

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 7 July 1994

The Council met at half-past Two o'clock

PRESENT

THE PRESIDENT

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

THE CHIEF SECRETARY

THE HONOURABLE 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 JAMES KERR FINDLAY, O.B.E., Q.C., 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 MARTIN LEE CHU-MING, Q.C., J.P.

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

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

THE HONOURABLE SZETO WAH

THE HONOURABLE ANDREW WONG WANG-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

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 JAMES TO KUN-SUN

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

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

ABSENT

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

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

THE HONOURABLE TAM YIU-CHUNG

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

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE TIK CHI-YUEN

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR RICKY FUNG CHOI-CHEUNG

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

PRESIDENT: Would Members please remain standing for the Governor?

CLERK: His Excellency the Governor.

PRESIDENT: The Governor will address this Council on Hong Kong aspects of the United Kingdom House of Commons Foreign Affairs Committee Report on “Relations between the United Kingdom and China on the period up to and beyond 1997”.

GOVERNOR: Mr President, last Friday Her Majesty’s Government published its observations on the Foreign Affairs Committee’s (FAC) report on relations between the United Kingdom and China in the period up to and beyond 1997. The Hong Kong Government was fully consulted on the Hong Kong aspects and I am glad to have the opportunity to answer questions on these aspects today.

Before taking questions, I should like to comment briefly on four areas covered by both the report and the observations on the report. These areas are: constitutional development; the work of the Joint Liaison Group (JLG); citizenship and nationality; and human rights.

I do not propose to dwell on constitutional development. Last week this Council passed the second stage electoral bill after a full and vigorous debate. This has drawn a welcome and necessary line under the issue. We now need to turn our attention to other matters of importance to the community; and, wherever possible, we will of course pursue the community’s interests in ways which will help to strengthen and expand co-operation with China.

One area where co-operation is of the very greatest importance is in the JLG. I believe that everyone will agree with the FAC’s recommendation that there is a need to accelerate progress in that forum. I am therefore pleased by the results of the JLG that finished last week. In particular the defence lands agreement, achieved after seven years of hard negotiation, is a good one. It demonstrates that the two sides are capable of producing detailed and balanced agreements.

There was another result from the JLG that was rather lost in the excitement of the defence lands deal, but to which I should like to draw Members’ attention: the JLG made some progress on the localization of laws. Members will recall that the FAC report recommended that “if China continues to block further negotiations in the JLG there can be no choice but for the Hong Kong Government to put before the Legislative Council the necessary legislation to adapt and localize legislation prior to the transfer of sovereignty.” At the last JLG, agreement was reached that the United Kingdom legislation in three important areas relating to merchant shipping should be localized in Hong Kong. The bills to do this will be introduced into this Council shortly.

Agreement on three items is not enough, we need to make much faster progress. But after many meetings of the JLG where almost no agreement at all has been reached on this subject, this limited movement is welcome. I hope that this is a sign that we can look to further progress in future.

The third area that I wish to mention relates to citizenship and nationality. As the Council know, I fully support the FAC's arguments for full citizenship for the wives and widows of ex-servicemen and for the ethnic minorities. I know that Members also share these views and have put them vigorously to Her Majesty's Government. I will continue to press the case for both of these groups.

The fourth area concerns human rights. I very much share the FAC's view that human rights need to be safeguarded and strengthened in Hong Kong. This is important both for the present and for the future. To achieve this, it is important that we set ourselves the aim of achieving this objective in ways that are both effective and durable.

We weighed up carefully the pros and cons of setting up a Human Rights Commission here. In the end we decided that that was not the best way forward for Hong Kong. Hong Kong has a good human rights record: one built on the foundations of the rule of law, a truly independent Judiciary and an effective Bill of Rights Ordinance. We believe all these safeguards provide a sound base for protecting human rights in Hong Kong, both now and beyond 1997.

Instead of creating an entirely new institution with a wide-ranging but imprecise remit in the field of human rights, we concluded that it was preferable to rely on and to strengthen existing institutions and to focus on areas of specific concern.

