

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 8 August 1984****The Council met at half past two o'clock****PRESENT**

HIS HONOUR THE DEPUTY TO THE GOVERNOR (*PRESIDENT*)
THE HONOURABLE THE CHIEF SECRETARY
SIR CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN HENRY BREMRIDGE, K.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR. JEREMY FELL MATHEWS, J.P.

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

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

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

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

THE HONOURABLE ALEX WU SHU-CHIH, C.B.E., J.P.

THE HONOURABLE LYDIA DUNN, C.B.E., J.P.

THE HONOURABLE ALAN JAMES SCOTT, C.B.E., J.P.
SECRETARY FOR TRANSPORT

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

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

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

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

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

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

THE HONOURABLE ANDREW SO KWOK-WING, O.B.E., J.P.

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

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

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

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

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING

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

THE HONOURABLE HENRY CHING, C.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE CHAN NAI-KEONG, J.P.
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

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

THE HONOURABLE YEUNG PO-KWAN, C.P.M.

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

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

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

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

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

ABSENT

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

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

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

THE REVD. THE HONOURABLE PATRICK TERENCE McGOVERN, O.B.E., S.J., J.P.

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

THE HONOURABLE GERALD PAUL NAZARETH, O.B.E., Q.C., J.P.
LAW DRAFTSMAN

THE HONOURABLE HU FA-KUANG, J.P.

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

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

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, J.P.

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

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

IN ATTENDANCE

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

Papers

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

Subject *L.N.No.*

Subsidiary Legislation:

Dangerous Goods Ordinance	
Dangerous Goods (General) (Amendment) (No. 2) Regulations 1984	249
Dangerous Goods Ordinance	
Dangerous Goods (Shipping) (Amendment) (No. 2) Regulations 1984	250
Fixed Penalty (Criminal Proceedings) Ordinance	
Fixed Penalty (Criminal Proceedings) (Amendment) (No. 2) Regulations 1984.....	251
Fixed Penalty (Traffic Contraventions) Ordinance	
Fixed Penalty (Traffic Contraventions) (Amendment) (No. 2) Regulations 1984.....	252
Hang Lung Bank (Acquition) Ordinance	
Hang Lung Bank (Compensation of Former Shareholders) Regulations 1984.....	253
Immigration Ordinance	
Immigration (Amendment) (No. 2) Regulations 1984.....	254
Import and Export Ordinance	
Import and Export (General) (Amendment) Regulations 1984.....	255
Import and Export Ordinance	
Import and Export (Registration) (Amendment) (No. 2) Regulation 1984....	256
Reserved Commodities Ordinance	
Reserved Commodities (Control of Imports, Exports and Reserve Stocks) (Amendment) Regulations 1984.....	257
Road Traffic Ordinance	
Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulations 1984.....	258
Road Traffic Ordinance	
Road Traffic (Driving Licences) (Amendment) Regulations 1984.....	259
Road Traffic Ordinance	
Road Traffic (Parking) (Amendment) Regulations 1984.....	260

<i>Subject</i>	<i>L.N. No.</i>
Road Traffic Ordinance	
Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulations 1984....	261
Road Traffic Ordinance	
Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 3) Regulations 1984	262
Road Traffic Ordinance	
Road Traffic (Traffic Control) (Amendment) Regulations 1984.....	263
Electoral Provisions Ordinance	
Declaration of Constituencies (District Boards) Order 1984.....	264
District Boards Ordinance	
Declaration of Districts Order 1984.....	265
Registrar General (Establishment) Ordinance	
Registrar General (Establishment) (Amendment of Schedule) (No. 2) Order 1984 .	268
Shipping and Port Control (Dwelling Vessels) Regulations	
Shipping and Port Control (Dwelling Vessels) Regulations (Amendment of First Schedule) (No. 2) Order 1984.....	269
Hong Kong Royal Instructions 1917 to 1983 Standing Orders of the Legislative Council of Hong Kong	
Ending of 1983/84 Session	270
Inland Revenue Ordinance	
Inland Revenue (Interest Tax) (Exemption) (Amendment) (No. 11) Notice 1984 ...	271

Government Business

Motion

CROSS-HARBOUR TUNNEL ORDINANCE

THE SECRETARY FOR TRANSPORT moved the following motion:—That the Cross-Harbour Tunnel (Amendment) (No. 2) By-laws 1984, made by the Cross-Harbour Tunnel Company, Limited on 2 August 1984, be approved.

He said:—Sir, I rise to move the motion standing in my name under section 62(2) of the Cross-Harbour Tunnel Ordinance (Chapter 203), and to acknowledge the courtesy of the senior Unofficial Member of this Council in agreeing to its inclusion at short notice in today's business. Until a few days ago, it had been

thought that the purpose of this motion could be achieved by an order under the Metrication Ordinance.

The Cross-Harbour Tunnel (Amendment) (No. 2) By-laws 1984 made by the Cross-Harbour Tunnel Company Limited, further amend their existing by-laws to align them in matters of metrication with the Road Traffic legislation due to come into force on the 25 August 1984.

Sir, I beg to move.

Question put and agreed to.

Unofficial Member's Motion

THE ACCEPTABILITY OF THE SINO-BRITISH AGREEMENT ON THE FUTURE OF HONG KONG

MISS LYDIA DUNN moved the following motion:—That this Council welcomes the Government's initiative to test the acceptability of the Sino-British Agreement on the Future of Hong Kong.

She said:—Sir, I rise to move the motion standing in my name in the Order Paper, namely, 'that this Council welcomes the Government's initiative to test the acceptability of the Sino-British Agreement on the Future of Hong Kong'.

Last Wednesday, the Foreign Secretary (Sir Geoffrey HOWE) revealed further details of what we might expect in the Sino-British agreement. He told us that the agreement will be detailed; that both the agreement itself and its annexes will be legally binding; that the legal, social and economic systems and the freedoms we now enjoy will continue after 1997; that the role of the proposed Joint Liaison Group will be clearly defined and, in particular, he stressed that both sides had agreed that the group would not be an organ of power; and, in answer to a journalist's question, he replied that the Basic Law would be so drafted as to reflect the terms of the agreement.

The Foreign Secretary said that there were still important issues to be resolved, but he was confident that the negotiations were on course for a conclusion which could be commended to the people of Hong Kong and to the British Parliament.

The unresolved matters specifically mentioned by the Foreign Secretary were land, civil aviation and nationality. I have no doubt there are other important points of detail yet to be settled and there is also the large question of the future structure of government. These are all crucial issues—crucial to the continued prosperity and stability of Hong Kong and, therefore, to the acceptability of the agreement as a whole. But if these important issues can be satisfactorily resolved, there is every chance that, after the agreement is published, we shall find that its terms are acceptable to the majority of the people of Hong Kong.

Although the Sino-British talks are between the Governments of Britain and China, the outcome will determine the fate of the people of Hong Kong for a long time to come. It is essential, therefore, that the eventual agreement is one which is acceptable to the people of Hong Kong. That is to say, the people of Hong Kong's perception must be that the agreement provides for the maintenance of those systems so essential to the continuance of their life-style and freedoms and the preservation of Hong Kong's status as a centre for international commerce and finance. The British Government has always recognised the importance of the agreement engendering confidence and has said, from the outset, that the agreement must be acceptable to the people of Hong Kong. But *how* to test acceptability? That is the question.

In one sense, the gradual unveiling of the progress of the talks and their direction, particularly by the Foreign Secretary at his two press conferences in Hong Kong have assisted in testing public opinion. In addition, as Executive Council has been fully consulted since the beginning of the talks, there has been a continuous input of local opinion and judgments as to likely acceptability have been made as the negotiations have proceeded. But, as the Foreign Secretary himself said last Wednesday, the agreement 'has to be considered as a whole'. And, therefore, only when the agreement is available in official, documentary form, can an assessment be made as to its acceptability.

Like the majority of the community, I welcome the Government's initiative in setting up the independent Assessment Office to assess public opinion on the agreement after it is published. I welcome it not only as evidence of the British Government's commitment to its undertaking that any agreement must be acceptable to the people of Hong Kong, but also because it provides one focal point to which all opinions can be channelled.

However, some valid questions have been raised about the purpose and work of the Assessment Office and I hope the Government will be able to explain exactly how it will operate. The Foreign Secretary has made it clear that, once an agreement is initialled and published, it cannot be altered. Many have asked: what then is the point of testing acceptability? Is the Assessment Office simply a means of enabling the British Government to say that it had kept its pledge to the people of Hong Kong? Some cynics have gone even further to suggest that the Assessment Office would seek to influence public opinion and interpret that opinion in such a way as to enable Parliament to approve it and thus enabling the British Government to proceed to ratification.

I do not share these doubts and I am confident that the Assessment Office will be quite independent even of the opinion collecting machinery of Government but, in the light of the misgivings which have been expressed, I think it is important that the Government should explain *precisely* the arrangement envisaged for expressions of public opinion to be sought by the Administration, directly or indirectly, and then fed into the Assessment Office again, directly or indirectly, for collation and analysis. Although I have every confidence that the

Assessment Office will faithfully report its findings no matter how embarrassing or controversial they may turn out to be, a monitoring team is to exercise surveillance over the way in which the material flowing into the office is handled and that will be reassuring to both the Hong Kong public and Parliament.

