

**OFFICIAL REPORT OF PROCEEDINGS****Wednesday, 15 July 1987****The Council met at half-past Two o'clock****PRESENT**HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

THE HONOURABLE THE CHIEF SECRETARY

MR. DAVID ROBERT FORD, L.V.O., O.B.E., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)

MR. JOHN FRANCIS YAXLEY, J.P.

THE HONOURABLE THE ATTORNEY GENERAL

MR. MICHAEL DAVID THOMAS, C.M.G., Q.C.

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

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

THE HONOURABLE PETER C. WONG, C.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 HU FA-KUANG, O.B.E., J.P.

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

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

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

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

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

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

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

THE HONOURABLE CHAN YING-LUN, J.P.

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

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN, J.P.

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

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

THE HONOURABLE KIM CHAM YAU-SUM, J.P.

THE HONOURABLE JOHN WALTER CHAMBERS, O.B.E., J.P.

SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE JACKIE CHAN CHAI-KEUNG

THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE HILTON CHEONG-LEEN, C.B.E., J.P.

DR. THE HONOURABLE CHIU HIN-KWONG, J.P.

THE HONOURABLE CHUNG PUI-LAM

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

THE HONOURABLE HUI YIN-FAT  
THE HONOURABLE RICHARD LAI SUNG-LUNG  
DR. THE HONOURABLE CONRAD LAM KUI-SHING  
THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.  
THE HONOURABLE DESMOND LEE YU-TAI  
THE HONOURABLE DAVID LI KWOK-PO, J.P.  
THE HONOURABLE LIU LIT-FOR, J.P.  
THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.  
THE HONOURABLE PANG CHUN-HOI, M.B.E.  
THE HONOURABLE POON CHI-FAI  
PROF. THE HONOURABLE POON CHUNG-KWONG  
THE HONOURABLE HELMUT SOHMEN  
THE HONOURABLE SZETO WAH  
THE HONOURABLE TAI CHIN-WAH  
THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING  
THE HONOURABLE TAM YIU-CHUNG  
DR. THE HONOURABLE DANIEL TSE, O.B.E., J.P.  
THE HONOURABLE ANDREW WONG WANG-FAT  
THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.  
THE HONOURABLE GRAHAM BARNES, J.P.  
SECRETARY FOR LANDS AND WORKS  
THE HONOURABLE DAVID GREGORY JEAFFRESON, C.B.E., J.P.  
SECRETARY FOR SECURITY  
THE HONOURABLE MICHELANGELO PAGLIARI, J.P.  
SECRETARY FOR EDUCATION AND MANPOWER (*Acting*)  
THE HONOURABLE CHAU TAK-HAY, J.P.  
SECRETARY FOR DISTRICT ADMINISTRATION (*Acting*)  
THE HONOURABLE YEUNG KAI-YIN, J.P.  
SECRETARY FOR TRADE AND INDUSTRY (*Acting*)  
THE HONOURABLE PETER ERIC JOHNSON, J.P.  
SECRETARY FOR TRANSPORT (*Acting*)

**ABSENT**

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

**IN ATTENDANCE**

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

**Oath**

MR. P.E. JOHNSON took the Oath of Allegiance.

**Papers**

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

<i>Subject</i>	<i>L.N.No.</i>
Subsidiary Legislation:	
Air Pollution Control Ordinance Air Pollution Control (Specified Processes) Regulations 1987.....	192/87
Pensions Ordinance Pension Ordinance (Established Offices) Order 1987.....	204/87
Pension Benefits Ordinance 1987 Pension Benefits Ordinance (Established Offices) Order 1987.....	205/87
Pension Benefits Ordinance 1987 Pension Benefits (Prescribed Ages) (Directorate Ranks) Order 1987.....	206/87
Pension Benefits Ordinance 1987 Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Correctional Services Department) Order 1987.....	207/87
Pension Benefits Ordinance 1987 Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Customs and Excise Department) Order 1987.....	208/87
Pension Benefits Ordinance 1987 Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Fire Services Department) Order 1987.....	209/87
Pension Benefits Ordinance 1987 Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Immigration Department) Order 1987.....	210/87
Pension Benefits Ordinance 1987 Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Royal Hong Kong Police Force) Order 1987.....	211/87
Public Health and Municipal Services Ordinance Public Health and Municipal Services (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No.2) Order 1987.....	212/87
Trade Marks Ordinance Trade Marks (Amendment of Schedule) Order 1987.....	213/87

<i>Subject</i>	<i>L.N.No.</i>
Public Health and Municipal Services Ordinance	
Designation of Museums (Sam Tung Uk Museum) Order 1987.....	214/87
Antiquities and Monuments Ordinance	
Antiquities and Monuments (Declaration of Monument) Notice 1987 .....	215/87
Antiquities and Monuments Ordinance	
Antiquities and Monuments (Declaration of Proposed Monu- ment) Notice 1987 .....	216/87
Matrimonial Causes Ordinance	
Matrimonial Causes (Amendment) Rules 1987 .....	217/87
Registration of Persons Ordinance	
Registration of Persons (Application for New Identity Cards) (No.3) Order 1987 .....	218/87

Sessional Papers 1986-87:

- No. 64—Customs and Excise Service Welfare Fund—Income and Expenditure  
    Account with Balance Sheet and Certificate of the Director of Audit for the  
    year ended 31 March 1987
- No. 65—Report of changes to the approved Estimates of Expenditure approved  
    during the final quarter of 1986-87—Public Finance Ordinance: Section 8
- No. 66—Sir David Trench Fund for Recreation Trustee's Report 1986-87
- No. 67—Sir Robert Black Trust Fund—Annual Report for the year 1 April 1986 to  
    31 March 1987
- No. 68—Clothing Industry Training Authority—Annual Report for the year 1986
- No. 69—Construction Industry Training Authority—Annual Report 1986
- No. 70—Report on the Administration of the Immigration Service Welfare Fund  
    prepared by the Director of Immigration for the period from 1 April 1986 to  
    31 March 1987
- No. 71—Pneumoconiosis Compensation Fund Board—Report for the year ended 31  
    December 1986
- No. 72—J.E. Joseph Trust Fund Report for the Period 1 April 1986 to 31 March  
    1987

**Address by Member presenting paper****Report of changes to the approved Estimates of Expenditure approved during the final quarter of 1986-87—Public Finance Ordinance: Section 8**

FINANCIAL SECRETARY: Sir, in accordance with section 8(8)(b) of the Public Finance Ordinance, I now table for Members' information a summary of the supplementary provision for the final quarter of the financial year 1986-87. Supplementary provision of \$1,991.2 million was approved. \$1,595.6 million of this sum arose from the 1986 Civil Service and subvented sector pay adjustments.