To this end we have done, or are doing, the following:

- (a) we have announced that we will be introducing legislation against sex discrimination, establishing an Equal Opportunities Commission and seeking to extend the Convention on the Elimination of All Forms of Discrimination against Women to Hong Kong;
- (b) we are pushing ahead with draft legislation to prohibit discrimination on the grounds of disability;
- (c) we will be increasing the resources for human rights education by creating a dedicated team and allocating \$20 million for their work over the next three years;
- (d) we will be providing more resources to the Judiciary to enable it to reduce the waiting time for bringing cases to trial. We are also considering measures to ensure that the resources which are being given are used more efficiently and effectively;

- (e) the Legal Aid Working Group is considering measures to improve the availability of legal aid in Bill of Rights cases. Their recommendations are expected to be made known quite soon. The group will also be making recommendations to enhance the independence of legal aid administration;
- (f) we have recently announced a plan to develop and adopt a code of practice to increase the transparency of the Government. This, together with our plans to introduce legislation in the area of data protection, will go a long way towards meeting the expectations of the community for greater access to information; and
- (g) important work is already under way in other areas. We have, for example, made considerable progress in ensuring that all legislation is consistent with the International Covenant on Civil and Political Rights and the Bill of Rights. And we have strengthened the role of the Commissioner for Administrative Complaints as an effective complaints channel.

By any standards, this is a positive and impressive programme of activity. Taken together with the independent judicial system in Hong Kong and the Bill of Rights, the Administration is firmly of the view that these measures will provide substantial and effective guarantees of human rights before and after 1997.

PRESIDENT: Dr David LI.

DR DAVID LI: *Mr President, the House of Commons Foreign Affairs Committee report recognizes the key ingredient of Hong Kong's success has been the rule of law (paragraph 27, page six). Will you inform this Council, Mr Governor, what progress has been made in the establishment of the Final Court of Appeal?*

GOVERNOR: We have passed legislative proposals to the Chinese side and we look forward to having their comments on those proposals. We would then intend to discuss the suggested bill with the legal profession here in Hong Kong with both solicitors and barristers, and then we would intend to come to this Council with our legislative proposals and hope that we could be in a position to convince the Council of the wisdom of the approach that we have taken.

The Council will know that time, as ever, is not enthusiastically on our side. It is clearly the case that we need to have arrangements in place by the

middle of 1996. It takes about a year for the Privy Council to hear cases — that is at the outside — and therefore if we have not got arrangements in place by mid-1996, there would inevitably be some sort of lacuna which we would have to fill in whatever way we could. So we will be coming to the Council as soon as possible, and I hope that we will be able to make a convincing case to the Council for the arrangements that we put forward.

PRESIDENT: Mr Albert CHAN.

MR ALBERT CHAN (in Cantonese): *Mr President, first of all, I would like to take this opportunity to congratulate Mr Governor for opening two historical chapters in Hong Kong in a brief interval of seven days: Firstly, Mr PATTEN's 1992 political reform package was passed by this Council last Wednesday and secondly, government officials refused to move the Third Reading of a bill at yesterday's Council sitting. The 1992 political reform package is a great step forward in democratic development but what the government officials did yesterday was obviously a great retrogression in terms of parliamentary democracy. The Foreign Affairs Committee report recognizes and supports the democratization of Hong Kong's political system. But it seems that our legislature, in practice, is not operating in line with democratic spirit. With the principle of the 1992 political reform package in mind, would the Governor inform us whether he accepts and encourages similar actions taken by the government officials yesterday which damaged our parliamentary democracy? How is he going to ensure that the implementation of the 1992 political reform will not stray away from democratic spirit?*

GOVERNOR: I think the Honourable Member has to be as careful as I was suggesting Honourable Members from another party needed to be when he makes suggestions about what is a reasonable outcome for a vote and what is an unreasonable outcome. I think he also has to be careful in the implication behind his question that some legislators' votes are worth more than others, which I know is argued from both sides of the fence from time to time, if fence it be. The truth of the matter is that every legislator in this Council has a right to cast a vote, and there are three legislators who are here as *ex officio* Members of the Council at the end of the debate yesterday came to the conclusion that the bill which was emerging was not one which they wished to support. What actually happened was the Legislative Council, a majority of the Legislative Council, decided that that bill should not proceed because it did not reflect the consensus which is normally reached on these matters in the Labour Advisory Board (LAB). It seems to be that is a perfectly reasonable view for the Legislative Council to come to, though I would have wished that a bill agreed by the whole Council could have emerged. But I do not honestly think the Honourable Member can celebrate in a modestly rapturous way last week's result and then conclude that yesterday's result was not acceptable because he did not agree with it. I hope that we can find a consensual approach to these

matters, important matters of labour welfare and labour reform. Plainly that is the way we have done business in the past. I think it reflects the views of the community. It reflects a community in which there is happily very little industrial unrest and I very much hope that we can come back with proposals very soon which the whole Council will be able to give its name to. I am sorry that yesterday we were not able to reach agreement. I am sorry that the LAB's proposals did not find a place on the statute book, but I hope we will be able to move forward and find an acceptable way through these problems as soon as possible.