I understand that it is the Government's intention to seek the public's views *via* the existing consultative machinery such as the network of offices of the City and New Territories Administration, the Urban Council, District Boards, UMELCO and, indeed, by encouraging all interested groups and organisations to come forward with verbal comments or written submissions. The case for an early debate in this Council is self-evident. Our consultative system is well tried and, on the whole, well tested. We also have a free press which will have a most important role to play. But on a crucial issue like the Sino-British agreement on the future of Hong Kong, a passive reliance on existing machinery will not suffice. In other words, I believe the Government must actively seek to inform and explain the agreement to the public when it is published and reach out for reaction rather than wait for views to filter up.

Let me stress, Sir, that I am not suggesting that the Government should seek to *influence* opinion. It would be disastrous if there was the slightest suggestion of that, but what I *am* suggesting is that the Government, through the multiplicity of contact points available to it, must make sure that the widest possible cross section of the community has direct access to the relevant documents and explanatory material and is made aware of their right—I would say their *duty*—to make their views known to the Assessment Office and encouraged to do so.

I also believe that the Assessment Office should consider commissioning some independent surveys as some organisations have done so, effectively, in recent months. At least, the results of such surveys would validate or cast some—I repeat *some*—doubt on the subjective judgements of the Assessment Office.

As I mentioned earlier, the Foreign Secretary said that, once the agreement is published, it cannot be changed. He argued that 'if either side were to seek to reserve the right, having reached the conclusion of the negotiations ... to start again, then the other side would ... seek to obtain the same right.' I understand his point, but I must urge that, if in the event, an overwhelming majority of the people of Hong Kong have reservations about a critical element of the agreement, both the British and Chinese Governments must be prepared to reconsider that particular element.

This, Sir, brings me to the question of holding a referendum. We are well aware of all the drawbacks of this technique and of the practical difficulties of using it in Hong Kong's special political circumstances. But it has been suggested by some that if, at the end of the day, the Assessment Office is unable to arrive at a definitive view as to public reaction to the agreement as a whole or, worse, there appears to be a serious division of opinion, then the Government should consider holding a referendum on a simple 'yes' or 'no' basis.

Sir, I hope that the terms of the agreement will not be such as to result in an ambiguous, let alone split reaction for, all of us in Hong Kong, want an agreement. But it must be seen to be, clearly, an acceptable agreement, bringing a new chapter in our history, presenting new challenges and new opportunities.

Sir, I beg to move.

MR. PETER C. WONG:—Sir, in the wake of the Secretary of State's announcement last Wednesday, Hong Kong looks set for a period of renewed confidence. However, it may not be sustained. It would be premature at this stage to speculate upon the final outcome of the talks, as substantial issues, such as civil aviation, land and nationality, still remain unresolved. In the Secretary's own words, 'Work is still in progress to cover satisfactorily a number of matters important to Hong Kong's way of life and economy.' The next six or seven weeks will be crucial as the aim is to complete and initial an agreement before the end of September.

Once the agreement is initialled, it would not be possible to propose alterations. This point was clearly stated by the Secretary of State. If the people of Hong Kong have views or suggestions in the light of the Secretary's revelations last week, now is the time to express them, while the talks are still in progress. Opportunity once lost will not present itself again.

This brings me to the establishment of the Assessment Office and its objectives. Her Majesty's Government is on the record as saying that great importance is attached to knowing whether or not the Hong Kong people accept the agreement so that it can be ratified with honour and confidence. The British Parliament before endorsing the agreement must be convinced that the Hong Kong people accept it in overall terms. For these reasons, Sir, I welcome the establishment of the Assessment Office, which will be independent of the main government machinery, and will report directly to the Governor. To reinforce its independent set-up, I understand the temporary office now situated in the Central Government Offices will soon move to the new Supreme Court Building—the symbol of fairness and independence. A most sensible move indeed.

The two main objectives of the Assessment Office, I understand, are—

1. To put the draft agreement to the Hong Kong people with a clear explanation of its implication and to ascertain whether or not it is acceptable to them.
2. To provide Her Majesty's Government and Parliament with an accurate analysis and assessment of opinion in Hong Kong on the agreement, and on the arrangements for the future of Hong Kong which it will set out, before the decision is taken to sign the draft agreement.

It is true that we do not have a Western style representative system in Hong Kong, but we do have a well-established and effective system of discovering and

ascertaining the views of the people. Some say, and I agree, that our system in certain respects is even more effective than an electoral system which can only really test public opinion every few years. In finding out what the Hong Kong people think of the agreement, we should make full use of our consultative system and the feedback from this plus all the submissions made directly to the Assessment Office. It would then be the responsibility of the special and independent Assessment Office to put together all these materials and present them in the form of a report, accurately and impartially. This should demonstrate to the world and particularly to Parliament, that our fairly comprehensive multi-channelled consultative system can fully and impartially find out and reflect what Hong Kong people think about the arrangement for the future. The appointment of an independent team of very eminent persons to monitor the work of the Assessment Office and to ensure fair play and who will themselves also submit a report, will further enhance the value of the assessment.

By and large, an assessment office with objectives and arrangements described above is perhaps a good alternative to a referendum, bearing in mind that the issue is extremely complex. A simple yes or no answer will not really be helpful. In my view, a referendum should only be considered when all else failed to produce satisfactory results.

A word of caution, however, assessment is not an exact science. With the best intentions in the world, it would not be possible to come to a conclusion with mathematical or scientific exactitude. A certain element of subjectivity is unavoidable, and once human factors are involved, we can only expect so much and no more. In the final analysis the assessment will only be as good or valid as the quality and judgment of the people involved. Be that as it may, Government has come up with a workable solution to test public opinion and it deserves our support. Needless to say, it would be absolutely essential to assemble an impeccable team. My own view is that the setting up of an assessment office is a clever and workable compromise. We do not require 100% accuracy, although the proposed exercise will have to be reasonably reliable. The methods to be used, the questions to be asked, the assessment to be made, the monitoring by the independent team—in short, every step in the complex and difficult process has to be carefully planned and meticulously followed. With patience, determination, hard work and the right kind of sensitivity, an acceptable assessment may emerge.

The agreement will be debated in the British Parliament. It is therefore of vital importance that Members of Parliament should have a good grasp of the Hong Kong situation and as much detailed and first-hand knowledge as possible. We have a programme of inviting Members of Parliament to Hong Kong on a fact finding visit. This summer I understand the programme will be stepped up. No less than 40 Members have been invited. A concerted effort should be made to brief these important visitors of our feelings and anxieties so that when speaking in Parliament on the arrangements for our future, they will

hopefully do so with sympathy and understanding. Naturally, political considerations will dictate Parliament's thinking on crucial issues. The people of Hong Kong must be prepared to accept that in the political arena, self-interest, expediency, compromise and sacrifice are the order of the day. The higher we set our expectations, the greater will be our disappointment.

Finally, Sir, what choice is really open to us? The plain truth seems to be a choice between an agreement or no agreement at all, leaving China to make its own unilateral declaration, the contents of which would be anybody's guess. The agreement once initialled cannot be altered. In the meantime, the people of Hong Kong are groping in the dark. Last week, the Secretary of State shed some further light, but we are reminded that the agreement must be judged as a whole. So until it is published, overall appraisal would not be possible.

Perhaps we may draw some consolation from the Secretary of State's concluding remarks last Wednesday—'I am confident that we are on course for a conclusion we shall be able to commend both to the people of Hong Kong and to the British Parliament.'

Sir, I have great pleasure in supporting the motion.

MR. SO delivered his speech in Cantonese:—

代理總督閣下：座中各位同事成年後有沒有試過把自己的衣服尺寸及所喜愛的色澤和希望得到的式樣去告訴配偶、父母或親朋，讓他到百貨公司或縫衣店去替你買衣服？這樣做假如能夠買到稱意的服裝，無異是個蹟！

「香港人」從前是穿清朝服裝的，被養母領養後便改穿西裝，初時有些異相，穿慣了，反覺得相當瀟灑，尤其是在商場接洽業務時，也因為衣著得體，表現穩重，在這個先敬羅衣後敬人的國際社會裡，頗負盛名，業務亦相當成功。不過西裝不是盔甲，穿久了便會走樣，肘部和膝蓋部份開始磨損，款式也落伍了。發了跡的生父，最近認為「香港人」的衣服近乎寒酸，命令他在一九九七年七月一日改穿新衣。

穿新衣原本是人人都喜愛的，「香港人」是炎黃子孫，有些似屈原「予幼好此奇服兮，年既老而不衰」的倔強性格，但認為穿新衣總比「無衣裳以御冬兮，恐溘死不得見乎陽春」好得多。所以亦欣然接受生父的好意，並說明對新衣不大講究，要實用而不光要派頭，但絕不希望穿用青京布縫製的單馬褂。生父亦了解他的喜好，決定做一套與西裝沒有大分別的中西合璧裝給他穿，方便他繼續外出商談業務，維持好景和穩定的入息。生父更取得養母的同意，指派了上海名裁縫師傅和倫敦的服裝設計師，選擇了細緻的英國羊毛料子和不庸俗、不刺眼的花色，在北京加工縫製，而且保證做出來的新裝高級、華麗、實用、不脫色、不縮水、五十年內都不會走樣。