Of the amount of \$1,991.2 million, \$1,080 million is offset by savings under the same head or other heads of expenditure or by the deletion of funds under the additional commitments votes. The remaining \$911.2 million is net supplementary provision. Items in the summary have been approved either by Finance Committee or under delegated authority. The latter have been reported to the Finance Committee in accordance with section 8(8)(a) of the Public Finance Ordinance.

**Written answer to question****Legal aid for Filipino maids**

1. MR. PETER C. WONG asked: *Will Government make a statement on the circumstances leading to the granting of legal aid to four Filipino maids to challenge the Immigration Department's right to cut short their stay in Hong Kong and the basis on which such aid was granted?*

CHIEF SECRETARY: Sir, legal aid has been granted to the four Filipino maids to seek judicial review of the Director of Immigration's policy on the extension of stay of overseas domestic helpers. The application for leave to apply for judicial review was granted by the High Court on Friday, 10 July 1987 and it is expected that the hearing will begin on 30 July.

Section 24(1) of the Legal Aid Ordinance (Cap. 91) makes it clear that the relationship between a legally aided person and the Director of Legal Aid and the counsel and solicitors assigned by the director in such a case is privileged. Accordingly, I am unable to make a statement on the circumstances leading to the granting of legal aid or the basis on which legal aid was granted to the four Filipino maids. It would not be right for me to discuss the legal aspects of their case before it was argued in court.

In general, however, under section 5 of the Legal Aid Ordinance legal aid is available (subject to certain financial criteria) to any person for civil proceedings (subject to certain exceptions). There is no limitation on the grant of legal aid on the grounds of the applicant's nationality, and aliens may apply and receive legal aid.

**Statement**

CHIEF SECRETARY: Sir, Members of this Council have expressed concern, publicly and privately, on the explosions which have occurred recently. They have been outraged, in particular by the indiscriminate and cruel attack in City Plaza on 8 July, in which 15 people were injured. Members will probably have heard that another small explosion occurred inside the Queensway Government Offices at noon today. No warning was received and the motive is unclear. Sir, no one was injured by that explosion.

You Sir, and I have publicly condemned these senseless actions and have reassured the people of Hong Kong that the police are doing all in their power to arrest the culprits.

This afternoon, I should like to say again that the Commissioner of Police has given top priority to the investigation into all these incidents. Enquiries are being conducted by the Organised and Serious Crimes Bureau, supplemented by officers drafted in from regional units, with the assistance of computer facilities. A major incident investigating room has been set up and intensive door-to-door enquiries are underway in City Plaza to locate further witnesses. Police patrols, in uniform and in plain clothes, have increased in busy shopping areas. Shopkeepers have also been advised as to how to make their premises more secure and what to do if they find a suspicious package. Private security guards have been urged to be more vigilant. Sir, from all I have said, I hope it is clear to Members and to the public that the police have responded in a most commendable way.

Their determination has already brought some results. Members will be aware that one man is now in custody, charged with the possession of an explosive substance contrary to section 55 of the Crimes Ordinance. Since this man's activities are still under investigation I would prefer not to divulge the results of the police investigations so far, but I would, Sir, emphasise that the intensive police action which I have outlined above is continuing.

**Government Business****Motions****HONG KONG ROYAL INSTRUCTIONS 1917-1986**

THE CHIEF SECRETARY moved the following motion: That the Standing Orders of the Legislative Council of Hong Kong be amended—

- (1) In Standing Order No.3(2), by deleting 'ex officio Member or';
- (2) in Standing Order No.9—
  - (a) in paragraph (2)—
    - (i) by deleting 'ex officio' and substituting the following—  
'Official'; and
    - (ii) by deleting 'an Unofficial' and substituting the following—  
'a Member other than an Official';
  - (b) in paragraph (4), by deleting 'ex officio' and substituting the following—  
'Official';
  - (c) in paragraph (5)—
    - (i) by deleting 'an Unofficial' and substituting the following—  
'a Member other than an Official'; and
    - (ii) by deleting 'an ex officio Member or';
  - (d) in paragraph (7)—
    - (i) by deleting 'twenty' and substituting the following—  
'Forty-five'; and
    - (ii) by deleting 'an ex officio Member or' wherever it appears; and
  - (e) in paragraph (8), by deleting 'thirty minutes' and substituting the following—  
'one hour';
- (3) in Standing Order No.11(1)(f) by deleting 'ex officio Members and';
- (4) in Standing Order No.12(3)—
  - (a) by deleting 'ex officio Members or'; and
  - (b) by deleting 'Unofficial' and substituting the following—  
'Members other than Official';
- (5) in Standing Order No.14(1)—
  - (a) by deleting 'an ex officio Member or'; and
  - (b) by deleting 'an Unofficial' and substituting the following—  
'a Member other than an Official';
- (6) in Standing Order No.15(1), by deleting 'Unofficial' and substituting the following—  
'Member other than an Official';