MR ALBERT CHAN (in Cantonese): *Mr President, I am not asking whether the bill should be passed or not. What I am concerned about is this Council's spirit of operation. The Governor had been the chairman of the British Conservative Party. According to his understanding of the parliamentary operation, if the amendments to a certain bill proposed by the Administration have gone through the First Reading, the Second Reading and the Committee stage, why should a responsible government refuse to move the Third Reading? Is this in line with the workings of parliamentary democracy and democratic spirit?*

GOVERNOR: Yes, and it would be totally understood in that way at Westminster which has some claim to call itself the "Mother of Parliaments". I was, as you said, a Member of Parliament in the United Kingdom before I came to these responsibilities and if say, a bill put forward by the Government, by the Administration, had been completely gutted or had been completely turned round during the course of the Second Reading and the Committee stage, I have no doubt at all that the "Chief Whip" would have advised his colleagues, and his advice was always rather more than that, to vote against the bill at the end of discussion. I have got no doubt that that would have happened. I repeat that we would all have much preferred it if we had been able to go forward as we normally do on these matters in a spirit of consensus on what I think is generally regarded as being an important measure of labour welfare reform. I hope that we can come back to the Council. It may require more discussion both with the LAB and with those Members of the Council who have a particular interest in labour welfare matters. I hope we can come back to the Council soon and find a way of proceeding which, as is usually the case, everybody can agree to.

PRESIDENT: Mr MAN Sai-cheong.

MR MAN SAI-CHEONG (in Cantonese): *Mr Governor, the freedom of information is an important part of human rights and the community of Hong Kong is no exception. The Director of Education, Mr Dominic WONG, has said that history covering the last 20 years cannot be incorporated into school textbooks. This is in connection with the inclusion of the "June 4"*

incident in textbooks. Can the Governor explain what the rationale behind the exclusion of history covering the last 20 years from textbooks is? Is it in conflict with the students' freedoms of information and academic pursuit; and is it contrary to the spirits of democracy and human rights that you have been promoting?

GOVERNOR: I think, attempting to take heat out of an important issue, that it has been the case in recent years that those who give advice on the development of the curriculum have taken the view, broadly speaking, that the last 20 years should not feature as history but as perhaps civic education. Now, because of the controversy that is blown up in this case — an unfortunate controversy — we have asked those who advise us on these matters to look again. I have to say that there can be no question that the principle which the Honourable Member enunciates is the right one. We cannot, as I have said in the past, erase facts from history. We cannot “snowpake” out those bits of history that we would like to remove. I have to say, speaking for myself, that there are parts of my career which I would quite like to “snowpake” out but I do not think that would be widely regarded as acceptable.

It is very important that all teachers, whether of university age children or of schoolchildren, should recognize their responsibilities to ensure as far as possible that their children are taught the truth and have the opportunity of forming their own judgments, as they grow up, based on the truth rather than a distortion of the truth.

I think there is some dispute about how far history should go when it is being taught. I studied history at university and I have to tell the Council in the spirit of humility that I know very little of 1215.

MR MAN SAI-CHEONG (in Cantonese): *Mr Governor, I think that your answer is a little bit farfetched because I know that in English history, even*

GOVERNOR: Well, the 1215 battle.

MR MAN SAI-CHEONG: *The history books for primary and secondary schools in England teach students to evaluate the sources and will not set any time limits. I think that will be a double standard if that is the case in the United Kingdom and not the case in Hong Kong.*

GOVERNOR: Well, as I said, because of the controversy, because of the row that has arisen over this, we have asked those who give this advice on the curriculum to have another look at the — I think it is too strong to put it as a 20-year rule — view that has been taken that history should end at some period

a couple of decades ago. The Honourable Member is entirely right that it is an important part of learning history for young people to balance the evidence, to balance the facts, and learn to come to something approximating to a true analysis of what has happened in the past, and in that way one learns more about the present. I do not think there is an inch of difference between the Honourable Member and myself about the requirements for the good teaching of history, and I do not think there is any difference between the Honourable Member and myself about the fundamental importance in a free society of ensuring that people are able to learn everything, even those things that might be inconvenient.

PRESIDENT: Mr LAU Chin-shek.