為了表現親切和加強兒子的信心，生父特別囑咐師傅和設計師做出來的新服裝不但要美觀大方，筆挺灑脫，穿上時雙手必要能夠舉高放下，輕鬆自如，褲襠的縫線要縫兩道，左右褲管的褶位線應對稱，使走路、坐下或蹲低時毫無困難的感覺，可謂精心安排，照顧週全。不過，生父和養母的脾氣都有點怪。不但不讓兒子選擇布料——讓他把布料披在肩上，在鏡前看看是否與他的臉型、體型和氣質相稱，連做衣裳最重要的量尺寸和試穿的階段也欠奉，認為縫衣是師傅和設計師的工作，與兒子無關。但上海名師傅和設計師亦請「香港人」發表意見，盡量把自己身上的特徵說出來，例如有沒有垂肩、聳肩、駝背、右手比左手長、肚子微凸等等。上海師傅是一流高手，一向憑良心製造衣服，絕無粗製濫造或偷

工減料，他會以國家標準尺寸和照體型尺寸去打樣和裁剪，絕不會差錯，但個性很強，講明做出來的衣服，合不合「香港人」心意，他並不在乎。等到「香港人」表達意見說不經過度身恐怕做出來的衣服太緊，穿起來活動不便，且彘扭，或太大，在身上晃動，看不順眼；又說上裝固然重要，褲子也不容忽視，因為褲子是最基本的，在旁人面前可把上裝除下，但絕不會把褲子脫掉。師傅認為他過於囉唆，又挑剔，憑一知半解的知識胡亂批評和要求，分明不信任他。設計師卻似乎比較親切，因為他所代表的經銷西服公司制度較好，設有品質管制委員會，衣服凡經該公司設計或縫做，必要經嚴格的檢查，認可後，掛上表示品質管制的標誌，方能交貨，務使顧客滿意和保持服裝的實用性和品質的穩定性。設計師這回實有難言的苦衷，既沒有把握支配表明衣服一旦做好，決不作任何修改的裁縫師傅，又要面對自己公司的品質管理委員會，幾番思量，終於給他想到一個辦法，就是要求派出一名市場調查員，主動測試，蒐集及分析「香港人」對新衣的意見，然後作出報告交品管會審訂。

「香港人」處事精明過人，當然明白「市場調查」和「品質管制」並不代表徹底的試身，祇不過是看看手藝和質料的優劣，鈕子是否釘牢，審視襯墊，將袖子翻過來看看用料多或少；領子，肩膀和胸前的線條漂不漂亮？最多也不過是把上衣放近身背，把褲子放在腰間比較一下是否過長或過短。儘管如是，「香港人」既不算穿牛仔褲、袋鼠皮褸、和服、草裙，又不能像屈大夫那般「退將復修吾初服，製芰荷以為衣兮，集芙蓉以為裳。」便決定接受調查，且準備毫不保留的說出尺碼、式樣或技術上合意或不合意的地方，希望「品管會」能說服裁縫師傅徹底的把不合身材之處改好，因為衣服是一年三百六十五天都要穿的，況且人的面孔和衣服是最重要的招牌，怎能不多費心？怎能不睜大眼睛？怎能效法「肥佬試笠衫——幾大就幾大」？

閣下，本人謹借用香港電視幕慣見的一段話——「本故事純屬虛構，如有雷同，乃係巧合」作結，並支持動議！

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

Sir, has any of my honourable friends here today ever asked his spouse, parents or friends to buy new clothes from department stores or tailor shops for him/her by merely telling them the measurements, the colours and the style preferred? If so, I can tell you it is a miracle if the new clothes so bought can ever be satisfactory.

In the past, 'Hong Kong people' was dressed in the Qing costume. After he was adopted by his foster mother, he switched to Western style clothes. Soon he got over the initial oddness and felt very smart in those clothes. In the international community where elegant apparels is of prime importance, he has earned good name and success in business because of his appropriate attire and staidness. However, a suit is not an armour; it has gone out of shape as time goes by. Places at the elbows and knees begin to show signs of wear and tear and the design is somewhat old fashioned. Thinking that the clothes which 'Hong Kong people' is wearing are rather shabby, the upstart blood father recently ordered him to change to a new outfit on 1 July 1997.

Everyone likes to wear new clothes. 'Hong Kong people', being ethnic Chinese, has the stubborn character of Qu Yuan the Poet who 'likes a special kind of clothes in his youth, and continues the same at his advanced age' (Chu Ci). However, knowing that wearing new clothes is in any way better than 'having

no clothing to keep warm during the winter, ... and die before the next spring' (Chu Chi), he accepted the offer of his blood father willingly. In doing so, he told his father that he was not too particular about the style of the new clothes as long as they are practical, provided that he does not have to wear mandarin jackets made of black Beijing cloth. His blood father understands his likings and decides to let him have his new clothes in a combined Chinese and Western style, so that he can continue to go out to do business, to prosper and to earn a stable income. The foster mother and the blood father agreed to appoint a famous Shanghainese tailor and a London fashion designer respectively to do the job together, and chose some fine British woollen fabrics of elegant but plain patterns as material. They further agreed that the new clothes will be made in Beijing. Moreover, it is guaranteed that the new clothes will be sophisticated, stately, practical, unshrinkable and the colours will not fade. Above all, they say that the shape of the new clothes will remain unchanged for fifty years.

In order to show his affection and to give more confidence to his son, the blood father instructs the tailor and the designer that the new clothes should be pretty, with taste and well-cut, allowing free and easy movement of the arms. They should also be doubly stitched at the crotch of the trousers, with symmetrical creases on both the left and the right legs, giving no feeling of difficulties in walking, sitting or squatting. These arrangements are indeed meticulous, with every aspect well covered. However, the temperaments of both his blood father and foster mother are a bit strange. They believe that clothe-making is the business of the tailor and the designer, and has nothing to do with their son. They therefore do not allow their son to choose the material—by letting him put the cloth on his shoulders and stand before a mirror to see if it matches his face, his body and his disposition. They do not even instruct the tailor to take his son's measurements and to arrange for a fitting session. Nevertheless, the Shanghainese tailor and the London designer did ask 'Hong Kong people' to express his opinion and to describe the characteristics of his body, such as whether or not he has slanting or elevated shoulders, a humpback, a longer right arm or a slightly protruding belly. The Shanghainese tailor is a master of the trade. He has always been making good clothes in an honest manner, without cheating on work and material. What he normally does is to cut according to the standard measurements in his country. There is no question of error. He is also a man of strong character and he has made it clear that he does not care whether the clothes produced would meet the wish of 'Hong Kong people'. 'Hong Kong people' has pointed out to the tailor that, without actual measurements being taken, the new clothes may be too tight, making movements difficult, or too big, allowing it so dangle loosely on the body; and that while the jacket is important, the trousers should not be neglected because the latter are the most basic personal attire. A man may take off his jacket in front of other people but surely he will not remove his trousers. The tailor considers that 'Hong Kong people' is too long-winded and over-particular, making irrelevant criticisms and requests based on insufficient knowledge, indicating a lack of confidence in him. The designer, however, seems to be more

approachable because the Western-style garment company he represents has a better system of a quality control committee. Clothes designed or made by the company must be subjected to strict inspection and approval by the committee and given a quality control tag before delivery. The products will have a uniformity in quality and the satisfaction of the customers can hence be ensured. But the designer has his own problems. On the one hand, he is not sure he can control the tailor who has stated that there will be no alteration once the clothes are ready. On the other hand, he has to face the quality control committee of his own company and to ensure that the final product will be acceptable to 'Hong Kong people' without alteration. After much thought, he came up with the idea of sending a market research officer to assess, collect and analyse the opinion of 'Hong Kong people' on the new clothes and submitting a report afterwards to the quality control committee for examination.

'Hong Kong people' is an intelligent person, he clearly understands that 'market investigation' and 'quality control' can hardly take the place of a fitting of the new clothes. The market researchers and quality controllers will only examine the craftsmanship and the quality of the materials, to see if the buttons and paddings are properly fixed, to turn over the sleeves and check the material used, and to see if the collar, shoulders and the front are beautifully cut. The most they can do is to place the jacket against his back, or the trousers against the waist to see if they are too long or too short. 'Hong Kong people' does not want to wear jeans, kangaroo leather jackets, kimonoes or hula dance costumes, nor does he want to follow Qu Yuan to 'put on the former clothes and wear clothes made of lotus'. He decided to accept the 'investigation' and is prepared to point out unreservedly all things that he likes or dislikes in respect of size, style and workmanship, hoping that the 'quality control committee' can manage to persuade the tailor to make suitable alterations to places which do not fit. Since the clothes will be worn every day and since a man's face and his clothing are usually considered as a manifestation of himself, how can one not spend more effort in getting the right clothes? How can one close one's eyes to this matter? One cannot simply say whatever will be will be.

Sir, to conclude, I would like to quote a passage which often appears on the Hong Kong TV screen—'The story is purely fictitious. If it so happens that its contents are similar to any affairs past or present, it is just a mere coincidence'. I have pleasure in supporting the motion.

MR. BROWN:—Sir, the need for the Sino-British agreement to be acceptable to the people of Hong Kong is not in dispute. Both China and the United Kingdom have expressed this requirement to be one of their common objectives.

How to test acceptability, however, is probably one of the most difficult issues on which to reach agreement—not perhaps as between China and the United Kingdom, but rather as between those parties and Hong Kong. As Miss DUNN has just said; how to test the acceptability, that is the question!

Those negotiating the agreement are clearly concentrating their efforts on the first essential of reaching an agreement they both feel will indeed be acceptable to the people of Hong Kong. This must be right, for if all these issues which have been highlighted in public debate in Hong Kong as being important are included in a detailed, binding agreement, then we have *prima facie* evidence that it will be acceptable.