- (18) in Standing Order No.60—
- (a) in paragraph (1), by deleting ‘Unofficial’ and substituting the following—  
‘Members other than Official’;
  - (b) in paragraph (4)—
    - (i) by deleting ‘Unofficial’ and substituting the following—  
‘Members other than Official’; and
    - (ii) by deleting ‘ex officio Member or’;
  - (c) by inserting after paragraph (4) the following—  
‘(4A) Where the chairman so orders in accordance with a decision of the committee, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. Where any such matter has not been so approved by all the members who are then in Hong Kong before the expiry of the period specified by the chairman for signifying the approval of members in respect of that matter, that matter shall be deemed to be referred for decision at a sitting of the committee.’; and
  - (d) in paragraph (7), by deleting ‘an ex officio Member or’; and
- (19) in Standing Order No.60A—
- (a) by inserting after paragraph (1) the following—  
‘(1A) The Committee shall also consider any report of the Director of Audit laid on the table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organisation to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention.’;
  - (b) in paragraph (2), by deleting ‘Unofficial’ and substituting the following—  
‘Members other than Official’;
  - (c) by deleting paragraph (3) and substituting the following—  
‘(3) A report mentioned in—
    - (a) paragraph (1) shall be deemed to have been referred by the Council to the Committee for consideration upon its receipt by the President;

- (b) paragraph (1A) shall be deemed to have been referred by the Council to the Committee when it is laid on the table of the Council.’; and
- (d) by inserting after paragraph (5) the following—
- ‘(5A) The Committee shall make their report upon the report of the Director of Audit mentioned in paragraph (1A) within 3 months (or such longer period as may be determined by the Council) of the date on which the Director’s report is laid on the table of the Council.’.

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

The amendments to the Standing Orders of the Council set out in the resolution have a fourfold purpose.

Firstly, they provide for the replacement in Standing Orders of references to ‘unofficials’. Members will recall that, with their agreement, the late Governor announced this change in his address to this Council in October last year. In everyday use, Members whether appointed, elected, or official, will simply be known as Members, but for the purposes of Standing Orders where different roles are assigned to Members, depending on whether they are official or otherwise, it is necessary to refer to ‘official Members’ or to ‘Members other than official’.

Secondly, the amendments are designed to extend the period available for adjournment debates under Standing Order 9(7) from 30 minutes to 60 minutes. This change reflects the growing importance of adjournment debates in the proceedings of this Council and the interest which Members have expressed in speaking in them. Experience has shown that the 30-minute rule could rarely be enforced. However, if the character of adjournment debates is to be preserved, it is desirable that some time limit should be imposed. A 60-minute limit, of which the final 15 minutes will be reserved for the official reply, seems about right.

In extending the limit, no change will be made to the provision whereby the President may determine a longer period. However, the new limit should make the occasions on which the President has to resort to this provision an exception rather than the rule as at present. I am most grateful to Members for the indication they have given that they will not seek permission to waive the limit except in exceptional circumstances.

Thirdly, and fourthly, the amendments are concerned with the procedures of the two standing committees of this Council, namely the Finance Committee and the Public Accounts Committee.

Clause 18(C) deals with the Finance Committee. From time to time, particularly when this Council is in recess, it is desirable that the committee should deal with papers by circulation. This amendment to Standing Order 60 makes it clear that this may be done but provides the safeguard that, where any matter is not approved on circulation by all Members in Hong Kong at the time, the matter shall be deemed to be referred for decision at a sitting of the committee.

Clause 19(a) and (c) amend Standing Order 60A and deal with the Public Accounts Committee (PAC).

At present, Standing Orders authorise the Public Accounts Committee to examine the Director of Audit's annual report, prepared under authority of the Audit Ordinance, on his examination of the annual accounts of the Hong Kong Government. The PAC's public examination of this report starts with its tabling in November each year and ends three months later when the PAC reports its findings.

Under the terms of the agreement between the director, the PAC and Administration, tabled in this Council on 19 November last year, the director may, in addition, conduct value for money audits and report his findings to this Council. Clause 19(a) empowers the committee to examine these reports and to report its findings to this Council, while clause 19(c) provides a separate machinery for these reports to be examined. They will be deemed to be referred by the Council to the committee on tabling in the Council and the committee will then report its findings within three months. With the provision of this separate machinery, the Director of Audit will table two reports a year and the PAC will respond with its own report on each of these. The first of these will be dealt with under the existing arrangements between November and February each year while the second will be tabled in April each year and reported on by the end of the session. Sir, by this method the heavy workload of the PAC, now concentrated in one period of three months, will spread over two periods each of three months. This should enable the PAC and the director to extend the range and depth of their investigations and implements a recommendation the PAC itself made in its eighth report tabled in February 1986.

Sir, as the work of this Council develops so must, too, its procedures, as provided in Standing Orders, they must be adapted. They are warmly commended to Members.

Sir, I beg to move.

*Question put and agreed to.*

**KOWLOON-CANTON RAILWAY CORPORATION ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion: That the North-west Railway By-laws 1987, made by the Corporation on 3 July 1987, be approved.

He said: Sir, I beg to move the resolution standing in my name on the Order Paper that the North-west Railway By-laws 1987, made by the corporation on 3 July 1987, be approved.

Section 31 of the Kowloon-Canton Railway Corporation Ordinance empowers the corporation to make by-laws and provides that they shall be subject to the approval of this Council.

These by-laws are required by the corporation in order to exercise effective control in their operation of the Light Rail Transit System and its associated bus services in the north-west transit service area. They are modelled on the existing Kowloon-Canton Railway Corporation By-laws for the main railway line, and these have been working satisfactorily. They set out the conditions for the carriage of passengers, the issue of passenger tickets and the control of persons and vehicles on the Light Rail Transit System and its feeder buses. They prescribe the authority of corporation staff, the conduct of persons on the Light Rail Transit System and the corporation's buses and the penalties for the contravention of these by-laws. The Government has examined them carefully and considers them acceptable.

Sir, I beg to move.

*Question put and agreed to.*

**Second Reading of Bills****HONG KONG COUNCIL ON SMOKING AND HEALTH BILL 1987****Resumption of debate on Second Reading (8 July 1987)**

DR. CHIU: Sir, I declare interest as the patron of the annual Hong Kong Smoke-out Day campaign.