MR LAU CHIN-SHEK (in Cantonese): *Mr President, I would first like to point out that although the Governor has said repeatedly that the Labour Advisory Board had reached a consensus on the amendment to the Bill passed yesterday, I can tell him that there was in fact no consensus! At the sitting of this Council yesterday, we mentioned about incidents in which some Hong Kong people doing business in China had been detained and the Hong Kong Government had been unable to obtain further information about them. What methods does the Governor have to obtain definite information about the situation of these businessmen and endeavour to ensure their early release? Will the Governor ask Mr GOODLAD to bring up this matter with the Chinese Government during his visit to Beijing, and to visit Mr XI Yang and find ways of ensuring his early release?*

GOVERNOR: On the first point, wherever a member of this community, whenever one of our residents is in the sort of difficulties which the Honourable Member refers to, then the present sovereign power would feel it proper and right to take up the issue with the future sovereign power. So we would pursue matters like that both through our embassy in Peking and through contacts in London between the Foreign Office and the Ambassador of the People's Republic of China (PRC) in London and I think those are the right channels of communication. And any particular case which the Honourable Member wishes us to take up or wishes to be brought to Mr GOODLAD's attention before he goes to Peking, we would be very pleased to receive and pursue in a way which the Honourable Member suggests.

As for the case of XI Yang which has caused so much genuine and widespread concern in the community, I will certainly draw what the Honourable Member said to the Minister's attention before his visit to Peking in a week or so's time.

PRESIDENT: Mr Howard YOUNG.

MR HOWARD YOUNG: *Mr President, since today's session is supposed to be on relations with China I will ask a question related to that. Now that the 21-month debate on political reform has been put to rest and there is no point harping on it any more, will the Government embark on any new or imaginative initiatives using this, what I see as a window of opportunity, to build more bridges with China, in particular whether you think there are any more flexible or less dogmatic ways of building bridges with China, so that we can get on with talking about co-operation on economic matters, livelihood matters and anything else that can bring about a smooth transition?*

GOVERNOR: We were very pleased that the day after this Council reached its historic conclusions last week, we were able to bring to an end seven years of negotiations on the future of the defence estate in Hong Kong. And I would like, if I may, to pay a particular tribute to the negotiators on both sides. These were and are very complex and difficult issues and I think both negotiating teams cracked the problems by showing a good deal of imagination and sincerity, and it is the way I think we should try to deal with other problems in the Airport Committee, and the JLG, as well.

We very much hope that our attitude and approach in the JLG and through the other channels of communication with the Chinese side will help to take matters forward. Let me give the Honourable Member two examples. We have been able to inform the Chinese side that we have now reached an agreement with the consortium on the next container terminal. So in our judgment it should be relatively easy to come to a view on that matter and to ensure that the container terminal is constructed without any further undue delay. Nobody can pass across the harbour or fly over the harbour without recognizing that we are starting to run into the same sort of traffic jams in the port that we suffer all too frequently on our roads, so it is important to move ahead with Container Terminal 9.

Secondly, if one looks at the localization and adaptation of laws, let me take localization for a start, there are about 300 United Kingdom laws that need to be localized. We have, I think, managed to process about 30 of those. We have given the Chinese side consultation papers on a further 83 and it would be nice to make as rapid progress on those as we possibly can. Equally, we have given the Chinese side a number of consultation documents on laws which need to be adapted and I hope we can make progress on those, too.

So in the JLG and in other fora, we will want to be as constructive and co-operative as possible. We take at their face value. We take as sincere expressions what Chinese leaders like Vice-premier QIAN Qichen have said about the importance of co-operating as broadly as possible over Hong Kong's future. We know that is in the interests of the people of Hong Kong and of their

economy and livelihood and nobody stands to gain anything at all by dragging their feet on any of these issues.

So we will be as positive as possible and, to borrow a phrase, we will keep hitting the ball over the net and hope that it comes back.

MR HOWARD YOUNG: *Mr President, on my previous question and my follow-up, I would actually ask not only just you, but if the chance were to face your counterpart in the same way, I would ask it exactly in the same way but unfortunately we are only facing you today. I was not thinking of just JLG and the positive matters you have mentioned, but whether one can be more flexible. For instance, I feel, somehow rightly or wrongly, the impression that I certainly get and I imagine many Hong Kong people get, that the Chinese or the Chinese officials seem to not even be aware of your existence sometimes in Hong Kong, you know as the Governor, or sometimes where the Hong Kong side does not seem to be aware of the existence or the role of say the PWC. I do not think this type of dogmatic sort of feeling is really very helpful. I was wondering whether one could explore more channels other than the JLG in a much more flexible manner to build bridges all round.*