All signs at the moment point to the agreement having all the elements in it to make it acceptable. Are we, therefore, wasting our time worrying about how the people of Hong Kong will be able to express their agreement—particularly bearing in mind that there is no question of the agreement being changed as a result of any further views the people here may wish to put forward?

No, I do not think we are wasting our time for two reasons. Firstly, the need to honour this commitment is important to the negotiations, which are of course still in progress. It is a reasonable assumption that the need to take into account the views of the people of Hong Kong is keeping both negotiating teams on their toes, and preventing an agreement which merely reflects the interests of the United Kingdom and China. Secondly, the need for tangible evidence of acceptance by the Hong Kong people will be important when the British Parliament is called upon to ratify the agreement. So there is a 'back stop', that is to say the people of Hong Kong may not be in a position to insist on changes in the agreement, but they always have the option of rejecting it and of course accepting the possible consequences.

The *need* to have the acceptance of the people of Hong Kong is probably more important than the *process* of actually getting it. The proposal to obtain views as to acceptability through the assessment monitoring system is I think sensible in the circumstances. Provided that the remaining issues on the negotiating table can be resolved as well as those already decided, I have no doubt the assessment system will confirm a favourable response from Hong Kong. If the result is indeed clear and cut then everyone should be satisfied. In the unlikely event, I do think it is an unlikely event, of no clear cut decision emerging from the monitoring process, then, but only then I would agree with my colleagues and others who believe there would be nothing to lose by conducting a straight YES/NO referendum in such circumstances.

Sir, I have pleasure in supporting the motion.

MRS. CHOW:—Sir, now that HMG has announced the mechanism whereby the acceptability of the draft agreement to the people of Hong Kong is to be tested, we must not lose sight of the importance of the crucial period immediately ahead of us, between now and the announcement of the draft agreement.

We have now come to the last stage of a process since the beginning of the Sino-British negotiation, a process of providing accurate input to assist both sides to come to an agreement which the people of Hong Kong will find work-able and acceptable, and will therefore place their faith and confidence in it.

In recent weeks, the people of Hong Kong were told that once the draft agreement is announced in September, there will be no chance of amending any part of it, and Hong Kong will have to express its acceptance or rejection of the agreement as an entire package. This makes it all the more important that we should continue to speak up now so as not to leave any doubt in anyone's mind what those elements which we regard as absolutely essential to constitute an acceptable agreement are.

From Sir Geoffrey HOWE's statement last week, we learnt that there are some outstanding issues still to be settled between the two sides. He quoted nationality, land and civil aviation as three examples.

On the issue of nationality, I would just like to emphasise that the freedom to come and go would be quite meaningless if we do not hold the appropriate travel document which would enable us to do so. Furthermore it would be sheer fantasy to think that Hong Kong can maintain its present international economic status if our hitherto convenient and efficient mobility to and from all parts of the world is in any way hampered.

The other issue which few people understand is civil aviation. Landing rights in Hong Kong have been historically negotiated by the U.K., and further arrangements have to be ironed out between the negotiating parties. The stake of the people of Hong Kong lies in how such future arrangements affect the present status of Hong Kong as the heart of Asia in terms of accessibility and linkage by air. The negotiations must take into consideration the far-reaching implications of any failure to maintain the status quo as regards air travel to, from and via Hong Kong.

Land is important in two respects. Firstly, Hong Kong has relied on revenue from land sale to finance its capital projects in housing and civil engineering. This is the main reason why we have been able to build so much in the public sector in spite of our extremely low tax structure. Secondly, this uncertainty over the future has caused a stagnation in the land and property markets. It has in turn adversely affected our construction industry which is one of our major domestic industries. Once the policy regarding the sale and leasing of land from now onwards is clarified, it is highly likely that confidence in the property market will gradually return, which will no doubt have positive effects on the overall prosperity of Hong Kong.

Before I conclude, I would like to point out that there was a wide gap left unmentioned in Sir Geoffrey's statement, the bridging of which is of vital importance. We were told of the various systems and practices which will be retained in and beyond 1997. However we were not assured of the continuity of the one system on which all the other systems hinge. By this I mean the central core of all our systems, which is none other than our governmental system. In other words we must be assured that the governmental system which will be in place by 1997 will continue to be adopted by the autonomous Hong Kong Special Administration Region and will not be subject to change in or beyond

1997 without the initiation and approval of the Hong Kong people. This is the one provision which I consider essential to be stated in the agreement, and eventually to be enshrined in the Basic Law, which will guarantee confidence of the people of Hong Kong in a system truly self-administered by Hong Kong.

Sir, with these remarks, I support the motion.

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

代理總督閣下：一直以來，香港人雖然不能直接參與香港前途的談判，但是我們設法透過各種途徑及渠道，把我們的意願向中英政府表達，務求兩國政府能夠為香港的將來作出妥善的安排。

有不少的團體，例如區議會，亦曾經表示在中英協議內容公佈後，將會積極地搜集民意，以便向有關方面反映。而政府新近設立的「民意審核處」，將肩負起審核香港人對協議內容接受程度的重任，為日後英國國會進行協議條文辯論時，提供基本與及有代表性的取捨準則。

可是，雖然政府一再強調「民意審核處」的獨立性和準確性，仍然有不少市民對審核處的功用存有保留及懷疑。在這個問題上，我認為以下兩點是特別需要在今天的辯論會上反映：

(一) 英國外相賀維爵士曾在八月一日的記者招待會上答覆席上記者問題時指出：「在所有好像這個（香港前途）或類似的國際性會議中，雙方會談是要達成一個整體的協議，這個協議必須要在整體上考慮。」相信在很多人的心目中也存在着同一個疑問，既然協議的條文祇可在整體上考慮，並不能作出任何修改，那麼對協議內容發表意見也變作徒然。

關於這個問題，我個人有不同的看法。香港前途問題，是每一個香港人都有義務去承擔的。若然希望將來「民意審核處」所作的結論準確而有代表性，我們必須採取一個積極的態度，因為在這個階段，我們絕對不能否定對附件條文作若干修改的可能性，所以我們應該把握這個發言的機會，盡量發言，不但要研究協議的內容，更要研究附件的細節，抱着「精誠所至，金石為開」的信念，將好與不好的地方指出來，使到中英雙方能夠真正了解到我們對協議條文的看法。不然的話，若果對協議祇能作出接受與否的選擇，倒不如以全民投票形式進行，更為清楚利落。因此，我認為審核處是絕對需要就協議附件的每項細節，進行詳細的徵詢，把意見歸納，並作忠實的報告，才能向香港的市民交代。

(二) 除了鼓勵及推動香港市民向「民意審核處」表達對協議的意見外，政府同時也需要向市民保證，將所收集的資料，予以保密，否則會直接影響市民對審核處的信心。雖然對香港將來的前途發表意見是每一位市民的責任，但是如果沒有適當行政上的安排，免除每位市民在提供意見後的顧慮，那麼將來所得的結論，肯定不能夠全面地反映民意。因此我在這裡提出，審核處對市民的意見不但要加以保密，並且在中英協議正式簽訂之後，這些紀錄亦再沒有保留的價值，可以予以毀滅。

閣下，「審核處」的設立，是為了徹底地瞭解香港人對將來協議的接受程度，以上兩點，對整個「審核處」能否履行任務，起了關鍵性的作用，希望政府能夠認真地予以考慮。同時，我認為，假如將來民意反映對協議附件個別細節有所保留，中英雙方理應作出適當的修改，以便符合港人的意願。香港人九七年以後的一切安排，均由中英雙方協議所介定，這是國際上特殊的安排，以我本人希望在處理協議附件細節方面，應存有彈性，這樣必然可以大大增加港人對協議的信心。

閣下，本人謹此陳辭，支持動議。

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

Even though the people of Hong Kong have not been able to participate directly in the negotiation on the future of Hong Kong, we have tried to make our wishes known to the Chinese and the British Governments through various channels and means all along, in the hope that the two Governments would make suitable arrangements for the future of Hong Kong.

Many organisations such as the District Board, have said that they would actively collect public opinion after the announcement of the Sino-British agreement and reflect these views to the parties concerned. The newly established Assessment Office is to be responsible for the very important task of assessing the acceptability of the Sino-British agreement to the Hong Kong people. It would provide the British Parliament with the basic representative criteria when it debates on the agreement.

Even though the Government has repeatedly stressed the independence and accuracy of the Assessment Office, many people still have doubts on and reservations of its functions. There are two points on this issue which I would like to reflect in today's debate:

At a press conference on 1 August, the Secretary of State for Foreign and Commonwealth Affairs, Sir Geoffrey HOWE, in his answer to a question raised by a reporter, pointed out, 'In any international negotiations of this (the future of Hong Kong) or comparable kind, both sides negotiate to reach an agreement as a whole, which has to be considered as a whole.' I believe many people have the same question in mind—if the agreement can only be considered as a whole and no change can be made, it will be fruitless for us to express our opinions on the terms of the agreement. Personally, I hold a different view on this question. To me, every citizen has the obligation to take up the issue of the future of Hong Kong. If we want the conclusion to be drawn by the Assessment Office to be accurate and representative, we must adopt a positive attitude. As, at this stage, we definitely cannot rule out the possibility of amending some of the contents of the Annexes; we should, therefore, grasp this opportunity to speak out. Not only should we study the terms of the agreement, but we should also look into the details of the Annexes. With the belief that 'no difficulty is insurmountable if one sets one's mind on it', we should point out both the good points and the bad ones and we should make both Governments aware of what we think about the contents of the agreement. Otherwise, if we are to choose only between the option of 'yes' and 'no', it would be far more clear-cut to hold a referendum. Therefore, I consider it absolutely necessary for the Assessment Office to carry out a comprehensive consultation in respect to every detail of the Annexes, to sum up all the views, and to make an honest report, before it can justify its work before the people of Hong Kong.