The introduction of the Hong Kong Council on Smoking and Health Bill signifies that the Government, following its wise decision of a phased-in total ban on tobacco advertisement from electronic media, has determined to take a further step to make the community aware of the hazard of smoking which is an addictive hobby responsible for 10 per cent of deaths each year in Hong Kong. The Bill, which makes provision for the establishment of the Council on Smoking and Health to carry out duties in line with the Government's

anti-smoking policy, is worthy of our support. My colleagues of the medical functional constituency have asked me to express their warm welcome to this Bill on their behalf. As the formation of the council will give Hong Kong a focal point for action and information in the fight against smoking, I am sure that the Anti-Cancer Society, the Hong Kong Smoke-out Committee, and the Hong Kong Cardiological Society will welcome this Bill with equal enthusiasm.

Efforts to restrict tobacco advertising, to publicise health warnings on cigarette packet and to raise the tax of tobacco products are the only areas that Government is able to affect directly in its anti-smoking policy. While other factors such as social pressure, peer influence, parental and teacher modelling may have more immediate influence on young people's decision to smoke. However, such factors cannot be similarly influenced by Government intervention. If these areas are not given special attention and dealt with effectively, legislation on smoking or Government policy on health education will not be able to achieve the desired results.

Sir, it is always true that more youngsters than adults start to smoke. Independent research has revealed that young people are attracted to the brands of cigarettes they see on sports venues so when they start smoking they prefer these brands. This is to say that sports sponsorship by the tobacco industry is an effective form of advertising which may induce young people to smoke. This is another area which we should look into.

According to an article published in the British Medical Journal on 31 May 1986, more than three quarters of the respondents in a survey of public opinion conducted in Hong Kong in 1981 were in favour of banning smoking in all enclosed public places. We look forward to stricter control measures to protect non-smoking people from the adverse effects of passive-smoking.

Now the multi-billion dollar tobacco industry is gearing up for new ways and is pouring multi-million dollars to promote their products through launching expensive propaganda campaigns, sponsoring sports and cultural activities to counteract Government's anti-smoking efforts. The appearance of increasingly huge and colourful tobacco advertisements on the walls of tall buildings all over the Territory immediately after the announcement of Government's decision on phased-in total ban on tobacco advertisements from television and radio speak for themselves. Although we can never expect the new council to be given a budget comparable to that of its counterpart set up by the tobacco industry, we hope that the funds allocated to the future council by the Government will be sufficient to enable it to perform its various functions effectively and efficiently.

Finally, I would like to stress that Government commitment is crucial in any anti-smoking programme, without which all other efforts stand very little chance of success.

With these remarks, Sir, I support the motion.

SECRETARY FOR HEALTH AND WELFARE: Sir, I am grateful to Dr. CHIU for his remarks in support of this Bill, and to Members generally for their agreement that it should pass into law before the end of this session.

I share Dr. CHIU's concern that many factors which impinge on young people's attitudes to smoking are quite beyond the scope of legislative control. Such factors as peer pressure, the example of parents, and community attitudes can only be changed gradually through effective publicity and education. In this process, I am sure that the Council on Smoking and Health will play a most valuable role.

I understand that the provisional council is already considering a number of proposals for tightening up controls on tobacco advertising and extending no-smoking areas. No doubt the formally incorporated council will pursue these matters further, and I look forward to receiving its proposals in the near future.

Sir, when I introduced this Bill a week ago, I made it clear that the establishment of the Council on Smoking and Health in no way indicates any weakening of the Government's commitment to a firm policy on the dangers of smoking. I can therefore assure Dr. CHIU that the new council can rely on strong government support for its activities.

Sir, I beg to move.

*Question put and agreed to.*

Bill read the Second time.

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

## **BUILDINGS (AMENDMENT) BILL 1987**

### **Resumption of debate on Second Reading (8 July 1987)**

MR. CHENG: Sir, as the chairman of the Land and Building Advisory Committee whose views on the Bill the Government has already sought, I have given my endorsement of the proposals made in this Bill to improve upon the Buildings Ordinance. The Bill up-dates the definition of 'authorised person' to reflect changes in the professional institutions. It facilitates better working arrangement for the Registration Committee to deal with applications for registration as authorised persons and structural engineers, and at the same time puts a limit on the deferral of applications. The increased scope of control covering the structural use of all building materials is also in keeping with development in the building sector, while the exemption of minor drainage

works from approval process helps avoid unnecessary delay of such works. On the other hand, any drainage works involving, inter alia, discharge of any trade effluent, chemical refuse and so on will certainly require prior approval of the Building Authority. I am pleased that these amendments will prohibit illegal drainage connections especially in industrial buildings to reduce environmental pollution problems.

One proposal in the Bill should be particularly welcomed by owners of private buildings. Under existing legislation, the Building Authority is empowered to carry out works in the interest of public safety and to recover the direct costs incurred, when the persons responsible for the building have failed to carry out the works themselves. Indirect or incidental costs are not recoverable, and the Building Authority tends to omit any work incidental to the removal of danger. OMELCO have in fact received representation from district board members and private building owners who point out that this is unsatisfactory. For instance, the removal of loose finishes on the external walls without replastering will leave a building exposed to the elements and result in other problems such as leaking. The owners would experience much difficulty in initiating or actually organising such remedial work in isolation. The OMELCO Lands and Works Panel has discussed this problem with the Administration and I am glad that the Administration have provided a solution.

The Bill now proposes to empower the Building Authority to recover costs for necessary incidental works and services. This, I hope, will be a viable answer to the above-mentioned problem and will greatly assist owners in building management. However, the authority must ensure that only those other works which are necessary should be carried out and at the minimum costs incurred, so as not to create unnecessary financial burden for the owners. The owners with whom lies the responsibility for management of the building should do their part and give full co-operation to the authority; good communication between the two parties will ensure that such works done and cost incurred are to the satisfaction of all concerned.

With these remarks, Sir, I support the Bill.