GOVERNOR: I do not think “dogmatic” is the word I would use to describe our position. “Principled” is certainly a word I would use, but I think I would fall short of using the word “dogmatic”. I am not sure that the Honourable Member is entirely right that Chinese officials are not aware of my existence. There have been one or two occasions in the last couple of years when perhaps I would have wished that that were the position. But I think they are aware of my existence and I am sure they are also aware that in this existence, and I am looking forward to the next three years of it, I have made it clear again and again and again that I would very much like to take forward some of the matters that are alas outstanding, directly face to face with the Director of the Hong Kong Macau Affairs Office or with his other senior colleagues. I think a lot of these issues could actually be tackled more rapidly if we were able to sit down at a table and talk about them, and I am prepared to go anywhere, at any time, for such a meeting. I got the impression when Director LU made his welcome recent visit to Hong Kong that the public would have liked us to talk while he was here. Unfortunately, we were told that he had too busy a diary during that visit. But I hope that he is able to find the time on a future visit or I will visit him.

As for the PWC, we recognize the existence of the PWC. I recognize members of the PWC, I think, as I look around this Chamber. We recognize that and we are delighted to talk to members of the PWC and to offer them the same sort of access to the Government’s wisdom and challenges that we offer to others, too. But I have said before that I am not sure it is very sensible, when the existing channels established between the sovereign powers are not working as well as we would like, to start trying to invent other channels. I do not think

that makes very much sense for the Civil Service. I do not think that makes very much sense for anyone. But we are prepared to be as open as possible and I would like to see as the next step as building on the agreement that has been reached on defence lands and I would like to see the electricity humming along the wires in the Joint Liaison Group and elsewhere as well. I think that both of us, the Hong Kong Government and Chinese officials, would find that an exhilarating experience.

PRESIDENT: Mr Marvin CHEUNG.

MR MARVIN CHEUNG: *Mr Governor, now that the political reform is out of the way, will you inform this Council when and in what manner the present Administration will seek agreement from the Chinese Government on the detailed mechanics of the transfer of sovereignty at midnight on 30 June 1997, and when these arrangements will be made known to the people of Hong Kong to allay any anxiety over the possible chaos and vacuum of power in the immediate weeks preceding the transfer of sovereignty?*

GOVERNOR: That is an issue that we will need to start addressing with Chinese officials soon. I am not sure we are quite there yet, but as I see from the clockometer in Director LU's office, there is only just over 1 000 days to go and we will have to start discussing arrangements soon. It is our view that those arrangements will need to be as dignified and smooth as possible. I am sure that will be the view on the Chinese side too. It is not just a question of handing over the keys to the front door. There are all sorts of other arrangements that will need to be concluded, but the Honourable Member is right that we should embark on that soon and he is also right that the community will be entitled to know exactly what is planned. I do not think that there will be the sort of vacuum that the Honourable Member refers to. We will do everything we can to prevent any gaps in the law as I was saying earlier, which is obviously a worry, not least commercially. We will do everything we can and I am sure that it is the wish of the people of Hong Kong that the transition is as smooth and successful as possible.

MR MARVIN CHEUNG: *Mr President, may I ask a follow-up question? Will the Governor advise this Council whether the Hong Kong Administration will deal with any organ or quasi-government bodies of the PRC other than the normal diplomatic channels or the JLG in this process?*

GOVERNOR: There will, I imagine, need to be other contacts. For example, one of the consequences of an agreement on the defence estate must inevitably be that soldiers will have to talk to soldiers about exactly what will be involved in the run-up to 30 June 1997. To some extent that has been happening already

under the auspices of the JLG. But I think that there are a number of areas where we have had contacts outside those formal channels and the closer we get to 30 June 1997, the more extended and various those channels are likely to be.

PRESIDENT: Dr HUANG Chen-ya.

DR HUANG CHEN-YA (in Cantonese): *Mr Governor, yesterday I enquired the Administration about the illegal detention of Hong Kong businessmen in China. However, the reply was that the Administration knew nothing about their cases. It seems that the Administration wants to muddle through without taking any action. May I ask the Governor: firstly, will you request the Administration to provide a detailed report to this Council on the assistance rendered by the Hong Kong Government to those poor businessmen; secondly, do you have any more effective plans to assist Hong Kong businessmen who may come across the same problem in future by, say, taking up the matter through the JLG or personally, so as to protect Hong Kong people from illegal detention while engaging in legal commercial activities in China?*

GOVERNOR: It is an important issue and I want to establish exactly what the parameters of discussion are. If the Honourable Member or any other Honourable Member has the names and details of businessmen who have been detained in the way that he suggests, then we would like to have them as soon as possible and we would pursue those cases in the normal way through the United Kingdom's Ambassador in Peking. That is the way in which we would properly proceed, taking things up at the highest level. And, of course, with an imminent visit by a British Minister to Peking and to China in general, it is quite a good time to pursue a matter like that.