Apart from inviting and encouraging the people of Hong Kong to submit their views on the agreement to the Assessment Office, the Government should also assure the people that the information collected will be kept confidential, otherwise it will directly undermine the confidence of the people in the

Assessment Office. Although it is the duty of every citizen to express views on the future of Hong Kong, if there are no appropriate administrative arrangements to abate people's worries after they have submitted their views, the conclusion so drawn will definitely not be able to fully reflect public opinion. Therefore, I would like to point out here that the Assessment Office should not only keep the views of the people in strict confidence, but should also have them destroyed after the signing of the Sino-British agreement as such records will no longer be of any value.

Sir, the purpose of setting up the Assessment Office is to have a thorough understanding of the future agreement's acceptability to the people of Hong Kong. The two points above are crucial to whether the Assessment Office can fulfill its duty properly, and I hope that the Government would seriously take them into consideration. Moreover, I think that if it turns out that the public have reservations about certain details of the Annexes, it will be sensible for the Chinese and British Governments to make appropriate amendments according to the wishes of the people of Hong Kong. All arrangement for the people of Hong Kong after 1997 will be defined by the Sino-British agreement, which shall be a special international arrangement. Personally I hope that there should be flexibility in handling the details of the Annexes. This will definitely enhance the confidence of the Hong Kong people in the agreement.

Sir, with these remarks, I support the motion.

MRS. NG delivered her speech in Cantonese:—

代理總督閣下：英外相賀維爵士在八月一日的記者招待會上重申「民意審核處」的重要性——他在演辭中強調「香港人一定會希望盡早看到協議和附件的全文，以便有時間去考慮協議的內容。賀維爵士又提到……我們已宣佈了有關分析和衡量港人意見的安排。這是整個工作程序上絕對不可缺少的一環。當衡量的工作完成後，將會由國會辯論這項協議，辯論時將會充份考慮香港各方面所發表的意見。」

中英協議的內容與五百多萬香港人是息息相關的，每一香港人當有權利和責任去表達意見，一向以來我們可以利用政府的十六種諮詢途徑道出我們的心聲，然後各政府部門分別作出審核和衡量各方面的意見，例如最近的「公共房屋編配政策檢討」，就是很好的例子。在目前的政府架構中沒有一個獨立的部門是負責處理「香港前途」的問題，政府如何評審各階層人士對中英協議的意見？所以「民意審核處」是有其成立的必要。

「民意審核處」的存在並不是取代現存的十六種表達民意的渠道，彼此的關係有如牡丹綠葉，相輔相承，所以行政及立法兩局，市政局，鄉議局，區議會，分區委員會，各社團組織及大眾傳播媒介應繼續搜集市民對中英協議的意見，然後交由「民意審核處」作出獨立的分析和衡量。

香港人現在仍然未知道「民意審核處」會如何運作。但我希望籍着這個機會指出，審核的結果固然重要，但更重要的就是獲取結果的方法。民意審核處最後作出的報告相信不會用統計數字來表達，而是着重用文字分析說明，因此該處的工作一定要公開給市民知道，令人知道它是大公無私的，這些才能使香港人，尤其是那些通常不表示意見的沉默的大多數，和英國國會相信，這一份報告是真正代表了香港人的意見。雖然還有一個監察小組是負責監察民意審核處的工作，但該小組的報告要在民意審核處完成之後才發表，因此，收集和審核民意的過程，必定要符合我上述所說的公開和公正的原則。

對於「民意審核處」的職權範圍，本人有下列建議，來作為參考：「民意審核處」不應局限於被動的地位，更應主動地去搜集各階層人士的意見，尤其是要發掘出沉默的大多數市民的意願，應該為他們提供更方便的途徑去表達心聲，例如設立二十四小時熱線電話服務，解答市民對協議所產生的疑問，又好像設立專責的部門去接見市民，通過直接的對話來採取民意。又例如印製類似舉報罪案資料的郵柬，不必貼上郵票，郵費由港府支付等等方法，盡量搜集普羅大眾的意見。每一市民表達的意願應獲得尊重，政府應以「機密」形式處理，這些資料經由監察小組審查後，一切應予以毀滅。

閣下，中英協議是否為香港人所接受，是非常重要的，因為香港五百多萬居民在一九九七年後五十年的生活，是受到協議條款所支配。最近本局在多次休會辯論香港的法律、經濟、社會制度和出入自由等問題的時候，各非官守議員已討論過香港人希望協議能夠保證的基本權利和自由。我相信市民會以這些權利和自由能否得到保留來決定這份協議是好，還是壞的協議。

閣下，本人謹此陳辭，支持動議。

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

Sir, at the press conference on 1 August, the Secretary of State for Foreign and Commonwealth Affairs, Sir Geoffrey HOWE, reaffirmed the importance of the 'Assessment Office'. He emphasised in his speech that 'The people of Hong Kong will want to see the full text of the agreement and Annexes as early as possible, so that they have time to consider it ... Arrangements for the analysis and assessment of Hong Kong opinion were announced ... This is a vital part of the programme. When this assessment has been made, it will then be for Parliament to debate on the agreement, taking full account of the views expressed in Hong Kong ...'.

The terms of the Sino-British agreement have a close bearing on the five million people of Hong Kong. Every Hong Kong citizen has the right and duty to express his views. In Hong Kong, we have always been able to voice our opinions through the 16 government channels of consultation, through which our opinion are passed on to various government departments for review and assessment. The recent 'Review of Public Housing Allocation Policy' is a good example. But, there is no independent department responsible for handling the question of 'the Future of Hong Kong'. How then, can the Government assess the opinion of the various sectors of the community on the agreement? Hence, it is necessary to set up an 'Assessment Office'.

The 'Assessment Office' is not a substitute for the existing sixteen channels for canvassing public opinion. They complement each other. Therefore, the UMELCO, Urban Council, Heung Yee Kuk, District Boards, Area Committees, civic bodies and the mass media should continue to gather the opinion of the people on the Sino-British agreement, and forward them to the 'Assessment Office' for independent analysis and assessment.

The Assessment Office has yet to tell the people of Hong Kong how it will operate, and I wish to take this opportunity to point out that while the *results* of

the assessment is important, the *ways* that the results are *seen* to be obtained are more important. Since the final report will very likely be *qualitative* rather than statistical, the work of the Assessment Office must be seen to be open and unbiased, in order to convince the people of Hong Kong (especially the silent majority who may not turn up to express their views at all) and Parliament that it truly represented the views of the people of Hong Kong. Although we shall also have a monitoring team to oversee the work of the Assessment Office, it will not publish its report until the Assessment Office had completed its job. Therefore, the *process* of collecting and assessing the views expressed must fulfill the two criteria I mentioned earlier, that is, be open and unbiased.

I would like to make the following suggestions on the functions of the Assessment Office. The role of the Assessment Office should not be confined to a passive one. It should take the initiative to collect the opinion of the people of different strata, in particular the wishes of the silent majority. It should provide more convenient ways for the people to voice their opinion, e.g. by setting up a 24-hour telephone hot line to answer any queries citizens might have over the agreement, an office solely responsible for interviewing citizens to canvass public opinion via direct conversation, and the provision of mailing forms similar to the Crime Information Forms, the postage of which will be paid by the Government. Through these means, the Assessment Office can gather as much public opinion as possible. The views expressed by every citizen should be respected and they should be treated as confidential. After they have been scrutinised by the monitoring team, all information should be destroyed.

Acceptability of the agreement to the people of Hong Kong is important, for at the end of the day it is the five million people here who have to live with its terms for 50 years after 1997. Unofficial Members had covered, during recent adjournment debates in this Council on the legal, economic and social systems in Hong Kong and on freedom of movement, the essential rights and freedoms which the people of Hong Kong would like the agreement to preserve. I am sure the people will decide whether the agreement is good or bad accordingly.

Sir, with these remarks, I support the motion.