SECRETARY FOR LANDS AND WORKS: Sir, I would like to thank Members for their support of this Bill, and particularly Mr. CHENG Hon-kwan for his constructive comments. May I reassure him that the Building Authority's procedures for tendering of contracts and supervision of the works carried out for safety reasons aim at achieving minimum costs and satisfactory standard of works.

Sir, I support the motion.

*Question put and agreed to.*

Bill read the Second time.

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

**Committee stage of Bills**

Council went into Committee.

**HONG KONG COUNCIL ON SMOKING AND HEALTH BILL 1987**

Clauses 1 to 21 were agreed to.

**BUILDINGS (AMENDMENT) BILL 1987**

Clauses 1 to 8 were agreed to.

Council then resumed.

**Third Reading of Bills**

THE ATTORNEY GENERAL reported that the

HONG KONG COUNCIL ON SMOKING AND HEALTH BILL 1987 and the

BUILDINGS (AMENDMENT) BILL 1987

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

*Question put on the Bills and agreed to.*

Bills read the Third time and passed.

**Motion****GREEN PAPER: THE 1987 REVIEW OF DEVELOPMENTS IN REPRESENTATIVE GOVERNMENT**

MISS LYDIA DUNN moved the following motion: That this Council takes note of the Green Paper: The 1987 Review of Developments in Representative Government.

She said: Sir, when I spoke on 9 January 1985 on the development of representative government in the debate on the 1984 White Paper, I ended by saying 'the Government, Unofficial Members of this Council and everyone else in public life must provide...leadership. And leadership does not just mean making the right decisions on complex issues. It means having a perception of the best means of securing the well-being of all sections of the community and a commitment to that perception.'

The motion standing in my name provides Members of this Council with the chance to express their different perceptions. The diversity of our interests is bound to produce a wide range of opinions on the way ahead. But we all share a strong commitment to secure the well-being of Hong Kong.

I shall not attempt to comment on all the 39 options and sub-options set out in the Green Paper but confine myself to what seem to me to be the most difficult questions; in particular questions about this Council. That does not mean that I think the other questions raised are unimportant. Other Members are, however, much better qualified than I to speak about them.

As I said in this Council on 3 June, the Executive Council has not made up its mind on any of these questions. Consequently no rule of collective responsibility inhibits Members of the Executive Council in discussing this Green Paper today. Each of us can say what we think.

As I see it, the responsibility of each one of us in this Council is to put aside our personal interests and to speak and act in what we see as the general interest of Hong Kong and its people.

The issues on which I shall comment are:

- whether 'no change' is really a viable option;
- whether we should seriously consider extending direct elections to the system of elections to this Council;
- the future of Official Members;
- the role of appointed Members;
- the position of the President.

First, let me say that I have always thought that developments in our Government structure should proceed with caution. Stability with a less than perfect system is preferable to the instability that is an inevitable product of sudden radical change, however close to perfection the new system may seem to its proponents.

However, stability in a human society is obtained not by trying to set things in concrete but by allowing its systems and institutions to adapt to the changes that occur in society. I think education is probably the most potent force for change but prosperity comes close behind. Hong Kong has had a lot of both in the last 30 years and they have each brought about great changes to our social and economic system. Our political system has also responded. There have been

consequent changes for many years past and the system must be allowed to continue to develop to meet future changes. Because they have gone hand in hand though not always in step, these changes in our society at large and in our political system have not brought to our society the instability from which so many developing countries have suffered in the 20th century. They have instead ensured continued stability. That above all we must preserve.

The most radical political change occurred years ago when for the first time Government officials no longer formed a majority in this Council. That meant that the Government had given up its reserve power to force legislation through the Council. This radical change was hardly noticed, partly perhaps because the non-government Members did not abuse their new power any more than the Government had abused the power of its majority. We all continued to seek progress through consensus.

Now of course we could say 'no further change for 1988'. But in the long run 'no change' is not an option because the Joint Declaration has committed us to the greatest change of all; the legislature of the SAR is to be constituted by elections whereas this Council is at present only partly elected. The longer we postpone further change, the greater will be the pressure for it and the shorter the time available to see it smoothly introduced.

When we come to consider the question of direct elections, we should remember that we are not talking about introducing direct elections to Hong Kong but only about extending an existing electoral practice to this Council. That is to say we are not talking about a revolutionary innovation but about an evolutionary step.

Hong Kong has for many years had direct elections for membership of the Urban Council although on a rather limited franchise until 1981. There have also been direct elections for the district boards since 1982 where two thirds of the members are now directly elected, and to the Regional Council since it was first set up in 1986.

I do not think that it could be suggested that any of these examples of direct elections, nor for that matter the indirect elections of electoral college and functional representatives to this Council, have led to the kind of irresponsible vote-catching that opponents of direct elections for this Council seem to fear. I do not think that there is any evidence from past elections that ordinary people cannot be trusted to see their own long-term interests clearly and that only the business and professional sectors can be trusted to do that. This argument underrates the intelligence and common sense of the man and woman in the street.

Furthermore, to keep power in the hands of certain sectors of society is in itself dangerous to stability. It is far better to diffuse power so that everyone has a chance to influence his own future and no one sector can determine the fate of all.

How the necessary diffusion of power is to be achieved gradually and without a lurch towards instability is one of the questions we must all consider. All I ask is that it should not be considered on the basis of suspect arguments. For instance, is it really reasonable to suggest that the introduction of any element of direct elections is bound to lead to the development of factional politics and the confrontation of parties and to imply that indirect elections are a sure safeguard against such an undesirable development?

What are the grounds for believing that the introduction of some element of direct elections would lead to the Government being forced to introduce 'free lunch' policies? In 1974-75, when Hong Kong was in recession, when many people were out of work and thousands more were worried about keeping their jobs, no one demanded free lunches. The people and the Government all tightened their belts. Workers and employers pulled together to get Hong Kong out of the recession—and fast. So let us not insult the good sense of Hong Kong people. They can see that Hong Kong industry must remain competitive, that if our exports do not do well, Hong Kong do badly, and that there will only be work in Hong Kong if there is investment in Hong Kong. This is not because they wish to look after the interests of the businessmen, but because they wish to look after their own interests. In the long run it is the good sense of Hong Kong people that is our safeguard against all the imperfections of any elective system.