I think that the question has particular importance because we know of the value of Hong Kong and Hong Kong investment to the economic revolution which is taking place in China. I think I am right in saying that about two thirds, perhaps a little more, of the foreign investment which is going into Guangdong is going from Hong Kong. That necessarily means that a lot of Hong Kong businessmen and entrepreneurs are travelling to and from China and they will want the confidence that they can do so peacefully and with every assurance that they will be properly looked after.

DR HUANG CHEN-YA (in Cantonese): *Mr Governor, should you ask the Secretary for Security, he can give you a list of 12 persons known to the Government, I hope you can*

GOVERNOR: How many did the Honourable Member say?

DR HUANG CHEN-YA (in Cantonese): *There are 12 persons according to the information provided by the Secretary for Security. Would you provide this Council with a detailed report after you have got the information, advising us the efforts made by the United Kingdom's Embassy for the people of Hong Kong; the number of visits it has paid to those detainees; the number of negotiations it has held with the Chinese Government in respect of each detainee; and the results thereof, so that we can know whether the British Government has rendered any assistance or it has ignored and simply thrown the files into the litterbin after receiving them?*

GOVERNOR: No, as the Honourable Member will know, the Civil Service never puts files in the litterbin; they are stored for centuries. But to be serious, because this is a serious and important issue, I will ensure that this Council is given a report on what has been done in the cases of members of this community whose problems in China have been brought to our attention, so that the Council can know that its government in Hong Kong and the Government of the present sovereign power are taking these issues with the importance that they deserve. Because, as I have said, there is not just the question of individual's human rights at stake; there is the more general question of the ability of entrepreneurs in Hong Kong to travel as freely as their money travels.

PRESIDENT: Mr CHIM Pui-chung.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Governor, it will be two years the day after tomorrow since you arrived in Hong Kong as Governor. The people of Hong Kong have had a good understanding of the political reforms. How do you rate your performance in the four major issues of Sino-Hong Kong relationship, Sino-British relationship, the Hong Kong economy and Hong Kong people's livelihood? What better plans do you have to score a higher rating in future? Since the above issues are the concerns of Hong Kong people, I am giving you the opportunity to bring into play your skills. With your eloquence, I think nothing will have you baffled.*

GOVERNOR: I am sure that I rate myself as highly as the Honourable Member rates himself, *(Laughter)* and conceivably that is a higher mark than the Honourable Member would give me himself. *(Laughter)*

Clearly, I look back on the last two years, in which of course one of the highlights has been our growing close relationship, with interest and a good deal of pleasure at the successes of the Hong Kong economy and the development of social programmes. I do not think that even if I were running for election,

which I am not, I could make great claim to responsibility for the success of Hong Kong's economy. That owes much to the hard work and entrepreneurial skill of the people of Hong Kong, working within the rule of law, and to the sensible macro-economic policies which have been pursued by this Financial Secretary and previous Financial Secretaries for many, many years. It is obviously a matter for satisfaction that we have now been able to have two budgets in which we have seen taxes fall, public expenditure rise and more money put into our reserves. These were not the sort of budgets that I was familiar with when I was in European politics, but it is a great pleasure to become increasingly familiar with them here.

I think that it has also been a pleasure to watch the agenda which I first set out in my first speech to the Legislative Council in 1992 of social and educational change steadily implemented. I will not go into all the details and all the figures. But I think we are at this position in Hong Kong: we do want to see the development of high quality social and educational programmes without losing our position as a low-tax high-growth economy. That involves difficult choices but I think everybody recognizes that it would be the greatest folly in the pursuit of social objectives to damage our economy in any way. Delivering quality rather than just quantity in social provision raises rather more difficult problems.

I think that, for example, in education, the whole community now recognizes that we have got to concentrate on raising the quality of teaching, on giving our teachers more support, so that what actually happens in the classroom is of even higher quality. That is perhaps more difficult than just building new classrooms, even though we have to improve the classrooms we have already built and build some new ones. So these are the sort of questions of quality which I think we are going to be tackling and I will be saying more about them in my Legislative Council speech this autumn.