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

代理總督閣下：爲了香港的繁榮安定和信心得以維持，香港人十分期望將來的中英協議必須是要詳盡，具約束力，有相當合適的保證，香港基本法及協議的內容是有完全一樣的規範及香港的英籍居民權益是應該要繼續保持。明顯地，英國外相賀維爵士在最近訪京後返港發表的聲明具有穩定港人信心的作用。他透露協議中的十點內容，是反映出中國已瞭解香港前途問題複雜，並對港人作出讓步，願意將具體的條文，寫在協議之內，而這份協議會用國際協議形式簽訂及有約束力，這已是中、英兩國最有力及最高的保證。希望兩國是能夠繼續以互諒及互讓的精神，儘快就土地，民航及國籍等問題早日達成協議。外相亦指出這個協議必須從整體上去考慮，所以要謹慎地向香港人諮詢，以便評估香港人對於中、英兩國政府就香港前途達成任何協議所持的意見。大家還清楚記得在中英會談從開始到目前，英國政府一再重申聲明未來的中英協議，必須爲中國政府、英國國會及香港市民三方面所能接納。

中英談判一直在保密中進行，受直接影響的五百多萬香港人對於協議是否接納，如果不作民意統計，實在對一再聲明的承諾難以交代。事實上，英國政府與國會必須對香港民意作出分析與估衡後，始能授權簽署協議。假如協議不獲英國國會通過，則草簽的協議在法律上無效，因為這是必須的合法程序。基於此，外相在下議院透露英國政府將會在香港設立一個「民意評估處」，要向外界表示以客觀方式，搜集香港各階層居民對未來草擬的前途協議的意見，主要意義在於探測港人對未來協議的接受程度，作出評估。並同時就香港人對該協議以及其中釐定對香港前途安排所持之意見，向英國政府及國會提供準確之分析及評估，以便議員有所參考，表決是否接納協議。為了確保民意評估的準確及無偏無私的執行評估的任務，一個獨立小組將會成立負責監察「民意評估處」履行職務的方式，是否令人滿意。今次這種探詢港人意願的慎重安排，對於英國與本港之聯繫與溝通，必然是有益及有建設性，而且是值得市民支持的。

「民意評估處」不屬於政府機構，但直接向港督報告。它祇負責徵集、整理、撮錄、分析及評估直接或透過其他政府機關收到的意見。所以它必須儘量利用政府現有各種收集民意的有效渠道來達到目的。字面上，這個機構的名稱似乎未能帶出獨立的意味，有建議改為「民意審核專員辦事處」似較恰當。專員辦事處的工作人員既然身負重任，必須明智、冷靜、小心公正地工作，政府在編制上必須提供充足及適當人選，俾便有效率地依照既定方針履行任務。雖然專員辦事處有其獨特的性質，在有需要時，其他有關政府部門務須給予通力合作及支持。政府是應該使市民清楚了解這個辦事處是一個獨立收集民意的辦事處，它是不會影響民意亦不會製造民意。它祇是負責收集來自本港各階層的民意，然後向港督作出報告。它的成功有賴全體市民支持。要獲得市民的支持，首先要做好宣傳工作。在收集意見工作開始前，政府可考慮利用大眾傳媒介紹草擬協議詳細內容，公布訂出的測試與評估的方式及標準和闡釋收集意見的方式及程序。我相信市民對於公開與公正的調查、統計及分析所得的民意，會表示信任和歡迎的。

市民可以採用多種形式表達意見。當然，用書面形式將更為具體及方便紀錄在案。其他方式可包括郵寄、親自遞交、面談（代寫）、電台訪問、電視台訪問、專訪、報章及雜誌內發表之言論等。為了方便市民起見，政府可考慮印製大量免付郵費及附有回郵地址的標準表格，以便市民可隨意到政務處或其他政府分發站索取備用。這種表格應以中英文印出，以便中外籍人士可以使用。這不應是一種硬性規定，市民可選用其他紙張書寫。為着鼓勵更多市民坦誠無懼表達個人或團體的意見，政府應該清楚表明所有已收集之意見書必會給予保密，並且考慮在協議簽妥後及該專員辦事處停止繼續存在時候燒毀所有意見書。這樣將有助於減少市民心理上一些不必要的負擔，而匿名意見書相信亦會相應地減少，事實上，各議局及議會的議員和各區社團、組織（包括分區委員會、工商業團體、專業團體、壓力團體及工會等）執行委員會委員在協助搜集民意所擔當的角色很重要。他們是可以協助組織研討會或座談會引導討論，幫助解釋發表意見之收集程序及功用，鼓勵市民坦誠抒發自己意見。這樣做不但給市民提供更多機會了解協議內容及表達意見途徑，更能使他們明白每一市民祇要盡自己的一點責任對於協議作出回應，力量匯集起來時將會產生一定的影響力。

有關獨立監察小組的設立是重要和肯定的，它要確保專員辦事處在公正而不偏私之下進行工作。監察小組的人員應由獨立、超然、備受尊敬人士擔任，人數可暫定三位，分別來自英國、香港、及兩地以外的一個先進國家。英方人士應是一位熟悉法律及相類審核工作而享有崇高地位的非國會議員或政府官員；港方人員最理想是一位熟諳中英語文和香港事務、備受尊重、不偏不倚之法律界或司法界人士；另一位處於較超然地位的國際人士，應來自英國及本港以外的一個先進國家，對相類的審核工作有深切經驗及深刻認識，且為國際推崇稱許的。這項審慎的監察工作是必要的因為它大力協助達成一項重要目標，就是在決定簽署協議之前，就香港人對該協議以及其中釐定對香港前途安排所持的意見，向英國國會提交準確的分析及評估。

在專員辦事處及監察小組的報告書分別發表後，市民將會作出回應。辦事處應繼續收集有關意見，作為後期的參考。簡括言之，辦事處的組織應具有彈性，隨時可以伸縮擴張，是以配合實際工作進度而市民的高度合作精神必能使這個「民意審核專員辦事處」的預期工作有更佳的表現。

閣下，本人謹此陳辭，支持動議。

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

Sir, the people of Hong Kong are eager to have a detailed and binding Sino-British agreement with reasonably suitable assurances in order to maintain the stability and prosperity of Hong Kong and the people's confidence in the territory. They also hope that the framework of the basic law will reflect the terms of the agreement and that the rights of British nationals in Hong Kong will be retained. It is obvious that the recent statement by the British Foreign Secretary, Sir Geoffrey HOWE, issued after his visit to Peking, has served the purpose of easing the minds of the public. The ten points of the agreement that he revealed reflect that China has come to realise the complexity of the issue over Hong Kong's future, and is willing to include specific provisions in an international binding agreement. Such assurance is the highest and most forceful that we can expect from China and Britain. It is hoped that the two countries will keep up the spirit of mutual understanding and accommodation to resolve the issues on land, civil aviation and nationality. The British Foreign Secretary has also pointed out that the agreement must be considered as a whole, the people of Hong Kong should therefore be carefully and cautiously consulted so that their opinions on an agreement between China and Britain on the future of Hong Kong may be assessed. I am sure this Council will remember that since the beginning of the Sino-British talks, the British Government has time and again reaffirmed that the future agreement must be acceptable to the Chinese Government, the British Parliament and to the people of Hong Kong.

The Sino-British negotiations have all along been held in confidence. The above promise can hardly be fulfilled if no opinion survey is conducted and if we do not know whether the people of Hong Kong, over five million and are directly affected, will accept the agreement or not. As a matter of fact, the British Government and Parliament should analyse and assess public opinion in Hong Kong before authorising any initialling of the agreement. The legal procedure in Britain is such that an initialled agreement has no legal effect if it is not passed by Parliament. That is why the Foreign Secretary informed the House of Commons that the British Government would set up an 'assessment office' (generally called 民意評估處 in Chinese—Man Yi Ping Gu Chue) in Hong Kong, indicating to other parties concerned that it would collect views objectively from residents of all walks of life in Hong Kong on the draft agreement regarding the future of the territory, aiming at gauging the acceptability of the agreement to the people of Hong Kong, and at providing the British Government and Parliament with an accurate analysis and assessment of the people's views on the agreement and on the arrangements laid

down therein. Members of Parliament will then be in a position to judge and vote either for or against the acceptance of the agreement. To ensure the accuracy and impartiality in the assessment of public opinion, an independent team will be set up to monitor the work of the 'assessment office', and to determine if its way of discharging duties is satisfactory. All in all, the prudent arrangements made to get to know the wishes of the people are beneficial and constructive in so far as the link and communication between Britain and Hong Kong are concerned, and deserve the support of the public.

The Assessment Office is separated and distinct from the government machinery and reports directly to the Governor. It is responsible for collecting, collating, summarising, analysing and assessing opinions received either directly or through other parts of the government machinery. To this end, it must fully utilise the various effective channels currently employed by the Government to collect public opinion. It seems that the (Chinese) name of the Office, as it now stands, is unable to convey a sense of independence. It has been suggested that it should be changed to '民意審核專員辦事處' (Man Yi Shum Hut Chuen Yuen Ban Si Chue—Assessment Office), which seems to be more appropriate. Since the staff of the Office are charged with such an important task, they must be wise, level-headed, careful and impartial in discharging their duties. The Government must provide the Office with adequate manpower so that it may perform its duties efficiently within the prescribed guidelines. Although the Assessment Office is unique in the nature of its work, other government departments concerned should, when necessary, render full support and cooperation to the Office. The Government should make it clear to members of the public that the Office is to be an independent set-up for collecting public opinion. It will not sway nor create public opinion. The Office will receive views from all sectors in our community and then report to the Governor. Its success will depend on the support of society as a whole. To obtain the support of the public, we must first have good publicity. Before the Office starts collecting views from the public, the Government may, through the mass media, give a detailed account of the terms of the draft agreement, announce the methods and criteria to be adopted in testing and assessing views received and explain the ways and procedures of collecting opinions from the public. I believe that the public will have confidence in and welcome this move of gauging, compiling and analysing local views in an open and impartial way.