For indirect elections can have their disadvantages too. It is much easier to manipulate a small electorate—one has only to see the history of a few English 'rotten boroughs'. Indirect elections are at least as open to faction-fighting and to 'free lunch' policies.

However, direct election is no panacea. It does not guarantee better government or even good government. Above all, it is not a weapon to be used to confront China nor a shield to protect Hong Kong from interference, as some have argued. The surest way to put our future at risk is to cloister ourselves in an environment of paranoia, suspicion and mistrust. In 1997, we will become a Special Administrative Region of China. Our future lies in co-operating with China, building mutual trust, understanding and respect; and being sensitive to each other's concerns. To me, the case for direct election is purely and simply, that, of all others, it is the fairest way of selecting people to exercise public responsibilities. It would be a logical next step in our move towards a more representative government to introduce a few directly elected members of the Legislative Council. As I see it, the real argument is not so much 'whether' as 'when'.

Ought we to make changes next year and introduce direct elections for some seats? I have already spoken of the need to move forward, to move with the rhythm of the pace of change, and not to leave too much to be done too late in the run-up to the wholly elected legislature of the Special Administrative Region.

But we have taken a big step forward less than two years ago and there is a case for a pause before we take the next step.

With each passing week, the Members of this Council with their different backgrounds are developing new patterns of activity, new ways of working at our tasks, new means of resolving the conflicts between individual interests and group preferences. In short, this institution is still finding new ways of using the power that it has, and we still do not claim to have all the answers. It would do this Council no harm if we give ourselves more time before we make room for another new wave of Members.

Nor am I convinced that members of the public yet fully understand us and our activities. Should they not be given a few more years to see what we do, and how well we operate the checks and balances in the system of government, before they are asked to vote directly their choices of representatives to join us?

Sir, although I have spoken at some length about elections, in my opinion, the more important question concerns the future role of Official Members in this Council. Our overriding preoccupation must be to produce a balanced and effective legislature, but it also has to fit the mould of the legislature envisaged by the Joint Declaration, provision for which will be included in the Basic Law. It is to be a legislature 'constituted by elections'. There can be no place in it for ex-officio or appointed officials as Members.

It is a distinctive feature of our system of government that at all levels, Officials from the public service sit down with the Unofficials (as we were once called) to thrash out the issues and to settle the broad policies for the good Government of Hong Kong. This is true of the Executive Council and it is true of the Legislative Council. I do not think this Council could function efficiently without them.

We have already experienced the difficulties that have arisen from the reduction in the number of Official Members. They would become even more acute, if the legislature had to operate without them.

At the same time, the Joint Declaration also requires that the executive authorities shall be accountable to the legislature.

I have proposed a number of times in this Council that we should consider some form of 'ministerial-type system'. I do not mean a form of parliamentary government in a Westminster 'model'. My belief is, and has always been, that in the long term, we should aim to link the non-government Members of the Legislative Council with the Administration of this territory rather than rely on Official Members alone to provide that link. This could be on the basis of the Governor appointing non-government Members to assume responsibility for programme areas and would put forward the Government's policies, introduce its legislation and answer questions as the Official Members do now.

After all there has always been in Hong Kong co-operation and interplay between Officials and non-Officials. Another possibility is that Official Members may regularly attend the meetings of the Council but will not have the right to vote.

There may be other solutions to this problem but whatever solution is to be adopted I urge that this issue be tackled before we consider any further reduction in the number of Official Members. And the views of Members of this Council must carry particular weight on this aspect of the Green Paper, so we could do well to think hard about it.

If I speak now of the virtues of the appointed Members, I hope no one will think I do so only because I am one myself. I have only been a Member since 1976 and the track record of the appointed Members goes back much further than that. Sir, I believe that they have served Hong Kong well. They have never been Yes-men, nor have they ever seen themselves as here to do the Governor's bidding. They have been as sceptical and quirky and cantankerous and as difficult to please as any of our newly elected colleagues. The principal difference was that their chosen method was private discussion rather than public debate. The public never knew of the rows behind the scenes or of the concessions that they forced out of the Administration time and again.

In the last 20 years or more, appointed Members have always supported, indeed advocated, proposals for vastly increased spending to help the poor and the weak and the disadvantaged. Just look through Hansard. Just look around at what has been achieved in public housing, education, social welfare, medical and health, labour benefits, and even sports and recreation. All this before there were elected Members in this Council.

I hope my elected colleagues agree that appointed Members have a contribution to make as Members of this Council for some years to come.

As far as the Presidency of this Council is concerned, I do not think we need decide now whether or not the Governor should continue to be President of this Council. But I do think that it should be made possible for him to nominate some other Members of this Council—and I do think it should be a Member of this Council—to preside from time to time in his place. Meetings of the Council are now so frequent and often so long that it is unreasonable to expect the Governor, with all his other duties as chief executive, to preside personally throughout every meeting.

Sir, there are many other matters to be considered. I have referred to only a few of the options listed in the Green Paper. As I have said, this does not mean that I regard all the others as unimportant. But I have no wish to say more than my fair share. There are many speeches to come and many points to be made by my colleagues.

The matters we raise in this debate cannot be satisfactorily settled on grounds of principle alone. Hong Kong must again find, as we have always done, the right combination of acceptable principle and workable practice. As we search for it, we must all listen to each other and to the views of the people of Hong Kong.

Sir, I beg to move.

MR. CHEN: Sir, I am generally known as a conservative person, so are my views. There are many who have criticised the Green Paper on the ground that it lacks guiding directions. These critics have chosen, deliberately and against their better judgement it seems, to ignore the fact that in preparing the paper, the Government must at the opinion gathering stage have a completely open mind on the matter of further development of representative government and must do no more than highlighting the possible options without appearing to favour any particular one of them. To do otherwise would not only be wrong but would invite accusations of manipulating public opinion. However, I must urge readers of the Green Paper to pay particular attention to the factors which will have a fundamental bearing on Hong Kong's future political development.

