal Party, but I can confirm that they were hammered out with concessions on all sides by different groups, many of them independents like myself. I regret that the remaining parties would not unite with that coalition. I believe that that particular model can keep us on an even keel up to 1997, and hopefully after 1997.

Mr CHIM Pui-chung's amendment concerning the 1995 Legislative Council's term of office expiring at the beginning of July 1997 unless by resolution of this Council, merely states the obvious. China has stated categorically that the Patten package has put an end to the through train concept, so it seems unnecessary to reiterate what is already a foregone conclusion. Yet, I see no way to oppose it, because it is not within our jurisdiction to decide on matters beyond 1997. However, I must express my great disappointment that the British U-turn in 1992 has destroyed our hope for a through train. The train has already gone off the rails. Mr CHIM's amendment leaves open a slight possibility of getting back on to those rails, and therefore I shall support it.

As for my own amendment, I call for a "one-person, one-vote" system as being the only fair one. In 1985 I had three votes, one through the district board election, one through the teaching profession and one through the Urban Council. I considered myself overprivileged. Others had even more votes than that.

In 1991, the number of my votes was reduced to two, one through the Urban Council and one in the geographical constituency. I still considered that an unfair system.

This Bill for the 1995 elections makes the system much worse by offering two votes to all workers, while non-workers are reduced to half-persons with one vote. Giving them all two votes, however, would be another form of gerrymandering, as I have already explained. Giving two votes to everyone circumvents the tripartite system of 20 directly elected seats, 10 elected by an election committee, and 30 by functional constituency voting. If Members want a fully directly elected system, as some say they do, then they should agree with what Miss Emily LAU is saying, and not try to manipulate the Basic Law to reach the same goal through devious means. If I truly believed that Hong Kong could survive a sudden change to a fully directly-elected system without upsetting the economy and affecting the livelihood of the people, I would go for Emily's Bill. But we have recently seen in European countries how sudden changes pressed upon them by the West have destabilized them and badly affected the livelihood of the people. Mr Martin LEE talks about man cannot live by bread alone, but I must add neither can he live without bread. I happen to believe that steady progress is the right way to go in an economy like ours, in which our only resources are capital and labour, where capital cannot operate without labour and labour cannot exist without capital. We have to work together on our economy and in our political system. I think we have been working together fairly successfully. I believe we need to have equal representation of capital and labour on this Council in order to maintain a

balance. Perhaps those capitalist countries which are now floundering could learn a lesson from us, because their democratic system has deteriorated into political party struggle, in which the losers have been the workers, cheated by political promises that cannot be fulfilled.

Mr President, I shall not speak on the other amendments, except to say that I shall support Mr Michael HO's amendment on chiropractors, who would prefer no vote rather than be placed under the Health Care Constituency, which is really unsuitable. Their qualifications and work are more related to the medical profession, and I believe that the public has the right to choose what medical treatment they want, whether Western, Chinese or other alternatives, provided that they are all administered by trained persons and provided that they keep to a recognized code of practice.

Mr President, I have on two occasions requested that the three official Members on this Council be allowed to abstain from voting on this issue which is one entirely for the Hong Kong people who will be here after 1997. I hope one of them will be here at least. My requests have been rejected. Other Members have now once again made the same request and they, too, have been refused.

My objection does not reflect on the three officials concerned. No one knows their views because they are not allowed to express them. They have my sympathy. Not so the Governor. He has misrepresented the whole case to the public by saying that the situation of the three officials is the same as that of other appointed Members which Mr Martin LEE also agrees with. The Governor knows perfectly well that that is untrue, because the other appointed Members may vote according to their own consciences in spite of the undue pressure he has had put upon them to support him. And I am very surprised to hear Mr LEE saying that they should vote with the Governor. That seems very undemocratic. But the three officials have no choice and are compelled to vote as they are told on all issues.

The public should take note of this fact so that they may understand that even in the voting today, democracy is being flouted by the Government.

Mr President, I so speak.

MR FREDERICK FUNG (in Cantonese): Mr President, today this Council will pass one of several constitutional packages and decide the arrangements for the Legislative Council election in 1995. Ironically, we cannot even be sure when the term of Members in the next Legislative Council will expire.

Whichever package or amendments may be passed today, the fact remains that the people of Hong Kong want a smooth social and political transition. But I am afraid that their wish will not come true. China and the United Kingdom are totally to blame for the non-convergence between Hong Kong's political

systems before and after 1997 and for the political uncertainties in Hong Kong's future. China and the United Kingdom have ignored Hong Kong people's wish for a smooth transition of the political system. They have failed to reach agreement on Hong Kong's 1995 electoral arrangements. They have broken their promises made to the people of Hong Kong in the Sino-British Joint Declaration. In that declaration, they said that they would work together for smooth transition and for a society in which the people of Hong Kong would govern themselves with a high degree of autonomy. But problems have arisen even before 1997 arrives.

China has declared again and again that the three-tier representative government will be reconstituted in 1997. This simply signifies that there will be no through train for any constitutional package. Whether the constitutional mode is or is not compatible with the Basic Law, it will not continue beyond 30 June 1997. In other words, the Basic Law coming into effect on 1 July 1997 will not retrospectively give validity to the 1995 elections. Therefore, whatever constitutional package may be passed today, the question of its being compatible with the Basic Law or not will not arise. Whose package will be the best for 1995? This is a political judgment for every individual, every Member and every political party to make, taking into consideration the most important factors, which probably include Hong Kong's social conditions, the wishes of the people and the aspirations of the political parties. This situation has actually given us, the Association for Democracy and People's Livelihood (ADPL), a great deal of flexibility in dealing with the issue of constitutional arrangements for 1995. At its general meeting last Sunday, ADPL made a decision: Apart from proposing and voting for ADPL's package I may also consider voting for another plan if it specifies an election method which is fairer compared with ADPL's plan and which is more consistent with universal suffrage and will allow more people to vote in the elections. And that will be how I will cast my votes today.

Therefore, today, when this Council votes on the 1995 electoral arrangements and the amendments, I, representing ADPL, will vote basically for ADPL's package but I will also vote for some other packages including that of the United Democrats of Hong Kong, of the Meeting Point, of Mr Andrew WONG and of Governor Chris PATTEN.

The constitutional package expounded by ADPL dates back to July 1992, when preparations for its formulation first began. It was unveiled in September 1992, before Governor PATTEN unveiled his. Our hope was that the pace of democracy would be quickened when the principle of "Hong Kong people ruling Hong Kong" became a reality. That was our goal. We hoped that the three documents that we then had in our hands — the Sino-British Joint Declaration, the Basic Law and the Bill of Rights Ordinance (all of them have parts dealing with constitutional matters) — would be implemented. We hoped that the spirit of the Sino-British Joint Declaration would be observed in practice, that the provisions of the Basic Law would be implemented, that everybody would enjoy equal political rights as laid down in the Bill of Rights Ordinance and that a

democratic political system consistent with Hong Kong's long-term interests would be developed. ADPL lobbied Government House and the Xinhua News Agency for their support for this package. ADPL even made lobbying trips to Beijing and London and they were long trying trips.

ADPL believes that a political system based on equality, openness and universal participation and developed in full accordance with the provisions of the three constitutional documents will presumably be able to last beyond 30 June 1997 and will practically meet the ideal of Hong Kong people ruling Hong Kong with a high degree of autonomy.

ADPL's package will allow all the 4 million qualified voters of Hong Kong to cast one vote each to elect either a directly elected Legislative Council Member or a Member indirectly elected through electors.

ADPL's package will allow all voters to vote the same number of times in the 1995 Legislative Council elections. In contrast, the Government's plan will allow two-thirds of all voters (about 2.7 million of them) to vote twice and the other 1 million-plus voters to vote only once, thus creating inequality for voters in the geographical constituencies. ADPL's "one person, one vote" plan will rectify such inequality.

Also, ADPL proposes that an Election Committee should be formed of 400 electors, who are to be elected by universal suffrage from four election committee constituencies, which in turn are to be defined the way the functional constituencies are defined. The Election Committee will elect 10 of its members to the Legislative Council. Compared with the Government's proposal, which is to let members of district boards form an Election Committee to elect Members to the Legislative Council, our proposal will help to return Legislative Council Members who have a broader representative base and who have closer ties with the voters.

The Sino-British talks on constitutional arrangements for Hong Kong have now broken down. As a result, the final objective of ADPL's constitutional package — an election system which is fair and consistent with universal suffrage and which will continue to evolve beyond 30 June 1997 — will not be realized. But the package can still broaden the base of voter participation and the present inequality of the functional constituencies. I hope to be able to persuade Members to consider supporting ADPL's package.

We can almost be certain that the political reform package that we pass today will have a life of only two years. Still, we should use the opportunity to promote an election plan of universal suffrage which is in line with the wishes of the people and which will be good for Hong Kong. I believe that, given Hong Kong's social base and conditions, we can fulfill and practise one idea of some political scientists. This idea is that democratic development can proceed steadily in many countries with stable democratic societies usually because certain basic conditions and factors exist there. Some scholars, from a study of

120 countries in the world, have found three very important factors which enable societies to develop full-fledged democracy. These factors are:

- (1) A well-developed information system. Almost everybody has the means and the opportunity to own a TV set, to own a radio set and to buy newspapers. A well-developed information system enables everybody to receive information. The basis of access to information is also the basis of democracy.
- (2) A well-educated population and a low illiteracy rate. Where the illiteracy rate is low, the population can understand, analyze and judge information and make decisions based on such judgment.
- (3) A good socio-economic foundation. Most families have basic amenities like refrigerators, TV sets, radio sets and even motor cars.

I believe that these factors exist in Hong Kong. They exist to a sufficient degree to enable the development of an election system of universal suffrage in Hong Kong at this time. We can make use of the next two years to search for a democratic political system appropriate to Hong Kong. We can try out fair election methods of universal suffrage to see if they will smooth over the run up to 1997 or, as some fear, create disorder in Hong Kong. Actually, we can make one more judgment in 1997. If such election methods prove to be feasible, then the SAR Government set up on 1 July 1997 should be asked to act at once to have the Basic Law amended accordingly. If they turn out to be unsatisfactory over the next two years, then the original provisions of the Basic Law should stand. I believe that the people of Hong Kong will accept this.

During the last two years in the run up to 1997, we can put to the test a democratic political system which is in line with the wishes of the people of Hong Kong. Therefore, we should not support the political reform plans of those who favour “going through the motions without actually moving forward” or “democracy within narrow constraints”.

I feel that the Liberal Party’s 1994 package, particularly its preservation of corporate voting (perhaps under a revised “one vote per company” or “six votes per company” system), is contrary to the provisions of the Bill of Rights Ordinance concerning election methods. We will not support it. Today is a historic moment. This historic moment is difficult for the people of Hong Kong. We can see that the promises of the Sino-British Joint Declaration are not being honoured. We can see that there will be no convergence between the political systems before and after the transfer of sovereignty. But we can also see Hong Kong’s economic base and social conditions. Hong Kong’s economic growth and the capability of the people of Hong Kong have been there for all the world to see for the past 30 or 40 years. Whatever package may be approved today, I feel that its passage (popular or not) will not lead to serious disorder in society. The history of the past 20 or 30 years has shown that the

people of Hong Kong are against riots and violence. The people of Hong Kong are for stability. The history of the past 20 or 30 years has shown that the people of Hong Kong are against conflicts, particularly against conflicts among political parties. The people of Hong Kong are for a harmonious, pluralistic society. These are the foundation, the convictions, the culture and the values. I cannot see that today's decision one way or another will be a blow to the people of Hong Kong. Therefore, I will vote basically for ADPL's political reform package. Apart from the Basic Law (there is an argument about complying or not complying with it), I have with me two other constitutional documents: the Sino-British Joint Declaration and the Bill of Rights Ordinance. I will also vote for any other package which is consistent with these two documents and with ADPL's political reform plan. I will not vote for any other kind of plan or package.

Of course, after the final round of voting, we will have to accept whatever package that is passed. If we do not pass the Government's Bill, we will have to go back to the appointment system of 1991 and we will find that even less acceptable. When the voting time comes, I will vote in the following manner. I will vote for any political reform package which, compared with ADPL's package, will allow a larger number of people to vote in the elections. I will abstain from voting on any other kind of plan or package.

I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, the people of Hong Kong have been caught in the Sino-British disputes over the new airport and democracy as induced by the political reform proposal put forward by Mr Chris PATTEN in his first policy address 20 months ago. After 20 months of helplessness and hard time amid the war of words, today marks a monumental moment in history.

My mind is exceptionally clam today. After all, what will come will come and getting excited will not help. I take the view that today's debate carries another implication. It gives us a chance to review the controversies over the past 20 months and even the sticking points between the democratic and anti-democratic camps over the past 10 years since the signing of the Sino-British Joint Declaration so that we may identify our future work and direction.

Over the past 10 years, both the Chinese and the British Governments have committed grave mistakes in the course of democratic movement. They have forfeited the people's confidence; they have lost the people. The first major mistake was to throttle direct election in 1988. Under the pressure exerted by the Chinese side, the British Hong Kong Government collaborated with China and dragged its feet over democratization in Hong Kong to dampen Hong Kong people's craving for democracy. We may say that Hong Kong people's determination to abandon and resist the Chinese Government when it

resumes sovereignty began to take shape as a result of the 1988 direct election issue.

The second major mistake is the tightening of the Basic Law by the Chinese side. As a matter of fact, since the signing of the Sino-British Joint Declaration, the Chinese side has been trying to tighten its control over Hong Kong through the enactment of the Basic Law. The democratic movements in 1989 further aggravated the Chinese side's fear that the democratization of Hong Kong might lead to a peaceful evolution in China. In other words, once the issue of sovereignty is resolved, democracy will become an exhibit in the museum to gather dust. "When flying birds are all killed, the good bow is put away" as the saying goes. History is both realistic and cruel.

The third major mistake was the appointment of a conservative Legislative Council by the British side after the 1991 election as a measure to counter-balance the strength of the democratic camp. Such a Legislative Council began as a pro-British one but ends up pro-China. Nothing is more preposterous than such a situation. Today, government officials have to roll up their sleeves and make every effort in lobbying the appointed Members whom the Government appointed. Should their efforts fail to secure enough votes to counter the free votes cast by the pro-China Members, the mistake the Government made in the first place would stand out more glaringly. "The evils we bring on ourselves are the hardest to bear", as the saying goes. It has nothing to do with others. What we really regret is that democracy in Hong Kong is in the hands of individual appointed Members. It grieves me to find that their votes will determine the future of democracy.

The fourth major mistake is Governor PATTEN's backpedalling on his political reform and his toying with public opinion. The British Hong Kong Government has all along been treating democracy as some sort of commodity transaction. A high price is asked to win applauses to be followed by a low counter-offer in exchange for benefits. This tactic was employed when the Basic Law was formulated and the same applies to the recent political talks as well. The 1992 package was modified into the 1993 package and when it ran into snags, it reverted to the 1992 package. During this period, public opinion was being kneaded and moulded. We became a pawn, an on-looker and our passion cooled down and faded out. "One careless move loses the whole game" as the saying goes. This mistake cannot be blamed on fate or on other people.

Mr President, in the course of democratic development over the past 10 years, if we say that the British side is reaping what it has sown, the Chinese side is forfeiting the trust and good will of its people. The reversion of Hong Kong to China marks the end of humiliation in our nation's history. Being an ethnic Chinese, I consider it a time for great rejoicing. However, over the past 10 years, although China gains its sovereignty, it completely forfeits the good will of its people. Tomorrow will be 30 June 1994. With three more years to go, Hong Kong will revert to China in 1997. As a matter of fact, Hong Kong people does not get excited nor jump for joy. We do not feel the sense of glory

in history, but rather suspicion, fear and resistance. By resuming a territory without getting the popular support of its people, is it a victory to China or is it a loss?

Why has China come to such a sorry state in its dealings with Hong Kong? Why is “pro-China” a derogatory term? Why is it that the Chinese side’s take-over officials, the Preliminary Working Committee members and Hong Kong affairs advisers are not popular among Hong Kong people? The crux of the issue is that the Chinese side never wants to give Hong Kong people a high degree of autonomy on the basis of democracy. It simply wants to keep Hong Kong people in an economic cage under Chinese rule. They do not realize that the worldwide trend of democratic movement has taken root in the minds of the awakening Hong Kong people. We would no longer submit ourselves to colonial rule or any other form of dictatorial rule. We are striving for the establishment of a democratic and autonomous new metropolis in China. Who dares to resist this trend will not be able to gain people’s support.

Hong Kong people’s indignation is not only directed at the Chinese side but also directed at every individual and party under the thumb of China. Be he a jack-in-office or a collaborator, he will be spit upon and cast aside by the people of Hong Kong. Take today’s political reform package as an example. Many Members and party members cast their vote having regard to the wishes of the Chinese authorities, not in the interests of Hong Kong people. On the 1994 package proposed by the Liberal Party, at first they were in support of it because this package is similar to the Chinese side’s interpretation of the Basic Law. Later, they opposed or abstained from voting because the Chinese authorities did not support it. Recently, in view of a more positive attitude adopted by Mr QIAN Qichen, the Chinese Foreign Minister, they again supported the package. Three changes in attitude were made within one month. This indicates that voting is just like making investment which fluctuates with China’s baton and the changes in the political situation. Changing one’s political direction is the prevailing mode and a common phenomenon. There is no political belief and commitment any more but rather political relations and interests. How can one expect such kind of Member, political party or council to shoulder the historic responsibility of exercising a high degree of autonomy? How can we expect them to win the respect and confidence of the people?

In the face of such a depressing situation, there are only two alternatives before us: one is to remain silent and encourage dictatorship and the other is to resist and strive for democracy. Today, in striving for democracy in this Council, we, the liberal camp, may be the minority. But once we leave this changing, we are the majority. The majority’s aspirations for democracy are like the grass on earth which “cannot be burned out by a prairie fire but grows again with the spring breeze”. It is impossible for us to predict the outcome of the voting. In case we lose, does it imply that the progress of democratic development will be blocked forever? Is it possible that the tide of history will be blocked forever? The river will continue its flow eastwards even though the mountain stands in its way. What can a few blocking stones do?

However, we are not going to underestimate the difficulties before us. The Chinese Government has time and again said that all tiers of our representative government are to be dismantled in 1997 and a new kitchen to be started. In other words, the 1995 Council will be a short-lived one no matter whether there is democracy or not. To be short-lived is of course regrettable but we should not give up, kneel down and surrender ourselves because it is short-lived. Better to light up in glamour and glory for two years than to live in darkness for four years. Even though we are going to be compelled to “get off the train” after two years, we shall carry on with our democratic mission in the streets. As a matter of fact, we are from the streets and there is still boundless space for us to “take up our old profession”. We truly believe that if a fair and just democratic system cannot be established before 1997, if we still have a politically privileged legislature, if we let colonial and dictatorial rule extend its influence to the Special Administrative Region (SAR) in another form, the SAR with its internal conflicts will link up with corruption and illegal practices in Mainland China. As a result, conflicts, turmoil and confrontation will take place in Hong Kong. It will promote wider social recognition of and provide more development room for democratic movements. As mentioned before, be it 10 years or 20 years, what will come will come after all. And the venue will not be confined to Hong Kong but will spread into China.

The amendments to be moved by the United Democrats today are not simply for the 1995 election. A more important implication is to propel the forward development of democracy and to add more foundation stones to the democratic movements in Hong Kong. From this perspective, victory is of course a time for rejoicing but even if we lose, we are going to carry on with our battle in the years to come. We are still young and democracy still strong.

Mr President, these are my remarks.

MR NGAI SHIU-KIT (in Cantonese): Mr President, I admire the courage of the Honourable CHEUNG Man-kwong after listening to his impassioned speech. He is courageous in the sense that he is seeking to bring to Hong Kong, within three years, the democracy that has not been in place in Hong Kong for the past 150 years. May I wish him every success.

Mr President, most people of Hong Kong cherish the same hope as mine, that is, to have a stable social environment in Hong Kong, so that the economy can continue to prosper while we can continue to enjoy stability and prosperity, which is particularly important in the latter part of the transition period. As a Member from the Industrial Functional Constituency, I fully understand the aspirations of the industrialists and businessmen. These aspirations are that the favourable investment environment will be maintained in Hong Kong to ensure a predictable future, so that businessmen can put their mind at ease and carry on with their investments and their businesses. For members of the general public, their greatest hope is to have more employment opportunities and to live and work in a harmonious and stable environment.

Last year, there were talks between the Chinese and British sides over the 1994-95 electoral arrangement. Everyone cherished the hope that a bilateral agreement could be reached, so as to ensure political convergence and to secure a smooth handover and transition. However, things went against our wishes. With no agreement between the Chinese and British sides, Governor Chris PATTEN unilaterally proposed his own political reform package. On the political front, we, first of all, can secure the through train arrangement no more, which will undermine the basis for convergence during the transition to 1997. The political reform bill that we are scrutinizing today can hardly meet the Hong Kong people's expectations of a smooth handover and a stable transition. Any amendment introduced under the present Bill will only last for three years from now. Honourable colleagues, the Chinese side has repeatedly stated in public that the PATTEN political reform package is a package of three non-compliance, and is not in the interests of the people of Hong Kong. The constitutional structure unilaterally proposed by the Governor can only operate until 30 June 1997, and after that date it will have to be disbanded and reorganized. The Governor's repeated claim of not believing that the Chinese Government will disband the three-tier boards and councils after 1997 is his own wishful thinking, which can only serve the purpose of comforting himself and misleading the people of Hong Kong.

It is beyond doubt that the PATTEN package, no matter how it is being amended, will come to an end when British rule over Hong Kong expires on 1 July 1997. This is a hard political reality. Although I am against this political reform bill, I will not forsake my responsibility as a Legislative Councillor to examine bills. Since the British Hong Kong Government will have only a political lifespan of three years, I urge colleagues to devote their efforts to the issue of political reform, with a view to minimizing the impacts the implementation of the PATTEN political reform package will have on Hong Kong in the latter part of the transition period. I also hope that the people of Hong Kong can play an active role by either standing or voting in the elections to the three-tier boards and councils, so as to elect the Councillors who, in the mind of the public, can best represent the interests of the people of Hong Kong. This is both the right and the obligation of the citizens. This shall not be forsaken no matter how undesirable the circumstances we may find ourselves in. In fact, the people of Hong Kong should actively participate in the elections to show that they really love Hong Kong and are striving for Hong Kong's well-being. Voting is not tantamount to supporting the political reform package of the Governor.

We were born and brought up here in Hong Kong. It is our duty that we speak for our own future and put in efforts to protect our own future. We shall never give up our right of protecting ourselves.

I support the 1994 package proposed by the Liberal Party, which includes the composition of the nine new functional constituencies and the formation of the Election Committee based upon the requirements as laid down in the Basic Law. The Honourable James TIEN's proposal of adopting the established voting

system in the election of the functional constituencies also has my support. The existing composition and election mechanism of the functional constituencies can adequately cater for and reflect the needs of their constituents. And the system has been operating well enough that it has been conducive to social stability and the development of industry and commerce. Therefore, I can see no reason why we should take the hasty move of initiating any changes. Any radical or drastic amendment or legislation will only bring negative impacts on Hong Kong because the public will have to pay a heavy price for it.

I will also vote for the Honourable CHIM Pui-chung's amendment which merely states the obvious. The Honourable Martin LEE criticized the Honourable Allen LEE for giving up the things conferred on us by the Joint Declaration. I do not know what exactly he was referring to. Maybe he was referring to the three major things, namely, human rights, the rule of law and democracy. The Joint Declaration is an agreement formulated after a series of difficult negotiations between the British and Chinese Governments. At that time, it was held in high esteem by not only the people of Hong Kong, but also the whole world. I believe that everyone of us may be able to recall the three basic principles enshrined in the Sino-British Joint Declaration. The first principle is the preservation of the free life style of Hong Kong people. The second principle is the implementation of the free capitalist economic system, including the free operation of business and the free flow of capital. The third principle is the maintenance of our legal system, that is, the continued application of the British common law system. These three principles have offered protection to our way of life in Hong Kong and assured an environment under which Hong Kong has developed into a metropolitan economy admired worldwide nowadays. These three principle have been enshrined in the Joint Declaration and the Basic Law. As the Honourable Mrs Elsie Tu has said, the Basic Law, which has enshrined the three general principles, was drafted subsequent to numerous discussions and consultations with the people of Hong Kong. Therefore, it is impossible for Mr Allen LEE to give up the principle of human rights, the rule of law and democracy, as was alleged by Mr Martin LEE. These remarks are absolutely absurd. Mr Allen LEE has not given up these principles, nor have the people of Hong Kong. The Liberal Party also has not given up the general principles enshrined in the Joint Declaration or the things that are conferred on us by the Joint Declaration. All these have already been laid down in clear terms in the Basic Law. Our compliance with the Joint Declaration and the Basic Law does not mean that we are giving up our interests and our rights.

We have indeed given up something. What we have given up is the possibility of being used as political chips. I believe the people of Hong Kong will not stop striving for their own future. This is something that they certainly will not give up.

Mr President, these are my remarks.

MR LAU CHIN-SHEK (in Cantonese): Mr President, today's sitting can be said to be long overdue. Twenty months ago Governor PATTEN proposed his political reform package, but the Second Reading debate has not been resumed until today. I find it very deplorable that the Governor should repeatedly procrastinate on the issue of the political reform, making pretensions to be a hero on the one hand while trying to appease every party concerned on the other. Governor PATTEN's political reform package is in fact no big deal. It is only a tiny step forward from the old undemocratic system, changing only slightly the grotesque functional constituency election, so that the new functional constituencies and the election committee can be formed on a more reasonable basis. Nevertheless, the entire composition of Hong Kong's representative government and the undemocratic election mechanism have remained unchanged.

Mr LU Xun once said that even moving a table would cause bloodshed in China and change might not be effected even after blood had been shed. Although moving a table in Hong Kong now in 1994 will not cause bloodshed, it will regrettably attract from the Chinese Government continual intimidations, invectives, curses and even threats of overturning everything for a brand new start. Despite its pledges of safeguarding the interests of Hong Kong, the Chinese Government has been indifferent to public opinions, mustering all its strength to hurl the "anti-communist" and "anti-Chinese" epithets to oppose even the moving of a table in Hong Kong.

I remain to be convinced that Mr PATTEN has formulated his political reform package purely for Hong Kong people's democratic cause. But whatever the motive up his sleeve, the principal question must be finding out why he has won the support of the public after putting forth the political reform package. The Chinese Government should have an introspection rather than concluding blindly that Mr PATTEN and a small group of "anti-Chinese", "anti-communist" and "pro-British" elements are trying to pull the wool over people's eyes. Indeed, we know in our hearts the true cause of what has been happening. Were it not for the conspiracy between the Chinese and British Governments in selling out the people of Hong Kong, turning blind eyes and deaf ears to their demand for democracy and employing all possible means to distort the opinions of the people, today's situation would not have arisen. If the Basic Law could really embody Hong Kong people's quest for democracy, then even if Mr PATTEN had made pretensions to be the hero, nobody would have paid him any attention. The postures put up by the Chinese Government during the Sino-British dispute over the political reforms have completely destroyed Hong Kong people's confidence in "one country, two systems" and "a high degree of autonomy". Looking however from a positive point of view, we can at least know the situation earlier, rather than waking up on the morning of 1 July 1997 only to find that all our hopes have been dashed.

As the Chinese Government has decided to "set up another stove", the Preliminary Working Committee has become the "crown prince", volunteering "advices" on the internal affairs of the future Special Administrative Region

(SAR) government according to the baton of the “emperor”, and acting just like a ruler and flouting even the Basic Law, not to mention the principles of “one country, two systems” and “a high degree of autonomy”. Such farces have been staged one after another before us, well in advance and with new and spectacular shows daily and monthly to keep reminding the people of Hong Kong that they should from now on cast away all kinds of reveries.

I believe that many years from now when we look back at this point of history in which the moving of a table would cause a big disturbance, we cannot then help laughing aloud. But if we think about China where the moving of a table would cause bloody oppressions with tanks and guns, not only will we be unable to laugh, we will instead congratulate ourselves for having been born in Hong Kong.

I believe the people of Hong Kong have already learned a precious lesson from the dispute over political reforms which has lasted for over a year. The hypocrisy of the British Government, the bigotry of the Chinese Government, and the time-servers among our political figures have all been unveiled before us, allowing us to see with our naked eyes the frivolity of these fiends. This is undoubtedly the best psychological preparation for the 1997 transition.

The Liberal Party has claimed that the amendments to the 1994 package are intended to bring the political system of 1995 closer in line with the Basic Law such that the tremors caused by the Chinese Government’s disbanding of the Legislative Council in 1997 can be reduced. However, I believe this is nothing but wishful thinking. Given the Chinese Government’s determination to implement at all costs the policy of “setting up another stove and overturning everything for a brand new start”, tremors are inevitable in 1997. However much the political system of 1995 is in compliance with the Basic Law, it will be impossible to soften the ossified ultra-Leftist tendency of the Chinese Government. As the Preliminary Working Committee is controlled by the Chinese Government, it will naturally cater to the Chinese Government’s preferences by formulating a post-1997 legislature readily susceptible to control by the Chinese Government and a framework which will suppress as far as possible any democratic participation by the people of Hong Kong. In the face of the Chinese Government’s incessant interference with the internal affairs of the future SAR government, if we readily yield to its demands or even volunteer to castrate ourselves by spontaneously proposing to limit the tenure of the Members elected in 1995 to 30 June 1997, we will be virtually giving up our own rights to having the SAR administered according to the principles of “one country, two systems” and “a high degree of autonomy”.

What is most important now to the people of Hong Kong is how to strive for a high degree of autonomy in Hong Kong after 1997. In the face of the Chinese Government’s incessant interference with the internal affairs of the future SAR, I believe that the fight in the days ahead will be extremely difficult. Therefore, the people of Hong Kong should prepare themselves as much as possible before 1997, participate in the democratic political system and bring

into prominence the importance of a democratic political system, such that the safeguarding of the democratic system and the high degree of autonomy will become values commonly accepted in society after 1997.

Mr President, I so submit.

MR PETER WONG: Mr President, the biggest ever controversy in Hong Kong's political history will now end today with the passing of the Bill tabled before us. Since October 1992, Sino-British negotiations over the territory's political reform, looked upon by some as mere bickering out of distrust and suspicion of the two sovereign states, have dragged on and on to the extent that most of Hong Kong is now politically exhausted. A public opinion poll conducted last week showed that 69% of the respondents were indifferent to the political reform package, quite contrary to the official claim that it got Hong Kong's popular support. This feeling is shared by the Accountancy Functional Constituency, the majority of whom tend to adopt the pragmatic attitude in opting for a reform package that will make the transition to 1997 as smooth as possible.

I fully endorse this stance for the following reasons. I do not subscribe to the claim that only the Government's reform package will bring home Hong Kong "open, fair and credible elections". Instead, it will provoke further backlash from China which has formally and repeatedly made known its intention to wreck the political through train — the most constructive agreement reached between China and Britain since 1984. The corollary therefore is a less fair and open political system than what we may be able to achieve after 1997. In my view, a political reform package that only provides transient democracy is in itself a self-defeating cause.

The consequences of derailing the political through train, which go beyond the political system, are far reaching and insidious. China's intention to replace the top administrative echelon will not only disrupt the continuity of our valuable civil service and administrative manpower, but will also aggravate the backlog of unfinished legal and administrative work. Hong Kong, intricately bound to the booming economy of southern China, will then suffer great economic loss. But the anathema must be the weakening of China's commitment to the Joint Declaration which strikes at the root of people's confidence in Hong Kong.

As a pragmatic professional, it is my duty to exercise utmost prudence to ensure that Hong Kong will not be paying too high a price for its political reform. Thus, I shall cast my votes today based on the singular, solid objective of minimizing the foreseeable turbulence a failed through train will create.

The proposals put forth by the Governor in 1992, in a nutshell, seeks to enlarge the popular electorate with the help of new-style functional constituencies. The latter are totally at variance with the basic concept of

functional constituency as has been commonly known or understood in Hong Kong. Carried to their logical and perverse conclusion, they would amount to a declaration of the intention for Hong Kong's independence, which explains why some critics have branded the package as "sugar-coated poison". The 1993 compromise package, which is an improvement over the original proposals, still caters for a larger than realistic functional constituency electorate, with only four categories complying with the fundamental principles set out for the functional constituencies. As for the assortment of amendments to the Bill, most are harping on the same tune of bigger functional constituencies with whom I personally disagree.

The 1994 political reform package, worked out between various independent Members and political parties in which I cannot detect any divergence in spirit to the Basic Law model and hence promises the best chance of smooth transition, has won my approval. By voting for the 1994 package, I hope that the lasting repercussions injurious to Hong Kong as a liberal society can be avoided. In striving to minimize the high principle of "one country, two systems", we must not ignore the public sentiment in Hong Kong towards conciliation with China over our constitutional development. Taking Hong Kong people's well-being to be our guiding principle, we should be able to look realistically at the reform package and to refrain from rubber-stamping a package that will cause irreparable damage to Hong Kong.

Mr President, for us accountants, the battle over the political reforms has long been over. It is high time that both sovereign countries picked up the threads and guided Hong Kong through the three years ahead. Co-operation on the economic, administrative and social fronts is urgently needed unless these other segments of the train can get through, otherwise Hong Kong people are doomed to undergo interminable, exasperating stop-and-go for a very long time to come. Having said that, co-operation is not synonymous with automatic acquiescence to China's demands. Freedom, the rule of law, democracy and human rights — the attributes of a liberal society — should be zealously guarded by all of us. It is for this reason that unity and harmony are of paramount significance to this Council and Hong Kong.

Whatever the outcome of today's debate, life must go on. At this critical moment in Hong Kong's history, let us all work together to avoid internal strife that will tear us apart. In the best interest of Hong Kong, let us try our very best to ensure that, through train or no through train, Hong Kong will remain stable and prosperous in the years to come.

So with these remarks, I support the Second Reading of the Bill.

MR SZETO WAH (in Cantonese): Mr President, just now a Member expressed his admiration for Mr CHEUNG Man-Kwong's courage. On behalf of Mr CHEUNG Man-kwong, I hereby thank the Honourable Member for his admiration. Here I must also express my admiration for this Member for his

forgetfulness. He has highlighted in his speech three major principles of the Sino-British Joint Declaration. But he has failed to mention the high degree of autonomy for Hong Kong people in terms of personal freedom and the retention of the capitalist economic system and the laws currently in force, did he not? Why did he leave out the principle of “a high degree of autonomy”? Is it not a crucial principle in the Sino-British Joint Declaration? Is it the case that having heard Mr LU Ping make the comments that “Hong Kong people ruling Hong Kong” was a non-scientific statement, he, therefore, does not dare to even mention it? Being forgetful is just a lapse of memory, which is not blameworthy. But should it be a reflection of his state of mind, it is surely something to be “admired” for.

Today is 29 June 1994. Three years from now it will be 29 June 1997, one day before the end of Hong Kong’s more-than-a-century-long colonial history and, on the following day, Hong Kong will have become a Special Administrative Region. Mr President, today is 29 June 1994, a day of historic importance. I said this is a day of historic importance not because of the great changes that we will have to face three years later, but a decision this Council has to make today on behalf of the Hong Kong people, which reflects the view held by the Hong Kong people towards the 1997 issue. Are we going to be on our knees, kowtow and act servilely as 1997 draws close, or are we going to stand upright and fearlessly defend the principle of “one country, two systems” and “a high degree of autonomy” with the approach of 1997? Today is not only a day of historic importance to Hong Kong. To every Member of the Legislative Council, this is also a historic day in the sense that it is going to tell whether one, as a legislator, would follow one’s conscience and reflect the wishes of the Hong Kong people by casting one’s vote in light of the interests of the Hong Kong people, or one would, acting against one’s conscience and succumbing to might, vote for one’s own political and economic interests. I believe that people abroad may not understand this Council’s intricate composition. And once this Council has made a decision, they would consider it a reflection of the opinion of the Hong Kong people. Every Member should therefore obey what our own conscience dictates and vote for the interests of the Hong Kong people to reflect their wishes. Otherwise people all over the world would think, from the decision of this Council today, that Hong Kong people have decided to give up on themselves, reject democracy and willingly be on their knees, kowtow and act servilely. I hope that in making their decisions, Members will not bring all the Hong Kong people into disrepute.

There will be many rounds of voting today. I believe that there must be Members who will claim a division on each of such occasions. Should there be no one claiming a division, I shall do so. A record will be kept as to who have voted for or against certain motions; who have abstained and who have not voted. This is an important historical record for Hong Kong. In future, no matter how many years away, historians will query why a particular Member had voted this or that way. Even the Member’s descendants will certainly try to find out why. The focal point of the entire sitting today lies in the defeat or the triumph of the Liberal Party’s so called “94 package”, which the party has

claimed to be the closest to the spirit of the Basic Law. In fact, the two words “close to” merely is the euphemism for “to flatter”, “to side with” and “to please”. The Basic Law simply denotes might. To be close to the spirit of the Basic Law only means “to flatter”, “to side with” and “to please” those with power. They have heard the Chinese side state loud and clear that: “Another stove will be built no matter which proposal is passed. All members of the three-tier representative government will have to get off the political through train”, did they not? Do they dare to say that their 94 package will be spared? The stove which they construct will also have to be dismantled, just that it is one which their future masters will not have to take a lot of trouble to remove. Here I call upon Members from respective political parties, all independent Members and indeed Members from the Liberal Party to think twice before casting their votes, and consult their conscience and bear in mind that history will be the judge. No matter which motion is carried today, the United Democrats, Meeting Point and the Democratic Party, which is soon to be formed, will continue to strive for democracy for Hong Kong and for the establishment of a democratic political system which will uphold freedom, human rights and the rule of law to the end.

I am advanced in age but my brothers and sisters are young. Although I may not be able to witness the day of our success, they will be able to witness it. Here I wish to express to the people Hong Kong my resolve to carry the fight through to the end. I will be fearless of any hardships; I will be fearless of living in poverty; I will be fearless of imprisonment; I will be fearless of being killed. I am going to carry through to the end in any case. I had seen *Schindler's List*. When I left the cinema with a heavy heart, a few words out of nowhere came to my mind, and they are “the greatest justice is death”. Later I reflected on the words and tried to figure out why I came up with them. Finally I had the answer. I realized that at the end of the day, the Jews in agony died; the domineering German soldiers died; SCHINDLER died; and even those who had been rescued by SCHINDLER died. They met the same fate. When they died, the pain and humiliation were gone; also gone are some people's imperiousness and ferocity. However, no one can deny the historical fact that SCHINDLER rescued more than a thousand Jews who had been suppressed and persecuted. This piece of history will not die. Is this not the greatest justice? Man is mortal. There is no exception. What matters is how one spends one's life. The path one takes will have one's footprints. I hope we are able to appreciate the essence of the greatest justice so that we can work fearlessly with an open mind for the benefits of our children. Every one of us will have to face up to the fact that one's days on earth are bound to end. But the future of mankind is eternal. Our future is in our own hands. It depends on our fearlessness born of the fact that we are mortal. If more people have such fearlessness, the future of mankind which is eternal shall be even brighter.

MR JIMMY MCGREGOR: Mr President, I agree with the Honourable Elsie TU that it would be best for all of us to speak once and make our positions clear and

then perhaps not have to speak too often during the day. So I shall touch on some of the points which will come up later in discussion.

Mr President, on this historic day I feel a sense of great responsibility. A feeling that what we are debating will affect the lives and the future of the 6 million people of Hong Kong. It may also affect relations between Britain and China and relations between Hong Kong and China. We have come to a point of decision after two anxious years and after great debate, soul searching and spiritual examination. This Council has been given the responsibility for making decisions on Hong Kong's system of government which no previous legislature has ever had to accept. It is hardly surprising that there has been so much argument and lobbying before positions have been taken up.

I would like to make the position taken by the Hong Kong General Chamber of Commerce clear. I will then explain the position taken by the Hong Kong Democratic Foundation and finally the position I have taken personally and why in regard to the very important proposals now under consideration. But first let me point out that a majority of this Council, in two lengthy debates on 14 October and 11 November 1992, approved Governor PATTEN's political proposals in general and the composition of the election committee specifically. The Hansard record, which I have with me today, shows which Councillors put their names to such approvals. I will not indicate those who appear to have changed their minds but the Hansard record of today's debate will provide some interesting comparisons.

The two principal proposals are the composition of the election committee and the nine new functional constituencies. I will deal first with this latter issue.

The Hong Kong General Chamber of Commerce has published its view that the nine new functional constituencies should align with the 21 existing functional constituencies in terms of their characteristics, also that where appropriate, corporate voting should be retained.

The Hong Kong Democratic Foundation has taken the view that there is a good case for both the narrow functional constituency and the very much broader ones proposed by Governor PATTEN. They are therefore somewhat divided in their views.

I have supported the creation of nine new functional constituencies much along the lines now proposed by the Liberal Party and the so-called breakfast club, or at least some of them. However, in recent weeks China has made it abundantly clear that she will dismantle the three tiers of government in 1997. I have no doubt whatsoever that China will do exactly that. In these circumstances, I do not feel bound by my earlier adherence to what I thought had been agreed between Britain and China as defining a functional constituency. These are strange creatures of many shapes and sizes and subject to, I would say, some manipulation and unreasonable control. I have always felt

that the larger they are and the greater their electorate, the less chance there is for gerrymandering and organizational abuse.

I tend to trust the individual and not the corporation. I think in terms of people and not profit, and my conscience lies heavily upon me. I am not willing to be directed nor to be a puppet for any small group of people no matter how powerful and influential.

I have to say at this stage that I disagree also with Mr Martin LEE when he castigates businessmen, and I assume businesswomen, regarding democracy and the feeling for democratic reform. I ask him perhaps to modify his position when he speaks again. If businessmen were all against democracy and democratic reform, I would never have been elected in 1988 and I would not have been re-elected in 1991. I believe that I was elected by the membership of the chamber and not its general committee whose membership can be strongly influenced by proxy voting, which in my view is not a democratic system — at the last count, 85% of all votes cast.

I have therefore taken the view that although I have been brought under great pressure by senior chamber members right up to today, I will decide by myself how to vote and the membership of the chamber will decide by themselves next year if they agree with me.

I consider that my duty is to speak to the wider interests of the ordinary people of Hong Kong and to allow my conscience to dictate my actions. I will therefore vote in favour of the Patten proposal for the nine functional constituencies. I will also vote for the democratization of the 21 existing functional constituencies and against corporate voting.

Mr President, as I have mentioned on 14 October, this Council approved the composition of the election committee by a substantial majority. The subject was very fully debated and many views were expressed. None as far as Hansard is concerned even remotely approximated the dog's breakfast and dinner which the Liberal Party Members and their supporters in this Council have served up today for consideration. Instead of a substantial group of district board members, who have all been democratically elected by the people of Hong Kong and who are in the widest sense fully representative of all the people, we have been asked to consider a mathematical abomination. A convoluted nightmare which rose in tiny companies, running one taxi, for example, with massive people movers. Every kind of association, in any way connected with transport, such as the United Friendship Taxi Owners and Drivers Association Limited and the Wai Fat Taxi operators. Why indeed? These companies are straight out of the Yellow Pages. Sixty of them. We also have every company or organization with the word "ship", "marine" or "boat" in its title and so on and so on and so on, dozens of specified companies loosely categorized as transport. Another batch of organizations connected in some way with fishing and agriculture, for example, the Hong Kong New Territories Poultry-Culture (Geese-Ducks) Mutual Association. My mind boggles.

Why is the Liberal Party so afraid of democratic elections? Why can the Liberal Party not trust the people of Hong Kong in electing high quality district board members who are fully capable of thinking and acting in the common interest? Why do they have to try to align their proposals for the election committee with what they imagine China will accept? It is very clear that China will do no such thing. Why, therefore, should the Liberal Party Members in this Council and their supporters, seek to appease China with a pale and anaemic copy of the kind of election committee that China may impose on Hong Kong in 1997? Whose interests are being considered?

I feel we must trust the district boards and the district board members to form an effective election committee, which I am sure will do all that is expected of it. We must reject this undemocratic monstrosity that is being offered to us.

Mr President, I will therefore vote in favour of the government proposals on both these major proposals. Thank you.

DR LEONG CHE-HUNG: Mr President, as I walked into the Chamber this morning there were obviously many in the Council with baggy eyes. No doubt this has somewhat to do with the very exciting World Cup matches last night, but more importantly, lobbying from the different sides which extended into the small hours this morning.

Mr President, as the Chief Secretary just pointed out that today's debate is a monumental issue. So too, obviously, Members of this Council representing the interests of Hong Kong people must put all our "grey matters" together and work out for the best of Hong Kong now and into the future.

But Mr President, the intense last minute lobbying and the 17 to 18 months of inconclusive argument between Britain and China which has undermined Hong Kong people's confidence and sense of security, need not happen if Britain and China were serious for the well-being of Hong Kong, and if Hong Kong people, especially those of us who have the power to do good to Hong Kong, are really taking Hong Kong people's interests at heart and not that of China nor Britain.

Mr President, if Britain were determined to move on a course of development of representative government as promised by their 1984 Green and White Papers on constitutional reform and not changed its stance because of China's criticism; if the June 4 Tiananmen incident had not happened; if Britain truly pushed the OMELCO consensus for Hong Kong and not just providing lip service; if Britain had been consistent and not wavering from promising Hong Kong people to push for a faster pace of democracy and yet moving towards achieving what the Foreign Secretary Douglas HURD has consistently considered as a first prize, which is to strive for a consensus with China and finally now, to appease China for economic reasons; if Britain did not have any

secret letters with China, which has kept Hong Kong people in the dark and suspended Hong Kong people's confidence like a yo-yo, then Hong Kong would be in a better position now, a better position to live in and prosper for the future.

So the message is clear, we cannot depend on our current or future sovereign. We have only ourselves to depend on to strive for what we have, what we should for Hong Kong people, and what we all Hong Kong people want and not what China wants, nor to object to China for the sake of objecting to China itself.

During the course of the wee hours last night, I was also asked how I would vote. Mr President, my answer is simple, because I will vote according to two basic principles. Firstly, I will vote according to what I have told my voters I would do, in other words, my commitment and my accountability to my election platform.

Secondly, I will vote according to the feelings and the thoughts of my voters through continually monitoring their pulse, as it is, and through repeated referenda on important policy matters. Let me take myself and my constituency as an example. I stood for election on a platform for a faster pace of democratization and in the ensuing years I have stood by it with no obvious dissention from my constituents.

In the issue concerning the current Bill and the details it contained, I have done two referenda. I am not surprised to report that both the results show a very positive support of some 60% to 80% of the different items of the current Bill before us today. What I am surprised is that the findings of the two referenda were consistent. Admittedly, the return rates were poor or not as good as I hoped. It was 16% for the first referenda and 6% for the second.

Mr President, I am aware of another survey done by an Honourable Member of the Liberal Party which was reported as showing different results. Let me first of all thank the Liberal Party for taking this move for it will no doubt give me a further insight into my constituents' minds. Mr President, I am in no way discrediting the result, yet I would like to point out a few areas of fundamental difference.

Firstly, I did a referendum, or rather two, not a selected sampling. Furthermore, I did these two referenda on the same subject, on the same way, with a gap of some 15 months in between, and as mentioned, the results were consistent. Fifteen months to give them a chance to look at the details, to think about the details, to change their minds if they wanted to, as a result of the continuous war of words between the two sovereign states is in my mind, Mr President, in contrast to the one-off sampling telephone survey that my honourable colleague did.

Secondly, the referendum I did on both occasions were completely unbiased, including all the issues of the current Bill. This is again in contrast to specific questions asked by my Honourable colleague of the Liberal Party during his survey, where you could no doubt easily be taken out of context by either the interviewer or the interviewee.

Certainly my referenda have given time for my constituents to chew over it, to ask questions if they did not understand it, and then to reply.

On the grounds that the issues are very complicated and the current Bill is such that many of us, even in this Chamber, would have difficulty in grasping it, I question the degree of clear thoughts or rather clearly thought out reply that a telephone interview would obtain, taking into consideration the very busy practice of most members of my constituency. Just imagine, a doctor feeling the pulse of a patient or a tummy of somebody with tummy ache, or a dentist trying to pull out teeth on the one hand and holding a telephone on the other, trying to answer questions relating to the current Bill, which is so complicated that I, myself, have to admit that I have difficulty to apprehend.

Fourthly, the survey of my Honourable colleague from the Liberal Party showed a maximum positive support of items of, at best, some 50% to 54%. This is again in contrast to my referendum which showed a definite response of 60% to 80% in support of the different items of the current Bill.

My Honourable colleague also said that my referendum only targets at specific “more radical groups”, while his were all inclusive, including “the silent majority”. Let me ask a fundamental question, how do you select the silent majority in a scientific sampling survey?

Mr President, I have no intention to prolong the argument of these two surveys to bore Members. Suffice to say that the voice of my constituency is clear. You would like a faster pace of democratization within the ambit of the Basic Law.

In essence, therefore, we look to a widening of the franchise, or the size of the electorate in both the functional constituency and the election committee.

Finally, Mr President, I turn to the very low response of my recent referendum as compared with that I have done two years ago. The result of the recent survey done by one newspaper indicating Hong Kong people’s apathy to this current debate speaks for one thing and one thing alone. Hong Kong people are being suffocated by all these arguments on constitutional reform. We look forward to getting it over and be done with and to move on to more important and social issues which will affect the daily lives of all of us, who may well be the silent majority and will have to stay in Hong Kong — a permanent home for ourselves and for the next generation after 1997.

MR EDWARD HO: Mr President, many Members who have spoken today have said that today is a historic occasion, but events in the past 18 months have led to the Chinese Government making it known very clearly that whatever the decisions today, the legislature will be disbanded on 1 July 1997 and fresh elections according to a new set of rules in conformity with the Basic Law will be held. Members will be debating on the political system that can last only to the stroke of midnight 30 June 1997, that is 21 months. Does today's debate have historic significance for Hong Kong only for how it would affect the last years of British rule? Whether it would mean a smooth transition or whether it would bring about uncertainties and hindrances to the development of democracy for Hong Kong?

Ever since Mr PATTEN unveiled his package of political reforms in October 1992, what has concerned me most was how much the people of Hong Kong and the international community are aware of the real issues surrounding his proposals. Mr PATTEN has been hailed as a champion of democracy for Hong Kong but there is a whole host of questions to be answered. Did he truly expect that his proposals, which deviate from the Basic Law and the agreements between the two Governments in diplomatic exchanges, would be accepted by the Chinese Government? And if not, why is he not worried that an opposite effect would result and that we would not only lose the continuity of our political system but that democratic development might even suffer a major setback? An even more perplexing question now is why, at this stage, when the life-span of the proposed system is less than two years, the Governor is still pushing for his original proposal to pass through this Council.

Mr PATTEN has been sending different signals to different audiences. For example, he has described his proposals in an interview in the March 1993 issue of the Fortune Magazine as this:

“This argument is not really about democracy. The progress toward democracy is guaranteed in the Joint Declaration and the Basic Law..... What we are talking about is whether or not the legislature in 1995 is credible. Not whether it is democratic in particular, though it would have a democratic base.”

Those were his words. But now, in an article on 26 June 1994 in a prominent local English newspaper he proposed “To rectify the faults with the existing functional constituencies by extending their franchises and bringing in a breath of democratic fresh air.”

This kind of mixed messages have not helped the people of Hong Kong nor the international community to understand what was contained in Mr PATTEN's proposals. A recent survey carried out by the Social Scientists Research Centre of the University of Hong Kong revealed that only 7.6% of the respondents knew what the Governor wanted to achieve in his proposals in 1992.

Mr President, the international community and the people of Hong Kong may not be totally aware of what our debate is all about but those of us here, in this Chamber, both government and non-government Members, should be more informed. It is our solemn duty towards those who elected or appointed us, to conduct this debate in fairness and truth. Hong Kong is not going to be independent. It will become a Special Administrative Region of China, albeit with a high degree of autonomy. Our future will be governed by the provisions of the Basic Law.

Before we proceed further we should distinguish those who accept the Basic Law and those who do not. For those who do not accept the Basic Law and demand that it be amended, then the argument should be on another level. For instance, Miss Emily LAU's Private Members' Bill to elect 60 directly elected Members to this Council clearly contravenes the Basic Law. The other Members who, too, want a faster pace of democratic development than was provided in the Basic Law and therefore wanted to support Mr PATTEN's proposals. As citizens they have every right to express their opinions regarding the Basic Law. But in debating the Bill today, they should not pretend that the PATTEN proposals comply with the Basic Law. On the other hand, for those who support the Basic Law, the debate would be whether Mr PATTEN's proposals do comply with the Basic Law and if it did not, what problems it would create for democratic development.

Not many people, especially those people outside of Hong Kong, are aware that the Basic Law does provide for democratic development to progress and does not allow democratic development to stand still. The Basic Law promulgated in 1990 provides for a process of democratization under the third term up till 1997, that is, the year 2003. It also stated in Article 68 that, "The ultimate aim is the election of all the Members of the Legislative Council by universal suffrage." It is therefore extremely misleading and untruthful when some of our leading politicians, like Mr Martin LEE on the radio yesterday, said that not supporting the PATTEN proposal would be "to deny democracy for Hong Kong".

As to whether Mr PATTEN's proposals comply with the Basic Law, Mr PATTEN in his 26 June article said that, "No one has been able to point to a single instance in which they offend against either document." And he was referring to the Joint Declaration and the Basic Law. I am most surprised by this statement. As many, including myself, have pointed out in various public fora, including testimony to the Foreign Affairs Committee of Parliament, that his proposals do not comply with the Basic Law and why, I shall repeat my arguments.

It is accepted that functional constituencies are not defined in the Basic Law but then it must be remembered that when the Basic Law was going through the very stages of consultation, indirect elections through functional constituencies have already been introduced and established. They have been defined in the 1984 and 1988 White Papers on representative government

published by this Government. The 1984 White Paper defined functional constituencies as (a) in the case of economic and social constituencies, these will be based on well recognized major organizations, associations and institutions with a territory-wide coverage and (b) in the case of professional constituencies these will be based on membership of those professions with well re-established and recognized qualifications.

As a former member of the Basic Law Consultative Committee I can certainly say that those were the definitions that we had in mind when the draft of the Basic Law was debated. The present proposal wherein each working member of a workplace would be allowed to vote in the functional constituency has never been so interpreted by the most liberal of BLCC members, including some sitting here. Those who wanted more universal franchise would have urged for more directly elected seats rather than through this arrangement. Thus the current proposals for the nine new functional constituencies do not follow the spirit of the Basic Law when it was drafted.

The composition of the election committee in the period 1997 to 1999 has not been stipulated in the Basic Law because the Basic Law envisages that the composition and membership of the first Legislative Council in 1997 would be the one elected in 1999, provided that they were in compliance with the Basic Law. However, the composition for the Legislative Council in 1999 is clearly stipulated in Annex I of the Basic Law. In addition, in the diplomatic exchanges between the British Government and the Chinese Government in January and February 1990, just prior to the finalization of the Basic Law, the British Government has agreed to the composition of the election committee broadly in line with what is now stipulated in the Basic Law for 1999. In fact, it was the British Government who proposed the four-category structure to the Chinese Government.

The Patten proposals clearly depart from that agreement. If they were thought to be more democratic and if the Basic Law were not amended after 1997 then democratic development would be reversed. In other words, this development would not be sustainable after 1997.

Mr President, the people of Hong Kong have been promised both in the Joint Declaration and the Basic Law that the social and economic systems would remain unchanged after 1997. Hong Kong people will be travelling from a region that they are familiar with to a promised land, but region unknown, and they wish to undertake this journey on a through train in comfort and security. This through train has now been removed from the train schedule entirely, simply because the engineer in charge of Hong Kong wants to construct tracks with a different set of gauge and geometry so that a much faster train can run, regardless of what happens on the other side of the control point and what jeopardy it would have on the passengers.

Mr President; the people of Hong Kong desire a democratic development. Some of them may want the pace of the democratic development faster than was laid down in the Basic Law, but it would be betraying their trust if this Government and this Council were to lead them to a new height of hope, only to be brought down with a resounding thud upon transfer of sovereignty. It would be a most unkind and unjust act if promises that could not be honoured were to be offered to the people of Hong Kong.

Mr President, however appealing, no promises of democratic development which are different or faster than the pace defined in the Basic Law can be made by this Government and this Council. Those promises can only be made if there were agreements between the British Government and the Chinese Government. It is for this reason that I cannot support the Bill.

Since there is no more through train, the responsibility of Members of this Council in today's decisions is even more heavy and solemn. Members should ensure that for the remaining transitional period under British sovereignty, a political system would be in place so that it is as close as possible to that provided for in the Basic Law. This is to ensure that our progress of democratic development can be sustained and that whatever changes that have to be made upon the transfer of sovereignty, those changes will be as little as possible so that the impact of the stability of our society would be kept to an absolute minimum.

I am reminded by the following passages from the Government's 1988 White Paper, "The aim of the Government in the period after 1997 is that Hong Kong's system of representative government should be able to evolve gradually and progressively from the present system, in a manner that commands the full confidence of the people of Hong Kong, ensures that government remains both responsive and effective and provides for a smooth transfer of government in 1997 and a high degree of continuity thereafter." Those words contain all that the present government should follow.

Mr President, the amendments put forward by the Honourable Howard YOUNG on behalf of the Liberal Party have been painstakingly put together by many Members both inside and outside of the party through very extensive consultations. Those proposed amendments would give a democratic system that is open and fair. Above all, because these proposals resemble closely what was stipulated in the Basic Law, they provide a firm base upon which democracy can be further developed after 1997 with a minimum disturbance to the stability of our political system.

For all the reasons stated in my speech, I support Mr Howard YOUNG's amendments to the Bill and for all those who genuinely treasure democracy and the interest of our community, they should do the same and they can do it with a clear conscience.

DR YEUNG SUM (in Cantonese): Mr President, recently I told my friends of the press that it is most important for the democrats to keep calm and healthy. They thought I was joking. In fact, I said that mainly because the policy adopted by the Chinese Government towards Hong Kong has become more and more leftist. Today, we are facing a very grim situation, that is, whether the proposals of the democrats can be carried in this Council if not, whether Governor PATTEN's package, which is more democratic than the Liberal Party's proposals, can be carried. Many colleagues have very correctly said that today is a historic occasion. If a very conservative package is passed today, we are in fact telling the world that, very unfortunately, Hong Kong does not have the ability to develop any proposal which is more democratic. Some people said that since the Chinese Government will reconstitute the three-tier boards and councils on 1 July 1997 anyway, it does not matter which package of political reform Hong Kong adopts and hence we do not need any change. Alternatively, these people said that our political reform should conform as much with the Basic Law as possible in order to minimize any possible change that we shall have to face in the future. This view is most often expressed by the Liberal Party. Unfortunately, no matter how good one's intentions are, the Chinese Government will eventually reconstitute the three-tier boards and councils. No matter how closely a political reform package sticks to the Basic Law, shock will be unavoidable.

As we need change, how should we go about it? We the people of Hong Kong have to plead for our own blessings. We have to try our best to make the most of the situation with the given constraints, make progress in the development of our political system and not regress to the 1991 path. I therefore take this opportunity to urge Members, the press and the public to remain calm and be cautious in the face of this grim situation. We have to progress in stability; plead for our own blessings and do our part. We should not be too pessimistic, we should not say that something will definitely happen for it may not occur. We have to hold on to the realities, make use of our opportunities and make the most of the present.

Hong Kong has the potential to develop democracy. When Britain leaves the Colony after ruling it for over a century, the only asset which will be left to the people of Hong Kong will be the rule of law. The rule of law is very important to Hong Kong. Everyone is equal before the law in Hong Kong. The Bill of Rights Ordinance has been enacted in Hong Kong and even the Chinese Government has agreed that it is acceptable. We not only have a good legal system, we also have a rather universal education system. Since the 1980s, about 14% of our students of the right age have had the chance to enter a university. Our economy is not only stable, it is also constantly growing. There may be growth in other economies as well, but these economies often experience extreme ups and downs. We do not have racial confrontation, nor do we have religious antagonism. Those of us who were born after the War

have grown up and are now playing major roles in various trades. A large sector of our society is comprised of the middle class and the professionals. In fact, some political scientists told us that if one says that Hong Kong does not have the potential to develop democracy, one is actually saying that we lack the most basic political knowledge. Hence, Hong Kong really has the potential to develop further on the 1991 basis.

The proposals of the United Democrats of Hong Kong (UDHK) are basically amendments of Mr PATTEN's package. We shall explain our proposals point by point when we move the amendments later. Basically, we are developing further on Mr PATTEN's package. However, if our proposals are not accepted, we will support the Patten proposals because they are basically more democratic than the Liberal Party's proposals. This is mainly because in relation to the Election Committee, the Patten proposal is far better than that of the Liberal Party in that some 300 district board members who are elected by popular election will form an electoral college which will return 10 seats to the Legislative Council. As these 300 district board members are directly elected from different geographical constituencies, they are accountable to their constituents and so it is impossible to manipulate the results of the election. Although the electoral college is a kind of indirect election, it has the basis of universal suffrage. In comparison with the Liberal Party's proposal in which very few people are involved in the election and where the Election Committee is formed by four sectors, the Patten proposal is certainly better. The Liberal Party will certainly say that the four-sector Election Committee will also be formed by election. However, we must not forget that the delegates to the National People's Congress and the Chinese People's Political Consultative Conference are not elected by the people of Hong Kong. Hence, although elected, these delegates are actually elected "behind closed doors" and they are not elected by the people of Hong Kong. Besides, why should the Election Committee be comprised of these four sectors and not other members of the public? Hence, an Election Committee formed by district board members who are elected by popular election is far better than the proposal by the Liberal Party.

The Liberal Party proposes to add nine new functional constituencies. That will not be sufficient because they do not include retirees, housewives and students who are over 18 years old. The UDHK will therefore amend the model of election through functional constituencies. In fact, the UDHK and the Meeting Point have all along objected to an election through functional constituencies because it has a more limited franchise. But since the Basic Law provides that this method of election can continue until 2007, we have to expand the franchise of this conservative system to enable all who are working, housewives, adult students and retirees alike to vote. Would that not be fairer? We have to amend the proposals because we have to make progress within the constraints. The proposals of the Liberal Party allow only some 100 000 to 200 000 people to vote, some of whom are even company representatives. It would be a pity if the Liberal Party's proposals are to be carried.

Finally, I would appeal to those independent Members of this Council, for example, Mr Vincent CHENG, Mr Roger LUK and Mr Marvin CHEUNG, whom I respect, to think carefully whether Hong Kong has the potential to develop a more democratic package. Since the Chinese authorities have often talked of reconstituting the three-tier boards and councils, and since this package is accepted by the people of Hong Kong, why do we not give this package a chance? I understand that Mr Vincent CHENG, being an employee of the Hongkong Bank, may be concerned with the possible effect on his relationship with the industrial and commercial sectors. But I would still urge him to support this proposal. Mr Allen LEE has criticized the proposal of the UDHK and the Meeting Point to raise the public assistance payment from \$1,550 to \$2,100 as being a socialist welfare policy. I guess Mr LEE has expressed such a ridiculous view because he does not understand much about political science and social policies. The Basic Law has clearly stipulated a “one country, two systems” model. Then how can we develop socialism? If Mr LEE says an increase of a few hundred dollars in public assistance payment will amount to socialism, I urge him to refer to the welfare systems of Canada, Australia and the United Kingdom before discussing this question with us.

I hope that Honourable Members of this Council will give Hong Kong people a chance. We are not fighting for anything, we are merely hoping to get what has been promised to the people of Hong Kong by the British and the Chinese Governments in the Joint Declaration. These are merely things that the people of Hong Kong should get.

Thank you, Mr President.

MRS PEGGY LAM (in Cantonese): Mr President, the political reform package introduced by Governor PATTEN has contained 14 amendments. I think this is unprecedented. The strong objection to it and the number of amendments put forward are also unheard of. Why such furore? Why do the general public say that they are still at a loss as to what the Patten package is about after a lapse of more than two years? Frankly speaking, it is not that the public do not know what the Governor's package is all about but, in fact, they are unable to accept Governor PATTEN's political package. They find it unacceptable because this political package is in breach of the Basic Law, the Sino-British Joint Declaration as well as the agreements reached between the Chinese Minister of Foreign Affairs and the British Secretary for Foreign Affairs. What has been put forward in the Basic Law is an evolutionary democratic system. The Basic Law, which is the product of five years' hard work, has had the participation and support of many Hong Kong people. A breach of the Basic Law is what many Hong Kong people would be loath to see. That explains why the general public find the package unacceptable.

In February this year when the Administration submitted the first part of the political reform package to the Legislative Council, many Members, including myself, already made it clear to the Administration that it should be

withdrawn before it was too late, since this was a political reform package about which China and the United Kingdom had not yet come to a consensus. However, the United Kingdom eventually failed to grab this opportunity to resume the Sino-British co-operation, thus creating a situation under which China had no alternative but to decide to restructure upon the transfer of sovereignty on 1 July 1997. The subject of today's debate, as it is clear to all of us, is on the structure of our Legislative Council which will have a life span of less than two years. I believe Members present in this Chamber will agree that today's debate and today's voting results are a milestone in the history of Hong Kong. For this reason, I earnestly hope that we can, given the present conditions, successfully ensure that the composition of the 1995 Legislative Council will follow as closely as possible the spirit and letters of the Basic Law so that Hong Kong people will not be subjected to the future uncertainties in 20 months' time. I support a political reform package which is consistent with the Basic Law because this would help maintain a harmonious political climate and ensure Hong Kong people a peaceful life. This is definitely not a fantasy as described by Governor PATTEN. If one does not want to be given to fantasy, one must face reality. The political reality now faced by Hong Kong people is the restructuring of the three tiers of representative government on 1 July 1997. Yet, I hasten to add that Hong Kong people have already had the Chinese side's words that it will take all necessary positive arrangements to maintain Hong Kong's prosperity and stability. The absence of a political through train may not necessarily bring about devastating impacts. Meanwhile, the British Hong Kong Administration has blown a colourful bubble which is indeed a fantasy divorced from the reality in Hong Kong. The Administration which claims to aspire to be open, fair and just has overturned policies it previously worked so hard to maintain, simply because of the changes in the United Kingdom's foreign policies towards China. It has been hypocritical, has it not?

As Members of the Legislative Council, we are willing to and, as what Governor PATTEN said in a published article recently, have to make a decision on behalf of the whole community. Precisely for this reason, I, as a Member of this Council, will be resolved to have Hong Kong's long-term interests in the foremost of my mind and ensure that Hong Kong will be able to make all necessary preparations for its future developments beyond 1997. However, we know very well that we have to rely on ourselves, not the United Kingdom any more, for making such preparations. Mr PATTEN is right in saying that the relevant electoral arrangements entail new legislation, and it is, after all, incumbent on the Legislative Council to make the necessary legislation. Yet, the Governor should understand that it is also the Legislative Council's duty to control public expenditure. Then why did the Governor make an arbitrary decision on the rates issue? Please do not divert Hong Kong people's attention again. Hong Kong people are perceptive enough to see through the situation.

Mr President, after witnessing the two years' row over our political system, Hong Kong people are generally clear about their own position even though they may not be vocal about their own concerns about it. We have to play our part as legislators and work hard for Hong Kong's future prosperity

and stability. For this reason, I will press for the formulation of a political package in light of the spirit and letters of the Basic Law, which will enable Hong Kong to move steadily forward.

Mr President, these are my remarks.

MISS EMILY LAU (in Cantonese): Mr President, the Government has been facing a major challenge these past few days. The Governor has led all the senior officials in lobbying Members incessantly. He is afraid that his constitutional package may be successfully amended by the Liberal Party and some colleagues of the “Breakfast Faction”. The Government is in a very difficult and embarrassing dilemma. But it has indeed only itself to blame.

When the British Hong Kong Government introduced the first indirect elections into the Legislative Council in 1985, it did not promote fair elections by universal suffrage. Instead, it designed the privileged functional constituencies and indirect elections to protect its own interests and that of the business community and some groups of professionals. Such an electoral system in fact bears little difference from the dictatorial appointment system. Even more unfortunately, Mr President, it played into China’s hands in that it was written into the Basic Law which obliges us to continue using it after 1 July 1997. Thus Hong Kong will be stuck with an infamous electoral system condemned by posterity.

After the Beijing massacre of 1989, the British Government somewhat changed its attitude towards Hong Kong’s political parties. It wanted an honourable retreat from Hong Kong facilitated by a pretentious promotion of democracy. It therefore attempted to expand the electorates of the functional constituencies by way of an euphemized form of direct election which is indeed neither fish nor fowl. To its regret, the British Hong Kong Government’s wish probably will not come true. The principal resistance to this comes from the business community and the professionals, the very groups that it has promoted and to which it has given special political privileges. One can say that the Government has only itself to blame for the difficult situation it now faces. The amendment to be moved by the Liberal Party is in fact cast in the same mould of the system put forth by the British Hong Kong Government in 1985. The British Hong Kong Government used to rely on these appointed Members. But these same people may now turn out to be the worst renegades.

Mr President, given the frickleness of human nature, some colleagues may have today given the impression that “whoever suckles them is their mother”. If the Council today passes the amendment by the Liberal Party and the “Breakfast Faction”, Hong Kong will then have an undemocratic system and the British Government can then hardly absolve itself of the blame. As the saying goes, “it is a disgrace out of one’s own making”. But getting the blame is not the crux of the problem. The crux is the harm done to the six million people of Hong Kong, many of whom are feeling very indignant at this. Some say that

Mr Chris PATTEN will depart from Hong Kong on or before 30 June 1997, he will be leaving behind a shambles for us to tidy up. I hope that the British Government will have second thoughts about this. Talking about the United Kingdom's responsibility, I must harp on an old tune. Mr President, what the British can really do for Hong Kong is to give us British nationality. If they do so, there will be an escape route for those people of Hong Kong who do find themselves in trouble or who do not want to stay in Hong Kong when the time comes. Mr President, no matter how the package for the functional constituency elections is revised, functional constituency elections will not become truly democratic elections. Therefore, it has been my consistent position to oppose the package.

When the Governor unveiled his constitutional package in 1992, I voted for it in this Council. The Government said at the time that it would strive for the maximum democracy within the framework of the Basic Law and to increase as much as possible the participation by the people of Hong Kong. I supported the package under these circumstances. But then China was infuriated by the announcement of Mr PATTEN's so-called "a little bit of democracy" plan. The British Government reacted by making a concession in 1993, by proposing an alternative plan that it thought would be accepted by China. Not only did China not accept it, but it also declared instead that the Legislative Council would be dissolved in 1997. Given that convergence has thus become a burst bubble, why then must we still turn in circles within the framework of the Basic Law? Therefore, I hope that Members will support the Private Member's Bill that I will later introduce to give Hong Kong a fully elected Legislative Council before 1997.

In fact, many members of the public are bewildered by the more than 10 amendments that we will later discuss. I believe that even some colleagues may be at a loss for these amendments are very complicated and elaborately designed. I believe that a vast majority of colleagues will vote against them. I also believe that members of the public do not want us to vote for plans which we ourselves do not understand. Should these amendments be passed unfortunately, I believe we would have to spend the entire summer vacation in discomfort, as we would be holding discussions with the Administration to find out which plans are feasible and which are not.

Mr President, the most controversial amendment today, I believe, must be the one with functional constituency elections. There are really many problems with these elections. Look at the last three rounds of functional constituency elections and we will find that 30% to 70% of the candidates in those elections were elected uncontested. Let us look at the 1991 functional constituency elections. Twelve of the 21 seats were filled by candidates who were elected uncontested. Such winners included Dr Philip WONG of the Chinese General Chamber of Commerce, Mr Stephen CHEONG or now Mr James TIEN of the Federation of Hong Kong Industries, Dr David LI of the financial services constituency, Mr PANG Chun-hoi and Mr TAM Yiu-chung of the labour constituency, Mr HUI Yin-fat of the social services constituency, Dr LEONG

Che-hung of the medical constituency, Mr Michael HO of the health care constituency, Mr Peter WONG of the accountancy constituency, Mr Ronald ARCULLI of the real estate and construction constituency, Mrs Elsie TU of the Urban Council and Mr LAU Wong-fat of the Heung Yee Kuk. Mr President, obviously there had been co-ordination between candidates in the functional constituency elections. But more importantly, some were in fact results of deals under the table.