The public may express their views by various different means. Views expressed in written form would of course be more formal and would be easier to be placed on record. Other forms may include sending representations by post or by hand, speaking to officers concerned (who may take down what is said) face to face, expressing views in radio interviews, TV interviews or special interviews, sending contributions to newspapers and magazines and so on. For the convenience of the public, the Government may consider printing a large number of self-addressed, postage free standard forms. Such forms should be made easily available to the public at District Offices and other government

distributing centres. These forms should be bi-lingual, to facilitate use by both Chinese and expatriates. However, the public may use any other papers to express their views apart from these forms. In order to encourage more people to frankly and dauntlessly express their views, either as an individual or as a group, the Government should make it clear that all representations received will be treated as confidential. It should also consider destroying all the representations after the agreement has been signed and the Assessment Office ceases to operate. This will go some way in alleviating some of the unnecessary psychological burdens of the public. The number of anonymous representations will hopefully be reduced accordingly. As a matter of fact, members of various Councils and Boards and members of the executive committees of district community organisations (including area committees, industrial and commercial organisations, professional bodies, pressure groups and trade unions) will play an important role in assisting with the collection of local views. They may lend a helping hand in organising seminars and forums, leading discussions, explaining the procedures by which views are collected and the importance of putting forth opinions, and encouraging the public to air their views honestly. This will not only give the public more opportunities to understand the terms of the agreement and the channels whereby to express their views, but also enable them to realise that if each member of the public plays his part in expressing his views on the agreement, the concerted effort of the whole community will produce considerable impact.

The establishment of an independent monitoring team is essential and a positive step. It will ensure the fairness and impartiality of the Assessment Office. The team should comprise tentatively three members to be appointed from amongst independent, detached and widely respected persons, one respectively from Britain, Hong Kong and another advanced country. The British member should be a person of high standing outside the British Government and Parliament, conversant with law and similar assessment work. His Hong Kong counterpart would most ideally be a person from the legal profession or the judiciary who has a profound knowledge of Chinese, English as well as Hong Kong affairs, and is at the same time respectable and impartial. The remaining international personality who is in a more detached position should come from an advanced country other than Britain and Hong Kong. He should be well experienced and well versed in similar assessment work, and should be one held in high esteem internationally. This careful monitoring work is essential, for it will contribute greatly towards the important aim of submitting to the British Parliament an accurate analysis and assessment of the opinions of Hong Kong people on the agreement and the future arrangements prescribed therein before a decision is made to enter into such an agreement.

After the respective reports of the Commissioner's Office and the Monitoring Team are published, there will be public response and the Assessment Office should continue to collect relevant opinions for reference in the later stages. To be concise, the organisation of the Assessment Office should be flexible, capable

of cutting back and expanding to cope with the actual progress of work at any one time. Moreover, I believe the high co-operative spirit of the public will definitely ensure better performance of this Assessment Office.

Sir, with these remarks I support the motion.

SECRETARY FOR HOME AFFAIRS:—Sir, I am sure this Council is grateful to Miss DUNN for giving it a chance to debate this important subject. The Official Members will support the motion which she has so ably argued with the support of other Members. I thought Mr. SO's parable of the anxious garment buyer is particularly valuable for the world's largest garment exporting territory. (*laughter*)

As Hong Kong moves towards a crucial decision on its future it is not surprising that we do so with some trepidation. Sometime later this year we expect to see the publication of an initialled agreement between the United Kingdom and China on the future of Hong Kong. HMG has made it clear that it is seeking an agreement that is also acceptable to the people of Hong Kong. This agreement will not be signed until Parliament has agreed and before they take a decision Parliament will wish to know whether the agreement is acceptable to the people of Hong Kong.

It is to assist Parliament to come to a conclusion on this matter that special measures will be taken in Hong Kong between the publication of the agreement and the deciding debate in Parliament.

To those unfamiliar with Hong Kong the task seems to be impossible. The Government is not elected by the people of Hong Kong but derives its authority from appointment by Britain. How can acceptability be measured in a place which has had only universal suffrage for two years, where only a third of the electorate is on the electoral roll and only one third of this voted when local elections were held? To those unfamiliar with Hong Kong the question is unanswerable.

To those who live here the absence of a formal electoral institution is less worrying. Governments everywhere have to act to a greater or lesser degree in accordance with the wishes of their people. The more open the society, the greater the array of freedoms, the closer must the government actions conform with the wishes of the people. If they depart from these wishes dissent emerges. The volume of dissent depends on the degree to which the government has gone wrong but also on the freedom with which the people feel they can express themselves.

Anyone who has followed the recent debates of this Council will be in no doubt as to the freedom with which dissent can be expressed in Hong Kong. The means are available and, when required, they are used. If the Government had been pursuing policies which were generally unacceptable to the people of Hong Kong then the make up of Hong Kong society is such that it would have

produced continuous turmoil. This we have not had. Our policies have been supported. When they have developed unacceptable trends this has been brought out and corrected.

Now this support for government policies has not happened by accident. It has happened because the Government knows the importance of retaining public consent in such an open society. But public consent cannot be retained without an intimate knowledge of public opinion itself. The Government has therefore over the years developed a wide ranging and systematic mechanism for the maintaining close and constant touch with opinion. Without such a mechanism it would have been impossible to frame policies to meet people's needs.

This mechanism is required to serve two distinct purposes. First it is required to help in forecasting opinion on options—both great and small. Second it is required to assess current opinion on the impact of policies already in train.

Throughout the negotiations on the future of Hong Kong this opinion sounding mechanism has been carrying out its first role, that of judging reactions to possible options. The confidentiality of the talks—although justified in the interest of promoting constructive negotiation—has inevitably limited the amount of information that could be made available to the Hong Kong people. But the Members of the Executive Council have been fully consulted. The Foreign and Commonwealth Secretary, in his statements in the territory on 20 April and 1 August, has also done all he judged possible to explain the approach of HMG to the negotiations and their likely outcome. Moreover many of the issues to which people attach importance have been the subject of much discussion both publicly in the media and privately. Points have even been made today by Mrs. CHOW and Mr. YEUNG Po-kwan: both Mrs. CHOW and Mr. Peter C. WONG emphasised the need to speak up without delay. It has been possible, ultimately through the Executive Council, to formulate advice on what is and what is not thought to be acceptable to Hong Kong. All manifestations of the views of the Hong Kong people have been and will continue to be fully and seriously considered by HMG and taken into account in the negotiations.

But it is right that the process of consultation should not end there, and that the Hong Kong people should have an opportunity to comment formally on the final outcome of the negotiations. Parliament, and the Hong Kong people would expect no less.

It is at this point that the second function of our mechanism for assessing opinion is brought into play—that is that part which assesses current views on known proposals. From the speeches of Mr. Peter WONG, and Mr. Bill BROWN and Mrs. Pauline NG our objectives and reasons are understood though perhaps we have not explained the division of work precisely enough. On this occasion it is proposed that the tasks of stimulating and assessing comment be split into four parts. These four parts are as follows:

- The Government will disseminate and explain the agreement, urging the public to express its views.
- It will be up to the public to express views.
- The views will be assessed in the Assessment Office.
- The operation of the Assessment Office will be scrutinised by monitors.

The first part of this operation which falls to the Government is to put a draft agreement to the people of Hong Kong with a clear explanation of its implications. The agreement will be published in the U.K. as part of a White Paper as soon as possible after it has been initialled. The agreement will be published simultaneously here. The accompanying documentation will include an account of the background to the negotiations leading to the draft agreement, an explanation of the provisions of the draft agreement and their implications. The Governor will introduce it to this Council with a statement.

These documents—that is the text of HMG's White Paper, incorporating the agreement and the text of Governor's statement—will then be very widely distributed by the Government here. This Council will be free to debate the matter. The papers will be sent to the Urban Council and to District Boards with an invitation to them to make their views known. Copies will be sent to selected representative bodies including trade and industrial associations, professional and academic bodies and other groups and organisations of standing in the community with an invitation to comment. If any organisation is missed out it will be able to obtain the documents at numerous outlets. We shall do our best to publicise the texts in the media—who have acted very responsibly in these matters in the past—and copies will be made available in many government offices.

Wherever the Government can it will urge people to express their views. No doubt many views will also be expressed spontaneously through the media. During this debate suggestions have been made by Mr. CHAN Ying-lun, Mrs. Pauline NG and Mr. YEUNG Po-kwan as to how the expression of views can be stimulated. I am grateful for these proposals. Rather than make immediate comments I shall undertake that they will be examined closely during our detailed planning.

I turn now to the Assessment Office which will operate entirely independently of the Government Secretariat and its organisation. Whereas the government machine will be active, transmitting information to the public and stimulating comment and discussion, the Assessment Office will be passive, acting as a receiver for the views that will emerge. Its prime function will be to receive and analyse all expressions of views upon the initialled agreement. It will take note of the views of the media. It will take note of the views of any organisation or of any individual that writes to it. It will take note of any views which the Government Secretariat may receive through its ordinary processes of consultation and which are handed over to the Assessment Office. It will take note of surveys of opinion that may be commissioned in Hong Kong by any

independent organisation. Its job will be to collate, summarise, analyse and assess all these views. But it will not reach out into the community to obtain or solicit them. Its ears and its eyes will be open to all views and opinions expressed in the community.

The Assessment Office will be manned by experienced civil servants. Its head will report directly to the Governor. Given the time constraints under which it will be operating, and the novelty and complexity of its task, it is obviously preferable that it should not be required to hear views orally from members of the public or from groups of people who might wish to attend at the office. Communications in writing will be easier to assimilate. If members of the public wish to express their views orally, then there are others in Government such as District Officers who can be relied on to take note of their views and to pass them on to the Assessment Office. Sir, with your consent I propose that the Terms of Reference of the Assessment Office (Appendix I), which have now been decided, be included in the record of the proceedings of this Council.