Firstly, we need to accept the fact that Hong Kong is not and will not be an independent state. The constitutional arrangements under which Hong Kong operates will change as from 1 July 1997.

Secondly, we need to realise that in accordance with the terms of the Joint Declaration, Hong Kong will become a Special Administrative Region of the People's Republic of China. Just as the Letters Patent have provided the authority for Hong Kong to be governed by the present Administration, the Basic Law will provide the government framework for the future SAR. It is clear therefore that whatever changes we may wish to bring within the present government system, they must have due regard to what may be provided in the Basic Law.

Sir, the stated purpose of the 1987 review is to consider whether the system of representative government in Hong Kong should be further developed. In considering this question, we must bear in mind that HMG is committed to maintaining Hong Kong's prosperity and stability and to ensure a smooth transfer of government in 1997. Perhaps the best way to address this question is to conduct a brief appraisal on the existing system to see how it has been working to sustain Hong Kong's prosperity and stability.

Hong Kong's astonishing growth in recent years has been regarded by many as no less than an economic miracle. Few will not concede that apart from its enterprising entrepreneurs and resilient work force, Hong Kong owes its remarkable achievement to a stable and efficient government system that has been relatively free from the hustle and bustle of politics, and within which the Administration was able to concentrate on doing a good job of administering the territory with the best interest of the community in mind. For example, the

public housing programmes instituted by the Administration in the 1950s which are still being carried on today were not created because of political pressure but because the Administration saw the needs of the less fortunate sector of the community. In terms of stability and efficiency the existing system appears to have been working well. It has the flexibility required to enable people from all strata of the community to participate, through different means and in different forums, in the formulation of policies which affect the lives of all in Hong Kong.

Through an appointment system, candidates with different social backgrounds are appointed to bodies at district, regional and central levels of government of which this Council forms a part. As far as this Council is concerned, and I am sure the same is true for other bodies, decisions are normally taken on the basis of broad consensus between different or even conflicting interests in the community. The system has ensured not only that individuals or groups cannot dominate over others, but also that individual Members may speak their minds without being hindered or influenced by political pressure of elections. The value of such a system should not be undermined.

Sir, just in case that I, an appointed Member of this Council, may be accused of defending the appointment system because of vested interest, I would like to take this opportunity to make known my intention, which has your blessing and kind understanding some time ago, to retire from both Councils at the end of the current session to coincide with my retirement from my professional career in the public utility service sector. My views expressed today should therefore bear no influence on the White Paper on the issue.

In 1985 the system underwent a momentous change when Government introduced indirect elections through which various sectors of the community were permitted to select representatives to this Council. If I were pressed to find a fault with the Green Paper, I would say that its only shortcoming is that it does not contain an assessment of the effects of the changes introduced in 1985 on the operations of the government system. Sir, although it is not my intention to make such an assessment in this debate, all will agree with me that we have all had a much busier time since October 1985 than before, as borne out by the statistics shown in the Appendix to this speech. One striking point emerged from these statistics is the relatively low productivity. Although the number of Bills passed during the current session is only marginally less than that for the 1984-85 session, the number of ad hoc group and panel meetings held to deal with the business has increased significantly indicating that either the bills had to be examined in much greater depth thus requiring more and lengthier discussions or, more likely, the result of increasing difficulty in reaching consensus, or a combination of both.

We must not forget that to cope with the increased activities in this Council, members of the Administration must have also had to put in extra amount of

time and effort to deal with the work generated, such as responding to questions asked in this Chamber, preparing replies to debates and attending meetings to discuss with and brief Members. I am sure the Administration must have felt the strain and I will not be surprised to see in the Budget next year larger than usual requests for increase in the staff establishment.

But despite longer working hours and greater frequency of meetings on the part of Members of this Council, and despite greater working pressure on the part of the Administration, can we honestly say that we have done better than before? Has our productivity increased? Can we say that we have made the government machinery more efficient or that we have provided better service to the community? In my humble opinion, I honestly doubt we have. What is more worrying, however, is the tendency that in trying to be responsive to opinion, the Government is becoming unduly sensitive to political pressure. Because of this, I am increasingly concerned that the government system, presently executive-led, may gradually and unwittingly become legislative-led. Such a trend is not conducive to the efficiency and effectiveness of government. Is this what Hong Kong wants?

Sir, as I have said earlier, the present system has served Hong Kong well and there is really no compelling reason for hasty and drastic changes. What we really need is, perhaps, finer tuning of an already well-run machinery. Some tuning has already taken place in 1985 but as pointed out earlier, the results have not been all that satisfactory. It is therefore essential that we should consolidate the experience gained so far and try to identify a clear direction before further major changes are contemplated. This may take time. But in any event, the system has only been working for less than two years and I strongly feel that more time should be allowed to evaluate its effect, bearing in mind the fact that the changes made in 1985 were in essence originally proposed for 1988 in the 1984 Green Paper. In other words, in 1985 we had already leapt into the 1988 position.

In conclusion, as you, Sir, have said during your swearing-in ceremony in April this year, we must introduce changes in a prudent and gradual manner. We must first want to know what the post-1997 political structure is likely to be before we could decide which direction political reforms during the transition period should take to ensure a smooth transfer of government in 1997. We must not forget that there is a fundamental difference between Hong Kong and other independent states. In any democracies, the people can throw out or change their government if they find it ineffective or unsatisfactory. But Hong Kong can never be such a democracy either now or in the future for reasons which I do not have to elaborate. I think the people of Hong Kong should concentrate on doing what they have always done best, that is to work hard to ensure Hong Kong's prosperity, which is the very foundation for Hong Kong's existence, past, present and future. Continued prosperity depends on economic developments rather than hasty and drastic changes.