Mr President, it is true that there was co-ordination in the functional constituency elections and that the results reflected under-the-table dealings. If Mrs TU does not agree with my saying so, there is nothing that I can do. But the facts are ironclad and the people of Hong Kong have sharp eyes. If we do not like this kind of election, then we should vote later to have it abolished completely. It is an ironclad fact that 12 Members of this Council were elected uncontested in 1991. Does the same situation apply to the 18 directly elected seats? Members of the public have clear minds. They know very well that the functional constituency elections are entirely undesirable. I hope that colleagues will think again and support the Bill that I will introduce later to have all 60 seats filled by direct elections.

Some functional constituencies have conducted internal polls recently. Most of their findings have of course revealed that they support the continual use of this form of election which has given them privileges in government. How many functional constituencies are as open-minded as the social services functional constituency which supports “one man, one vote” direct elections? It is just too much to ask the politically privileged to give up their privileges so that the other members of the public can enjoy the same equal rights. I have tried to lobby Dr Samuel WONG for support. He said at the time that it would be “suicidal” to support me. However, there are now signs that he may support me. Supporting me certainly will not be suicidal for my proposal seeks to take Hong Kong people one big step forward in the development of the territory’s democratic political system. So I call upon all colleagues not to oppose my Private Member’s Bill even if they do not support it later on. Mr Henry TANG once told me that he did not want to “block the revolution of the earth”. Later on, we will see who are “blocking the earth’s revolution”.

Mr President, I heard just now Mrs Elsie TU and the Liberal Party urge the Official Members not to vote. They said that the Administration should not use those three votes. I do not agree. Among the 60 Legislative Council Members, only 18 are returned by popular election. If we were to adopt the logic of Mrs TU and the Liberal Party, then none of the appointed Members and indirectly elected Members should vote. Besides, the electoral Bill before us was drafted by the Administration which most obviously has its own position. So how can one tell the Official Members not to vote?

Mr President, I believe that members of the public can see clearly that 17 of the 18 directly elected Members will surely vote against the compromise package by the Liberal Party and the “Breakfast Party”. What does this

illustrate? Colleagues may recall that Mr Gilbert LEUNG, then a colleague, was sentenced to imprisonment for bribing voters. Do you know the size of his functional constituency? It consisted of only 36 people! I once questioned in this Council if the Independent Commission Against Corruption had any ways to improve the rules of the game in this small circle of people, so as to prevent the bribing of voters. The answer was negative. So the abolition of all functional constituency elections is the only way to put an end to the bribing of voters, vote buying and vote planting.

I, Emily LAU, am making an unequivocal statement today. I support the direct election of all 60 seats of the Legislative Council. That was the platform on which I campaigned in 1991. I also said at the time it was my hope that the chief executive of the future Hong Kong Special Administrative Region can be elected by universal suffrage. My bottom line is having all 60 seats of the Legislative Council directly elected.

Some colleagues have said that they too support the direct election of all 60 seats of the Legislative Council but their bottom line is 30 seats, 20 seats or even 10 seats. They are so indecisive that they simply cannot claim to have any bottom line at all. Therefore, I hope those who support me will understand that I have a clearly defined position. I do have a bottom line.

Some people are critical of my proposed amendment to the Ordinance for it might defeat Mr PATTEN's package. We must understand that, if we want something, we must be prepared to pay a price for it. Yet I believe these same people also hope that the Legislative Council Members elected by them do have clearly defined positions rather than indecision in all matters.

I believe that many people in the world are watching the events in this Council. They want to see if this Council really has a stance. Here I should like to reiterate that my bottom line is 60 directly elected seats. I hope that 29 June 1994 will be an epoch-making day for the Hong Kong Legislative Council. I further hope that colleagues will support my Private Member's Bill.

I so submit.

MISS CHRISTINE LOH: Mr President, I believe in democracy. This is why I fully support the Honourable Emily LAU's Private Members' Bill. It is by far the best proposal on the table. The Government's proposal is at best in fourth or fifth place. But even that is better than the Liberal Party's "chop-suey" package.

The so-called 1994 package is off the scale in democratic terms. The Honourable Allen LEE offers the 1994 package because he says that it offers a chance for stability in 1997. He believes it offers stability because the package is designed to mirror China's position. I wish I could believe him, but unfortunately I cannot. Let me give an example. Party B says to party A, if

party A passes a test, party B will reward the party in a certain way. Party A knows what the terms of the offer are. Party A passes the test and there will be a reward. If party B says instead that party A must first pass the test and then party B may consider whether to give a reward or not, then party A really has no clue whether there will be a reward and what it may be.

Mr President, I trust you agree that this is really not much of an offer. The Liberal Party and other supporters of the 1994 package are like party A. They are trying to pass a test in the hope that China will behave in a certain way. In doing so they are prepared to sacrifice the democratic aspirations of the people of Hong Kong. Is the price of Hong Kong's democratic desire so cheap that we are prepared to give it up in exchange for nothing in return? Mr President, I say not.

I suspect those who are prepared to sacrifice democracy do not themselves believe in democracy. They do not really believe in an authentic representative system of government. Many of them think the functional constituency system to be a very good one. They believe this system prevents free lunches, but in reality not only is the functional constituency system inherently anti-democratic, it is profoundly damaging to Hong Kong because it promotes sectional interests at the expense of social cohesion. It actively encourages deal making based on private interest instead of regard for what is in the public good.

Given the preponderance of functional constituencies in this Council, exacerbated by the Liberal Party's proposal for the election committee to incorporate some functional constituencies as the electoral base for the election committee, this means that deals can be done against public interest by horse-trading between functional constituencies' representatives. In that sense, I suppose it could be said to reflect pretty accurately the system the Liberal Party and their supporters in this Council want to perpetuate. In this system, the public does not get a look in.

On the issue of corporate voting, given that the company is an artificial person, it can be used as a cloak for a natural person by incorporation.

None of the proposals for having the vote exercised by a single director or directors cures this problem as the controlling power behind the company can simply appoint dummy directors to do his or her bidding. The Honourable Jimmy MCGREGOR has already pointed out how the Liberal Party's proposal in effect names electors. He cited the Transport Constituency. I would also like to add my voice to his concern.

I read from the Liberal Party's amendments that these electors include Polly Ferry Company or the Export Fortune Limited or the Coral Sea Ferry Services Company Limited. Were they really just picked out of the Yellow Pages, as Mr MCGREGOR suspects? This sort of selection of electors is farcical but it could also be said that by actually naming electors like this, if it is not corrupt in intent, it may be corrupt in effect, because by enfranchising named

electors this way, it is like buying votes. I give you a vote in order that you may vote for me. Or come election time, I give you your vote so remember to vote for me. Furthermore, the potential size of the electorate based on one company, one vote, or alternatively up to six votes per company, is really very small.

Mr President, this really is all extremely undemocratic. As for arguments about the sacredness of the Basic Law, let us remind ourselves of a few articles in this sacred document. Article 17 empowers the Standing Committee of the National People's Congress to invalidate Hong Kong legislation and let us not forget what is the National People's Congress. It is a political body dominated by the Chinese Communist Party. Article 18 empowers the Standing Committee to apply China's national laws to Hong Kong if there is "turmoil in Hong Kong". And let us not forget what happened last December when a senior Chinese official described the gazettal of the first electoral provision Bill as man-made disorder. So turmoil can have a very flexible meaning. Article 19 exempts the undefined acts of state of the Central Government from the jurisdiction of the Hong Kong courts and Article 158 gives the Standing Committee the power to interpret the Basic Law.

This is all pretty bad. Where is our high degree of autonomy? It is necessary to amend the Basic Law so that it properly fulfills the Joint Declaration. Why are the Liberal Party and some others in this Council so afraid of calling for the amendment of the Basic Law? Is it because they fear that China can make it even worse? And do they really think that if we were obedient and not ask for democracy, not ask for open government and not ask for human rights protection, then we really could have the high degree of autonomy based on an unsatisfactory Basic Law? No, Mr President, let us vote for democracy today. Let us place our trust in the Administration of Hong Kong, in the hands of the people of Hong Kong.

MR MOSES CHENG: Mr President, today a great volume of dialogue and diatribes fill this Chamber in what many commentators consider a momentous occasion. Yet popular opinion and recent polls consistently reveal that most of the public consider today's debate to be little more than an anticlimactic conclusion to the chaos that has characterized the Patten reform proposals.

The issues in the cross-fire are no longer limited to Governor PATTEN's 40 proposals. The stakes have been raised by mainland's concerns and specific responses and it is both irresponsible and incomprehensible to go forth in deliberate defiance of the letter or spirit of the Basic Law. After all, do we really want China to obey only the technical letter of the negotiations and ignore the spirit of them when it comes down to our Basic Law? It is time for our differences to be narrowed and resolved to preserve the protection of our way of life and the stability enshrined in the years of negotiations and agreements affecting transition to date.

Those who urge us down the path of short-term thinking either have little at stake in Hong Kong's future or are blissfully living in denial of the reality before us. Hong Kong has nearly three years left until our contracted date with destiny and we have yet to tackle some of the most pressing and fundamental concerns of transition, such as localization of the law and extension of foreign treaties. The Patten Administration has shown little ability to focus on the fundamentals of this historic transition, instead favouring promotional gimmicks aimed at gaining prestige for proposals that have no place in Hong Kong's future. Such a fruitless exercise in futility has about as much relevance to the real lives of everyday citizens as a proposition for an independent Hong Kong seat at the United Nations.

There are even idealistic Members of this Chamber, who given the opportunity to debate such a fanciful distraction would likely be led to do so. Only children are given licence to live in a world of superficial consequences. Responsible adults, and indeed community leaders, are obliged to assess and understand the consequences of their actions. Each of our policy actions has a consequence, positive or negative, and we do the people of Hong Kong a great disservice by understating the consequences of this legislation.

We are not children, we are community leaders who will be held accountable for our ability or inability to preserve our institutional strengths and way of life through the transition to Chinese sovereignty. For the Governor and his colonial colleagues such a dismissal of the consequences may be expected. He and others will watch the consequences unfold on the BBC or CNN, comfortably retired, half a world away. His future stake in Hong Kong is so peripheral that I most naturally question the Administration's capacity to even-handedly assess consequences which have little impact on them personally.

I contend, Mr President, that the public expects us to recognize the futility of debating dead-end solutions. What the people clearly want is leadership that can manage a smooth transition with minimal disruption to their institution and way of life. What they have gotten in recent years is an overdose of personality posturing and petty politicking. Most objective observers have measured significant discontent over the Legislative Council's inability to pragmatically concentrate on matters that affect people's everyday lives, now and after 1997.

The consequences to bear for circumventing the Basic Law and the autonomy, rights guarantees, and an imminent universal suffrage it includes, are simply too great to recklessly risk on short-term objectives or political ego. It is imperative that we are honest with ourselves about the ramifications to our stability, prosperity and continuity. The alternatives to the 1994 package offer for our long term nothing to gain with a seemingly bottomless downside risk. Today's vote is between pragmatic long-term planning or philosophical notions predestined for failure which have been the hallmark of the reforms debate.

Once upon a time, the policy of the United Kingdom was that the best interests of Hong Kong rested with British and Chinese convergence and a gradual implementation of democratization. The Basic Law and Joint Declaration document it and set forth a timetable for this implementation and I, like most people of Hong Kong, support this step-by-step approach. The bizarre, about-face philosophy that compels the Governor and many legislatures to jeopardize and undermine the democratization plan already in place at the eleventh hour for the sake of immediate political gains is wholly unsound.

By contrast, our proposals are meant to restore sound thinking to the long-term outlook. The 1994 package offers pragmatism as an alternative to the chaos and undefined vacuum of power that are the logical result of the short-term plans destined to failure. There is no valid reason to vote for a short-term philosophy, ignoring the shock to the system it would create when a plan to engage the future with practical thinking is now before us.

When the Administration beckons us to abandon a sober vision of our long-term interests and ignores the consequences short-sighted thinking will bring, they assume about as much risk to their interests as a compulsive gambler who comes to Happy Valley Race Course prepared for a big night with another man's wallet. Other proposals reflect a simple and fatalist understanding of risk and benefits. At the end of the day, these proposals are flawed by offering nothing that is real, substantial and above all, enduring.

For those of us who intend to remain in Hong Kong and dedicate ourselves to making the long term more open, stable, prosperous and peaceful as we integrate with China, the 1994 package offers the best path to progress. Hong Kong people neither need nor desire a revolutionary shift in their electoral programme, so much as a progressive implementation of democratization. The former, as proposed by the Governor, Miss Emily LAU and others can at best lead to chaos where China fills in the blank. The latter put forward by the Liberal Party and our pragmatic colleagues, broadens our immediate foundations and extends bridges into the future.

I urge that this Chamber comply with the people's desire to preserve and protect their way of life with reasonable assurances in place. This calls for us to choose legislative responsibility over being fearful reactionaries and looks toward a co-operative future with confidence.

Thank you. Mr President.

MR MICHAEL HO (in Cantonese): Mr President, I believe in democracy, hence I will go for the most democratic proposal. My choice has nothing to do with the political party I join or indeed our party discipline but rather my own political conviction. And it is out of this conviction that I joined the United Democrats of Hong Kong.

I am going to support Governor PATTEN's package today but that does not mean that I support Mr PATTEN. I do not believe that the British Government or Mr PATTEN, whom the British Government sent here, will broaden democracy on behalf of the Hong Kong people. I do not buy that.

When I went with my friends from a political group, Hong Kong People Saving Hong Kong, to the United Kingdom in 1989 to lobby for the right of abode for the Hong Kong people, I encountered twice face to face the ugly look of many British politicians. These politicians did not care about Hong Kong at all. I do not believe for one moment that the British Government would do anything to promote democratization in Hong Kong. Mr PATTEN is definitely not a democracy fighter. His mission in Hong Kong is to prepare for a glorious retreat for the British Hong Kong Administration or to ensure that Britain will be able to leave Hong Kong in a less humiliating manner. During Governor WILSON's days, the British was at China's beck and call and kowtowed to China all too often. It is the British Government's policy to save some face in the last few years of its rule in the territory so that it would not be leaving in disgrace.

I am sure that the British Government would not help Hong Kong build up a democratic system. We Hong Kong people must strive for democracy ourselves. It is explicitly provided in the Sino-British Joint Declaration that Hong Kong people are going to rule Hong Kong with a high degree of autonomy. Except defence and foreign affairs, all other matters should be left to the people of Hong Kong to decide. The political development in Hong Kong, as a matter of fact, has nothing to do with defence or foreign affairs. This is precisely a matter that should be decided by the people of Hong Kong and indeed by us, the legislators, today in this Chamber.

Hong Kong is well placed to develop a democratic political system. Dr YEUNG Sum has already stated the case clearly just now. Since the 1991 elections, the three-tier representative government has become sophisticated particularly in the last two years and people's political awareness has also increasingly heightened. In the past, Hong Kong people simply did not know what was discussed in the Legislative Council nor did they care about, say, the agenda of the Finance Committee or whether or not the fund for the airport was approved. We saw tremendous changes after the 1991 elections. I recollect that when we ran for elections in 1991, apart from a few prominent political figures, the public had no idea of the names of the political parties or who represented which party. But today, we found that even some grannies who called up in the phone-in radio programmes have a good grasp of Hong Kong's political system, the political parties and other livelihood affairs. It is no doubt that Hong Kong people's political awareness has been rising.

We should give the people a chance to take part in the development of democracy. Should we deny them of the chance, as what we have done before, they will not be able to grow up through participation. I think it is not an overstatement to say that the democratic efforts in aggregate over the last

hundred-odd years in Hong Kong are no match for the phenomenal political development and the high political awareness among the people as evident in the last two or three years.

Mr Moses CHENG has mentioned just now that responsible adults are obliged to assess and understand the consequences of their actions. He is entirely right. We should be responsible for what we have done. We should be accountable for what we map out for the future of Hong Kong. Therefore, we should go for the most open, the most equitable and the most democratic proposal. Only a simple-minded child will pick what he wants regardless of whether it has any real use.

The Chinese side has categorically stated that whatever proposal we are going to pass today, the three-tier representative government will definitely be reorganized in 1997. This means that the 1994 package put forward by the Liberal Party will not be able to survive after 1997. Then why should we mislead the public and give them the wrong impression that, with slight modifications to the existing structure, the representative government would be retained and thus social stability could be maintained?

Since the three-tier representative government is bound to be reorganized, I go for the most democratic proposal. I do so on the grounds that if the most democratic one is selected, we may gain some time and space to allow Hong Kong people to have some political participation and gather relevant experience in the coming three years. In this way, Hong Kong people will acquire more knowledge about the way how democracy works and have greater participation and more experience on that front.

I am going to move an amendment later to have the registered chiropractors placed under the Medical Constituency. I shall then give a detailed account of my proposed amendment. Furthermore, I am against the Administration's proposed amendment to rename the Health Care Functional Constituency as Health Services Functional Constituency.

Mr President, these are my remarks.

MRS SELINA CHOW: Mr President, after almost four hours of heavy debating, perhaps it is time for some comic relief.

Imagine a plane coming over the horizon, a plane marked "PATTEN's Party". Out jump paratroopers wearing T-shirts marked UD. As they jump their parachutes open and on each it says "our package". They landed between two stools, their parachutes having collapsed after the fall. On the left is a stool marked "60 directly elected seats" and on the right, one that says "1992 package". One certainly cannot call that fence sitting. It is a case of the triple stools, a consequence of the innovative invention of the triple bottom line so that when one seat fails, the other two will hold. What it boils down to is, pass the

democratic buck to our Governor. So will someone tell us who is this party really working for?

It is just as well that the better, or is it worse, half of the yet to be formed, or is it already formed, democratic party Meeting Point. The Meeting Point is not represented by its chairman in this Council. Or he will need to apply the greatest eloquence to steer him out of the position he declared on 4 February in 1993 in a personal interview that the Basic Law did not rule out democracy. And on the question of constitutional development, it seemed to take in continuity as well as development, because no one wants to see revolutionary changes before or after 1997. But when it came to voting on the Committee stage amendments proposed by his sister party to facilitate the UD package, his eloquence will still come in handy, I suppose when he is called upon to explain his position on the Basic Law, as the Hong Kong adviser.

The undisputable style of the show however, is the architect of the 1992 package who has taken Hong Kong by storm with his intellect, charisma, oratorical skill and his feel for battle. The last quality, in particular, shines ever so brightly in Hong Kong, which has enjoyed peace time for far too long not to notice the impact. When the generalissimo opens his mouth, he does so to wipe out the enemy, real or imaginary. His problem is, he is never quite sure where his enemies are for this battlefield is nothing like the one back home. Little did he know that the secret of his predecessors' happiness was to transcend themselves above the scene of the fighting and look down with a smile and an air of positive non-intervention.

In any case, this is not the sort of life that he is cut out for. After all, he is the politician of Hong Kong, with a capital P, and a reputation he more than lives up to.

His huge army of lobbyists, however, is not enjoying their assignments quite as much. After all, the 1992 package is hardly motherhood and apple pie. The arguments do not seem to go down well at all with normally easy going Members. Why do they refuse to believe that the Civil Service will be a more efficient one and the civil servants a much happier bunch if more democrats are returned to the Legislative Council? Why do they keep on querying the practicability of the nine new functional constituencies? And why is there no end to embarrassing questions on the continuity of systems beyond 1997? And why are the surveys not terribly helpful? If only the clock can be turned back to the beginning of the cycle when the public and the new Governor then were still enjoying their honeymoon.

Then there is the nuisance of the 1994 package. If only it was just the idea of the Liberal Party, but the problem is that it was more than that. The "Breakfast Party" had its hand in it and because of that they have persuaded others to join in, and dare I say the conspiracy to overthrow the 1992 package. This is, of course, unacceptable, unthinkable and unallowable. Send for the lobbyists, turn on the heat, tighten the screws, wine and dine them, brief the

press, summon them to the Government House, call them on the phone every hour on the hour, brief the press again, crack the whip. Look in — twist their arms, twist their arms harder, while at this point, I take my hat off to those individuals in this Chamber, who shall remain nameless, for sticking to their guns and their principles in spite of the unbearable pressure put on them during the course of this exercise, particularly in the last two days.

Their strength, and ours, come from the belief that the 1994 package will achieve the dual purpose of moving democracy one step forward in a realistic situation of Hong Kong while least jeopardizing a smooth transition. Among all the proposals put forward, this, we are convinced, is the most beneficial to Hong Kong. A smooth transition may be of little value to our dear Governor who is taking off on his British Airways jet, hopefully from the new Chek Lap Kok airport on 30 June, exactly three years from today. But it means life and death to the 6 million people whom he leaves behind.

Vote for the 1994 package, but whichever way you vote, I ask you to vote hand on heart. Do not close your eyes to your conscience or it will haunt you for the rest of your life.

MS ANNA WU: Mr President, what does a vote mean? It means the right of an individual to make a choice, the right of an individual to take a decision. It means the articulation of that individual's choice and that decision. Collectively it represents the articulation of the thoughts of a community and the destiny it wishes to pursue.

A universally accepted principle of articulation is to give each person the right to a vote and to give every vote the same value. This is said to produce the clearest expression of a community's wish and is assumed to be the most equitable system.

Yet whenever "one person, one vote" is discussed in Hong Kong, there are people who appear to be gripped with horror and frightened to death. They would warn us about the immaturity and the inexperience of the public and argue strongly against "overnight change," urging instead the so-called step by step — do not rock the boat approach.

In fact, Hong Kong seems to excel in the step backward approach. The OMELCO consensus starting with half directly elected Members in 1995 evolving into a wholly directly elected Chamber in 2003 was arrived at in 1989. The advocates of safe politics including our Government have spent most of their time and energy talking Hong Kong down rather than talking Hong Kong up from that consensus.

The theory seems to be that politics is a dangerous commodity, to be handled with care, and that voting is not a right, but a privilege to be earned. The masses must be educated, and must prove that they are worthy of the vote

before they are given that responsibility. The harder the masses are made to learn, the longer it takes and the more mature the masses will become.

Such advocates of safe politics say we should only practise consensus politics, which is translated into an obstacle race. Political rights, they say, should not be made easy, they should be hard earned and the harder the better.

Thus in the name of consensus politics, non-adversarial politics, do not rock the boat politics, realistic politics, safe politics, the thinkers and tinkerers of our Government embarked on what I would call “bound feet” politics.

They seem to say: Let us not be too ambitious, let us take only a small step at a time, let us hobble along, let us use crutches and not exercise our leg muscles too much. Then, after 10 or 20 years of this, maybe we can think of taking the next small step, but let us not remove the bindings on our feet, because otherwise we might fall.

Indeed ever since day one, rather than giving us the opportunity to exercise our civic responsibility and to learn to lead, we have been bombarded with admonitions of what should not be done. We spend more time speculating about what we cannot or may not do than what we can achieve together.

The community has become lifeless in the process. We have become docile. We have become a model of self restraint worrying about ghosts and phantoms.

On this day of all days, we are supposed to feel spirited, spirited that we have been given a rare opportunity to articulate our thoughts as to how Hong Kong should be governed and how our home should be built. Yet, I am tremendously saddened by our reluctance to aim high and our willingness to lower our bottom line, if there ever was one. Our Government in particular has lost the spirit to stand up for what is right. Our political dictionary has been enlarged by the word “durable”. It seems to have replaced the word “convergence”.

Today of all days we should be chastising our Government for offering us so little and for giving us such an illusory package. Today of all days we should be pouring scorn on the Government’s so-called accountability to the Legislative Council. Where is accountability if the Government is executive-led and is not elected? How can it call itself fair and open if it uses executive prerogative to disallow debate in the Legislative Chamber?

None of the proposals before us today offers us democracy. There is no democracy unless the Government, both the legislative and the executive branches, are democratically elected.

Given these limitations, ladies and gentlemen, I urge you to vote for the least undemocratic proposal on offer, power should be shared and not withheld.

Mr President, in response to Mr Moses CHENG's words, I must say the children under the United Nations Convention are entitled to have family life, education, leisure and play. Why? Because they have to take the responsibility for the promotion of their future family, their culture and human rights. And for our children we must vote to give them their rights.

Thank you, Mr President.

MR LEE WING-TAT (in Cantonese): Mr President, quite a number of Members have talked about history today. I, too, would like to talk about history. I would like to testify to Hong Kong's democratic movement. Strictly speaking, the constitutional package that we are discussing today is not a package attributed to Mr Chris PATTEN, or to the United Democrats of Hong Kong, or to Miss Emily LAU.

In post-war Hong Kong, there were at first the strikes and disturbances of the 1950s and the 1960s, which were due to external political influences. Then there were the student movements of the late 1960s and early 1970s, which were spontaneous. Many of my former school-mates seated here today, and many of my colleagues seated here today, probably participated in the movement for defending China's rights to Diaoyutai Islands and the movement to make Chinese a statutory language in Hong Kong. Students, workers and ordinary citizens also participated in the movement to oppose corruption and apprehend Peter GODBER. All these were spontaneous popular movements in the history of Hong Kong. They were movements for assertion of rights and for democracy. In fact, the entire decade of the 1970s was a decade of student movements and movements of pressure groups. They were movements to win rights and benefits for the lower classes and movements for human rights, for the rule of law and for democracy. Participants in these movements made sacrifices. In the movement to oppose corruption and apprehend Peter GODBER, students and workers were assaulted by police superintendents, detained or arrested. In the 1979 incident of boat dwellers, 12 students, social workers and religious workers were arrested and convicted of unlawful assembly. In the history of Hong Kong's democratic movement, these were the people who practised what they preached by taking actions to defend the legitimate rights and freedoms of human beings. They did so at the risk of being assaulted and arrested and losing their freedom. But their sacrifices were not in vain. In the wake of the movement to oppose corruption and apprehend Peter GODBER, we saw the establishment of the Independent Commission Against Corruption. In the wake of the 1979 incident of boat dwellers, the Government made an unprecedented acknowledgement to the effect that the Public Order Ordinance violated human rights and had to be amended.

The Sino-British talks on the future of Hong Kong began in the 1980s. Very regrettably, the people of Hong Kong, as well as their representatives, were barred from participating. We did not have our own representatives to the talks, which were to decide our future. This was tragic. The Chinese Government at the time turned on the green light for Hong Kong's march into the future. This kindled the hopes of the people of Hong Kong, including the youths of those days, about the future SAR government. But then, regrettably, the Sino-British Joint Declaration failed to give full democracy to the people of Hong Kong. Its promulgation set many intellectuals and members of the middle class on a further quest for democracy. The direct elections of 1988 ensued. Beijing's suppression of the pro-democracy movement on 4 June 1989 was a watershed for Hong Kong's democratic movement. In its wake, we began to fight for a democratic Basic Law.

Hong Kong people's support for the movement for democracy did not begin with Chris PATTEN. If we look up history, we will find that many people — many of our brothers and sisters, many of our friends and many of our colleagues — have been taking the road of democracy. What happened to the pro-democracy movement in China in 1989 was a rude awakening to the people of Hong Kong. We realized that, when we talked about Hong Kong's reversion to China, we were really talking about returning to a totalitarian state. The people of Hong Kong realized that Hong Kong's democracy was inseparable from China's democracy. Hong Kong people's yearning for democracy has grown stronger since. The outcome of the 1991 elections and the findings of successive public opinion surveys in recent years showed that the people of Hong Kong wanted there to be democracy in Hong Kong soon. The latest survey, conducted by Mr CHUNG Ting-Yiu of the University of Hong Kong, finds that 40% of the respondents are in favour of all Legislative Council seats being directly elected and that another 40% are in favour of half of the seats being directly elected.

Mr President, in talking so verbosely about what I think the history of Hong Kong's democratic movement is, my purpose is to tell Members that we should positively evaluate the role of the people of Hong Kong in the movement for democracy. We should positively evaluate the sacrifices made by our Chinese compatriots — including students, workers and intellectuals — in China's pro-democracy movement of 1989. As Chinese, we must give thought to the question of how we should face the future. What should we do in the days to come? My conclusion is quite simple. Our movement for democracy was not started by the Governor. It was not brought here by Mr Chris PATTEN. Hong Kong's democratic political system is not brought about by the UDHK, the Meeting Point or by any individual Member like Martin LEE, SZETO Wah or Emily LAU. The movement for democracy is everybody's movement. It belongs to the citizenry.

Mr President, I am now raising three issues from which we should not evade.

First, the course of political development in recent years has given us a clear message: If there is no democracy in China, then there will surely be major constraints on the development of democracy in Hong Kong. China's economic reform began in 1978 and has since made significant progress. But China's political system is still not giving our Chinese compatriots freedom, the rule of law or other things to which members of a democratic society are entitled. I feel that it is impractical for us to expect that Hong Kong will be all right and will have a fully democratic system next to a totalitarian state. We should not ignore reality, which is that, unless China itself is headed in the direction of democracy, the development of democracy in Hong Kong is bound to be limited.

The Chinese Government often charges that those in Hong Kong who pay close attention to the movement for democracy in China are trying to subvert China. I often tell myself this: I am a Chinese now and I will remain a Chinese after 30 June 1997. Under the Chinese Constitution, we have the right to participate in state affairs and to elect deputies to the National People's Congress so that they may participate in the government's decision-making. I cannot see that supporting democracy, supporting the position that we should be able to practise our constitutional rights, is a subversive act.

The Chinese Government often says that the democrats in Hong Kong intend to change China's system. Frankly, what is wrong with changing the system if the change will not only allow our Chinese compatriots to continue with economic development but also give them more human rights, more freedom of expression, due safeguards and the right to elect their own representatives to run the country? Why do some people equate such change with "subversion" and with disturbance? The Chinese Government says that many democrats in Hong Kong want to bring about a peaceful evolution in China. What is wrong with such evolution if it results in more rights for the Chinese people? Does the Chinese Government want us to start a violent revolution? Frankly, I have never thought about doing so.

There is a second issue which we should not evade. Despite China's strong economic growth during the past 16 years, political control in China is still very tight. In China, not only participation in the political process but also the freedoms of expression, of assembly, of demonstration and of association are tightly controlled. If we disregard such controls and constraints, we will be giving the impression that we in Hong Kong care only about the economy and about money while paying no attention to what is happening in China. I hope that, in China, as the economy grows, people will begin gradually to participate in national and social affairs. I am worried that Chinese leaders, or the Chinese Government, will not confine political controls to China itself but seek to extend them gradually to Hong Kong as well, thus bursting the bubble of what we call "one country, two systems" and "a high degree of autonomy". This worry of mine is not unfounded. It is not a far-fetched worry. In recent years, particularly after the pro-democracy movement of 1989, we have seen, in the case of the Court of Final Appeal, in the case of press freedom and in the case

of the constitutional debate, that the Chinese Government will not allow a democratic and free Hong Kong to exist next to China.

There is a third issue. Hong Kong will change if the PATTEN package is passed. Mr PATTEN has proposed changes in the political system. Are these major or minor changes? The answer depends on how one measures them. They are of course minor changes if one compares them with the goal of having all 60 Legislative Council seats directly elected. But they are major changes if one compares them with the present state of affairs. First of all, we note that, despite our differences in this Council, we are today free to decide, solely on the basis of our conscience and our convictions, what kind of an election system Hong Kong should adopt in 1995. Our exercise of such autonomy is unprecedented. Secondly, if the Patten package is passed, there will indeed be major changes in the composition of this Council.

Mr Henry TANG has published an article in the *Hong Kong Economic Journal* stating that, if the Patten package is passed, Hong Kong will face immense difficulties. He says that, then, there will be lots of free lunches. The Liberal Party, too, is worried that the resultant system will be a miniature socialist system. Will this really happen? Actually, no. The Patten package and the resultant system will not turn Hong Kong into a socialist society. The package will do no more than open to the public those seats which are heretofore appointed or elected under restrictive conditions. We want change. We want those proteges of the British Hong Kong Government who want office to run for it through the election process, to win the trust and support of voters and to be accountable to the public. Regrettably, Members from the Liberal Party do not have the courage to face this change.

Mr President, when we talk about political development, we should make some assessment as to what the future will have in store. My own assessment is that our democratic development will probably continue to be very slow during the period from 1997, when the Basic Law comes into effect, to year 2003, or perhaps during a longer period. Democratic elections will perhaps be constrained by many rules, such as a rule requiring the use of the multi-seat single-vote system and a rule requiring the prescreening of candidates. If our assessment is accurate, then the Patten package, supposing that it is adopted for 1995, will not have a chance of being used again for a long time after 1997. Secondly, I expect that those Legislative Council Members who are considered to be subversives by the Chinese side will have to leave the through train on 1 July 1997. China will make them do so as a blow to the democrats.

Finally, I would like to explain why we will not be sorry to support the 1994 Bill despite its having a life of only two years. My own assessment is that we will not be facing a great deal of social tranquillity after 30 June 1997. There will be interminable conflicts between the Chinese Central Government and the Hong Kong SAR Government, between the democratic yearnings of the people of Hong Kong and the Chinese Government's controls. We will be facing interminable turbulences and struggles. We are insisting on a

democratic political system because we have made a pragmatic assessment of the future. Since we expect such a situation to arise, we should not run away from it. Let us face that challenge with the rest of the people of Hong Kong!

Mr President, Karl MARX talked about social development. He talked about evolution from the primitive society to the slave society, to the feudal society, to the capitalist society and finally to the socialist and communist society. In the slave society, the relationship between a slave and his master could not be questioned. The slave must always obey his master. Today's vote is not merely a vote of conscience. It is also a test to see if we will vote on the basis of our conscience and our independent thinking or if we are slaves who know only how to please their masters.

1.13 pm

PRESIDENT: I now suspend the sitting until 2.00 pm.

2.08 pm

PRESIDENT: Council will resume.

DR HUANG CHEN-YA (in Cantonese): Mr President, we all know that the chance of passing the amendment for 60 directly elected seats today is indeed very small. What we will most probably be adopting is only the semi-colonial and marginally tolerable political system proposed by Governor PATTEN. This is the sad reality that the people of Hong Kong have to accept. What a pity that a globally admired city where popular education is implemented, the economy is prosperous and the practice of the rule of law is successful should have found it impossible to set up a genuinely democratic political system and has to settle for something inferior. However, it is only outrageous that some people should find this very limited degree of democracy unacceptable and oppose it.

Mr President, the amendments to be proposed by the Liberal Party in fact try to seek convergence with the Basic Law by making compromises. Mr President, it is indisputable that the people of Hong Kong generally want a higher degree of democracy. The Basic Law was formulated entirely by an ultra-leftist Beijing government without the consent of the people of Hong Kong. While the Basic Law provisions concerning Hong Kong's political arrangements are particularly conservative and outdated, it seems now all the more obvious that they are out of touch with the current situation of Hong Kong. They simply fail to keep abreast of the demands of the people of Hong Kong and their maturity in politics. Therefore, the Basic Law should be amended. The Basic Law's arrangements for our political system have defiled the opinions of the Hong Kong people. The Liberal Party's amendments set out

to compromise for apparent compatibility with the Basic Law. Nevertheless, they are indeed telling people that not only have they to be raped, but also to succumb to it with a smiling face in order to reduce the physical and psychological trauma. A member of the Preliminary Working Committee (PWC) has said that if one is to be raped anyway, then why not try to enjoy it. Although this PWC member is not a member of the Liberal Party, his mentality is virtually the same as that of the Liberal Party. This is why the Liberal Party has alluded to China's might and advised the public to face the reality by not putting up any resistance. If the Liberal Party has any morality or principle, it should support a political system really coveted by the people of Hong Kong.

The Liberal Party has indicated that they are simply being realistic and if their amendments were passed, then the through train will not be derailed. Indeed the proposer of such an argument must be oblivious to news reports, if not an idiot in politics, for the Chinese officials have repeatedly said that whatever package is passed today will be useless. They have asserted that the three tiers of representative government would have to be disbanded in 1997. Nevertheless, under the hallucination that the other party is willing, the Liberal Party is volunteering to bed with the party and offer to be molested and raped. It will only end up being discarded. Of course, if there are people who want it this way, they have the freedom to make such a choice. However, if they want the six million people of Hong Kong to join them in selling their conscience, this will be unacceptable to us.

Today, the Liberal Party has talked about the importance of the rule of law and that of a free economy, but when pressures are exerted upon it in the future, will it tell us to compromise out of the consideration for the general interest and not to put up any resistance nor utter a word of opposition? The room for Hong Kong's survival has constantly been squeezed. Recently, the Securities and Futures Commission of Hong Kong signed a memorandum of cooperation with its counterpart in Taiwan. The memorandum will not only ensure that products of the Hong Kong Futures Exchange can be traded in both Hong Kong and Taiwan, but will also strengthen the co-operation between the two places in monitoring and hence accord better protection to investors. However, despite the provision of Article 151 of the Basic Law that Hong Kong may on its own conclude financial agreements with foreign countries and regions, the interference by the Chinese Government has resulted in the signing of this co-operative agreement being delayed. And the Liberal Party has so far not uttered a word about it. Is it again because of the need for co-operation that we should not put up any resistance and should instead turn a blind eye to the loss caused by the interference?

In the future, China will deploy the People's Liberation Army (PLA) to garrison Hong Kong. It has often been heard that there are black sheep in the PLA who frequently clash with public security officers. The people of Hong Kong are concerned that similar problems may arise in Hong Kong in the future. Will the Liberal Party again tell us not to resist nor utter a word if such problems do arise?

MR ALLEN LEE: A point of order, Mr President.

PRESIDENT: A point of order, or a point of elucidation?

MR ALLEN LEE: Assumptions.

PRESIDENT: I am sorry.

MR ALLEN LEE: Such as “(in Cantonese) the PLA garrison in Hong Kong. The Liberal Party would not care should there be intervention”. This is not only an assumption. Would you allow them, Mr President?

PRESIDENT: There are only three points that you can take, Mr LEE; a point of order which this is not, a point of elucidation which is up to Dr HUANG, or a point of clarification where you wish to clarify a misunderstanding.

MR ALLEN LEE: I wish Dr HUANG to clarify on what basis are such allegations made by him.

PRESIDENT: Dr HUANG, it is up to you whether you elucidate.

DR HUANG CHEN-YA (in Cantonese): I have only raised a question asking the Liberal Party what it will do. I have not said what it will do. Mr President, may I continue?

Many Hong Kong businessmen have been illegally detained in China. This problem has added an unreasonable risk to normal business activities. If the Hong Kong Government does not put up a firm resistance in protecting and safeguarding the legitimate interests of the public now or in the future, then how can the personal safety of the people of Hong Kong be guaranteed? And how can there be any chance for creation of wealth?

The democrats in Hong Kong have always adopted a moderate, peaceful and sensible attitude in their strive for their goals basing upon reasons and have held fast to their stance in defending public interests. However, even these peaceful and reasonable endeavours have been regarded by some people as confrontational. They think that the demand for even a pitifully tiny bit of democracy by the people of Hong Kong will irritate the ruling authority and is therefore most treacherous. Therefore, the Liberal Party's call for compromise and non-resistance, two things which have been set down as its principle, is in

essence a call for an ever compromising attitude on the part of Hong Kong people. The interests of the people of Hong Kong will only be gradually eroded and sacrificed until there is nothing left.

Mr President, today we have heard some people say that we cannot be too pushy if we want to have a smooth transition. Even an old lady whom I once held in high esteem has made reference to the same idea of gradual progression. I was utterly distressed to have heard her say so. I can only say that the colonialists have been very successful in that its followers are just like the victims of a vampire who after being attacked would become vampires themselves and continue to suck other people's blood, so much so that some Members of this Council have looked down on the people of Hong Kong as being inferior to white people and concluded that they are only fit for being governed, instead of seeing them fit for enjoying democracy.

If the governments of the United States, Canada and Australia say that immigrants from Hong Kong should not have the right to vote, we will surely say that they are discriminating against ethnic Chinese. But why do we debase and discriminate against ourselves in our own place by considering ourselves to be unqualified for full democracy? When full democracy was instituted in western countries like Britain, the United States, France and so on, their gross national product, living standards and education levels were far below those of Hong Kong today. But they embraced democracy without the smallest hesitation. Given Hong Kong's current education and moral standards, can we say that we lag far behind the white people of 200 to 300 years ago? What is this if not discrimination? What kind of inferiority complex and slave mentality is this?

Mr President, to those who want to be the "surviving courtiers" of the new or old colony, I call upon them not to hinder any more the progress of the Hong Kong people or the Chinese people in their march towards democracy, otherwise they will only end up in the rubbish heap of history.

Mr President, I am all along full of confidence in China. I am of the conviction that the current anti-democratic views in China have emanated from only a small group of ultra-leftists and the residual forces of the feudal and despotic regime. I therefore believe that we should act according to our conscience, safeguard the people's legitimate rights and interests, and strive for more democracy, instead of kowtowing and succumbing to the conservative thinking which runs counter to the historical tides of Hong Kong and China. I hope that Members will make a fitting decision today.

DR LAM KUI-CHUN (in Cantonese): Mr President, when Governor Chris PATTEN first presented his 1992 political reform package to this Council, I pointed out that our new Governor, who then had just assumed governorship, did not understand our local situation. He refused to take into account the viewpoints of the Chinese side. He lectured the Chinese leaders and then

proposed his political reform package in an arrogant manner. I said at the time that the proposal would come to a quick demise within one or two years and, at any rate, it would not survive 1997. It was obvious that Governor Chris PATTEN at that time was going to table his proposal with lightning speed, so as to present a *fait accompli* to force the Chinese Government to accept a unilateral package which is designed on the British and American political model. At the beginning of this year, I also pointed out that this proposal was divorced from reality. At the same time, the dual tactics to meet two different eventualities to be drawn up by the Preliminary Working Committee for the Preparatory Committee for the Hong Kong Special Administrative Region (PWC) are due to be announced very soon. It is impossible that the Chinese Government will accept a political reform package which ill fits Hong Kong. It is actually tailor-made for the radical democrats and is strongly objected to by the Chinese Government.

If we regard Governor PATTEN's 1992 package as a tumour, then the development between 1992 and 1994 will make me diagnose it as a malignant tumour which has to be removed as soon as possible. It will be too late if we wait to perform the surgery until 1997, when cancer cells will have spread to the entire body. During the period when the Governor was working out his political reform package, the western world looked at the political development of Hong Kong in the following way: With the downfall of the authoritarian governments in East Europe, the stability of the Chinese regime would be undermined and a power struggle would emerge in the political scene of China once the senior patriachs lost control. Concurrently, the economy of China would become overheated and on the verge of collapse. So the Chinese Government would have too much on its own plate to pay any attention to the political situation of Hong Kong. The British and American Governments hope that the Governor can, by making generous appropriations on the welfare front and holding aloft the banner of democracy, do whatever he likes. They hope to create a *fait accompli* in 1995 so that the political system established in 1995 would straddle 1997, and the British residual power in Hong Kong would then be free from Beijing's control. By that time, Hong Kong would become the bridgehead to overturn the last and the largest communist regime. This hope is reflected clearly in the former British Prime Minister's memoirs. This, coupled with the construction of the new airport and the West Kowloon Port, would enable Britain to achieve a "glorious retreat". It is a pity that so far everything has gone against the Governor's wish. A number of developments, as listed below, have emerged one after another:

(1) The Chinese economy is going from strength to strength like a rising sun. A number of authoritative international economists are conceding that the economy of China will continue to grow to make China the world's number one economic superpower around 2010;

(2) In China, no matter whether it be at central or regional levels, decision-making is no longer confined to one person who wields the highest authority; rather, a group of five or six senior officials make collective

decisions together. This greatly enhances the stability of the governing structure. The general view now held by most mainland politicians is that the passing away of one or two national leaders will not lead to major upheavals in the political scene;

(3) The people of Hong Kong are no longer chasing after hollow democracy. They have switched their attention to stability and prosperity. According to the data published by the Asian Commercial Research Limited in the middle of this month, the support rate for Governor PATTEN's package has plunged from a high point to the recent 11.5%. About three-quarters of those who hold political views hope that appropriate amendments be made to Governor PATTEN's 1992 political reform package. The 1992 package is steadily losing the people's support and faring miserably just like the way the British Conservative Party, to which Chris PATTEN belongs, and the British Prime Minister are faring;

(4) Reacting to Governor Chris PATTEN's provocation, the Chinese Government established the PWC out of self-defence instinct. That was only a natural and sensible response. From the words and the actions of the PWC, it can be perceived that the governing structure as proposed in the reform package will be terminated in 1997 and another stove will be set up. If Governor PATTEN's package is passed and the Legislative Councillors returned by the 1995 election are radical anti-China elements, I reckon that the possible strategy of the PWC will be to refuse to recognize the legality of the laws enacted between 1995 and 1997, whether or not the political system is "operating well". By then, the Hong Kong Government will transform from a "lame duck" into "a duck with no feet". A major upheaval is expected on the political stage of Hong Kong in 1997.

With these four new trends emerging, the Secretary for Constitutional Affairs still insisted in this Council two weeks ago that the system as proposed in the 1992 package would not be dismantled by the Chinese Government in 1997 since the system would "operate well". He was deceiving both himself and the people of Hong Kong. The role of the Secretary today is somewhat similar to that of the cult leaders who appear quite frequently in recent years. They have to tell lies knowingly for fear that their future will be blighted and their followers will go away if they do not steadfastly stand by what they have said. Therefore, they can only speak against their own conscience. Ai Gong, the feudal prince of the State of Lu, was quoted in the famous historical commentary *Zuo Zhuan* as saying: "A clever bird chooses the tree to nest, a good officer chooses the boss to serve." This time, the Secretary

PRESIDENT: You should not refer to the character of a public officer. I should remind you of that point of order.

DR LAM KUI-CHUN: Mr President, I am addressing a post and a speech made in this Council.

PRESIDENT: Just be careful.

DR LAM KUI-CHUN (in Cantonese): I suggest to the Secretary that he should not be indiscriminately loyal this time and he should not do something a good officer will not do. I advise him to stop telling lies knowingly in his reply to be presented later tonight. He should cease to deceive the people of Hong Kong by acting as the mouthpiece of an ignorant ruler.

Now that the laboriously reached through train agreement has been overturned by the Governor, who is courageous enough but not modest enough to listen to advice, the convergence of the political systems before and after 1997 is out of the question. Governor Chris PATTEN, under such circumstances, still put forward his political reform package which is destined to be stamped out after a lapse of 20 months and which will bring to Hong Kong great unrest. In a craze, he lobbied the Councillors to accept and pass his proposal, in the hope of creating more troubles in an already chaotic situation.

Governor Chris PATTEN was abandoned by his voters during the Parliamentary direct election held in the United Kingdom in 1991. This time, he has put all eggs in one basket, in the hope that he can then win some political mileage. It goes without saying that this is to pave the way for his future reappearance on the political stage of the United Kingdom. It is such a sad fact that he is actually staking the smooth transition of Hong Kong. From another point of view, the show he is staging here in Hong Kong is a scourge to the people. Going over China's history which stretches back thousands of years, we may note that the policies which are most praised are those which bring to the nation peace and to its people decent livelihood. The system advocated by the Governor as well as the package proposed by the radical democrats run counter to these policies which are praised throughout history. Even if the package is passed today, it will go down in history as a blunder.

Mr President, Hong Kong is an industrial and commercial society which needs a stable environment and a harmonious atmosphere. That is why we have a Chinese saying which goes like this: "amiability attracts riches". An unmodified 1992 package will only bring to Hong Kong political unrest and will spoil the harmony. The Liberal Party and the independent Members of this Council stand shoulder to shoulder and work hand in hand to formulate a compromise proposal which, though it may not be able to straddle 1997, can at least secure a stable transition.

A scientific opinion poll was conducted by the Liberal Party in the medical sector in the middle of this month. It was found that almost two-thirds of those who served in the medical sector supported the thinking behind the

amendment proposed by the Honourable Howard YOUNG while only 9.3% of respondents agreed with Governor PATTEN's package. The across-the-board opinion poll, not a referendum, conducted by Dr the Honourable LEONG Che-hung also revealed the medical profession's support for the amendment proposed by Mr Howard YOUNG. Among the 5.6% of doctors who returned the questionnaires, only a portion supported Governor PATTEN's 1992 package. Dr LEONG Che-hung said this morning that he believed the 5.6% of returned questionnaires were sufficient to represent the remaining 94.4% of medical personnel who did not return the questionnaires. I must point out that (1) anyone in his right senses will not believe that a questionnaire survey with a return rate of only 5.6% is representative in any way, but will rather question the credibility of such a "referendum"; (2) the data from a scientific survey show that a majority of the 94.4% of polled respondents who do not send back the questionnaires are opposed to Governor PATTEN's reform package. Dr LEONG described this morning how a doctor was feeling the pulse of a patient or a dentist was pulling out a tooth with one hand while holding a telephone with the other. It was alleged that they had given answers without apprehending the questions in the Liberal Party's survey. This is tantamount to accusing the doctors of answering without thinking, and is a kind of insult to the doctors in regard to their attitude of work.

The Liberal Party has conducted a comprehensive analysis on the answers obtained in the survey. It is found that those who oppose Governor PATTEN's reform package in one question also give negative answers to another question relating to Governor PATTEN's package, and *vice versa*. It shows that the respondents understand the questions, have their own standpoints and have thought over the questions before giving answers. Only a minority, at most, gives answers without understanding the question. It verifies the credibility of the Liberal Party's survey on political reform.

There is a considerable gap between the political system in 1991 and the design of the political framework in 1997. It is imperative to reform the political system before the election to be held in 1995. I support the Second Reading of the Bill but Governor PATTEN's package must be modified to make it consistent with the direction of the Basic Law.

Mr President, these are my remarks.

MR MAN SAI-CHEONG (in Cantonese): Mr President, democracy, freedom, human rights and the rule of law are what human beings aspire to. A democratic political system is the cornerstone of human rights, freedom and the rule of law. Ever since the signing of the Sino-British Joint Declaration in 1984, Hong Kong up till today has only had a limited degree of democracy. The implementation of "Hong Kong people ruling Hong Kong" is progressing at a snail's pace. It gives people the impression that the Hong Kong type of democracy is no more than a political flower vase, which is beautiful but not useful. It is but a beautiful slogan.

Today is a historic moment for Hong Kong because the Legislative Council will vote to decide on the future political system of the territory. Even though the electoral arrangement agreed today will be replaced by a new one after 30 June 1997, history will testify to what happened today. Members of the public can clearly see, throughout the process to gain democracy, which political party or which Member is hindering the development of democracy in Hong Kong and sacrificing the interests of Hong Kong people to secure their or his own political interests. Today, some Members seek to amend the Governor's political reform package to make it more conservative. This plainly reveals that those who move such amendments are sacrificing the political rights of most Hong Kong people in the interests of a minority. People with vested interests will continue to monopolize the decisions of this Council. Whether it be the 60 geographical constituency seats, or the 30 directly elected geographical seats, or the extended electoral roll for 30 functional constituency seats, all these proposals are aimed at giving the public equal rights to vote, enabling each person to be entitled to a vote either in his own district or by virtue of his occupation. The amendments to be moved by the Liberal Party only cater for the interests of a small group of people belonging to the functional constituencies. This is certainly not in line with the basic spirit of democratic universal participation.

Mr President, democracy is the best way to safeguard our economy and prevent corruption. An undemocratic political system will only increase the opportunities for dealings and hence eventually jeopardizing the stability and prosperity of Hong Kong. Hong Kong people have discerning eyes. They will understand that the result of the voting today will be evidence of the progress of democracy in the history of Hong Kong.

These are my remarks.

MR CHIM PUI-CHUNG (in Cantonese): Mr President, in the World Cup matches, Russia's SALINKO this morning scored five goals and set a record for the 15th World Cup tournament. Here, a record is being set by this Legislative Council sitting, which began at 9 o'clock this morning. It may end late enough to set another record. We will be setting two records.

This morning, I listened to the speeches of 22 or 23 Members. Just now, I listened to the speeches of another two or three. (That makes a total of 25 or 26 speeches.) I think that the speeches have had no influence whatsoever over the intents and purposes of other Members. Whichever way a Member votes, he is but putting forward in advance his 1995 election manifesto. I will yet make a third or a fourth speech concerning the functional constituencies and the electoral college when I move my amendment.

I have just listened to the speeches of many Members. Most of the Members from the so-called democratic parties merely touted democracy. They were far from offering comments on the 1992 package, the 1994 package or

any other package. We must realize that Hong Kong's success today is due not to "democracy" alone but also to other factors. Examples of these other factors are the quality of the people of Hong Kong and Hong Kong's other advantages. Meanwhile, no country in the world is accusing Hong Kong of not having democracy. If our pursuit of democracy should lead to the demise of our other advantages, I personally would find that to be a great pity.

Many Members just now said again and again that they represented "all the people of Hong Kong". Let me ask: Which Member is qualified to represent all the people of Hong Kong? The Members should have said they represented "one part" of the people of Hong Kong or perhaps "the majority" of the people of Hong Kong.

Mr SZETO Wah has made yet another evaluation of the Basic Law. He said, "The Basic Law is none other than a force of the powers that be." If one should doubt the accuracy of this quote, one may wish to listen to the tape recording of Mr SZETO's speech.

I personally have to compliment Mr CHEUNG Man-kwong for the expressions that he used in his speech. But I find him too emotive. He tries to incense the people of Hong Kong, inciting them as people were incited during the Cultural Revolution. What he does is quite dangerous to Hong Kong in its present situation. We must realize that Members represent the interests of different sectors. Hong Kong is a peculiar place. If Hong Kong were a country, I certainly would not be finding fault with Members' speeches, considering that Members have to think about winning votes. However, at the risk of being found repetitive, I must make this point again. Hong Kong after 30 June 1997 will be but an administrative region approved by the Chinese Government. If Members want democracy to override national sovereignty, that is wishful thinking and I think that Members had better not indulge in it. Look at the European Community. Even there, nations do not pass judgment on one another's "democracy".

I want to make another criticism of Dr HUANG Chen-Ya. He himself is holding an Australian passport and yet, in Hong Kong, he is encouraging the people not to identify with the Chinese Government. He is creating a burden for the people of Hong Kong and should be criticized by us for this.

PRESIDENT: Dr HUANG, what is your point?

DR HUANG CHEN-YA (in Cantonese): Could Mr CHIM Pui-chung adduce evidence to bear out his remark? If he could not, would he withdraw what he has just said?

PRESIDENT: It is up to you whether you elucidate, Mr CHIM.

MR CHIM PUI-CHUNG (in Cantonese): I am just expressing an opinion about him as he a moment ago expressed an opinion about the Liberal Party.

Mr President, Miss Emily LAU has made critical comments to the effect that the functional constituencies are not worth a penny. The functional constituencies are allowed under the political system now in effect in Hong Kong. I myself represent a functional constituency (and I was elected by the functional constituency with the highest voter turnout). Why should I be treated so unfairly? Citizens are listening to this Legislative Council sitting on the radio. They will return a just verdict.

In any case, the people of Hong Kong are probably worried that there may be problems in the transfer of sovereignty and the transfer of power. We should make a cool analysis. I will now make a detailed review of Governor Chris PATTEN's 1992 package and this compromise package of 1994. Mr President, as many Members have noted, today is a historic day. If we care to be coolly analytical, we will see that whatever package that is passed tonight will have a life of only three years. July 1997 will be upon us barely 21 months after the 1995 elections. Governor PATTEN ought to be well aware that he was really indulging in wishful thinking when he said in 1992, after coming to Hong Kong, that he would win democracy for the people of Hong Kong. This Council is about to take a vote. Whether the 1992 package or the 1994 compromise package is passed, the Governor will receive a very clear message, which is that the majority of Legislative Council Members do not necessarily identify with his political reform plan. He himself knows what he has done.

Mr President, I will not make further deliberate criticism of the Governor. I already criticized him when he first came to Hong Kong. If I criticize him too much, his embarrassment may turn to anger. I am afraid that I will not be able to bear the political pressure or other kinds of pressures.

As Legislative Council Members, we should be coolly analytical. If Governor PATTEN's package is really as good as it is made out to be, why are we having more than 10 motions for amendment? True, some of the amendments are technical. Still, the fact is that his package is flawed.

Mr Jimmy MCGREGOR says that this Council has twice voted for the Governor's constitutional package, once in October and again on 11 November 1992. But we are also well aware that the situation has changed. We are now two years from then. We must face the reality. Time marches on. We cannot remain totally unchanged. Therefore, I hope that Members will not yield to pressure. Members should make a responsible commitment to society.

I once made a prediction. I said that, if the 1992 package was passed, Hong Kong's stock market (the Hang Seng Index then was 9 500) would plunge by 25%. Nor would it be necessary any more for the Government to think of ways to cool the property market, for the property market would be clobbered. Of course, I am just a semi-expert. (I am a semi-expert because, though I began working in the financial services sector in 1970, I have never held a formal licence. If I had a licence, I would be a full expert. Therefore, the expert analysis that I am making is based only on experience.) Nor was I being an alarmist. Many of the things that may happen will probably have no direct effect on my personal interests. But I am very concerned for Hong Kong's economy and so forth.

Many Members have said critically just now that, if the 1994 compromise package is passed, that will be a step backward for democracy. We must realize that the Chinese Government has never opposed democracy. To be sure, compared with the so-called free countries of the world, the pace of democracy in China has been slow. But we must be well aware that China has already made a promise to Hong Kong about "one country, two systems". What more do we want? Can we achieve our goal by standing here and pouring invective on China? We will just be causing the people of Hong Kong to take the road of invisible confrontation *vis a vis* the leadership of the Chinese Government.

Of course, the majority of the people of Hong Kong were simply indifferent to politics. They are now just a bit less indifferent to the political reform issue. This is not to say that they deeply understand the repercussions of the issue. Most people's knowledge of politics is limited to what the media tell them. We must understand Hong Kong's actual circumstances. For the past 100 years and more, the youths of Hong Kong have received colonial education. Many young people are greatly influenced by their teachers. Mr SZETO Wah and Mr CHEUNG Man-kwong have both been teachers. We can imagine what they taught their students.

One quarter of the people of Hong Kong have tasted life under the Chinese Communist Party. Some of them will never forget the Chinese Communist Party's historic mistakes. This creates invisible social stresses.

We must further realize that Hong Kong and the United Kingdom are not having pleasant relations with China and this is because of the political reform issue. Media reports are naturally adverse to the Chinese Government.

As Legislative Council Members, we must rationally evaluate the situation and then enable all sectors to agree on a common goal. We should not seek confrontation. What good will confrontation do?

Unfortunately, Mr Martin LEE of the United Democrats of Hong Kong is not in this Chamber right now. We should broaden our vision and look at the world. How many United States soldiers died in the Vietnam War? The United States is now befriending Vietnam, is it not? Political differences are no valid

reason why we should push the people of Hong Kong into a relatively more stressful environment. Mr Martin LEE said this morning, "To us, it is not just a matter of having rice to eat." Let us remember that food can be a great problem when it becomes a problem. Look at Vietnam of 20 years ago, Somalia of several months ago and Rwanda now. What hardships for their people! Here in Hong Kong, we are making pleas for "democracy". Sometimes, people fantasize too much and things become too confrontational.

Mr President, if the result of today's debate favours the compromise package, that is, if the independent Members of the Breakfast Faction vote with the Liberal Party, let the Liberal Party not therefore become pleased with itself. It should listen to the views of other Members, who, too, represent portions of the people of Hong Kong. It should gradually improve itself.

On the other hand, if the Governor's 1992 package is passed, he should maintain a low profile. He should learn a lesson from practical experience and seek better co-operation with China in other areas, lest there be further confrontation between China and the United Kingdom over Hong Kong. I hope that China and the United Kingdom will join hands and work together for the good of Hong Kong. As for the Members seated here, they should not let "democracy" blind them to the other issues. I personally think that, if the 1994 compromise package is passed, this will not be a blow to the Secretary-rank officials of the Hong Kong Government but will make their work easier from now on (particularly in the case of those who intend to continue working in Hong Kong). Perhaps I worry too much. But my worries have often turned out to be justified. Therefore, I very much hope that the Governor will rationally work for a reconciliation of the different opinions found in society, thereby preventing social confrontation. Of course, I deeply regret the fact that several Members, moved by the Governor's lobbying, will not be voting according to their conscience.

Mr President, my wish is quite clear. I will categorically vote for the 1994 compromise package.

MR PANG CHUN-HOI (in Cantonese): Mr President, the Governor, Mr Chris PATTEN forwarded a political reform package claimed to be fair, open and acceptable to Hong Kong people in his very first policy address after his assumption of governorship.

Since this package meets most Hong Kong people's aspiration for expediting the pace of democratizing the political system, it has won the overwhelming support of the public. This Council has also debated and approved certain electoral provisions in respect of this package such as the single seat, single vote system and the lowering of the voting age to 18 and so on.

Today, this Council resumes the Second Reading debate on the second part of the Legislative Council (Electoral Provisions) (Amendment) Bill 1994. Amendments to the Bill will be moved by various parties and independent Members. I think that they all have their reasons. The voting results to be produced later today are far reaching as they will serve as an indicator for the 1995 elections as much as a landmark in the democratization of Hong Kong's political system.

After 17 rounds of talks, China and Britain failed to reach an agreement as a result of each other's insistence on their views. Consequently, the Chinese Government has all along been threatening and emphasizing that there will be no through train in 1997. Nevertheless, if Honourable Members should amend the Bill to restrict the tenure of Members of the next Legislative Council to 30 June 1997, it would be equal to denying ourselves any leeway under threats. I find this course of action unnecessary.

Democratization is the trend of the world which nobody can obstruct, whatever the means. Over the years, I have been in support of speeding up the pace of democratization. Given Hong Kong's special political environment, a gradual and progressive approach may not be the perfect answer for the latter part of the transition and the post-1997 political development of the territory, that is, the transition from a colonial representative form of government to a special administrative region government. Nor is it consistent with the OMELCO consensus reached years ago. The returning of Hong Kong to China is a *fait accompli* while the possibility of amending the Basic Law before 1997 is almost zero. I think that we as Legislative Council Members must muster our moral courage, shoulder our social responsibility and tell right from wrong. In achieving the one step forward in our democratic system, we must at the same time take account of the need for a smooth transition so as not to trigger off excessive repercussions across the community.

For the reasons mentioned, I can only support the Governor's political reform package as it remains within the ambit of the Basic Law in seeking to expand the electorate as large as possible for the democratic development of Hong Kong's political system, so that more people can participate in the functional constituencies and the election committee. Hence, I endorse and support the second part of the Governor's political reform package.

Mr President, I so submit.

DR CONRAD LAM (in Cantonese): Mr President, first of all, I would like to read out some parts of a speech which a legislator delivered on a motion in this Council on 28 February 1990. She said, "The OMELCO consensus was dropped, because of all the proposals it was the most liberal and would not have been preferred in any event no matter where it had been initiated. Even the "4-4-2" model which was put forward by members of the Basic Law Consultative Committee and enjoyed its own form of consensus was likewise

ignored. In fact, what is unfortunate with the decision taken by China is that she has combined some of the most unpopular parts of some unpopular models and then picked and chose to her liking. It is the misfortune of Hong Kong people that her liking does not coincide with that of Hong Kong people. We can prove to China that Hong Kong is ready for democracy, that we can handle it without sacrificing our stability and that the peace-loving nature, reason and commonsense of our people will prevail.”

The speech which I read out just now was not given by a democrat like the Honourable SZETO Wah or the Honourable Martin LEE. It was given by the Honourable Selina CHOW of the Liberal Party. As Mrs Selina CHOW is a core member of the Liberal Party, it is believed that her speech and standpoint will definitely be accepted by her colleagues in the Liberal Party. However, should there be backpedalling on the part of the Liberal Party as regards its stance in the fight for democracy, how can it possibly procure the confidence of Hong Kong people? If it goes on doing so, I am afraid that the Liberal Party will have to be renamed “the Soy Sauce Party” one day because it will become dispensable and will be simply for seasoning purpose.

Mr President, many Members have remarked that today makes a historic moment of this Council. I believe that they have overestimated themselves too much. I believe that the historic moment of this Council will come when the Special Administrative Region Government will say to legislators, “Hey, be dismissed. You are disobedient. The through train is to stop.” That will be the historic moment, I believe, but not today.

We all see that the biggest obstruction to democracy in Hong Kong comes from the authoritarian Chinese Government; from some organizations which have a vested interest in Hong Kong and also from the British colonial government. But now it seems that the British colonial government would like to bestow on us a little more democracy within the limits of the Basic Law. I do not understand indeed why some Members should decline even this gesture.

Hong Kong has a place of honour in the history of the advancement of democracy in China. We, being Hong Kong people, should be proud of this. Let us look at Dr SUN Yat-sen, who is esteemed even by the Chinese communist government. In the course of leading China towards democracy, Dr SUN had worked and resided in Hong Kong for a fairly long period of time. Of course, in order to advance the development of democracy, it requires conscience; it requires courage; it requires vigour; it even requires sacrifice. I personally do not have the authority to demand other legislators to adopt the same standpoint and orientation as those of the United Democrats. But I hope that they can give it a thought. Being leaders of Hong Kong and being legislators of Hong Kong, what price should they pay?

A Member said just now that our speeches today might leave some footprints on the beach of Hong Kong history in the future. What footprints are these? Should they be prints of the “athlete’s foot”, I guess it would not be too

much of a problem. But what if they are not the footprints of human beings but of cold-blooded animals? That will be very serious.

Mr President, in early 1980, when Hong Kong people realized that Hong Kong would revert to China in the year 1997, the general Hong Kong public had contracted the so-called “reversion phobia” for some time. People rushed to shop at supermarkets, scrambling to buy even the toilet paper. However, after the Sino-British Joint Declaration had been published, the general public saw in the Joint Declaration that there would be “one country, two systems”; there would be “a high degree of autonomy” and there would be “Hong Kong people ruling Hong Kong”. This is an effective prescription for the treatment of phobia about Hong Kong reverting to the communist regime. Therefore, the conditions of Hong Kong people gradually became stable. But judging from the recent development, this effective prescription seems to be one which is on display only but not allowed to be taken. Someone has said: Let Hong Kong people take some of it so that they would not be in such a panic. But now there is objection even against this suggestion. Why? What do those people have in mind?

Here, I would like to respond to what the Honourable Emily LAU has referred to as the bottom line in the fight for democracy: All the 60 seats must be directly elected. Obviously, we need the most effective prescription. But when this most effective medicine is not available on the market, we should settle for the second best. We should administer the second most effective medicine to patients so as to alleviate the symptoms. It is for this reason that I will accept the most democratic political proposal.

PRESIDENT: Yes, Mrs CHOW.

MRS SELINA CHOW: Can I raise a point of clarification?

PRESIDENT: A point of elucidation?

MRS SELINA CHOW: Sorry, elucidation.

MRS SELINA CHOW (in Cantonese): Dr Conrad LAM raked things up that I had once said. Will Dr LAM clarify to this Council when I said such words and if I was a member of the Liberal Party then? Has the Basic Law been promulgated by that time? These are the points that the Member should inform this Council in detail, because under no circumstances should this Council and the people of Hong Kong be misled.

DR CONRAD LAM (in Cantonese): With pleasure, Mr President, the speech I have just quoted was made by Mrs Selina CHOW during a motion debate held in this Council on 28 February 1990. The Liberal Party was, of course, not yet established then. As for the promulgation date of the Basic Law, I think it would be rather odd if Mrs Selina CHOW could not recall it. Nonetheless, this question in fact does not require me to reply, for the general public already knows the answer.

MR ERIC LI (in Cantonese): Mr President, under the huge political shadows cast by China and the United Kingdom, this Council has to make its own decision today. However, this resolution, which should have been an important decision in history, has already lost its lustre. After the breakdown of Sino-British negotiation on the constitutional package, China has already announced that the Legislative Council will be restructured in 1997, thus totally restricting whatever room there may be for political development. In the meantime, the Preliminary Working Committee is operating at full blast and, once the constitutional package is endorsed, it can formally go ahead with its plans and vie for power with the Legislative Council. On the other hand, the United Kingdom is not to be outdone. It has gone all out to promote such a 1992 package which is neither Hong Kong people's idea nor the first choice of any Member in this Council. In fact, this crude package of 1992 was originally put forward merely for the purpose of negotiation and probably regarded as a "high opening bid". If co-ordination proves to be unsuccessful, this Council will have no choice but to endorse the package. This will clearly expose the fact that the United Kingdom is doing nothing more than forcing on us the hasty establishment of a democratic political system in Hong Kong which will exist in form only. This is definitely not any honourable deed at all.

This Council's debate on political reforms is just like continuing the Sino-British disputes by changing the arena of politics from the negotiating table to this Chamber. However, no matter which package will win through sheer luck today, we cannot come up with a through train supported by Sino-British agreement. Hong Kong people are divided and the harmful effects thus caused are already serious enough. I agree, as Mr LEE Wing-tat said just now, that controversies may still go on both inside and outside this Council in the coming three years. The Government with neither be able to deal with, nor will it be able to control the situation.

I recall that Hong Kong people have indicated in an opinion poll that they are more interested in watching the World Cup soccer matches than studying the political reform package. This shows that public enthusiasm for politics has been cooled down to the uttermost as people prefer watching the World Cup comfortably at home. Such a response clearly reflects that the simplest but most practical wish of the majority of Hong Kong people is to enjoy a comfortable

and worry-free life but definitely not to run a political risk. As the public is not enthusiastic in indicating its attitude towards the constitutional package, Members of this Council can do nothing but be faithful to their own judgement. They should just hold on to what is desirable and bear the consequences.

In respect of this constitutional package, there is a strong contrast between the community's cold response and the special concern shown by the commercial and industrial sectors who are normally not so enthusiastic about politics. They are worried about the future political uncertainty. They are afraid that there may be great political turmoil and radical electoral arrangements may weaken the voice of the industrial and commercial sectors in the Legislative Council elected in 1995. Furthermore, it is very likely that the newly formed Legislative Council may cause an enormous impact on the existing legislation and policies and may even bring about fundamental reforms. In this connection, we may have to face another possible drastic change after 1997. They told me that they would like to have a gradual and progressive political system as proposed in the 1994 package which might at least maintain the minimum degree of economic stability in the latter half of the transition period.

Ever since 1991, there have been precious democratic elements among Members of the current Legislative Council. Yet, a considerable number of incidents have reminded us that the executive power is still held firmly by the United Kingdom Government. During a debate held in this Council on 21 October 1992, I stated clearly that the 1992 political package would not be an all-purpose protective wall for safeguarding the principle of Hong Kong people ruling Hong Kong, freedom, the rule of law and human rights. First of all, judging from the incident where the Letters Patent was amended twice by the United Kingdom Government to restrict to 20 the number of directly elected seats to be returned in the 1995 Legislative Council election and the incident where election among Members was introduced to choose the President of the Legislative Council, it is obvious that the constitutional package introduced to Hong Kong by the United Kingdom Government is nothing more than window dressing. What is more, the resolutions passed by the Legislative Council are only selectively accepted by the Hong Kong Government. Under an executive-led government and with the separation of the Executive Council and the Legislative Council, the most the United Kingdom Government can offer to Hong Kong will be merely an all-words-but-no-action democratic system. We, indeed, do not know when it will have power and when it will have accountability.

After the First Reading of the Bill on the second part of the constitutional package, I have come to a compromise with Members representing the Liberal Party and devised a 1994 package. Standing at the cross-roads of steady progression and more radical democratic reforms, I have struggled hard many times to make a decision. Yet, during these two months I have witnessed all

sorts of restraints imposed by the Government on the Legislative Council, the community's tiredness of the political row, the anxiety of the industrial and commercial sectors as well as the analysis that the 1994 compromise package may reduce the shock. I, just like the other 55 non-official Members of this Council, think that the Government's 1992 package is not the most responsible and best choice. Even for the sake of providing more short-term opportunities for people who intend to take part in politics to be directly elected and, as some Members said, even for half drop or one drop of democracy, I think we should not exaggerate its implications as Dr Conrad LAM remarked, nor should we actually ask the public to pay any price for it. The number of directly elected seats or directly elected seats in disguised form is not the only factor in the equation either when it comes to considering rationally whether the constitutional package should be endorsed.

I will vote for the progressive 1994 compromise package although it is not an ideal package and it may still be a long way from the original model we first discussed with the Liberal Party. For this reason, it is very difficult for us, the independent Members, to make a choice. In view of the fact that we have achieved some progress in respect of the first part of the constitutional package and as the 1994 package can indeed command the confidence of the industrial and commercial sectors in Hong Kong, it should be the better choice between the two imperfect packages. Yet, no matter which package will be endorsed today, Governor PATTEN has already given his explanation to this Council. I sincerely hope that the result will not affect Sino-British relations. I also earnestly yearn for the outcome that a majority of Members of the Legislative Council elected in 1995 can, despite the fact that they will have no through train to ride, get on the new train. They will then be in a position to safeguard the implementation of existing legislation and policies so that they can, as far as possible, enable the public to live and work in peace and contentment and the investors to invest in a stable environment.