There is one further point I would like to make. There is a social issue which I think the whole community is concerned about, on which we are going to have to come to some irrevocable decisions in the next few months, I hope, with the understanding and agreement of China. We want to do more for our elderly. We want to provide those who are retired, who have made such a contribution to our community. We want to provide them with decent financial security in their old age and the Government will soon be putting forward our views on how that can best be done, prudently but with also the generous instincts that one would expect in a community which has been as economically successful as this one has been.

So avoiding giving myself any mark out of 10 — after all, if I was to give the Honourable Member a mark he might conclude afterwards that it had been out of a hundred, not out of 10 — I will just say that I hope that I am able to work as Governor in as successful an economic and social environment for the next three years as I have for the last two. When I explain to visitors, not just Hong Kong's economic statistics but Hong Kong's social statistics as well, they

are invariably exceptionally surprised. We are not just a successful economy. We are a very successful community all round.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Governor, do you think it is important to Hong Kong for us, politicians, to achieve co-ordination rather than division?*

GOVERNOR: It is extremely important for us to work for consent and agreement as frequently as possible and I note with great pleasure the harmonious state of the exchanges between the Honourable Member and myself this afternoon. This harbours extremely well for the future. Perhaps on 30 June 1997, as well as celebrating the transition to Chinese sovereignty, the Honourable Member and I will be celebrating a five-year relationship.

PRESIDENT: Ms Anna WU.

MS ANNA WU: *Mr Governor, I am most tempted to raise with you the inconsistency of your approach between the electoral provisions and the Human Rights Commission, but I will refrain from that. On seeking an interpretation from the United Nations Human Rights Committee on the Joint Declaration provisions relating to the International Covenant, the United Kingdom response in paragraph 43 reads: "Since the Joint Declaration is a bilateral treaty between China and Britain, the Government see no need to consult the United Nations Rights Committee on its interpretation." Is this the attitude the United Kingdom Government holds in respect of the entirety of the Joint Declaration when it comes to a request from Hong Kong for a United Nations view? What is your response to this statement as Governor of Hong Kong?*

GOVERNOR: First of all, since the honourable lady did not ask a question about alleged inconsistency, I will not give my reply which will point out there is none, and that will save a good deal of time.

Secondly, it is the view of the United Kingdom Government and of the Hong Kong Government that there is not any problem of interpretation with the Joint Declaration, and that there is not, for example, any doubt about the responsibilities of both sides under that Joint Declaration. Say, if to put it in one way, it would be to raise doubts which we do not think exist for us to follow the course of action suggested by the honourable lady. For example, in our view there is no doubt at all about the reporting requirements under the international covenants and the Bill of Rights and the Joint Declaration, we think that is a matter which is absolutely clear and I would not want to raise a single question mark about it. So the short answer to the Honourable Member's question is, we do not think that it is necessary to go to the United Nations for

guidance on the Joint Declaration and I think the United Kingdom Government set out the reasons for that pretty clearly in their response to the FAC.

MS ANNA WU: *Mr President, my question was what will happen when it comes to a request from Hong Kong for a United Nations' view? What is the Governor's comment to that particular question, when a request is made for a United Nations' view from Hong Kong?*

GOVERNOR: Perhaps I am being even denser than normal, I am not entirely following the Honourable Member's question because the Hong Kong Government does not think that there is any doubt about the Joint Declaration. If the Honourable Member is saying what happens if there are members of the community who think there are doubts, then they would need to pursue them through the normal channels, but I do not think, since the Hong Kong Government does not believe there is any doubt, that the Hong Kong Government, in those circumstances, would be required to go to the United Kingdom Government to go to the United Nations. But is the Honourable Member referring to after 1997?

MS ANNA WU: *What if the Special Administrative Region (SAR) Government should make that request for Hong Kong?*

GOVERNOR: The SAR Government will not be a Member of the United Nations. It would have to go to the sovereign government and ask the sovereign government to go to the United Nations as a member of the Security Council and ask for its view. I am having difficulty imagining the circumstances in which this might happen, but I think that would be the situation in international law.

PRESIDENT: Mr Steven POON.