Miss DUNN and Mr. CHAN Ying-lun hope that even after the publication of the initialled agreement there will be scope for further amendment in detail. I am afraid I cannot hold out any hope of this. As the Secretary of State said only a week ago in this Chamber in any international negotiations of this kind both sides negotiate to reach an agreement which has to be considered as a whole. If either side were to reserve the right, having reached the conclusion of the negotiations, as it were to start again, then the other side would, understandably, seek to obtain the same right. The agreement would not even be an agreement that could be initialled. So both sides are working towards the conclusion of an agreement as a whole and it then has to be considered as a whole.

Mr. YEUNG Po-kwan has spotted the difficulties we have had with the Chinese name for the Assessment Office. My advisers have explained the problem to me and I shall try to retail their wisdom. The first suggestion as Mr. YEUNG says was (民意評估處).(民意) is a perfectly acceptable phrase for people's wishes, people's views. This is what we are after. (評估) is also a perfectly acceptable Chinese word with no really undesirable overtones. It is used for assessing rateable values or assessing income, for giving of an opinion or for judging a beauty contest. But we are a Cantonese city and Cantonese usage can turn the most solemn phrases into ribaldry. The word (估) can involve the connotation of guess work and speculation. We certainly would not wish the report of the Assessment Office to be described as a (靠估) or a wild guess. So the preferable word (審核) has been decided on—(審) being the word used for judgement exercised in courts and (核) implying a careful scrutiny of data as in auditing or taking an inventory. Alas nothing is perfect and even this dignified phrase implying the exercise of judgement after a meticulous examination of data could be described as being slightly authoritarian—as if the office was judging what opinion should be rather than giving a balanced account of the representations actually received—the point made by Miss DUNN and Mr. YEUNG. I am advised

by the best authorities that while there might be a minute amount of force in such an objection it should not outweigh the need to avoid our Cantonese wags from mocking the work of the Assessment Office as a guessing game. So (民意審核專員辦事處) it is.

When the Assessment Office has completed its work, it will be required by a given date to report in writing to the Governor upon the views it has received. This will not consist of a short statement of the attitude of the people of Hong Kong to the negotiated agreement. Rather it will gather the expressions of views in a form that can readily be assimilated by the Members of Parliament in London to whom it will be presented by Ministers and who will form their own view upon the acceptability of the proposed arrangements.

In order to establish beyond any doubt the impartiality of the work of the Assessment Office, it is proposed that a monitoring team should be appointed under the authority of the Secretary of State. This is likely to consist of two monitors, one a distinguished public figure from the United Kingdom and the other a distinguished public figure in Hong Kong. It is not thought that a third member from some other country as suggested by Mr. YEUNG Po-kwan is necessary. Their task will be to observe the work of the Assessment Office in all its aspects. It will submit to the Secretary of State its own report independently of the report of the Assessment Office, stating whether it is satisfied that the Assessment Office has properly, accurately and impartially discharged its duties and faithfully followed the procedures presented in its terms of reference. This report too will be presented to Parliament by Ministers.

The monitors will not collect or assess opinion themselves. They will have access to all the material used in the assessment. They will be free to witness such aspects of the exercise of consultation and of the work of the Assessment Office as they may wish. Again with Your Honour's consent I propose that the Terms of Reference for the Monitoring Team (Appendix II) be included in the record of the proceedings of this Council as these too have just been approved.

These methods have been proposed because the Government believes that they will give the people of Hong Kong a better opportunity to make their views known than any of the more mechanical ways of referendum or survey. The assessment of opinion can never be mechanical. The result of any survey of referendum although presented in a tidy statistical form are bound to be opened to question. It has been suggested by Miss DUNN, Mr. BROWN and Mr. Peter WONG that if the report of the Assessment Office is inconclusive a referendum could be considered. I am afraid this would not help. A referendum could not be conducted for months for first it would be necessary to give an opportunity to register for those not on the electoral roll. Two thirds of those eligible now are not registered and there is no knowing how many would register. In the intervening period factional dispute would be certain to develop and at the end of the day nobody could be confident what the outcome would mean, divided as it would be between 'yes', 'no', 'don't know', did not vote, and did not register to vote.

Much has been said in this debate about the wishes of the silent majority. If they really wish to remain silent that is their prerogative. The Government will, as I hope I have shown, go to great lengths to create the opportunity for people to express their views. Beyond this it cannot go. People must express views themselves. If they hesitate to express views it is our belief that they are much more likely to do so to people they know people in their Mutual Aid Committee, their resident's association, their trade association, their District Board, their trade union and so forth rather than make use of the unfamiliar ballot box. Bodies such as the Urban Council Ward Offices and, indeed, the UMELCO Office itself are channels well known and well used by many. Views can also be made known directly to the Assessment Office.

The collation of views will be important for the future of Hong Kong in a way no referendum could be. The methods proposed will make possible not only an assessment of the acceptability of the agreement but will also point to areas of concern. Although the agreement itself will not be open to amendment these concerns will provide guidance to be taken into account in the future.

Sir, on publication of this agreement the Government will do its part. It will ensure that the contents of the agreement are widely known and it will create ample opportunities for people to express their views. Only the people can express their views. It is up to them to do so. Thereafter a careful and impartial assessment will be prepared and published for all to see.

Sir, I support the motion.

Question put and agreed to.

APPENDIX I

Terms of Reference for the Assessment Office

The Assessment Office has been set up under the authority of the Governor of Hong Kong. It is separate from the ordinary machinery of the Government, and is under the charge of a senior official, to be known as the Commissioner, Assessment Office, who will report directly to the Governor.

The objective of the Office is to provide Her Majesty's Government and Parliament, through the Governor of Hong Kong, with an accurate analysis and assessment of opinion in Hong Kong on the draft agreement between the Government of the People's Republic of China and Her Majesty's Government, and on the arrangements for the future of Hong Kong which it will set out.

To this end the functions of the Assessment Office shall be as follows: after publication and distribution in Hong Kong by the Hong Kong Government of a White Paper containing the draft agreement between the Government of the People's Republic of China and Her Majesty's Government, and of an invitation to comment on its contents, the Assessment Office will:

- (a) receive all views expressed on the draft agreement in writing directly to the Office, or indirectly through well established and familiar consultative channels in Hong Kong and the media;
- (b) collate, summarise, analyse and assess all such views expressed on the draft agreement;
- (c) submit to the Governor a report which will include factual summaries of views expressed and an overall assessment of the extent of acceptance by the people of Hong Kong of the draft agreement;
- (d) carry out such directions as the Governor may from time to time give to effect these purposes.

The Assessment Office shall allow access to every aspect of its work by the Monitoring Team appointed by the Secretary of State for Foreign and Commonwealth Affairs.

APPENDIX II

Terms of Reference for the Monitoring Team

The independent Monitoring Team has been appointed by the Secretary of State for Foreign and Commonwealth Affairs. Its role is to monitor the work of the Assessment Office appointed by the Governor of Hong Kong to assess and report on the views expressed by the people of Hong Kong on the draft agreement between the Government of the People's Republic of China and Her Majesty's Government on the arrangements for the future of Hong Kong.

The tasks of the Monitoring Team are:

- (a) to observe the work of the Assessment Office in all its aspects;
- (b) to submit to the Secretary of State a report independently of the report of the Assessment Office, stating whether it is satisfied that the Assessment Office has properly, accurately and impartially discharged its duties and faithfully followed the procedures presented in its terms of reference.

The Monitoring Team will not itself receive expressions of public views or seek in its report to assess public opinion.

To enable it to carry out its task the Monitoring Team will at all times:

- (a) have access to all material used in the assessment; and
- (b) be free to witness such aspects of the exercise of consultation and of the work of the Assessment Office as it may wish.

End of Session

HIS HONOUR THE PRESIDENT:—Honourable Members, that ends the formal business of this session. It has been a session full of interest throughout, from its dramatic start in September last year to deal with the Hang Lung Bank crisis through to this afternoon's debate on what can only be described as a subject of great significance.

This session has consisted of 27 sittings (an increase of five over the 22 sittings of the last session) and during this session 86 bills have been passed and 37 resolutions have been made. Members asked 180 questions and these were followed up with 279 supplementary questions.

These numbers and I could quote others—for instance, of the 86 bills passed, 24 were subject to 175 amendments, 91 of which were moved by Unofficials—these numbers do not adequately reflect the work which the Council has taken upon itself this session. The session must rank among the most thought-provoking sessions this Council has ever had (and innovatory, too, in that the sessions of Finance Committee devoted to an examination of the draft Estimates were held, successfully I think, for the first time in public). Apart from dealing with the business of the present, the issue of the *future*, both in the short and the long term, has been a major preoccupation. We have seen and discussed important proposals which would change the composition of this Council in the near future. We have also held significant debates, as we have today, over the questions raised in the minds of the public by 1997: to begin with there was the debate on the motion moved by Mr. LOBO on 14 March and this was followed successively by debates on the UMELCO visit to London, on the legal system, the economic system, the social system, on freedom of movement and finally on today's debate on the test of acceptability. It has been a vintage year for debates, and no one can deny, in my view, that the effort put into them reflects Members' perception of their obligations to the community and does them credit.

So we can now proceed to our annual recess to prepare ourselves for a session to come which is unlikely to be less interesting or less demanding than the one which now draws to a close. On behalf of the Governor, on my own behalf and on behalf of the staff of the Councils Branch, it is my pleasant duty to thank Members for this, dare I say it, useful and constructive session (*laughter*) and wish those of you who are going abroad happy hols.

I now declare the 1983-84 Session of the Council to be at an end. The first sitting of the 1984-85 Session will be on Thursday, 4 October next, when the Governor will address the Council.

Adjourned accordingly at two minutes to four o'clock.