Mr President, I support the motion.

DR PHILIP WONG (in Cantonese): Mr President, before today's debate, there have been much lobbying activities around to sell different amendments. As a matter of fact, we should not forget that both the Bill introduced by the Government and the proposed amendments are moved in this Council when the two sovereign states, the British and the Chinese Governments, have not reached any agreement at all. The Chinese side has repeatedly made its position clear that no matter which political reform package is passed in this Council, the three-tier representative government will not be able to straddle 1997. Hence, the crux of the matter that the proposed election system itself is unilaterally initiated by the British Hong Kong Government, rather than how far the Bill and the proposed amendments deviate, or otherwise, from the Basic Law. Under the circumstances, to vote for the Bill undoubtedly would amount to supporting this Council to bypass the two sovereign states, namely China and the United Kingdom. That is very undesirable. Meanwhile, I found the Liberal

Party's request of the three Official Members to abstain from voting on all the amendments reasonable. Hence, at the outset, I decided that I would see how the three Official Members vote before casting my vote. That is to say, if they agree to abstain from voting on all proposed amendments, I too would abstain from voting on the 1994 package. However, since the three Official Members have already expressed their intention to vote against the 1994 package, I have no alternatives but to vote for the package in order to counter their votes against it. As for other packages which clearly contravene the Basic Law, I certainly would vote against them.

Some people, especially my friends from the Liberal Party, have expressed worries that if the Bill is passed today, the legislature returned from the 1994/95 elections will bring a lot of adverse effects to Hong Kong. However, I have to point out that, should that be the case, it will then give the principle of a running an executive-led government a severe trial, which has all along been advocated by the Government. I think no matter how the 1994-95 legislature is to be composed, the Government still has the responsibility, and should have the courage, to make its administrative choices and decisions in light of the interests of Hong Kong. As an executive-led government, the Government should be wholly responsible for the maintenance of the prosperity and stability of Hong Kong. I hope that the Governor would not then complain that as he can no longer stand the pressure coming from the Legislative Council, he has no choice but to endorse Bills which may not serve the interests of Hong Kong from the Government's administrative point of view. The Governor should not forget that it will not be easy for him to get away with the consequences of his decision to unilaterally carry out political reform and shirk his responsibility.

Mr President, these are my remarks.

MRS MIRIAM LAU (in Cantonese): Mr President, a stable system has always been a factor of Hong Kong's success, and the economic prosperity of Hong Kong depends on this. In the past, the Administration emphasized that a step-by-step approach to constitutional development should be adopted and that any forced change of pace should not be made in order to avoid any uncertainty or instability which would affect effective government. However, since Mr PATTEN became the last Governor of Hong Kong, these important consideration have been consigned to oblivion. Of course, in three years Hong Kong will be returned to China. It may not be important, therefore, to the British Government whether the stability of Hong Kong can be maintained in the next few years. Any turmoil after 1997 would only be a matter for the Chinese Government. While any turmoil will have nothing to do with the British Government, it certainly will have much to do with the several million people of Hong Kong who will stay behind.

By now, everybody sees that the constitutional development of Hong Kong cannot go beyond the confines defined by the Basic Law. The Governor should have understood this very well. Therefore, he dares not put forward any proposal that is obviously in conflict with the provisions of the Basic Law. His 1992 package is evasive in that it takes advantage of the grey areas in the Basic Law. In other words, it takes advantage of loopholes in the law. We may be quite helpless with respect to someone who makes use of loopholes in the law. However, we believe the majority of us do not approve of such a practice as it is hardly open and aboveboard.

The 1992 package by the Governor juggles with the nine newly-added functional constituencies and introduces a form of election which is virtually direct election in disguise. This flies in the face of the established definition Hong Kong has for functional constituencies. It completely overturns the foundation on which functional constituencies were first established. It goes against the spirit of functional constituency election that has been working well for years and accepted by the community. The fact that the Governor had grouped into a single functional constituency several dissimilar and incongruous trades is mind-boggling. One does not know what constituency has what function and represents what interests.

As a matter of fact, has the Governor thought it over well enough whether or not such electoral arrangements are feasible technically? As the electors of these functional constituencies are scattered throughout Hong Kong, Kowloon, the New Territories and the outlying islands, how can the candidates come into contact with their electors, how can they carry out the publicity campaign with their electors and how can they be accountable to their electors once they are elected? There will really be tremendous difficulties.

As for the Election Committee, the Governor's package clearly does not tally with the Basic Law. It is also in breach of the agreement in principle reached by the foreign secretaries of the two countries. Therefore, it is predictable that the Governor's proposal cannot survive beyond 1997. The Governor knows it very well that his proposal cannot survive. Yet he still insists that the political system of Hong Kong can continue after 1997. This is wishful thinking and a case of a liar who begins by imposing upon others but ends up deceiving himself.

To date, I am still very much in doubt as to whether Britain has the sincerity in letting Hong Kong have more democracy. I think that should Britain have wanted democracy for Hong Kong, it could have implemented it a century ago. Should Britain have done so then, the present Legislative Council would have been constituted through a general direct election that would have obviated the cause for the Honourable Emily LAU's concern. With two to three years to go, Britain allows more people to cast an extra vote in the name of functional constituencies that do not live up to their names. But is this democracy? I think real democracy does not need any pretext and is aboveboard. In this respect, the proposal by Miss Emily LAU is relatively

aboveboard. However, the Liberal Party cannot support her proposal because it is too radical. Also, it is against the Basic Law.

The Liberal Party is of the opinion that the progress of democratic development should be step by step. It must not be achieved at one go and be pushed through. Democratic or not, the Governor's proposal has shown its shortcomings before any advantage can be seen. As soon as the package was put forward, division within our community occurred. Those who support the Governor's proposal are said to be democratic; those who are against him are labelled anti-democratic or pro-China, regardless of what good grounds they have. And these people appear antagonistic to each other. In the past, whenever opposing views came about, the Administration would try to harmonize the situation and iron out the differences. However, the Administration today not only sits back and looks on, but it also stirs up trouble occasionally. It is really disappointing.

As the political system cannot be carried over through the transition, just how great the impact will be on Hong Kong is really a cause for concern to the public. Whilst the prospect of a through train is nil, the Liberal Party believes that members of the public are still longing for a smooth transition, and they are unwilling to see drastic changes, unwilling to see too much antagonism and too much conflicts. The people of Hong Kong are entitled to a smooth transition. Nobody has the right to take and treat this entitlement as a stake, still less does a responsible government have the right to do so.

It is the compromise 1994 package by the Liberal Party and independent Members that is closest to the Basic Law and most capable of preserving the original intention of functional constituencies. We believe this model of political system is most similar to the system after 1997. We all know that the three-tier representative government will have to be reconstituted. However, the less difference in the systems before and after 1997, the less change to representative government there will be, and the less the turmoil will Hong Kong experience during the transition. This is beneficial to maintaining the stability and prosperity of Hong Kong. Of course, no one can guarantee that there will be just plain sailing during the transition to 1997. However, we should at least not create trouble for ourselves or add to our trouble. The Liberal Party is endeavouring to keep any turmoil or trouble to a minimum. We firmly believe that this is the wish of the people.

Finally, I would like to respond to what the Honourable Jimmy McGREGOR said this morning about the Transport Functional Constituency mentioned in the 1994 package. He described the proposal as "a dog's breakfast, unworthy of support". He also mentioned that the list of 60 organizations in respect of taxis, minibuses and trucks is readily obtainable straight from the Yellow Pages telephone directory. I would like to tell Mr Jimmy McGREGOR that the list was provided by the Administration, and that these organizations are also recognized by the Administration.

PRESIDENT: A point of elucidation?

MR JIMMY MCGREGOR: The artist, not the painting.

PRESIDENT: It is up to you whether you elucidate, Mrs LAU.

MRS MIRIAM LAU (in Cantonese): What I did say was that there were as many as 60 organizations in respect of taxis, minibuses and trucks. Mr Jimmy MCGREGOR had also mentioned it this morning. I would like to let him know that the list of these organizations is kept on the Government's file and not straight out of the Yellow Pages.

Mr President, I think it is most important not to look down on people like a snob. It may well be that Mr Jimmy MCGREGOR does not know these organizations. I happen to know them better. I would like to tell Mr Jimmy MCGREGOR that most of these organizations have a membership of a few hundred or even a few thousand. Many of these organizations are well-established, established, influential and representative and have the respect and support of people in the trades. What Mr Jimmy MCGREGOR had said earlier on seems somehow to have been treating them lightly. I really hope that Mr Jimmy MCGREGOR will try to have a better understanding of the actual circumstances before he makes any comment.

Thank you, Mr President.

MR FRED LI (in Cantonese): Mr President, I have listened to the speeches of many Members. I am going to elaborate on the various amendments at the Committee stage. As for the Second Reading, I would like to make a few points on general and situational analyses.

I speak on behalf of the Meeting Point. I am going to state the feelings of the Meeting Point in respect of the political reform proposal and our contacts with the Chinese side over the past years. The Meeting Point started communicating with and lobbying the Chinese side as early as 1987 in a bid to seek the Chinese side's support for the democratization of Hong Kong. At that time, the agenda under discussion was whether direct election should be introduced in 1988. A green paper was then published by the Government. Being a liberal organization, the Meeting Point immediately took the initiative to communicate with the Chinese side and urged it to send a positive message to the people of Hong Kong, indicating its support for democracy and the introduction of direct election to Hong Kong as soon as practicable. We did not want to wait until the Hong Kong Government or the British Government granted this to us in one way or another, thereby giving Hong Kong people the impression that it was the British Government who gave us democracy.

Unfortunately, the chance was missed and the Chinese side launched a public opinion campaign against the 1988 direct election proposal. Over the past few years, the Meeting Point, in its capacity as an organization, had all along been holding the view that we should establish communication with the Chinese side. However, it was a pity that we had the communication link but could not put the message across. We might express whatever views we liked but how much did the Chinese side perceive? By the time the Basic Law was finalized, even the leftists, the pro-China parties and the democrats had managed to come up with a compromise proposal, the so-called “4-4-2 package” proposal (that is, 40% returned by direct election, 40% by functional constituencies, 20% by the Election Committee). In other words, we should have 24 directly elected seats in 1995. This was a relatively conservative proposal, even more conservative than the OMELCO consensus. Notwithstanding, it was supported by all parties, including the pro-China group, and many people and organizations sitting in this Chamber today. But the proposal was not incorporated in the Basic Law and an even more conservative model was adopted. Having given this historical background, let me come back to today’s historic moment, which has seen disintegration in this Chamber and polarization of Hong Kong people over the issue of political reform.

In retrospect, it is found that the Chinese side has at the onset committed a very serious mistake in handling Hong Kong’s reversion issue, causing today’s divergent views. China feels that so long as there is economic prosperity and development in Hong Kong when it resumes sovereignty, many problems can be solved and “horse racing and dancing”, the symbols for prosperity, will “go on as usual”. It is undisputed fact that prosperous economic development in Hong Kong is conducive to China. To be frank, the resumption of sovereignty over Hong Kong is indeed a very intricate matter because we have to change from a colony, from one culture into another culture. The way of life in Hong Kong is very different from that in China. We Hong Kong people have already established our own set of culture. If we ask the people here who has great faith in our future, I think that statistics will show not more than 10%. Why did Hong Kong people always rank their worry over Hong Kong’s future as the issue of first or second highest importance in recent years’ surveys on livelihood? This is because we lack faith in the Chinese Government. The Chinese government has repeatedly failed us in winning our hearts and our confidence.

The Chinese Government is of the view that so long as it gains the support of local capitalists and those rich and powerful, there will be no problem in its resumption of sovereignty because these people will continue to invest in Hong Kong. Is it not ironical that a communist country has to rely on a group of capitalists? On the other hand, the views of the democrats, who have close relationship with the grass roots, have never been taken into consideration. The Chinese Government still relies heavily on those who are more obedient.

The finalization of the Basic Law has not put an end to the political controversies and the political reform. Instead of disappearing into the air, it

just hibernated. The British Government had changed its policy two years ago when Mr Chris PATTEN took office and the disputes revived. As a result, we have to face these problems today. I believe that even after today's debate, similar problems will come out in 1997 and beyond. Contradictions will always exist between the conservative force and the progressive force in the community. It is a pity that the Chinese side has all along been relying heavily on the conservative sector and dampening the open, progressive and democratic sector which is founded on public opinions.

Members have mentioned earlier on that since the introduction of the 18 directly elected seats in 1991, the majority of these 18 Members supported the more democratic proposals, with perhaps one exception, who may support the Liberal Party's proposal. Suffice it to say that Members returned by "one person, one vote" are capable of reflecting people's desire and craving for democracy.

I feel that the Chinese side has committed very grave mistakes in handling the Hong Kong issue. The setting up of the Preliminary Working Committee (PWC) is but one of these. It is said that the amendment package put forward by the Liberal Party can minimize the shock so that a reorganization after 1997 can be made easier. Whether this is the case or not, we shall have to wait and see. But from an objective point of view, the most detrimental weakness of voting by functional constituency is its confinement to a minority group. Even if the Liberal Party succeeded in securing six votes for each company (but this may not be the case because Mr TIEN is asking for one company, one vote), the nine seats in question would merely be returned by 200 000-odd electors. Together with the other 21 seats returned by another 190 000 electors, the 30 seats in the Legislative Council will be returned by just some 300 000 to 400 000 electors. In other words, the political rights of the minority is stronger than that of the majority because the former can have one more vote. Moreover, they might be given a further vote should the Election Committee proposal be passed. What sort of logic is this? Should we allow this to happen? These are in fact major issues of principles. If the political system as provided under the Basic Law is still too conservative, what are we going to do? We will strive for its amendment. Does it mean that we do not respect the Basic Law? Does it mean that we do not support the Basic Law? Does it mean that we have to "get off the train" and become disqualified for elections? I consider it a very dangerous issue. Is the Basic Law the Bible, which cannot be amended? The most serious drawback is that right from the beginning, the "4-4-2" compromise proposal was not taken into consideration and was not adopted in the chapter on political system.

Now the Patten proposal is tabled. Is it Mr PATTEN's credit alone? Does it imply that supporting this proposal is tantamount to supporting Mr PATTEN? If we go through the records of the democrats over the past decade or so, there is enough evidence to show that we were against the functional constituency electoral system ever since its introduction in 1985. Functional constituency election is confined to the minority, the elite and there

is the possibility of bribery and corruption in elections. Besides, the Members elected this way may easily have their concentration and attention focused on a small group of electors from their respective constituencies. Such are constitutional problems. What Mr PATTEN intends to do now is to minimize such drawbacks, rather than eradicating them completely. He is merely trying to get rid of certain detrimental weaknesses in functional constituency election but it seems that the Liberal Party is trying to revive and enlarge such weaknesses. Obviously, in the light of this yardstick, how can we support them?

With this major principle in mind, the Meeting Point cannot support the 1994 package put forward by the Liberal Party. It is a pity that those middle-of-the-road and independent Members who have come up with a compromise 1993 proposal later turn to support the 1994 proposal for one reason or another. In other words, a 900 000 electoral roll becomes one containing only 100 000 to 200 000 electors. I do not know what has happened in the interim. Maybe it is those reasons behind that make Mr LI behave so emotionally. I would like to give Mr Eric LI more support and hope that Members will try to soothe him. We really do not know what happened in the compromising process with the Liberal Party.

The Meeting point is going to extend the electoral base to a fuller extent in respect of the functional constituents by moving an amendment later on. Our proposal is even broader and fairer than Governor PATTEN's package.

Mr President, with these remarks, I support the Second Reading.

DR TANG SIU-TONG (in Cantonese): Mr President, at long last the row over the political system which has been going on for almost the whole of the past two years will today be concluded one way or another. No matter what the outcome will be, we will soon know it for certain. As a matter of fact, the political blueprint has already been laid down in the Basic Law. That we are in such straits today was all because of some shysters who perverted law by playing with legal phraseology, thinking that the world is not chaotic enough yet.

As Members of the Legislative Council, we are duty-bound to examine bills. Despite that, there is a feeling among us this time of being toyed with. But as we are in office, we must do the job properly. It is not for us to shun it, is it? There are three main issues embodied in today's amendment motions: First, the 60 directly elected seats as proposed by the Honourable Emily LAU; second, the 1992 package of the Governor; and third, the 1994 compromise package. Other amendments such as the switching of seats demanded by chiropractors, or the abolition of functional constituencies which have long been in existence are merely side issues that should merit no attention from us and they may even be red herrings.

The 60 directly elected seats proposed by Miss Emily LAU no doubt are in line with the democratic spirit that all people are born equal. However, the idea might have come a bit too early in view of the situation of Hong Kong today. In fact, democracy is our goal, our ideal, but the pursuit of it is never plain sailing; it cannot be done at one go. We are going to achieve it sooner or later as long as we keep at it in this direction. Why must we hasten to get it today? As to the 1992 package proposed by the Governor, it can be said to be “Patten’s Production”, but it is open to question as to whether it is a “quality production”. Even the divine could produce something gross, let alone humans.

The arrangement for the functional constituencies is really direct election in disguise, which is obviously against the Basic Law and will place obstructions in the way of a smooth transition. The 1994 package is closer to the Basic Law and it would cause less repercussions upon the transition to 1997. It would be beneficial to the people of Hong Kong. It is suggested that since we do not have the “through train”, then why do we not just hurtle on? If the worst came to the worst, it would be just crash and death. In fact, while to crash and die may be a personal preference, it is something undesirable; besides, there are 6 million people on the vehicle. It is their livelihood, their lives and their living environment that we are concerned about.

Mr President, there is a saying, “When the country is going to be in chaos, evildoers are bound to appear.” It is Hong Kong’s misfortune to have Mr PATTEN as Governor. It is suggested that today’s debate on political reform is a historic moment. But I think it is merely a fig leaf for a disgraceful retreat. It will not be a big deal whatever package it may be to get passed as it will have a lifespan of only 20 months at most. It is an indisputable fact that the three-tier boards and councils will be re-elected by 1 July 1997.

It has been noted that the amendment to be moved by the Honourable CHIM PUI-CHUNG is a “suicidal” package, and also that it is a “through train dismantling” package. But it is the fact. We have the obligation to tell the people of Hong Kong that this is the fact. How can we deceive the people of Hong Kong by saying that “there will be through train” the way “Liar NG”, the senior government official, is doing? Mr President, there is a saying, “When we are in office, we are concerned about the people.....

PRESIDENT: Please stop, Dr TANG. I must remind you not to describe any public officer or Member of the Legislative Council as a liar or telling a lie.

DR TANG SIU-TONG: In that case, I withdraw my remark.

DR TANG SIU-TONG (in Cantonese): When we are out of office, we are concerned about the head of the state.” The interpretation of the relationship between the head of state and his officials, and between the father and his sons in

the old days differs from that of nowadays. But the essence of its meaning is that “it is the people who are important, and the head of state is not that important”. I think it is not worth it that we should care about the Governor’s package and the personal success or failure of Mr PATTEN; it is the people’s livelihood, the people’s lives, the people’s living environment and so on that warrant our best endeavours. A moment ago the Honourable Eric LI was in tears during his speech. All along Mr LI has been a defender of the Administration. This is widely known. But it is today that our national pride is being hurt to the quick. And being of a sound and alert mind, he has felt it necessary to speak out for we Chinese. This is something I find most worthy of praise.

I urge you, Honourable Members, to summon up your conscience and face reality instead of deceiving yourself as well as others. Choose the package best for the smooth transition of Hong Kong. If you are still sticking to the old hopeless way and hesitating at the crossroad, you will lose the initiative and this will cause serious trouble to Hong Kong in the future. Please take a look around this city and ask yourselves: Who is the boss now?

Mr President, I so submit.

MR JAMES TIEN (in Cantonese): Mr President, what do people living in this world today look forward to? Surely, some people may want to be explorers, some to be soccer players who have the opportunity to play in the World Cup tournament, and some to be famous painters. However, very few of them can realize such aspirations of theirs. Nowadays, what the majority of people living in this world want is a good quality of life, which can however be found in not too many places in the world. Why? Take Africa as an example. The problems of racial or tribal conflicts and poverty are the reasons. In the Middle East, the problem of religion is the reason. Hong Kong has all along been a piece of blessed land. All the people living here are Chinese and most perhaps do not have any religion. So what is there to argue about? There is virtually nothing that is worth disputing except perhaps the matters concerning the elite, the business sector, the professionals and the grass roots. In many places, a good quality of life means freedom. People want all kinds of freedoms. Freedoms of speech, of reading newspaper and even of watching the World Cup matches. But among all these freedoms, what is the most important one? I think that it is, to put it in a refined way, economic freedom. And, not to put too fine a point on it, we would say “money talks”.

Let us take a look at the global political situation of today. Is the democracy of the United States equivalent to freedom? If the United States had not thrown money around, could it have influenced so many third world countries to do what it likes? If it had not thrown money the Soviet Union’s way, would the Soviet Union have become what it is today? Indeed, how can all these so-called freedoms be realized? Naturally, through everlasting democracy since democracy and freedom are often mentioned together, so much so that the

two words seem to be synonymous and everlasting democracy is everlasting freedom. But what then after everlasting democracy? According to the Western concept, everlasting democracy means “one person, one vote”. Besides this kind of democracy, any other form of democracy realized by way of consultation is not democratic. But looking from another perspective, is the system of “one-person, one-vote” really democratic? If 51 out of 100 persons want to turn right and the remaining 49 persons want to turn left, does it mean that the 49 left-turners have to be led by their nose? If there are enterprises in a society, I mean a capitalist society, there will naturally be entrepreneurs, and then there will be professional managers and workers of lower levels. Can we say that good quality of life can only be found in such kind of societies? If so, is it that only the democracy arising out of a one person, one vote system can best ensure that there will be a variety of freedoms? I do not think so. The Western kind of democracy is a system where everything that is up for grabs is hotly contested. Miss Emily LAU has said just now that the uncontested winners of functional constituency elections are all elected through “struck deals”. Do “deals” necessarily mean elections by consultation and is the latter necessarily undemocratic? Does genuine democracy exclude everything except the so-called Western democracy practised in the United States and Britain, where political parties will each field a number of candidates who will have to contest the primaries and then a series of other elections before competing with other political parties? Miss Emily LAU has also said that uncontested elections in the functional constituencies foster many corrupt practices. She seems to imply that corruption is non-existent in direct elections. Is that really the case? Just take a look at the former President of the Philippines Mr Ferdinand MARCOS and the present-day Japanese politicians. Is corruption really non-existent under the kind of democracy with a one person, one vote system? In fact, many of those who run in the “one person, one vote” kind of elections may not be financially sound when they start their careers and may, I am saying may, be more susceptible to corruption.

Mr President, the Hong Kong Government has governed Hong Kong for more than 100 years. Nowadays, many people around the world envy our achievements. Some of my British friends whom I recently met said, “If we had such a government in the last 10 to 20 years, we would not have been in such damned straits!” (Sorry, I mean so economically unsound.) They were in fact referring to the present unemployment rate in Britain, which is as high as 10%, and the ever sluggish economy. The situation is the same in Canada. Dr YEUNG Sum has said that the existing public assistance allowance has reached \$2,100 which is no problem. He has also said that for the tax rate to go up just a tiny bit from the existing level of some 16% but falling far short of 40% will be no problem either because the rate in Canada is between 30% and 40%! Yes, this is true but Canada is having an unemployment rate of 10% and its economy has been sluggish. In fact, Dr YEUNG Sum has also touched upon the crux of the matter. For all these years under British rule, Hong Kong has been governed by elitists, professionals and businessmen. Now that there are only three years left, is it because of the imminent British pullout that the Administration is returning the administrative powers to the people and is

finding “new partners”? The Administration has argued that if the nine new functional constituencies each with 250 000 constituents are added, then the coverage of the functional constituencies will be enlarged and the constituencies will become more representative of the people. The functional constituency elections were introduced in 1985 when some appointed seats were replaced by functional constituency seats. But all of those elected in the functional constituency elections have contributed to Hong Kong through providing advice to the Administration. Not to put too fine a point on it, such Members who are themselves businessmen and professionals are all “making money” for Hong Kong while the directly elected Members are “spending money” for Hong Kong. But there is nothing wrong in this. We can afford to spend if we manage to make sufficient money. No problem will arise if we can tailor expenditure to income.

Members of the Liberal Party and many who are professionals would think that Hong Kong owes its achievements today to our ability to create but not distribute wealth. Our ability in this regard is absolutely attributable to the efforts of the Administration. However, I think the elections of the nine new functional constituencies each with 250 000 constituents are indeed direct elections in disguise. Moreover, the 360-odd elected district board members in the Election Committee are going to return 10 Members to the Legislative Council. So if any one political party manages to have around 100 members in the Election Committee, then it can surely secure the 10 Legislative Council seats through elections among the members. In such circumstances, that party will be able to wield enormous political power. In the rates increase incident where the Liberal Party joined hands with two other political parties in an attempt to influence the operation of the government, the Administration was very displeased and said it was a case of “the silence of the lamb”. If the elections in 1995 are to be conducted according to the 1992 package, then over half of the seats of this Council will be taken up by the democratic camp and by then it will be very difficult for the Administration to be even silenced lambs. What kind of lamb will it be then? In a pessimistic light I would say it is a case of “the slaughter of the lamb” or in a less pessimistic light maybe “the castration of the lamb”.

The Administration has said that such a situation will not arise because so far the democratic camp has been kept out of the loop, and once they are allowed in, they will know “how to behave”. We may wonder whether the Administration has based such an argument on the fact that the democratic camp has very often played the role of the opposition party which is opposed to almost every government initiative. Let us take a look at the motion debates in the last couple of years or so. Was it the independent Members and the Liberal Party or was it the United Democrats of Hong Kong who supported the Administration more? I am absolutely sure that it was us who supported the Administration more. Now that there are only three years left, the Administration is saying that it is not going to consort with this group of people. It will instead consort with another group. The Administration thinks that consorting with them will oblige them to treat the Administration nicely. Is that

really the case? The Legislative Council will be under the control of the democratic camp for 20 months. Of course, I would not want to use words like “welfarists” or “capitalists”. I would at most say that they incline towards welfarism, which they have denied. Since I rejoined this Council recently, they have voted against the construction of the Western Harbour Crossing and the Convention and Exhibition Centre. They have proposed instead to raise the profits tax from 16.5% to 17.5%

DR HUANG CHEN-YA (in Cantonese): Mr President,

PRESIDENT: What is your point, Dr HUANG?

DR HUANG CHEN-YA (in Cantonese): Mr President, will Mr James TIEN elucidate his argument on how we voted against the Convention Centre. He was well aware of the situation at that time. Our position was, in fact, to assist the Government to strive for more favourable terms for the development of the Convention Centre.

PRESIDENT: Do not make a speech, Dr HUANG. Just ask for an elucidation. Mr TIEN, do you wish to elucidate?

MR JAMES TIEN (in Cantonese): I would ask Dr HUANG to refer to the voting records. He pushed the button to vote against the above mentioned projects. He may of course have his own theory to offer. But the records before us show that UDHK have voted against these projects.

Mr President, I would now like to turn to the capital gains tax and profits tax. This year, despite a budget surplus of some \$7 billion, a proposal was nevertheless made by some to raise the profits tax from 16.5% to 17.5%. Is it because of jealousy? Do they think that the businessmen and professionals in Hong Kong have earned too much money and so even if the Administration does not want a tax increase, they still have to propose one such that the businessmen and professionals will have to give back something, even if it is only to be put into the reserve? If UDHK had not been forever making these kind of proposals, the business sector — I am not referring to the Liberal Party — might not have resented them so much. The Administration considers that co-operation with them, a predominant Democratic Party, will not give rise to any problem since it can dominate them. But I am a little worried that the situation may not turn out that way. Why? It is because the democratic camp, in view of the breakdown of negotiations between China and Britain, surely knows that Members of this Council will have to be re-elected after 30 June 1997 and they will therefore have only 20 months to “play their game”. So they will surely do as much as they want in those 20 months. In such circumstances, do you think

they will support the Administration? Mr President, it is not so important whether a smooth political transition can be achieved. What we would most like to see is a smooth economic transition. Only a smooth economic transition can ensure that the six million people in Hong Kong can maintain the existing good quality of life. We consider that if we can secure a smooth economic transition but fail to obtain a smooth political transition then we should at least maintain our political stability until 30 June 1997. We think that the 1994 compromise package is more in line with the Basic Law. If the 1994 package is implemented in 1995, then political stability from then until 30 June 1997 can be ensured and all the Ordinances enacted or amended by this Council will not be subject to the dominating influence of a monolithic party. Therefore, I am supportive of the 1994 package.

Finally, I would like to say a few words about Mr CHIM Pui-chung's motion. The Chinese Government has indicated that the three tiers of representative government will have to be reconstituted after 30 June 1997. However, the Hong Kong Government refuses to believe this. It thinks that although the Chinese Government has said so, there are still a few years to go and the Chinese Government may not really do so by then, and so the re-elections are simply hypothetical. Perhaps our senior officials think so because they do not have the opportunity to visit Beijing. When we were in Beijing, the Chinese officials there told us face to face that the three tiers of representative government would definitely be disbanded. We also expressed the view that this should be subject to ratification and confirmation by the Preparatory Committee. If the members of the three tiers of representative government are not recognized in 1997 then there must be re-elections. So I think Mr CHIM's motion is acceptable.

MR LAU WONG-FAT (in Cantonese): Mr President, unless we try to deceive ourselves as well as others, otherwise we should acknowledge and accept the fact that with the breakdown of the Sino-British negotiations over the political system, the "through train" arrangement no longer exists. Part One and Part Two of the reform package unilaterally proposed by the Hong Kong Government will be unable to survive after the establishment of the Hong Kong SAR Government in 1997. Besides, up to the present stage, the legislature created under whatever proposal or amended proposal passed by this Council will be dismantled on 1 July 1997. And the Hong Kong SAR Government will reorganize the three-tier representative government in line with the provisions of the Basic Law. On this issue, the Chinese Government has already made clear its stance time and again. Thus we should not harbour any illusions. In other words, the Bill passed by this Council today will be only valid for less than two years. We should clarify this point to the public so as not to mislead or deceive them.

Among the packages and the proposed amendments discussed by this Council today, the 1994 package put forward by Mr Howard YOUNG is most akin to the provisions of the Basic Law. Its merit is that the negative effects on

a smooth transition for Hong Kong due to lack of “through train” can be kept to the minimum. Some people think that since there is no “through train”, major changes can simply be made to the Hong Kong political system before 1997. They even cherish a vague hope that these aggressive changes can continue after 1997. I consider this to be an extremely irresponsible approach which totally neglects the interests of the Hong Kong people. It is no different from regarding our interests as stakes and the Legislative Council as a casino.

Although I have reservation as to certain aspects of Mr Howard YOUNG’s proposal, if the other proposal which is contrary to the Basic Law is passed, enormous impact on and percussion to Hong Kong will result. Apart from that, based on the reasons I just mentioned, I also intend to support the amendment moved by Mr CHIM Pui-chung.

Mr President, there are my remarks.

MR MARTIN BARROW: Mr President, I have thought long and hard about the line that I should take on these electoral reform proposals, and it has been a very difficult decision. It has also been a very personal decision.

There have been widely divergent views in the community and I have over the past two years supported attempts to find a consensus that would have widespread support across the territory. However, on the day, the position in the Legislative Council remains finely balanced and it is my conclusion that the scales should be tipped by people whose home has been and will be Hong Kong for generations to come. Hence it is my decision to abstain on all major or significant votes and not take sides. Mr President, this in no way affects my continued commitment as a member of the legislature to do my best for the territory.

I hope, whatever the outcome today, that we can now put the political debate behind us and concentrate on the economic agenda and strengthening the links with China, to the benefit of all the people of Hong Kong. I hope too that I can continue to serve the community both before and after 1997.

Thank you.

MR STEVEN POON (in Cantonese): Mr President, Hong Kong was ceded to Britain 150 years ago as a result of the Opium War. Ever since then Hong Kong has been a colony in status in South China, a woeful testimony to the weakness of China, the bullying by foreign powers and the sadness of the Chinese people. People of our generation are holders of Certificate of Identify issued by the Hong Kong Government. Whenever we went abroad, we were faced with people who deliberately created difficulty for us, who discriminated against us. We could not but hope that China would become powerful and win the respect and recognition of countries all over the world. We were also

hoping that Hong Kong could be returned to China, and that the weakened China which had experienced frequent wars and turmoils could be unified some day. In the 1980s, a powerful China created the environment for the realization of this expectation by setting down the date through the Sino-British talks and Sino-British Joint Declaration to put an end to the colonial status of Hong Kong. And this is a giant step forward to the unification of China.

Hong Kong has been separated from China for 150 years. During the past 100 years, Hong Kong had often been the haven for people who ran away from China's wars, turmoils and struggles. With the policy of the colony being what it is, the people of Hong Kong are only nationality conscious but not state conscious, not knowing what sovereignty means. Therefore, in the process of Hong Kong's reversion to China, we are not to concentrate on how the Union Jack will be lowered for the British to return to the British Isles, but rather on how to establish mutual trust between China and Hong Kong, and how to incorporate Hong Kong into China's political institution of "one country, two systems". On 30 June 1997 the British Government will lower its Union Jack and go home. But the 6 million Hong Kong people will have to stay in Hong Kong. It would not be helpful to the 6 million Hong Kong people living under a political institution of "one country, two systems", nor would it be helpful to Hong Kong's smooth reversion if a regional government and the central government should lack mutual trust or if a regional government should in every aspect create separation and confrontation.

In the present political environment of Hong Kong, a rather strong confrontational sentiment against China prevails. Many people attribute this situation to the 4 June Incident five years ago. Let us leave this to the political commentators for a conclusion. However, in the face of such confrontation with China and the fact of the 1997 reversion, the policy of a responsible government should have been to temper it and achieve better mutual trust between China and Hong Kong. This is because confrontation between China and Hong Kong does not have a future. However, the policy pursued by the British Government simply runs in the opposite direction. The effect of the political reform package put forward by the Governor, Mr Chris PATTEN, after he assumed office is that the gap of separation has become even wider. As the Governor has no way of rewriting the Sino-British Joint Declaration and the Basic Law, he looks for *lacunae* in these documents and puts forward a constitutional package totally different from the Basic Law by relying on some paradoxical arguments. As a result, the conflicts and mistrust within Hong Kong and between China and Hong Kong grow. This has become a hindrance to the governance of Hong Kong during the transition period and after 1997.

The Governor said that his package had not contravened the Basic Law. I of course cannot say that he is wrong because the Basic Law is only applicable to the Special Administration Region (SAR) after 1997 and it is not applicable before 1997. But as a responsible governor, what he proposes should converge with the Basic Law. In the Governor's 1992 package, the Election Committee is to have district board members as its base, and this is in sharp contrast to the

four constituent groups as provided for under the Basic Law. The Governor's 1992 package redefines functional groups, changing them into constituencies that are neither fish nor fowl with disguised direct elections. This is also in sharp contrast to the functional groups as defined by the Basic Law. Apart from the fact that it is out of line or fails to converge with the Basic Law, the Governor's package is also not in agreement with the seven documents exchanged between the foreign secretaries of China and Britain.

As it is the case that the British Government promotes the Basic Law in the British Parliament, why on earth has the Governor proposed a package that does not agree nor converge with the Basic Law? I do not want to hazard a guess on what machination there is, but as a matter of fact, what the Governor had done has led to division, has heightened the mistrust between China and Hong Kong, has exacerbated the conflict between China and Hong Kong and has caused hindrance to the governance of Hong Kong after 1997. When I said division, I meant the division among the people of Hong Kong. With the conflicting views on the political system, the people of Hong Kong become divided and polarized. The British Hong Kong Government trusts only those who are in favour of the Governor's package. On the other hand, it also leaves China with no alternative but to trust only those Hong Kong people who are firm against the Governor's package. At the same time, it also leaves the majority of Hong Kong people at a loss as to what to do apart from being divided. The division I mentioned also meant that it will divide the central government from the future SAR government and create the basis of confrontation between China and Hong Kong. I believe that most Hong Kong people hope that China will become more powerful and that unification can be achieved without trouble. They will never approve of any fancy or action to have the people of Hong Kong divided and to generate confrontation between China and Hong Kong.

Mr President, since 1990 the British Government apparently has been adopting a policy that is quite different from the previous one for Hong Kong and China, and the Governor's package which is being debated here today is a product of this new policy. The conception of this new policy was probably based on the cherished view that the Chinese Government would collapse as did the ex-Soviet Union Government, or that the Chinese Government would break up. China experienced various internal and external predicaments during the last two centuries. It is time all the people of China look forward to a time of stability and prosperity. It is impossible for the Chinese people as well as the people of Hong Kong to approve of the possible expectations and assumptions conceived by the British Government in its new policy.

The Governor peddles his constitutional package using democracy as the slogan. But throughout its 150 years' rule over Hong Kong, Britain never practised democracy here. Then why in the remaining 20 months or so of its rule over Hong Kong is Britain pursuing democracy by confronting China through the Governor who represents the best interests of Britain? His credibility is very low. In these circumstances, the Liberal Party and some

independent Members burned their midnight oil to work out a compromise which is the 1994 package that will converge with the Basic Law. One of the main purposes is to make it possible for China and Hong Kong to re-establish their relationship for the formation of a more balanced and stable political system. This would be beneficial to the returning to China of the sovereignty over Hong Kong and beneficial to the mutual trust between China and Hong Kong.

Mr President, the Governor's constitutional package has confused the people of Hong Kong in that people are led to believe that confrontation between China and Britain is the same thing as that confrontation between China and Hong Kong. We should recognize the fact that the confrontational measures adopted by Britain against China are in pursuance of a conceived global strategy. To the 6 million Hong Kong people, it is vital to maintain a good, long-term relationship of mutual trust with the Chinese central government. There is no reason why Hong Kong people should support a policy of confrontation against China which is being followed by Britain. Mr President, the 1994 package signifies a further step to pursue democracy according to the pace prescribed by the Basic Law. It should be a more pragmatic one.

MR TAM YIU-CHUNG (in Cantonese): Mr President, since no other Members are going to speak, I would like to say something. On this same day three years later, that is, on 29 June 1997, I believe the Legislative Councillors at that time may feel helpless, discontented and regretful, in particular the newly-elected Members, for their term of office will have expired by that day. However, these Members may also ask the reasons why such a scenario arises. Maybe everyone can recall that it is the result of the 1992 political reform package proposed by Governor Chris PATTEN, and is the consequence of the three major mistakes made by the Right Honourable Christopher PATTEN:

Firstly, he goes back on his promise. I have queried this point in this Council. Mr Chris PATTEN proposed his "three-violation" political reform package on 7 October 1992, violating the Sino-British Joint Declaration, the Basic Law and the seven letters exchanged between the foreign ministers of the two sovereign states.

Secondly, he makes transition difficult. After the tabling of the reform package, the Chinese and British sides fall to heated arguments, the co-operation between the two sides is spoiled thoroughly, their mutual trust is on the ebb while the society of Hong Kong is polarized.

Thirdly, he ruins the negotiations. After 17 rounds of negotiations between the two sides, the British side unilaterally overturned the negotiation table and even kicked away chairs at the negotiation table. Yet the British side is all pretence and puts it about that the door for negotiation is still open.

During the trials and tribulations of the past 20 months, many people hoped that the rays of the sun might pierce through the clouds after rain. Earlier on, I heard some reporters say outside the Chamber that they hoped the row over the political system could be settled shortly. Recently, the media are concerned with how the Democratic Alliance for the Betterment of Hong Kong (DAB) will vote today. In fact, we have made a decision in principle on today's voting. Our opinions can be generalized into three points: we oppose Governor PATTEN's package; we do not want Governor PATTEN's package to be passed by this Council; we will positively consider the political reform packages tabled by the Legislative Councillors, provided that they are in line with the direction as laid down in the Basic Law.

Some Members questioned the necessity to advert to the Basic Law if there is no through train at all. The Chairman of the DAB, Mr TSANG Yok-sing, touched upon this point in an article written by him to *Wah Kui Yat Po*, published on 14 June. He explained that convergence was still essential even when there was no more through train arrangement because if the composition of the Legislative Council in 1995 was in conformity with the pace of constitutional development as defined in the Basic Law, then it could still play a positive role in the gradual and measured process of political development. The formation and the operation of the Legislative Council in 1995 could then provide useful experience for the development after 1997. On the contrary, if the pre-1997 development should seriously deviate from the track of convergence, it would only go down in Hong Kong's history of political development as a brief and fleeting development. Therefore, we oppose the PATTEN package and support the 1994 compromise package. Our support for the 1994 compromise package is not based only on consideration of whether the package will benefit the DAB in elections, nor does our support for the package suggest that it is perfect. We express our support for the 1994 package because we hope that there will still be convergence even if there is no through train. This intention is in line with the ideal of smooth transition and is in the interests of the community at large.

In their speeches today, many of the Members made repeated references to the aspirations to democracy and the quest for democracy and in particular, they emphasized the ratio of directly-elected seats in this Council. Some want 30 directly-elected seats while some others request for 60. In fact, the Basic Law has embodied this sort of request for the introduction of direct election. Therefore I do not think that this kind of request is inconsistent with the Basic Law. However, there is a point that I would like to raise, that is, we should take things a step at a time if these requests are to be consistent with the development of Hong Kong and to be in the interests of the public. Therefore, according to the Basic Law, there will be 30 directly-elected seats in 2003 and a fully directly-elected legislature will, I believe, emerge by the year 2007. The DAB raised this issue with the Director of the Hong Kong and Macau Affairs Office, Mr LU Ping, during our visit to Beijing in 1992 and positive responses were received.

Let me raise another point. I noted in the earlier speeches made by some Members the use of analogies which were really offending to the ear. I would like to make specific reference to Dr the Honourable HUANG Chen-ya's speech in which some "Category III" analogies are used. For example, he talked about "rape", "going to bed with someone", "indecent assault" and so on. As a medical doctor, fortunately a brain surgeon, he should not have used these analogies. I am really amazed at the terms he has used. I hope that there will be improvement in future and other better analogies be used.

The Honourable Martin LEE suggested this morning that those who were so much pro-Beijing should go back to the Mainland to live. I would like to make an appeal to the people of Hong Kong: we have to work for the betterment of Hong Kong since we have chosen to stay in Hong Kong. We will not go back to the Mainland, nor will we emigrate to other countries. Let us not be tricked, for everyone of us in the DAB will not only stay in Hong Kong for its betterment, but will actively participate in the elections, in the hope that we can, through elections, strive for a smooth transition, create in Hong Kong prosperity and wealth, and bring to the people of Hong Kong a peaceful environment to live and to work in. This is the political platform of the DAB.

With these remarks, Mr President, I oppose Governor PATTEN's reform package. At the same time, I would like to take the opportunity to urge colleagues not to accept Governor PATTEN's package reluctantly, as Dr HUANG Chen-ya claims he is doing, because acceptance with reluctance will only mean agony.

MR RONALD ARCULLI: Mr President, as the Chief Secretary has quite rightly said today, it is indeed a momentous day. So indeed will be on 30 June 1997 because on that day the transfer of sovereignty takes place. It is unprecedented, and for Hong Kong it will be the single most important and historic event of this century. It is therefore not surprising that some colleagues have used highly emotive language and some with rather heavy hearts. But at the end of today it will be a combination of heart, head and conscience that will dictate how each of us will vote on this matter.

Mr President, given all the accusations and counter-accusations at governmental level, and indeed between political parties, is it any wonder that 90% of the public in Hong Kong do not understand what is going on? Either they do not know or they do not care. To my way of thinking, both are equally devastating for the Administration and its efforts since October 1992. In true democracies, Mr President, the Government would find it virtually impossible to survive.

Mr President, there are several points I would wish to offer my comments on today. The first is the so-called nine new functional constituencies under the 1992 proposal. What is it? Why is it supported by the United Democrats as their bottom line? The answer really is quite simple. Because this is just one

seat short of their proposal for 30 directly elected seats. Obviously the United Democrats are so convinced that they are so right, that if they cannot get 30 directly elected seats by the front door through their proposal, they are obviously prepared to settle for an additional nine through the back door. However, there is one major difference. With respect to the United Democrats, their proposal would actually work, whereas the Government's does not.

One argument advanced for this aspect of the Government's proposal is that the numbers are large. Are we in the numbers game? Or are we trying to nurture and progress democracy along the way in Hong Kong? I believe it has to be the latter. I say the Government's proposal does not work because how do candidates seek their electorate? How do they canvass for votes? Will they go out throughout the territory, knocking on doors, introducing themselves? But can they? The candidate will go up to a block of flats, ring a bell, the door will open and he will ask for Mr CHAN. Somebody might say, "Which Mr CHAN?". He will reply, "The one who works in the plastic industry." Imagine if Mr CHAN has changed his job. The answer will be, "There is no such Mr CHAN."

Mr President, I do not think I need to elaborate on this. My second point deals with the lobbying for votes for today's proceedings and comments made by the Honourable Martin LEE and some of his United Democrat colleagues. There has been criticism of lobbying by big businesses and by the Chinese Government. There has been no criticism of lobbying by the United Democrats or the Hong Kong Government. Are we to believe that they have not lobbied? If they have, how can the difference be defended or justified? Surely it cannot be the United Democrats' position that only lobbying for the 1992 proposal or the United Democrats' proposal, by fair means or foul, is okay but lobbying for anything else is not, because that would not be democratic. And I do not believe that they are that undemocratic, Mr President.

Talking of democracy, I would like to put on record that the Liberal Party believes that the three Official Members should abstain on all amendments today. The reasons are plain. First, the issue should be decided by the people of Hong Kong. Second, the Government has failed miserably in putting the 1992 proposals to the public. Third, there is not enough public support for the 1992 proposals and lastly, if the issues are decided by less than three votes today, is that fair? Is that democratic?

Mr President, the Liberal Party has been accused of surrendering or sacrificing Hong Kong's interests by putting forward the 1994 proposals. This is wholly unjustified and wholly unfair. But we have come to expect that from some of our political opponents. Let me put the position of the Liberal Party plainly and once again, in clear and simple terms. What do the people of Hong Kong want? Do they want bread? Can they live on bread alone?

Mr President, day in, day out, the people of Hong Kong are making bread to feed their children. Their parents, the less fortunate and indeed themselves,

want to continue to do so. They need to continue to do so. Sure they want freedom. Yes, they want democracy. They also want stability. They also want prosperity. All of us would like to have that and indeed, as far as the Liberal Party is concerned, we will of course try and do everything to try and achieve that for them. But it is not easy in this rather highly charged atmosphere of political debate.

Mr President, whatever happens today, I think Hong Kong will have to survive and I believe that for the people of Hong Kong they deserve no less. I think when it comes to voting today, Mr President, there is the pragmatic or the idealistic road that lies ahead for Hong Kong in our constitutional development. The pragmatic road is the 1994 proposal. That is the Hong Kong way. Thank you, Mr President.

MR ALFRED TSO (in Cantonese): Mr President, after more than 20 months of debate, we have to make a decision on the political arrangement today. In fact, Members already made up their minds about the political reform package that is before us today well ahead of the present sitting. However, they still spend long hours expressing their views and putting forth their arguments with such enthusiasm that reflects their genuine concern over the political reform package. It is a pity that today's debate in fact may have no significant bearing on the voting result. Nonetheless, our last-ditch efforts are still necessary to get a small number of Members who are still vacillating between the 1992 and 1994 packages to make up their minds at the very last minute.

I hope that with the decision made today, we can fix the game rules for the 1995 Legislative Council election. From then on, people from every social stratum, the Legislative Councillors and, in particular, the Government, can devote their energies to other essential areas of work. Originally, I hoped that voting could proceed quickly; so I did not intend to speak again for fear of impeding the voting process. However, when I saw how the Honourable Eric LI, in an impassioned and emotive speech, explained to this Council the process of working for a compromise package and stated his own views thereon, I felt that I should also reveal some of my feelings here in this Council today.

In fact, it is rather easy to get the 1992 package passed today. Looking back at the whole course of events, I understand that, as at last week, it was generally believed that the 1994 package would not be able to rally enough votes because some Members had not yet decided to support it, and some were even planning to abstain from voting. If this is the case, the 1992 package will be passed easily. However, the Members from the Liberal Party and some of the independent Members are not disheartened by such forecast. They still attempt to come to terms with the undecided Members and try to explain the package to them, hoping that a political reform package which can secure a smooth transition be carried and accepted ultimately. There is intense lobbying directed at some of those Members who are described as pro-China and those who are labelled as Members of the Breakfast Party.

If the Members concerned are not there to do this arduous job for the sake of the overall stability of Hong Kong, I believe the 1992 package will be passed easily. The passage of this package may induce a division between China and Hong Kong, while mutual suspicion and confrontation and even direct conflicts may follow the endorsement of the package. If it is so unfortunate that this happens, I believe some British politicians or some saboteurs on the international political stage may stealthily gloat behind our back.

Mr President, I hold that an ideal political system should manifest itself as an art of compromise and conciliation, not as a vehicle for attacking and accusing one another. The spirit of democracy lies in mutual accommodation and full consideration being given to different political opinions, not the launching of a life-and-death struggle. I very much resent the speeches made by some Members from the United Democrats of Hong Kong. The Honourable Martin LEE and some of his party members are pulling out all the stops to disparage those Members who support the 1994 package, and some of their comments are even insulting. Is it the proper way to conduct a sensible debate? They seem to suggest that things in the world are either right or wrong, black or white, implying that they are the representatives and the defenders of democracy. Is it not too self-centred to have this sort of attitude?

Mr LEE said that the three Members appointed by Governor Chris PATTEN should support the 1992 package because when they accepted the appointment, they had been aware of the political standpoints of the Governor. I think it is wrong to draw such a conclusion for individual Members should vote according to their own conscience and belief. Within the government of Hong Kong, the members of many advisory and consultative committees are appointed by Governor Chris PATTEN. According to Mr LEE's logic, can the members of these committees not have any independent opinions or opposing views regarding their work in the concerned committees? No wonder more than one year ago, the three-strong review group appointed by Governor Chris PATTEN, tasked with the responsibility of reviewing whether or not the Governor should be subject to salaries tax, concluded that the salaries of the Governor should be tax-free. Their conclusion might have been drawn from the fact that past Governors did not need to pay tax. Or maybe it was because the members had got wind well beforehand of what the Governor was thinking. Their method of drawing a conclusion happened to coincide with the logic of Mr LEE. If we say that Mr LEE's logic sounds sensible, then we should readily accept the conclusion of the review group.

The Honourable Howard YOUNG's amendment proposal is formulated after a long period of discussions and compromises. For the sake of accomplishing an important mission, this package is being put forth despite slanders and humiliation. The road of democratic advancement is both long and rugged. Even though the 1994 package may not be a perfect package or arrangement, it is nevertheless a package that the people of Hong Kong will accept in deference to reality. I think that all Members of this Council, whichever parties or factions they belong to or whether or not they are

independent Members, should make a voting decision today out of their own conviction. No matter which package is passed, let us dedicate our heart and soul to the same cause of securing a smooth transition. If different parties cannot accommodate one another, how can we work together to achieve the important goals of “Hong Kong people ruling Hong Kong” and “securing a smooth transition”? Is it the scenario that the people of Hong Kong would like to see in the latter part of the transition?

With these remarks, Mr President, I support the 1994 package.

MR HOWARD YOUNG (in Cantonese): Mr President, I do not have a prepared speech of any kind today. I did not intend to speak originally. I do not expect that I can, by speaking a few words here, cause some Members to change their minds at voting time.

I would like to talk about why there is such a major controversy this time. It all began when Governor Chris PATTEN unveiled his so-called 1992 constitutional reform package in the Legislative Council in 1992. The package has indeed given rise to a lot of controversy over the past two years. I remember that, when I first heard about his package, I felt that it sounded quite original. But then I felt that there was something wrong about it. So I never took a public position on it. I said that I could not raise my hand in support until I saw clearly what it was all about and until I had thought things through.

What aroused my scepticism about his package was this: Was he playing by our rules of the game? The two major areas most open to question were: his proposal about functional constituencies and his proposal about the Election Committee. I remember I said then, even at that early stage, that I had to think and find out if the proposed functional constituencies would converge with the Basic Law. I said so to the media after the sitting was adjourned that day. I said that I did not have the answer yet.

Let me talk about the functional constituencies first. In 1992, at a breakfast with Governor PATTEN in Government House, he asked me if I felt that there was something controversial about his constitutional reform package. Thereupon, I showed him a survey report (with bar charts) that I had just done for the tourism and travel industry sector. I felt that his plans for the nine new functional constituencies and the Election Committee were apparently the most controversial.

Something that had surprised me was that the functional constituency to which I belonged would not accept even a lowering of the minimum voting age. I conceded that our tourism functional constituency was indeed relatively conservative. But I added that I myself had no objection to lowering the minimum voting age to 18.

Indeed, I had misgivings from the very beginning about the Governor's plans for the functional constituencies and the Election Committee. I even became sceptical later on. After studying the matter carefully, I finally arrived at a conclusion. I concluded that I could not see how the Governor's plans could fit in with Hong Kong's definition of functional constituencies or with the Basic Law's interpretation of the term.

I never said that the Governor violated the Basic Law. I phrased my response very carefully. I said, "I do not think it conforms to the spirit of the Basic Law and what is meant by functional constituencies." I am no lawyer. I cannot say that the Governor has violated the Basic Law. The Government has been conducting an extensive promotion exercise in recent years, urging people to register as voters. One slogan is to the effect that he who wants something should register as a voter. I feel that the Governor's nine new functional constituencies were designed with certain expectations in mind. He divided the working population of Hong Kong into nine functional constituencies. I think that the functional constituency elections in his plans are direct elections in disguise. In the future, when we are to return all 60 of the Legislative Council seats by direct elections, should we have 30 of them elected in ways as now suggested by the United Democrats of Hong Kong and the other 30 elected in ways as suggested in the Governor's 1992 package? I am willing to give the matter the benefit of objective analysis. I will not venture to draw a rash conclusion. Still, I feel that we should not preclude such a possibility.

I always feel that we should "call a spade a spade". A functional constituency is a functional constituency. This is the rule of the game. Besides, functional constituencies are not China's invention; nor are they the invention of the Basic Law. They were invented by the Hong Kong Government itself. In 1984, it was quite clear to us what functional constituencies were. I feel that functional constituencies are feasible in the community in Hong Kong, that they are acceptable and that they are the best as a step in transition to universal direct elections ultimately.

When China and the United Kingdom were arguing over this issue, many Members were not idling but did a lot of helpful things. Just now, a Member talked about some Members going to Beijing to lobby QIAN Qichen. I feel that, over the particular issue, the final say always rests with this Council. However, I wish to point out that the purpose of lobbying was so that China and the United Kingdom would sit down and talk and reach an agreement, which would then be tabled at this Council for endorsement. I feel that such an arrangement would have been the best. Now this hope is dashed. But it was with such a hope that we went to Beijing. Nor did we just go to Beijing. I remember that, in early 1992, we (including Mr Allen LEE and Mrs Selina CHOW) went to London to ask the British Government to open talks on that particular issue. Then we went to Beijing to ask Chinese leaders not to insist on the Governor's withdrawal of his package. In short, we asked both sides to sit down and talk. The people of Hong Kong wanted very much to see China and the United Kingdom reach an outcome which would be good and acceptable to all parties concerned. Later,

when China and the United Kingdom announced that they would talk, everybody was happy. When the talks broke down, everybody could not help feeling disappointed.

One Member asks: Why put forth this 1994 package? Actually, the 1994 package is based on good faith and it was crafted after careful study by a number of Members who wanted smooth transition for Hong Kong in the absence of the through train. It was not put forth at random or without mature consideration.

Mr Eric LI did a lot of work on the 1994 package. He kept a low profile. He did his work not for his own good. He did it for the good of the people of Hong Kong.

Our package was not the product of abstract thinking. There is a sound basis for it. We remember that some independent Members and some Members from the Liberal Party asked the Secretary for Constitutional Affairs for certain data or information. We wanted to take a look at the revised package that the British side allegedly took to the conference table in 1983. Governor PATTEN once made a reference to this revised package. According to him, the Election Committee in his package is closer to the Basic Law's definition. I do not intend to argue with him about whether this is true. In any case, according to him, his package is closer to the Basic Law's definition. Again, according to him, the functional constituency elections in his package are based on group voting. In his view, his package is not the best package but it is at least fair, open and acceptable to the people of Hong Kong.

We wanted to see if we could find a solution in those documents made available to us. China and the United Kingdom have failed to reach agreement. I will not venture to go so far as to say that we are picking up the pieces. But our plan is fully based on the data or information given us by the Government. This is true with regard to our proposals both on how each functional constituency should be constituted and on how the Election Committee should be constituted. I would like to say thanks here to the Secretary for Constitutional Affairs. He has been very co-operative. He really gave us a lot of information. I have no complaint at all. I understand that he has not studied the data or information fully and cannot make a recommendation to us. Let us now try to constitute the functional constituencies on the basis of such data or information.

Take our plan for the agriculture and fisheries functional constituency for example. It is almost 95% based on the data or information that the Secretary for Constitutional Affairs gave us in his letter dated 25 May. The only change that we have made is the deletion of the 900-strong trade union of the employees of the Agricultural and Fisheries Department. I feel that putting such a union in the functional constituency will not be appropriate.

Our plan for the cultural and entertainment functional constituency is almost totally based on the same plan that, as the Governor said again and again

during the days of the Sino-British talks, is “acceptable to the people of Hong Kong, fair and open”. The same applies to our plan for the textile functional constituency. We are not changing these two functional constituencies at all.

In addition, though China and the United Kingdom reached neither an agreement nor any consensus during their talks, yet we find that, at least apparently, there is a degree of consensus on five items. These discoveries are the basis for our proposals. Our hope is to come up with a mode such that, irrespective of whether there will be a through train in 1997, there will at least be a train. By this, I mean that there will still be a train even though it stops for redecoration and even though the passengers who have alighted will not board it again. We will have a new train which is converted from an old train, instead of a train which is converted from a flying saucer or a horse-cart which is converted from an ox-cart. I feel that this will be good for the people of Hong Kong.

The people of Hong Kong were happy when China and the United Kingdom announced the resumption of their talks. We feel that this was because they hoped that the talks would remove the thorn, or untie the knot, of the 1992 package. The 1992 package is more than a thorn in Sino-British relations. It has also been a cause of many other problems. Though both China and the United Kingdom say that political problems are separate from economic matters, I feel that there is certainly a link between the two. The talks have failed to remove this thorn. Nor can we remove it ourselves. Still, I at least feel that the people of Hong Kong want to see a plan that is more moderate but which is nevertheless a step in the direction of democracy.

In our proposals, among the nine new functional constituencies, the cultural and entertainment functional constituency and the agriculture and fisheries functional constituency will hold all of their elections by individual voting. There is practically no corporate voting. The insurance functional constituency, too, will hold its elections by individual voting in a majority of instances. I notice that the Meeting Point has a similar proposal. In our proposal, more than 10 000 individuals will be voting in the insurance functional constituency. In the Meeting Point’s proposal, just over 200 companies will be voting.

We want a most broadly based consensus to be reached. We have done our best in order to achieve it. We have reached many points of consensus with Members who are not members of the Liberal Party. They include not only the Members from the Breakfast Faction, but also many anonymous heroes. Mr Jimmy MCGREGOR is one. He never attended any of our meetings. Yet he gave us many valuable ideas. When the Liberal Party first proposed a functional constituency for the retail trade, it was based on a suggestion by Mr MCGREGOR. In fact, at the time, many independent Members were asking: Why only the retail trade? We felt that Mr MCGREGOR was a knowledgeable person and was familiar with the concept of functional constituencies. He had his theory and he had done his homework. So we adopted his suggestion.

However, I think that, whatever the outcome of the present controversy, it will reflect the inner wishes of the people of Hong Kong. They want a moderate plan and they want a smoother transition.

After looking at the data or information that we received from the Government on the Sino-British talks, we said to ourselves: See with what ease the Election Committee was disigned. So we took between 80% and 90% of the original ideas and used them as the basis for our plan. We wanted to come up with a moderate plan acceptable to the people of Hong Kong and based on the original ideas wherever possible.

In terms of the number of constituents, the size of the nine new functional constituencies is bigger in our proposal than it was before. The Liberal Party wants a “one company, one vote” system. Why then are we not advancing this position but separating it from our mainstream proposal and letting another Member advance it in his motion? The explanation, I feel, is that this position may not be acceptable to the majority of Members. This is why we are moving a separate motion for amendment. If our motion is not passed, then we will accept other Members’ proposal.

The functional constituencies and the Election Committee are closely connected. We, of course, think that they should be a matching pair. However, we are not insisting that the Election Committee must be in the mode that we favour. I hope that Members will accept our proposed mode for the functional constituencies or at least not oppose it.

MR HENRY TANG (in Cantonese): Mr President, the so-called “1994 package” is not in fact “the Liberal Party’s package”. It is a product of joint efforts in which substantial public participation has been involved. Among those who have played a part in formulating this 1994 package are members of the Liberal Party, independent Members of the Legislative Council as well as many people outside this Council. They are all concerned about the development of the representative government, about how, during the 20 months or so from 1995 to 1997 when all Members of this Council will have to get off the political through train, the political reform package to be adopted is going to achieve the objective of maintaining a smooth transition, stability and prosperity. I believe that during the past few weeks, a great many of us had slept for only two instead of six hours every night, while some others dared not even stay at home for dinner because many people called them.

It is my view that the 1994 package is a good package which takes Hong Kong forward in a progressive manner and which ensures the stability and prosperity of Hong Kong. This package also makes sure that the voices of the minorities whose interests are recognized in the White Papers on the Development of Representative Government would be represented in this Council. It is definitely not for us to ignore the voices of the minorities.

Mr PATTEN proposed in 1992 to create nine new functional constituencies with more than 2 million potential electors. He said this could make elections more open, fairer and more acceptable to the people of Hong Kong. I beg to differ. What did he mean by “more open and fairer elections”? What made him think that 2 million people or so having the right to vote would mean a more open and fairer system? Why are some people still denied the right to vote?

What do we mean by functional constituencies? We propose in the 1994 package to create nine new functional constituencies which include some commercial and industrial functional constituencies, some professional constituencies and two labour constituencies, thus enabling the various sectors mentioned in the White Papers on the Development of Representative Government to be represented in this Council during the transition period.

It has been specified in Annex I and Annex II of the Basic Law that by the year 2007, Hong Kong will be free to decide on the formation of its own legislature. I firmly believe that by then the Hong Kong people will demand 60 directly-elected seats. (It is a pity that Miss Emily LAU is not in this Chamber at this moment when I make this point. She may well be listening outside.) The proposal of creating 60 directly-elected seats set us a good objective and is a perfect solution. There are only 13 more years from now to the year 2007 and 13 years is not a long time. I feel that it is the Hong Kong people's wish to see our political system progress in a gradual manner so that we will be able to ensure the stability and prosperity during the transition period and the 10 years after the return of Hong Kong to China. In this connection, I hope that this will be taken into account by Members who are seriously considering whether to support the proposals concerning the arrangements for functional constituencies as put forward in our 1994 package.

The interests of the minorities should be represented in this Council. Their interests should neither be brushed aside nor ignored.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, as Dr LAM Kui-chun mentioned earlier on, my speeches delivered in the Legislative Council, including the one I am making today, are certainly made in my official capacity, in the capacity of the Secretary for Constitutional Affairs, to explain the stance of the Administration on behalf of the Government of Hong Kong. At the same time, I have to stress that all the proposals under the Bill are the proposals of the Hong Kong Government as a whole, made after having carefully considered the interests of various sectors of our society. They are not the proposals of the Governor or any particular government official. I am not qualified, nor do I aspire, to be compared with any religious leader and, as far as “Liar” is concerned, I believe I can sometimes tell white lies which raise doubts in the minds of my friends. However, I found it a bit too flattering when Dr TANG Siu-tong bestowed on me an alias similar to that of our respected Dr SUN Yat-sen!

Members have spoken with keen interests in today's debate. Although there are heated arguments, their sincerity and strong beliefs are beyond any doubt. However, amidst the cuts and thrusts of words, Members may like to reflect on this question: What are we trying to achieve? We aim at making electoral arrangements that are open, fair and capable of extending beyond 1997. As the Chief Secretary said this morning, that is the purpose of this Bill. I would like to explain further here.

Let us first look at functional constituencies. Here, the starting point is that no election system can be credible unless it is open and fair and is perceived by the public to be so. The present system of functional constituencies has contributed much to the development of our political system over the years. However, experience has shown that this system needs to be improved and it must be done urgently too.

Suppose an individual can control almost any number of votes in any number of constituencies through multiple ownership of companies, resulting in unfairness in the electoral process, the public has every reason to be worried. Similarly, there are grounds for concern about the possibility of corruption in functional constituencies which have small franchises. These drawbacks go to the crux of the system of functional constituencies, and thus undermine the credibility of the election process and those who are elected. It will be totally irresponsible for the Administration and the legislature not to remove these defects directly. Similarly, it will be self-deceptive to think that the problem can be solved with some minor repairs in the system.

Our proposals under the Bill seek to remove the above-mentioned weaknesses in three ways. First, we propose to abolish all forms of corporate voting. To give voting rights to company directors is to kill two birds with one stone. Not only can the problem of "multiple voting" be solved, the franchise of the functional constituencies concerned can also be broadened. The proposal is very reasonable. After all, the success of various financial and economic sectors which are represented by their functional constituencies is the result of correct decisions made by corporate directors on important issues.

Secondly, the Bill proposes to broaden the franchise of certain professional constituencies which will not only increase the number of electorates but also make the system more representative.

Thirdly, the Bill proposes to add nine new functional constituencies so as to incorporate the whole workforce. This will ensure that functional constituencies are highly representative and thus enhance the credibility of the system.

Here I would like to stress on three important points concerning the nine new functional constituencies. First, our proposals are not radical changes at all. In fact, all our proposals are based firmly on the existing concept of functional constituencies. The guidelines concerned, which were clearly set out

in the 1988 White Paper, prescribe that functional constituencies are to provide for representation of economic and professional sectors which are substantial and important in the society. Hence, the nine additional functional constituencies, which have been contributing to the stability and prosperity of Hong Kong over the years, will each represent an important sector. Our proposals are certainly in conformity with the Joint Declaration and the Basic Law.

Secondly, it is wrong that some people see the nine new sectors as “labour constituencies”. In fact, our proposals not only enable blue-collar and white-collar workers to become voters but also give voting rights to the middle and senior managers. As far as the balance of overall interests is concerned, the existing 21 functional constituencies, together with the nine additions, will actually ensure that the interests of all employers, employees and professionals are adequately represented.

Thirdly, we are not, I repeat, we are not adding more directly elected seats in disguise. We propose to maintain the principle of election through functional constituencies, that is, to enable only those who are engaging in economic activities to participate in election through functional constituencies. In other words, those who fall outside the workforce, for example, students, retirees and housewives, will not be included. In fact, we have been criticized for not expanding the franchise of the functional constituencies to include over a million students, retirees and housewives. If we did, we would be departing from the concept of the present system of election through functional constituencies. This will not be supported by the public.

At the Committee stage later on, some Members will move amendments to our proposals on functional constituencies. I would therefore take this opportunity to comment on some of these major amendments.

First, I would talk about the amendments proposed by the Liberal Party. Their proposal is based on “one company, one vote” and the nine new functional constituencies are very narrowly defined. In many respects, it is but corporate voting in disguise. As a result, the franchise of the functional constituencies will still be very small and the various problems arising from small franchises will thus remain unsolved. According to the Liberal Party’s own estimates, there will be, at most, a total of 120 000 voters from the nine new functional constituencies they proposed. In other words, on average there will be 13 000 voters in each functional constituency. Under the circumstances, I do not see how these functional constituencies can command credibility.

The nine new functional constituencies under the amendments are heavily biased in favour of the interests of employers and professionals and they fail to give due recognition to the general labour sector which has contributed a lot to Hong Kong. The proposal to add two seats to the labour constituency is no more than a cosmetic gesture. These arrangements cannot be said to be fair; nor is it a broadly-based representation.

Secondly, some amendments call for the removal of the functional constituencies of the Urban Council, the Regional Council and the Heung Yee Kuk. The Administration does not agree with these proposals. The two municipal councils have been providing a wide range of services to the public and the Heung Yee Kuk is a statutory body representing the interests of the indigenous residents in the New Territories. Hence, it is appropriate that seats are allocated to the two municipal councils and the Heung Yee Kuk.

Thirdly, some amendments, such as those proposed by Mr Martin LEE, Mr Frederick FUNG and Mr Fred LI, call for an expansion of the functional constituencies to include people who are outside the workforce. As I have explained just now, these proposals are a fundamental departure from the established concept of the system of functional constituencies, namely, that functional constituencies must provide for adequate representation of important and substantial economic and professional sectors. This is a very important point and no matter what improvements we are trying to make, we have to act in accordance with this basic concept.

Fourthly, some amendments suggest to impose an upper limit to the number of company directors vested with voting rights after the abolition of corporate voting. As I understand it, the rationale behind this suggestion is to avoid the so-called “vote-rigging”. The Administration considers this proposal unnecessary in practice, because the Bill bears detailed provisions to ensure that only *bona fide* company directors are eligible to register as electors. However, the Administration does not rule out the possibility to set out an upper limit, provided that the limit is reasonable and will not substantially reduce the overall size of the franchise.

So much with functional constituencies. Now I shall turn to the question of Election Committee. The Election Committee will return 10 seats to the Legislative Council. Everyone agrees that it is a tremendous responsibility. To gain the acceptance of the public the electoral process has to fulfill two very important conditions:

- (i) Members of the Election Committee have to be elected through open and fair election procedures; and
- (ii) All electoral arrangements for the 10 Legislative Council seats returned from the Election Committee must also be open and fair.

There are of course more than one way to satisfy these two conditions. Certainly, the most direct way is to stipulate that the Election Committee should be composed of district board members who are directly elected. This method is not only simple but also credible. Simple, because it does not involve any new election method; credible, because district board members are elected through universal suffrage.

The four-sector Election Committee envisaged in Mr Frederick FUNG and Mr Howard YOUNG's amendments is by comparison far more cumbersome and proper arrangements are difficult to make. There is also no evidence to prove that the four-sector Election Committee will be any more representative than that proposed by our Bill.

On the election method of the 10 Legislative Council Members, the Bill proposes a single transferable vote system. This system, which will produce election results proportionate to the preferences of electors, is suitable for Election Committees of a small size. If we adopt the block system, it will result in the following scenario: a political party which can control half of the seats of the Election Committee will control the election results of the 10 Legislative Council seats. I believe that is most undesirable and this is the last thing we would like to see.

Members will remember that today is not the first day that this Council has a debate on the question of the Election Committee. In October 1992, Members passed a motion in support of the Election Committee proposal which actually stands part of the present Bill. Hence, I very much hope that Members who supported that motion will again give their support to the proposals of this Bill; as for Members who had reservations in the 1992 debate, I also hope that they will endorse the obvious merits that the proposals will bring.

Finally, I would like to speak on three very important general issues. First, the "one person, one vote" system proposed by Mrs Elsie TU and Mr Frederick FUNG. This proposal is based on the misconceived argument that it is unfair and it contravenes the Bill of Rights Ordinance for some electors can vote only in geographical constituencies while others can vote again in functional constituencies or the Election Committee. In fact, the electoral arrangements that we propose, including those contained in the Bill under debate, are totally consistent with the Bill of Rights Ordinance. Hence there will not be any question of contravention with the Ordinance. As far as fairness is concerned, to say that broadening the franchise of functional constituencies would make the election system less democratic is very strange, and the argument is self-contradictory. In fact, the "one person, one vote" system would prohibit some voters from voting in the geographical constituencies. Since election through geographical constituencies is the only existing arrangements for election of Legislative Council Members based on universal suffrage, the proposal of "one person, one vote" under the present system would only undermine the principles of democracy.

The second problem concerns the power to amend the two schedules of the Bill. The present arrangement provides for the Governor in Council to amend the schedules, but any such amendment has to be made by way of an order subject to the scrutiny of this Council. This arrangement not only materializes the principle of an executive-led government but also ensures that the Administration is accountable to the Legislative Council. The system

embodies the principle of checks and balances and has been functioning well over the years. The Administration does not see any reason to make a change.