MR STEVEN POON: *Mr Governor, you have been the Governor for exactly two years and the public perception has been that the number one item on your agenda in the last two years has been the political package, the political reform. There have been reports or commentaries written in both the United Kingdom and in Hong Kong concluding that your role as the Governor in the next three years will diminish. Maybe that is terribly unkind and I am not someone who is used to being unkind to the Governor, but perhaps you could tell us what is your number one priority, number one item on your agenda for the next three years if you are to stay as the Governor until 30 June 1997?*

GOVERNOR: I am grateful to the Honourable Member for that question. The number one item on my agenda for the last two years is very close to the number one item on the agenda for the next three, indeed it is identical, and that is to do everything I possibly can to ensure that the Joint Declaration is implemented in the spirit and the letter for 50 years after 1997, to do everything I can to ensure that Hong Kong enjoys after 1997 that high degree of autonomy which she has been promised, and to do everything I can to make sure that Hong Kong's system survives and prospers after 1997. Now in pursuit of that we have had, unfortunately, a controversy about political issues and perhaps that controversy has also been related to the fact that in my judgment, if you are going to stand up for yourself from time to time you have to have a bottom line, and that if you do not have a bottom line you very easily find that you sacrifice the things which count. I certainly think that is true in relation to the position of Hong Kong.

But of course there are many other issues that I have pursued and the Government has pursued in the last couple of years and the Honourable Member — I hesitate to suggest this as bedtime reading — would only have to look at the speeches I had made to the Legislative Council in 1992 and 1993 to see what has been done about those speeches and to see that we have actually had an extremely broad social, economic, environmental and educational agenda, and we will continue to pursue that. It happens to be one of the crosses that the Governor bears when he goes to a hospital or a school or a refuse treatment centre or almost anywhere and comes out to answer the questions from our ubiquitous press corps, that he is asked about the airport or political reform. But that does not mean that there are not a lot of other issues which he is spending his time working on.

One other question which the Governor has been asked regularly for the last two years and that has been about the Governor's intentions and I can tell you once again — and perhaps after this, God be praised, I will not have to answer the question too often — I came to Hong Kong for five years, I intend, God willing, to be here until 30 June 1997. There will from time to time be reports here and there, gossip columns here and there, which suggest that I am going to do all sorts of things which have never crossed my mind. But I took these responsibilities on for five years. I believe that for me to give them up before five years are over would not be the right thing to do, would not be widely understood in Hong Kong or beyond and would involve me in breaking my word to the people of Hong Kong. That I do not intend to do.

PRESIDENT: Mr Fred LI.

MR FRED LI (in Cantonese): *Mr Governor, as you have been in Hong Kong for two years, I believe you have come to understand the Hong Kong situation. Can you inform this Council in detail what major programmes in relation to the community and people's livelihood you have in mind for the next three years?*

What issues do you think should be given priority and be dealt with as soon as possible?

GOVERNOR: I will be answering it in slightly more length in early October when I give my next speech to the Council, though it is my intention I should say, to speak rather more briefly this year than I have in the last two, without, I hope, sacrificing any of the content.

I think, as I said earlier, that the biggest issue on our agenda in the next few months is going to be the future of provision for the elderly. I think the proposals which the Government will shortly unveil are extremely sensible. I hope we will be able to convince this Council and the community beyond of that as well.

I think I have to make sure in the next months and years that the ambitious programme of welfare reform that we put in hand is carried through. I feel particularly strongly about the implementation of our proposals to help the disabled and those as well who are ill.

We have an ambitious programme in the educational field to carry forward and we have got a number of environmental initiatives, not least the successful completion of the first stage of our sewage treatment plan.

As I have also been saying, we have a number of other proposals which this Council will be legislating on in the next year or so to further safeguard human rights and to ensure that the Government becomes more open and more accountable. The programme which I outlined earlier is by any standards an extremely ambitious one.

So there will be plenty for us to do. I think that I would just add to that two things which are perhaps a little more intangible and which I have referred to in some press interviews in recent days.

First of all, I hope that we can encourage the whole community to recognize that Hong Kong's measured and steady progress towards full democracy is not something which in any way threatens Hong Kong's economic success or social stability. Indeed, precisely the reverse.

Secondly, I very much hope that in the next three years we will be able to convince those who perhaps think otherwise in China, that Hong Kong's modest aspirations to have a greater share in determining its' own future here in Hong Kong in no way represents a threat to anyone else, least of all to China.

Both those are important tasks and I will try to carry them out for the next 1 000 plus days to the best of my ability.

End of Session

PRESIDENT: This sitting concludes the present Session. I wish Members well during the summer recess. The new Session will start on 5 October 1994, to which date I now adjourn this Council.

Adjourned accordingly at twenty-seven minutes to Four o'clock.