The third and final question concerns the proposal to shorten the tenure of Legislative Council Members elected in 1995 to 30 June 1997. I will discuss this question in detail at the Committee stage. It would suffice for me to say here that this hastily made proposal is not only obviously inconsistent with the wish of the public for a through train, but is also diametrically opposed to what this Council has been striving to achieve over the last 20 months. Surely, the people of Hong Kong will not accept such a proposal.

As the Chief Secretary said this morning, it is certainly unfortunate that agreement cannot be reached with China before the tabling of this Bill. Even if the British and the Chinese Governments cannot reach any agreement on a certain matter, it does not follow that their views on all other matters will necessarily differ. Obviously, it will not do anyone any good should issues concerning our political system affect co-operation in other areas. The Chinese side has said that they will not act against Hong Kong's economic interests. Instead, they have, on many occasions, expressed their wish to co-operate with the United Kingdom on economic matters. For us, we are always ready to strengthen the co-operation with the Chinese side on these matters. Our proposals are made, as far as possible, to cater for the demands of the public to participate in public affairs on the basis of this principle. As we have heard a lot about the British stance in relation to the diplomatic correspondence exchanged in 1990, I shall not repeat. I would like to reiterate that the British and the Chinese Governments did not reach any agreement or understanding in 1990 in relation to the electoral arrangements of the 1995 election. Mrs Elsie TU, Mr Edward HO and some other Members' allegations that our proposals are in contravention with the Joint Declaration and the Basic Law are totally unfounded. Let me have one more chance to explain. First, Annex I of the Joint Declaration clearly provides that the Legislative Council will be constituted by election and our proposal fully conforms with this provision.

MR EDWARD HO: Mr President, a point of elucidation. I would like to ask the Secretary how he heard that I had said the Government's proposal contravened the Joint Declaration. I only mentioned the Basic Law.

PRESIDENT: It is up to you whether you elucidate, Mr NG?

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): When I said Mrs Elsie TU, Mr Edward Ho and some other Members alleged that our proposals are in contravention with the Joint Declaration and the Basic Law, I did not mean that Mr Edward HO himself has accused us of contravening the Joint Declaration and the Basic Law. If Mr Edward HO wants me to clarify, I shall be most willing to clarify that what he mentioned was the Basic Law.

As I have said, in general terms, the criticisms made by some Members that our proposal is against the Joint Declaration, or the Basic Law, or both, are “unfounded”. The reasons are: first, the Joint Declaration provides that the legislature shall be constituted by election and our proposal is in line with this provision. Secondly, there is no definition of functional constituencies in the Basic Law. By common sense, a functional constituency should be constituted by electors of the same trade and that is exactly what we propose. As I have said earlier on, our proposals are made on the basis of the concept of functional constituencies as laid out in the 1988 White Paper.

Mr President, in conclusion, the Administration strongly supports the proposals of the Bill, because it is not only the best way to achieve open and fair elections but is also in conformity with the Basic Law, the Joint Declaration and the agreements which have been reached with the Chinese Government. I cannot really understand why some Members worry that the proposals of this Bill would lead to “the dominance of a single party”. In fact, the spirit of the Bill is to allow all candidates, be they members of a big or a small political party or independent members, to compete in a level playing field. Our three *ex officio* Members will vote in support of the Bill. And I urge other Members to do the same.

Question on Second Reading of the Bill put.

Voice vote taken.

DR PHILIP WONG: Division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Yes, Mr CHIM.

MR CHIM PUI-CHUNG (in Cantonese): Mr President, I believe that many residents are listening to this debate on air today. Will you take this opportunity to inform the public that we are having the debate on the Second Reading, and to inform them of the respective possible outcomes should the Bill be passed or not passed, so as to enable the public to have a more thorough understanding? Otherwise, they could not gather a clear picture and would assume that everything will be fine if the Bill is passed. What do you think?

PRESIDENT: That intervention was not called for, Mr CHIM. We will go by normal procedures.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the result will now be displayed.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK, Ms Anna WU, Mr James TIEN and Mr Alfred TSO voted for the motion.

Mr TAM Yiu-chung, Mrs Peggy LAM, Mr CHIM Pui-chung, Dr Philip WONG and Dr TANG Siu-tong voted against the motion.

THE PRESIDENT announced that there were 54 votes in favour of the motion and five votes against it. He therefore declared that the motion was carried.

Bill read the Second time.

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

PRESIDENT: Before we go to Committee stage, I have given leave to Mr WONG Wai-yin to move to suspend Standing Orders to enable him to proceed with his Private Member's Motion in relation to ferry fare increases in case we do not complete the Third Reading of this present Bill before midnight.

Suspension of Standing Orders

Mr WONG WAI-YIN moved the following motion:

“That Standing Orders 11, 12(3) and 21 be suspended in order to enable Mr WONG Wai-yin to move a motion to extend the period in which

amendments may be made to subsidiary legislation under section 34(4) of the Interpretation and General Clauses Ordinance until 6 July 1994.”

MR WONG WAI-YIN: Mr President, I move that Standing Orders 11, 12(3) and 21 be suspended in order that I may move a motion without notice under section 34(4) of the Interpretation and General Clauses Ordinance for the purpose of extending the period in which amendments may be made to the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1994. The extension is necessary because without it, today will be the last day in which amendments may be made to that Order. Members will be aware that I will be moving a motion later tonight to reduce some of the ferry fares proposed under the Order. The extension will help to overcome a technical problem that may occur in the event that by the time I move the motion, it will be after midnight and my proposed amendments could no longer be allowed.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

PRESIDENT: As Mr WONG Wai-yin's motion on the suspension of Standing Orders has been agreed, he may now move his motion under section 34 of the Interpretation and General Clauses Ordinance.

Private Member's Motion

Interpretation and General Clauses Ordinance

MR WONG WAI-YIN moved the following motion:

“That in relation to the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1994, published as Legal Notice No. 312 of 1994 and laid on the table of the Legislative Council on 1 June 1994, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 6 July 1994.”

MR WONG WAI-YIN: Mr President, I move that in relation to the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1994 published as Legal Notice No. 312 of 1994 and laid on the table of the Legislative Council on 1 June 1994, the period referred to in section 34(2) of the Interpretation and General Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 6 July 1994. I will move the motion to amend the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of

Fares) (Amendment) Order 1994 as set out in the Order Paper immediately after the Third Reading of the Legislative Council (Electoral Provisions) (Amendment) Bill 1994.

Mr President, I beg to move.

Question on the motion proposed.

SECRETARY FOR TRANSPORT: Mr President, this is a procedural point and the Administration would certainly respect the wish of the Council. However I should point out that in the event the motion is not debated before the next sitting, the fare order which has been published will come into effect on 1 July. And should the fares be subsequently adjusted, this would mean that they would have to be re-gazetted.

Thank you, Mr President.

PRESIDENT: Sorry, could I seek a clarification, Secretary for Transport? If this motion is debated after midnight and carried, are you saying there is a procedural difficulty then?

SECRETARY FOR TRANSPORT: Mr President, if the motion is debated tonight, there is no problem. As long as it is debated before the next sitting on 6 July, there should be no problem.

Question on the motion put and agreed to.

Committee Stage of Bill

Council went into Committee.

LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (AMENDMENT) BILL 1994

Clauses 1, 8, 17, 18, 19 and 25 were agreed to.

CHAIRMAN: In addition to the Public Officer in charge of the Bill, 14 Members have given notice to move amendments. I have directed that the amendments be grouped with a view to their orderly and systematic consideration, starting with functional constituencies. The more extensive amendments will be taken first. I would remind Members that there has been a

full debate on the principles of the Bill and the debate at Committee stage should be confined to the amendments, be relevant and not involve tedious repetition.

MR ANDREW WONG (in Cantonese): Mr Chairman, may I move (or perhaps you move) that we take a break for 15 minutes so that Members could prepare themselves for the Committee stage?

5.25 pm

CHAIRMAN: If it would assist Members to take a short break, I will suspend the sitting for 15 minutes.

5.40 pm

CHAIRMAN: Committee will resume.

Clause 22

MR ANDREW WONG (in Cantonese): Mr Chairman, I move that clause 22 be amended as set out under my name in the paper circulated to Members. My purpose is to amend Schedule 2 of the Bill to specify five functional constituencies — commerce, culture and education, industry, labour, and public and social services — each with six seats. These will be multi-seat constituencies.

Mr Chairman, my amendment is neither original nor based on fantasy. I have discussed it with Members on numerous occasions for quite some time. I have read the past records of speeches. I note that, in 1992, not long after Governor Chris PATTEN delivered his policy address, during a motion debate initiated by Mr Jimmy MCGREGOR, I see that it would be best to introduce some functional constituency elections which would be compatible with the principles of universality and equality and which, though with an added direct election element, would remain functional constituency elections in form. I expressed that view because some people at the time were arguing that the nine new functional constituencies as proposed by Governor PATTEN were direct election constituencies in disguise. I spoke to point out bluntly that the functional constituency elections proposed by me were indeed direct elections in disguise.

I proposed that arrangements should be made for grouping the Legislative Council's 30 functional constituency seats into four or five broad categories. Each group would have a number of seats proportional to the number of people engaging in the trades of that particular functional group. A candidate for any functional constituency must have an occupation related to the trades of that

particular functional group. But the right to vote in any functional constituency election must be given to all voters in Hong Kong. Such functional constituency elections would be elections by universal suffrage. But they would still be functional constituency elections, for only those with the right occupations would be eligible to run for functional constituency seats. I made the above proposal on 14 October 1992.

Later, on 20 January 1993, I wrote a very simple article to tell Members about my idea. I said that there should be seven functional constituencies: culture and education, social and public services, labour, industry (mining, manufacturing and construction), public utilities, commerce, and banking (financial services, insurance and real estate); and that they were all to use the above method to return representatives to the Legislative Council. A record of this article was kept in the supplement to the compendium of suggestions compiled by the Constitutional Affairs Branch. It was not entered into the compendium itself because that publication had already gone to print when I submitted my article. So it was entered into the supplement instead.

I officially and publicly presented my proposal on 20 October 1993. A policy debate was then going on. I said at the time that my plan was not a new one, for it had been put forth before, that is, at the 14 October 1992 Legislative Council debate on Mr MCGREGOR's motion. It was not until January 1993 that I provided further details and had my plan included in the supplement to the compendium of suggestions published by the Constitutional Affairs Branch of the Government Secretariat. Roughly speaking, I proposed that our political reform should focus on the functional constituencies, that there should be a full reform of the functional constituencies and that the 30 functional constituency seats should be given to seven multi-seat functional constituencies. The power to nominate election candidates in any functional constituency should be vested only in the constituent bodies of the same functional constituency or, more loosely, in political parties. A candidate would be eligible to run only if he was an experienced or knowledgeable person in his functional constituency. However, voting would be open to all voters. Candidates would be functional constituency candidates, but voters would not be functional constituency voters. Each voter would have one vote in each of the seven functional constituencies plus one vote in his own geographical constituency. He would have a total of eight votes. I am now simplifying my previous proposal by reducing the number of functional constituencies to five. In other words, each voter will now have five functional constituency votes and one geographical constituency vote, that is to say, a total of six votes. If a voter is also a directly elected district board member, he will have an extra vote in the Election Committee. True, he will have seven votes. But this will not be a big problem because there are just over 300 district board members.

Mr Chairman, my proposal will best enable all voters in Hong Kong to elect Members to fill 30 of the 60 seats popularly, fairly and directly. Hong Kong's legislature has 60 seats. My proposal will be feasible even if 50 of the seats are elective. Twenty will be elected by geographical constituencies, where there are no restrictions on who can run as candidates, and 30 will be elected by functional constituencies, where there are restrictions on who can run as candidates. For example, in the culture and education functional constituency, only an individual who is an experienced and knowledgeable person in the cultural or educational area can be nominated as an election candidate and he must be nominated by a political party or by a cultural or educational organization. Nobody else can nominate a candidate. Therefore, if 50 of the 60 seats are elective and if these seats are filled in the manner proposed by me, the Legislative Council as a whole will have met the requirements of Article 21 of the Hong Kong Bill of Rights Ordinance and Article 25 of the International Covenant on Civil and Political Rights. In both cases, the requirement quite simply calls for the observance of the principles of universality and equality. It does not call for direct elections. (The elections that I propose will be direct elections.)

Of course, I have yet another comment to make. It is about letting the directly elected district board members constitute the Election Committee mentioned in Governor Chris PATTEN's constitutional package. This kind of election will also be consistent with the principles of universality and equality. However, letting district board members elect 10 from among themselves to the Legislative Council will not be compatible with the principle of direct election. My proposals are basically about electing Members to fill the 60 seats in ways compatible with the principles of universality and equality. These proposals fully comply with the requirements of Hong Kong law and the international covenants.

I think that my suggestions are quite enlightened and fully consistent with the provisions of the Basic Law. In contrast, the direct election of 60 seats, as urged for by Miss Emily LAU, is not permitted under those provisions. My proposals are already there. Why do the political parties refuse to consider them? Nor are they new proposals. I first put them forth two years ago. When I first put them forth, I said that the number of functional constituencies could be changed from seven to three, or to four, or to five or even to 10. So there would be room for negotiation. I am not a dogmatist. Why have my proposals been given no consideration? This is indeed odd! I do not quite understand. From this, I can draw only one conclusion. In 1993, I already saw signs that I would probably have to come to such a conclusion. Still, I would painstakingly persuade and exhort Members. I will not shed tears. I will not be like Mr Eric LI. Nor will I shed tears as did the late Mr Stephen CHEONG. I hope that we will all sit down and talk. China and the United Kingdom have not reached agreement. But we ourselves can still talk, can we not? Why are we splitting

into two camps with the backing of outsiders (including London and Beijing), one camp being anti-PATTEN and the other pro-PATTEN?

I wrote a poem in 1992. I said at the time that the poem did not have a title. The first line runs like this, “The thin thin Hong Kong dollar coin” If Members want to look at the whole poem, please look up the appropriate speech. In 1993, I wrote another poem with the title of “October”. Its theme was the same. I was only hoping that we would sit down and talk. I very much admire Mr Eric LI for the great pains that he took. Yet he has obviously failed this time. Perhaps he was really hoping that we would all have regard for the overall situation and sit down dispassionately and talk. But in the end he was called a member of the anti-PATTEN camp. I believe that that was not what he had in mind. Yet what happened happened. What happened was perhaps beyond anybody’s control. But why? I do not understand why some self-styled democrats (I will not say which party, everybody being a self-styled democrat) did what they did. They do not support my election method based on proportional representation. Basically, they also do not support the democratization of the way functional constituencies are formed. I know this because I talked to some of them some time ago and they said that they would not support it. I have thought and thought hard but I still do not know why it has turned out this way.

Mr Chairman, I hope that, later on, some Members will offer other comments by way of explaining why they do not support my motion for amendment. I will then have a chance to respond at length.

Earlier, Mrs Elsie TU alleged that my speech this morning was too academic. Well, what I am saying now is nothing academic. I hope that my response later on will not be academic either but will be full of common sense and reason. I hope that it will be a presentation of simple truths. Life is not simple. Right and wrong are not as distinct as black and white. Sometimes, one has to take the middle ground. But one must be principled when taking the middle ground. It is for this reason that I have offered comments based on the principles. I do not want to go to any extreme. If Members still think that what I say does not sound right, or if Members do not want to listen even though it sounds right, then they may refuse to vote for me. Even if my motion is defeated, I will continue to promote my views untiringly. I have been saying the same things for many years. I do not mind continuing to do so until the day when I am gagged or when my voice fails me.

Mr Chairman, I hope that you will allow me to read aloud once more the poem that I wrote in 1992. It precisely describes the situation of the people of Hong Kong. This is how the poem goes, as then written:

The thin thin Hong Kong dollar coin
Heads the western Cleo
Tails the northern Leo

(Sorry, interpreter, for not telling you sooner that I myself translated the poem into English.
Honourable colleagues can look it up in the 11 November 1992 Hansard.)

O you brave people of Hong Kong
O make your choice

The daily thinning Hong Kong dollar coin
On the casino table
 spinning O its endless spin
Heads the northern Leo
Tails the western Cleo

O you clever people of Hong Kong
O place your bet

The thinly thinned Hong Kong dollar coin
On the casino table
 still spinning its spin
Heads the western Cleo
Tails the northern Leo
The two wagering sides
 squabbling O their endless squabble
O you poor people of Hong Kong
O what can you do

The thin thin Hong Kong dollar coin
Heads the northern Leo
Tails the western Cleo
O you brave people of Hong Kong
O make your choice

Mr President, I hereby move my motion for amendment.

Proposed amendments

Clause 22

That clause 22 be amended, by deleting the proposed Schedule 2 and substituting —

[ss.4, 12A, 13 & 46]

"SCHEDULE 2**FUNCTIONAL CONSTITUENCIES**

First column	Second column	Third column
Constituency	Electors	Number of elected Members
1. Commerce functional constituency	All persons registered in the final register under the Electoral Provisions Ordinance (Cap. 367).	6
2. Education and Culture functional constituency	All persons registered in the final register under the Electoral Provisions Ordinance (Cap. 367).	6
3. Industry functional constituency	All persons registered in the final register under the Electoral Provisions Ordinance (Cap. 367).	6
4. Labour functional constituency	All persons registered in the final register under the Electoral Provisions Ordinance (Cap. 367).	6
5. Public and Social Services functional constituency	All persons registered in the final register under the Electoral Provisions Ordinance (Cap. 367).	6
Total number of elected Members		30"

Question on the amendment proposed.

DR YEUNG SUM (in Cantonese): Mr Chairman, I would like to say, first of all, that I support Mr Andrew WONG's right to carry on speaking. Although he and I have different opinions, we must firmly uphold his right to speak. Should there come a day when Mr Andrew WONG was banned from speaking, I would

be the first one to come forward to defend his right to speak. Nevertheless, of course, Mr Andrew WONG has to mention as well the reasons why nobody listens to him after he has been speaking for so many years. This may have something to do with the contents rather than his way of speaking. Those who fight for direct elections feel that they need democracy. So they fight for more directly elected seats. However, on the other hand, those who support the conservative functional constituency system think that Mr WONG is attempting to make the system too democratic. Hence, Mr WONG can please neither side and that leaves him in a rather unsettled mood. Therefore, we today hope that he will calm himself down.

Mr WONG proposes to replace all existing functional constituencies with five new functional constituencies namely Commerce, Industry, Labour, Public and Social Services as well as Education and Culture, with each functional constituency having six seats. A voter can cast one vote in each of the five constituencies, that is, he can cast a total of five votes. Therefore, as far as participation is concerned, Mr WONG is right in saying that the participation will indeed be very great when compared to the existing conservative functional constituency system. Why can we not support it? The main reason is that he thinks that such changes will definitely be supported by Hong Kong people. Yet such changes can be very great because a list system will be adopted. The lists are to be provided by political parties or groups: Then voters throughout the territory as well as those in each district can choose from these lists. However, if these groups or Hong Kong's political parties are not mature enough, it will be very difficult for them to provide a list. That is the first difficult point.

The second point is that, up to now, no such election format has been used by Hong Kong citizens. The system that Hong Kong adopts involves the functional constituencies and direct elections. Now Chris PATTEN demarcates the functional constituencies according to the respective professions and trades and that is another development. Therefore, as neither the list system nor the political parties are fully developed, the United Democrats of Hong Kong (UDHK) and the Meeting Point will vote against Mr WONG's proposal.

Moreover, the list system is in fact of a multi-seat, single-vote nature, somewhat similar to the proportional representation system. The UDHK and the Meeting Point have all along been against the multi-seat, single-vote system. Let me also announce here in advance: should the Preliminary Working Committee propose this in the future, we will continue to oppose it firmly. The multi-seat, single-vote system will provide small political parties with the chance of joining the Legislative Council through elections. If we all, including the Chief Executive, were to be elected by universal suffrage, there would not be much problem. However, we know that Hong Kong's Chief Executive will never be elected by universal suffrage before 1997. I also believe that it will be very difficult for the Chief Executive to be elected by Hong Kong people through the one man, one vote system after 1997. Since neither the Chief Executive nor the whole of the Legislative Council is to be elected by universal suffrage, should the multi-seat, single vote system or a certain form of proportional

representation system be implemented, the Legislative Council would be full of small and fragmented political parties. As a result, it would be very difficult for people representing public opinion to have a majority to counterbalance a Chief Executive who is not democratically elected.

Based on the points stated above, the UDHK and the Meeting Point oppose the proposed amendments.

MR PETER WONG: Mr Chairman, although I have already stated my general position on the electoral reform package, I cannot reconcile myself to supporting the Honourable Andrew WONG's amendment.

Much as I admire his individualistic and innovative ideas, I fail to see the need for such revolutionary changes to our existing constitutional system. His proposed amendment, if adopted by this Council, will result in nothing short of a revamp of the existing functional constituencies, which goes against the wishes of the Hong Kong community as well as the Accountancy Functional Constituency for a stable, smooth transition.

His proposal, though logical, academically sound and well intentioned, is however irrelevant to the Bill tabled before us. I would suggest that the Honourable Andrew WONG should not give up pursuing his idealistic platform, though perhaps at a more opportune time in the future when our legislature calls for a review. But at this point in time, his amendment is not practicable for Hong Kong. Therefore the Liberal Party will oppose this amendment.

MR ANDREW WONG (in Cantonese): Mr Chairman,

CHAIRMAN: Yes, you can obviously speak more than once. But would you rather hear all speakers before you reply. Mr WONG?

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, Mr WONG's amendment envisages giving voting rights in functional constituencies to all persons who are registered in geographical constituencies.

In practical terms this means that a non-working population will also be entitled to vote in functional constituency elections. This, as Members are no doubt well aware, goes against the fundamental concept of functional constituency system, which is to provide representation of the economic and professional sectors.

For this reason, Mr Chairman, the Administration is against Mr WONG's amendments.

MR ANDREW WONG (in Cantonese): Mr Chairman, just now I was already very eager to respond because the Honourable YEUNG Sum had strayed far from the subject of the debate. What is being discussed now only concerns the grouping of the 30 seats of functional constituencies into five functional constituencies of six seats each. But Dr YEUNG Sum has brought in something else by speaking of the list system, which is another subject. I would like to respond to him instantly and, meanwhile, to incorporate that subject into this debate or else I would have no chance to respond at all. It appears that the two major parties, the United Democrats and Liberal Party, are demonstrating that “merging the two swords will bring invincibility” and will vote against my proposal. But it would not do if I am not to have the chance to give a further response. Nor will I consider it proper if, having heard my response and being dissatisfied with it, they are denied the chance to refute my arguments.

If the list system is undemocratic in the eyes of the United Democrats and the Meeting Point, would they please set their eyes on the European countries and see if proportional representation is adopted. According to Dr YEUNG sum, it is sort of “multi-seat, single-vote” proportional representation. “Multi-seat, single-vote” is not proportional representation. “multi-seat, single-vote” is a kind of quasi-proportional representation, which means it may have the effect of proportional representation. But list system is proportional representation. The single transferrable vote system is proportional representation. So I hope for this: Do not mislead us. Do not mislead the public. What I have suggested is the formal proportional representation. If he thinks this is incorrect, no problem. But I do have reasons to base on. Now I am only discussing changing the way functional constituencies are composed but he has directed the discussion to the voting method of proportional representation. I think this is meaningless. The two major parties can knock out my proposal. I will be very sad but I will not shed tears. I will carry on saying this but not necessarily today.

CHAIRMAN: Sorry, no direct dialogue, Mr WONG.

MR ANDREW WONG: I am sorry, Mr Chairman.

MR ANDREW WONG (in Cantonese): In this circumstance, I think Dr YEUNG Sum should respond to what I said just now. Would he please tell us if the functional constituencies are to be composed by means of another method, would it be better than what I have proposed? Would it save a lot of trouble? Would there be fewer cases of doctors bullying dentists, doctors and dentists bullying chiropractors or disallowing them to join the functional constituency so as to have them exterminated? If we go on and on, drawing inference along this line, every trade ought to have its own functional constituency. Under the composition method that I have put forward, there would not be these problems. If such a suggestion still fails to gain Member’s support, I have not the faintest

idea what gimmicks Members are playing. Is it that politics is being played with? Please refer to what I said two years ago, that is in 1992 and 1993. What I said then seemed to have already overstepped the bounds of propriety but I did not scold anyone. I was just being a bit agitated. I hope Members will take a look at the two speeches I delivered. I do not wish to waste Members' time by reading them out again or expressing what is contained therein in some other ways.

I think we are being led by the nose at the moment and cannot make our own decision. I do not know what to do.

The Honourable Peter WONG remarked that my proposal would cause considerable changes and that it went against the personal wish of many. But he added that the purpose and intention of my proposal were entirely correct, only that it was not going to work for the time being. I would like to say one thing. None of the incumbent Members serving the functional constituencies would want the election method of their respective constituency to undergo considerable changes. Just now the Honourable Emily LAU made it very clear that more than 10 Members were elected uncontested. What if they have to contest the election once changes have been made? In fact, only when one has polled votes from citizens all over Hong Kong can one really be considered having secured support from voters. Why is this arrangement unacceptable?

I am not saying that it has to be proportional representation. It can be the block vote system or the "multi-seat, single-vote" system. It does not matter and is not a big problem. That is another subject. Even though I think that proportional representation is a bit better, this is not a big problem. Because under current circumstances, we might think it is better to even things up a bit. People of different political views from various parties are able to have seats allocated out of the 10 seats in the Election Committee, the six seats in each functional constituency and the four directly elected seats in proportion to the voter support percentages that they are able to secure. Why do we not accept it? Is it not fair and square? Is it that the distorted phenomenon resulting from the "single-seat, single-vote" system is what we want for sure? That distorted phenomenon means that in the event of the United Democrats, the Meeting Point, the Liberal Party, Democratic Alliance for the Betterment of Hong Kong or the Liberal Democratic Federation securing 35% of support in each constituency and in the event of other parties failing to have 35% support, that party will win all the seats. Of course, things just would not turn out to be so ideal but the distorted phenomenon is sure to exist.

I do not wish to say that proportional representation is more desirable when compared to the "single-seat, single-vote" system since both are democratic systems. Dr YEUNG Sum, the United Democrats and the Meeting Point have gone so far as to use democracy as a reason to object to my proposal and, what is more, we have not yet discussed the subject concerned at the moment.

CHAIRMAN: Yes. What is your point, Dr YUENG Sum?

DR YEUNG SUM: Can I ask Mr Wong to elucidate because I have not said that the proportional representation is not a democratic one. We are not going to accept it on two conditions: one

CHAIRMAN: Ask for elucidation please, Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): Will Mr WONG tell me when I said that proportional representation was not democratic? I just said that it was not suitable and we were not prepared to adopt it for the time being. I did not say that it was undemocratic. Mr Chairman, will Mr WONG show us the evidence with which he alleged that I had referred to proportional representation as undemocratic? I have said that his proposal would allow more people to participate but it did not suit the situation of Hong Kong. If the Chief Executive was returned by universal suffrage and the Legislative Council was fully returned by universal suffrage, we might then consider his proposal. But these two conditions are still unavailable up to now.

CHAIRMAN: You know the rules, Mr WONG. It is up to you whether you elucidate.

MR ANDREW WONG (in Cantonese): Mr Chairman, I can give him an answer. But it would be useless to give an answer because he was presenting his own views. There are many chances for him to air his views. As for me, I express mine. My views are entirely different from his. What he has put forth is the conditions set by the political party but what I have proposed is a rational system. These are two distinct matters.

Mr Chairman, I think it is a manifestation of indefinitely extending the scope of the subject in question and directing the discussion elsewhere, thereby finding an excuse to object to my proposal.

What the Secretary for Constitutional Affairs has said is completely irrational. Needless to say, this is because he has to support the original proposal. I hope the Secretary for Constitutional Affairs can present some well-founded reasons, more cogent reasons — irrational though they might be but more cogent to refute my arguments. This will probably be better.

Regarding what Mr Peter WONG has said, I would like to respond to one of the points. It is said that every Member acts for one's own sake and supports the favourable election mode but if it goes against the wish of Hong Kong people, they cannot support it. In fact, it is not a question of whether or not it

goes against people's wish. Under the old conception (my proposal is the new conception) of functional constituency, we see the rise of some fairly competent Members. Some of the Members seated in the row before me are ready examples. They have or will become directly elected. I believe that they, at heart, certainly prefer to be members of functional constituencies: But this sort of functional constituencies can only come into being with the support of citizens all over Hong Kong and their classification is not to be made at random, otherwise people will be baffled. For instance: Whether or not to separate barristers from solicitors? Should chiropractors, dentists and doctors be split into three groups? There are many examples of this sort. I do not wish to go on any further.

Mr Chairman, I hope Members will seriously consider my proposal. I am aware that there is little chance of winning. But, at least, do give me a good-looking number of votes. Will you? *(Laughter)* Every time the various major parties seem to be playing tricks on me. This is not the first time that I speak according to reason. I have done so for two years.

Mr Chairman, may I appeal to the various parties through you? Please show your mercy. *(Laughter)*

Question on the amendments put.

Voice vote taken.

MR ANDREW WONG: I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr PANG Chun-hoi, Mr Andrew WONG, Mr LAU Wong-fat, Mr Vincent CHENG, Mr Marvin CHEUNG, Mr Frederick FUNG, Dr Samuel WONG, Miss Christine LOH and Ms Anna WU voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Dr David LI, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr TAM Yiu-chung, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter

WONG, Mr Albert CHAN, Mr Moses CHENG, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Rev FUNG Chi-wood, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Mr James TO, Dr Philip WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong and Mr James TIEN voted against the amendments.

Mr Martin BARROW, Mr Simon IP, Mr Eric LI, Mr Roger LUK and Mr Alfred TSO abstained.

THE CHAIRMAN announced that there were nine votes in favour of the amendments and 45 votes against them. He therefore declared that the amendments were negatived.

CHAIRMAN: For the guidance of Members who have asked for help as to the place in the script to which I shall now turn, this is page six in the English version and the simultaneous interpreters will indicate the page number in the Chinese script. Mr WONG, as your amendments to clause 22 have not been agreed, you can no longer move your other amendments to clauses 3, 9, 10, 12 and 13 and your new clause 27 relating to functional constituencies. I now call upon Mr Frederick FUNG, who has also given notice to move amendments to clause 22, to move his amendments.

MR FREDERICK FUNG (in Cantonese): Mr President, on behalf of the Association for Democracy and People's Livelihood (ADPL), I shall move an amendment to the functional constituency election portion of the Legislative Council (Electoral Provisions) (Amendment) Bill 1994. Before I go into the details of my motion, I must repeat what I have said before about the background of our paper. Our paper was written in July 1992. In writing it, we took into consideration three major documents concerning Hong Kong's political system: the Sino-British Joint Declaration, the political part of the Bill of Rights Ordinance, and the Basic Law. In our deliberation then, we hoped that none of the Legislative Council Members elected in 1995 would have to get off the train when the Special Administration Region government was set up in 1997; they would all remain on board during the transition in 1997. In other words, we thought that it would be necessary to adopt the provisions of the Basic Law, particularly those concerning the political system, in 1995. Therefore, in discussing and amending the provisions about "functional constituencies", we took into consideration the definition of the term adopted in the Basic Law as well as the definition given to the term in Hong Kong's 1984 and 1986 papers on functional constituency elections.

Functional constituency elections have always been criticized to be narrowly based elections within small circles. To improve this election system, I am in favour of substituting the individual vote for the corporate vote, which has heretofore been the practice. I am also in favour of broadening the electoral base of each functional constituency. In the arrangement I propose of broadening the electoral base of each functional constituency. In my for functional constituency elections, there will be one million functional constituency voters, up from just over 100 000 in the last functional constituency elections held in 1991.

Some people think that Governor Chris PATTEN's proposal, which gives functional constituency votes to 2.7 million people with jobs, as compared with my one million figure, is even more democratic. But this is really not the case. Governor PATTEN's proposal for the functional constituency elections is not flawless. The nine new functional constituencies in his proposal are ill-defined. A voter cannot easily tell to which functional constituency he belongs. Suppose I were a chauffeur. If my boss were an accountant, then I belonged to the accountants' functional constituency. If my boss were a lawyer, then I belonged to the lawyers' functional constituency. If my boss were a businessman, then I belonged to the business functional constituency. The same chauffeur could belong to one of several functional constituencies. A voter simply cannot tell to which functional constituency he belongs. A number of chauffeurs having their meals together may find that they all belong to different functional constituencies.

Secondly, functional constituents live in different parts of the territory. A chauffeur may have different addresses: one in Kwun Tong, one in Sham Shui Po, one in Wong Tai Sin, and one in Sheung Shui. How will the polling stations of each functional constituency be located? Suppose I were a functional constituency election candidate and I wanted to mail campaign literature to my constituents and to display campaign billboards for them to see, what could I do?

There is yet another question. How could I give accounts to my constituents after I had won a functional constituency election? As the 300 000 functional constituents of mine were scattered all over Hong Kong, living in different districts, different areas, different villages and different buildings, I would have a problem of omnipresence. This is why I feel that the nine new functional constituencies are flawed, despite the strong point of the proposal, which is increasing the number of functional constituency election voters.

My proposal for the functional constituency elections basically has four special features. First, while it continues to use the 1991 definition of "functional constituencies", it broadens the term's applicability. I mean that it converts one corporate vote into several individual votes, one for each director of a corporation; and it converts one institutional vote into numerous individual votes, one for each member of an institution.

Secondly, my proposal will result in more functional constituency election voters. The functional constituencies in my proposal will not only have more constituents than what the old 21-seat functional constituencies had in 1991, but also more constituents than what they will have under Governor PATTEN's proposal. The larger number of voters will make it more difficult for any functional constituency election to be rigged with what Miss Emily LAU has just now referred to as weird practices including deals, vote planting and vote buying. I dare not say that my proposal will put a complete end to such practices. As even direct elections cannot put a complete end to such practices, our reform can only aim at making them "more difficult".

Thirdly, my proposal, as I have just said, will increase the number of voters in functional constituency elections from just over 100 000 to one million.

Fourthly, my proposal enables everybody to become a functional constituent.

I would now like to make some comments on how the number of Legislative Council seats for each functional constituency should be increased or reduced. Critics have said that the functional constituency elections serve only the interests of the business community and the middle and high-income groups. In view of this criticism, I suggest that the number of the Legislative Council seats for the labour functional constituency be increased to six. The toiling masses and the lower-income groups will then have a proportional voice in the Legislative Council. According to statistics of the Labour Department, Hong Kong's trade unions had a total membership of 490 000 in 1991. Some of these trade union members may belong to non-labour functional constituencies. By subtracting them from the total, we have labour functional constituency of roughly 400 000 voters. I will adopt this figure to share the six labour seats for the labour sector. Each member of a trade union will have one vote in the elections to return these six Legislative Council Members.

The Governor's proposal divides all those with jobs into nine functional constituencies, each of which will return one Legislative Council Member. Though this proposal broadens the electoral bases of the functional constituencies, it exaggerates one's role in the labour market, taking it as the determinant of the individual's social function. It totally disregards the social contributions of those who are without jobs. I feel that the nine new functional constituency seats in the Legislative Council should include those non-working women, students over 18 years old and the elderly, the infirm, the handicapped and the disabled, who have so far been neglected by society.

The importance of women's role in society is beyond doubt. Members of women's rights organizations should have a functional constituency seat in the Legislative Council to represent the voice of women. This Council Member will involve herself directly in the promotion of women's rights. The Government has already affirmed that students who are over 18 years old can

vote. We feel that they, too, should have one functional constituency seat in the Legislative Council. They will then be motivated to get organized as members of the next generation with a direct interest in social affairs. The elderly, the infirm, the handicapped and the disabled are people who have so far been neglected by society. Giving them a functional constituency seat in the Legislative Council will enable their voice to be directly heard. Heretofore, their voice has been heard only indirectly or has been heard but not respected. So I want to propose a functional constituency seat in the Legislative Council for the elderly, the infirm, the handicapped and the disabled in the 1995 elections.

I suggest that the last new functional constituency seat should be given to those engaging in trades related to agriculture and fisheries. These time-honoured trades will then have a spokesman in the Legislative Council. I further suggest that the functional constituency seat for the Heung Yee Kuk should be abolished. We must see that the privileges now enjoyed by the indigenous inhabitants of the New Territories are derived from the fact that Hong Kong has been under colonial rule. After Hong Kong returns to China, there will be no more colonial rule and there will be no more so-called indigenous inhabitants. There will only be a community governed entirely by the people of Hong Kong. Therefore, one's status as an indigenous inhabitant of the New Territories should vanish. The indigenous inhabitants of the New Territories should stop having political influence under the guise of preserving rural traditions and customs. Besides, because rural elections contain undemocratic elements, the legitimacy of the Legislative Council Members returned by the Heung Yee Kuk is often questioned. For the various reasons given above, I propose that the functional constituency seat for the Heung Yee Kuk should be abolished; it should be replaced by a functional constituency seat for the new emerging information industry. This is an industry with huge development in business. The work that it does, including data processing, telecommunications and the development of Chinese-language data processing technology, has important repercussions for Hong Kong's economy and for people's livelihood in Hong Kong.

Mr President, although I am supposed to present my suggestions about the functional constituency elections, I would like to spend a little more time to talk specifically about the amendment to the social welfare functional constituency. ADPL concedes that Mr PATTEN's proposal gives a better definition for functional constituency than that in 1991. Still, it is not comprehensive enough. Representatives of the Hong Kong Social Workers General Union recently drew the attention of the Complaints Division of the Legislative Council to some problems. I listened to them and intended to include their suggestions in my motion. Nevertheless, the rules for the debate on the present Bill require that any Member with two or more amendments to move should consolidate them into one motion. These rules were announced quite abruptly. Colleagues were only notified two days ago. As a result, some individual amendments could not be put forward for discussion in the process of the present amendment. Specifically, after I promised at the Office of the Complaints Division that I would include the social workers' suggestions in my motion, I found that I could

not do so for the debate. I regret this. Still, I will take the present opportunity to expound their suggestions, which have my support.

We hope that the social welfare functional constituency will have an electoral base encompassing all social workers at the rank of welfare workers or above, as well as all social workers of a supportive role. The latter include personal care workers and home helpers. We thought that although Governor PATTEN's proposal bears some improvement such as allowing all directors of all member associations of the Hong Kong Council of Social Service and all members of the Social Welfare Personnel Registration Council to vote in the social welfare functional constituency, which appears to be a rather democratic plan, I mean, it is a step forward, for it increases the number of voters and broadens the electoral base and thus helps the winning candidates become better recognized in the functional constituency, such a superficial extension of the electoral base does not fully meet the aspirations of all functional constituents, for we still cannot tell from the particular clause of the Bill whether the definition of the social welfare functional constituency accurately reflects the realities as they now exist.

Under Governor PATTEN's proposal, voters who vote in the social welfare functional constituency must vote in their capacity as qualified members of the Social Welfare Personnel Registration Council. But the reality is that many employees in the social welfare field do not agree with the objectives of the Council and, for one reason or another, do not wish to register as its members. We estimate that there are now more than 6 500 employees in the social welfare field, but only 1 800 of them are members of the Council. Evidently, the Council does not include and does not represent all employees in the field. It was for this reason that I tried to move some amendments for the Hong Kong Social Workers' General Union that the social welfare functional constituency on the basis of the Governor's proposal, will include the following categories: (a) all employees covered by the Social Welfare Manpower Planning System and (b) all employees in the social welfare field by the Social Welfare Department's salaried staff charts, including government and non-government social workers at the rank of welfare worker or above.

Mr HUI Yin-fat made a lot of comments in his letter of stance to Members of the Legislative Council. But his comments did not touch on the suggestion I mentioned above. If Mr HUI is not satisfied with my amendment, can he clearly state his objection later on? I do not understand why some employees in the social welfare field cannot belong to the social welfare functional constituency.

I suggest that the social welfare functional constituency should include government and non-government personal care workers, who are covered by the Social Welfare Department's salaried staff charts, and government and non-government home helpers, who are covered by the same charts. I think that this amendment will increase the number of voters in the social welfare functional constituency and broadens its electoral base so that the winning candidates in this

functional constituency will be in a stronger position both *vis a vis* the Government and within the functional constituency.

Mr HUI also says in his letter that my suggestion will over-correct a situation. He says that it is impractical to include personal care workers and home helpers in the social welfare functional constituency, for it is difficult for them to receive college education and consequently be promoted to become professional social workers. But I think that some of them have worked in the social welfare field for many years and, though in a supporting role, have made many important contributions. So I feel that they should be included. Professional social workers should not practise protectionism and exclude personal care workers and home helpers from the social welfare functional constituency. Lastly, Mr HUI describes my amendment as an attempt to categorize a minority of voters unwarrantably like treating royalists without a king and obedient children without a father. I think that Mr HUI's description has gone too far and shows his disrespect for the personal care workers or the home helpers. Considering Mr HUI's clout in the social welfare field, I really wish that he had not said those things.

In addition, Mr HUI, subscribing to the conspiracy theory, says that my amendment serves only my party's interests or my personal interests. I want to make a special mention and state clearly to all colleagues seated here that my amendment is based on the request of a group of citizens whom I happened to receive, a request that I found acceptable. So far, I know of no member of ADPL who will be included in the social welfare functional constituency that I propose to add or who intends to run as an election candidate in this functional constituency. Mr HUI says that no representative body of personal care workers or home helpers has ever said anything to him. But nothing has been said to him does not mean that there is nothing to say. The institutional views expressed by a representative body may not really stand for the personal views of the individual employees. So I hope that Mr HUI will listen not only to the institutional views but also to the views of individual social workers.

With these remarks, I move my amendment.

Proposed amendments

Clause 22

That clause 22 be amended, by deleting the proposed Schedule 2 and substituting —

“SCHEDULE 2
FUNCTIONAL CONSTITUENCIES

[ss. 2, 4, 12A,
13,14, 15 & 46]

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
1. Commercial functional constituency	(a) First Commercial electoral division	Members of the Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber.	1
	(b) Second Commercial electoral division	Members of the Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber.	1
2. Industrial functional constituency	(a) First Industrial electoral division	Members of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation.	1
	(b) Second Industrial electoral division	Members of the Chinese Manufacturers Association of Hong Kong entitled to vote at general meetings of the Association.	1
3. Finance and Financial Services functional constituency	(a) Finance electoral division	Banks, restricted licence banks and deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155).	1
	(b) Financial Services electoral division	(a) Members of the Exchange Company within the meaning of the Stock Exchanges Unification Ordinance (Cap. 361) entitled to vote at general meetings of the Company;	1

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(b) Members of the Exchange Company within the meaning of the Commodities Trading Ordinance (Cap. 250) entitled to vote at general meetings of the Company;	
		(c) Members of the Chinese Gold and Silver Exchange Society entitled to vote at general meetings of the Society;	
		(d) Insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap. 41).	
4. Real Estate and - Construction functional constituency		(a) Members of the Real Estate Developers Association of Hong Kong entitled to vote at general meetings of the Association;	1
		(b) Members of the Hong Kong Construction Association, Limited entitled to vote at general meetings of the Association;	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(c) Members of the Hong Kong E&M Contractors' Association Limited entitled to vote at general meetings of the Association.	
5. Tourism functional constituency	-	(a) Travel industry members of the Hong Kong Tourist Association; (b) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council.	1
6. Medical functional constituency	-	(a) Medical practitioners registered or deemed to be registered under the Medical Registration Ordinance (Cap. 161); (b) Dentists registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap. 156); (c) Chiropractors registered under the Chiropractors Registration Ordinance (Cap. 428).	1

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
7. Health Care functional constituency	-	<p>(a) Nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap. 164);</p> <p>(b) Midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap. 162);</p> <p>(c) Pharmacists registered under the Pharmacy and Poisons Ordinance (Cap. 138);</p> <p>(d) Dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156. Sub. Leg.);</p> <p>(e) (i) Members of the Hong Kong Physiotherapy Association entitled to vote at general meetings;</p>	1

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(ii) Physiotherapists specified in item 3 of the schedule to the Supplementary Medical Professions Ordinance (Cap. 359);	
		(f) Members of the Hong Kong Association of Occupational Therapists entitled to vote at general meetings;	
		(g) Members of The Hong Kong Radiological Technicians' Association entitled to vote at general meetings;	
		(h) Members of the United Kingdom Institute of Medical Laboratory Sciences, Hong Kong Branch, entitled to vote at general meetings;	
		(i) Members of the Hong Kong Medical Technology Association entitled to vote at general meetings;	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(j) Members (other than an affiliated member) of the Hong Kong University Medical Laboratory Science Graduates' Association entitled to vote at general meetings;	
		(k) Members of the Hong Kong Polytechnic Medical Laboratory Science Graduates' Association entitled to vote at general meetings;	
		(l) Members of The Hong Kong Society of Professional Optometrists Limited entitled to vote at general meetings;	
		(m) Members of the Asian Optometrist Association Limited entitled to vote at general meetings;	
		(n) Members of The Hong Kong Optometric Association Limited entitled to vote at general meetings;	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(o) Members of the Hong Kong Contact Lens Research Association Limited entitled to vote at general meetings;	
		(p) Members (other than honorary or student member) of the Society of Opticians Limited entitled to vote at general meetings; and	
		(q) Members of The Society of Hong Kong Optical and Optometric Services Limited entitled to vote at general meetings.	
8. Teaching functional constituency	-	(a) Registered teachers or full-time permitted teachers of schools registered under the Education Ordinance (Cap. 279);	1
		(b) Teachers and principals of schools entirely maintained and controlled by the Government;	
		(c) Persons whose principal or only employment is that of full-time teaching in -	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(i) institutions of higher education funded through the University and Polytechnic Grants Committee;	
		(ii) approved post-secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);	
		(iii) colleges of education;	
		(iv) the Institute of Language in Education;	
		(v) technical institutes and industrial training centres established under the Vocational Training Council Ordinance (Cap. 1130);	
		(vi) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap. 317);	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(vii) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap. 318);	
		(viii) The Hong Kong Academy for Performing Arts;	
		(ix) The Open Learning Institute of Hong Kong.	
9. Legal functional constituency		(a) Members of the Law Society of Hong Kong entitled to vote at general meetings of the Society;	1
		(b) Members of the Hong Kong Bar Association entitled to vote at general meetings of the Association;	
		(c) Legal officers within the meaning of the Legal Officers Ordinance (Cap. 87);	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(d) Persons deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap. 87) by section 75(3) of the Bankruptcy Ordinance (Cap. 6) or section 3(3) of the Director of Intellectual Property (Establishment) Ordinance (Cap. 412).	
10. Engineering, Architectural, Surveying and Planning functional constituency	(a) Engineering electoral division	Members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution.	1
	(b) Architectural, Surveying and Planning electoral division	(a) Members of the Hong Kong Institute of Architects entitled to vote at general meetings of the Institute; (b) Members of the Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute;	1

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(c) Members of the Hong Kong Institute of Planners entitled to vote at general meetings of the Institute.	
11. Accountancy functional constituency		Professional accountants registered under the Professional Accountants Ordinance (Cap. 50).	1
12. Information Technology functional constituency		(a) Members of The British Computer Society (Hong Kong Section);	1
		(b) Members of The Hong Kong Association for Computer Education;	
		(c) Members of Hong Kong Information Technology Federation.	
13. Social Welfare functional constituency		(a) Members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council;	1

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(b) Members of The Hong Kong Social Welfare Personnel Registration Council entitled to vote at general meetings of the Council;	
		(c) Social Work Personnel included in the Social Welfare Manpower Planning System operated by Joint Committee on Social Welfare Manpower Planning System and formed by the Social Welfare Department and The Hong Kong Council of Social Service;	
		(d) Social Welfare Personnel working in the Social Welfare Department or in the Subvented Social Welfare posts in Non-government Organizations, in the pay-roll list of the	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		<p>Social Welfare Department, including both Government and Non-government Organizations, as follows -</p> <p>(i) Social Work Officer grade — Assistant Social Work Officer or above;</p> <p>(ii) Social Work Assistant grade — Social Work Assistant or above;</p> <p>(iii) Welfare Worker grade — Welfare Worker or above;</p> <p>(e) Subvented Supportive Social Welfare Personnel listed as Personal Care Workers in the pay-roll list of the Social Welfare Department, including both Government and Non-government Organizations;</p>	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(f) Subvented Supportive Social Welfare Personnel listed as Home Helpers in the pay-roll list of the Social Welfare Department, including both Government and Non-government Organizations.	
14. Labour functional constituency		All members of trade unions registered under the Trade Unions Ordinance (Cap. 332).	6
15. Cultural and Entertainment functional constituency		Relevant persons in the field of culture and entertainment in Hong Kong.	1
16. Agriculture and Fisheries functional constituency		(a) Member organizations of Federation of Pig Raising Co-operative Societies;	1
		(b) Members of vegetable co-operative societies;	

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
		(c) Members of the New Territories Chicken Breeders Association;	
		(d) Members of the New Territories Florist Association;	
		(e) Members of Hong Kong Fishermen's Association.	
17. Academics functional constituency	-	Full-time students of recognized tertiary education institutions as provided for in paragraph (7) of the Notes to this Schedule.	1
18. Women's functional constituency	-	Members of relevant women's associations as provided for in paragraph (7) of the Notes to this Schedule.	1
19. Elderly and Disabled functional constituency	-	Relevant persons as provided for in the Notes to this Schedule.	1

First column	Second column	Third column	Fourth column
Constituency	Electoral Divisions	Electors	Number of Elected Members
20. Urban Council functional constituency	-	Members of Urban Council.	1
21. Regional Council functional constituency	-	Members of Regional Council.	1
Total number of elected Members			30

Notes:

- (1) The elected Members in respect of the functional constituencies specified in items 20 and 21 of this Schedule shall be returned in accordance with section 12A(2)(b).
- (2) The elected Members in respect of the functional constituencies specified in items 1-19 shall be returned in accordance with section 12A(2)(c).
- (3) Subject to Notes (4), (5) and (6), references in the third column of this Schedule to an entitlement to vote at a general meeting of a body specified in that column shall be construed as references to such entitlement as determined in accordance with the constitution, rules or articles of association of such body in force at the commencement of this Ordinance or as amended or replaced thereafter with the written approval of the Chief Secretary.
- (4) References in the third column of item 6(b) of this Schedule to an entitlement to vote at a general meeting of a body specified in that column shall be construed as references to such entitlement as determined in accordance with the constitution, rules or articles of association of such body in force at the commencement of the Legislative Council (Electoral Provisions) (Amendment) Ordinance 1988 (22 of 1988) or as amended or replaced thereafter with the written approval of the Chief Secretary.

- (5) References in the third column of items 3(b), 4 and 5(b) of this Schedule to an entitlement to vote at a general meeting of a body specified in that column shall be construed as references to such entitlement as determined in accordance with the constitution, rules or articles of association of such body in force at the commencement of section 22 of the Legislative Council (Electoral Provisions) (Amendment) Ordinance 1990 (84 of 1990) as it relates to the bringing into force of that section (other than for the purpose only of enabling arrangements to be made for the holding of an election in 1991 for all the elected Members of the Legislative Council in respect of functional constituencies) or as amended or replaced thereafter with the written approval of the Chief Secretary.
- (6) References in the third column of item 12(b) of Part II of this Schedule to an entitlement to vote at a general meeting of a body specified in that column shall be construed as references to such entitlement as determined in accordance with the constitution, rules or articles of association of such body in force at the commencement of section 22 of the Legislative Council (Electoral Provisions) (Amendment) Ordinance 1994 (of 1994) as it relates to the bringing into force of Part II of this Schedule or as amended or replaced thereafter with the written approval of the Chief Secretary.
- (7) Persons specified in the third column of item 13(c)-(f), 14, 16, 17 and 18 shall be such persons of a class or description as may be prescribed by resolution of the Legislative Council.”

Question on the amendment proposed.

MR HUI YIN-FAT (in Cantonese): Mr Chairman, I think that any proposed amendment to the functional constituencies should, apart from adhering to the principles of fairness, openness and acceptance by Hong Kong people, also be consistent.

Mr Chairman, although I support enlarging the electoral base of each functional constituency, we all understand that there is an actual need for setting up an objective criterion. Otherwise, this will lead to even greater confusion. Although Mr Frederick FUNG's amendment meets the demand for enlarging the electoral base to a certain extent, it is an overkill which will lead to confusion over the definitions of voters. For example, he proposes to include personal care workers and home helpers into the Social Welfare Functional Constituency. This is not in line with *the* practical situation because these two types of employees are different from the fundamental welfare workers of the welfare sector. They are unlike the latter who can be promoted to professional social workers in due course after being trained in an institute. Actually, such types of employees originally belong to the ninth newly created functional constituency of the Governor's political reform package, that is, the Public, Social and Personal Services Functional Constituency. If they are simply put

into a certain constituency because they have nowhere to go after the above constituency has been scrapped, it is inevitable that this Council will be criticized by people outside. In fact, I have never heard of these workers, that is, the personal care workers and home helpers, demanding to be included in the social welfare sector.

Here, I would like to respond to the requests of certain social workers' organizations. They oppose the casting of the directors' vote by the member organizations of the Hong Kong Council of Social Service because they do not want the representativeness of this constituency to be affected. Yet at the same time, they request for the inclusion of the personal care workers and home helpers who have nothing to do with this functional constituency. These two requests are contradictory and difficult to deal with. It is not surprising that none of the relevant amendments being moved today can cater for all their requests.

Mr Chairman, in the past, there were people who always thought that if today's dilemma was ever to be solved, the only way would be to create a seat for social workers which was to be filled by someone elected by the one man, one vote method among the social workers. I of course share the same feeling and I have also requested the Government to consider this proposal. Actually, the Government has considered our request but each time the case is called off because it is difficult to lay down the voters' qualifications or it is impossible to decide who should have the rights to vote.

Frankly speaking, even fellow workers in the profession are divided on joining the Social Welfare Personnel Registration Council, the membership of which can serve as the easiest criterion to determine voters' qualifications. So how can they fight for a most satisfactory solution?

In conclusion, I think that the Government's proposal for improving the electoral base of the Social Welfare Functional Constituency basically adheres to the principles of fairness, openness and acceptance by Hong Kong people. The proposal has also taken into account the unique background and actual circumstances of this functional constituency. In view of this Council's responsibility to uphold the above three principles of political reform which are generally accepted by Hong Kong people, I urge honourable colleagues to support me in opposing Mr Frederick FUNG's amendment concerning the social welfare sector.

These are my remarks.

MRS MIRIAM LAU (in Cantonese): Mr Chairman, the Liberal Party does not support Mr Frederick FUNG's proposal in connection with the creation of nine new functional constituencies, nor does the party agree with Mr FUNG's proposal of abolishing the seat for the Heung Yee Kuk as a functional constituency.

The Government has classified the New Territories Heung Yee Kuk as a functional constituency in recognition of the social roles it has been playing. As a matter of fact, the New Territories as a community is unique in its historical background, social institutions, customs and traditions, and it also has vast pieces of land for development. As a result of their unique historical background, customs and traditions, the New Territories residents may have needs and demands different from those of the urban residents. On the other hand, large-scale public developments in the New Territories, including development of new towns as well as different types of infrastructural projects in transport, may adversely affect the rural residents in the New Territories. Therefore the co-operation of the New Territories residents is even more essential in the implementation of such public projects.

In the past, many disputes and rows in the New Territories have stemmed from a lack of communication channels between the Government and the New Territories residents, and the Heung Yee Kuk is well placed to bridge such a gap. On the one hand, it has access to the Government's policy-making process and policy implementation. On the other hand, it is in a position to safeguard the interests of the indigenous residents of the New Territories. To allow the Heung Yee Kuk to be represented in the Legislative Council would strengthen the communication between the Government and the New Territories indigenous residents; it would also facilitate a smoother implementation of the Government's development projects and policies in the New Territories. As such, it is both necessary and proper to retain a seat in this Council to be filled by a representative from the Rural Functional Constituency.

DR YEUNG SUM (in Cantonese): Mr Chairman, both the United Democrats of Hong Kong (UDHK) and the Meeting Point oppose Mr Frederick FUNG's amendments. Mr FUNG's emphasis that voters can only vote either in the functional bodies' elections or in the geographically based direct elections is acceptable to neither the UDHK nor the Meeting Point. Our opposition is based on the grounds that it is a citizen's right to vote in geographically based direct elections, it is also everyone's right to vote in functional bodies' elections. A voter who has voted in a direct election should not be denied the right to vote in a functional body, nor is it proper to force a voter to choose between the two.

Mr Chairman, there are a few points which I wish to make with regard to the voting method in the context of Mr FUNG's amendments, and I hope you and the Clerk would put them down in record. Mr FUNG's amendments on functional bodies cover a great variety of issues, such as the cancellation of the seat in this Council for the Heung Yee Kuk as well as the inclusion of certain new categories of profession in the Social Services Functional Constituency. In studying these amendments, the UDHK and the Meeting Point have come to the view that some of them should be supported while others should not. However, insofar as voting is concerned, Mr FUNG's amendments are to be voted on as a whole, and this may not be entirely fair to Mr FUNG. Yet I can see that the Chairman has his difficulties. If the amendment proposed by each and every

Member were to be dealt with separately, it may not be possible for this Council to finish the debate on this motion even by tomorrow morning. I understand the technical difficulties involved, but I hope there are some means to overcome the difficulties.

In view of the above technical difficulties, the UDHK and the Meeting Point cannot support all of Mr FUNG's amendments and will therefore vote against them.

MR LAU WONG-FAT (in Cantonese): Mr Chairman, last week in the debate on the New Territories Land (Exemption) (Amendment) Bill in this Council, Mr Frederick FUNG could not even make out whether the New Territories was leased or ceded to the United Kingdom. As one who is so ignorant about such an essential and important fact, how can he talk about matters concerning the New Territories? Therefore, at this moment I am not in the least interested in commenting on Mr FUNG's amendments which call for the cancellation of the seat representing the Heung Yee Kuk. I intend to respond later when I propose my amendments on the same subject.

Mr Chairman, I oppose Mr FUNG's amendments. I would also urge Members to join me in opposing his amendments.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, the Administration is against Mr FUNG's amendments for four reasons, four principal reasons.

Firstly, the amendments envisage the retention of some form of corporate voting in the 21 existing functional constituencies. I have explained at length, at the Second Reading debate, why this would not be acceptable.

Secondly, the amendments envisage the creation of a number of new functional constituencies covering the non-working population. This goes against the fundamental concept of the functional constituency system.

Thirdly, the amendment envisages the abolition of the Rural Functional Constituency. The Heung Yee Kuk represents the interests of indigenous village population. It is therefore appropriate that the Kuk is represented on this Council.

Fourthly, the amendment envisages transferring the chiropractors from the Health Care Functional Constituency to the Medical Functional Constituency. Chiropractic is a health care profession, distinct from the practice of western medicine and surgery. It is therefore appropriate for chiropractors to come under the Health Care Functional Constituency.

Mr Chairman, the three official Members will vote against Mr FUNG's amendments.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, I would like to respond to the comments made by some colleagues a moment ago.

Mr HUI Yin-fat remarked that Personal Care Workers and Home Helpers were not professional social workers and thus should not be included in the Social Welfare Constituency, because they could not become professional social workers even after training. But he is all along in support of voting by the directors of the Hong Kong Council of Social Service. These directors are not social workers at their posts, nor have they received professional training. Among them, some are doctors and some are lawyers. And I do not believe that they will receive social work training. Therefore, Mr HUI Yin-fat was contradicting himself. I include these two kinds of jobs into the area of social welfare in order that these people, who are serving our society, can vote in this constituency.

As regards Mrs Miriam LAU's and Mr LAU Wong-fat's comments on the abolition of the seat for the Heung Yee Kuk, I have already expounded earlier the reasons for its abolition and thus I will not repeat them. Concerning Mr LAU Wong-fat's remark that I was "muddle-headed" as I could not distinguish between "leased" and "ceded" during the debate on New Territories Land (Exemption) Bill, it was only a slip of tongue on my part on that day and was rectified after being pointed out by Mr Andrew WONG. Therefore I am not "muddle-headed".

On the "one person, one vote" issue mentioned by Dr YEUNG Sum, we are taking the Bill of Rights Ordinance as a factor of consideration. According to a precedent concerning election in Canada, elections should be in line with three principles, namely equal effect, equal right and equal weight. As regards Governor PATTEN's proposal that some people can have one vote while some can have two votes. I think that this is against the principle of equal right.

Apart from Mr Andrew WONG's amendment on functional constituencies (which has my support), neither Governor PATTEN's 1992 proposal nor the proposals on functional constituencies put forward by other political parties can fulfill the principle of equal weight. For example, there are only 30-odd voters in the Regional Council Functional Constituency, while there are nearly tens of thousands of voters in Mr CHEUNG Man-kwong's Education Constituency. Actually, the ideal way is to divide the territory into 60 constituencies with one seat each. The voters will vote for their own favourite candidates who will speak for them in the Legislative Council.

In regard to the issue of including the chiropractors in the Medical Functional Constituency, I think that since they are called "脊醫" (chiropractors) in Chinese, meaning doctors specialized in the treatment of the spinal column,

they are doctors, having the same status as medical doctors and dentists, and thus they should be included in the Medical Functional Constituency.

I hope that the above response can answer the queries of some colleagues and I also hope that Members will support my amendment.

MR ANDREW WONG: (in Cantonese): Mr Chairman, as the Committee stage is less formal, I wish to make a few comments upon hearing some remarks. Can I have your permission to speak?

CHAIRMAN: Yes, you have not spoken. Yes, indeed as long as you are relevant.

MR ANDREW WONG (in Cantonese): Mr Chairman, thank you for allowing me to speak. I wish to thank Mr Frederick FUNG for indicating that he is going to vote for my proposed reform in functional constituencies. However, the Association for Democracy and People's Livelihood (ADPL) has advanced their own proposals which basically support the retention of functional constituency elections. I think they are not supporting my proposals wholeheartedly, otherwise they would have supported my proposal without seeing the need to put forward any proposals themselves.

In the context of functional constituencies, the question of the size of each functional constituency would naturally be brought up. The argument between Mr Frederick FUNG and Mr HUI Yin-fat is impossible to be settled. I do not know to what extent the size of a functional constituency should be expanded or restricted. That is precisely where the problem lies. Hence, I think that the ADPL basically has not thought through the problem.

Earlier today I have spoken on functional constituency elections during the debate on Second Reading. Similar elections can be found in other parts of the world. They are normally called "communal representation", meaning representation of the interests of the minority groups. The Heung Yee Kuk, in a sense, is a minority group. I cannot speak for the chairman of the Heung Yee Kuk. Yet, at least on this question, my view tallies with his. I think the indigenous residents of the New Territories are a minority group. Under the circumstances, I welcome Mrs Miriam LAU's remarks earlier on when she said that the Heung Yee Kuk certainly performed some functional roles. However, in my view, they are not "functional", but "communal". Most countries have seats for minority interests in their legislatures, which are otherwise than those elected by universal suffrage and by equal and direct elections. Hence, I cannot support the ADPL's proposed reform in functional constituencies at all.

On the question of “one person, one vote”, I think the ADPL has got it totally wrong. What Dr YEUNG Sum said is correct. According to Article 21 of the Bill of Rights Ordinance, elections shall be by universal and equal suffrage. The conditions of universality and equality are concomitant. Merely satisfying either the universal condition or the other condition will not suffice. Both conditions have to be satisfied at the same time. The present system, which I do not really accept, will, eventually, continue to return 20 directly elected seats. Only these 20 seats so elected can satisfy the principle of universality and equality. The two conditions, universality and equality, are met. Retaining functional constituency elections alone to the exclusion of direct elections or *vice versa* will immediately turn elections which can have satisfied the principle of universality and equality into ones which are neither universal nor equal. This is my point and when Mrs Elsie TU moves the similar amendments later, I would again rise to voice my objection.

CHAIRMAN: I would just remind Members that Mr Frederick FUNG’s proposed amendment to clause 22 is the deletion of the proposed schedule 2 and its substitution by a new schedule. That amendment stands or falls in its entirety.

Question on the amendments put.

Voice vote taken.

MR FREDERICK FUNG: I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr Frederick FUNG voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr SZETO Wah, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr Vincent CHENG, Mr Moses CHENG,

Mr Marvin CHEUNG, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Rev FUNG Chi-wood, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Miss Christine LOH, Mr Roger LUK, Ms Anna WU, Mr James TIEN and Mr Alfred TSO voted against the amendments.

Mr Martin BARROW abstained.

THE CHAIRMAN announced that there were one vote in favour of the amendments and 57 votes against them. He therefore declared that the amendments were negatived.

CHAIRMAN: Mr FUNG, as your amendments to clause 22 have not been agreed, you can no longer move your amendments to clauses 3, 6, 10, 11, 12 and 13 relating to functional constituencies. I will now call upon Mr Howard YOUNG, who has also given notice to move amendments to clause 22, to move his amendments.

MR HOWARD YOUNG: Mr Chairman, I move that clause 22 be amended as set out under my name in the paper circulated to Members.

MR HOWARD YOUNG (in Cantonese): In terms of pages, Mr Chairman, my motion is the longest of all in the Order Paper passed to Members. But it is actually the simplest. It is the simplest because it is just a motion about the nine new functional constituencies. It does not seek to change any of the existing functional constituencies. It includes in it the views of Mr Martin BARROW about the airline companies, for we want to focus on just one issue. We are moving the amendment for the following reason. Since the 1992 constitutional package gave rise to controversy, many members of the public, many constituents of the functional constituencies and many of the Legislative Council's Members returned by functional constituencies have felt that the rules of the game are now different and that even the principle is now different.

One can see that movers of motions to amend the Bill are far from being limited to Members from the Liberal Party. Numerically, amendments affecting the functional constituencies have been moved by 15 Members from the Liberal Party; and by four Members from the Meeting Point, making a subtotal of 19; and by the lone Member from the Association for Democracy and People's Livelihood, representing a subtotal of 20; and by 13 Members

from the United Democrats of Hong Kong, adding up to a subtotal of 33. Mr Chairman, adding Mr Andrew WONG brings the total to 34. Many of the co-sponsors of my motion are not from the Liberal Party. First and foremost among them is Mr Eric LI. He did a lot of work day and night to pressure the Government into providing documents for us to study. Many other Members at the centre of the political spectrum have worked very hard with Mr Eric LI. They include Mr Marvin CHEUNG, Mr Vincent CHENG, Mr Timothy HA, Mr Simon IP and Dr Samuel WONG. They have made huge efforts in this regard. Counting them also, a total of 40 Members have so far moved or co-sponsored motions to amend the Bill. I must also add Mr Martin BARROW, who, too, offered many valuable ideas. He talked to me on the telephone last week, when he further urged us to intensify our lobbying effort and win more support for my motion affecting the functional constituencies. There are other nameless heroes, who do not belong to the Breakfast Faction but who nevertheless took an active interest in the matter. In addition, there is Mr Jimmy MCGREGOR. I want to thank him from the bottom of my heart. Though he did not meet with me, he wrote me a letter giving us his idea, which was about a very important document which he said that we should use in talking with independent Members. The total number of Members moving, or contributing to, motions to amend the Bill exceeds 40. This Council has but 60 Members or, not counting the President, 59 Members. How many are left who are happy with the Governor's plan for the nine new functional constituencies? Our motion is based on respect for several things.

First, we respect the original principle. This principle is authored by the Government itself in many Green Papers and White Papers published, and many announcements made, since 1984. The Government itself invented the functional constituencies. The principle of functional constituencies has been accepted by the people of Hong Kong. We try not to change it. We respect the original principle.

Second, to the fullest extent possible, we respect the original rules of the game. We feel that, despite whatever it says to the contrary, the Government has changed the rules of the game by putting forth its plan for the nine new functional constituencies. Whether the rules of the game are right or wrong, they have been changed. Those rules were once thought to be open, fair and acceptable to the people of Hong Kong. I myself am in the Legislative Council now because I won a functional constituency election. The same is true for Dr LEONG Che-hung and Mr Jimmy MCGREGOR. They, too, won their Legislative Council seats after hard contests. Take myself for instance. The 1991 functional constituency election in which I ran was probably the most contested of all and I won by a very narrow margin. I am not the only one who says that the rules of the game have been changed. Even my opponents in the last election think so. Two nights after Governor PATTEN unveiled his constitutional package on 6 October 1992, my two former opponents had dinner in my home. I told them about the constitutional package and asked them what they thought about it. They said that they did not understand it at all. They lost the last election to me. Their political views are probably not the same as mine.

But they agree with me that the rules of the game have been changed. I do not wish to comment on whether these rules of the game are right or wrong.

Third, to the fullest extent possible, we respect the information or data given us by the Government. Just now, I mentioned Mr McGREGOR. I respect him very much. We both were “underdogs” in the 1991 elections. Many groups and many company directors were backing our opponents. But we caught up from behind and won. He and I share many ideas. We both have the greatest respect for whatever information or data the Government makes available to us. The information or data made available to us this time were extracted from a huge pile of papers that the Government provided to the Bills Committee on 2 May. The Government told us at first that some of these papers had been given to the Chinese side to support the Governor’s plan for the new functional constituencies. There were 55 pages of such papers. Later, the Secretary for Home Affairs, at our request, the request of Mr Eric LI and the request of some other Members, clarified that the papers specified the number, the exact number, of constituents in each functional constituency, in both Chinese and English. So we have the greatest respect for this information and we try not to differ from it.

Fourth, to the fullest extent possible, we respect whatever common ground may have been reached between China and the United Kingdom. We were all saddened by the breakdown of the Sino-British talks and by the fact that no agreement was reached between the two sides. Yet, from the United Kingdom’s White Paper published to explain why the talks broke down and from China’s response thereto carried in the *People’s Daily*, we find that the two sides had no quarrel at all over three of the new functional constituencies. One is the agriculture and fisheries functional constituency; another is the textile and garment functional constituency; and the third is the sports, culture and entertainment functional constituency. China and the United Kingdom had no difference at all over these three functional constituencies. In my amendment, I have probably written the most words about these same three functional constituencies. We copied verbatim from the letter that the Government wrote to the Chinese side in 1993, urging the latter to accept its plan for the new functional constituencies. Our information did not come from the Yellow Pages; it came directly from this letter written by Government. The Chinese side at first wanted a shipping functional constituency. The British side wanted a transportation functional constituency. There followed copious data or information which indicated that the two sides considered the possibility of functional constituency seats in the Legislative Council for many other trades. Later, we found from Mr McGREGOR’s letter to me that he favoured a shipping functional constituency, for the reason that shipping is indeed very important to Hong Kong. We then talked with other Members and all felt that we should accept the specific functional constituencies within the above framework wherever possible. Actually, though China and the United Kingdom did not see eye to eye on every issue, they did reach common ground in certain areas.

The plan for the fifth new functional constituency has been updated and it now calls for a functional constituency seat in the Legislative Council for wholesalers/retailers plus importers and exporters. The Liberal Party's earlier plan announced on 16 May called for just a retail trade functional constituency. Many asked us why we wanted a functional constituency for retailers but not a functional constituency for wholesalers, retailers, importers and exporters as suggested by the British side or for a functional constituency for importers' and exporters' associations, wholesalers and retailers as suggested by the Chinese side. Many failed to understand why. They wondered whether we had dropped something from our agenda. On this issue, the Liberal Party and the so-called Breakfast Faction were not quite in agreement at the time. Later, we asked ourselves what views we should take reference from. In his early May letter to us, Mr McGREGOR suggested a functional constituency for the retail trade. He had a very good case. Later, I lobbied the Breakfast Faction and said that we should stop arguing. I said that, though the particular functional constituency could include several trades, the fact was that at least one Member knowledgeable about this field of business, namely, Mr McGREGOR, had suggested a functional constituency for the retail trade. I said that he had a good case and that his suggestion was consistent with the original rules of the game. In the end, we followed his suggestion. Now, when I formally handed in the present amendment, the retail trade functional constituency in our plan has suddenly become a functional constituency which also includes importers and exporters. Why? The explanation is that we received a letter from the Association of Retailers and Touring Services saying that it did not want to be mixed up with importers and exporters or with wholesalers; it wanted to be a separate functional constituency. Later, Mr BARROW told us that, last time, when the tourism industry was given a functional constituency seat in the Legislative Council, a special move had to be made to separate retailers from the Tourist Association; the idea behind not giving retailers a functional constituency seat in the Legislative Council at the time was to encourage them to seek their own functional constituency seat in the Council; there was practically a tacit understanding that they would later be given one functional constituency seat in the Council. So we decided to call for one functional constituency seat in the Legislative Council for retailers. But we later decided to add other trades to this functional constituency. Why? The explanation is that, in the end, everybody found out what we were doing and the Association of Importers and Exporters asked us in writing and by telephone again and again to have it included in the functional constituency in our plan. The association noted that both China and the United Kingdom thought that it should have a functional constituency seat in the Legislative Council. So we had to accommodate it to the best of our ability. In any case, China and the United Kingdom were in agreement on this. But wholesalers never contacted us.

Fifth, we respect the opinions of others. We respect not only the opinions within the Liberal Party but also the opinions of many others. The Liberal Party has accepted more of the views of independent Members. One night, we talked and talked until it became almost impossible to go on. Then, in order to reach common ground, the Liberal Party offered to let the electronics and

information industry have one functional constituency seat in the Legislative Council, which would mean one more labour seat. We did so because many independent Members thought there should be more seats for the labour sector. We, for our part, acknowledged that seats should not be given only to the business community. This is the explanation for our decision to propose two seats for the labour sector. The British side, too, wanted more labour seats. According to the documents made available to us, during the Sino-British talks, the British side proposed a manufacturing functional constituency, a service industry functional constituency and a public utilities and communications functional constituency. We felt that it was a good proposal. Later, upon a closer study of the documents, we found that the manufacturing functional constituency would be constituted one hundred percent of trade union members and that the service industry functional constituency, too, would be constituted one hundred percent of trade union members. At first, we could not believe this. So we asked Mr Nicholas NG to show us all the figures, one by one. We wanted to see clearly what it was all about. We did not want anything to be omitted. Then we found that the public utilities and communications functional constituency would be constituted 80% of trade union members. Proceeding on such a basis, we felt that we could agree with and accept independent Members' suggestion that one more Legislative Council seat for the labour sector would not be enough; there should be two. Therefore, our entire plan was based on common ground reached with many others, whose opinions we respected.

Concerning the proposed insurance functional constituency, the chart that I am now holding has been shown to many Members including Members from the United Democrats of Hong Kong and the Meeting Point. It shows what China and the United Kingdom had really wanted before their talks broke down. From the beginning to the end, the Chinese side asked for an insurance functional constituency. Later, we saw that the Meeting Point, too, would move an amendment calling for an insurance functional constituency. I felt that the Meeting Point had a case. The Liberal Party's original idea was quite simple. An insurance functional constituency would be hived off from the financial services functional constituency. Several hundred insurance companies would vote in this new functional constituency. This idea was similar to the Meeting Point's. Later, we talked to Members who were not from the Liberal Party. Mr Vincent CHENG, specifically, suggested that there should be more constituents in the insurance functional constituency. How was this to be done? We tried to find out if the insurance functional constituency could also include all insurance brokers, of whom there were roughly over 20 000. But Members not from the Liberal Party wanted something else. Mr Marvin CHEUNG, member of a profession, said that it would be wrong to have a large number of constituents if they were not professionally qualified. How should this contradiction be resolved? Then we found that the Government was planning to introduce legislation to require all employees in the insurance field to be registered; they would need a licence, which would be a professional qualification. So, throughout the process, we were in touch with reality; we did not stay in any ivory tower.

Of the proposed nine functional constituencies, I have so far said nothing about the electronics and information industry functional constituency. It is a new functional constituency in the real sense of the word. How did the idea arise? The Chinese side wanted a functional constituency seat in the Legislative Council for the Association of Chinese Enterprises. We felt that not many people would accept the idea. The Government, on the other hand, proposed a functional constituency seat for the land, civil engineering, housing and building construction sector. But the Government gave us some very general data. It said that a full study was yet to be undertaken. So we do not blame the Government for the rough data. In any case, the Government said that this proposed functional constituency would have more than 40 000 constituents, who are members of certain associations or professional societies. Later, somebody noted that the textile industry, which is Hong Kong's foremost industry in earning foreign exchange, already had a functional constituency seat in the Legislative Council and that the tourism industry, which was formerly Hong Kong's No. 3 and now Hong Kong's No. 2 industry in earning foreign exchange, also had a functional constituency seat. So what about the electronics and information industry? It is truly Hong Kong's No. 3 industry. We felt that it was more important than the Chinese enterprises favoured by the Chinese side or the land and civil engineering sector favoured by the British side. We wanted the electronics and information industry to keep on developing in Hong Kong. So we decided to call for an electronics and information industry functional constituency. Before making this decision, we had talked with many people in that particular industry. We respected the opinions of many other people. We respected the original data made available to us. We respected the original rules of the game. We respected the original principle. We respected the common ground reached between China and the United Kingdom. Then we arrived at our decision.

I think that we have also shown respect for the Government's position that, though the past elections were fair, open and acceptable to the people of Hong Kong, the electoral base was not broad enough; so the number of voters must be increased. In our overall concept, we took Mr James TIEN's plan apart and added a six-vote ceiling to Mr Roger LUK's plan. Mr TIEN's plan does not change the "one company, one vote" system; it changes "individual vote" to "relevant person vote", leaving the one-vote ceiling intact. We were very careful. We did not want to limit one company to one vote; we suggested that a director of a company might have one "relevant person vote", subject to a one-vote ceiling. However, we then felt that this suggestion might not have the support of Members. Should our suggestion prove not feasible, we would be willing to support a six-vote ceiling. At meetings of the Bills Committee, many Members from the United Democrats of Hong Kong and the Meeting Point said there should be a ceiling to remove the possibility of "vote planting". Here again, we accepted the suggestion of others. If Mr TIEN's amendment motion fails, we will be very glad to support Mr LUK's amendment motion to introduce a six-vote ceiling. If Members find that to be not feasible and want to accept the Government's position that there should be no ceiling, then they may wish to consider accepting our plan for the functional constituencies and then

voting against the two amendment motions to introduce ceilings. We will then return to the Government's position that the number of directors of a company who can vote should be unlimited. Thus, we will still achieve the same mechanism. The mechanism in our plan are totally flexible and will achieve the goal of increasing the number of voters.

I would like to make another point. My amendment motion deals with different parts of the Bill. the part on the Election Committee is closely linked to the part on the functional constituencies. If a Member feels that the two parts should be dealt with separately, this is basically possible. An analogy is the building of a house. One draws a plan for the house, consisting of a lower storey and an upper storey. After building the lower storey, one may want to stop building the upper storey or one may want to change the plan for the upper storey. That can be done. However, the Liberal Party hopes that Members will not do so. We hope that our amendment motion will be handled as a whole motion. If this is not possible, then it will be up to Members as to what course they will take.

So I feel that our plan for the functional constituencies is really the best. We have not changed the original principle and we have not changed the original rules of the game. We have also taken into consideration the data that the Government made available to us. These are the same data that the Government gave the Chinese side during the Sino-British talks and which the Governor personally said were his revised proposals of 1993. Our plan is based on these data; it was not made in any ivory tower. Only the insurance functional constituency and the electronics industry functional constituency, being new ideas, are our own ideas. The insurance functional constituency will have more than 30 000 constituents, as many as it can possibly have. The nine new functional constituencies will have more constituents than the original 21 functional constituencies have. The average number of constituents per new functional constituency exceeds that per old functional constituency by 250%. If Mr Roger LUK's plan of six votes per company is accepted instead of the "one company, one vote" system, the number of constituents per new functional constituency will be even bigger. If even the six-vote ceiling is not accepted, then the number of constituents will be bigger still.

Many friends tell me that, while our figures say that the Hong Kong Computer Science Society has only 4 500 members, there are at least 30 000 employees in the computer field. I asked a member of the society if all these 30 000 employees could join the society. He said that they could, provided they had worked for two years as programmers or systems analysts. Therefore, if a functional constituency is there, more people with jobs in the related field will be able to qualify as constituents later on. The number of voters will then increase. The Hong Kong General Chamber of Commerce is a case in point. When it was first given a functional constituency seat in this Council, the chamber did not have many members. Membership has since grown. It will never decline.

Therefore, Mr Chairman, I feel that our plan for the functional constituencies is actually the simplest though it is the most discussed and probably the most controversial. I hope that Members will very objectively and dispassionately consider and accept our plan. Our plan is based on the original principle and the original rules of the game. It is the consensus of tens of Members, whose views are respected. I would like to thank those Members who took part in preparing this plan. I hope very much that their hard and brain-racking work for days and nights on end will bear fruit. I sincerely hope that, if Members cannot fully support our plan, they will at least not vote against it.

Proposed amendment

Clause 22

That clause 22 be amended, in the proposed Schedule 2 -

- (a) in the third column of item 11, by deleting “2” and substituting “4”;
- (b) by deleting items 21 to 29 and substituting -

“21. Agriculture and Fisheries functional constituency	(a) Members of –	1
	(1) The Federation of Vegetable Marketing Co-operative Societies;	
	(2) The Federation of Pig Raising Co-operative Societies;	
	(3) The New Territories Chicken Breeders Association;	
	(4) The Hong Kong Livestock Industry Association;	
	(5) The New Territories Florist Association;	
	(6) The Hong Kong New Territories Poultry-Culture (Geese-Ducks) Mutual Association,	

entitled to vote at general meetings of the respective Association, Federation or Society.

(b) Members of -

- (1) The Four Federations of Fishermen's Co-operative Societies;
- (2) The Hong Kong Fishermen's Association;
- (3) The Joint Association of Hong Kong Fishermen;
- (4) the Hong Kong Fishing Vessels Owners Association;
- (5) the Hong Kong & New Territories Fish Culture Association;
- (6) the Sai Kung Fishermen Association;
- (7) the Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association;
- (8) The New Territories Fishermen Fraternity Association;
- (9) the Hong Kong & Kowloon Fishermen Association;
- (10) the Cheung Chau Fisheries Joint Association;
- (11) the Cheung Chau Fisheries Welfare Promotion Association;
- (12) the Hong Kong Off-shore Fishermen's Association;

(13) the Ma Wan Fisheries Rights Association;

(14) the Yung Shue Au Marine Fish Culture Business Association;

(15) The Sai Kung (North) Shan Wan Marine Fish Culture Business Association;

(16) the Sai Kung Tai Tau Chau Fish Culture Business Association,

entitled to vote at general meetings of the respective Federation, Society or Association.

22. Textiles and
Garment functional
constituency

(a) Relevant persons in respect of 1
members of –

(1) the Federation of Hong Kong Garment Manufacturers;

(2) The Hongkong Weaving Mills Association;

(3) The Hongkong Association of Textile Bleachers, Dyers, Printers and Finishers Limited;

(4) The Federation of Hong Kong Cotton Weavers;

(5) the Hong Kong Cotton Spinners Association;

(6) the Hong Kong Chinese Textile Mills Association;

(7) the Hong Kong Knitwear Exporters and Manufacturers Association Limited;

(8) the Hong Kong Woollen and Synthetic Knitting Manufacturers' Association Limited;

(9) the Hong Kong Garment Manufacturers Association Limited;

(10) the Hong Kong Printers and Dyers Association Limited;

(11) the Hong Kong Cotton Made-up Goods Manufacturers Association Limited;

(12) the Hong Kong Wool and Synthetic Spinners Association Limited,

entitled to vote at general meetings of the respective Federation or Association.

(b) Relevant persons in respect of companies registered under the Textiles Control Registration of the Trade Department.

23. Electronics and Information Technology functional constituency

(a) Relevant persons in respect of members (other than individual members) of – 1

(1) The Hong Kong Electronic Association;

(2) The Hong Kong Information Technology Federation;

(3) The Hong Kong Telecom Association,

entitled to vote at general meetings of the respective Association or Federation.

(b) Members of -

(1) The Hong Kong Computer Society;

(2) The Hong Kong Association for Computer Education;

(3) The British Computer Society (Hong Kong Section),

entitled to vote at general meetings of the respective Society or Association.

24. Retail, Import
and Export
functional
constituency

(a) Relevant persons in respect of 1
members of the Association of
Retailers and Tourism Services
entitled to vote at general meetings
of the Association.

(b) Relevant persons in respect of members of
the Retail Management Association
entitled to vote at general meetings of the
Association.

(c) Relevant persons in respect of members
(other than individual members) of the
Hong Kong Chinese Importers and
Exporters' Association entitled to vote at
general meetings of the Association.

(d) Relevant persons in respect of members of
the Hong Kong Exporters Association
entitled to vote at general meetings of the
Association.

25. Insurance
functional
constituency

(a) Relevant persons in respect of 1
insurers authorized or deemed to be
authorized under the Insurance
Companies Ordinances (Cap. 41).

(b) Insurance agents appointed by and
registered with insurers authorized or
deemed to be authorized under the
Insurance Companies Ordinance (Cap. 41).

- (c) Relevant persons in respect of insurance brokers authorized by the Insurance Authority or who are members of a body of insurance brokers which is approved by the Insurance Authority.
 - (d) Members of the Actuarial Society of Hong Kong entitled to vote at general meetings of the Society.
 - (e) Relevant persons in respect of members of the Hong Kong Loss Adjusters Association entitled to vote at general meetings of the Association.
 - (f) Members of -
 - (i) the Insurance Institute of Hong Kong;
 - (ii) The Chinese Underwriters Club Limited;
 - (iii) The Hong Kong Insurers Club;
 - (iv) The Insurance Graduates' Club,entitled to vote at general meetings of the respective Institute or Club.
26. Sports, Culture and Entertainment functional constituency
- (a) (i) Relevant persons in 1 respect of –
 - (1) the Victoria Recreation Club;
 - (2) the South China Athletic Association;
 - (3) the Chinese Young Men's Christian Association Hong Kong;

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- (4) the Hong Kong Chinese Chess Association;
 - (5) the Hong Kong Contract Bridge Association;
 - (6) the Hong Kong Horse Society;
 - (7) the Hong Kong Amateur Fencing Association;
 - (8) the Hong Kong Go Association;
 - (9) the Hong Kong Ice Hockey Association;
 - (10) the Hong Kong Skating Union;
 - (11) the Hong Kong Kart Club;
 - (12) the Hong Kong Little League Baseball;
 - (13) the Hong Kong Parachute Club;
 - (14) the Hong Kong Squash Rackets Association;
 - (15) the Hong Kong Ten Pin Bowling Congress;
 - (16) the Hong Kong Triathlon Association;
 - (17) the Hong Kong Association of Sports Medicine and Sports Science;
 - (18) the Hong Kong Dragon Boat Association;

- (19) the Hong Kong Billiards and Snooker Control Council;
- (20) the Hong Kong Amateur Swimming Association;
- (21) the Hong Kong Underwater Association;
- (22) the Hong Kong Archery Association;
- (23) the Hong Kong Amateur Athletic Association;
- (24) the Hong Kong Badminton Association;
- (25) the Hong Kong Basketball Association;
- (26) the Hong Kong Boxing Association;
- (27) the Hong Kong Canoe Union;
- (28) the Hong Kong Cycling Association;
- (29) the Hong Kong Physical Fitness Association;
- (30) the Hong Kong Football Association;
- (31) the Hong Kong Miniature Football Association;
- (32) the Hong Kong Amateur Gymnastic Association;

- (33) the Hong Kong Amateur Handball Association;
- (34) the Hong Kong Hockey Association;
- (35) the Hong Kong Judo Association;
- (36) the Hong Kong Amateur Karatedo Association;
- (37) the Hong Kong Kendo Association;
- (38) the Hong Kong Lawn Bowls Association;
- (39) the Hong Kong Chinese Martial Arts Association;
- (40) the Hong Kong Mountaineering Union;
- (41) the Hong Kong Netball Association;
- (42) the Orienteering Association of Hong Kong;
- (43) the Hong Kong Amateur Roller Skating Association;
- (44) the Hong Kong Amateur Rowing Association;
- (45) the Hong Kong Rugby Football Union;
- (46) the Hong Kong Post Secondary Colleges Athletic Association;

- (47) the Hong Kong Schools Sports Council;
- (48) the Hong Kong Rifle Association;
- (49) the Hong Kong Amateur Shuttlecock Association;
- (50) the Hong Kong Softball Association;
- (51) the Hong Kong Table-tennis Association;
- (52) the Hong Kong Teakwondo Association;
- (53) the Hong Kong Tennis Association;
- (54) the Hong Kong and Kowloon Volleyball Association;
- (55) the Hong Kong Amateur Weight-lifting and Power-Lifting Association;
- (56) the Hong Kong Wushu Union;
- (57) the Hong Kong Yachting Association;
- (58) The Hong Kong Sports Association for the Mentally Handicapped;
- (59) the Sports Association for the Physically Disabled;
- (60) the Hong Kong Society for the Deaf;

(61) the Hong Kong Bodybuilding Association;

(62) the Hong Kong Gateball Association.

(ii) Relevant persons in respect of members (other than individual members) of the bodies specified in paragraph (a)(i)(1) to (62) entitled to vote at general meetings of the respective body.

(b) Members of the Hong Kong Cultural Sector Joint Conference entitled to vote at general meetings of the Conference.

(c) (i) Individual members of -

(1) The Artiste Training Alumni Association Limited;

(2) The Chinese Artists Association of Hong Kong;

(3) The Composers and Authors Society of Hong Kong Limited;

(4) the International Federation of Phonographic Industry (Hong Kong) Limited;

(5) the Hong Kong Film Directors' Guild Limited;

(6) the Hong Kong, Kowloon, New Territories Motion Picture Industry Association Limited;

- (7) the Hong Kong Record Merchants Association Limited;
- (8) the Hong Kong Screen Writers Guild;
- (9) the Hong Kong Theatres Association Limited;
- (10) the Hong Kong Video Industry Association Limited;
- (11) the Motion Picture Production Executives (Hong Kong) Limited;
- (12) the Music Publishers Association Hong Kong Limited;
- (13) the Society of Cinematographers (Hong Kong) Limited;
- (14) the Movie Producers and Distributors Association of Hong Kong and Kowloon,

entitled to vote at general meetings of the respective Association, Institute, or other respective body.

- (ii) Relevant persons in respect of members (other than individual members) of the bodies specified in paragraph (c)(i)(1) to (14) entitled to vote at general meetings of the respective body.

27. Transport
functional
constituency

- (a) Relevant persons in 1
respect of -

- (1) the China Motor Bus Company Limited;
- (2) the Kowloon Motor Bus Company(1933) Limited;
- (3) the New Lantau Bus Co (1973) Limited;
- (4) the Citybus Limited;
- (5) the Hong Kong Tramways Limited;
- (6) the Peak Tramways Company Limited;
- (7) the Kowloon-Canton Railway Corporation;
- (8) the Mass Transit Railway Corporation;
- (9) The Cross Harbour Tunnel Company Limited;
- (10) The New Hong Kong Tunnel Company Limited;
- (11) the Tate's Cairn Tunnel Company Limited;
- (12) the Hong Kong School of Motoring Limited.

(b) Relevant persons in respect of -

- (1) The Fraternity Taxi Owners Association;
- (2) the Hong Kong & Kowloon Taxi Companies Association;
- (3) the Hong Kong Kowloon Taxi & Lorry Owners Association Limited;

- (4) the Kowloon Taxi Owners Association Limited;
- (5) The Taxi Operators Association Limited;
- (6) the Wai Yik HK & Kln & NT Taxi Owners Association;
- (7) the Wing Lee Radio Car Traders Association Limited;
- (8) the T C Taxi United Association Limited;
- (9) the Quadripatite Taxi Service Association;
- (10) the Hong Kong & Kowloon Radio Car Owners Association Limited;
- (11) the United Friendship Taxi Owners & Drivers Association Limited;
- (12) the Yik Sun Taxi Operators Association;
- (13) the Wai Fat Taxi Owners Association;
- (14) the United Radio Taxi & Goods Vehicle Association Limited;
- (15) the Hong Kong and Kowloon Rich Radio Car Service Centre Association Limited;
- (16) the Happy Taxi Operator's Association Limited;
- (17) the Wing Tai Car Owners and Drivers Association Limited;
- (18) the HK Tele-call Taxi Association;

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- (19) the NT Taxi Merchants Association Limited;
 - (20) the NT Taxi Owners and Drivers Fraternal Association;
 - (21) the NT Taxi Radio Service General Association;
 - (22) The Association of NT Radio Taxicab Limited;
 - (23) The Fraternity Association of NT Taxi Merchants;
 - (24) the Public Vehicle Merchants Fraternity Association;
 - (25) the Sai Kung Taxi Operators Association Limited;
 - (26) the Tang's Taxi Companies Association Limited;
 - (27) the Lantau Taxi Association;
 - (28) the HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association;
 - (29) the NT Public Light Bus Owners Association;
 - (30) the NT San Tin Public Light Bus (17) Owners Association;
 - (31) the Public Light Bus General Association;
 - (32) The Kowloon Public Light Bus Chiu Chow Traders & Workers Friendly Association;
 - (33) the Tuen Mun PLB Association;
 - (34) the Hon Wah Public Light Bus Association Limited;

- (35) the Tsuen Wan PLB Commercial Association Limited;
- (36) the Yuen Long Tai Po PLB Merchants Association Limited;
- (37) the Lung Cheung Public Light Bus Welfare Advancement Association Limited;
- (38) the Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Limited;
- (39) the Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Limited;
- (40) the United Association of Public Light Bus Hong Kong;
- (41) the HK, Kln & NT Public Maxicab Operator General Association;
- (42) the Hong Kong Automobile Association;
- (43) the Private Hire Car for Young Children Association Limited;
- (44) the Young Children School Mini-Buses Operators Association Limited;
- (45) the Public Omnibus Operators Association Limited;
- (46) the Driving Instructors Merchant Association Limited;
- (47) the Hong Kong Driving Instruction Club Limited;

- (48) the Hong Kong & Kowloon Goods Vehicle Ominibuses and Minibuses Instructors' Association Limited;
- (49) the Hong Kong Society of Articulated Vehicle Driving Instructors Limited;
- (50) the Kowloon Motor Driving Instructors' Association Limited;
- (51) the Public & Private Light Buses Driving Instructors' Society Company Limited;
- (52) the United Hong Kong Island Motor Car Driving Instructors' Association Limited;
- (53) the Pioneer Concrete Owners Driver Association;
- (54) the Marine Radio Officers Society;
- (55) the Hong Kong Pilots Associations Limited;
- (56) the Taxi Dealers and Owners Association Limited;
- (57) the Salvage Association (HK Office);
- (58) the Marine Excursion Association;
- (59) the Urban Taxi Drivers Association Joint Committee Company Limited;
- (60) the Public Light Bus Drivers Association.

(c) Relevant persons in respect of members (other than individual members) of -

- (1) The Hong Kong Shipbreaking and Steel Rolling Industries Association;
- (2) the Tung Yee Shipbuilding and Repairing Merchants General Association;
- (3) the Marine Insurance Association of Hong Kong;
- (4) the Southern District Shipbuilding Trade Owners Association;
- (5) The Hong Kong Shipowners Association Limited;
- (6) The Shippers' Association of Hong Kong;
- (7) The Hong Kong Shipper's Council;
- (8) the Hong Kong Shipping Industry Institute;
- (9) the Hong Kong Liner Shipping Association;
- (10) the Hong Kong Association of Freight Forwarding Agents Limited;
- (11) the Hong Kong Container Tractor Owner Association Limited;
- (12) the Hong Kong Cargo-Vessel Traders' Association Limited;
- (13) the Hong Kong & Kowloon Motor Boats and Tug Boats Association;

(14) the Hong Kong Stevedores Employers' Association;

(15) The Public Cargo Area Trade Association;

(16) the Goods Vehicle Fleet Owners Association Limited;

(17) the Kowloon Truck Merchants Association Limited;

(18) the Hong Kong Marine Contractors Association;

(19) the Hong Kong Guangdong Transportation Association;

(20) the Motor Traders Association of Hong Kong,

entitled to vote at general meetings of the respective Association, Council or Institute.

(d) Relevant persons in respect of -

(1) the Hong Kong and Yaumati Ferry Company Limited;

(2) The "Star" Ferry Company Limited;

(3) the Far East Hydrofoil Company Limited;

(4) the Hong Kong Macao Hydrofoil Company Limited;

(5) the Hong Kong Hi-Speed Ferries Limited;

(6) the Hong Kong Ferry (Holdings) Company Limited;

(7) the China Merchants Development Company Limited;

- (8) the Chu Kong Shipping Company Limited;
- (9) the China Merchants Container Lines Limited;
- (10) the Chu Kong Passenger Transport Company Limited;
- (11) the China Merchants Shipping & Enterprises Company Limited;
- (12) the Expert Fortune Limited;
- (13) the Yick Fung Shipping & Enterprises Company Limited;
- (14) the Ship Agency Company Limited;
- (15) the Wu Gang Shipping Company Limited;
- (16) the Hainan (HK) Travel Agency Limited;
- (17) the World Fame Shipping Company Limited;
- (18) the Hong Kong Parkview Ferry Services Limited;
- (19) the Chuen Kee Ferry Limited;
- (20) the Discovery Bay Transportation Services Limited;
- (21) the Eastern Ferry Company;
- (22) the Holiday Resorts (Transport) Limited;
- (23) the Hop Shing Kung Ferry Company Limited;

(24) the Coral Sea Ferry Service Company Limited;

(25) The Polly Ferry Company Limited;

(26) the Hongkong International Terminals Limited;

(27) the Modern Terminals Limited;

(28) the Sealand Orient Terminals Limited;

(29) the Asia Terminals Limited;

(30) the Fat Kee Stevedores Limited;

(31) the Hoi Kong Container Service Limited.

(e) Members of -

(1) The Chartered Institute of Transport (Hong Kong Section);

(2) The Institute of Transport Administration - Hong Kong Centre;

(3) The Institute of Chartered Shipbrokers (HK Branch);

(4) the Hong Kong Joint Branch of the Royal Institution of Naval Architects and Institute of Marine Engineers;

(5) the Nautical Institute (HK Branch);

(6) the Hong Kong Institute of Marine Technology,

entitled to vote at general meetings of the respective Institute or Institution.”.

Question on the amendments proposed.

DR YEUNG SUM (in Cantonese): Mr Chairman, on behalf of the United Democrats of Hong Kong (UDHK) and the Meeting Point, I rise to oppose Mr Howard YOUNG’s amendment motion.

Mr Howard YOUNG said that the so-called 1994 model, which was a compromise reached between the Liberal Party and some other people, had drawn on the proposals the Hong Kong Government submitted to the Chinese Government during the Sino-British negotiation on the territory’s future political system in 1993. But this does not necessarily mean that the Liberal Party’s proposal is formulated on the basis of some sound arguments. Here, I must strongly criticize the British Hong Kong Government for not consulting the opinions of the Hong Kong people in the course of the negotiations and talks with China in 1993. It stealthily circumvented the Legislative Council so as to amend the model which was worked out in 1992 after many rounds of debates in the Legislative Council and then presented it to the two Governments during the talks. This 1993 model is basically unacceptable to us because what we endorsed was the 1992 model. Mr Howard YOUNG repeatedly emphasized that this 1993 model was well-founded and that it was formulated on the basis of the proposals advanced by the Hong Kong Government and the British Government during the negotiation. Yet this does not necessarily mean that the proposal in itself is a sound one. This is the first point I would like to make.

The second point that I wish to bring up concerns the nine new functional constituencies now proposed to this Council. Why does it have to be these nine constituencies? Just now Mr Howard YOUNG also made a reference to possible disputes which may arise from the classification of some trades like insurance, export and the electronics industry. The question is why it has to be these nine constituencies but not any other nine? This highlights the fact that the classification of functional groups under different functional constituencies is quite arbitrary. This model is surely a consensus among some Members who had spent a lot of efforts to put it together, including Mr Eric LI. But I believe that Members of this Council may hold different views on the creation of these nine new functional constituencies. They may accept one but not the other. Since the classification of the functional constituencies is done so arbitrarily, it is unrealistic to expect a consensus to be reached among all legislators.

The third point is that the franchise proposed by this compromise model is a lot smaller than that of Governor Chris PATTEN’s proposal. The Governor’s proposal classifies functional constituencies on the basis of occupation. Each of the 2.7 million working population will have one vote. However, the UDHK and the Meeting Point are of the view that the franchise

should be further expanded and thus suggest that students above 18 years of age, housewives and the retired should have a vote because students above 18 years of age, housewives and the retired are also functional in our society. We cannot say that only certain professionals or people in certain trades have contributions to the society and are functional. Basically, functional constituencies, in principle, should actually be abolished. But if the system, for whatever reasons, has to be retained for a very long period of time, the franchise of the existing conservative system must be broadened as much as possible, thereby allowing the greatest possible number of eligible voters and encouraging more public participation. However, under the compromise model drawn up by the Liberal Party and some other Members, the number of voters may basically be a little more than 120 000 or just some 200 000, compared with 2.7 million under Governor Chris PATTEN's political package. As for the proposal forwarded by the UDHK and the Meeting Point, which is scheduled to be scrutinized by Honourable colleagues later today, the number of voters may even be in excess of 2.7 million.

On account of the nine new functional constituencies being classified so arbitrarily and the small franchise as proposed, the UDHK and the Meeting Point will definitely oppose the compromise proposal formulated by the Liberal Party and some other Members, particularly with regard to the part on functional constituencies.

MR ERIC LI (in Cantonese): Mr Chairman, I would like to clarify a couple of points. First of all, some of the Members whom the Honourable Howard YOUNG has just mentioned indeed always sat together to discuss Legislative Council affairs. Another point that is also true is that some of the Members whom we have mentioned do feel that the original 1992 package has some imperfections, in particular, the unclear demarcation of constituencies and the possibility of some Legislative Councillors returned by functional constituency election being uncertain of whom precisely they should be accountable to. They offer me much encouragement and some of them encourage me to use the 1993 package as the reference point. We think that, if the 1993 package can be rationalized, it can be taken as the lesser of the two evils. I am encouraged by these colleagues who, through me, have conferred in good faith with several Members of the Liberal Party. Their participation is facilitated entirely through me, not any other Members. I must make this point clear. We are in fact following the Legislative Council's general practice for conduct of business, that is, we put our heads together and exchange opinions on these packages many times. However, this is absolutely not tantamount to their having actively participated in this compromise package, nor does it mean that they unreservedly go along with the entire compromise package. In fact, as I have mentioned in my first speech, a considerable gap still exists between this package and our original package or the original package which I personally hoped to put forth to fulfill my responsibility.

I would also like to take this opportunity to say that we have presented in clear terms the amendment to be moved by the Honourable Roger LUK, this is, the part relating to the system of six votes for every corporation. We do not lend our support to the proposal of one corporation one vote. When designing this package, I have borne in mind some principles, for example, the reasonably larger the size of the electorate in a functional constituency the better, and the maintenance of balance between different groups within one functional constituency. Regarding the existing nine new functional constituencies, if one corporation is entitled to six votes, there should be almost 200 000 electors, which is 2.7 times larger than the size of the electorate of the existing functional constituencies. As for the Labour Functional Constituency, I have accepted the suggestions of some Members and I have tried to advocate the system of “one person, one vote” on a number of occasions. Although I have repeatedly tried to fight for it, for the sake of reaching a basic consensus and taking into account the fact that the Government’s own labour groups have endorsed a system of indirect election, in which the votes are cast by their executive committee members, at last it is decided that this system of voting will be adopted by the two new functional constituencies.

I also want to emphasize that the other independent Members have never indicated that their final decisions will eventually be made public. I myself am absolutely willing to shoulder all the responsibilities. Regarding their ultimate decisions, I think that they will make their own choices which are to them most sensible and most reasonable. I believe most Members, particularly those who have been working closely with me, will agree that both packages seem to fall short of our expectations. We have to take into account the reality of having to have a general discussion. We have exchanged opinions on a number of occasions on how to work out a compromise package, and there have been some concessions. In fact these concessions are mainly made by me and I have tried my best to explain to the other Members. As to what decisions will be made by the other Members at the very last minute, I can only say that I hope they can make the most sensible decisions which will match their ideals and their thinking the most.

MR MARTIN LEE (in Cantonese): I would like to explain the point of voting. Some Members are thinking of requesting the three official Members not to vote for the reason that they should not participate in this Council’s decision making. I do not think this is reasonable. If some Members ought not to vote, then all the appointed Members ought not to vote either, otherwise it will not be fair.

The way Dr Philip WONG is conducting himself is even stranger. I heard him say that he intended not to vote but to abstain; yet on hearing that the three official Members were going to vote, he then changed his mind. That means he wants to trade one vote for three votes. Even a child knows that this is not reasonable. If he had said that he wanted to trade three votes for three votes, that would have been acceptable because it was at least fair. In the

circumstances, I hope that if we are to restrict some of us from voting, then either all the appointed Members should not vote or all the 59 Members should vote, except the Chairman.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, the two major differences between Governor PATTEN's 1992 package and the 1994 package lie in the areas concerning the functional constituencies and the Election Committee.

At present, there are altogether 21 functional constituencies in this Council. As Miss Emily LAU has said, 12 of those seats have been won uncontested without holding elections. However, it does not mean that these Members lack representativeness for obtaining their seats without being elected. They obtain the seats because they are prestigious, widely respected and supported by people in the trade. For example, Mr Jimmy MCGREGOR was returned because he was supported by his colleagues. We cannot say that he only represents a handful of people.

In fact, Legislative Councillors elected by various functional constituencies do have their representativeness, functions and values. They have their respective roles to play. So the Legislative Council should retain the functional constituency elections.

Mr Chairman, I joined the Legislative Council after being returned through functional constituency election. At that time, there were a total of six candidates in that constituency. I had to beat five opponents in order to be elected. I am not boasting my representativeness here now. I only want to emphasize one point: Honourable Members in this Chamber, whether they are directly elected or returned through functional constituency elections, all have their representativeness. We should not divide the Members into the first tier, second tier or third tier. That would be most undesirable.

I have said that the future of Hong Kong badly needs the efforts and co-operation of people from all sectors. On the political side, Members elected from the functional constituencies should communicate with the Chinese Government and express the wishes of Hong Kong people as much as possible. In the economic aspect, we should do our best to fight for Hong Kong people's interests, but at the same time, taking care of our functional constituency's interests first. In representing our functional constituencies, we have to understand the difficulties faced by our respective functional constituencies and harmonize the relationship between the Government and our constituencies. Finally, we should use the Basic Law as the basis for the smooth transition of Hong Kong, so that we can develop our political system according to the pace stipulated in the Basic Law. Although not everybody will agree with my viewpoint, I think that if Legislative Councillors representing the functional

constituencies can achieve the above four points, they may not be successes but they are nevertheless not failures.

The Governor's 1992 package proposes to create nine new functional constituencies. No matter how hard the previous Secretary for Constitutional Affairs and the present one canvass and argue on behalf of the Government, this proposal has its drawbacks. If the Governor changes the nine newly-created functional constituencies into functional group employees, that is, anyone who is employed can join the respective constituency, then it should be fine. If people of different trades are grouped into a certain functional constituency indiscriminately, a lot of problems will come up in the future.

Mr Chairman, there are four groups in my Financial Services electoral division, namely stock brokers, futures brokers, Gold and Silver Exchange Society and insurance brokers. Since there is a slight difference between the business of one group and that of another, there exist some misunderstanding and clashes among people in the respective trades. The Governor proposes to create nine functional constituencies by grouping trades of different nature together. It is believed that there will be even more clashes and conflicts in the future. The person elected may only have knowledge of a particular trade in that group and so his representativeness is in doubt.

The Governor's intention in creating nine functional constituencies is to enlarge the electoral base of the functional constituencies. We also appreciate the Governor's good intention. By doing so, he can, on the one hand, gain the citizens' support, while on the other hand, he will be subject to less attack by the democrats. Nevertheless, when the voters are so widely distributed, how can the candidates canvass votes? By then, it will be possible that the election expenses will amount to \$2 million or \$3 million. Elections will turn into another form of "money politics". Therefore, I request that members should also take the above problems into account while considering the first part of Governor PATTEN's package.

Mr Chairman, not all of the existing 21 functional constituencies represent the industrial and commercial sector's interests. There are only a few seats representing this sector's interests while the rest represents those of labour groups, social workers, doctors, teachers, nurses, lawyers, accountants and so on. Therefore, the industrial and commercial sector does not control everything. We strongly hope that Hong Kong businessmen will work for the development of Hong Kong so that Hong Kong can have even greater economic achievements. However, if most of the Legislative Council seats are given to workers in future, what will the industrial and commercial sector think? They will worry that Hong Kong's investment environment will be affected. If the industrial and commercial sector loses its confidence in Hong Kong, it is believed that Hong Kong citizens themselves will be the most affected. Hence, we must make a point of balancing the interests of all sectors rather than undermine the strength of a certain sector. Should that really happen, that would definitely not be to the benefit of Hong Kong people.

Mr Chairman, some people will say that an election is a fair competition because everybody has the right to run in it. However, we should not forget that when compared with teachers, social workers or lawyers, businessmen are at a disadvantage in terms of oratorical skill and time. As far as I myself am concerned, actually I have spent a lot of time on taking part in the work of the Legislative Council. Nevertheless, I have also expressed many views (though not everybody may agree to them) to the Government. No matter whether they are accepted by the Government or not, I have at least made myself heard.

Mr Chairman, I have already clearly analyzed the impacts of the 1992 package and 1994 package on the functional constituencies. Members should consider them carefully before making a decision.

With these remarks, I support the part of the 1994 package on functional constituencies.

MR JAMES TIEN (in Cantonese): Mr Chairman, when the Liberal Party was studying the Bill, Mrs Selina CHOW, Mr Howard YOUNG and I were asked to seek the views of other Members. During the process, just as what Mr Howard YOUNG has explained at great length, we had received Mr Jimmy MCGREGOR's submission and discussed the matter for a number of times with Mr Martin BARROW and Mr Eric LI. Mr Howard YOUNG just now has mentioned in his speech other Members including Mr Vincent CHENG, Mr Marvin CHEUNG, Mr Timothy HA, Mr Simon IP, Dr Samuel WONG and Mr Roger LUK. We have at least held seven or eight meetings, if not 10. Yet, these several Members mentioned by Mr YOUNG in fact never directly attended our meetings. All of them expressed their opinions through Mr Eric LI. What Mr Howard YOUNG meant was that there had been many Members indirectly participating in our discussion.

Mr Chairman, with these remarks, I support Mr Howard YOUNG's motion.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I have earlier explained at length the difficulties we have with the Liberal Party's amendments to the nine new functional constituencies.

It must be obvious to anyone who has carefully examined Mr YOUNG's amendments that the amendments are keeping the franchise pitifully small, heavily biased in favour of employers' and the professionals' interests and contrived in a number of places. In short, they are arrangements which are anything but open and fair. The proposals would do little to enhance the representativeness or credibility of the electoral system.

Mr YOUNG said a number of times that the proposals he put forward are closely based on the proposals the British side put across to the Chinese side

during the talks. These proposals, the proposals we put forward during the talks, are set out in detail in the White Paper published in February. It is patently clear that Mr YOUNG's proposals are a far cry from the 1993 proposals. In any case, the 1993 proposals were put together on the basis of an overall agreement with China. Regrettably an agreement was not reached.

Mr Chairman, the Administration is against Mr YOUNG's amendments.

MR HOWARD YOUNG: Mr Chairman, I regrettably only heard the second part of the Secretary's reply so I can only assume that he did touch on one point, which I would assume that he would mention because I read such remarks in the *South China Morning Post* when Governor PATTEN criticized the Liberal Party.

There has been some query on the so-called practicability of our proposal. I am not sure whether the Governor was referring to practicability of our proposal with reference to functional constituencies or the election committee or both. In any case, since it is one whole proposal, I would like to mention that as far as I am concerned, I do not believe anyone in this Council could possibly say that the functional constituencies are not practicable, because it is exactly the same system that has worked for nine years. So if you say it is not practical, then are we admitting that what we have had for nine years is not practical?

Well perhaps you were mentioning the election committee part of the proposal which we have not touched on but is linked, or may not even touch on through that, but I would also state that they were also taken from this same paper which the Government gave the committee that described what you had put to the Chinese both in relation to functional constituencies and election committee. We basically, more or less, took the same thing. So I think it is dangerous to argue whether in the press, by an article penned by the Governor attacking one political party, or whether in this Chamber, and I am not sure whether the Secretary has done so, to query the practicability of anything that the British Government themselves submitted to the Chinese side. Because if it was, then I would honestly ask during secret negotiations, serious secret diplomatic negotiations between Britain and China, are we saying that the British side submitted something to the Chinese which itself did not think was practical and then expected the Chinese to accept it? If that is the case, then I am not surprised why the talks broke down.

MR HOWARD YOUNG (in Cantonese): Mr Chairman, the above are my views of the matter. The Secretary also referred to the point of broadening the electorate base, which is incidentally our wish as well. Many people wondered why the estimated electorate stated in the 1993 political package submitted to the Chinese side stood at more than 600 000 people. Even if we rejected the proposal of "one company, one vote" or such a proposal was not endorsed, and we supported Mr Roger LUK's proposal of "one company, six votes" or even

his proposal was turned down and it became “one company, unlimited votes”, the electorate would merely cover a population of 200 000 odd. The answer lies in the inclusion of the trade unions. In the package which the Government submitted to China in 1993, we noticed that two functional constituencies were 100% composed of members of trade unions while another one was 80%.

We had tried to explore whether these people could all be included in the electorate and found that there could be only one solution, which was also an idea other Members put forward to me during the course of our informal discussion. The proposed solution is that the two seats representing the Labour Functional Constituency should be returned by members of the entire workforce. In other words, the size of the estimated electorate in the Government’s 1993 package would remain the same, bearing in mind that many people support the request for enlarging the size of the electorate. Afterwards when we studied the government papers, we noted that the Government itself also put forward the proposal of “one trade union, four votes” for the seats representing the Labour Functional Constituency.

We then consulted some members of the labour sector who were associated with trade unions about the practicability of the proposal. As expected, they did not oppose to it. Yet they thought the original system was also a good one. This is true. Just now I mentioned that we had sought the views of many members from the labour sector. I asked them for information on how representatives of the labour sector were elected. To Mr TAM Yiu-chung, I asked him to furnish me with information about the total number of trade unions. He responded enthusiastically by giving me a list of all trade unions in Hong Kong. Yet, when we turned to the government paper later, we found that even the Government itself put forward the proposal of “one trade union, one vote”. There was no reason why the proposal should not be supported. So we finally came to the view that it would be better to back up the Government’s proposal.

Just now I mentioned that it was our principle to respect others’ opinions when it came to the formulation of our proposed political package. As regards Mr Eric LI’s remarks, I think it needs clarification because I have spoken too fast. In fact, there were not so many people attending all our meetings to discuss the details of the package. People attending the meetings included myself, Mr Eric LI and Mrs Elsie TU and, of course, many others from the Liberal Party, such as Mrs Selina CHOW and Mr James TIEN. Did other Liberal Party members take part in it? I should say yes because I, with the functional constituency issue weighing heavily in my mind for these two months, always asked them for their views on this issue whenever I bumped into them. Even for Dr Philip WONG, who had taken no part in our deliberation, I did seek his views on matters on many occasions. For instance, I inquired of him, among others, about the current method for electing representatives of the Chinese Manufacturers’ Association of Hong Kong.

I would also like to clarify another point. Just now many Members who were critical about this package labelled it as the Liberal Party's 1994 package. We do not agree because the package is not a brainchild of ours alone. This amendment package is put together with the participation of many people. In preparing this package, we had also consulted people's views. Sometimes when I called at my friends' houses, or had tea or meals with them, I would bring this matter up and I would take down their views. I have done my best to respect others' opinions. For instance, I mentioned Mr MCGREGOR just now. He did not attend our meetings but forwarded his views in a letter to me. The views he gave in his letter were very constructive. No matter whether he had attended our meetings, I think we should pay due attention to his views. Furthermore, Members such as Mr Simon IP, Mr Marvin CHEUNG, Mr Vicent CHENG and Mr Timothy HA also did not attend any of our meetings. However, whenever I bumped into them, I tried to lobby them. They took no part in the actual formulation of the proposals nor put forward any proposals to us. Yet they yearned for a package acceptable to most people. In this connection, I think the credit should, in fact, go to all of them as well. Apart from those who participated in drafting the proposals or attended our meetings, I would regard those who were willing to listen to a few words of mine or just remained silent after listening to my views, when lobbied, as not opposing my views or not making any attempt to change our proposals. I would respect their views.

I sincerely hope Honourable Members will vote for this package today. From our remarks, it must be clear to them that it is a functional constituency package which is most moderate and most realistic in the context of the actual situation in Hong Kong, though this package is a transient one. We all look forward to having direct elections in the year 2007 or even earlier. It is hoped that we will do our utmost to put the package into practice in the few years ahead. This is a package which is fair, open and acceptable to everyone. Please vote for it!

Question on the amendments put.

Voice vote taken.

MRS MIRIAM LAU: I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Dr David LI, Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr Roger LUK, Mr James TIEN and Mr Alfred TSO voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH and Ms Anna WU voted against the amendments.

Mr Martin BARROW and Mr Simon IP abstained.

THE CHAIRMAN announced that there were 28 votes in favour of the amendments and 29 votes against them. He therefore declared that the amendments were negatived.

CHAIRMAN: Mr YOUNG, as your amendments to clause 22 have not been agreed, you can no longer move your amendments to clauses 10 and 13 relating to functional constituencies. I will now call upon Mr Martin LEE, who has also given notice to move amendments to clause 22, to move his amendments.

7.58 pm

MR MARTIN LEE: Mr Chairman, I do not know whether this is convenient time for a supper break. It is certainly convenient for me.

CHAIRMAN: Yes, Members may wish to take stock. I will adjourn for supper, but we will resume at 15 minutes to nine o'clock.

Council then resumed.

8.00 pm

PRESIDENT: I am sorry. Would Members please deal with one piece of business. It is now eight o'clock and under Standing Order 8(2) this Council should now adjourn.

ATTORNEY GENERAL: Mr President, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this evening to be concluded.

Question proposed, put and agreed to.

Council went into Committee.

CHAIRMAN: Council is now in Committee and is suspended until 15 minutes to nine o'clock.

8.56 pm

CHAIRMAN: Committee will now resume.

MR MARTIN LEE (in Cantonese): Mr Chairman, thank you for adjourning the debate on my motion so that Members could have a supper break. I hope I can secure a greater chance of success if they listen to my speech after dining.

Mr Chairman, on behalf of the United Democrats of Hong Kong (UDHK), I move the amendments to clause 22 except item 12 of schedule 2. The amendments have already been set out under my name in the paper circulated to Members. Mr Chairman, before I make my speech, I would like to raise a point concerning Mr Jimmy McGREGOR because he was quite upset when he heard my previous speech. He hoped that I could clarify one point. In fact, I did not mean that all the people in the commercial sector had not supported democracy. If all the voters in the commercial sector had not supported democracy, Mr Jimmy McGREGOR would not have been returned in the 1988 and 1991 elections. During those two elections, I actually canvassed for him at the polling station. I think the voters were not brave enough to come near Mr McGREGOR and me and shake hands with us. The other candidate had a large electioneering team and a majority of voters went over to their side to shake hands with them while only a handful of them came to shake hands with us. For this reason, I first thought that Mr McGREGOR would definitely lose the election but the result turned out to be otherwise. The voters were not brave enough to shake hands with us probably because they were afraid of being

seen to do so. Yet, they were stout-hearted enough to vote for Mr McGREGOR and, as a result, he won in both elections.

Today when I heard Mr McGREGOR's speech and came to know his voting orientation, I was assured that I had not chosen the wrong person to offer my help. Although Mr McGREGOR is quite headstrong, which is typical of most Scots, ultimately he will still vote against this so-called 1994 package (including the proposed nine new functional constituencies). In this connection, I would like to pay tribute to Mr McGREGOR.

Mr Chairman, my proposed amendments seek to, as an overall aim, abolish the three seats representing the Urban Council, Regional Council and Rural (Heung Yee Kuk) Functional Constituencies and to replace them with three other new constituencies which represent respectively the students, the retired persons and the unremunerated persons including housewives. The UDHK consider the mode of functional constituency election not democratic enough. The franchises of most existing constituencies are too narrow while the basis of the demarcation of constituencies is not clearly defined. Worse still, it is against the principle of equity to give a handful of voters in the present 21 functional constituencies an extra chance to vote.

Mr Chairman, I can recall that I was returned through the Legal Functional Constituency when I first ran in the Legislative Council election and my good friend, Mr SZETO Wah, joined this Council through the Teaching Functional Constituency. This took place in 1985. Ever since then, we have been contesting direct elections. Yet, I feel quite uncomfortable with the remarks made in this Council by a considerable number of Members. They queried what sort of shortcomings could possibly be found in functional constituency election since both Martin LEE and SZETO Wah were returned through functional constituencies. For this reason, we, who happened to see eye to eye on this issue, decided to run for a seat otherwise than through the functional constituencies when direct election started to be put into practice. We can therefore at least rise to level a broadside against functional constituency election. Yet, if this system is improved, we will give our support despite the fact that our ultimate aim is the abolition of all functional constituency elections as early as practicable. For this reason, the UDHK support the Government's proposal of replacing all forms of corporate voting in the present 21 functional constituencies by individual voters so that it will enable more people to vote. The electorate of the nine new functional constituencies will be extended to the entire working population in Hong Kong and, therefore, the base of representation in terms of functional interests will be tremendously broadened.

However, there are still two drawbacks in the package proposed by the Government. First, to give voters who are employed and remunerated two votes to cast, namely in the direct election and election in any of the nine new functional constituencies, is still in breach of the principle of equity because this will mean that the unremunerated voters will be deprived of one chance to vote. Why should the criterion for determining whether one belongs to a functional

constituency hinge on whether one is remunerated? Please allow me to cite two examples. If Mrs Nicholas NG and Mrs LEUNG Chin-man do a lot of work at home but are not remunerated, they are not entitled to cast a second vote. Yet, just imagine that the situation is slightly modified to the extent that Mrs NG assists Mr LEUNG in cooking while Mrs LEUNG also assists Mr NG in cooking and, of course, they go back to their own homes after cooking and washing up. If these two ladies are remunerated, they will have a second chance to vote. Can their function be diminished if they cook at home? A moment ago I saw the Chief Secretary look at me smiling. I think she should understand that the arrangement in question is unreasonable. For this reason, I hope she will be able to influence the other two *ex officio* Members to vote for my amendments.

Furthermore, another drawback is that there is still room for improvement in the small coterie mode of elections in the Urban Council, Regional Council and Heung Yee Kuk. The electorate in these three constituencies consists of a virtually small number of people, namely 40 in the Urban Council and 36 in the Regional Council and up to now I am still not very clear about the size of the electorate in the Heung Yee Kuk. A research worker of the UDHK furnished me with two figures. The first one was 139. I asked the research worker to check up on it and afterwards he gave me the figure 112. I did consult the Secretary for Constitutional Affairs as well. In reply he said it should exceed 130 and later he gave me the figure 139 but with a question mark next to it. I, therefore, directly asked my colleagues from the Heung Yee Kuk. Their answer is around 157 people. This is merely an approximate figure because they indeed do not know how many members are JPs, that is, Justices of the Peace. What I find strangest is that I have asked so many people but none of them know exactly the total number of members in the Heung Yee Kuk. I think this is one of the drawbacks. The public will not support such a small coterie-based election. Among the existing functional constituencies, it is precisely these three constituencies which represent the smallest number of voters. Furthermore, their existence is also illogical. I believe the more experienced Members in this Chamber, that is to say, not to put too fine a point on it, the older Members, will recall that there were 12 seats returned by indirect election in 1985 when the election system was first introduced. Among these 12 seats, there were one for the Urban Council, one for the Regional Council and 10 being elected from district boards. These seats were indirectly elected and in the following election, the 1988 Legislative Council election, all the seats from district boards were abolished. However, the seats representing the Urban Council and Regional Council were retained. As the Government did not know what to do with these seats, it just put them under the fine-sounding category of functional constituencies. As a result, there are seats representing the Urban Council and Regional Council Functional Constituencies. As for the Heung Yee Kuk, it was an issue that came up afterwards. However, there is even a stranger point to note. Residents in villages or the indigenous villagers need a legislator to represent them in the Legislative Council but does it mean that people living in urban areas do not have such a need? This is virtually illogical. For this reason, I, on behalf of the UDHK, move that the aforesaid three functional constituencies be abolished and replaced by the three new constituencies

representing students, the retired persons and the unremunerated (including housewives) respectively.

The franchise as proposed in the UDHK's amendment will cover population aged over 18. Regardless of whether one is employed or remunerated, each voter can cast two votes. I think this is certainly fairer.

Mr Chairman, originally I intended to move another amendment. However, I must tell Members that I have some newest change to make which concerns the social services sector. The original motion is to terminate the eligibility of members of the boards of directors or management committees of organizations under the Hong Kong Council of Social Service to vote in the Social Services Functional Constituency. Now I withdraw this amendment. I think I have to frankly tell Members the reason behind it. It is because I learned from quite a number of channels that someone intended to make use of this amendment of mine to force individual Members to support a particular amendment package. In other words, if individual Members do not support that particular package, they will cast their votes for Martin LEE's amendment in order to hurt other Members.

Mr Chairman, I detest such kind of politics because this is not convincing others with reason but cornering others with force. Mr Chairman, I detest such kind of politics. I just feel that someone has intended to borrow my knife to drive others to bay or to kill them. Given such a situation, I can do nothing but to withdraw this motion, that is, to withdraw my knife, and tell the truth.

Mr Chairman, my decision to withdraw part of my amendments was made after careful consideration. I had, indeed, thought it over and over again from late last night till this morning. If I withdraw this amendment, I know I can create a free atmosphere in which Members who are brought under pressure for no reason at all will be able to vote of their own free will. Success is important but I think free will is even more important. Such a decision may disappoint some people. Yet, I hope they will understand that the outcome will be greater disappointment which is endless and long-lasting if we connive at such detestable politics.

I am willing to bear the attack and pressure from other people in order to secure an opportunity for Members to vote of their free will. My decision has won the support of the UDHK and the Meeting Point.

Mr Chairman, the focus of today's rounds of voting on the constitutional package, including the voting that took place earlier and, undoubtedly, the voting to be done later on as well as the very last voting, is on the so-called 1992 Patten Package or the 1994 Liberal Party package. No matter whether Members like it or not, a tug-of-war between these two packages will, as a matter of fact, inevitably take place. If we undertake to promote democracy instead of indulging in empty talk on ideals, we cannot avoid the voting issue. Once voting is to take place, we will have to make a choice between the two

packages which will compete in the last round of the tug-of-war. The UDHK and the Meeting Point will choose the Patten Package if all of the more democratic amendments are turned down.

Yet, we have to unite and bring our fullest strength to bear in opposing the Liberal Party's 1994 conservative package before the final decision is made. Now I withdraw part of my proposed amendments because we have already succeeded in mustering greater strength. We got the result of the voting before supper. I am willing to do so because this is a choice which is practical and conducive to our goal of fighting for democracy.

Mr Chairman, with these remarks, I withdraw part of my aforesaid amendments. I hope Members will support the other amendment proposed by me, that is, the creation of three new functional constituencies to replace the three original ones.

CHAIRMAN: Mr LEE, just to be quite sure, your motion is, as it stands at the top of page 10 of the script, that clause 22, except item 12 of schedule 2, be amended.

MR MARTIN LEE: Yes, that is right, Mr Chairman, and I give notice that in relation to the other part, I am giving notice to withdraw.

Proposed amendments

Clause 22

That clause 22 be amended, in the proposed Schedule 2 —

- (a) by deleting everything before item 4 of Part II and substituting -

<div> <div>“SCHEDULE 1</div> <div>FUNCTIONAL CONSTITUENCIES</div> <div>[ss. 4, 13, 15 & 46]</div> </div>		
First column	Second column	Third column
Constituency	Electors	Number of elected Members
1. Retired Persons functional constituency	Relevant persons as provided for in paragraph 8(c) of the Notes to Schedule 1.	1

First column	Second column	Third column
Constituency	Electors	Number of elected Members
2. Students functional constituency	Relevant persons as provided for in paragraph 8(c) of the Notes to Schedule 1.	1
3. Unremunerated Persons functional constituency	Relevant persons as provided for in paragraph 8(c) of the Notes to Schedule 1.	1”;

(b) in the Notes -

(i) by deleting Note (1);

(ii) by deleting “Part II of” wherever it appears;

(iii) in Note (8) by adding -

“(c) in relation to persons specified in the second column of item 1, 2 or 3 of this Schedule, means such persons of a class or description as may be prescribed by resolution of the Legislative Council.”.

Question on the amendments proposed.

MRS MIRIAM LAU (in Cantonese): Mr Chairman, I speak to oppose the proposal by the Honourable Martin LEE to abolish the functional constituency seats of the municipal councils and the Heung Yee Kuk.

According to the Green Paper: The 1987 Review of Developments in Representative Government, functional constituencies are defined as groups that carry a lot of weight and importance in the community. This definition was subsequently recognized and accepted by members of the public. I think that both the municipal councils and the Heung Yee Kuk comply with this principle. All along, the Administration has attached great importance to the work of the municipal councils which are, in fact, responsible for matters such as environmental hygiene and recreation and culture of the urban areas and the New Territories respectively. These matters are closely related to the livelihood of the people. Therefore, the weight and importance of the two municipal councils is beyond doubt.

The political system of Hong Kong is a three-tier structure with the municipal councils forming the middle tier of it. Members of the public recognize and support this structure. Although the Administration has adopted a three-tier structure, each of the tiers actually performs a different function. At the same time, the Administration requires all three tiers to co-operate effectively with one another, by way of a communication link whereby each tier can reflect fully to the next higher tier its opinions and concerns. This is, therefore, the principal reason why there are district board representatives in the municipal councils and why each of the municipal councils has been electing a representative into the Legislative Council since 1985.

To abolish the two functional constituency seats of the municipal councils will sever the link between this middle and upper tiers of this three-tier structure. In my view, this is the first part of “demolition”. Should the Honourable Martin LEE really want to do away with the three-tier structure, or indeed to demolish it, he should make it out in clearer terms. Of course, there is no system that is unchangeable. But the three-tier structure has operated for many years and proved itself to be suitable for the needs of Hong Kong. Should it be changed, there has to be extensive consultation and careful study. One should not attack any of the tiers by hamstringing its functions.

As to the seat of the New Territories Heung Yee Kuk, I have just spoken on the amendment proposed by the Honourable Frederick FUNG. But I would like to add one point in respect of the number of people (a point which was mentioned by the Honourable Martin LEE just now). The Heung Yee Kuk represents some 700 000 indigenous inhabitants of the New Territories. I believe the Honourable Martin LEE will agree that this is not a small number.

MR LAU WONG-FAT (in Cantonese): Mr Chairman, this Council enacted an Ordinance in 1990 which defined the Heung Yee Kuk and the municipal councils as functional constituencies. The Honourable Martin LEE, who had already professed himself as a democrat then, did not object to this. It surprised me though in only a few years’ time, the party led by him should propose, obviously for political purposes, to abolish the three functional constituency seats on the pretext of democracy and on groundless excuses. It has been done out of a desire to attack people with different political views. That they should exploit the others for their own benefits is indeed most regrettable.

It is indeed not difficult at all to find examples of arbitrary behaviour, self-contradiction and application of double standards by the so-called democrats if one should look up the Hansard. That this Council should find itself in such a situation can only be explained, I believe, by some people’s desire to achieve their political goals by hook or by crook. In the course of drafting the Basic Law, Mr Martin LEE, a member of the Drafting Committee whom I most respected, positively supported with his professional judgement and eloquence my fight for the legitimate traditional rights of the indigenous inhabitants of the New Territories. Hence a provision protecting these rights was subsequently

written into the Basic Law of the Hong Kong Special Administrative Region. However, Mr Martin LEE now seems to have forgotten this small episode completely and leads his party members to try to get rid of the customs of the indigenous inhabitants of the New Territories by every possible means. Why is it so? Could it be that people would do this once they are in politics?

Mr Chairman, there has been sufficient debate and illustration on the functions of the rural committees, the Heung Yee Kuk and the municipal councils and their contributions to the community. Their achievements are there for all to see. What we ought to propose should have been for the strengthening of their functions, rather than for something that runs in the opposite direction. As to the motive behind this amendment proposed by the United Democrats of Hong Kong, I believe I need say no more as all of you should have known what it is all about.

With these remarks, Mr Chairman, I oppose the amendment.

MR ALFRED TSO (in Cantonese): Mr President, here I would like to present some objective facts to Members.

As early as 1986 when the Regional Council was first established, a specific arrangement was put in place in the structure whereby each of the New Territories district boards should return a representative to the Regional Council by way of election among the district board members. This arrangement was meant to strengthen the Regional Council's representativeness in that members returned by the district boards may act as a bridge between the Regional Council's policy making and individual districts' needs in the former's provision of facilities, services and activities in the cultural, recreational, environmental and hygiene areas. This arrangement was put in place right from the very beginning in 1986 and has been working well since.

Subsequently, when the Administration reviewed the political arrangements, the Urban Council was incorporated into this mechanism, thereby building up a direct relationship between the Urban Council and the Regional Council, the second tier of the structure, and the district boards, the third tier. The first tier of the existing system, that is, the Legislative Council, also has such functional constituencies whereby one representative is returned by each of the municipal councils to the Legislative Council.

The goal of our work should be just like the one I have described earlier on. The system is rigid, but the people are flexible. We must not criticize a system and assert that there must be something wrong with it simply because of a single incident. In fact, the general public know very well the relationship between the three tiers of the existing representative system of government and its *modus operandi*. In our past consultation through various channels, rarely were strong views expressed among the collected opinions against the composition of the existing system. I wonder if it is exactly a case, as described

by certain Members just now, of tremendous difference in the political outlook amongst our individual Members that certain political parties are trying to change and destroy the existing system rather than improving it in a rational manner and progressing towards our ideal.

I hope Members will consider the identifiable achievements of the operation of this three-tier structure after all these years, the very good rapport it has established among the public, and the cardinal importance of the services provided by the municipal councils to the population in the New Territories and the urban areas. Under these circumstances, I ask Members to vote against the amendment proposed by the Honourable Martin LEE.

MR ANDREW WONG (in Cantonese): Mr Chairman, I would like to see one point clarified. Just now in the debate on Mr Frederick FUNG's proposed amendment, a decision on the Heung Yee Kuk issue was already reached. For this reason, it seems that, pursuant to Standing Order 45 (4B), no more proposals pertaining to the Heung Yee Kuk could be moved in this debate. I hope that a ruling can be given in this regard since it concerns the ensuing discussions. Proposals to be moved later on by Mrs Elsie TU and Mr Frederick FUNG on "one person, one vote" would encounter the same problem. I have no idea how this problem can be resolved. All I hope is that the authorities concerned can give it a thought.

CHAIRMAN: The point was considered when the amendments were dealt with, and Mr Frederick FUNG's proposed amendment to clause 22 was of course a total substitution of the schedule with a new schedule, one item being the abolition of the rural functional constituency. Mr Martin LEE's proposed amendments comprise a distinct package and I considered then and I consider now that his proposed amendment is not out of order.

MR ANDREW WONG: Mr Chairman, I am not trying to challenge your authority. I was just seeking a ruling on that because what the Honourable Frederick FUNG proposed was a package, so as a result the Honourable Martin LEE's amendments could be moved. And as a result the Honourable Mrs Elsie TU's amendments on the "one man, one vote" issue could be moved subsequently. But I certainly wish to speak on this particular amendment.

CHAIRMAN: Yes, we will be proceeding with those amendments which affect clauses 9, 14 and 21 in due course, Mr WONG. They are not out of order.

MR ANDREW WONG (in Cantonese): I hope that what all I have said and am going to say will be put to a vote only at the end of the debate.

First of all, let me make one point clear in relation to Mr Martin LEE's proposed amendment. It is my belief that Mr Martin LEE is not in sympathy with the amendment that I proposed on functional constituencies, rather he must be in agreement with it at heart. It is only on account of his being a member of a political party that he must abide by the decision of his party. From a political party's standpoint, a proposal which gives franchise to the retired, housewives or "househusbands" who have to stay at home doing household chores because their wives go to work, and students is doubtlessly very appealing.

My proposal is that every person who is 18 of age or above should have the right to vote in functional constituency elections. This proposal, in terms of its concept, notion and rationale, is evidently better than those put forward by the United Democrats of Hong Kong (UDHK). Since the composition of functional constituencies as proposed by the UDHK is not so sound and the proposals that the Liberal Party and some independent legislators put forth have been negated, it is my hope that the UDHK should exercise some restraints by not moving too many other amendments, in particular those concerning the seat for the Heung Yee Kuk in this Council. Just now I have expounded that this is a seat representing the interests of the minority. As far as functional constituency is concerned, it is the only channel available to the minority to secure some support. If Members do not support the idea of giving a seat to this minority group, I would still hope that other minority groups, such as the European nationals living in Hong Kong, could be given a seat in the legislature. Yet I hasten to add that people in the rural community, as a minority, are indigenous residents. This issue has also been debated extensively just when Mr Frederick FUNG moved his amendment. I was of the view that the gentlemen from the UDHK should have withdrawn this part of their proposed amendments at this juncture. Regrettably, however, they have not done so. Therefore, I want to put their amendments to a vote. My view is that where this issue is concerned, Members should not accept the proposed amendment put forth just now by Mr Martin LEE from the UDHK.

I hope that Members will vote against his amendment.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I will be brief.

As I indicated in the Second Reading debate, the Administration is against abolishing the Urban Council, Regional Council and Rural Functional Constituencies.

The two municipal councils provide a wide range of important services and facilities to the community whilst the Heung Yee Kuk represents the interests of the New Territories indigenous population. The Administration considers it appropriate that they continue to be represented in this Council.

Mr LEE also proposes the creation of three new functional constituencies which encompass the non-working population. Also, as I have said earlier, the Administration cannot support these amendments because they deviate from the fundamental concept of functional constituencies, which is to provide representation of economic and professional sectors.

MR MARTIN LEE (in Cantonese): Mr President, just now Mr LAU Wong-fat spoke of the drafting of the Basic Law. In fact, I have checked the records in this regard and found that when the drafting of the Basic Law was at its initial stage, I did support Mr LAU Wong-fat's proposal of incorporating the New Territories issues into the realm of the Basic Law, on the grounds that this would enable the issues to be placed on the agenda and I considered it unreasonable to deny people even the chance to discuss the matter. Meanwhile, Mrs Miriam LAU argued that the New Territories had a population of 750 000, so they should be represented in the legislature. In fact, she failed to answer my point, that is, why the New Territories people could be represented by a legislator but not those in the urban areas. The question lies in: Why do the urban population of several million not have a legislator to represent their interests?

Question on the amendments put.

Voice vote taken.

MR MARTIN LEE: I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members proceed to vote please?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr HUI Yin-fat, Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH and Ms Anna WU voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Mr Timothy HA, Mr Simon IP, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr Roger LUK, Mr James TIEN, Mr Alfred TSO voted against the amendments.

Mr Martin BARROW abstained.

THE CHAIRMAN announced that there were 22 votes in favour of the amendments and 35 votes against them. He therefore declared that the amendments were negatived.

Mr Martin LEE's amendment to item 12 of schedule 2 of clause 22 withdrawn.

CHAIRMAN: Mr LEE, as your amendments to clause 22 have not been agreed, I will now call upon Mr Fred LI, who has also given notice to move amendments to clause 22, to move his amendments.

MR FRED LI (in Cantonese): Mr Chairman, I move the motion standing in my name for clauses 22 to be amended as set out in the paper circulated to Members.

I move the amendment motion on behalf of the Meeting Point, which in some ways is similar to the amendment moved by the Honourable Martin LEE, but dissimilar in some other ways. In order not to waste Members' time, I am not going to point out the parts that are similar.

As we would like to see the newly-added nine functional seats combining neatly with the original 21 seats to make 30 seats in total, we treat these changes as an overall arrangement which is to be dealt with afresh. It is not drastic changes that we are asking for, but the changes are a bit more than that proposed by Mr Martin LEE. We propose that five of the 21 seats from functional constituency elections be deleted, and these five seats include the two municipal council seats, the Heung Yee Kuk seat and the two trade union seats of the Labour Functional Constituency, which are to be replaced by the seats of Higher Education Functional Constituency, Town Planning Functional Constituency and Homemakers Functional Constituency.

Just now Mr Martin LEE and Mr Andrew WONG have mentioned housewives which I think should be homemakers instead as the latter term carries a more neutral connotation and sounds less awkward when we talk about men. For single-parent families, the male or female parent may stay at home to look after the children. Therefore, we propose that an additional constituency for homemakers should be created. We propose adding former working persons into the nine new functional constituencies. This would essentially have little effect on the nine seats as proposed by the Administration. All we are proposing is merely to add former working persons into the nine newly-created functional constituencies, and to create a tenth functional seat for homemakers. We divide the 30 seats essentially into three groups. The first group will consist of the Industrial, Commercial and Financial constituencies which will retain the present number of seats, that is to say, one each for Financial, Banking, Property, Tourism, and two each for Commercial and Industrial. A total of eight seats will be retained. Added to these will be one seat for the General Chamber of Commerce and one for the Insurers which the Honourable CHIM Pui-chung should naturally support (I wonder why he is shaking his head now). As for the professional constituencies, eight seats are to be retained, namely the present Legal, Medical, Health Care, Education, Engineering, Architectural and Surveying, Accountancy, Social Services. In addition, there will be one seat each for the Higher Education and the Town Planning Functional Constituencies that I have mentioned just now. As for the Labour Constituency, there will be 10 seats. That means we take the nine functional constituency seats proposed by the Administration and add Homemakers for a tenth seat. We think that these 10 seats represent the basic labour sector because people are registered as voters according to the trades they are in.

People might question me thus: why delete the two trade unions? It is because we are in support of having the nine functional constituencies extended to cover all working people. Actually our proposal covers a wider range of functional constituencies than that proposed by Mr PATTEN. Our proposal will mean that all people over 18 years old, including students, old age retirees and working people, will have the opportunity to be registered as voters. Then, with all the working people actually voting according to their trades, why should we still keep the two seats for the trade unions? If we already have all the working people assigned to their own sectors, why should we bother to have two representatives of the trade unions in the Legislative Council? For this reason, we propose to delete the two seats for the trade unions.

Our proposal to delete the two functional constituency seats for the two municipal councils is not because we are against those representatives, but because we doubt whether the two municipal councils can really be seen as a functional group. The two municipal councils are statutory organizations which have their own elected members, especially when members will be directly elected by 1995, with but a handful indirectly elected. The two municipal councils are organizations formed wholly through elections. They are not what is called a functional group. Therefore, we feel that to classify the two

municipal councils as a functional constituency for election purposes is a bit farfetched.

To sum up, by way of amendment to the 1995 Legislative Council election, the Meeting Point proposes to add nine more seats on top of the 21 seats to make a total of 30 seats, and the divide and rearrange the seats, 10 in each group, so as to cover all working people. It may be said that these are constituencies by reference to trades, but we think that to greatest problem is that our view differs from that of some Members. The present functional constituency elections have too small a franchise and too narrow coverage, with only a few hundred thousand people electing half of the number of Members of the Legislative Council. This is unfair to members of the public who do not have the right to vote. For this reason, we create the opportunity for every eligible person who are over 18 years of age to register as a functional constituency voter so that they will have a fair and equitable chance to take part in the elections.

With these remarks, Mr Chairman, I move the amendment motion.

Proposed amendment

Clause 22

That Clause 22 be amended, in the proposed Schedule 2 -

(a) by deleting everything before item 5 of Part II and substituting -

"SCHEDULE 2 FUNCTIONAL CONSTITUENCIES			[ss. 2, 4, 12A, 13, 15 & 46]
First column	Second column	Third column	
Constituency	Electors	Number of Elected Members	
1. Homemakers functional constituency	Relevant persons as specified in Note (8)(c) of this Schedule.	1	
2. Insurance functional constituency	Relevant persons in respect of insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap. 41).	1	

First column	Second column	Third column
Constituency	Electors	Number of Elected Members
3. Education (First) functional constituency	<p>(a) Registered teachers registered under the Education Ordinance (Cap.279)</p> <p>(b) Permitted teachers engaged in full-time employment in schools registered under the Education Ordinance (Cap. 279).</p> <p>(c) Teachers and principals of schools entirely maintained and controlled by the Government.</p> <p>(d) Registered managers of schools registered under the Education Ordinance (Cap. 279).</p> <p>(e) Relevant persons who are students registered with the bodies specified in paragraph (b).</p>	1
4. Education (Second) functional constituency	<p>(a) Persons whose principal or only employment is that of full-time teaching in -</p> <p>(i) institutions of higher education funded through the University and Polytechnic Grants Committee;</p> <p>(ii) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);</p> <p>(iii) colleges of education;</p> <p>(iv) the Institute of Language in Education;</p>	1

First column	Second column	Third column
Constituency	Electors	Number of Elected Members
	(v) technical institutes and industrial training centres established under the Vocational Training Council Ordinance (Cap. 1130);	
	(vi) (A) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap. 317);	
	(B) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap. 318);	
	(vii) The Hong Kong Academy for Performing Arts;	
	(viii) The Open Learning Institute of Hong Kong.	
	(b) Members of the Council of -	
	(i) the University of Hong Kong;	
	(ii) The Chinese University of Hong Kong;	
	(iii) The Hong Kong University of Science and Technology;	
	(iv) the City Polytechnic of Hong Kong;	

First column	Second column	Third column
Constituency	Electors	Number of Elected Members
	(v) the Hong Kong Polytechnic;	
	(vi) The Hong Kong Academy for Performing Arts;	
	(vii) The Open Learning Institute of Hong Kong;	
	(viii) the Vocational Training Council.	
	(c) Members of the Board of Governors of -	
	(i) the Hong Kong Baptist College;	
	(ii) the Lingnan College;	
	(iii) the Hong Kong Shue Yan College.	
	(d) Relevant persons who are students registered with the bodies specified in paragraph (a).”;	
	(b) by deleting items 10 and 11 and substituting -	
“10. Architectural and Surveying functional constituency	(a) Architects registered under the Architects Registration Ordinance (Cap. 408).	1
	(b) Members of The Hong Kong Institute of Architects entitled to vote at general meetings of the Institute.	

First column	Second column	Third column
Constituency	Electors	Number of Elected Members
	(c) Members of The Hong Kong Institute of Landscape Architects entitled to vote at general meetings of the Institute.	
	(d) Professional surveyors registered under the Surveyors Registration Ordinance (Cap. 417).	
	(e) Members of The Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute.	
11. Planning functional constituency	(a) Professional planners registered under the Planners Registration Ordinance (Cap. 418).	1
	(b) Members of the Hong Kong Institute of Planners entitled to vote at general meetings of the Institute.	
	(c) Members of the Chartered Institute of Transport entitled to vote at general meetings of the Institute.	

First column	Second column	Third column
Constituency	Electors	Number of Elected Members
	(d) Members of the Institution of Highways and Transport entitled to vote at general meetings of the Institution.	
	(e) Members of the Chartered Institute of Housing (Hong Kong Branch) entitled to vote at general meetings of the Institute.”;	
(c) by adding -		
“16A.Commercial (Third) functional constituency	(a) Individual members of relevant Chambers of Commerce entitled to vote at general meetings of the respective relevant Chamber.	1
	(b) Relevant persons in respect of members (other than individual members) of relevant Chambers of Commerce entitled to vote at general meetings of the respective relevant Chamber.”;	

- (d) by deleting item 20(d);
- (e) in items 21 to 29, by adding “and former working persons” after “Working persons” wherever it occurs;
- (f) in the Notes -
 - (i) by deleting Note (1);
 - (ii) by deleting “Part II of” wherever it occurs;
 - (iii) in Note (5), by adding “2,” after “items”;
 - (iv) in Note (6), by deleting “and 12(b)” and substituting “12(b) and 16A”;
 - (v) by deleting Note (7);
 - (vi) in Note (8) -
 - (A) in paragraph (b) -
 - (I) by deleting “19 or 20(d)” and substituting “2 or 19”;
 - (II) in subparagraph (iii), by deleting the full stop at the end and substituting a semi-colon;
 - (B) by adding -
 - “(c) in relation to persons specified in the second column of item 1 of this Schedule, means such persons of a class or description as may be prescribed by resolution of the Legislative Council;
 - (d) in relation to persons specified in the second column of item 3(e) or 4(d) of this Schedule, means students of a class or description as may be prescribed by resolution of the Legislative Council.”;

(vii) by adding after Note (8) -

“(8A) “Relevant Chambers of Commerce”, in relation to the second column of item 16A of this Schedule, means bodies, other than The Hong Kong General Chamber of Commerce and The Chinese General Chamber of Commerce, as may be prescribed by resolution of the Legislative Council.”;

(viii) in Note 9(c), by deleting “19 or 20(d)” and substituting “2 or 19”;

(ix) by adding after Note (10) -

“(11) “Former working persons”, in relation to a functional constituency specified in items 21 to 29 of this Schedule, means such persons of a class or description as may be prescribed by resolution of the Legislative Council.”.

Question on the amendments proposed.

MR ANDREW WONG (in Cantonese): Mr Chairman, almost every sentence I have said just now in respect of the amendment moved by the Honourable Martin LEE applies to the amendment proposed by the Honourable Fred LI. However, the Meeting Point has tried their very best to make the amendment airtight by allocating 10 seats to the employers, 10 to professionals, and 10 to employees which include students and homemakers, and also there is the political sector. An Election Committee consisting of four parts will thus be formed. I admire the endeavours they have made.

However, it is a pity that the Meeting Point's proposal by the Meeting Point is yet to be thorough as it cannot change the intrinsic inequality of functional constituencies. Therefore, I cannot support it. Besides, I have already raised the Heung Yee Kuk issue just now when I commented on the amendment moved by Mr Martin LEE. If one can accept functional constituencies, why can one not accept the ethnic minorities? I find it difficult to understand.

With these remarks, Mr Chairman, I oppose Mr Fred LI's amendment.

MR HOWARD YOUNG (in Cantonese): Mr Chairman, I support part of the amendment moved by the Honourable Fred LI, that is, to provide a functional constituency for the insurers. This arrangement matches the new functional constituency that we originally proposed.

Besides, I have to congratulate the Honourable Fred LI because the functional constituency he proposed consists of over 200 companies, which is the same as the current Finance Constituency. I therefore think that it is reasonable. The functional constituency proposed by the Liberal Party earlier on consists of over 30 000 voters. So I have to congratulate the Meeting Point because they are so lucky that the Governor did not name and criticize them in the newspaper. But as far as its spirit is concerned, I think they must have a reason for selecting this functional constituency. However, since Mr LI's amendment contains a host of other matter to some of which I cannot possibly agree, I therefore have to oppose the whole of it.

Question on the amendments put.

Voice vote taken.

Mr LEE Wing-tat claimed a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin and Ms Anna WU voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Mr Timothy HA, Mr Simon IP, Dr LAM Kui-chun, Miss Emily LAU, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG; Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Miss Christine LOH, Mr Roger LUK, Mr James TIEN and Mr Alfred TSO voted against the amendments.

Mr Martin BARROW and Mr LAU Chin-shek abstained.

THE CHAIRMAN announced that there were 18 votes in favour of the amendments and 39 votes against them. He therefore declared that the amendments were negatived.

CHAIRMAN: Mr Fred LI, as your amendments to clause 22 have not been agreed, you can no longer move your amendments to clauses 10, 12 and 13 relating to functional constituencies.

CHAIRMAN: I will now call upon Mr Michael HO, who has also given notice to move amendments to clause 22, to move his amendments.

MR MICHAEL HO (in Cantonese): Mr Chairman, I move that parts of the Legislative Council (Electoral Provisions) (Amendment) Bill 1994 be amended as set out under my name in the paper circulated to Members.

My amendment mainly seeks to remove chiropractors from the Health Care Functional Constituency as set out in the Bill and to add them to the Medical Functional Constituency. Let me start by providing Members with some background information. The Health Care Functional Constituency was first constituted in 1988. At the time, it included eight health-related professions, among which were nurses, radiologists, physiotherapists and occupational therapists. The Bill for the 1995 electoral arrangements proposes to add 17 more. I have discussed the matter with colleagues in the health service field. We feel that 16 of the added professions are health-related professions whose members are basically paramedics, such as audiologists, nutritionists, speech therapists and clinical psychologists. I do not intend to read the names of all 16 professions. We also feel that chiropractors functionally should belong with medical doctors. So I am moving my amendment to that effect. Adding more professions to the Health Care Functional Constituency will broaden this functional constituency and I welcome more professions to join it provided that they are real health service professions.

I do not mind at all if more professions join my functional constituency. A moment ago, some Members noted that the presence of diverse trades or professions in one functional constituency would give rise to diverse interests within the functional constituency and make it harder for its representative in the Legislative Council to represent these diverse interests. I agree that this is true. However, I am prepared to deal with these problems as long as our functional constituency is called the Health Care Functional Constituency. In fact, a health care functional constituency with more constituent individuals and more constituent professions will be a broader functional constituency. In proposing to have chiropractors removed from the Health Care Functional

Constituency and added to the Medical Functional Constituency, I am not at all saying that our functional constituency does not welcome them. But our principles are very important to us. When we see that a profession should not be included in our functional constituency, we must take steps to set things right.

I heard some critics say that I was trying to help chiropractors fight for their interests. I must clarify this. I do not have to help chiropractors gain anything. They constitute an independent profession and they know how to fight for their interests. What I have to do is just to point out and correct mistakes in classification. I am a representative of the Health Care Functional Constituency. It is my duty to let the public hear the different voices within the medical and health system. We do not want to hear only the voice of medical doctors in Hong Kong's medical and health community. I hope that the day will come when members of the public will know more about each service in the medical and health field and will know how to choose the service that they need.

If we look at the functions of chiropractors, we will see that they really belong to the Medical Functional Constituency. I do not intend to argue here about who is a medical doctor. The Government's reply to me keeps stressing that a medical doctor prescribes western medicine and performs surgical operations. This definition of the medical doctor is really the definition given to the term by the western medical profession. I do not have to define what a medical doctor is. "Medical doctor" is just a term. It describes an individual whose function is to treat patients. If a medical doctor's function is to treat patients, then I absolutely accept that chiropractors should belong with medical doctors. A chiropractor also diagnoses and treats ailments. In the United States, Canada, Australia and New Zealand, chiropractors can sign leave authorizations and certify injuries in workmen's compensation cases. Members of professions in the Health Care Functional Constituency basically do not perform such functions. For the above reasons, I hope that Members will support my amendment to have chiropractors moved to the Medical Functional Constituency.

I would like to respond to a letter that Dr LEONG Che-hung has sent to constituents of the Medical Functional Constituency. He said that adding chiropractors to the Medical Functional Constituency would probably cause confusion; it would cause members of the public to mix up medical doctors and chiropractors. This argument is actually not valid. During the Second Reading debate on the Registered Chiropractors Bill, I said that if we were worried about confusing the public, then we ought to educate members of the public so that they know what kind of doctor provides what kind of service. We should not run away from this problem. We should help members of the public to find the service that they need.

In Hong Kong, Chinese speakers apply the term "doctor" to medical doctors, dentists, chiropractors and vets. I believe that if we stick to the Chinese term, members of the public will know what each kind of doctor does. A medical doctor treats patients by using western medical methods. A dentist

treats dental problems and problems in areas near the teeth. A chiropractor treats problems in a person's spinal column. A vet treats animal disorders. All this is quite clear. I do not see how members of the public can be confused.

Two weeks ago, my wife asked me to take our dog to see a doctor. I did not make the mistake of taking it to see a medical doctor. There was no way that I could make such a mistake. Members of the public in Hong Kong are not stupid. In his letter, Dr LEONG also said that he expected that chiropractors would later ask for the right to sign leave authorizations and birth or death certificates. In the United States, Canada, Australia and New Zealand, chiropractors are already signing leave authorizations. Hong Kong now has a chiropractor registration system. We can tell which chiropractor is qualified and which is not. I do not see why a qualified chiropractor cannot sign leave authorizations. I feel that chiropractors can sign leave authorizations. They will ask for the right to do this work even if we do not include them in the Medical Functional Constituency today. So what difference will it make?

It is even more ridiculous to say that chiropractors may one day ask for the right to sign birth or death certificates. When a woman is in labour, nobody is going to go out to fetch a chiropractor. Nobody in this world will get a chiropractor to sign a death certificate. Suppose that one day chiropractors ask for such a right and want the Legislative Council to approve it. I believe that no Member, whatever his profession, will have a reason, or be stupid enough, to entertain such a request. The World Health Organization, too, will object. Therefore, I feel that the worries are unfounded. Chiropractors themselves have made public statements denying that they will ask for the right to sign death certificates.

Another point made by Dr LEONG in his letter is that chiropractors may ask some day to set up clinics under the Hospital Authority. Mr Chairman, here I must declare my interest. I am a member of the board of the Hospital Authority. From a legislator's point of view, I do not see how the public interest will be served by not letting chiropractors provide service under the auspices of the Hospital Authority. Since we let chiropractors register and introduced chiropractic into Hong Kong, I do not see why a public sector hospital may not or should not provide chiropractic service. My preference is that if the practitioners of traditional Chinese medicine will one day be registered, we can tell which of them are qualified and which are not, and our public sector hospitals should then begin to provide traditional Chinese medical service as well. This will give members of the public one more choice. If we do so, we will really be considering issues from the point of view of public interest.

I have heard Members discuss traditional Chinese medicine. If there is a registration system for practitioners of traditional Chinese medicine, then I do not see why they cannot some day join the Medical Functional Constituency. If one is asked to define "medical profession", one would say that a practitioner of traditional Chinese medicine is a member of the traditional Chinese medical

profession. If practitioners of traditional Chinese medicine can be registered, then I do not see why they cannot be included in the Medical Functional Constituency. If any Member denies the time-honoured therapeutic efficacy of traditional Chinese medicine, let him face the mass media.

In the present debate, I cannot successfully persuade the government officials. They continue to stress that the Medical Functional Constituency is a functional constituency for medical doctors who prescribe medicine and perform surgical operations. So I cannot successfully persuade the three official Members to support my amendment. But it is also probably because the Governor's proposals are put forth as a whole package, it may not be convenient for the official Members to vote for my motion for amendment and to vote against the other motions. I hope that I will have another opportunity to move a motion that government officials can be persuaded to support. However, that will probably not happen until after 1995.

I believe that my motion today will be defeated. From what I have heard, 15 Members from the Liberal Party will vote against it. It seems that I will lose by a big margin. However, the voting result is probably not the most important thing. In today's voting result, I will probably see more than the 15 opposing votes from the Liberal Party. Many of the votes of Members from the United Democrats of Hong Kong will also be cast against my motion. I may not even win the several votes from the Meeting Point Members. As for the independent Members, I cannot tell how they will vote. But one thing is clear. My proposed amendment has occasioned widespread and intense discussions within the UDHK. Even though my amendment today will be defeated, I have at least done something.

From what I have heard, there seems to have been an intense debate also within the Liberal Party. Though all the 15 Members from the Liberal Party will vote against my motion for amendment, I will have done something that has a fair measure of impact. I hope that I will win more support when I reintroduce my amendment at some later date. I do not care how many votes I will win. I will not be embarrassed. The most important thing is hope and my hope is that, when I move a similar amendment motion again, I will have the support of all. I do intend to have another go.

Proposed amendments

Clause 22

That clause 22 be amended, in the proposed Schedule 2 —

- (a) in the second column of item 7 of Part II, by adding -

“(c) Chiropractors registered under the Chiropractors Registration Ordinance (Cap. 428).”;

- (b) in the second column of item 8 of Part II, by deleting paragraph (a).

Question on the amendments proposed.

MR FREDERICK FUNG (in Cantonese): Mr President, the Association for Democracy and People's Livelihood (ADPL), including myself, support Mr Michael HO's motion to include chiropractors in the Medical Functional Constituency rather than the Health Care Functional Constituency. I hope this can give more support to Mr Michael HO despite the fact that some Members from his own political party do not support him.

In fact, this amendment is also contained in the proposed amendments to functional constituency I put forth earlier. The Secretary for Constitutional Affairs has just now made a response to the proposed amendments. As I only gave a brief reply then, I wish to discuss the matter in greater detail here.

At present, the Medical Functional Constituency includes two kinds of professionals, namely, registered medical doctors and dentists. Meanwhile, the professional status of chiropractors in the medical profession has been confirmed in the Chiropractors Registration Ordinance enacted in early 1993. Given the recognition of their professional status in law, it is clear that chiropractors are distinct from those in the health care sector and the ancillary medical personnel. The Government should not, on the one hand, give recognition to their professional status and on the other hand, place them into the Health Care Constituency. Such contradictory approach seems to be going against the original intention of the Chiropractors Registration Ordinance as indicated when it was introduced and also to be attaching no importance to the status of chiropractors. It is also unfair to chiropractors. Objectively speaking, chiropractors basically are not very different from medical doctors and dentists. Firstly, they provide diagnoses and treatment to patients with their respective professional knowledge and refer patients to other specialists for further treatment where necessary. Second, they are monitored by respective independent and equitable Ordinances and professional bodies. These two characteristics are not featured in the professions in the existing Health Care Constituency. We may also look at the duration of the training programme for chiropractors. It generally requires students three to six years to go through the academic and professional training and they cannot enter the practice of chiropractors before passing an international examination. Judging from the above three factors, chiropractors are not very much different from medical doctors and dentists. They should enjoy the same status as that of dentists. Now that dentists are placed into the Medical Functional Constituency, chiropractors should be dealt with in the same manner.

There is a view that should chiropractors be placed into the Medical Functional Constituency, the public will mix chiropractors up with medical doctors and dentists and that the public will fail to tell the difference. I find this argument unacceptable. In fact, those who hold such view have indeed

underestimated the abilities of the public. Any legislator saying so indeed is insulting the public. Strange enough, these people think that citizens who are 18 years of age are mature enough to cast votes for them. I believe that people with spinal ache are not so muddle-headed as to go to a dentist for treatment. After all, chiropractors are different from medical doctors in the sense that the former exclusively deal with spinal nerve-related ailments. So how can they possibly be mixed up with medical doctors?

Also, some people worry that if placed into the Medical Functional Constituency, chiropractors may go one step forward and request for the setting up of chiropractic departments in government hospitals. I am of the view that whether it is necessary to set up chiropractic departments in hospitals depends on two factors: First, whether chiropractors are able to provide effective treatment to patients; second, to what extent the Hong Kong public are aware of, and accept, chiropractors. For instance, according to medical surveys conducted in the United States in recent years, chiropractic is one of the medical sciences proved to be effective in curing spinal ailments. Over 2 million people in the United States have received chiropractic treatment at one time or another. Therefore, chiropractic consultation services are provided in many hospitals and health care institutions in the United States. Similarly, if the Hong Kong public generally accept the medical treatment provided by chiropractors or think that chiropractors can, to a certain extent, effectively cure spinal ailments, then I think setting up chiropractic departments in public hospitals is not only natural but essential. Besides, chiropractic has been very popular in foreign countries such as Canada, Australia, New Zealand and the United States. Chiropractors are regarded as one of the most important medical professions other than medical doctors and dentists. Chiropractors in the above mentioned countries enjoy the status as recognized medical doctors and their importance is only too obvious. In Hong Kong, the public are aware of the services provided by chiropractors only in these few years. Yet the Hong Kong people are very smart and very good at acquiring and accepting new things. With this in mind, I believe that chiropractors would gradually be accepted by the Hong Kong public.

Statistics shows that there are now more than 30 chiropractors in Hong Kong. This figure is a 30% increase over that a year or two ago. As Mr Edward LEE, President of the Chiropractors' Association, has pointed out that if greater importance is attached, and given, to this profession, it will encourage more people with aspirations to join the profession and local born chiropractors practising abroad to return to, and practise, in Hong Kong. This should only be beneficial to the local medical profession. Meanwhile, according to the Chiropractors' Association, patients undergoing chiropractic treatment every year now in Hong Kong already amount to over 200 000. I therefore believe that chiropractic is absolutely a profession held in high esteem by the public.

Let us now look at this matter from another perspective. Functional constituencies are all along established on the principle of generality, thereby various professionals are classified into different constituencies. A constituency may also include professions of different nature. The Engineering Functional Constituency is a case in point. If chiropractors are to be placed into the Health Care Functional Constituency on account of the small number of chiropractors or the fact that chiropractors are slightly different from medical doctors, it will go against the established principle observed by the Government. It will also deal a blow to, and adversely affect, the representativeness and credibility of functional constituencies. People would think that the Government may place chiropractors into any functional constituency at whim. If so, it would be interpreted as an act that ignores the importance of chiropractors in Hong Kong and the contribution they bring to society in future. I believe that the Government does not wish to see this happening. Therefore, I urge again that under the Legislative Council (Electoral Provisions) (Amendment) Bill 1994, chiropractors should be placed into the Medical Functional Constituency, thus enabling registered chiropractors to be fully represented so that the representative returned through the election in this functional constituency could reflect their views. Such arrangement is in fact also a practice employed persistently by the Hong Kong Government.

With these remarks, I support Mr Michael HO's amendment.

MR MARTIN BARROW: Mr Chairman, I would just like to give my support to Mr Michael HO's amendment.

I continue to be surprised by the view of the medical doctors and their apparent reluctance to accept the legitimate role of chiropractors. I feel they deserve to be part of the constituency and I hope that other Members will support the amendment.

DR LAM KUI-CHUN: Mr Chairman, the reform package as proposed by the Government puts the chiropractors into the Health Care Constituency. The chiropractors themselves wish to be included into the Medical Constituency among the medical doctors. Strangely enough, the Member of this Council who proposes this amendment is the representative from the Health Care Constituency, into which the chiropractors object to be placed. It is obvious that the proposer of this amendment simply does not want the chiropractors in his constituency.

When the Chiropractors' Ordinance was scrutinized by the Bills Committee of this Council, I tried to determine the nature of chiropractics by giving the President of the Chiropractors' Association a typical history of acute appendicitis and enquiring what he would do with such a patient. The chiropractor said he would examine and treat the spine of the patient and expect the abdominal pain to be cured. I was amazed. I gave the chiropractor a second

chance. I described to him the typical history of a woman suffering from ruptured ectopic pregnancy with bleeding into the abdominal cavity. Again I asked the chiropractors' representative what he might do to this patient. Again he said he would manipulate the woman's spine and expect the condition to subside.

Mr Chairman, both acute appendicitis and ruptured ectopic pregnancy are lethal medical emergencies. The chiropractors' representative obviously realized neither the urgency nor the potential danger of the two medical emergencies. Any medical doctor would view such a chiropractic approach to systemic diseases to be lacking in diagnostic acumen and endangering patients' lives. Quite logically, the medical doctors would consider the chiropractors as non-doctors and should not be classified with the doctors. Alternatively, the chiropractors might possess supra-scientific means of treating appendicitis and ectopic pregnancy, in which case they would be superior to the medical doctors and should not be classified with the doctors either. The mover of this amendment assumes that because the chiropractors are called in Cantonese “脊醫” — incidentally, they cannot be legally called in Hong Kong, as by the Honourable Frederick FUNG, as “脊骨神經科醫生” — then they must be some kind of doctors.

Examined objectively, chiropractics are a method of treating spinal conditions by manipulative means. As such, they are similar to physiotherapy but are restricted to one particular area of the body. Two analogies between chiropractors and medical doctors have been given to me. One is that for chiropractors to be included among medical doctors is equivalent to including umpires and referees in sports among the judges of law courts. The other is equating chiropractic manipulative therapy of only the spine in chiropractic to the total care of the whole person in medicine is like equating bicycle mechanics to aeronautical engineering. If physiotherapists belong to the Health Care Constituency, then to the same constituency the chiropractors must belong. There is no valid reason why the representative of the Health Care Constituency should reject them.

Mr Chairman, I support the government stand in classifying the chiropractic profession into the Health Care, non-doctor, Constituency. I oppose this amendment.

DR LEONG CHE-HUNG (in Cantonese): Mr Chairman, members of the Medical Functional Constituency strongly oppose Mr Michael HO's amendment which seeks to include registered chiropractors into the Medical Functional Constituency. My rationale is mainly based on two aspects. Firstly, although chiropractors belong to a unique profession, their method of treating patients is not only different but actually totally different from registered doctors and registered dentists. Secondly, the inclusion of chiropractors in the functional constituency of registered doctors and registered dentists will only further confuse the public as to the title “Chiropractor”. Here, we should, first of all,

clarify to honourable colleagues certain things that some chiropractors say. They always say that registered doctors and registered dentists have been oppressing them incessantly for years. In fact, this is just the opposite to what has actually happened. For years, registered doctors and registered dentists have been vigorously supporting and promoting the registration of chiropractors. We also recognize their professionalism and professional status to a large extent. We also think that they use their special skill to serve the public. As the Hong Kong Chiropractors Association has pointed out, statutory registration confirms their professional and legal status just as the case of registered doctors, dentists, engineers, architects, accountants, nurses and physiotherapists. People of all these professions obtain their status through registration. However, we cannot say that since chiropractors are registered, they are the same as registered doctors and registered dentists because the former and the latter play different roles and have different functions in treating patients. Even the chiropractors themselves often emphasize that they are absolutely not the usual allopathic medical practitioners. Several years ago, the Hong Kong Chiropractors Association placed an advertisement in the newspaper. The Association advised the public through the advertisement that chiropractors were not allopathic medical practitioners who were commonly known as practitioners in western medicine. To sum up, registered doctors and registered dentists deal with diseases directly by applying medicine or performing surgical operations. However, the theory of chiropractics is that the resistance of the human body can be improved through correcting the spine so as to attain a natural bodily resistance to infection. It is obvious that there is a difference. A former President of the Hong Kong Chiropractors Association wrote a letter to Legislative Councillors in 1992. He said in the letter that if chiropractics were not recognized by the authorities, those patients who should have seen a chiropractor would inadvertently seek the treatment of invasive surgical operations. In other words, if that practitioner practises western medicine, he may give the wrong treatment. From this, it can be seen that chiropractors, on the one hand, keep on stressing that their theories, beliefs and actual treatment are totally different from traditional doctors, yet ironically they, on the other hand, strongly demand their inclusion in the same constituency together with traditional doctors.

Mr Chairman, since the Chiropractors Registration Ordinance was enacted last year, registered doctors and dentists have been very concerned about the confusion which the Chinese version of the title “Chiropractor” can cause to the public. Unfortunately, the reality confirms our worries time and again. The general public often mistakes chiropractors for the doctors who can treat all kinds of diseases, whom they always know and who have been treating their illnesses. It is a great pity that even the media often misreport chiropractors as *nervi spinales* doctors. Such misunderstanding and confusion are not to the benefit of the public at all. I am sure that the inclusion of chiropractors into the Medical Functional Constituency will only deepen such misunderstanding and confusion. Mr Frederick FUNG who has just spoken is an example. Perhaps I can help him recall that when the Legislative Council debated and approved the Chiropractors Registration Ordinance, Members of

this Council and the Health and Welfare Branch also stressed that chiropractors were definitely not equal to *nervi spinales* doctors. Moreover, Mr Frederick FUNG seems to clearly understand how chiropractors work as well as their training and development. However, I do not know whether he is aware that, for example, in many states of the United States, chiropractors at present only train some people called technicians to do certain operations. Will Mr FUNG not accept the existence of such kind of situation in Hong Kong or having such kind of people to operate on him? I hope that Mr FUNG will not use his half-baked knowledge to describe something he thinks he knows very well.

Mr Chairman, a lot of people say that registered doctors and registered dentists are against the inclusion of chiropractors in the Medical Functional Constituency for fear that Chinese herbalists will invade our profession. I can only use the word “ridiculous” to describe such a statement. The medical sector and I have always been sparing no effort in promoting the unification of Chinese herbalists to fight unanimously for statutory registration. Not only do we accept the professional status of Chinese herbalists, we also very much welcome them to join the ranks of health care workers.

Mr Chairman, I always think that functional constituencies are a monster. Functional constituencies are a product which can only facilitate the transition to full democracy. It should fade out and complete its transitional task as soon as possible. Nevertheless, as long as functional constituencies exist, we should handle this system well. Apart from the fact that Chinese herbalists will have a professional registration system very soon, I reckon that other categories of health care workers such as chiropodists, homeopaths and so on will establish their registration systems one after another. By that time, I hope that the authorities will see, in a comprehensive and overall manner, how many seats the health care sector should have. At the same time, a review should also be conducted on the inclusion of professions having the same functions into the same functional constituency. Before such a review is conducted, the law still allows persons registered under the Medical Registration Ordinance and Dentists Registration Ordinance to join the Medical Functional Constituency. I think such a rule is very reasonable.

Several Members, when making their speeches, used a letter between me and my constituents as the basis for their argument or as the basis for an argument to attack me. I find that very strange. As a representative of a functional constituency, I absolutely have the responsibility and reason to collect my constituents' views and reflect them to colleagues of other functional constituencies. I can tell Members for sure that that was a named letter rather than an open letter. I also find it very strange that somebody actually circulated this letter to people outside as an open document. Of course, there is absolutely no secret in this letter.

Mr Chairman, I oppose the amendments moved by Mr Michael HO.

MRS ELSIE TU: Mr Chairman, I agree with the arguments put forward by Mr Michael HO. I did not intend to speak again on this subject, but I feel I just have to say a few words.

When we studied the Registration of Chiropractors Bill, and I was a member, we found no evidence that errors of treatment had been made or that the public were being misled by chiropractors. From time to time I read in the newspaper of errors, some very serious errors, made by trained western medical doctors. I am not here to criticize them because I think anyone can make a mistake. However, I do deplore the prejudice I have heard and read against chiropractors and other alternative medical treatment.

I support the amendment.

DR HUANG CHEN-YA (in Cantonese): Mr Chairman, actually I did not intend to speak. However, I notice that some media wrote several articles after Mr Michael HO had presented this amendment motion. These articles claim that internal conflicts have occurred among UDHK members and that there are some arguments between Mr Michael HO and me. Therefore, I would like to take this opportunity to clarify this matter.

Firstly, I myself absolutely have no prejudice whatsoever towards alternative medicine. I think that if Hong Kong chiropractors are up to standard, I would not object to the setting up of chiropractic clinics in the Hospital Authority nor the setting up of Chinese herbalist clinics after the registration of Chinese herbalists, for that matter. If one day the registration of Chinese herbalists is successful, and this Council still have functional constituencies, I feel even more strongly that they should have their own functional constituency representative in the Legislative Council. This is a point that I have to clarify. The situation is not what the media say, that is, we practitioners in western medicine are against Chinese herbalists and we are against the chiropractors for fear that the inclusion of chiropractors will be followed by the inclusion of Chinese herbalists. Actually, there is no such thing. If Members look at the English version of the title “chiropractor”, as when Mr Martin BARROW says “chiropractor”, we are very clear about what kind of a doctor he is referring to because a chiropractor is obviously someone practising alternative medicine and he is not a practitioner in western medicine. Therefore, when a patient goes to see a chiropractor, he is aware that he is seeing a person who practises alternative medicine. If a patient has faith in him and ask him to treat his illness, there is no problem. As in the case of a Hong Kong person who feels that he does not want to see an orthopaedist but wants to see a bone-setter instead (actually a lot of people will go to see bone-setters), he is making a very clear choice since when he goes to see a bone-setter, he is clear that he is seeing a bone-setter rather than an orthopaedist in the field of western medicine. However, the problem lies with the Chinese version of this title. Although we the Legislative Council use the title “chiropractor”, yet when we phone up a chiropractic clinic, we will find that the person who answers the

phone say, “Nervi spinales Doctor so and so”. This is what is reported in the media also. I do not know whether it is the chiropractors or the media that try to be smart by saying that the title chiropractor is the short form of nervi spinales doctor. Even Mr Frederick FUNG uses the title nervi spinales doctors time and again.

I recall that soon after the registration of chiropractors, chiropractic groups visited the offices of Dr YEUNG Sum and me. They said that they wished to hold some talks for members of the public in our electoral constituency. At that time, I agreed immediately and said that I would welcome a talk on chiropractors to be held by them. Who would have thought they would use the title nervi spinales doctor in the leaflets published by them. I said, “I cannot accept that because you are a chiropractor, you are not a nervi spinales doctor. If you do not use that title but use the title chiropractor to hold the talk, you will be most welcome.” However, they refused to co-operate with me. Therefore, we can see clearly that chiropractors deliberately try to make members of the public feel that they are nervi spinales doctors.

We all know that, in Hong Kong, when we say that a doctor specializes in a certain area, we are referring to a specialist practitioner in western medicine, who has received special training after graduation from training as a general practitioner. Therefore, when chiropractors do not call themselves chiropractors but call themselves nervi spinales doctors instead, they are misleading the public. They make members of the public, when seeking treatment from them, believe that they are practitioners in western medicine who have been further trained or specially trained into specialists. I find that unfair to the patients and misleading to members of the public. If we let them join the Medical Functional Constituency, it will deepen the misunderstanding and members of the public will really find the wrong doctors unwittingly because they do not know that they have actually gone to a practitioner of alternative medicine and mistake him for a specialist practitioner in western medicine. Based on this reason, at present I cannot accept the inclusion of chiropractors into the Medical Functional Constituency. If one day they are willing to use the title chiropractor according to the status granted to them by Hong Kong law, instead of using a title which will mislead the public, I will welcome them to join.

MR ANDREW WONG (in Cantonese): Mr Chairman, after listening to the speeches of so many Councillors, I also have some feelings to tell and I have to thank the three medical doctors who have spoken. We have four medical doctors here in this Council, only one of them has not spoken on this point. In fact, I do not want to call them “醫生” in Chinese (“醫” means to cure while “生” means to survive), which literally means “a doctor can make his patients survive by curing them”. But in reality, the patients sometimes may die after receiving treatment. Therefore, I would rather call them “醫師” in Chinese (“醫” means to cure while “師” is the suffix for professionals). The suffix “師” is used in the Chinese names of professionals of other functional constituencies, such as the

architects “建築師”, the surveyors “測量師”, the planners “規劃師” and so on. The Chinese names of all these professionals carry the suffix “師”. Maybe the doctors feel that it will be a threat to them if there is another group of people who is also called “醫生”. Chinese herbalists can only call themselves “醫師” but not “醫生”. I believe that the medical doctors are really worried about the threat. I thank Dr the Honourable LEONG Che-hung for reminding us that functional constituency election is only a transitional arrangement and is due for demise sooner or later. What strikes me as strange indeed is why some people are still so much attached to functional constituencies. Why is Dr the Honourable HUANG Chen-ya also attached to functional constituencies so much? Why can they not accept the radical reform package that is proposed by me, in which both a doctor and a chiropractor will enjoy the same privilege of being elected if they are supported by their electors? There should be no problem in this respect but the problem may, to a greater or lesser extent, lie in a term used by Dr LEONG Che-hung, who mentioned a letter and an advertisement in which an English term is used. I have just been out of the Chamber to look up the dictionary because I only knew the English term but had no idea what its Chinese translation should be. In fact, I was looking up the word “allopathy”, which is a term applied to that system of therapeutics in which diseases are treated by producing a condition incompatible with or antagonistic to the condition to be treated or alleviated. Dr LEONG has used the adjectival form “allopathic” while those who practise “allopathy” are called “allopaths”. Dentists practise allopathy, they are all allopaths. Practitioners of western medicine also use allopathy, but is there any “alternative” system of therapeutics? I learn another term from Dr HUANG Chen-ya who mentioned the term “alternative medicine”. The chiropractors are using an “alternative” system of therapeutic treatment, so do the Chinese herbalists. These medical practitioners, in one way or another, have some connections with another term, which is “homeopath”. I think the Chinese translation for this term “順勢治療師” rendered by Dr LEONG is wrong. “Homeo” means balance and “homeostasis” is the state of attaining stable balance, while “homeopathy” aims at restoring the internal balance of human bodies.

The question is not whose “turf” it is, nor is it a question of “turf war”, although the latter is a common problem found in functional constituencies. The Medical Functional Constituency is almost completely dominated by practitioners of western medicine, or the general allopaths. Dentists are also allopaths, but they specialize only in dental problems.

Thirty-eight is not a large number. Why should you be scared of these 38 chiropractors? It sounds to me like a quarrel between siblings. Why cannot the Health Care Functional Constituency accommodate them? I have forgotten whether it is Dr LAM Kui-chun or Dr HUANG Chen-ya who tried to explain the reasons why the Health Care Functional Constituency does not want to accommodate the chiropractors. Are there any dubious reasons so that they do not want the chiropractors to be included into their constituency? The size of the Health Care Constituency is much larger than the Medical Constituency. It will be just too easy to have 38 more constituents. For the Medical Constituency

to accommodate these 38 people will be relatively more difficult, but it is still feasible and no major problem will be caused. I find it strange to hear Dr LAM Kui-chun say that when he was scrutinizing the Chiropractors Registration Bill, he had asked the chiropractors whether they knew how to cure this or that sort of diseases. Of course they do not know. If you ask whether a dentist know how to treat appendicitis, they also have no idea. Practitioners of western medicine are all general medical practitioners, but do they know how to perform acupuncture? I bet to have my head chopped off if they know how to do acupuncture!

I am opposed to functional constituency election. If you want to retain this sort of election, then please make it fair and let us have no more of this gimmick. I do not know whether it is the 1992, 1993 or 1994 package that we are dealing with. But I would say that: “for package 1992, it is just too easy to have a go at it; for package 1993, it gives a new and lively turn to things; for package 1994, it may make things turn belly up; and when it comes to 1997, everything will have got stuck”. Oh good heavens!

It is a rather strange debate. How could we have debated for so long a time just on the issue of which constituency should the 38 chiropractors be put into? I think this is a sheer waste of time.

Mr Chairman, I support the Honourable Michael HO's amendment and oppose the arguments advanced by the respectable “醫師” .

DR LEONG CHE-HUNG: Thank you, Mr Chairman, I just want to clarify a few points. First of all, I thank Mr Andrew WONG, for the professor teaches me how to translate the word “homeopath”.

I would like to really clarify what Mrs Elsie TU said, and that is, we do recognize chiropractors as a special profession. We are not in any way denigrating their efforts, their standard or otherwise and that they are not doing their work. But it is their work that they are doing and their work is in no way similar to the function of that of the medical practitioner nor the dental practitioner, and it is because of that reason we feel that they should not be in the same functional constituency.

MR MICHAEL HO (in Cantonese): Mr Chairman, I would just like to make a brief response. Dr LAM Kui-chun said that it was strange enough for me to move such an amendment. As a Legislative Councillor, whether or not I come from the Health Care Constituency, I have the responsibility to point out any categorization that is flawed. In other words, if registered chiropractors are grouped under the Education Functional Constituency or the Engineering Functional Constituency, I will also point out the fault.

Earlier on, Dr LAM Kui-chun made an analogy by referring to bicycle mechanics and aeronautical engineering. This is a very appropriate analogy since mechanical engineers, civil engineers and aeronautical engineers are all engineers being grouped under the Engineering Functional Constituency. Although those who repair aircraft, those who repair vehicles and those who erect buildings are doing totally different work, yet they are all engineers. Dr LEONG Che-hung has all along been mentioning and emphasizing the difference in treatment approaches. Although the treatment approaches are different, they serve the same medical function. This is a functional constituency election. Therefore if we have to classify groups by functions, then we should note that the two are serving the same medical function.

As to whether confusion will continue, since I have responded to this point earlier, I would not spend time on it anymore. However, over the years, have the chiropractors been suppressed? I think the answer is in the affirmative. How other Members would look at the issue would be a matter of subjective judgement and it would be difficult to arrive at any conclusion. However, if one asks the nurses, the physiotherapists and the occupational therapists whether they are being suppressed by medical doctors, I can tell Members that it is easy to get tens of thousands of nurses, physiotherapists and occupational therapists who are prepared to allege that medical doctors are suppressing them.

I think we should not debate further the different approaches to treatment, nor should we devote any more time finding out which approach is more effective. Let us leave the discussion to the chiropractors and medical doctors and we will not be discussing it any more. However, Dr LEONG mentioned that members of the public might mistake the chiropractors as being able to cure all sorts of diseases. I think it is quite difficult to accept such a proposition. Maybe some people will occasionally mix the two up but they will make a clear distinction between the two once they have gained some experience at first hand.

I agree that functional constituency election is a monster and we are all acting out the role of a monster. But as one can see, even kids will classify their toy monsters into different types, for example, some are flying dinosaurs, some are robots in armour and some belong to the reptile group. Monsters may also be classified into the flying and non-flying groups. So long as there are monsters, they can be categorized. I also had a number of these toys and I would sort them into different categories.

In his speech, Dr LEONG referred to an internal letter of his, from which I had earlier quoted. I understand that it was an internal letter. However, what I said was indeed the points that had been set out by Dr LEONG in his letter. I would just like to point out that I do not agree with these points.

Dr HUANG Chen-ya said that upon registration, Chinese herbalists should form their own functional constituency, that is to say, a Chinese Herbalists Functional Constituency should be created. It is a controversial issue and, even

within the United Democrats of Hong Kong (UDHK), there are divergent views. It is commonplace to have endless arguments and our debate will continue after this sitting. However, I do not agree that after the registration of the Chinese herbalists, a new Chinese Herbalists Functional Constituency should be created instead of grouping the Chinese herbalists under the existing Medical Functional Constituency. Of course, the UDHK have yet to come to a stand on this issue.

I think it is a bit too domineering to say that the existing specialists necessarily are medical doctors specializing in a particular branch within the scope of western medicine. It is true that there are obstetricians and gynaecologists, orthopaedists, as well as surgeons, and all of them are medical specialists. However, I have reservations as to whether a specialist necessarily means a practitioner in western medicine and whether the term “specialist” is confined to practitioners in western medicine only.

There is one more point that I would like to raise, which is connected with the allegation that more confusion will result once chiropractors are put into the Medical Functional Constituency. Frankly speaking, the public simply is not interested in or has no way of knowing who are eligible to vote in which functional constituency. Only the insiders are concerned with this issue. If one asks some members of the public which types of doctors are included in the Medical Functional Constituency, they may not know that this Constituency comprises practitioners in western medicine and dentists. Therefore, it is a separate issue to consider whether confusion will arise, which has nothing to do with which functional constituency the chiropractors are to be put into.

Mr Chairman, these are my remarks.

Question on the amendments put.

Voice vote taken.

Dr LEONG Che-hung claimed a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote on Mr Michael HO's proposed amendments?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr TAM Yiu-chung, Mr Andrew WONG, Mr Martin BARROW, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Albert CHAN, Mr Frederick FUNG,

Mr Timothy HA, Mr Michael HO, Mr MAN Sai-cheong and Mr Alfred TSO voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Rev FUNG Chi-wood, Dr HUANG Chen-ya, Mr Simon IP, Dr LAM Kui-chun, Dr Conrad LAM, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Ms Anna WU and Mr James TIEN voted against the amendments.

Mr SZETO Wah, Mr CHEUNG Man-kwong, Mr LAU Chin-shek, Miss Emily LAU, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Miss Christine LOH and Mr Roger LUK abstained.

THE CHAIRMAN announced that there were 11 votes in favour of the amendments and 39 votes against them. He therefore declared that the amendments were negated.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I move that item 8 of part II of Schedule 2, of clause 22, be amended as set out under my name in the paper circulated to Members.

This amendment is to rename the Health Care Functional Constituency as Health Services Functional Constituency so as to improve the description of its franchise. This amendment is made in response to the suggestions by some Members of the Bills Committee.

Mr Chairman, I beg to move.

Proposed amendment

Clause 22

That clause 22 be amended, in the proposed Schedule 2, in item 8 of Part II -

- (i) in the first column, by deleting “Health Care” and substituting “Health Services”;

- (ii) in the second column of paragraph (k), by adding “in the service under the Government of Hong Kong, or are” after “who are”.

Question on the amendment proposed.

MR MICHAEL HO (in Cantonese): Mr Chairman, I speak against this amendment. The Secretary for Constitutional Affairs just stated that in the Bills Committee discussion the Administration, in response to the requests of some Members, offered to make the amendment accordingly. However, while checking the record of meeting on 9 May 1994, I found that there were only three lines in paragraph 4 (e) in the Chinese version (four lines in the English version), saying “Title for the FC — The Administration would also consider the suggestion of renaming the functional constituency as: ‘Health Services Functional Constituency’ to reflect more accurately the functions of respective groups in the constituency,” From these three lines in the Chinese version of the record of meeting (they were not even full lines), I really do not know what has been discussed and why there would be such a sudden change. The existing title of “Health Care” has been in use since 1988. Those belonging to that constituency are the health care personnel. What difference will it make by retitling it as “Health Services Functional Constituency”? Judging from the literal meaning of the title, all those people working in that field should be included in the constituency. If so, it may indicate that there are some changes in the composition of this constituency, for example, those serving with the health services institutions are already included. Why is this principle only applicable to the Health Care Functional Constituency? Among the existing functional constituencies, there are Engineering, Education, Legal, Real Estate and Construction and so on. Why not rename them as “Engineering Services Functional Constituency”, “Real Estate and Construction Services Functional Constituency”, “Education Services Functional Constituency”? Why is it that only one functional constituency is to be renamed but not the others? Where lies the principle?

Let us look at the literal meanings of the words. The Engineering Functional Constituency at present includes various kinds of engineers, for example, those repairing vehicles or aircrafts. If it is renamed as Engineering Services Functional Constituency, the surveying officers engaged in engineering services may also be included. Could that be true?

If the Education Functional Constituency is renamed as Education Services Functional Constituency, are the clerical officers in schools or the book dealers, publishers also to be included in the Education Services Functional Constituency?

If the same principle is to be applied to all the functional constituencies, I reckon that it will at least be fair. I do not mind that kind of changes. However, I do not see any special reason for the change today. It may have arisen from the issue concerning chiropractors.

Mr Chairman, I hope that the Members will support my proposal to vote down the amendment put forward by the Administration. It is likely that the Members are more concerned about the major part of the reform proposals and have neglected the present part, which I have attempted to explain clearly in my speech. I thus call for my colleagues' support to vote down the amendment moved by the Administration today.

MR ANDREW WONG (in Cantonese): Mr Chairman, during the Second Reading debate this morning, I mentioned that the Bills Committee at its meeting had stated that the proposal concerned was good and was also agreed by the Administration. But the question is that some Members told me after the meeting that they were against the proposal. I think that this incident is similar to the row over chiropractors just now, both being minor issues. If the personnel in that field do not regard "face" as a big deal, then renaming will not be necessary. In fact, the Administration is not suggesting any big change. If the Administration can withdraw the proposed amendment or if Mr Michael HO does not raise an objection, the question will have already been settled.

I do not regard this as a major problem. Let me take social welfare and social service as an example. The existing Ordinance addresses the subject of social service which will become social welfare in the future. But after the change, the personnel within that field may find the new title even more appropriate. Before the change, the constituency is one made up of the members of the panels, executive committees and boards of directors of some voluntary agencies. Title is not a big deal. From the speech of Mr Michael HO a moment ago, it seems to me that he was afraid that after the renaming, even the drivers or those collecting bed sheets in that field would be regarded as having the right to vote. This makes me wonder whether functional constituencies are really that important after all. And what meaningful purpose will it serve in thus wasting our time? Mr Chairman, that is the end of my speech. I do not want to say whether I support the amendment or not. I only hope that either the Administration resolves to withdraw or Mr Michael HO raises no objection.

DR YEUNG SUM (in Cantonese): Mr Chairman, the Administration indeed has not consulted the related bodies on this renaming of the constituency. I hope that the Administration will withdraw the amendment in its later reply because there is indeed not such a great necessity. It will not be too late to rename the title after consulting the health care functional groups and obtaining their endorsement.

MR JAMES TIEN (in Cantonese): Mr Chairman, the Administration's proposal is very good. I urge it not to withdraw the amendment so that we can vote on it.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: I would like to make a couple of points.

As Mr WONG just said, the amendment was agreed by the Bills Committee, and allow me to read out, to quote from the report of the Bills Committee on our Bill.

It says that, “Members suggested that the Health Care Functional Constituency should be renamed Health Services Functional Constituency to reflect more accurately the functions of the respective groups in the constituency.”

The suggestion was accepted by the Administration. So it was out of good faith that the Administration accepted the agreement of the Bills Committee. Now if it is Members’ wish that this is not going to be a subject for argument and whatnot, the Administration is quite prepared to withdraw this amendment. We put this forward, out of good faith, in response to Bills Committee’s agreement. But now that Members have disagreement, we are quite prepared to withdraw that. But I believe that would require the approval of the floor.

CHAIRMAN: You are not withdrawing?

SECRETARY FOR CONSTITUTIONAL AFFAIRS: We are quite prepared to withdraw, Mr Chairman.

CHAIRMAN: You have got to decide whether you withdraw or not. (*Laughter*)

SECRETARY FOR CONSTITUTIONAL AFFAIRS: We would withdraw, Mr Chairman.

CHAIRMAN: You might want to consider whether your amendment takes in, in fact, two parts of item 8. I am just looking at your amendment to clause 22 item 8.

MR ALLEN LEE: Mr Chairman, there are Members willing to support it, and I think we should take a vote on it.

CHAIRMAN: In fact, Secretary, I am reminded of Standing Order 26. As the motion has already been moved you cannot simply withdraw as there is a dissenting voice.

Question on the amendment put.

Voice vote taken.

MR MICHAEL HO (in Cantonese): Mr Chairman, I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: We are one short of the head count.

MR ANDREW WONG: Mr Chairman, I am not voting because I am in sort of a rather embarrassing situation because I offered by saying that perhaps it could be left to the Committee, but I did not say that. It was the Bills Committee's recommendation in the first place, Mr Chairman.

CHAIRMAN: If there are no queries, the results will now be displayed.

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Dr David LI, Mr NGAI Shiu-kit, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy MCGREGOR, Mr Peter WONG, Mr Moses CHENG, Dr LAM Kui-chun, Mr Steven POON, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr James TIEN and Mr Alfred TSO voted for the amendment.

Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr Marvin CHEUNG, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted against the amendment.

Mr TAM Yiu-chung, Mr Vincent CHENG, Mr Timothy HA, Dr Conrad LAM, Mr LAU Chin-shek and Miss Emily LAU abstained.

THE CHAIRMAN announced that there were 26 votes in favour of the amendment and 25 votes against it. He therefore declared that the amendment was carried.

MR ROGER LUK (in Cantonese): Mr Chairman, I move that item 8 of Part II in Schedule 2 of clause 22 be amended as set out under my name in the paper circulated to Members.

The controversy over whether chiropractors should be transferred to the Medical Functional constituency is now settled after the debate and the voting a moment ago. The wish of the chiropractors is that if they cannot be transferred from the Health Care Functional Constituency to the Medical Functional Constituency, they will voluntarily withdraw from the Health Care Functional Constituency and will not participate in the Legislative Council election in 1995. The objective of this motion is to delete the chiropractors from the schedule concerned in accordance with their wish.

This motion was originally proposed by another Member. It is now put forward by me because he is under some political pressure, which is a pity indeed.

On the other hand, some people in the Medical Functional Constituency even oppose the chiropractors' total withdrawal from the functional constituencies. The reasons that they put forward are hardly comprehensible.

Mr Chairman, I move the motion and request the Members to respect the wish of the chiropractors having regard to human rights and freedom.

MR MARTIN LEE (in Cantonese): Mr Chairman, will Mr LUK elucidate which Member is under pressure and under what sort of political pressure?

CHAIRMAN: Do you wish to elucidate, Mr LUK?

MR ROGER LUK (in Cantonese): To be discreet and to spare people embarrassment, I would rather keep it secret.

*Proposed amendment***Clause 22**

That clause 22 be amended, in the proposed Schedule 2, in the second column of item 8 of Part II, by deleting paragraph (a).

Question on the amendment proposed.

DR LEONG CHE-HUNG: Mr Chairman, I oppose the amendment moved by the Honourable Roger LUK for the following reasons.

Firstly, we are moving to establish a fair and equitable election system, where as many people as possible will have the same number of votes, and in this case by direct election and functional constituency votes. And since functional constituencies have to stay, it would be painfully wrong for us, as law makers, to pass a decree as it were, to force on the one group of Hong Kong people, no matter how small that group may be, to have only one vote. I think it is unfair. We are hoping to pass an election bill which enables every single person to have two votes and now we are saying that no, sorry, certain groups should only have one vote and it is going to be made by this Council.

Secondly, Mr Chairman, some have said that this is the wish of the members of the Chiropractors' Association. My argument is simple. If those people who do not want to vote in that functional constituency, he or she does not have to vote. It does not mean that they have to take away the right or rather, we should not be taking away the rights of those who want to vote.

Thirdly, is that I am given to understand that it would be some time before the chiropractors can begin to register. In other words, they are still not registered as yet, and this is confirmed by the Chairman or the President of the Chiropractors' Association when they confirmed to me yesterday, at Swire House, at their own office.

I was also told that it is the wishes of all the members of the current Chiropractors' Association who wish to support Mr Roger LUK's amendment. But my argument is that, do they represent all the chiropractors in Hong Kong now and in the future? Will there be chiropractors who one fine day may surface when the registering process is beginning? And if there will be, are we therefore taking away the right of those silent majority, who are not members of this association, who may say: "Look, I will have no chance to vote anymore"? So I oppose, strongly, the amendment.

MR HENRY TANG (in Cantonese): Mr Chairman, I am deeply impressed today for I do find that many people will change their mind due to political pressure, including myself.

DR LAM KUI-CHUN: Mr Chairman, in an earlier debate this evening on the chiropractors' functional constituency, I have stated that the chiropractors resemble the physiotherapists in the nature of their practice. That is the chief reason why two groups of physical therapists should belong to the same functional constituency. This is what this Council has just endorsed.

To remove them from the Health Services Constituency now is to deprive them unnecessarily of the right to participate in political activity as either candidates or voters in their proper constituency. If the chiropractors do not wish to participate in any political activity, the endorsed arrangement would not force them to exercise this political right. But if some of them should decide at any time in future to change their minds defeating this amendment, it would leave the option of political right open to them.

Mr Chairman, leaving the chiropractors in the proper constituency, namely the Health Services Constituency, allows them more options and grants them more political rights than taking them out. Therefore, the Liberal Party opposes this unnecessary amendment to leave them without a functional constituency.

MR MICHAEL HO (in Cantonese): Mr Chairman, I do not understand why people should oppose this. What is to be gained from such opposition? It is learnt that some would like to "penalize" the chiropractors and thus included them in the Health Care Functional Constituency. However, I have no way to verify the authenticity of this information.

Dr LEONG Che-hung mentioned the number of voters in the functional constituencies. I can tell him that in 1995 there will be about 20 000 voters in the Health Care Functional Constituency, a much larger constituency than the Medical Functional Constituency. Thus these two functional constituencies are not equal in terms of size.

Dr LAM Kui-chun earlier remarked that the chiropractors are like the physiotherapists, the work nature of both professions being similar in many respects. And that was the reason for grouping these two professions in the Health Care Functional Constituency. I have talked about this with some physiotherapists' associations. They said that it was acceptable. But I do not understand why we are not taking the chiropractors' views as the basis.

MR ANDREW WONG (in Cantonese): Mr Chairman, I am surprised at the solidarity the medical doctors have shown. These two doctors come from different parties and yet, rather exceptionally, they have expressed the same opinion.

I do agree with the two doctors that chiropractors can vote through other means. However, someone just now mentioned the principle of fairness, and I really fail to see the difference between putting 38 voters in the Health Care Constituency which has several tens of thousand constituents and the Medical Constituency which has just a few thousand constituents.

The worst thing about functional constituencies is the possibility of disputes over their respective size and status. We are indeed wasting our time discussing these meaningless issues. Therefore, Mr Chairman, I am not going to vote on this.

MR ROGER LUK (in Cantonese): Mr Chairman, in the martial art fiction *Xiao Ao Jiang Hu*, the hero LINGHU Chong, a green young man, was deceived by HUANG Zhonggong in the Plum Manor House into measuring swords with REN Woxing, who was the head of the Sun Moon Religious Sect, imprisoned under the bottom of a lake. In the course of crossing swords, LINGHU felt dizzy because of the loud laughing sound of REN and fell unconscious. After recovering his consciousness, LINGHU discovered that he was being imprisoned instead of REN. LINGHU was lucky that he did not die but happened to learn a superior martial skill from the notes left by REN Woxing. He then made use of a rare opportunity and escaped from the dungeon. *(Laughter)*

MR MARTIN LEE (in Cantonese): Mr Chairman, will Mr LUK elucidate what he has just said?

CHAIRMAN: Do you wish to elucidate, Mr LUK?

Question on the amendment put.

Voice vote taken.

MR ROGER LUK: I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr LAU Wong-fat, Mr Jimmy McGREGOR, Mrs Elsie TU, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timonthy HA, Mr Michael HO, Mr Simon IP, Mr LEE Wing-tat, Mr Eric LI, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr Philip WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Mr Fred LI, Mr Steven POON, Mr Henry TANG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr James TIEN and Mr Alfred TSO voted against the amendment.

Mr Martin LEE, Mr SZETO Wah, Mr TAM Yiu-chung, Mr Martin BARROW, Mr CHIM Pui-chung, Mr LAU Chin-shek, Miss Emily LAU and Mr MAN Sai-cheong abstained.

THE CHAIRMAN announced that there were 21 votes in favour of the amendment and 29 votes against it. He therefore declared that the amendment was negatived.

MR MARTIN BARROW: Mr Chairman, I move that clause 22 be further amended as set out under my name in the paper circulated to Members.

This is an uncontroversial amendment which introduces the board of airline representatives into the Tourism Constituency. Thank you.

Proposed amendment

That clause 22 be further amended, in the proposed Schedule 2, in the second column of item 14 of Part II, by adding —

“(c) Relevant persons in respect of members of the Board of Airline Representatives.”.

Question on the amendment proposed.

MR HOWARD YOUNG (in Cantonese): Mr Chiarman, I can confirm that what Mr Martin BARROW has said is correct and that the amendment is entirely uncontroversial. All travel agencies, hotels and airlines in Hong Kong belong to

the Tourism Functional Constituency. However, travel agencies have an association for themselves, while all the hotels have already joined the Hong Kong Tourist Association (HKTA). As for airlines, half of them have joined the HKTA while the other half have not. Incorporating these airlines into the Tourism Functional Constituency is a move very much welcomed by both the tourist industry and the airlines themselves. Nobody will feel unhappy about this whereas it will expand the electorate of this particular constituency.

Question on the amendment put and agreed to.

CHAIRMAN: Mr LAU Wah-sum, your proposed amendment.

MR LAU WAH-SUM: Mr Chairman, since there will not be a separate seat for the insurance industry, there is no need to move my amendment. May I withdraw my amendment?

Mr LAU Wah-sum's amendment to clause 22 withdrawn.

CHAIRMAN: Mr James TIEN's amendments and Mr Roger LUK's amendments to clause 22 are related to Mr Howard YOUNG's amendments to clause 22. As Mr Howard YOUNG's amendments have been negated, I cannot call upon Mr TIEN and Mr LUK to move their amendments to clause 22.

MR SIMON IP: I move that note 8 of schedule 2 of clause 22 be amended as set out under my name in the paper circulated to Members.

The purpose of my amendment is simply to prevent the potential abuse of vote planting by inflating the number of directors or partners in a company or a partnership, thereby increasing the number of voters and the voting strength of a company or a partnership.

Official information indicates that the majority of companies and partnerships in Hong Kong have an average of six directors and partners. A cap of six would therefore seem to be appropriate and help to ensure the equality of voting power amongst companies and partnerships. I so move.

Proposed amendment

That clause 22 be further amended, in the proposed Schedule 2, in Note (8) —

- (i) in paragraph (a)(i), by deleting everything after "limited company," and substituting "up to six members of the board of directors of that company (and no more than six such members of the board of

directors of that company shall be registered as electors in the relevant functional constituency in respect of the aforementioned member);”;

- (ii) in paragraph (a)(ii), by deleting everything after “partnership,” where it first appears and substituting “up to six partners (and no more than six such partners of that partnership shall be registered as electors in the relevant functional constituency in respect of the aforementioned member);”;

- (iii) by deleting paragraph (b)(i) and substituting -

“(i) up to six members of the board of directors of that body (and no more than six such members of the board of directors of that body shall be registered as electors in the relevant functional constituency in respect of the aforementioned body);”.

Question on the amendment proposed.

MR JAMES TIEN: Mr Chairman, I support the Honourable Simon IP’s amendment on this. As originally I intended to move an amendment to cap it at one.

The General Chamber of Commerce and the Federation of Hong Kong Industries have agreed that the corporate voting system should be retained in the functional constituency. However, since I am not allowed to move to cap it at one, but capping at six, as the Honourable Simon IP had mentioned, would still limit the possibility of planting of votes, I therefore support the amendment.

DR YEUNG SUM (in Cantonese): Mr Chairman, I would like to express that both the UDHK and the Meeting Point support Mr Simon IP’s amendment, that is, companies and corporations will have six votes only so as to prevent “vote rigging”. I believe that “companies” should include social organizations too, among which the social service organizations are one such category. Therefore even though directors of social service organizations may vote, basically only six directors can do so if we are to support Mr IP’s amendment. Thus the UDHK and the Meeting Point support Mr IP’s views.

MR ROGER LUK (in Cantonese): Mr Chairman, I speak to support Mr Simon IP’s amendment. It may worth to note that each member state of the World Organization of the Scout Movement has six votes. Such an arrangement is to cater for some states which have more than one scout association and hence there is a need to group these associations into a union to join this world

organization. This arrangement can therefore fully reflect the wishes of the member states during voting.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: The Administration does not consider capping necessary because there are already provisions in the Bill to guard against vote planting.

However, I have also said that the Administration does not rule out some form of capping provided the number is sensible and the resulting franchise will not be severely restricted as a result.

Mr Chairman, on the basis of the functional constituency proposals set out in the Bill, the Administration is prepared to support Mr IP's amendment.

Question on the amendment put and agreed to.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I move that Note (8) of Schedule 2 of clause 22 be amended as set out under my name in the paper circulated to Members.

These are technical amendments which seek to clarify their entitlement to register as electors in some functional constituencies where the company director entitled to so register is itself a limited company. Mr Chairman, I beg to move.

Proposed amendment

That clause 22 be further amended, in the proposed Schedule 2, in Note (8) —

(i) in paragraph (a) -

(A) in subparagraph (v), by deleting “the chief executive” and substituting

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“or in the case where the member is an organization or body referred to in subparagraph (iv) but there is no management or executive committee (however described) of that organization or body, the chief executive (however described)”;

(B) in subparagraph (vi), by adding “(however described)” after “chief executive”;

(ii) in paragraph (b) -

(A) by adding “(however described)” after “chief executive” where it twice occurs;

(B) in subparagraph (iii), by deleting the full stop and substituting a comma;

(iii) by adding after paragraph (b) -

“and where any member of the board of directors referred to in paragraph (a)(i) or (b)(i) is a limited company or a partnership, a relevant person shall be; in respect of the aforementioned member -

(A) any 1 of the individual members of the board of directors or any 1 of the partners, as the case may be, of the aforementioned member;

(B) in the case where there is no such individual member of the board of directors of the aforementioned member which is a limited company, or in the case where none of the individual members or partners, as the case may be, referred to in subparagraph (A) is entitled to be registered as an elector, the chief executive (however described) of the aforementioned member; or

(C) in the case where the chief executive (however described) referred to in subparagraph (B) is not entitled to be registered as an elector, a member of the senior management of the aforementioned member,

and no more than 1 such individual member, partner, chief executive (however described) or member of the senior management, as the case may be, shall be registered as an elector in the relevant functional constituency in respect of the aforementioned member.”;

Question on the amendment proposed, put and agreed to.

MR SIMON IP: Mr Chairman, I move that Note (9) of Schedule 2 of clause 22 be amended as set out under my name in the paper circulated to Members.

The purpose of this amendment is to remove the attendance at meetings requirement as a condition for directors and partners to vote. Such a requirement is unnecessary and impossible to police. I so move.

Proposed amendment

That clause 22 be further amended, in the proposed Schedule 2, in Note (9) —

- (i) in paragraph (a)(ii), by adding “and” after the semi-colon;
- (ii) in paragraph (a)(iii), by deleting “and” and substituting “or”;
- (iii) by deleting paragraph (a)(iv);
- (iv) in paragraph (c)(i), by adding “and” after the semi-colon;
- (v) in paragraph (c)(ii), by deleting “; and” and substituting a full stop;
- (vi) by deleting paragraph (c)(iii).

Question on the amendment proposed.

DR YEUNG SUM (in Cantonese): Mr Chairman, I speak in respect of Mr IP's amendment. As a member of the board of directors of a company is required to attend at least 50% of the company's board meetings, at least it will ensure that he or she cannot be a nominal director. I believe he or she would be more inclined to come out to vote under such an arrangement. For this reason, we do not support Mr IP's amendment.

MR JAMES TIEN (in Cantonese): Mr Chairman, it is not uncommon that many companies hold five to six board meetings a year, that is to say, once every two months. If Dr YEUNG Sum's proposal carries the day, I will certainly feel worried. While we would like to uphold democracy and see more people come out to vote, the original proposal, if carried, would practically impose some restriction on a company director. Does it mean that a company director will not be entitled to vote if he has not attended at least 50% of the board meetings of his company? If so, the size of the electorate will, contrary to what may be envisaged, shrink, will it not? This would defeat the purpose of expanding the electorate.

Mr Chairman, I support Mr Simon IP's amendment.

MR ERIC LI (in Cantonese): Mr Chairman, I rise to support Mr Simon IP's motion. During a Bills Committee meeting, I reminded Members that it would be very difficult to enforce this clause. It is because the minutes of a company's

board meetings, which may contain a good deal of commercial secrets, are closely guarded by the company. We cannot ask big firms or large banks to release these records.

Furthermore, a Member also mentioned in the Bills Committee that it would not be difficult for a company to satisfy these requirements as it may hold 20 meetings in one day. The requirements imposed on the companies serve no practical purpose, nor are necessary. For this reason, I support Mr Simon IP's motion.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, I think the lesser eligibility restrictions are imposed on those who are qualified to become electors, the larger the electorate and the greater public participation in local political activities will be. For this reason, I support Mr IP's amendment.

MR JAMES TO (in Cantonese): Mr Chairman, Mr Eric LI said that minutes of board meetings contained commercial secrets and it would be difficult for us to ask for their release. However, at present many functional bodies make public their registers. In fact, these registers are also commercial secrets. I wonder why they see no problem in making public these secrets.

The most important point about functional constituency elections, albeit to which I oppose, is to determine the eligibility of a voter. A person is entitled to vote in his functional constituency only if he can prove that he is associated with, or related to, that trade in one way or another or he has been actively engaged in that trade. For this reason, I oppose Mr Simon IP's amendment.

MR RONALD ARCULLI: Mr Chairman, I think apart from the reasons stated by the Honourable Eric LI, which we discussed at the Bills Committee, the additional reason really is that the restriction imposed or introduced by the Administration was to prevent undue number of directors so that what the Administration really wanted was directors who actively participated in the affairs of the company. But when we discussed these problems at the Bills Committee stage, I think the Administration readily accepted, from a practical point of view, enforcement would be rather difficult and hence the idea to cap it at six became acceptable.

Thank you, Mr Chairman.

Question on the amendment put.

Voice vote taken.

MR JAMES TO (in Cantonese): Mr Chairman, I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy MCGREGOR, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Mr Frederick FUNG, Mr Timothy HA, Mr Simon IP, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Miss Christine LOH, Mr Roger LUK, Ms Anna WU, Mr James TIEN and Mr Alfred TSO voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum and Mr WONG Wai-yin voted against the amendments.

Mrs Elsie TU, Mr LAU Chin-shek and Miss Emily LAU abstained.

THE CHAIRMAN announced that there were 36 votes in favour of the amendments and 19 votes against them. He therefore declared that the amendments were carried.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I move that Note (9) of Schedule 2 of clause 22 be amended as set out under my name in the paper circulated to Members.

The amendment is to clarify that the one-year membership rule does not apply to members of professional bodies in the relevant functional constituencies, which is always our intention. Mr Chairman, I beg to move.

Proposed amendment

That clause 22 be further amended, in the proposed Schedule 2, in Note (9)(b), by adding after “a body” —

“(other than a body specified in the second column of item 5(a) or (b), 8(f), (g) or (i), 9(b), 10(b), (c), (e) or (g) or 12(b) of Part II of this Schedule)”.

Question on the amendment proposed.

DR YEUNG SUM (in Cantonese): Mr Chairman, the Meeting Point and the United Democrats of Hong Kong are in support of the amendment because it would give freshly graduated professionals the right to vote, even though their membership with the relevant bodies is less than one year. Therefore, we support this motion.

Question on the amendment put and agreed to.

11.29 pm

CHAIRMAN: I am going to suspend the sitting for a few minutes while we get our notes in order in view of the many amendments that have already gone through Committee. Will Members please not disperse? I will be back in a few minutes.

00.20 am

CHAIRMAN: Dr YEUNG Sum, page 23 of the script. I believe you have an application to make to me.

DR YEUNG SUM (in Cantonese): Mr Chairman, given that the Honourable Simon IP proposed an amendment earlier on to cap the number of votes for company directors at six, legal ambiguities would arise if some organizations were given six votes while my amendment would give them only four. Therefore with your leave, Mr Chairman, I would like to amend my proposed amendment to increase the number of persons from four to six, so as to make it in line with the amendment moved by Mr Simon IP and passed by the Committee earlier.

CHAIRMAN: I exceptionally grant leave so that your proposed amendment will read “in relation to a member of a body specified in the second column of item 12(a), namely, relevant persons in respect of members (other than individual

members) of The Hong Kong Council of Social Service entitled to vote at general meetings of the Council, means no more than six representatives of each member determined in a manner to be prescribed by resolution of Legislative Council”. Would you move accordingly, Dr YEUNG Sum?

DR YEUNG SUM (in Cantonese): Mr Chairman, thank you for granting me leave. Honourable colleagues, today I would like to raise the cap on the number of votes for directors in the Social Welfare Functional Constituency to six. Earlier on when we discussed the number of votes for company directors, we agreed that the number be capped at six so as to avoid unfairness or “vote rigging”. For the same reason, I propose that the number of votes for directors in the Social Welfare Functional Constituency should also be capped at six. By doing so, it would be brought on par with other companies whereby no more than six directors are entitled to vote. I hope honourable colleagues will support my amendment.

Proposed amendment

That clause 22 be further amended, in the proposed Schedule 2, in Note (8), by adding

“(d) in relation to a member of a body specified in the second column of item 12(a), means no more than 6 representatives of each member, determined in a manner to be prescribed by resolution of Legislative Council.”.

Question on the amendment proposed.

MR HUI YIN-FAT (in Cantonese): Mr Chairman, I have been aware of this amendment and wanted to raise objection against it. But now I think it is unnecessary for me to do so since it was passed just now that each functional body in question would have six votes. I believe that under such circumstances, we can accept the proposal.

Question on the amendment put and agreed to.

Question on clause 22, as amended, proposed, put and agreed to.

CHAIRMAN: We will now proceed to amendments relating to the Election Committee constituency.

Clause 21

MR MARTIN LEE (in Cantonese): Mr Chairman, I move that this clause be amended as set out in the paper circulated to Members.

Mr Chairman, I move to amend clause 21 on behalf of the United Democrats of Hong Kong (UDHK). The central idea of my amendment is to have the Election Committee abolished and the 10 seats thereof returned by direct elections instead. My amendment is to be moved separately in two parts in accordance with the legislative procedure. Yet they actually are of one package. I have earlier received a call from someone asking me if I fail to have the Election Committee abolished but still 10 directly-elected seats are added as a result of my amendment, the Legislative Council will have 70 Members in total, does it not? I think people like this caller misunderstood what I meant. This is not the original intention of my proposal. My proposal is to remove the Election Committee on the one hand and on the other hand, to replace the 10 seats which would otherwise be returned by the committee with 10 directly-elected seats, thereby this Council will have a total of 30 directly-elected seats. For this reason, I hope that you, Mr Chairman, will grant leave so that I can move the two parts of the amendment in one go for a vote. Should it be negatived, I will not move to add 10 directly-elected seats to this Council.

Mr Chairman, in 1991, on the basis of the OMELCO consensus model, the UDHK tried to fight for 30 directly-elected seats in the 1995 Legislative Council and that objective was also contained in our platform. In the direct elections held in September 1991, the UDHK won 12 seats out of a total of 18 seats. It indicated that this request was widely supported by members of the public. In 1989, when it was released, the OMELCO consensus model did gain the general support of people from all walks of life. In the wake of the June 4 Incident, however, the conservatives in the Beijing Government got the upper hand, which in turn no longer took heed of the plea for “Hong Kong people ruling Hong Kong”. In such a political climate, the Basic Law was thus drafted and endorsed that the Legislative Council of the Special Administrative Region would not have 30 directly-elected seats until the year 2003. The UDHK has petitioned for such conservative provisions in the Basic Law to be amended as soon as possible. In fact, it is also stipulated in the Basic Law that the number of seats returned by the Election Committee is to be reduced to six in 1999 and the seats thus returned will eventually be abolished completely in 2003. It is obvious that such election arrangements are entirely not conducive to our long-term political development. It is my hope that the Chinese Government will respect the wishes of the people of Hong Kong and amend, in line with the principle of democracy, the provisions relating to political development as laid down in the Basic Law. But it does not mean that there is nothing this Council can do before any amendment is made to the Basic Law. Therefore I hope to secure Members’ support and remove the election arrangements *vis-a-vis* the Election Committee so that 10 directly-elected seats could be created.

Mr Chairman, people with conservative thinking in society have been making alarming remarks by claiming that direct elections will bring about social unrest. Evidently, Hong Kong has remained stable and prosperous since the 1991 direct elections. The directly-elected Members of the Legislative Council have proved themselves to be in an even better position to convey the views of the public to administrative departments. Government policies are since implemented in a more reasonable and open manner, enabling a healthy development of the political system in Hong Kong. For these reasons, I move that the 10 seats to be returned by the Election Committee be deleted and replaced by 10 directly-elected seats, thus making a total of 30 directly-elected seats in this Council.

Proposed amendment

Clause 21

That clause 21 be amended, by deleting the clause.

Question on the amendment proposed.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I do not intend to enter into debate on whether Mr LEE's proposal is any fairer or more open than other forms of electoral arrangements. No doubt the community will judge it for itself. I would wish to remind this Council, however, of one fundamental point. It is the clear wish of the community that any electoral arrangements should not only be open and fair, but should also be consistent with the Basic Law. A proposal for more than 20 geographical constituency seats for 1995 is plainly incompatible with the Basic Law.

It has been suggested that since China has said there will be no through train anyway, we need not feel constrained by the Basic Law provisions when making arrangements for the 1995 elections.

With respect, Mr Chairman, I do not subscribe to such a view. As the Chief Secretary said yesterday, whether China would actually dismantle the through train is a question which only they themselves can answer, but the importance of a through train to Hong Kong is self-evident. We should therefore continue to strive for it and not to take actions which would simply undermine the prospect of it.

For these reasons, Mr Chairman, the Administration is against Mr LEE's amendments.

MR MARTIN LEE (in Cantonese): Mr Chairman, if the Chinese Government wants to give the Hong Kong legislature a through train, it can easily have it done. Even if we passed the proposal for 30 directly elected seats and functional constituency seats in the Hong Kong legislature, a through train would still be on the rail only if the Chinese Government had that wish.

Question on the amendment put.

Voice vote taken.

MR MARTIN LEE: I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr HUI Yin-fat, Mr Martin LEE, Mr SZETO Wah, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Mr LEE Wing-tat, Mr MAN Sai-cheong, Mr James TO, Dr YEUNG Sum, Miss Christine LOH and Ms Anna WU voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Dr David LI, Mr NGAI Shiu-kit, Mr PANG Chun-hoi, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy McGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Mr Timothy HA, Mr Simon IP, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr Roger LUK, Mr James TIEN and Mr Alfred TSO voted against the amendment.

Mr Martin BARROW, Dr LEONG Che-hung, Miss Emily LAU, Mr Fred LI, Mr TIK Chi-yuen and Mr WONG Wai-yin abstained.

THE CHAIRMAN announced that there were 17 votes in favour of the amendment and 36 votes against it. He therefore declared that the amendment was negatived.

CHAIRMAN: The amendments to clause 21 that Mr Howard YOUNG and Mr Frederick FUNG have given notice to move are dependent on the Committee's agreement to their amendments to clause 22 relating to functional constituencies. As their amendments to clause 22 have not been agreed, they cannot move their amendments to clause 21.

CHAIRMAN: We will now proceed to Mr Andrew WONG's amendments relating to geographical constituencies. I now call upon Mr Andrew WONG to move his amendments.

Clauses 2, 3 (the part relating to geographical constituencies), 4 to 7, 10 (the part relating to geographical constituencies), 11, 14, 20, 23 and 24

MR ANDREW WONG (in Cantonese): Mr Chairman, during the Second Reading debate yesterday morning, I made it clear that if my proposal concerning the functional constituency election was not accepted, I would not move any amendments concerning the directly elected seat. Therefore, I hope that Members can pardon me for not moving any amendment here.

Mr Andrew WONG's proposed amendments to clauses 2, 3 (the part relating to geographical constituencies), 4 to 7, 10 (the part relating to geographical constituencies), 11, 14, 20, 23 and 24 withdrawn.

CHAIRMAN: We will now deal with the amendments to the Bill which have not been considered by the Committee in the order as they relate to the clauses in the Bill.

Clause 9

CHAIRMAN: Mrs Elsie TU and Mr Frederick FUNG have given notice to move the same amendments to clause 9. I will call on Mrs TU by virtue of her seniority.

MRS ELSIE TU: Mr Chairman, I move that clause 9 be amended as set out under my name in the paper circulated to Members.

I have already stated my reasons for this amendment so I will only briefly reiterate that the “one person, one vote” system is fair because it ensures universal representation. Every person of voting age is entitled to no more, and no less, than one vote and therefore everyone has no more, and no less, than one person to represent him or her in this Council, regardless of the voting method, whether in the direct election, the functional election or the election committee.

Allocating two votes to some voters and one vote to others is undemocratic and manifestly unfair and is an outright manipulation of the functional constituency concept. Giving double votes to everyone is deliberate manipulation.

Dr YEUNG Sum said earlier in this sitting all people should be equal before the law. I absolutely agree with him and that is exactly my purpose in moving this amendment.

Proposed amendment

Clause 9

That clause 9 be amended, by deleting paragraph (b) and substituting —

“(b) by adding -

“(3) Each elector shall be entitled to vote once and no more at an election.

(4) In subsection (3) “election” includes an ordinary election of persons to act as members of the Legislative Council within the meaning of the Electoral Provisions Ordinance (Cap. 367).””.

Question on the amendment proposed.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, Mrs Elsie TU has basically spoken my mind and answered the Secretary for Constitutional Affairs in moving her amendment. The points contained in my original speech, together with Mrs Elsie TU’s speech, represent what I would like to say. Here, I do not intend to repeat them.

MR MICHAEL HO (in Cantonese): Mr Chairman, the “one man, one vote” concept put forward by Mrs Elsie TU is different from the “one man, one vote” concept in full direct election. As a matter of fact, in the existing functional constituencies, there are some people who vote on behalf of their board of directors or their respective trade unions or professional bodies, which is basically not tantamount to casting their own votes. I think it is both unfair and

inequitable if these people cannot vote in the geographical elections just because they have already voted in the functional constituencies.

MR ANDREW WONG (in Cantonese): Mr Chairman, during the debate on Mr Frederick FUNG's amendment late last night, I did mention the concept of "one man, one vote" with the best of intentions, hoping that the elections could be made fairer. I therefore completely understand the spirit of this amendment moved by Mrs Elsie TU.

I would like to point out that this question has been discussed by the Constitutional Development Panel time and again. My standpoint that elections have to comply with the principles of universality and equality had been the same throughout. According to Article 1 of the Bill of Rights, the public shall enjoy equal political rights, thus elections have to be universal and equal. If voters were required to choose between geographically based direct election and functional constituency election, the directly elected seats would then fail to comply with the principles of universality and equality. I have to oppose this amendment because it not only fails to promote universal and equal franchise, but on the contrary it will make all the directly elected seats fail the universality and equality test.

MRS SELINA CHOW (in Cantonese): Mr Chairman, the Liberal Party supports Mrs Elsie TU's amendment for two reasons. First, it complies with the principle of equality just mentioned by Mr Andrew WONG. From another angle, the existing system allows us to elect our representatives in different constituencies. If we choose to elect our representatives in geographically based direct election, we thus vote in the geographical constituencies. If we choose to elect our representatives in functional constituencies, we thus vote in that election. Hence there is no question of inequality and the right to choose still remains with the individuals. Second, it is related to the question of corporate votes just mentioned by Mr Michael HO. As a matter of fact, we have already passed an amendment to the effect that there will no longer be any so-called corporate votes. I do not understand his argument. From now on, these people will vote in their personal capacity, thus in compliance with the principle of equality. It is totally at one's own discretion as to how to make use of his vote to elect his representative. Therefore, this amendment should deserve our support.

DR YEUNG SUM (in Cantonese): Mr Chairman, universal suffrage in the form of one man, one vote is in fact a fair and reasonable principle, which I believe, no one will oppose. The problem is that, according to Mrs Elsie TU's suggestion, members of the public may only elect the Legislative Councillors either through functional constituencies or geographically based direct election. She calls this "one man, one vote".

The “one-man, one-vote” election should be open, universal and fair. But, in reality, we have two systems whereby to return Members to the Legislative Council: one is through functional constituencies, and their other is through geographically based direct election. If it be 100% universal suffrage, all the functional constituencies elections should be abolished, and the whole territory be divided into 60 districts with 60 seats to be elected by “one man, one vote”. Otherwise, the functional constituencies should be thoroughly universalized to include housewives, retirees and students over 18 years old, so that all people in Hong Kong can elect the Legislative Councillors in the form of one man, one vote in the functional constituencies. This will be the right way to do it.

The amendment moved by Mrs Elsie TU is similar to “replacing the genuine with superb fakes”. She requires the public to choose between geographically based direct election and election through functional constituencies. And then she gives it a beautiful name, that is, “one-man, one-vote” election system. Frankly speaking, election through functional constituencies is not a kind of fair election, while direct election is. If the public chooses to vote in functional constituencies instead of in geographically based direct election, that will be an instance of a reasonable system being undermined by an unreasonable system. Therefore, this concept is open to question.

People all over the world will accept universal suffrage of “one man, one vote”. However the present situation is that the voters have to choose between two different election systems. Apart from being bewildered, the voters will also find themselves at a loss as to what to do. Thus I oppose this amendment.

ATTORNEY GENERAL: Mr Chairman, Mr Andrew WONG has referred to Article 21 of the Bill of Rights Ordinance. I would like to intervene at this stage to perhaps give some advice to the Council about what might be the legal effects if this amendment were passed.

Article 21 provides that every permanent resident shall have the right and the opportunity, without any of the distinctions mentioned in Article 1(1) — which I will not trouble the Council with — and without unreasonable restriction, “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the will of the electors”.

The Bill of Rights Ordinance goes on, as Members will recall, to provide in section 13 that Article 21, which I have just read out, does not require the establishment of an elected executive or legislative council.

Mr Chairman, it is a truism that there is no law outside a court of law and I would not presume to lecture this Council, particularly at a quarter to one in the morning, about the law. But I would say this, that if a court were to hold that section 13 did not apply, did not exclude the operation of Article 21 to

amendment to be made there is a real risk that the courts would hold that that amendment would itself be contrary to Article 21 of the Bill of Rights because it would, in effect, Mr Chairman, deprive voters of the right to participate in the only elections that are held by way of universal suffrage.

I put it no higher than that and I felt it right to advise the Council that there may be, and I adopt a cautionary note, there may be legal risks attaching to this amendment, and I would not want the Council to proceed further without carrying those risks in its mind. Thank you, Mr Chairman.

MR MARTIN LEE (in Cantonese): Mr Chairman, first of all, I totally agree with the Attorney General's and Mr Andrew WONG's analysis of this amendment from the legal point of view. In fact, the slogan of "one man, one vote" is very appealing, which everybody likes to hear. This slogan originates from certain countries or places where only some had the voting right while others had none, for example, men had the voting right, but not women. This slogan only appeared when those deprived of their voting right fought for it. But in presentday Hong Kong, "one man, one vote" is already in existence in geographically based election.

In fact the Administration always wants to have "one man, one vote". That is why the Patten package expands the functional constituencies so as to include all the 2.7 million people in the work force. It is a pity that the Administration has failed to work it out properly or thoroughly and has refused to support my earlier amendment. As a result, it is now under attack from others. The Administration has only itself to blame.

If this amendment is passed, many problems will arise. It is because the thinking behind the Patten package is universal suffrage of one man, one vote on the one hand, and the expansion of functional constituencies on the other. If members of the public are required to make a choice, a very practical problem will occur, namely most people will choose to vote in functional constituencies, and then only a minority of people left will vote in geographically based direct elections. I believe that this is not what the public wants to see. Although I believe that Mrs Elsie TU is not doing it intentionally, if this amendment is passed, the entire Patten package will basically be undermined (of course many of the Members here would like to undermine that package).

Now that the 1994 proposal has been voted down and the 1992 proposal has been undermined, what will be left eventually? I dare not visualize it any further.

Therefore, the United Democrats of Hong Kong and the Meeting Point will strongly oppose this amendment.

MR RONALD ARCULLI: Thank you, Mr Chairman.

I am actually surprised that at this hour of the morning we are actually entering into such a legal, technical argument and I think it really is not terrifically fair on those Members of this Council who may not be able to follow the intricacies of the law.

I am a bit disappointed at the Administration not perhaps advising Members of this Council earlier about this point, after all, Mrs TU's amendment has been on the books for quite some time. But be that as it may, I am not surprised that the United Democrats are in fact opposing her motion. As I said earlier, the nine functional constituencies created, or that might be created under the 1992 proposal is direct election through the back door. If my contention is right, that is universal suffrage.

I am equally surprised that Mr Martin LEE is actually fearful of everyone electing to go and join the functional constituency and therefore depriving the geographical constituencies of a large body of voters and thereby eroding the principle of universal suffrage in Hong Kong.

Mr Chairman, the amendment moved by Mrs TU is a prohibition that no person in Hong Kong shall have two votes. It is not a compulsion that anyone in Hong Kong can only have one vote, and that is a functional constituency vote.

The Attorney General has actually pointed out the risk. I dare say that other laws we have passed in this Council face similar risk and I think the Administration has indeed urged this Council in the past to pass laws, or to pass into law, Bills before the Council despite the fact that there is a risk, while realizing that it really is for the courts to decide that particular point.

So all in all, Mr Chairman, I believe that Mrs TU has made a fair point, perhaps the shorthand, "one person, one vote", was taken out of context, as far as her argument was concerned. But I think in essence what she is really saying is, why should some people have two votes and others have only one.

On that basis, the Liberal Party will definitely support Mrs TU.

MR SZETO WAH (in Cantonese): Mr Chairman, if we use the term "genuine and fake-proof goods at a fair price" to describe the genuinely equal "one man, one vote" election mode, the Private Member's Bill introduced by Miss Emily LAU which proposes 100% direct election should fit the description. Nothing short of full direct election will amount to genuine equality. At present, some people are promoting a fake "one man, one vote" system under the guise of equality. They are just purposely resorting to sophistry. If that statement is wrong, we will know immediately, because after a while, Miss Emily LAU's Private Member's Bill will be put to the vote. If these people are sincere, I hope that they will then vote for the Bill.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, I am against the Attorney General's argument which was in the form of an admonition. It is because if there had been any worry beforehand, it should have been brought up prior to the debate. When attention is being drawn to it at this juncture during the debate, the question at issue has already become the subject of a motion in the course of our debate on the Bill. However, other matters should absolutely not be made use of to serve as an invisible threat or dissuasion to the Members.

There are two existing modes of election in Hong Kong. Since people cannot really get what Mr SZETO Wah called "one man, one vote", just let them choose freely between functional constituencies and geographically based direct election. That will be absolutely right. Mr CHEUNG Man-kwong has just said that those who were obliged to represent their respective social organizations to participate in the election would be deprived of their right to participate in the geographically based direct election. However, relatively speaking, if they treasure the right to participate in the geographically based direct election, they can give up being office bearers of the social organizations. Thus in the present situation, I think that the "one man, one vote" system should first be carried out. Later if Miss Emily LAU's "one man, one vote" motion should luckily be passed, the system in question would automatically be abolished.

Mr Chairman, these are my remarks.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Chairman, Mr CHIM Pui-chung has just now "stolen" the words from my prepared speech. Earlier on, when I was discussing a matter with Mr CHIM, he thought I was going to speak, so now I may as well give my views.

Mr Chairman, I am against the amendments moved by Mrs Elsie TU. I shall not repeat some of the reasons. In fact, there are rules in some corporations in Hong Kong which stipulate that the corporations must have some responsible office-bearers, for example, a chairman, a treasurer or a secretary. Such rules are the preconditions of corporate registration.

If elections by corporate voting are adopted in the future, the office-bearers mentioned above will certainly be chosen as electors, and they are the only representatives of their corporations in terms of public elections. Suppose I am the Chairman of the Hong Kong Chiu Chow Chamber of Commerce and there are, say, four office-bearers. As the Chairman, I would lose the chance and the right to vote in direct elections for no justifiable reasons only if I am chosen as an elector by the Chamber of Commerce. That will be unfair to me. I am only an office-bearer of the body. It would be unfair to deprive me of the chance to vote in geographical constituencies simply because I am chosen to vote on behalf of the body. This so-called "one person, one vote" method is a fallacy. There is also a point which has been overlooked: some people are chosen by their companies or their corporations to be an elector merely because

of the office they hold, not of their own choice. It would be unfair to deprive these people of their voting rights. If Mr CHIM Pui-chung becomes the chairman of the Hong Kong Chiu Chow Chamber of Commerce, he will then not be eligible to vote in the Financial Services Functional Constituency. What if other people wants him to vote? This is the point I wish to bring up. But before I have an opportunity to do so, Mr CHIM has already tried to rebut my point.

CHAIRMAN: No repetition, Mr CHIM, and be relevant. Yes. What do you want to say?

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, as we all know, many people are well qualified to represent their respective functional constituencies or companies but only one representative can be chosen from each. Meanwhile, as I have said earlier on, if any Member wishes to run in direct elections, he or she may certainly choose not to participate in other elections or take up any relevant posts.

Mr Chairman, these are my remarks.

MR FRED LI (in Cantonese): Mr Chairman, I have read Mrs Elsie TU's paper. Yet I do not understand one thing. Since 1985 when elected seats were first introduced to the Legislative Council, there have been Members indirectly elected to the Council from district boards or functional constituencies. At the time, there were already people returned as legislators by electors who had one or two votes. However, no one brought this matter up then.

When direct elections were introduced in 1991, there was no longer any indirect election of legislators among district board members and again no one saw any problem. Mrs Elsie TU has said that she too was given two or three votes then. She, however, did not raise the matter at that time. In this connection, I do not understand why she has brought it up today. Mrs TU said in her letter that the arrangement under which some electors are given the right to vote twice while others only once is against the principle of equity advocated by the Government. I totally agree with her. We have all along thought that such arrangement is wrong. Therefore we have bent on turning functional constituency elections into universal elections. Mrs Elsie TU added that it would be ridiculous to give every elector the right to vote twice. I do not understand why that would be ridiculous. Rather, what is ridiculous is to maintain a system that allows some electors to vote twice while others once. If every eligible elector has the right to vote twice, we call that fair, not ridiculous. I do not understand the logic of Mrs TU's views. Mrs TU also stated that our proposal would hinder the political development in Hong Kong and undermine the foundation of our existing political system which has gradually been established since 1985. I wonder if Mrs TU is of the view that

functional constituency elections are very equitable; that the system has become very stable and should be further promoted as more and more functional constituencies have been created since 1985. If Mrs TU really thinks so, I would disagree because functional constituency as part of our electoral system should really not be encouraged, nor is it the line along which our political system should develop.

The second problem I would like to raise here is a highly technical one. If this Bill is passed and Mr PATTEN's political package is to be carried as well, every citizen who has a paid job will be given the right to vote for any one of the nine additional seats in his or her functional constituency. Does it mean that prior to every election, people have to declare to the Government their intention to vote in the functional constituency and to forgo their rights to vote in their district-based constituency elections, for instance, in Wong Tai Sin? However, if an elector changes his mind, is it possible for him to vote for a candidate of his geographical constituency in direct election instead? Does the Government have to check in which constituency election each and every elector goes to vote? I wonder if Members have considered this point and realized that such a system is not practicable and technically impossible to implement. I put forward these points in the hope that Members may consider this matter from another perspective.

MS ANNA WU: Thank you, Mr Chairman. The Honourable Ronald ARCULLI earlier on argued on the basis of the expanded functional constituencies being the same, or almost the same, as universal suffrage elections and therefore are equated with universal suffrage, and therefore there should be one person, one vote and not in some cases, one person, two votes.

By supporting that particular argument he seems, in fact, to be supporting 60 directly elected seats and not the version of Mrs TU. Thank you.

MR STEVEN POON (in Cantonese): Mr Chairman, perhaps I shall respond that it is not really a question of whether one supports 60 directly elected seats or not.

There will be over 2 million electors in the nine functional constituency elections and also over 2 million electors in geographical constituency elections for 20 seats. Hence, the number of electors of any individual geographical constituency is very much smaller than that of any one of the nine functional constituencies. In terms of the size of electorate, functional constituency elections and geographical constituency elections are in different leagues. The remarks made by Ms Anna WU is not very appropriate. That we support Mrs TU's proposal does not necessarily mean that we have to support 60 directly elected seats. In fact, according to Governor PATTEN's 1992 package, the number of electors in a functional constituency far exceeds that of a

geographical constituency. For this reason, I believe that the “one person, one vote” principle put forward by Mrs Elsie TU must have its rationale.

DR HUANG CHEN-YA (in Cantonese): Mr Chairman, I would like to bring up a technical problem. If Mrs Elsie TU’s proposed amendments are carried, the electoral constituency in Hong Kong, as a system, would become very shaky; Members returned from geographical or functional constituency elections would not carry equal weight in terms of their representativeness. Our discussion today about the number of electors in each functional constituency or the number of electors in each geographical constituency endorsed by the Election Committee earlier on would also become meaningless. If, for example, about 1 000 to 2 000 medical practitioners in the Medical Functional Constituency happen to decide to vote in their respective geographical constituencies, the remaining electors in the Medical Functional Constituency will then return a representative to the Legislative Council, though the electorate may number 900 medical practitioners only. Likewise, if electors in areas densely inhabited by blue-collar workers, such as Kwun Tong and Wong Tai Sin, decide to vote in their respective functional constituencies instead, then one may find that such geographical constituencies will return seats to the Legislative Council each with only 1 000 to 2 000 voters. Under these circumstances, what should we do when an election is coming up? How do we know the exact size of the electorate of a particular geographical constituency? How many people does a representative of a certain geographical or functional constituency really represent? Should the above-mentioned scenarios come true, the present election system of the Legislative Council would be turned upside down, rendering it totally meaningless. Is that what Mrs Elsie TU’s wishes to achieve? I wish she would consider the possible outcome. As Mr Martin LEE has said, it is a question of whether our real purpose is to give the people a fairer system or to undermine Hong Kong’s democratic system altogether so that Hong Kong would be enable to have a democratic system through which legislators are elected.

MR ANDREW WONG (in Cantonese): Mr Chairman, when I first spoke, I did so only very briefly. Little did I expect that it would draw out into such a lengthy debate, and therefore I did not put my argument in categorical terms at the outset. The so-called “one person, one vote”, put simply, means everyone has the right to vote. In other words, the suffrage is universal and the value of each vote is more or less the same, or perhaps equal. Therefore, for the present geographically based direct elections, we have endeavoured to achieve a similar population size for each geographical constituency in our delineation of boundaries, so that the vote cast by every person has similar, if not the same, influence on the final composition of the 10 seats. By “all people have votes” it does not necessarily mean that each person should have one vote; it can be five, six or even 10 votes. It does not matter anyhow. Under the model I proposed, each person would have five votes if the functional constituencies were divided into five. Adding to this another vote under direct election, the same person

would then have six votes. These elections can be described as elections in which “all people have votes and all the votes are similar in value”. It is an option that complies with the principles of universality and equality.

The existing functional constituencies are constituted in such a way that they vary in electorate size. The number of members in each of the nine new functional constituencies proposed by Governor PATTEN (which we have passed earlier) is very great. It is obviously unfair when compared with other functional constituencies. The new functional constituency elections therefore contravene the principles of universality and equality. We cannot force upon electors that once they have elected to vote in one constituency, they cannot vote in another. I am not talking about technicalities and juridical principles. I am talking about principles. I hope Members will understand that we do not intend to achieve the highest level in one step. Just as most people have said, I am not aiming at having all 60 seats directly elected right away (we will debate it during the Second Reading debate of the Honourable Emily LAU's Bill later on); even so, it complies with the principles of universality and equality to have 20 directly elected seats. Why must we then destroy it? I am not saying that you are deliberately trying to destroy it, but the result is just like that. That is why I have to make it clear. I do not mean to threaten that the matter would have to go to court, or that the Administration might lose the case, or things like that. I do not think the Attorney General means to say that either. But I would like to point out a serious consequence, that is, what universal and equal elections we originally have would instantly become something which violates both principles. By inequality I mean it is not just because there are other things unequal, but because some voters, for example, in Sha Tin might wish to vote in a certain functional constituency. If there were some 100 000 such voters in the 300 000-strong geographical constituency of Sha Tin and if they elect to vote in the functional constituency election, Sha Tin would then dwindle into a very small constituency. Under such circumstances, it would make the whole electoral package fail to meet the requirements of Article 21 of the Hong Kong Bill of Rights Ordinance.

MR RONALD ARCULLI: Thank you, Mr Chairman. I will just be very brief. The Honourable Ms Anna WU got her mathematics wrong. Twenty plus nine is 29, not 60.

MR JAMES TO (in Cantonese): Mr Chairman, to put it simply, I completely agree with the arguments the Honourable Andrew WONG has put forward, and I think his arguments offer a satisfactory answer to the Honourable Elsie TU and those Members in support of her views. I wish to respond briefly to the Honourable CHIM Pui-chung's comments. He said that the Attorney General had just raised the arguments. But it is not true. Mr CHIM was also a member of the Constitutional Development Panel of which Mr Andrew WONG and I were the vice-chairman and chairman respectively. The matter has been discussed for two years. During the period, the Administration would present

the same arguments at each Panel meeting, but only short of giving them to us in writing which it is still unwilling to do so. However, it did present the arguments at each meeting. I remember that on one occasion the discussion was so heated that Mr CHIM Pui-chung and the Honourable Emily LAU almost had to have it settled by packing punches. Clearly, all the Members of the Constitutional Development Panel and House Committee have known the arguments very well. They were put forth well before today.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I would just like to emphasize one point and that is, by placing restriction on voting rights as proposed in the amendment, we would actually be undermining the very objective of broadening the franchise of the functional constituency system.

It seems illogical, and indeed extremely odd, that given the community's clear wish for an expansion, albeit gradual expansion, in the opportunities and avenues to participate in the representative government system, we should now take steps to call back the opportunities that are already available and given to them. To do so would make our existing system less democratic.

Mr Chairman, the Administration cannot support the amendment.

MRS ELSIE TU: Mr Chairman, I am aware of the problems. There are some legal and practical problems, but I am quite sure that any problems can be overcome. I am sure that we can iron them out especially when Mr Martin LEE said we can even change the Basic Law. So I do not see any problem in changing Hong Kong law. The Bill of Rights is based on the International Covenant on Civil and Political Rights and that does not specify what kind of vote it means. In different countries it may mean different things. In Hong Kong we have a different kind of vote, but I see no difference in one person having the right to one vote.

Now I have been told that I am trying to pull a fast one. I have never been accused of cheating in my life. I have been very uneasy that in 1988 I had three votes and in 1991 I had two votes. I did not like it. I thought it was unfair to those who had only one. So there is no such thing as pulling a fast one on anyone. I think the next step forward is "one person, one vote" which is a fair system. After all, what right does anyone have to have two representatives in this Council while other people have only one? And therefore I stick by my word that "one person, one vote" is fair.

Question on the amendment put.

Voice vote taken.

MRS ELSIE TU: I call for a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mrs Elsie TU, Mr Peter WONG, Mr Moses CHENG, Mr CHIM Pui-chung, Mr Frederick FUNG, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr James TIEN and Mr Alfred TSO voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr Martin BARROW, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Albert CHAN, Mr Vincent CHENG, Mr Marvin CHEUNG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted against the amendment.

THE CHAIRMAN announced that there were 23 votes in favour of the amendment and 34 votes against it. He therefore declared that the amendment was negatived.

Question on the original clause 9 proposed, put and agreed to.

Clause 10

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I move that clause 10 be amended as set out under my name in the paper circulated to Members.

These are technical amendments which have taken into account suggestions made by the Bills Committee. They seek to clarify the method for calculating the quota under the single transferable vote system to be adopted in the election of Legislative Council Members by the election committee.

Mr Chairman, I beg to move.

Proposed amendment

Clause 10

That clause 10 be amended, in the proposed section 12A(2) —

- (a) in paragraph (a)(iv), by deleting everything after “determined” and substituting -

“as follows -

$$\frac{\text{total number of valid votes}}{\text{relevant number} + 1} + 1 = \text{quota}^*$$

*(any part of the resulting number which is a fraction to be disregarded);”;

- (b) in paragraph (b)(v), by adding after “candidate or candidates then remaining” -

“and that candidate who obtains an absolute majority of votes shall be declared by the returning officer to be elected”.

Question on the amendment proposed, put and agreed to.

Question on clause 10, as amended, proposed, put and agreed to.

Clause 12

MR MARTIN LEE (in Cantonese): Mr Chairman, I thought it was the Honourable Frederick FUNG who was supposed to speak. But never mind. Mr Chairman, would you be kind enough to tell me which clause? It seems I have confused it. I cannot put my finger on it right here!

Mr Chairman, this amendment seeks to restrict any person who is entitled to register as an elector in more than one functional constituencies to choose only one such constituency to effect his registration. It is just simple as that.

*Proposed amendment***Clause 12**

That clause 12 be amended, by deleting the proposed section 14 and substituting —

“14. Restriction on registration

A person entitled to be registered in more than one functional constituency shall be registered in one such constituency only, of that person's choice.”.

Question on the amendment proposed.

DR YEUNG SUM (in Cantonese): Mr Chairman, this amendment is actually very simple. Given that there are many kinds of functional groups, the amendment stipulates that any person can register as a voter in only one functional constituency, if he so wishes, but not in more than one functional constituency at the same time. I think this will clarify the arrangement. I hope Members will support it.

MR JAMES TIEN (in Cantonese): Mr Chairman, though Dr YEUNG Sum said it was “very clear”, yet the more I follow, the more I am confused. Just now it was said that a person who lived in a certain district could vote in that particular geographical constituency, and that if he had a job there, then he could vote in that particular functional constituency. It means two votes. But now it does not apply when we come to “two functional constituencies”. What exactly are these two functional constituencies? Could it be that a company director who happens to be a medical practitioner (what of course I am not) cannot vote in the Medical Functional Constituency if he has already voted in the Commercial Functional Constituency? But when it comes to geographical direct election, he is allowed to vote again? Why could those people who opposed Mrs Elsie TU's amendment earlier not support this one? Could the other Members from the United Democrats of Hong Kong please explain once again why this amendment is put forward?

MR SZETO WAH (in Cantonese): Mr Chairman, perhaps the Honourable James TIEN was too exhausted to have picked up things said clearly enough. Sometimes a person can belong to two functional constituencies, for example, a professor of the Faculty of Medicine at the University of Hong Kong may choose the Medical Functional Constituency or the Education Functional Constituency, but surely he cannot vote in both constituencies at the same time. He can only choose one of them, and this has absolutely nothing to do with

direct elections. If he is running down, I suggest he should go out and take a short rest. He would feel better then.

At this point, clapping came from the public gallery.

CHAIRMAN: Order please! Order!

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, the end result of Mr LEE's proposed amendment is to limit the preferential elimination system from the functional constituencies of the Regional Council and the Urban Council and the Rural Constituency. That may not be what he wanted, but that is the end result of his amendment.

For this reason, the Administration would vote against Mr LEE's amendment.

MR ANDREW WONG (in Cantonese): Mr Chairman, the Honourable Martin LEE's amendment seeks to amend clause 12 of the Bill, to the effect that section 14 of the Legislative Council (Electoral Provisions) Ordinance will be amended into a new and greatly simplified form. As a result of this amendment, anyone who is registered in a functional constituency cannot be registered at the same time as an elector of the Election Committee Constituency. Mr Martin LEE's proposed amendment is consequential only upon his successful deletion of the clause in respect of the election committee. I think he had better withdraw the amendment.

1.22 am

CHAIRMAN: Mr LEE, do you wish a short break to consider the position?

MR MARTIN LEE: Yes, Mr Chairman.

CHAIRMAN: I suspend the sitting for 10 minutes.

1.41 am

CHAIRMAN: The Committee will resume.

MR MARTIN LEE: Mr Chairman, this particular amendment is supposed to be, actually it was intended to be, consequential upon my earlier amendment for the abolition of the election committee being successful because section 14 covers at least two things and, that is, if a person is entitled to be registered both in the Election Committee Constituency and also in some other functional constituencies, then that section would require him to be registered only in the Election Committee Constituency. If my earlier amendment had been successful then that particular clause or section ought to be deleted. But since I failed, it is not my intention to pursue with this particular amendment. So with the consent of this Committee, I would like to withdraw it.

CHAIRMAN: Is there a dissenting voice?

Mr James TIEN raised his hand.

CHAIRMAN: So you are dissenting, Mr James TIEN.

MR JAMES TIEN: Yes, Mr Chairman, I am dissenting.

Question on the amendment put and negatived.

Question on the original clause 12 proposed, put and agreed to.

Clause 20

CHAIRMAN: Mr Frederick FUNG and Mr Howard YOUNG have both given notice to move the same amendments to clause 20. I will call on Mr Frederick FUNG by virtue of his seniority.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, according to existing legislation, the Governor in Council may move amendments to the law with regard to changes in functional constituency elections and the membership of the Election Committee. This has put the Legislative Council in a very passive position because it is up to the Government to take the initiative to table the proposals to this Council for its deliberation and making the necessary amendments. If the Government does not accept any further amendments which may be made by this Council, it can simply withdraw its proposed amendments. Moreover, there is a time constraint element, that is, Legislators have to conclude the deliberation within 28 days. At such an important moment, I hope that this Council will be empowered to put forward proposals for such an important matter in a more positive and active manner so that we may scrutinize

and check and balance the amendments moved by the Government. With these remarks, I move the amendment.

Proposed amendment

Clause 20

That clause 20 be amended, by deleting everything after “amended” and substituting —

“(a) by adding “subject to the approval of the Legislative Council,” after “may,”;

(b) by repealing “the Second Schedule” and substituting “Schedules I and 2”.”.

Question on the amendment proposed.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, the existing arrangements have already embodied the principles of checks and balances. Those arrangements have worked well over the years and we have yet to hear any convincing arguments for changing them. Indeed, we fail to see how Mr FUNG’s proposal would make any substantive improvement.

The Administration will therefore vote against Mr FUNG’s amendment and also a similar amendment by Mr Howard YOUNG.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, I do not want to respond. The question itself is very simple and I believe that all Members understand it.

Question on the amendment put.

Voice vote taken.

THE ATTORNEY GENERAL claimed a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Mr NGAI Shiu-kit, Mr SZETO Wah, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Peter WONG, Mr Albert CHAN, Mr Moses CHENG, Mr CHEUNG Man-kwong, Mr CHIM Pui-chung, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Miss Christine LOH, Mr Roger LUK, Ms Anna WU, Mr James TIEN and Mr Alfred TSO voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr PANG Chun-hoi, Mr Andrew WONG, Mrs Peggy LAM, Mr Vincent CHENG, Mr Marvin CHEUNG and Dr Samuel WONG voted against the amendment.

Mrs Elsie TU and Mr Timothy HA abstained.

THE CHAIRMAN announced that there were 46 votes in favour of the amendment and 9 votes against it. He therefore declared that the amendment was carried.

Question on clause 20, as amended, proposed, put and agreed to.

CHAIRMAN: We have now disposed of all the amendments to the clauses in the Bill. The Clerk will call the numbers of the clauses which have not been amended, other than the clauses which already stand part of the Bill as agreed by Members, so that Members may decide whether they should also stand part of the Bill.

Clauses 2, 3, 4, 5, 6, 7, 11, 13, 14, 15, 16, 21, 23 and 24 were agreed to.

New clause 2A Section added

New clause 22C General Provisions as to the election of members of the Legislative Council

Clauses read the First time and ordered to be set down for Second Reading pursuant to Standing Order 46(6).

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, I move the amendment motion standing in my name in the Order Paper. My motion is to add two new clauses to the Legislative Council (Electoral Provisions) Ordinance. Clauses 2A and 22C provide that the electoral provisions shall expire at the beginning of 1 July 1997 unless the Legislative Council by resolution determines otherwise.

Mr Chairman, the second part of the political reform package was passed just now. Although by a narrow margin, the Governor's original proposal was after all endorsed. My moving this motion to add two new clauses has drawn scathing criticism from the press and some Members recently. Even Mr LAU Chin-shek has just now described the move as "castration" and some referred to it as "suicide", "self-inflicted mutilation" and "dismantling the political through train" and so on. We should bear in mind that making allegations like "suicide" or "self-inflicted mutilation" is indeed making a gesture of defiance. I move this amendment so that the relevant clauses are added in the Ordinances which will be applicable to the upcoming Legislative Council elections — it is still too early to say who are going to be elected and who are going to run in the elections. The word "self" means "doing something by ourselves". What wrong have we done ourselves? It is, therefore, far-fetched to use terms like "suicide" or "dismantling the political through train" by ourselves or "self-what" as alleged by Mr LAU Chin-shek.

Mr Nicholas NG, Secretary for Constitutional Affairs, has suggested just now that my motion would be opposed by the majority of the Hong Kong people. Mr Chairman, as we all understand, there is no agreement reached between the Chinese and British Governments over the electoral arrangements for the 1995 elections. The Chinese Government has already made it clear that the term of office of all Members returned by the 1995 elections is going to terminate on 30 June 1997. Although this message has never been directly conveyed to this Council, given that the Chinese Government does not recognize this Council's representativeness, we can get it clearly from many other sources. In view of this prospect, how can we sit back with folded arms?

We put a question to the Secretary for Constitutional Affairs about a week or so ago in this Chamber. We were dissatisfied with his reply. So I take it that honourable colleagues must share my views.

We should be absolutely clear that it does not help if we oppose everything put forward by the Chinese Government. Meanwhile, if the word "self" is to be used to describe my proposal, I would use it in the context of "automatic". We are all aware that our term of office is not going to go beyond 30 June 1997. Then what purpose does it serve for us to deceive ourselves and cling to a delusion? I have no illusion and am realistic in this regard. Many have criticized my move as burning daylight. Yet it is stated clearly in my amendment motion, or I should say, the clauses to be added that the termination of my amended clauses can be determined otherwise. In other words, should the Government of the Special Administrative Region after 1 July 1997 find Members returned in the 1995 elections sensible and keen to work in the

interests of Hong Kong, it may give them a chance to ride on the political through train. If so, the issue may be readily solved simply by going through the First, Second and Third Reading of a necessary Bill in one day to enable Members to ride on the so-called political through train. Of course, whether things will turn out that way still hinges very much on the actual situation at the time.

Mr Chairman, we have to face the reality. In view of the fact that no agreement has yet been reached between the Chinese and British Governments, why do we insist that the term of office is going to be four years? This is misleading to the people of Hong Kong and the future candidates running for the 1995 elections. Should the law state that the term of office is four years, many people may think that a legislator's monthly salary in the next term may be very high, even above \$100,000 and run in the elections with the attractive remuneration in mind. For those who resign from their jobs to run in the elections and are elected, they are going to sustain financial loss equivalent to their salary of 27 months because their term of office is only 21 months. To whom could they then claim for damages? Mr Chairman, my amendment motion seeks to remove this element of misrepresentation so that the Government of the Special Administrative Region after 1997 will be relieved of any legal or compensation responsibility. The Attorney General has given us similar advice in respect of Mrs Elsie TU's motion. Perhaps he is going to give me another piece of advice in respect of my motion. I am not at all surprised if he does so.

Mr Chairman, with these remarks, I solemnly move the amendments.

Question on the Second Reading of the clauses proposed.

MRS ELSIE TU: Just for a clarification, Mr Chairman, for the sake of the record. On the chart we have here, I mean the translation in English, is 1994.

I do not know what Mr CHIM himself said, but it came over on the translation as 1994. I think for the sake of record, it should be corrected as 1997.

CHAIRMAN: I do not know what is on the chart, but that is really just for guidance. The proposal is: "New clause 2A This Ordinance shall expire at the beginning of 1 July 1997 unless the Legislative Council by resolution determines otherwise", and the same date appears in New clause 22C.

MRS ELSIE TU: Mr Chairman, the point is the translation came over as 1994. If that goes down in the record, it will be wrong.

CHAIRMAN: Sorry, you meant the

MRS ELSIE TU: The translation came through as 1994 and not 1997.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, on this point, the Secretariat has made a similar written mistakes the other day. In other words, the year 1994 should be amended to 1997. We have already noticed the mistake on that day and our Clerk, Mr LAW, can verify this.

CHAIRMAN: Yes, the formal document is 1997.

MR SEZETO WAH (in Cantonese): Mr Chairman, Mr CHIM Pui-chung just now said that his move was not “suicidal”. Certainly he was not talking about his own case. I mean he is definitely not going to run for elections in 1995 and even if he does, he is going to be defeated for sure. If his move is not “suicidal”, then what is it? It is murderous! The amendment is moved to kill all those who are going to be elected in the 1995 elections. He said just now that China had indicated that the three tiers of representative government were to be dismantled in 1997 and other “kitchen” would be started. It seems that we must believe the words Chinese officials had said. However, sometimes we cannot believe their words. For instance, Mr LI Hou once said that the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China was a world champion and he had yet to award the prize to us. How can we believe in their words?

MR FREDERICK FUNG (in Cantonese): Mr Chairman, the Association for Democracy and People’s Livelihood, including myself, are strongly against Mr CHIM Pui-chung’s amendment to stipulate that the Legislative Council Members elected in 1995 will have their term of office expired on 30 June 1997. We all understand that this amendment is put forth in light of the fact that no Sino-British agreement has been reached over Hong Kong’s future political system, that the Chinese Government has decided to start a new “kitchen”, and that the existing political system may not straddle 1997. This is his background against which Mr CHIM Pui-chung moves his amendment. As a matter of fact, I hold that both the British and Chinese sides should be held responsible for this state of affairs. It is therefore incumbent upon them to resolve the problems. I must point out that China and Britain have twice disappointed the Hong Kong people. First, they have broken the promises they made to the Hong Kong people under the Sino-British Joint Declaration. Second, the two sovereign states failed to reach any agreement on the future political system of Hong Kong after 10 months’ talks. The difficult situation we are now in is the two countries’ making. I, therefore, hold that the Legislative Council in Hong Kong should not be held responsible for the problems caused

by these two sovereign states. Moreover, I believe that should the two countries have the will, the problems will certainly be resolved at the end of the day. There is no need for us to put forward amendments ourselves at such an early stage in this Chamber and indeed take the matter in hand. I find such a move unacceptable and am opposed to it.

With these remarks, I oppose the amendment motion.

MR TAM YIU-CHUNG (in Cantonese): Mr Chairman, I remember that at the sitting of this Council about two weeks ago, Miss Emily LAU and Mr CHEUNG Man-kwong criticized Mr Nicholas NG, the Secretary for Constitutional Affairs, mercilessly for not preparing for the worst-case scenario and ignoring the open statement by the Chinese side that the three tiers of representative government would be reorganized after 1 July 1997. He was likened to a political ostrich which “looks but sees naught, listens but hears naught”. At that time, I was also very dissatisfied with Mr NG’s reply, so I questioned the Government if it was deliberately misleading the public.

That being the case, I hope that Members who had raised questions that day can seriously consider and support the amendment moved by Mr CHIM Pui-chung today, thereby telling the public categorically that the tenure of Legislative Council Members elected in 1995 will only last until 30 June 1997. Or else, we would become political ostriches.

With these remarks, Mr Chairman, I support Mr CHIM Pui-chung’s amendment.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Chairman, I have already figured that there will be such an argument, so I can respond to it very quickly. At that time, what we requested was that the Hong Kong Government should envisage and prepare for the worst-case scenario, hoping that, it being our principal aim, the Hong Kong Government or the Hong Kong British Government could ask the Chinese side to grant the “through train pass” to all Members elected in 1995 so that they would not have to get off the train. It is because they have the mandate of the people. Yet the conclusion that “suicide” or “murder” is necessary should be drawn from this is indeed not my intention. If Mr TAM Yiu-chung agreed at the time that this problem had to be solved, I wish he could lobby the Chinese leaders for granting the “pass” to all Members elected in 1995. If it was really the case, he would have done a great service to the people of Hong Kong.

MISS EMILY LAU (in Cantonese): Mr Chairman, the question was raised by me on that day. I was feeling very angry at that time. The Chinese Government has been making these threats time and again, yet the Government refuses to face the reality.

I raised the question in the hope that the Government would explain to the Hong Kong public the findings of the analysis made by the Government itself. If it will really be so unfortunate that the Chinese Government will adamantly go about disbanding the Legislative Council in 1997, what will be the severe impacts and consequences on Hong Kong's legal, social, economic and political systems and so on? However, the Government told us that the Chinese Government was not going to do that. Mr Chairman, at that time, I wanted to follow up with another question but you did not allow me to do so on the ground that the Government had already said in earnest that the Chinese Government was not going to do that. Nevertheless, I am having the opportunity of clarifying this point today. If the Chinese Government does that, will the British Hong Kong Government think that the Chinese Government violates the Sino-British Joint Declaration? Therefore, the main purpose of my raising a question at that time was to ask the Government to tell the Hong Kong public about that. I also hoped to let the Chinese Government know what kind of disastrous impact such kind of irresponsible behaviour would have on the 6 million people of Hong Kong. That purpose was unlike what some people thought — we were persuading them into committing suicide. Hence, I am grateful that I have this chance to clarify.

I hope the Government can tell us later in its reply whether it would consider such an irresponsible act by the Chinese Government to be a breach of the Sino-British Joint Declaration.

MR MARTIN LEE (in Cantonese): Mr Chairman, Mr CHIM Pui-chung and Mr TAM Yiu-chung need not get so uptight about this issue. To put it simply, if most of the existing Members from the United Democrats of Hong Kong (UDHK) failed in the elections of September 1995, while more than half of the candidates from the Democratic Alliance for the Betterment of Hong Kong (DAB) were elected and Mr CHIM Pui-chung was also elected as an independent candidate, I believe Mr LU Ping would consider the results good enough and might feel that it had been wrong to oppose Mr Chris PATTEN. After all, he might likewise conclude, this “eternal sinner” and the system are not that bad; and if Hong Kong people like the “through train”, then they can have it. So we would have the through train. Why must we move such an amendment now? By then, transition would be smooth if Mr LU Ping so wishes. If he does not like it, do you really think that he would not know what to do?

MR JAMES TO (in Cantonese): Mr Chairman, if we look at Mr CHIM Pui-chung's amendment carefully, we will find that there are similarities in wording between new clause 2A and 5I of new clause 22C, namely, that the Ordinance or that Part of the Ordinance will automatically expire at the beginning of 1 July 1997 unless the Legislative Council by resolution determines otherwise. However, the way in which this provision has been written is illogical. As Mr CHIM Pui-chung has said, since there is no “through train”, basically this Ordinance cannot be carried through. Hence, the Legislative Council (Electoral

Provisions) Ordinance cannot be “carried through” because it contravenes the Basic Law. I believe that Mr CHIM actually need not add this provision as there is already no way that it can be “carried through”.

Moreover, if the other possibility conjectured by Mr Martin LEE becomes reality such that the Ordinance can indeed be carried through, I simply do not understand why Mr CHIM has to add this provision in advance, thus preempting any action by the Chinese Government or the Standing Committee of the National People’s Congress to grant a pass to such a legislature. Would this not make Mr CHIM Pui-chung guilty of “being an eternal sinner”? In addition, there is something very strange about this amendment, that is, this Ordinance will automatically expire unless the Legislative Council by resolution determines otherwise. My view is: Why is such a tail necessary? If Mr CHIM thinks that this train will certainly be scrapped, he should not have instructed the legal adviser to add this sentence. With this sentence added, Legislative Council Members will have to make another decision again in 1996. In that case, we might perhaps “belittle ourselves unduly” or rather “inflate our ego” so much as to convince ourselves that we deserve a tenure of another three years. We could then pass a resolution in this Council to amend the Ordinance to give us a seemingly possible three-year extension of our tenure of office. It will of course depend on the political reality then prevailing. Therefore, I think that Mr CHIM Pui-chung’s addition of this sentence seems to be self-contradictory as far as logic is concerned. Can he give an explanation?

MR SZETO WAH (in Cantonese): Mr Chairman, I do not know whether the amendment moved by Mr CHIM Pui-chung would be carried. Nor do I know if Mr TAM Yiu-chung would run in the 1995 election. If this amendment was negated and if Mr TAM Yiu-chung ran in the 1995 election, I wish that he could state clearly in his platform that he would “commit suicide” on 30 June 1997 for he has claimed himself not a political ostrich. Only by so doing can he demonstrate his obedience to and faith in every single utterance by China.

MR TAM YIU-CHUNG (in Cantonese): Mr Chairman, I have not said anything like “committing suicide” as alluded to by Mr SZETO Wah. I believe the realistic situation is, even without Mr CHIM Pui-chung’s amendment, the tenure of office of Legislative Council Members under British rule must of course terminate on 30 June 1997 as British administration of Hong Kong ends on the same date and because China will restore its sovereignty over the territory on 1 July 1997. Therefore, it is unnecessary for Mr SZETO Wah to request me to write any words like “committing suicide” in my platform. It is merely common political knowledge.

MR MARTIN LEE (in Cantonese): Mr Chairman, I believe Mr TAM Yiu-chung has a not so clear memory of the Basic Law. Actually several figures who made decisions behind the Basic Law did indeed state that there would be a

so-called “through train”. The Chinese Government presently does not regard this proposal on political reforms to be in line with the provisions of the Basic Law. The Chinese officials now also believe that Mr PATTEN, the Governor, has acted wilfully and arbitrarily without soliciting prior approval from the Chinese Government. Thus they do not accept that the arrangements under the electoral provisions will constitute a legislature in 1995 that will comply with the provisions of the Basic Law as interpreted by the Chinese Government. If later on they have a different understanding, that problem might no longer exist. Therefore, everything should be left for the Preparatory Committee to be formed in 1996 to decide. Thus such matters can actually be dealt with after they have arisen, and we should not rush to make a decision.

MR JAMES TO (in Cantonese): Mr Chairman, I would like to add one point. When the Preliminary Working Committee was first set up a few months ago, many Hong Kong Affairs Advisers expressed their hope that the Standing Committee of the National People’s Congress (NPC) of China should, by resolution, decide whether to dismantle the political through train. Yet my observation was that deputies to the NPC and the Chinese officials did not urge the NPC Standing Committee to make the decision. That decision, if made, could be interpreted as a total rejection on the part of the Chinese Government of the political reform package. Now that the Chinese Government itself has not made such an irrevocable decision through legal means, why should some legislators in Hong Kong, who are pro-China or think that the Chinese Government should adopt a more leftist line or fawn on China in every possible way, try to bring the matter to a deadlock, leaving the Chinese Government with no room for manoeuvre? I think this motion is an attempt to force the Chinese Government into taking extreme measures and it is indeed an ultra-leftist motion.

MR ANDREW WONG (in Cantonese): Mr Chairman, just now I wished to put forward my own views immediately after listening to Mr James TO’s first speech. As regards the two amendments proposed by Mr CHIM Pui-chung, that is, the addition of the new clause 2A to the Legislative Council (Electoral Provisions) Ordinance (Cap. 381) and the addition of the new clause 51 to the Electoral Provisions Ordinance (Cap. 367), I think the wording is open to question. It is stated in the amendment that the Ordinances in question shall expire at the beginning of 1 July 1997 unless the Legislative Council by resolution determines otherwise, meaning that the Legislative Council will still exist before 1 July 1997. If the Legislative Council determines by resolution that it shall be retained, the legislature could straddle 1997. If the Council does not make such a resolution, then there will be no Legislative Council on 1 July 1997. And the problem is, without a legislature, we will have no way to retain the Legislative Council by resolution and, as a result, we cannot invoke the Ordinances in question. I bring this point up for Mr CHIM’s consideration. He may wish to consider whether such wording can achieve the effects he intends.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I have already indicated in the Second Reading debate that the Administration is firmly against Mr CHIM's amendments.

The reason is very simple. To deny ourselves any prospect of a through train would be taking a defeatist approach and would totally negate everything which the community, this Council and the Administration have worked towards in the past 20 months or so. This simply cannot be in Hong Kong's interest.

As regards a number of points raised by Miss Emily LAU and a few other Members about China's intentions and the relationship with the Joint Declaration, the Chief Secretary, in fact, gave a very clear answer in her opening speech yesterday. Allow me to quote, Mr Chairman, "Whether China will dismantle all tiers of our representative government on 1 July 1997 is a question which only China itself can answer. But, if it does, as no doubt it can if it really wants to, how will that sit with the community's clear and often repeated wish for a through train for the Legislative Council? Under the Joint Declaration, both Britain and China are obliged to ensure a smooth transition. The abolition of representative institutions which are carefully constituted, properly elected and which command the support of our people cannot be conducive to a smooth transition. Nor is there any suggestion, I would add, that we should, ourselves, limit the tenure of the 1995 Legislative Council to 30 June 1997."

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, I would like to respond to the views put forward by several Members from the United Democrats of Hong Kong (UDHK) and Miss Emily LAU about the Government. It must be borne in mind that Hong Kong has this Legislative Council because there is a Hong Kong Government; in turn the Hong Kong Government owes its legitimacy to the British Government. And all of us know how the British Government gained its sovereignty over Hong Kong. Now that the British Government will end its rule over Hong Kong after 30 June 1997, there will no longer be a Hong Kong Government because it will then be replaced by the Government of the Hong Kong Special Administrative Region (SAR) of China. The exit of the present Hong Kong Government will spell the end of the existing legislature. From 1997 onwards, in its place, we will have a Legislative Council of the SAR Government. Meanwhile, the term of office of the Members to be returned in the 1995 elections will expire on 30 June 1997 as the Chinese and British Governments have failed to reach an agreement on the transition arrangements.

Just now Mr Andrew WONG put forward his opinions in the capacity of an expert or indeed an academic. In response, I wish to point out that we legislators may surely propose any amendments to the law before 30 June 1997. Yet, it will be anybody's guess as to whether such amendments will be accepted by the Chinese Government.

It is undeniable that Members from the UDHK, who are antagonistic towards the Chinese Government, are scared to see me proposing this amendment which tells the Hong Kong people the bare truth. I am not asking them to be subservient to the Chinese Government but we should make it absolutely clear to the Hong Kong people the term of office of the legislators. The public must also be clearly informed that there is no way for the legislators in question to fish in troubled water by raising objection on the one hand but trying to stay in office by using tricks on the other. Come 1996, the Preliminary Working Committee will definitely carry out some sort of vetting to see whether the serving Members are eligible to become legislators of the Hong Kong SAR and serve the Hong Kong people.

Mr Chairman, although my motion may not be carried, I earnestly hope that it will, in any case, convey to the public a clear message. If Members still have any misunderstanding about my motion, what else can I do to bring them round? I am only telling the bare truth. Why should we be so greedy as to take something not belonging to us? If it is something we are entitled to, we will get it anyway. I believe the public have heard clearly the points made by the Honourable SZETO Wah, Martin LEE, James TO and CHEUNG Man-kwong. After all, it is most important for us to know our entitlement. We will definitely win no public support if we intend to use other means to get something we are not entitled to.

Mr Chairman, these are my remarks.

Question on Second Reading of the new clauses put.

Voice vote taken.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Will Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mrs Peggy LAM, Mr LAU Wah-sum, Mrs Elsie TU, Mr Moses CHENG, Mr CHIM Pui-chung, Mr Steven POON, Mr Henry TANG, Dr Philip WONG, Dr TANG Siu-tong, Mr James TIEN and Mr Alfred TSO voted for the motion.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Peter WONG, Mr Albert CHAN, Mr Vincent CHENG, Mr Marvin CHEUNG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted against the motion.

Mr Martin BARROW and Mr Howard YOUNG abstained.

THE CHAIRMAN announced that there were 14 votes in favour of the motion and 42 votes against it. He therefore declared that the motion was negatived.

CHAIRMAN: As the Second Reading of new clauses 2A and 22C has not been agreed, they cannot be added to the Bill.

New clause 22D

CHAIRMAN: I understand, Mr LEE, you are not proceeding with new clause 22D.

MR MARTIN LEE: Indeed, Mr Chairman, because this new clause was intended to be added only when I succeeded in getting the agreement of this Council to abolish election committee in relation to those 10 seats, so I do not intend to proceed.

Mr Martin LEE's amendment to the Bill withdrawn.

CHAIRMAN: As Mr Andrew WONG has withdrawn his amendments to the Bill relating to geographical constituencies, he cannot move his new clauses relating to such constituencies.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

LEGISLATIVE COUNCIL (ELECTORAL PROVISIONS) (AMENDMENT) BILL 1994

had passed through Committee with amendments. He moved the Third Reading of the Bill.

Question on the Third Reading of the Bill put.

Voice vote taken.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the results will now be displayed.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Albert CHAN, Mr Vincent CHENG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr Conrad LAM, Mr LAU Chin-shek, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH and Ms Anna WU voted for the motion.

Mr Allen LEE, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr LAU Wah-sum, Mrs Elsie TU, Mr Peter WONG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Dr LAM Kui-chun, Miss Emily LAU, Mr Steven POON, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr Roger LUK, Mr James TIEN and Mr Alfred TSO voted against the motion.

Mr Martin BARROW and Mrs Peggy LAM abstained.

THE PRESIDENT announced that there were 32 votes in favour of the motion and 24 votes against it. He therefore declared that the motion was carried.

Bill read the Third time and passed.

Private Member's Motion

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR WONG WAI-YIN moved the following motion:

“That the Ferry Services (Hongkong and Yaumati Ferry Company, Limited) (Determination of Fares) (Amendment) Order 1994 published as Legal Notice No. 312 of 1994 and laid on the table of the Legislative Council on 1 June 1994 be amended in section 4, in item II

(b) of the Schedule -

- (a) by repealing “\$17.00” and substituting “\$16.50”;
- (b) by repealing “\$9.00” and substituting “\$8.50”;
- (c) by repealing “\$22.00” and substituting “\$20.00”;
- (d) by repealing “\$11.00” and substituting “\$10.00”.”

MR WONG WAI-YIN (in Cantonese): Mr President, I rise to move the resolution standing in my name in the Order Paper. Today, Mr President, I propose on behalf of the United Democrats of Hong Kong (UDHK) and the Meeting Point to amend the fare increases sought by the Hongkong and Yaumati Ferry Company Limited (HYF). Before I come to the specific details of the amendment, let me touch on the history.

At the outset, as the Government showed great determination in developing the new towns, many residents now living in the New Territories West mistakenly believed in the new town planning emphasized all along by the Government. They thought that the new towns would be self-contained and that after they had moved to the New Territories, there would be enough jobs or school places available, so that they did not have to commute to and fro between the urban areas and the New Territories. Being attracted by lower rent in the New Territories, the lower income group also reluctantly moved to these new towns. Regrettably, things just do not turn out the way one wishes. The myth of self-containment is dashed. Most of the new town residents simply do not have the chance to work or study within the district. They have to travel to and fro between the urban areas and the New Territories by the ever inadequate public transport. Because of the costly travelling expenses, money originally thought to be saved from the lower rent is spent on public transport. Not only

do residents fail to attain the original objective of saving money, they also have to spend several precious hours a day on travelling. Residents of new towns cannot help feeling cheated. The New Territories West is a case in point. The daily traffic on Tuen Mun Road is very congested. I believe no elaboration is necessary on this point. Members of this Council are well aware of the situation.

The Government has always said that these residents can travel by ferry. As traffic jam is a daily phenomenon of Tuen Mun Road, residents of the New Territories West do not have confidence in bus services, and many of them are forced to travel by ferry which is more expensive. In fact, statistics indicate an increasing number of residents travelling by ferry.

Mr President, at a rough estimate, many residents of the New Territories West spend as much as one-fifth or one-sixth of their income on travelling expenses. Take an ordinary worker with a monthly income of around \$6,000 to \$7,000 as an example. No matter whether he travels to the urban areas firstly by bus and then by MTR, or firstly by Light Rail Transit and then by ferry, he has to spend \$30 to \$40, or even \$40 to \$50 a day. In other words, money spent on travelling may be as much as \$1,000 or more a month. As for those living near Tuen Mun Ferry Pier who can take the ferry to the urban area without having to take the feeder bus or the Light Rail Transit, the current daily travelling expenses is still \$30 to \$40. After the fare increase, they have to pay \$34 to \$44 a day, leading to an extra one thousand dollars a month on travelling expenses, which also accounts for a very high percentage of their income.

The HYF has always emphasized that it would still be operating in deficit after the fare increase. Accordingly, some Members of this Council might well say that since the company is still suffering a loss, let it increase the fares! I think such kind of mentality is undesirable. If the HYF claims that an increase rate of 25%, 30% or even 50% is still insufficient to cover the loss, should we allow it to increase its fares as such? In the meantime, if the loss is due to poor management of the company, should we still allow it to keep on increasing the fares?

Why is there still someone willing to keep on operating a deficit business? To put it bluntly, the HYF is simply waiting for the Government's approval to develop properties above the piers, so as to reap high profits. Of course, it is believed that the HYF, when bargaining with the Government, would pledge to appropriate part of its profits from property developments to improve the existing ferry services. But if the HYF only have eyes for property developments above the piers, the development of ferry services will naturally be accorded with lower priority. If the HYF wants to build up its bargaining chips when negotiating with the Government over the issue of property development, it may keep on losing money, as this may put the company in a more favourable position at the negotiation table. Under such circumstance, the HYF will have every reason to say that if the Government disallows the company to develop properties, it would have no resources to improve the

existing ferry services, or substantial fare increase might be needed in the next few years to maintain the services.

Mr President, what I would like to stress is that, if the HYF considers that improvement of services hinges on the approval to develop properties above the piers, such approach, I think, is putting the cart before the horse. If the HYF is not keen on running the ferry services, I urge the Government to open the ferry services to make way for other companies. According to a survey conducted last month by the New Territories West Branch of the UDHK, of the 610 questionnaires returned, as many as 95.5% of the passengers agreed to revoke the franchise of the HYF. This finding is worth the attention of the HYF.

Mr President, my amendment contains four items which can actually be classified into two categories. Firstly, to reduce the hoverferry fare from Tuen Mun to Central by 50 cents per trip. Many Members would probably think that 50 cents is insignificant. But to residents of the New Territories West, travelling to and fro every day can save \$1, which means \$30 can be saved in a month.

The HYF also proposed in this fare increase to abolish the off-peak discount fare, which will then raise the fare from the existing \$12 to \$17. The increase rate, running as high as 42%, will further burden the residents. When the off-peak discount fare was first introduced, the intention was to attract passengers. Can it be that it is now no longer necessary to attract passengers to travel by ferry? Can it be that the company now does nothing to stop passengers from taking other means of public transport? In so doing, will the HYF sustain even greater operating losses?

At present, the frequency of ferry services during off-peak hours is extremely low, running at 20-minute intervals. Very often the ferry fails to set sail on schedule, and sometimes it runs at an interval of 25 minutes or more. If the ferry has left just when you arrive at the pier, you have to wait 20 minutes for the next one. In that case, it will take 40 minutes before one can board the ferry. As the trip to Central takes 40 minutes, the total time spent is more than 80 minutes. Is such level of service good enough to attract passengers? It is believed that there will be a more considerable loss of passengers.

Mr President, at present ferries run at a 5-10 minutes intervals during peak hours and during off-peak hours, the interval is 20 minutes or more. For such great disparity in services, the charges are nevertheless the same. Is it reasonable and fair?

Besides, although the average increase rate is around 14.2%, individual routes have an increase rate of over 20%; or even as high as 25%. Earlier on I stressed that the off-peak discount fare should not be abolished, because without the discount fare, the charge will tantamount to an increase of 42%. As a matter of fact, the UDHK and the Meeting Point accept, though reluctantly, a higher rate of increase for off-peak fares, but these fares should be increased

gradually each year such that eventually the discount can be totally abolished several years later. It is inappropriate to abolish with immediate effect the discount fare, thereby bringing the rate of increase to 42%.

Mr President, the second point of my amendment concerns the new catamaran services. My amendment prohibits the HYF from increasing the fares for two reasons. Firstly, the current charge of catamarans at \$20 a trip is already very expensive indeed. As such catamarans only run from Tuen Mun to Central during peak hours in the morning, while for the rest of the day, they run the lucrative route between Hong Kong and Macau, the running cost of catamarans from Tuen Mun to Central is extremely low, and residents of the New Territories West should not be made to bear a large proportion of the operating cost. Therefore, I hold that increase of catamarans fares is unwarranted.

The second reason is that catamaran services were only introduced last October, which is just eight months ago. One of the catamarans even had to be repaired in the shipyard for as long as one month shortly after it had launched its service. In other words, that catamaran has been in service for a mere six months. It is unreasonable to demand a fare increase in less than a year's service. I therefore hold that revision of catamaran fares should not be allowed in this fare increase application.

Mr President, the HYF stressed that concessionary fares to the elderly and children would incur losses. I dare not agree to this. I would not only say so to the HYF, but also to other public transport operators. I think offering concessionary fares to the elderly would not necessarily incur losses. The expensive travelling expenses have always discouraged the elderly to go out, such as to visit relatives and friends or to seek entertainment. Parents are also reluctant to take their children out. If concessionary fares are offered, more elderly people or children will be attracted to travel by ferry. The HYF can actually generate new revenue from these new passengers. If the HYF does not offer concessionary fares, it will lose all these new passengers during this period of time. Even though these new passengers only tender half of the fare, they constitute a new source of revenue. I therefore disagree that offering concessionary fares to the elderly and children will bring greater losses to the ferry company.

Finally, Mr President, I wish to reiterate one point, fare increases alone cannot bring fundamental improvements in the service, rather it might only undermine the competitive edge and turn passengers away, leading to even greater losses. Even if the Government approves the ferry company to develop properties above its piers, I believe the resources put in by the company to improve its services are still not viable in the long run. As such, the Meeting Point and the UDHK are of the view that the Government should expeditiously formulate a long-term policy on ferry services so as to improve the level of service and enhance the attraction of the trade. In the meantime, the Government should bring in competition to provide impetus for improvement.

Mr President, with these remarks, I move the motion.

Question on the motion proposed.

MRS MIRIAM LAU (in Cantonese): Mr President, on the issue of fare increase, the Liberal Party has all along been of the view that the most important thing is to consider whether the rate of increase is reasonable and fair. The Executive Council has endorsed the application of the Hongkong and Yaumati Ferry Company (HYF) to raise its fares by an average of 14.2%. I would like to make an analysis as to whether or not it is a reasonable increase having regard to the HYF's overall and individual ferry services in relation to the proposed fare increases.

In regard to the overall rate of increase, we listened to the explanation offered by the HYF and had a discussion on the increase at the Legislative Council Transport Panel meeting held on 12 May. Eventually, the Transport Panel did not raise any objection to the fare increase proposal *per se*. I would like to raise a few points concerning the issue of fare increase for Members' consideration.

First of all, the HYF's fares were last revised in July 1992. The currently proposed rate of increase of 14.2% is well below the cumulative inflation figure of 17% over the past two years.

Secondly, in the past few years, the number of ferry commuters has been on the decline, dropping from a patronage of 46 million in 1991 to 37 million in 1993. The fall in passenger volume has resulted in substantial loss on the part of the HYF while the loss is particularly serious for inner harbour ferry services. The HYF has pointed out that a total loss of \$26 million was incurred on ferry services for the year 1993. In view of the dim prospect of ferry services, the company will still have to operate at a loss even though their fares are raised by 14.2%.

Thirdly, the HYF is nevertheless making assiduous efforts to improve its services despite the unfavourable environment for operation. Last year, the HYF invested \$60 million to purchase two catamarans to ferry passengers from Tuen Mun to Central and the queue outside the Tuen Mun Ferry Pier is no longer there. The HYF has also made a decision of issuing contactless smart cards to facilitate the passengers. Although the cards will not be available until 1996, the company is prepared to invest more than \$10 million in this project. In addition, the HYF has also set up passenger liaison groups and full implementation of elderly and child concessions is expected after this fare increase. All these moves reflect the sincerity of the HYF in improving their services.

Regarding individual services, inner harbour ferry services suffer the greatest loss and therefore these services are subject to the highest rates of fare

increase. This can reduce both the overall loss and the subsidies from other profit-making services, such as the outlying islands services. Therefore, the rate of fare increase is generally acceptable. The new towns services are still losing money in copious measure, but their rates of fare increase is maintained at a level similar to the average rate. This is reasonable. Of course, while I find the currently proposed fare increase generally acceptable, it in no way means that I encourage fare increases. However, if even such a reasonable request for fare increase is turned down by us, how are we going to encourage the public transport companies to continue investing and improving their services?

However, I hope the HYF can take the point that fare increase alone cannot help solve its financial problems. In the long run, the HYF should diversify its investment, expand its scope of operation and develop income sources instead of maintaining ferry services just by raising the fares.

I would like to say something on the amendment moved by the Honourable WONG Wai-yin regarding the fare rises of two services plying between Tuen Mun and Central. Mr WONG is an elected Member from the New Territories West Constituency and it is not difficult to figure out the reason why he has moved such an amendment. However, as Legislative Councillors, we should take into account the interests of all parties and to strike a right balance between the interests of the operating company and the commuters, so that a rate of increase acceptable to both sides can be arrived at. According to the current proposal, the fares for hoverferry services to and from Tuen Mun will rise by 13%, which is below the overall average rate of increase and the average increase for new towns services. The services to Tuen Mun have all along been operating at a loss and that loss is further aggravated after the introduction of two \$60 million-worth catamarans in October last year. We have to take note that before the introduction of catamarans, that is, when the company was still considering the purchase of these two catamarans, the company had stated that the fare would be \$25. However, the company eventually set the fare at \$20 in deference to the views of the residents of Tuen Mun. At the same time, it was also made clear that the fare would need to be adjusted in the coming fare increase exercise. It is estimated that if Mr WONG's amendment is passed and the fare is not to be increased, the company will suffer an income loss in the region of \$500,000. Obviously, the amendment proposed by Mr WONG will only lead to two possible consequences:

The first consequence is that the company will have to suffer another loss of \$500,000. In fact, even with a fare increase, the Tuen Mun service will still have to operate at a loss. It seems not quite fair to request the company to improve services on the one hand, while subjecting it to a loss, or even further loss, on the other hand.

The second possible consequence is that if the company is not willing to lose \$500,000, it will have to make up for it by raising the fares of other

services. No matter whether it be the inner harbour ferry services, other new towns ferry services or the outlying islands services which would be affected, it would not be fair for the affected passengers to bear the consequence of the present amendment.

Another consideration is whether the fare of catamaran services is really too expensive and is not acceptable to the public. In fact, since the introduction of catamaran services, catamarans have been filled to capacity with passengers almost on every trip. In contrast, the ordinary ferries, which charge only half the fares of catamarans, are invariably under-patronized. A survey conducted by the company reveals that the 7.30 am ordinary ferry leaving Tuen Mun has only a 60% patronage. The ordinary ferry that leaves at 7.40 am has a patronage of less than 20%. From 8 am when catamaran services are available, all passengers take catamarans instead. The survey concludes that the residents of Tuen Mun are willing to pay more in exchange for faster and better services. The increase of fares for ordinary ferries, coupled with the freezing of catamaran fares, would only mean even fewer commuters on board the ordinary ferries.

As is mentioned by Mr WONG in his speech, one of the reasons behind his proposed amendment is his worry that, with the removal of the off-peak discount fares, the Tuen Mun residents who have been taking trips to the urban area by hoverferry may switch to other transport modes, such as buses, which may indirectly add to Tuen Mun Highway's transport load. That would seem to be an unfounded worry. The existing air-conditioned bus fare between Tuen Mun Ferry Pier and Tsuen Wan MTR station stands at \$6.5 and the MTR fare from Tsuen Wan to Central is \$10; therefore, to take land transport from Tuen Mun to Central costs \$16.5, which is the sum of \$6.5 and \$10. Even if one does not choose to take an air-conditioned bus, the travelling will still cost \$14.5. Comparing the land transport fares with hoverferry ferry fares, there is only a difference in the range of \$0.5 to \$2.5. Therefore, the impact of this fare increase will not be such as Mr WONG predicts. Taking hoverferry trips can save the time for transfer and can ensure a more accurate arrival time. I believe that even if a higher rate, that is to say, \$0.5 to \$2.5 extra is charged, the residents of Tuen Mun will still opt to take hoverferries.

I remember in November 1992, when we were also debating the fare increase of the HYF, an amendment was proposed by Mr Frederick FUNG and Mr WONG also spoke on the issue. Mr WONG said and I quote, "The Meeting Point always study problems by discussing and analyzing them rationally. So when we study a problem, we should put it in perspective and look at it from all angles. We should not look at it in isolation." Of course, he so spoke then because he was criticizing Mr Frederick FUNG on the issue of cross-subsidization. However, the same principle applies here. When we study a problem, we should put it in perspective, instead of looking at it in isolation; which means we should not look at individual services but should deal with them as a package. During the debate held on that day, Mr WONG commended Mr Frederick FUNG saying, "No matter how the vote will turn out later on, I

(which means Mr WONG) believe that the Member who moves the amendment (which refers to Mr Frederick FUNG) and those members of the ad hoc group who are now opposing the group's original decision (which refer to the Councillors from the United Democrats of Hong Kong) will be the 'winners'. This is because they have already won for themselves the good name of 'champion of the people's cause'." I am really interested to know whether the amendment proposed by Mr WONG today will make him feel like a winner.

MR ALBERT CHAN (in Cantonese): Mr President, I speak in support of Mr WONG Wai-yin's amendment motion. At the same time, I would like to take this opportunity to talk about the service provided by the Hongkong and Yaumati Ferry Company Limited (HYF).

Every year, when the HYF applies for a fare increase, it always says that it will improve its service. For many years, its fares have gone up once every two years or once a year. However, it can be said that the service "remains unchanged for 50 years".

The reasons for the financial difficulties that the HYF faces and the problems with their service are multifarious. One of them is the continuous decrease of their service due to the increase in the number of tunnels, the reduction in size of the harbour and the scrapping of the piers over the past years. In this respect, however, let us look at the development of other transport services. Take the Kowloon Motor Bus Company (KMB) as an example. The Mass Transit Railway and the Kowloon-Canton Railway, with their service improvement and electrification, have replaced many KMB routes. Nevertheless, KMB has for some years modernized their services such as introducing air-conditioned buses and providing service to the satisfaction of residents where possible. Comparatively speaking, the HYF's service can be described as "remaining unchanged for 20 years" without any improvement at all.

Recently, I conducted a questionnaire survey among passengers in Cheung Chau, Lantau and Peng Chau. It was found that 80% to 90% of the passengers, the majority of whom were islands residents, expressed strong dissatisfaction over the fare increase and service of the HYF, among other things. Many problems were not purely finance related. Instead, they were related to the poor service and management. For example, the hygienic condition of the ferries were poor, the ferries did not run on schedule (sometimes they were late for as long as 15 minutes). At present, it takes an hour to travel from Cheung Chau to Central, but the ferries are often 15 minutes late, so it takes one hour and 15 minutes, which is longer than the time for travelling from Central to Macau or Zhuhai by the new types of vessels. A resident told me that when he was small, he went to his school in Central from Cheung Chau and the sailing time was one hour. Now he has retired but the ferry trip from Cheung Chau to Central takes more than one hour, sometimes a lot more than one hour. Is the

Hong Kong Government willing to keep on tolerating and accept such level of services? Must our islands residents keep on tolerating and accepting that?

Besides, there are other complaints unrelated to finances. For example, the ferries, particularly the first class cabins of triple-deck ferries, are crowded with passengers on holidays. They are extremely noisy and affect other passengers. Moreover, there is the problem of smoking. Other passengers, especially the residents on the islands, complain to the crew on board about the nuisance but the crew often ignore them. Should that situation exist when the HYF increases its fares to upgrade the service?

We have already discussed many issues concerning profit control, so I am not going to repeat that in this discussion. I only want to point out that when the Government scrutinizes ferry fare increase applications every year, they often base on financial grounds. We all understand that the HYF is now in great financial difficulties. Nevertheless, I hereby request that the Government, when approving fare increase applications, must monitor the service provided by the company concerned, and must not allow the service of the company to remain unimproved or even keep on deteriorating after the fare increase.

The situation now is going from bad to worse, particularly the problem of lateness of ferries. The company cannot attribute the delay to the large number of construction works going on in the harbour dotted with vessels because we know that the ferries will only be affected when they enter the vicinity of Sheung Wan where the sea is more congested with vessels. However, if the ferries accelerate midway, they can make up for the delay. Some residents have told us that when the crew are in a rush to go off duty, the ferry trip between Cheung Chau and Central can take less than an hour. Sometimes it takes only 45 minutes. Therefore, the HYF's statement that this cannot be done is totally unacceptable.

Just now, Mr WONG Wai-yin also mentioned the Company's removal of off-peak concessionary fares for trips from Tuen Mun to Central. In the past month or so, Mr WONG Wai-yin and I had two meetings with Mr Peter WONG, President and Chief Executive Officer of the HYF. We asked him whether HYF had conducted any research or survey before removing the off-peak concessionary fares. We had compiled some simple statistics and concluded that if one out of every seven passengers who used to take the ferry during off-peak hours would stop doing so because of fare adjustments, the Company's increase in fares would not cover such losses. However, it was a pity for Mr Peter WONG to tell us that he had not conducted any surveys. Several weeks ago, we asked him to try to conduct a survey to see if passengers using off-peak period service will stop taking the Company's ferries during such periods after the fare increase. At the same time, attempts should be made to find out how many passengers taking ferries during off-peak hours live near the pier, and how many have to take shuttle bus or the light rail to reach the pier to take the ferry. In the end, Mr Peter WONG failed to provide such data.

Since such a hasty decision was made by a mere so-called commercial judgement (as described by Mr Peter WONG) without conducting any surveys or research, I do not understand how the Government, the Transport Advisory Committee or the Executive Council vetted this fare increase application. Therefore, I hope that Mr BARMA, in his reply to be given later, can explain whether the Government, during the scrutiny of the fares of the HYF, has considered the fact that profits gained from the removal of off-peak fares may not cover the consequential losses and that the HYF may suffer greater financial losses as a result.

On the other hand, the HYF spent \$70 million on buying two new vessels last year in a bid to upgrade the ferry service. I consider that an illusion. Undeniably, the ferry service from Tuen Mun to Central in the morning has been improved but these two new vessels have been deployed to run between Hong Kong and Macau most of the time. Hence, if the HYF is going to purchase new vessels in the coming year to carry out its commitments, I hope that the new vessels will be used to serve the residents of the islands and Tuen Mun. A lot of new vessels have already been deployed on the Macau route. Whether the HYF will buy new vessels for this route will not affect passengers going to Macau very much. However, residents of Cheung Chau, Lantau, Peng Chau and Lamma Island are still using ferries that have been in service for several decades. Therefore, if the Government does not start monitoring the HYF's service properly and pressing for its improvement in the next two years, which may lead to the HYF's failure to modernize its service with the development of the times, I will endorse Mr WONG Wai-yin's proposal that the Government should open the provision of ferry service to competition so that islands residents will not be forced to continue using outdated ferry service.

MR LEE WING-TAT (in Cantonese): Mr President, as it is in the small hours now, I shall try to be brief and not repeat the views already presented by the Honourable WONG Wai-yin and the Honourable Albert CHAN. I shall make four points only.

First, the fare increase by the Hongkong and Yaumati Ferry Company (HYF) should be deliberated by the Legislative Council in the form of subsidiary legislation. Unfortunately, when I proposed to set up a committee to examine it about a month ago, it was opposed. Therefore, we have to debate the question in full Council today without any prior deliberation.

Second, I agree with Mr Albert CHAN's point that the rate of increase is no doubt a point at issue, but the most important thing is whether there will be any improvement in the quality of service after the fare increase. I totally agree with what Mr Albert CHAN has said, that is, the many problems in the daily management and operation of ferry service have remained unsolved through the years. These include the frequency of ferries, sailing speed, cabin cleanliness, smoking, hubbub inside the cabin and so on. Even if there is improvement, it has been very slow in coming. We had a meeting with members of the Islands

District Council this week, during which they demanded that the Transport Branch should consider requesting the HYF to lay down performance pledges so that passengers may monitor its standards of service.

Third, it is true that the ferry service's potential for profits from passengers is not enormous. The HYF has been frank enough to say that it has to make use of other services which include tourism and services by other boats of the company, and even the prospective income from property development currently under negotiation with the Administration, to balance or adjust the ferry service. However, the HYF's negotiation with the Administration over its property development in Central has been going on for over a year, and if I remember correctly, it seems like having been handled by three Secretaries for Transport respectively. And the negotiation is still going on. Of course, the terms of office of these Secretaries for Transport are short; and in all, they amount to something over a year. It is because the reshuffle has been so swift that all three Secretaries for Transport have dealt with the issue. I do hope that it could be resolved as soon as possible. The United Democrats of Hong Kong would agree to the property development if the profits so generated are shared not only by shareholders, but also by passengers in the form of less frequent fare increases of a lower rate. I especially hope that the Secretary for Transport, in considering the property development, can make a more categorical undertaking on the long-term fare pricing policy, for example, whether future increases would be restricted, like other public utility companies (such as the Hong Kong Telephone Company), to inflation minus a certain percentage. This is of course not the final proposal. But I do hope that consideration can be given to it.

Fourth, I would like to talk about the problems of Tsing Yi Island. From now on till 1997 before Route 3 (City Section) is completed, the traffic situation on Tsing Yi will remain complicated. It is very congested now, and particularly so on rainy days. But the outward traffic of Tsing Yi relies on ferries, apart from the two bridges. At present, ferry service is available only during the peak hours in the morning and the afternoon. I hope that the Secretary for Transport can seriously consider and discuss with the HYF to provide a full day ferry service between Tsing Yi and Tsuen Wan, so that even when there is a traffic jam, residents need not return home by walking. This experience occurs very often in the rainy season.

With these remarks, Mr President, I support the Honourable WONG Wai-yin's motion.

SECRETARY FOR TRANSPORT: Mr President, the procedures for implementing the fare increases sought by the Hongkong and Yaumati Ferry Company Limited (HYF) provide the opportunity for the Legislative Council to amend the "Fare Order" by resolution. Given the meticulous vetting and consultative process that has already taken place, resulting in a wide consensus for the package, I trust that Honourable Members would agree that further

adjustments to the proposed fares can only be justified and supported if there are good, sound and valid reasons. In the Administration's view, the Honourable WONG Wai-yin has failed to demonstrate this. I do not think his account of the early problems of Tuen Mun Town are particularly relevant today, nor do I believe the Honourable WONG Wai-yin's and the Honourable Albert CHAN's criticisms about the HYF's intentions are fully justified. The fact is that, as Mr CHAN has pointed out, over the years other cross-harbour services, mainly the Mass Transit Railway and buses, have seriously affected the patronage of the Yaumati Ferry which does not have the same scope to improve and introduce new services as do public transport companies who operate on land. But I certainly agree that there is room for improvement on the part of the Yaumati Ferry Company for its services. And I shall certainly take up the points made by Members of the United Democrats of Hong Kong.

HYF fares were last increased in July 1992. Given higher operational costs, the decline in patronage and a forecast deficit, no one has questioned the justification for an increase since ferry services must be maintained. Indeed the weighted average of 14.2% is below the accumulated inflation figure of 17% over the two years period. HYF has presented its package of fare increases to the Legislative Council Transport Panel, and as the Honourable Miriam LAU has indicated, the panel did not raise any objections to the proposals *per se*. Subsequently, the Transport Advisory Committee endorsed the Administration's recommendations and the Executive Council approved the increases sought.

The Honourable WONG Wai-yin's motion seeks reductions in fares only for the catamaran and hoverferry services between Tuen Mun, which happens to be his constituency, and Central. In my view, a case has not been established. Many of the counter-arguments have in fact been eloquently presented by the Honourable Miriam LAU. I share her views, and rather than reiterate all the same points, I propose only to highlight some of the main facts.

Firstly, the fares for the catamaran and hoverferry services have only been increased by 10% to 13%. As I said, this is below the average weighted increase of 14.2%. Both of these services still operate at a loss. It would really be counter-productive to reduce the fares further.

Secondly, the catamaran service was introduced to cope with peak-hour demand. This comfortable journey has proved to be a very popular service with the commuters.

Thirdly, passengers in fact have a choice. They can take ordinary ferries which run at the same time at a cheaper fare of \$12 per trip.

The Honourable WONG Wai-yin and the Honourable Albert CHAN also referred to the removal of the off-peak discount fares of \$12 per trip on the hoverferry services. But this cannot be deemed to be a fare increase. The discounted fare was introduced by HYF as their marketing strategy. The point as to whether they have conducted passenger surveys is well made, and I shall

certainly ask the ferry company to reveal this. But it is their decision, and it is not a fare increase *per se*. Indeed, the Government is now examining ways of making the HYF services more viable. But whatever the outcome, this does not mean that in future there will be no fare increases. But certainly, if a solution can be found, future fare increases would be much lower and more reasonable.

Mr President, public transport operators are required to operate a network of services, some of which are profitable and others which need to be cross-subsidized. Fare increase exercises need therefore to be dealt with as a package. The arbitrary downward adjustment of fares for individual routes, for example, purely to safeguard local parochial interests must be resisted. To allow this would result in a floodgate of such approaches, with the end result that the provision of public transport services would be totally undermined. This would benefit no one. If indeed there is a case to reduce increases already approved, for which the Administration does not believe there is any justification, then surely the approach should be to apply reductions across the board rather than to restrict these to the Tuen Mun route as suggested by the Honourable WONG Wai-yin.

The Administration strongly opposes the resolution sought. I urge Honourable Members to vote against the motion. Thank you, Mr President.

PRESIDENT: Mr WONG, do you wish to reply.

MR WONG WAI-YING (in Cantonese): Mr President, I would not be long in my response. I shall respond simultaneously to the comments of the Honourable Miriam LAU and Mr BARMA, Secretary for Transport. Just now the Honourable Miriam LAU said that the package of fare increases proposed by the Hong Kong and Yaumati Ferry Company Limited (HYF) had been discussed by this Council's Transport Panel and no objection was raised at that time. As Mr BARMA, Secretary for Transport, has said, certain procedures have to be followed in implementing the fare increases sought by the HYF, which is through the enactment of subsidiary legislation. Generally speaking, the subsidiary legislation will be deliberated by a subcommittee to be set up by the House Committee. Such a procedure was adopted in the past. Therefore, the subcommittee is responsible for most of the discussions while the Transport Panel only provides a forum for a preliminary exchange of views. In fact, the reasons why the Transport Panel has not raised any objections on that day was, firstly, we anticipated that a full deliberation on the fare increases would be carried out by a subcommittee to be set up; and secondly, apart from a near consensus on the 14.2% increase rate at the Transport Panel, I had, in fact, expressed my strong reservations on certain routes and a number of proposals, including the cancellation of the peak-hour discount fares. I believe I had expressed my strong views to Mrs Miriam LAU, both during the meeting and in private, that I had reservations on some proposals and routes. Unfortunately, the House Committee rejected the setting up of a subcommittee due to the strong

objections of the Liberal Party. Therefore, we are deprived of a channel to consider the issue under normal procedures and to discuss with the HYF and the Government.

Secondly, although Mrs Miriam LAU might have obtained information from the HYF, the information is not comprehensive. As I come from New Territories West, I am of course familiar with ferry service because I often travel by ferry. Just now Mrs Miriam LAU said that the catamaran service had greatly improved the situation of long queuing in Tuen Mun. I agree that the catamaran service has only improved the situation of long queuing for “half an hour”. In fact, queuing is merely delayed. In the past, a queue was formed very early in the morning. With catamarans running at 8 am and 8.15 am, no queues are formed during that period of time. Yet, soon after these two catamarans set sail, a queue is immediately formed because hoverferry service at other times is inadequate. A stagnant number of ferries can hardly meet the demands of an increasing number of passengers. The Honourable Albert CHAN has also mentioned that catamarans mainly run between Hong Kong and Macau, but not between Hong Kong and Tuen Mun. At first, the proposed fare was set at \$25, assuming that catamarans will run between Tuen Mun and Central for the whole day. The \$25 fare was set higher, taking into account the low patronage during non-peak hours. At present, hoverferries with a carrying capacity of about 100 passengers are not full during non-peak hours, that is, between noon and 2 to 3 pm. As for catamarans which can carry over 400 persons, it is believed that three-fourths of the seats are unoccupied. The cost of these empty seats has to be taken into consideration and can only be covered by the high-priced fares. Therefore the fare was initially fixed at \$25. However, it turned out later that catamaran services are not available all day long, but restricted to once a day which is always filled to capacity. The fare was thus adjusted downwards to \$20. A \$5-cut may seem a lot, but the fare of \$20 is still on the high side.

Furthermore, Mrs Miriam LAU said that passengers were willing to pay a bit more to take the catamaran as it is more comfortable and faster. This is true. But is it really true that ferries are so unpopular? I agree that the ferries, that is the double-deck ferries, are not very popular as it takes an hour to go to Central, and another 15 to 20 minutes to be moored, which means the whole trip takes more than an hour. Since many people are in a hurry to go to work, they have to get up early to travel from the New Territories to the office. Running against time, they will take whatever ferries that are available, they are not choosy because going to work late may mean a deduction in wages. This is why not many people will take a ferry in the morning, but a lot more people will do so when they travel back to Tuen Mun after work. I frequently travel by ferry because it is more comfortable, and I can read papers or even work during the journey. Why do people prefer travelling by ferry when they return to Tuen Mun after work? That is because they do not need to rush back and do not have to worry for being late. So there is an intrinsic factor which leads to low patronage of ferry service in the morning. But if there is a serious traffic

accident on Tuen Mun Road, the ferries will also be full because no other means of transport are available.

Just now Mrs Miriam LAU has made a comparison between ferry and bus fares and concluded that as the fares are similar, there should not be a great loss of ferry passengers. But as I have just said, ferries run at a 20-minute interval during non-peak hours. Under normal circumstances, there is still a long queue after 10 am during non-peak hours. Generally speaking, passengers (including myself) cannot board the first ferry after 10 am. We have to wait for the next one. The waiting time for two ferries is as much as 40 minutes. How would anyone wait for 40 minutes to board the ferry which charges almost the same fare as that of the bus? Certainly they will travel by the bus to save time. Naturally, they would be aware of this situation. So, the information Mrs Miriam LAU has got is basically not comprehensive, and it might well have led her to misunderstand my amendment.

I have just highlighted the causes of the deficit. Are we to give free rein to fare increases because of the deficit? Should the HYF not solve the problem by tackling the root cause? What is the root cause? Is it the poor service? Are passengers unhappy with its services? I have just emphasized that according to a survey conducted by the New Territories West branch of the UDHK, 95% of the interviewees agreed to cancelling the franchise of the HYF so as to introduce other ferry services for competition. Nearly 100% of the passengers are not very happy with the HYF's service and hope that there would be other new ferry services to compete with it. It is obvious that the HYF cannot provide a satisfactory service that members of the public can rely on and use frequently. It is only when Tuen Mun Road is heavily congested that people have no other options but to travel by ferry.

Mr President, I do not want to waste too much time. I only want to reiterate that so long as the HYF does not basically improve its services, I believe it would continue to suffer from deficit. Even though the revenue derived from property development above the piers may help to stabilize the fares in the next 10 years, yet what would happen after 10 years? That is why I emphasize that the Administration should formulate a long-term policy for ferry service to give the Administration's stance. The Administration is obliged to assist public transport operators to survive in Hong Kong, so that they can provide satisfactory and popular services for the public. Only by so doing can public outcry against fare increases be reduced. Otherwise, with such a poor service, members of the public will think of the service whenever a fare increase is proposed. If an increase in fares is sought even when service is still poor, public outcry is bound to be strong.

Question on the motion put.

Voice vote taken

MR WONG WAI-YIN: May I claim a division?

PRESIDENT: Council will proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: We appear to be one short. Are there any queries? If not, the results will now be displayed.

Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin and Dr TANG Siu-tong voted for the motion.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr PANG Chun-hoi, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Jimmy MCGREGOR, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr Timothy HA, Mr Simon IP, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG, Dr Philip WONG, Mr Howard YOUNG, Miss Christine LOH, Mr Roger LUK, Ms Anna WU and Mr James TIEN voted against the motion.

THE PRESIDENT announced that there were 20 votes in favour of the motion and 33 votes against it. He therefore declared that the motion was negatived.

Private Member's Bill

Second Reading of Bill

ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENTS) (NO. 3) BILL 1994

Resumption of debate on Second Reading which was moved on 1 June 1994

MR LAU CHIN-SHEK (in Cantonese): Mr President, in his prose *Casual Reflections*, Mr LU Xun said, "Today's society cannot distinguish between ideal and fantasy. Some time later, we will also have to distinguish what we cannot accomplish from what we will not accomplish. The work to sweep the courtyard will be blended with a task to split the earth." Some regard full direct election in 1995 for the Legislative Council as fantasy, some take it as an unattainable goal while others consider it a move to split the earth. As regards full direct election, some think that it does not go so far as a fantasy but is merely an ideal. Ideal is just the goal one expects to attain in future. Today, I am sorry, we regard it as an unattainable goal. To me, the real illusionist or idealist is neither Miss Emily LAU nor any legislator or member of the public supporting full direct election in 1995. He or she is, in fact, anyone who stands in the way with all sorts of excuses without making any commitment to a democratic constitutional system.

Why should I come up with such a view? Perhaps many people think that political reality cannot be changed. As provisions have been laid down in the Basic Law in respect of our political development, we can do nothing but accept the fact that we may only act within this small frame or we may be blamed for turning a blind eye to reality. Yet, we should not forget that political reality is man-made. Even natural phenomena change with time, let alone man-made rules of behaviour. The ones who really turn a blind eye to reality are exactly those who regard political reality as a natural law or an iron cage. Under what circumstances will political reality become an iron cage? It happens when we do not believe in our own ability. When we do not trust ourselves, we will become prisoners trapped in the man-made cage. If political reality had been such an omnipotent god, I believe that even up till now the South Koreans would not have been able to celebrate the Kwangju Uprising, nor could the Taiwanese have commemorated the "February 28 Incident".

People who support full direct election in 1995 do not do so out of fantasy, nor can they be totally regarded as believers in idealism. They have, in fact, made the most practical political choice. It is because we believe that political reality is not a natural law. It is because we believe human actions can change man-made restrictions. Only when we do not believe in ourselves will we consider full direct election in 1995 a fantasy or idealism.

Idealists always look forward to the future or meditate on the past only. They fail to give answers to existing problems. Now we have an opportunity to rely on the Legislative Council of Hong Kong to decide on our future political development. What we have to solve is an existing problem, not something in the past or in the remote future. The proposal of full direct election is exactly the answer to the existing problem. If we support full direct election in this Chamber today, we will have the opportunity to put it into practice in 1995. For this reason, I think people oppose full direct election in 1995 just because they do not have the will, rather than the ability, to introduce it.

Among Members in this Council, I think the real illusionists are only those who regard a high degree of autonomy and “one country, two systems” as something naturally attainable by merely bowing to the Chinese Government and doing everything in accordance with its will. In fact, such a submissive attitude will not be of any help but will only encourage China to intervene in the internal affairs of the Special Administrative Region (SAR) Government, which is like getting a knife into the principle of a high degree of autonomy.

The SAR Government will maintain its executive-led system with the Chief Executive under the easy control of China. So the Legislative Council is the last fortress for safeguarding a high degree of autonomy. If we can succeed today in getting direct popular election for all seats in the Legislative Council, we will enable Hong Kong people to experience the merits of equal political rights. No matter what sort of new arrangements will be introduced by China after 1997, the democratic atmosphere derived from the full direct election in 1995 will form a foundation of the momentum to fight for democracy and autonomy after 1997. Only by doing so will a high degree of autonomy be realized one day. The support for full direct election in 1995 will pave the way for a high degree of autonomy after 1997. Anyone who seeks to maintain the *status quo* in parallel with a high degree of autonomy and “one country, two systems” is a stupid illusionist.

Perhaps some may think that full direct election is a means to oppose communism. However, I would like to tell these people that everyone should be entitled to take part in fair election and equal political rights are the basis of human rights. We may have got used to seeing problems from the view of utilitarianism, thinking that all actions are just for the purpose of material gains. However, what we yearn for now is nothing more than our entitled rights to experience the spirit of equity. Can it be the case that we must undergo a heated debate before we can have a conclusion on this simple issue of equal political rights?

Many people will, of course, say that they in theory support universal franchise in Hong Kong but that political development has to progress step by step so as to avoid social unrest. I already heard such an argument more than a decade ago but I do not expect to hear people harp on the same old string when a decade has passed. In this connection, have the Hong Kong people stopped making progress or have those people got a fossilized mind?

Reality tells us that those who have stopped making progress are not Hong Kong people in general but people in the commercial sector, who seek to protect their vested interests. According to the latest public opinion poll conducted by the Social Sciences Research Centre of the University of Hong Kong, nearly 50% of the respondents supported full direct election while only 20% of them opposed to it. In fact, those people understand at heart Hong Kong people's yearn for democracy, so they verbally support full direct election but in reality they will make all sorts of excuses. Yet, they have never come up with any convincing reason. I can recall that there were also such a group of people who

regarded direct election as a plague when Hong Kong people made full efforts to fight for direct election in 1988. But was there any social unrest in Hong Kong after direct election had been introduced? How unstable was our society? Today they still harp on the same string to oppose full direct election. They resort to every excuse in order to threaten the public and attack public opinion for the vain attempt to safeguard their vested interests. They have, however, put themselves in total opposition to public opinion. Such a situation has already become explicit in the debate on the constitutional reform bill held earlier today.

The absurdities seen in the Chamber today have occurred because so far our Council is not elected by universal franchise and public opinion has not yet been fully expressed through the Council. As a result, different shows of slapstick or farce still go on and on. As those who forcibly occupied the courtyard for their own interests have misled the public by treating the work to sweep the courtyard as a task to split the earth, they will naturally regard the work to sweep the courtyard as a plague.

Today, we believe that Hong Kong people have already come to know the meaning of democracy and equal political rights. Now I need not dwell on this point and repeat issues which the general public can simply understand because I believe in the wisdom of the masses who, in the meantime, have clearly expressed their yearn for universal franchise.

In the past 10 years or so, democratic movement succeeded in setting a footpath on a wasteland without roads. When more and more people walk on the footpath, it will become a main road leading to democracy and freedom. By that time, anyone who intends to stand in the way will have to let go or they will only be knocked over by the surging crowds.

With these remarks, I support Miss Emily LAU's Private Member's Bill.

MRS SELINA CHOW (in Cantonese): Mr President, I speak in opposition to this Private Member's Bill on behalf of the Liberal Party. In the debate today, I have said a lot on how the Liberal Party looks at the question of a smooth transition. It is more than obvious that a Legislative Council with all 60 directly elected seats is totally inconsistent with the constitution of the 1997 legislature as provided for in the Basic Law. We therefore oppose this Private Member's Bill.

MISS CHRISTINE LOH: Mr President, there is really no need, I believe, to justify the possibility of democracy for Hong Kong. The Joint Declaration promised a legislature to be constituted by elections. There are, of course, many sorts of elections ranging from cosmetic to authentic. But the point really is that a Legislative Council constituted entirely by direct election cannot fall outside the ambit of the Joint Declaration.

Like the Honourable LAU Chin-shek, I, too, believe to realize “one country, two systems” Hong Kong must be able to exercise a high degree of autonomy. Autonomy must mean the ability for Hong Kong to make political decisions. This entails making decisions on public policies and law within the scope of the autonomy without interference from Peking. The will of the people can only be reflected by their chosen representatives. It is in this light that the quest for full democracy should be seen.

So what is standing in our way? According to the opponents they seem to have two arguments, which we have gone through earlier during the day when we debated the functional constituencies. Firstly, Hong Kong must follow the pace of democracy set down in the Basic Law. But Mr President, since China pledged autonomy, there is surely nothing improper or irresponsible in expecting China to give substance to that promise.

To try and draw the relevant facts and arguments to China’s attention, when China may not wish to hear, is not provocation or confrontation. It is a necessary and reasoned exchange of views which has been conducted from the Hong Kong side with courtesy.

I already said earlier in the debate that I do not regard the Basic Law as a sacred document which cannot and should not be changed for the better. We should be arguing to amend the Basic Law so that it can reflect the Joint Declaration more fully.

The opponents’ second argument seems to be that Hong Kong is not yet ready for democracy. The implication is that Hong Kong is politically still too immature. I disagree with this view. Hong Kong is a cohesive society which is educated, informed and articulate. Democracy will work here because we are ready for it to work here. Hong Kong is mature enough to understand its virtue and its vices. Hong Kong is ready to accept the responsibility of government and of autonomy.

Mr President, I urge my colleagues to support the Honourable Emily LAU’s Private Member’s Bill.

MR FREDERICK FUNG (in Cantonese): Mr President, the Association for Democracy and People’s Livelihood (ADPL), including myself, hope that all legislators elected in 1995 can ride the through train on 1 July 1997. Therefore, in July 1992, in the light of the three documents on the political structure of Hong Kong, namely the Sino-British Joint Declaration, the Basic Law and the Bill of Rights, ADPL drew up its political reform package, in the hope that the existing system can be broadened to the maximum extent as provided for by the three documents.

In 1993, representatives of ADPL went to the United Kingdom to visit the British Foreign Secretary, Mr Douglas HURD, and another visit was made to

China to meet the Director of Hong Kong and Macau Affairs Office, Mr LU Ping. Apart from lobbying them to accept ADPL's political reform package, we requested, *inter alia*, both sides to create conditions for the realization of the concepts of Hong Kong people ruling Hong Kong and a high degree of autonomy, in pursuance of the co-operative spirit of both sides when signing the Sino-British Joint Declaration. We also requested that the negotiation between China and Britain should result in a political reform package acceptable to China, Britain and Hong Kong, so as to secure a smooth transition after 1997 and to ensure the development of a democratic political system. However, things went against our wishes. The Sino-British negotiations to settle the political row ended up a failure, and there is as yet no political system within sight which will straddle 1997. The British side will have to establish its own political system before 1997 while China will set up another system after 1997. This is a consequence which we do not want to see but it conveys to us two messages: (1) that China and Britain have breached their promises to the people of Hong Kong because it has already been enshrined in the Sino-British Joint Declaration that the two sides should co-operate to establish a firm basis to secure a smooth transition; (2) that there will be no political convergence in 1997, in other words, the part of the Basic Law which relates to the political system will not be followed in 1995. Therefore, when we are deliberating the political reform packages before us, it does not matter which package will contravene the Basic Law when that package is implemented in 1995 since the Basic Law will not yet have been in force at that time. On this ground, the decision as to which package is to be implemented in 1995 is largely a political judgement, an understanding of the social conditions, as well as a gauging of the public's demand for democracy, and indeed a gauging of individual Member's demand for party politics and democracy. These are my basic considerations on whether or not to support a system where all 60 Legislative Council seats will be directly elected.

As regards social conditions, since I studied at the Chinese University of Hong Kong, I was influenced by the lecturers of the Chinese University. One of the courses I attended dealt with the research findings of a scholar who studied 120 countries and examined the basic conditions under which these 120 countries practise full democracy in the form of universal direct election. Let us later examine whether Hong Kong measures up to these basic conditions. Firstly, the scholar pointed out that a democratic country usually had a highly developed information network which enabled the people of that country to gain fast access to information on social developments. One manifestation of this information network would be the number of people who had telephones, the number of people who were in possession of television sets and radios, the number of circulating newspapers and their readership. The second condition was the society's level of education, that is, whether the illiteracy rate was high or low. The higher the illiteracy rate, the more the information network would be subject to manipulation and the less the information being communicated would be understood. The third yardstick was the economic situation on which the stratification of society had a certain bearing. For instance, was there a big gap between the rich and the poor or did the growth of the middle class

contribute to a balanced mix of social classes? Measuring the situation of Hong Kong against these three yardsticks, we can find that Hong Kong enjoys a better position in these three aspects than what it was in the United States of America in the 1960s, as indicated by the information provided by that scholar. However, the United States of America already had a developed system of universal direct election, including the congressional and presidential elections, way back in the 1960s.

I am of the view that Hong Kong possesses these social conditions. The second consideration lies in the public's demand for democracy, which has already been reflected in the findings of opinion polls recently conducted by the press, such as the *Sunday Morning Post* and *Wah Kiu Yat Po*, with the latter paper publishing its findings only yesterday. The *Sunday Morning Post* reveals that the proposal for 60 directly-elected seats rallies most support, although the support rate is on the low side, 15% only. However, *Wah Kiu Yat Po* gives us a clear picture that over half of the respondents support the full adoption of direct election in 1995. The public's demand has been more than adequately reflected in the opinion polls conducted by the press. The third point to consider is the demand for direct election by individuals and by political parties. In the political platform of ADPL, it has been clearly spelt out that we expect the future Legislative Council and the Chief Executive to be returned by universal suffrage and direct election. Since the establishment of ADPL in 1986, we have been cherishing the hope that this goal can be attained progressively. The last consideration is our political judgement, that is to say, against the present time-frame and background, can we make a judgement as to whether this goal can be attained within such a short time? Judging from the cultural point of view as well as the sense of value of the people of Hong Kong, we note that Hong Kong has emerged as a diversified society. The history of the past three or four decades has shown that Hong Kong does not want unrest and it opposes violence and strife. The people of Hong Kong hope that Hong Kong can maintain its status as a diversified society to develop its own economic and political systems. I believe that no social unrest will result with the implementation of universal and direct elections to all 60 seats of the Legislative Council. However, I would also like to add one more point. If the present Bill for 60 directly elected seats in 1995 is passed and if it is expected that no unrest or obstacles will be caused to society before 1 July 1997, then I think that after the establishment of the Special Administrative Region (SAR) Government on 1 July 1997, the SAR Government should raise the issue of amending the Basic Law with the Beijing central government, so as to ensure the earliest possible implementation of universal and direct elections after 1997.

With these remarks, I support the Honourable Emily LAU's Private Member's Bill.

MS ANNA WU: Everybody thinks of the last 20 hours as historic hours but what will they be known for? It is, in fact, little more than an anti-climax. It represents what could have been but was not to be. We could be seeing the

Government doing the decent thing by proposing direct elections for all 60 seats in this Chamber today, if less convoluted minds had been at work in Government House.

But it was decided by the Hong Kong Government 10 years ago that the form of government that would best serve Hong Kong would be a combination of functional constituencies, indirect elections and direct elections. Every time I try to explain this monstrosity to visiting dignitaries, I see a vacant stare and a twitch of the nose. The length of time we spent in the last 20 hours discussing the title of a functional constituency, who should fall under what and what the franchise base should be, reflect how troublesome functional constituencies are. The system is so complicated it defies comprehension. And why should some sectors of the community be represented in the Legislative Council and others not? What is wrong with equality and universality?

The question that really matters is: Mirror, mirror on the wall, what is the fairest of them all? China has washed its hands of the current government package or any derivatives of it. We should therefore not be providing any excuse to our government in denying us democracy. We should be confident and mature enough to press our government for full democratic reforms.

Mr President, I find the concept of functional constituencies repugnant to good sense and equity. I make no apologies for my remarks about functional constituencies but mean no disrespect to my good friends from these constituencies in the Chamber.

Mr President, I support “one person, one vote”. Furthermore, I support giving each vote the same value as any other vote. There should be no double standards. I support the Bill. Thank you.

DR HUANG CHEN-YA (in Cantonese): Mr President, it is very late in the night, or rather I should say, dawn is breaking. I will be brief. I speak simply for the record that I support 60 directly-elected seats. I said yesterday afternoon that full-scale direct elections should be introduced because Hong Kong people were quite politically mature.

I would like to respond to the comments made by some Members yesterday and today. Some Members are obviously too wary of full-scale direct elections but their wariness is beyond me. Let us look at the directly-elected Members who are serving their current term of office in this Council. It is obvious that directly-elected Members do not compare less favourably with their counterparts returned by functional constituency elections, in terms of educational level, professional standard and capability. When we, the directly-elected Members, were elected to the Legislative Council in 1991, many people argued fervently at the time that the introduction of directly elected elements into this Council would lower the legislature’s efficiency, and even put forward the view that debates in this Council would become meaningless and a waste of

time. Today, we find that these assertions are absolutely groundless. Experience of countries around the world can testify that the introduction of direct elections will not mean a less capable and efficient legislature.

Some argue that full-scale direct elections will jeopardize the economy. Such argument is also groundless. The World Bank has done a world-wide survey and found that a democratic system will not bring any adverse effects to the economy. It is found that, conversely, a democratic system is conducive to economic development in the long run. Therefore, democracy will not in any way undermine economic development. As a matter of fact, democrats are not being hostile to the industrial and commercial sector and the democrats in Hong Kong indeed subscribe to the principle of free economy. We emphasize that we must practise market economy in which fair competition is encouraged, instead of maintaining a distorted economic system characterized by the presence of monopolies, favouritism and prerogatives. Therefore, I will say that, as long as industrialists and businessmen are not after privileges and compete on an equal footing, they do not need to worry too much about the democrats and direct elections. I hope that everyone in Hong Kong, the grassroots, industrialists and businessmen alike, could join forces to build up a truly democratic Hong Kong by way of full direct election. It is very late in the night and indeed dawn is breaking. Here is an analogy on the political front. It has been repeated time and again in yesterday's and today's debate that we are in a pitch dark night. The 1997 issue has brought us uncertainties, worries and pressures. Nevertheless, I believe that the dawn night of democracy is certainly going to succeed the political dark.

I support Miss Emily LAU's Bill which calls for full-scale direct elections.

MR LEE WING-TAT (in Cantonese): Mr President, I speak in support of Miss Emily LAU's Private Member's Bill for full direct election in 1995.

I am very disappointed, however, that Mrs Selina CHOW, being a representative of the Liberal Party, has only responded briefly without further elaboration. Today's debate is unprecedented in Hong Kong, it is the first time that a debate is held in this Council to discuss whether full direct election should be held at a certain time. I think the Liberal Party, being the biggest political party in Hong Kong (or in this Council), should not simply state their stance without any discussion or debate on the issue. There can only be two reasons for their failure to discuss or debate:

- (1) as they have no reasons to object, they try to avoid the subject; and
- (2) perhaps they actually support this Private Member's Bill but dare not openly express their stance.

Mr President, I support full direct election. Since many colleagues have talked about the basic reasons, I do not wish to repeat. Put it in simple terms, full direct election is a basic human right. Everyone is born equal and has the right to vote in a universal and equal election for representatives to run the society.

The demand made at this stage for full direct election in 1995 is a timely appeal for democracy. However, frankly speaking, a perfect or a relatively good political system not only hinges on whether the Legislative Council is fully directly elected but also on whether the Government, basically the Governor, or the Chief Executive, is elected by the people. In a perfect or relatively good political system, the powers of the executive, legislative and judicial bodies should be properly separated, checked and balanced. In this respect, the Basic Law is very conservative with regard to the constitution of the legislature, the election of the Chief Executive and the relationship between the executive authorities and the legislature.

As we all know, it is only until 2003 that we shall have half of the seats of our legislature returned by direct election through geographical constituencies and the election method has not been decided yet.

Our Chief Executive will be elected by a grand electoral college. Perhaps we also have to wait until 2003 before we can be sure, through a very complicated procedure, whether there is any chance of having full direct election.

I have heard Mr TAM Yiu-chung said earlier on that the Democratic Alliance for the Betterment of Hong Kong supported universal suffrage in 2007. I am now 38 years old, I will be 48 in ten year's time. I hope I will still be alive in 2003. I also hope that the Democratic Alliance for the Betterment of Hong Kong will keep its promise and will, at least by 2002, ask the Chinese Government to give full direct election to the Hong Kong Special Administrative Region. Certainly, it would be even better if the pace of development can be quickened.

Mr President, earlier on in today's debate, I have mentioned that a political system involves the election and composition of the legislature; the Chief Executive and the separation of powers of the executive, legislative and judicial bodies. Furthermore, we should not isolate ourselves from reality. In other words, our democratic development or democratization should never be severed from the democratic development in China. At present, China is an autocratic regime ruled by a single party. It is very difficult for us to establish a completely open and democratic Special Administration Region next to an autocratic government. Hence, I have said in today's debate that it would be too short-sighted if we just focus on the present development of Hong Kong. We should look a bit further. As Chinese, we should not only seek gradual development of democracy in Hong Kong, but also undertake the responsibility

and exercise the right to urge the Chinese Government to gradually become more open and democratic.

Mr President, as I have said in today's debate, the democratic movement of Hong Kong was not initiated by Mr Christopher PATTEN; nor by any particular group or political party or any individuals. The movement has gradually developed over the decades through the sacrifice of students, workers and intellectuals at different times and in different movements. I remember when I was Secretary General of the Joint Committee on the Promotion of Democratic Government in 1987, many student unions and religious groups had voiced to us the possibility of having full direct election. That idea was suppressed in one of the debates held at that time and was not wholly accepted by the Joint Committee.

Mr President, although I entirely agree with Miss Emily LAU's idea of full direct election, I do not completely concur with her way of handling the matter. Let me first state my stance. I think it is healthy to have different opinions in a democratic movement. Through debates, we come to understand the opinions of others; through learning with an open mind, debates and movements, our opinions can be polished. It has never been my belief that participants in democratic movements, including members of the United Democrats of Hong Kong and the Meeting Point, as well as many of our predecessors, are infallible. Every organization and everyone makes mistakes. It is through debates that we can find the right direction of our movement.

Mr President, while I support full direct election in 1995, I cannot accept the "all or nothing" approach. This approach implies that however good one's opinion or objective is, one may lose sight of the political reality. I certainly agree with Mr LAU Chin-shek in saying that subjective initiative and subjective desire can change the actual political environment. However, we should not exaggerate the power of subjective initiative.

Before this debate, we have dealt with Mr Christopher PATTEN's proposal. How good is his proposal? Actually his proposal is not a very good one, nor is it a perfect or flawless proposal. However, in political reality, his proposal is one of the two options available today (that is, the Liberal Party's proposal and Mr PATTEN's proposal). It is true that we can choose not to support Mr PATTEN's proposal, but if the Liberal Party's proposal is carried, what would be the political consequences?

I support a democratic system. I support the maximum degree of democratic development that can be attained in any given political reality. I will not lose or abandon any chance to strive for the greatest and the most feasible degree of democracy for our democratic movement and our people. Hence, the United Democrats supported Mr PATTEN's proposal in today's Third Reading. In the Third Reading, the votes were 32 to 24. If the United Democrats and the Meeting Point adopted the "all or nothing" approach, they would have voted against Mr PATTEN's proposal. The result would then be 19

votes to 27 and Mr PATTEN's proposal would have been negated. Do we really want to have such a result? Frankly speaking, I do not. Of course, some friends would ask to what extent would Mr PATTEN's proposal promote the democratic development of Hong Kong? Would it lead to great changes? No matter how one measures Mr PATTEN's proposal, it is certainly not the most democratic one. If measured against our 1995 proposal, it is a conservative proposal. However, when measured against the present political system or the Liberal Party's proposal, Mr PATTEN's proposal is relatively democratic and represents a big step forward in the democratic development of Hong Kong. Before 1991, we did not have a single directly-elected seat. In 1991, we had 18. The increase from 0 to 18, though not too significant in number, is nevertheless a very important step, a first step towards direct election. Hence, many of our colleagues stood for election in 1991.

Although only two more directly-elected seats are proposed by Mr PATTEN, which is not many in number, it is obvious to everyone that the elections of the nine new functional constituencies are direct elections in disguise. Although those 10 seats are indirectly elected, the election is nonetheless on a universal and equal basis. We cannot say that it is undemocratic. Hence, the number of directly elected members will, in fact, indirectly increase from 18 to 39, elected by universal and equal suffrage. If people who have the support of the general public are elected into the Legislative Council in the 1995 election, I believe our Government will have a hard time. I believe it would also be beneficial with regard to the changes to our society, the demand of the people on the legislature and the further development of Hong Kong in every aspect. Although this proposal is not the best, it can possibly achieve the most. Hence, I lend my support to it.

Mr President, in the discussion of democratic movement, I am often faced with the question of what we should strive for. I have worked in the students' union; I have participated in the movements of pressure groups; I have joined a political party; I have been one of the persons of various small groups and I, before joining this Council, have been engaged in street movements and have persistently criticized this Council. Perhaps these experiences often put me in a dilemma when faced with the above question. I can fully understand how my friends feel. However, we are now playing different roles. As a member of a political party, I have to consider the party's demands and have to deal with many different opinions and viewpoints. Our party is very small in size with only 600 members. Yet a 600-member party is not that small by Hong Kong's standard. We are not a group of 5 or 10, even if we are, there are bound to be differences in opinions. I only want to point out that it is very difficult for us to ask a small group to accomplish the work of a big political party. Since a big political party is cumbersome and unwieldy, a lot of co-ordination is needed, and thus its ideas would not be too radical. However, a big political party can be very powerful in pushing certain work ahead, such as in getting Mr Christopher PATTEN's proposal carried today. On the other hand, it is very difficult to ask a small group to undertake the work of a big political party. I am beginning to ramble on because I am in a quandary on this

problem. All I want to say is that each one of us has a different role to play and we have to appreciate the merits and demerits of each role. We should try to play our different roles to the best we can, so as to attain the best co-operation.

I certainly do not mean that different opinions should be suppressed. As I have said, I admire Miss Emily LAU in some respects, but I do not agree to some of her practices. When I disagree with her, I would voice it out frankly and sincerely. I adopt the same attitude in dealing with different opinions in the democratic movement. Since we work together to strive for democracy, I think different opinions are just internal disputes. Through discussion, we can find a way which is at least acceptable, though not necessarily unanimously agreed to.

Mr President, I would like to mention a final question: What is moral courage? I am too young and not qualified to define this term. Sometimes I think that moral courage means more than merely mentioning the terms “democracy” or “full direct election”. I remember I have cited one or two examples in my previous speeches. In the “fight corruption and apprehend GODBER” campaign in 1973, some students and workers were assaulted, arrested and detained by the police. In the boat-dwellers’ incident in 1979, 12 student leaders, social workers and Christians were arrested and charged with unlawful assembly. Did these people have moral courage? I dare not speak on their behalf. Let us look at places further away. In the anti-apartheid movement in South Africa and the Tiananmen Square incident in 1989, did the people involved have moral courage? I do not wish to say anything on this. Do the United Democrats, our friends and colleagues have courage of this kind? I think every one of us should encourage ourselves to have the courage to work for the democratic movement of Hong Kong.

MR FRED LI (in Cantonese): Mr President, I am speaking on behalf of the Meeting Point on Miss Emily LAU’s Private Member’s Bill.

The Meeting Point is always going after the ideal of democratic political reform. Since the debate set in motion by the *Green Paper on Representative Government in Hong Kong* in 1984, followed by the contesting of direct election in 1988 and later the drafting of the Basic Law, the Meeting Point has been working hard together with other democrats. The stance of the Meeting Point, namely upholding a political system which espouses universal suffrage and an elected decision-making body, has always been the same.

In spite of the above, the Meeting Point has reservation on Miss Emily LAU’s Private Member’s Bill today. The reasons include: (1) It is a fact that the Basic Law will be the future constitutional instrument of Hong Kong. Instead of passing those laws which we understand are obviously contravening the Basic Law, it is better to focus fully on striving to get the Basic Law amended; (2) The breakdown of the Sino-British negotiations on the political system does not necessarily mean that we can arbitrarily pass any laws contravening the Basic Law; (3) Although the degree of democracy in the Patten

package is not absolutely ideal, the Meeting Point thinks that it is acceptable. The long-term target of the development of a democratic government is not merely for a fully elected legislature. What is more important is that the Chief Executive should be directly elected. If we totally ignore the constraints of reality, we can even propose a Private Member's Bill on direct election of the Governor. Thus we can see that terms like "half democracy", "one-third democracy" and so on are only emotive terms. Under the condition that the Government is executive-led while the Governor is appointed by the British Government, we can say that the Legislative Council direct election in fact only signifies limited democracy. Such kind of sentimental debates actually serve no purpose. I think that we should keep calm and respect one another.

I would like to talk about the United Ants' advertisement on Tuesday which criticized the stance of the Meeting Point and urged the public to make telephone calls and fax to us who are Members from the Meeting Point, requesting us to support Miss Emily LAU. I received two telephone calls and a facsimile. I discussed in detail with the two callers why our stance would be one of abstention rather than support. It turned out that the two callers were totally unaware of the 20 directly elected seats provided for in the Basic Law. After I passed that information, they began to understand our stance and know the incident better. I strongly emphasize that although our stance will still be under attack, we will continue to stick to our point of view. I believe that we are looking at the development of democracy with due regard to principles. It is neither the case that we are seeking to have democracy overnight nor that we are bent on achieving democracy today or within this one and a half years in total disregard of what will happen after 1997. I think that either case is irresponsible. We have to take a far-sighted view. The path of democratic development in Hong Kong is all along rugged. Mr LEE Wing-tat has just mentioned the social campaigns in the past, which I have also participated in, at least 10 odd years ago. But how come we are having different views today? Do these differences justify the accusations that we are not democrats, that we have changed stance, that we have attempted to cross over to the opposite side but failed? I deem that such accusations are not acceptable and thus I make a response here to the expressed views of that small group of people in the United Ants. I think that this will undermine the unity of the democratic camp. Rather than wasting so much effort criticizing the democratic camp, they should pool their efforts to figure out how to get the Basic Law amended.

Mr President, with these remarks, the Meeting Point will abstain from voting on this motion.

MR MARTIN LEE (in Cantonese): Mr President, no one would really like to be criticized or bothered.

It seems that recently an organization has been bothering the United Democrats of Hong Kong quite frequently. In fact I do not mind it at all. On the contrary, I welcome what they do because a true believer in democracy will

respect every piece of criticism from others. If they criticize us just because they think that the line we follow is not democratic enough, why should we not welcome that? After all, we are the democrats. As a matter of fact, no one in Hong Kong dare say that democracy is not good for Hong Kong. However, a large group of people, including some Legislative Councillors, say that we should not go too fast. We should keep a slow pace instead. Actually, I am very disgusted with such arguments. When the goal is obviously a good one, why should we not achieve it earlier?

About a month ago, I had a debate with the Chairman of the Democratic Alliance for the Betterment of Hong Kong (DAB). He spent 10 minutes to explain why their political party was called DAB, and why their kind of democracy was needed for the betterment of Hong Kong. After his 10 minutes' speech, it was my turn. In fact, it would have taken me just a few seconds to explain. What was the point of saying so much? The English short title of that party is "DAB", meaning "Democracy according to Beijing".

Some people say that democracy is out of place in Hong Kong and that we should not transplant the type of democracy practised in Europe or the United States to Hong Kong or China. I am particularly disgusted with such opinion. Mr President, let us forget Europe or the United States. Let us look at Asia. As a matter of fact, very few countries in Asia do not have direct elections. There are direct elections in countries and areas like Singapore, Malaysia, Indonesia, India, Pakistan, the Philippines, South Korea and Taiwan. What kind of defects have we Chinese or Hong Kong people suffered which inhibit us from enjoying democracy like the other Asian people? Actually those who make these comments are insulting us Chinese. Why should we be worried now? In the eyes of the Chinese leaders, the Bill that we have just passed is already a departure from the Basic Law, let alone the proposal of the United Democrats of Hong Kong, which calls for 30 seats to be returned by direct election. Even though we have passed the proposal today, it does not conform to the Basic Law. Since nonconformity will result in any case, it will be better for the convention of the Basic Law to vanish. And with the convention of the Basic Law disappeared, why do we not take this opportunity to implement democracy? Will it do any harm to Hong Kong? It is a pity that up till now, everybody thinks that this proposal is worth supporting, except the Meeting Point, which has reservation (but it has not stated the reasons, except for the Basic Law). The Basic Law is the reason suggested by the Meeting Point. Mrs Selina CHOW has delivered a very brief speech. I wonder if she was feeling sleepy as her speech was incredibly brief. She only mentioned that stability and prosperity were the reasons. I think those who say that Hong Kong will have no stability and prosperity if all the 60 seats in the Hong Kong legislature are directly elected are very irresponsible and they have no grounds at all. Besides, Mrs CHOW left the Chamber after finishing that statement. Of course I cannot request that she must stay here. I myself go out from time to time, but I will at least give my justifications.

Mr President, we cannot blame anybody if we do not seek democracy now. At present, has anybody said that we are not allowed to put democracy into practice? The Chinese Government has already mentioned that whatever we do, it will be the same, meaning that we might simply go ahead to try practising democracy, but it would come to an end on 1 July 1997. It is tantamount to what they are saying to Governor PATTEN that he might go ahead to pass that proposal but it would come to an end on 1 July 1997. In fact, we do not know whether it will come to an end until three years later. Even if it will end, what harm will it cause to us? At least we can let the people of Hong Kong, China and the whole world see that we Hong Kong people are actually qualified to practise democracy. Are we lacking confidence in ourselves?

MR SZETO WAH (in Cantonese): Mr President, a full-page advertisement was recently placed in the newspapers, casting doubt on the moral courage of the United Democrats of Hong Kong (UDHK). As a member of the UDHK, I cannot remain silent, particularly when it comes to matters involving morality. Mr LEE Wing-tat said that he is not in a position to discuss moral courage because he is still young. I am older and I think, though still not senior enough, I am in a slightly better position to do so than Mr LEE.

Moral courage may take many different forms. Advocating a lofty goal shows one's moral courage and adhering firmly to the goal is also a manifestation of one's moral courage. Moreover, never giving up one's lofty goals in face of dire adversity and difficulties demonstrates all the more one's moral courage. I mentioned in yesterday's debate that whatever the outcome of the voting on the political reform proposal may be, my fellow brothers and sisters and I are going to carry the fight through to the end. We are, firstly, fearless of verbal attack; secondly, fearless of living in poverty; thirdly, fearless of imprisonment and fourthly, fearless of decapitation. This is moral courage. We are going to forge ahead with our goals and fight for every inch of land even against dire adversity. I consider a demonstration of moral courage better than talking glibly about lofty ideals. On the one hand, we must have moral courage to face fearlessly people who have a million soldiers and also tanks at their command and can order their soldiers to fire their machine guns. On the other hand, we are not afraid of being misunderstood by others in times of difficulties. This is also a demonstration of moral courage.

It was mentioned in Mr Martin LEE's speech yesterday that we had to take back our "sword" because some people wanted to borrow our "sword" to kill others, so to speak. When we were considering taking such an action, many people advised us that this might lead to misunderstanding and added that even our own fellow brothers and sisters might misinterpret our action. Then, should we do it or not? If we have real moral courage, with the overall interests of the territory and the one step forward the democracy movement could be brought in our mind, we should take this course of action. A man with a higher level of moral courage would not be afraid of being misunderstood, but would always look from an overall perspective and be willing to suffer all

disgrace and insults in order to achieve some lofty goals. Some people, without first ascertaining whether we are their friends or foes, shot us in the back. Notwithstanding this, we have fought on with cool head as we know who our arch enemy is and what our main targets are at the moment. Surely we have demonstrated moral courage. I hope that those who query our moral courage will learn from us and show the same moral courage.

MR ANDREW WONG (in Cantonese): Mr President, yesterday morning when I spoke, I meant to pass a few comments, contained in a couple of paragraphs of my speech, on the Honourable Emily LAU's Bill. But as I was running out of time, I did not read them out. Nor do I intend to read them out now.

I would only like to state clearly that I am against Miss Emily LAU's Bill. My reason is very simple, that is, the Bill is not only against the Basic Law, it is blatantly against the Basic Law. Therefore, I query what exactly Miss Emily LAU is after by putting forward the Bill, and what those Members are after who either support her or are equivocal in their support and who are speaking profusely of moral courage. I do not quite understand.

I think under certain special circumstances (it now looks that such a situation would appear), it is hoped that some people will brake their headlong charge before falling over the precipice and turn to cast their vote against Miss Emily LAU. Otherwise, it could well be possible that the Bill would pass its Second Reading. I did foresee such possibility, which is why I forewarned of it. Should Miss Emily LAU's Bill pass its Second Reading, I would propose amendments at the Committee Stage. These amendments would seek to have the 60 directly elected seats returned through proportional representation by using the list system, that is, the system which I mentioned yesterday morning. The difference would only be that the need to delineate a certain number of constituencies would be dispensed with under the ordinance, except for the arrangement that the delineation of constituency boundaries would be determined by the Boundary and Election Commission. But when the Commission delineates the constituency boundaries, no less than three seats should be given to each constituency. Therefore, I have given forewarning to such effect. If Members think that the 60 directly elected seats Bill will pass its Second Reading, and if Members think that they are not play-acting but are pursuing some lofty ideal or even reality, then I will put to Members another challenge. Under such circumstances, would Members think that they should have regard to the overall situation and turn the election system into one based on proportional representation, thus giving every party an equal share of the seats? I am not saying that it is something like money that can be divided. The essence is, if there are two kinds of democracy equally respected by people, then why must we insist on one to the exclusion of the other?

Thinking further on the subject, Mr President, I found that there seemed to be some other problems. What exactly will we be after if we adopt this Bill? Are we saying that if in the remaining three years (two years to be precise) our

attempt proves to be successful, we will wager on whether China will dare to overturn it? It may not be so. It may be that the Bill is passed so as to give them a message. Are we saying that when we adopt this very Bill (we have adopted a Bill already just now, and we are going to adopt another one), we mean that the latter is superior to the former? Are we overturning the Bill which was passed by us a while ago? If so, the obvious thing to do will be to have Governor PATTEN assent to the second instead of the first Bill. The Chief Secretary made it very clear yesterday morning that the Governor could not assent to this Bill because it was clearly against the Basic Law. Under these circumstances, are we going to put the Governor in a dilemma? I have no idea as to what Members want to do. But I can say this: If Members have such intention, then they had better put it out of their mind. I have looked up the Royal Instructions, clause XXVI. (Members may say that the Royal Instructions and Letters Patent are being invoked again to restrain them. But it is the fact that Hong Kong to date is still a British dependent territory, it is still a colony. The time will come when it becomes a Special Administration Region (SAR) of China and not a dependent territory, not a colony.) It is stated that the Governor shall not assent to any Bill the provisions of which shall appear inconsistent with obligations imposed upon Britain by treaty. Therefore I believe it would be a piece of cake for the Governor if in the course of time the matter comes before him to be dealt with.

Mr President, it is already 4.30 am. I do not want to waste too much of Members' time. I only want to appeal to Members that if they produce a knife and someone wants to borrow the knife to murder someone, then they must quickly retrieve the knife and stop flaunting it.

Mr President, I oppose the motion on the Second Reading of the Bill.

MR STEVEN POON (in Cantonese): Mr President, I did not intend to speak but Miss Emily LAU asked me whether I was going to say something, so I thought I had better say a few words. After all, it is now half-past four in the morning and I have nothing else to do. I have just listened to the speeches of several Members from the United Democrats of Hong Kong (UDHK). I am a bit tired and my head is swimming. I really do not know what they have been driving at. As a political party, they are expected to have an unequivocal position and to state it in no uncertain terms to us, to themselves and to their fellow party members whether they are for or against the proposal. But it seems that they were now for it and now against it. When they did voice their support, they added that the proposal was not workable at the moment. Sometimes they talked about moral courage. All in all, their position is anything but clear. I do not understand what they are talking about.

Mr LEE Wing-tat gave a speech which took a dozen minutes. I wanted to know whether he considered it an opportune time to have full-fledged democracy. He gave me the impression that he did not find it a good idea. Mr Martin LEE, the head of their party, gave a very short speech but the great

part of it was spent on making verbal attacks on, among others, the Democratic Alliance for the Betterment of Hong Kong and Mrs Selina CHOW of the Liberal Party. Unfortunately, she is again not in this Chamber. Then what is the position of the UDHK? It seems to me that they want the proposal to be put into effect right away. The leader of their party gave such a view. But why did its leading members think otherwise? Mr SZETO Wah, whom I respect very much, had said quite a lot but also failed to state their stance. He merely said that it was inappropriate for others to criticize them. My view is that we are now talking about a very important topic. What is the position of the so-called liberals or the democratic party? How can they justify their position to their party members and to the people of Hong Kong? After listening to their remarks, I am none the wiser.

I basically sympathize with Miss Emily LAU's position for moving this motion. I said I sympathize with her position but it does not mean that I agree with her position. The position of the Liberal Party is very clearcut. I was not in this Chamber when Mrs Selina CHOW delivered her speech just now. But I know what her idea was because members of the Liberal Party are well aware of our own position. We are against the introduction of 60 directly elected seats at this moment. Our stance is as simple as that. In the promotion of democracy in Hong Kong, we are taking a course in accordance with the Basic Law. No matter one regards this course of action as democratic or not, we will not change our stance in the promotion of democracy in such a pace.

I feel that at this juncture, it is imperative that each party should state their respective position for the purpose of a debate both inside and outside this Council. Do not use words like moral courage to shield your stance such that people are at a loss as to what your party's position really is. Today we talk of the "ant people" whom many people dislike. They "bite" you like ants, not taking a big bite but a nibble. They attack your legs and your arms, making you itchy and uncomfortable. As a matter of fact, these people are in a position which is not different from that as mentioned by Mr Eric LI that he found himself in 10 years ago. Why do we have to be afraid of them now and to elbow them out? Unless it is against our own position and your own objective, it does not make any sense to elbow them out. I speak at Miss Emily LAU's invitation. We, the Liberal Party, have a very distinct stance. I would like to state our stance clearly to Honourable colleagues that we are seeking to promote democracy in a pace according to what is stated in the Basic Law.

SECRETARY FOR CONSTITUTIONAL AFFAIRS (in Cantonese): Mr President, in this debate, the focus of discussion is on how to satisfy the public's wish to participate in public affairs. Over the years, the Administration has gradually developed in a planned manner the three-tier representative government, including the election arrangement in 1995 just passed by this Council. The purpose is simply to satisfy this wish.

However, apart from satisfying the public's desire of having more say in matters of their immediate concern, we also have to take into account the wish of most people that Hong Kong's political system can continue beyond 1997. Therefore, what we have to do is to try our best to cater for these two well-expressed and equally strong aspirations at the same time. The most ideal and the simplest solution would be that the Chinese Government would agree to establish more than 20 geographical seats for the first SAR Legislature. In fact the British Government has, on many occasions, urged the Chinese Government to do so. However, Members should be well aware of China's standpoint in this matter. Given this situation and the public's two aspirations, it would be an irresponsible act if the Administration were to forcibly increase the number of seats for geographical constituencies at a pace faster than that provided in the Basic Law.

On that basis, the Administration opposes the Bill put forward by Miss Emily LAU.

MISS EMILY LAU (in Cantonese): Mr President, the Honourable HUANG Chen-ya has made a good point in saying that darkness will soon pass and we are waiting for dawn. Hong Kong people have indeed waited far too long. Mr President, they have been waiting for a good 150 odd years and I hope their long wait will come to fruition tonight. I also hope that the Honourable Andrew WONG is right that God helps us, very ironic indeed, Mr President. But before the votes are counted, we should not take it as having won the day.

Today's debate is about constitutional reform. It is nevertheless different from those previously held because whenever constitutional reform was touched on in the past, there would be a fight. But we have been very courteous today. Only a few Members have raised their opposition, the others all express their support. It would be great if our future debates will also be conducted so courteously. Mr President, I believe one of the main reasons for our courteous behaviour today is that this Council has reached a consensus that full democracy is what Hong Kong people want to have and that we should not thwart their aspiration. For that reason, all that can be said by the Members is that the timing might be inappropriate, yet no one can actually put forward any cogent arguments to stop us from implementing full democracy.

Several hours ago the Honourable Elsie TU moved an amendment pertaining to one man, one vote. It is described by some as a bogus one man one vote election. My proposal can be described as a genuine one man, one vote election worthy of the name. I propose that Hong Kong should be divided into 60 constituencies and through the single seat, single vote system, the people of Hong Kong can elect, in September next year, 60 legislators who are to come back to this Chamber in October next year to work for the people of Hong Kong. Just now the Honourable Christine LOH made some good remarks. She said that the people of Hong Kong were all set and that it was now the right time

to bring about a full-scale direct election. Some may even say that the people of Hong Kong have long been ready, and why should there be such long delay?

Just now many Members have mentioned the “United Ants”. I believe many of the friends from the “United Ants” are here. Perhaps not all of them have come but most of them have. They must be very delighted to hear it themselves that they have been mentioned by so many Members. I should, perhaps, take this chance to make things clear because I have been regarded by some people as the “black hand” of the “United Ants”. As a matter of fact, can I be so smart? Mr President, members of the “United Ants” are all grown-ups, they are not docile ants, but ferocious. They have their own brains and surely they should be held responsible for whatever actions they would like to take. Some of them are my friends. But since so many Members have voiced their opinions on the “United Ants”, I believe that the “United Ants” will be interested to have further talks with us after this meeting. As we are all friends of the democratic faction, I hope that we can work together. Therefore, let me stress again, it is good to see that today’s discussions on constitutional reform is conducted in such a harmonious manner. If I, Emily LAU, have anything to say, I will obviously voice it openly. I will not, as suggested by some people, stab people in the back. I act overtly at all times. I think it is known to many people that Emily LAU is sometimes far too blunt and too overt in her deeds. But I will not stab anyone in the back.

I believe when you came in yesterday morning, you saw the many signatures of the public on the yellow banner put at the entrance. They all support the introduction of a full-scale direct election in 1995. Just now the Honourable Frederick FUNG mentioned an opinion poll conducted by *Wah Kiu Yat Po* yesterday morning. Among the 1 120 respondents, 49.1% supported a full-scale direct election in 1995. When compared to the package of the Liberal Party and that of the Government, my direct election package had a support of 39.4% while support for the Government’s proposal and the Liberal Party’s accounted for 25% and 20% respectively. I believe and I also hope that Members would be aware that it is the aspiration of the people of Hong Kong to have a full-scale direct election in 1995. We hope that today (I said earlier that it was 29 June but it is 30 June now), we can make history.

Just now the Honourable LEE Wing-tat dissented my style of work. He said I appeared to be “all or nothing” — either have it all or none at all. This is what he thinks. But having been engaged in politics for three years, I understand that concessions have to be made in politics at times. I believe some of those who have worked with me can see that I am not imperious to reason, but I find it necessary to stand firm and adhere to one’s own stance at times. I believe mutual respect exists between friends of the democratic camp and I. It is inevitable that we hold different views and work in different ways. But I hope we have the common goal of working together for the well-being of the people of Hong Kong.

The Honourable Elsie TU has not spoken this time but in her speech earlier, she said that a full direct election would upset the economy and affect people's livelihood. The Honourable Moses CHENG also mentioned that such a system would give rise to chaos. The Honourable TANG Siu-tong remarked earlier that should there be no through train now, an inappropriate system might "wreck the train and kill the people". These words are very frightening. I, however, fail to see any evidence which can prove to the people of Hong Kong that having all 60 seats directly elected in September next year will affect our economy and people's livelihood and will even "wreck the train and kill the people" in 1997. I really fail to see any such evidence. On the contrary, I observe that democratic systems have been instituted in other places where the economic and social developments are similar to those of Hong Kong. Why then should we have to be so scared? Just now the Honourable HUANG Chen-ya made a good point. He said that you did not need to be scared, as the democratic faction is not the foe of the people of Hong Kong. Honestly speaking, let me say once again, you need not be scared, because if all the 60 seats are really to be directly elected, I believe the United Democrats of Hong Kong (UDHK) or the Democratic Party may not necessarily be able to secure all these seats. Undoubtedly they would think so, but I believe every party which stands for the election will secure a number of seats. The Liberal Party, the Democratic Alliance for the Betterment of Hong Kong, the "Breakfast Party" or the Meeting Point (which might become the Democratic Party by then) can all secure seats. I really fail to envisage the Legislative Council actually being dominated by one political party in 1995. For that reason, I hope that Members can pluck up their courage. Why do we still have to be appointed? Why do we still have to count on such prerogative of the functional constituency election? Since every one of us is of comparable calibre, why do we not stand for election? I invite you all to contend with me. I hold that we ought to have this spirit. There will be no "free lunch". Neither will there be "elected uncontested". One has to compete in direct elections. Only where there is competition, there is progress. Therefore, I hope that Members will take a deep breath! I seem to have heard from a Member from the Liberal Party, "If I intend to stand for election in a particular district, I would spend six months working in that district, let us see if I am bound to lose". This is absolutely right. If you work for the people wholeheartedly, they will support you because they are clear-sighted. As long as they notice that you are not working for them to attain personal, commercial or political benefits and that you are not involved in cases involving conflict of interest, they will support you. For those who are vowed to continue pursuing a political career, I urge them not to be scared of election in the first place, since this is, by far the best system to consolidate our rule of law and prosperity.

Just now Mr Nicholas NG said that it was "the people's wish to participate in public affairs". He seems to have underestimated the wish of the community. To my belief, the wish of the people is more than just participating in public affairs. The wish of the people is to select, through a fair and equitable election system, representatives to help with the decision-making in the upper echelons of the Government. These representatives are to be responsible to the people.

If they perform poorly after a few years, they can be replaced through the ballot box by peaceful, rational and non-violent means. This is, I believe, the wish of many Hong Kong people (though not necessarily all the 6 million people), and the wish of the overwhelming majority. Surely they also hope for a smooth transition. But if you look at yesterday's survey conducted by *Wah Kiu Yat Po*, which touched on the China factor, when the respondents were asked if they would support a full-scale direct election given that this would impair the relationship between Hong Kong and China, 40% of the respondents supported my package while 34% supported that of the Government and 30% supported the Liberal Party. I believe members of the public have their own thinking and so I hope the Government will not underrate the intelligence of the people.

The Honourable Fred LI mentioned just now that we have to be concerned for the transition and take into consideration the arrangement after 1997. He also mentioned the question of being irresponsible. I hope Mr LI was not saying that those who vote later on for a full-scale direct election in 1995 are irresponsible. I think we are responsible, and, especially being elected Members, we know we have to be accountable to the community for what we are doing. We have to be responsible to members of the public. I do feel a little unhappy because the Meeting Point, a party in the democratic camp, abstains from voting at this historic juncture so momentous to Hong Kong. While the Meeting Point is going to merge with the UDHK to form the Democratic Party, the two parties are divergent in opinions on such important issues. Anyhow, I hold that we should put aside minor differences to seek common ground on important matters, we should try our best to collaborate.

Finally, I would like to quote the words of the Honourable Anna WU. She said that in fact, it should not be Emily LAU who moved this Private Member's Bill today. It should instead be introduced by the Government, but the Government refused to do so for a variety of reasons. I do not know that so many people have returned and perhaps I have been happy too soon. But anyway, I do hope the Government would understand the wish of the people. Just now the Honourable Ronald ARCULLI urged the official Members not to vote on the Government's Bill and I said they should vote. As for this Private Member's Bill, I think you should not "stand in the way", but of course, it is up to you to decide. You also have to be accountable to the 6 million Hong Kong people. Finally, if the Governor is now listening to this debate, and if the Bill is luckily passed, I believe he has no choice because in choosing between a Bill which seeks for 60 direct-elected seats and one which seeks for 20 such seats, how can he possibly give preference to the less democratic one?

Mr President, last year when I attended the meeting at Ko Shan Theatre, I stated that I would move an amendment to the Government's Bill. But now, no such amendment is moved and a Private Member's Bill is tabled instead. I said at the time that the vote on this debate would be a magic mirror to reflect one's devotion to democracy. We hope the outcome of this vote will show the people of Hong Kong who earnestly care about them and support the development of

democracy. May I appeal to all Members, regardless whether you are appointed, elected through functional constituencies or directly elected, I sincerely call on you to set aside your own commercial and political interests and cast the historic vote for the true democratization of Hong Kong!

With these remarks, I support the resumption of Second Reading.

Question on the motion put.

Voice vote taken.

MISS EMILY LAU: I claim a division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the results will now be displayed.

Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Jimmy MCGREGOR, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr MAN Sai-cheong, Mr James TO, Dr YEUNG Sum, Miss Christine LOH and Ms Anna WU voted for the motion.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr Andrew WONG, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr LAU Wah-sum, Mrs Elsie TU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr Simon IP, Mr Eric LI, Mr Steven POON, Dr Philip WONG, Mr Howard YOUNG and Mr Roger LUK voted against the motion.

Mr Martin BARROW, Dr LEONG Che-hung, Mr Fred LI, Mr TIK Chi-yuen and Mr WONG Wai-yin abstained.

PRESIDENT: The result is 20 for the “ayes”, 21 for the “noes”. Order! (There was shouting from the public gallery to the effect of accusing the Meeting Point of defeating the motion.) I declare the “noes” have it.

As the motion for the Second Reading of the Bill has been negatived, we cannot take any further proceedings on the Bill.

Adjournment and Next Sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 6 July 1994.

Adjourned accordingly at eight minutes to Five o'clock, 30 June 1994.

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