## APPENDIX

	<i>1984-75 Session</i>	<i>1985-86 Session</i>	<i>1986-87 Session</i> (Up to end of June)
Adjournment debates	3	6	16
Questions	179	296	187
Bills passed	85	68	62
Total no. of LegCo Ad hoc Group meetings	30	89	156
Total no. of Panel meetings	29	99	122
Total no. of LegCo In-house Meetings	22	32	28
Total no. of regular LegCo Sittings	23	32	27

MR. PETER C. WONG: Sir, Hong Kong is a vibrant society which prizes above all else stability and prosperity and the rule of law. In our long history, we have been comparatively free from political or civil disorders. This to a great extent accounts for our excellent reputation as a major international trading and financial centre. Another vital factor which contributes to our achievement is our unique form of government. In terms of fostering the necessary environment for our success, the Hong Kong Administration is second to none. Sir, in my view, the leadership which emanates from the top, and permeates through the various strata of the Administration, is a positive attribute of this Government. The events that are unfolding elsewhere in the region serve as a grim reminder that in the absence of a strong and enlightened government, the future of any country could be fraught with danger. It is therefore vital that Government should continue to provide the kind of leadership that will steer Hong Kong safely through the challenging years ahead. No one is under any illusion that this is going to be easy. But the will to do what must be done is there. And many are confident that Hong Kong will survive and emerge unscathed, as we have in the past, any vicissitudes that might come our way in the years ahead.

Sir, I make no apologies for this somewhat lengthy introduction. May I now turn to the 1987 review of developments in representative government. Much has already been said about this important document and it would be difficult to come up now with anything original. I shall not try to, but simple state the obvious.

I am convinced that the review is a genuine review and the options it contains are genuine options. Government has no pre-conceived ideas and will not attempt to lead public opinion. In the final analysis, public response will be an important determinant as to what changes, if any, should be introduced to our existing political system at the district, regional and central levels in 1988.

Although there are a number of important issues in the Green Paper, the great debate, which is gathering momentum, centres on direct elections to the Legislative Council. The advocates for direct elections see it as the best means of

securing a government which is truly representative and accountable, and thus able to carry out its policies with the support of the majority of Hong Kong people. I believe I am right in saying that the concept of direct elections is generally accepted as a natural step in the evolution of a democratic system. Broadly speaking, views differ mainly regarding the timing of its introduction. Is Hong Kong ready for direct elections and whether it should be introduced in 1988 or at a later date?

Apart from public response, it appears to me that at least two issues are relevant: political maturity and the question of convergence with the Basic Law.

Let me take the second issue first. Few political analysts are against the concept of convergence. Whichever way one looks at it, convergence is certainly desirable, if only to avoid developing a political system which may not be compatible with the Basic Law. The argument one often hears is that since the Joint Declaration provides for the post-1997 legislature to be constituted by elections, some element of direct elections to the Legislative Council in 1988 is not likely to be incompatible with the Basic Law. This may or may not be true, since elections do not necessarily mean direct elections. Regardless of one's views on this issue, there is logic in the argument that ideally direct elections should be introduced only after the promulgation of the Basic Law and thus ensure convergence. The important thing is that the principle of direct elections is accepted. Its introduction is only a question of timing.

Sir, may I now deal with the first issue: political maturity. During the past few years, Hong Kong has demonstrated a great awareness of its civic rights and responsibilities. Many believe that the people of Hong Kong are politically mature enough and ready to participate more fully in the process of government. It is therefore logical to conclude that should the public opt for early introduction, there is certainly a strong case for some element of direct elections to the Legislative Council to be introduced. Conversely, if the majority is for the introduction of direct elections at a later date, Government is duty bound to take fully into account the views so expressed. And that is what democracy is all about. As you have said so often in this Council, Sir, the 'ayes' have it, that is, if the 'ayes' are in the majority.

Sir, I believe most people appreciate the significance of direct elections. It is equally important that they are aware of its implications. A clear understanding of these implications will certainly enable those who intend to exercise their civic rights to form their views intelligently.

Sir, many of my colleagues will be speaking this afternoon and tomorrow. No doubt, they will have much to say and contribute. Apart from offering an opportunity for Members to express their views in public, this debate will to a greater or lesser extent further stimulate public debate on the Green Paper. The green light is on and the ball is now in the public's court. Hong Kong is a free society and everyone is entitled to express his own views.

There are still two and a half months from now until the end of September when the period of consultation expires. May I take this opportunity, Sir, to urge the public to exercise their civic rights and submit their considered views to the Survey Office on or before 30 September 1987. Crucial to this exercise is the silent majority. They must not remain silent, if the consultation is to be meaningful. In this respect, Government must spare no efforts in reaching out to them. Of course it will not be an easy task but I believe where there's a will, there's a way. Efforts should be made to bring home the fact, through the numerous channels of communications and in particular the media, that political reform is important. It affects directly or indirectly each and every one of us who live in Hong Kong. In their own interests and in the interests of Hong Kong, the public must be prepared to make their views known. And do so conscientiously and without fear or favour. In this way and this way alone can democracy be attained. Let us remember that nothing great is ever achieved without enthusiasm.

Sir, I believe in practical politics, in realism and not idealism, in reconciliation and not confrontation and above all, in compromise and the virtue of peaceful co-existence. Whatever changes may be introduced in 1988, I am confident that given good sense and our excellent track record, Hong Kong will continue to be stable and prosperous. Our way of life, the rule of law and the rights and freedoms which we all so dearly cherish will continue beyond 1997 and well into the next century.

On this optimistic note, Sir, I support the motion.

I. *Direct Election*

DR. HO: Sir, direct election is likened to the ancient Roman god, the two-faced Janus. What impressions one may get of it depends from which side one looks at it. But nevertheless, it is interesting to note some of the myths commonly held by the advocates of direct election by universal suffrage.

Firstly, direct election will create a true form of democratic government where civil and political rights are safeguarded.

Secondly, direct election will ensure the maintenance of the rule of law wherein equity and justice prevail.

Thirdly, direct election will lead to the development of a more accountable, responsive and open government.

Lastly and fourthly, a directly elected legislature will be able to insulate the government of the Hong Kong Special Administrative Region (HKSAR) against interference from the Chinese Government, thus the high degree of autonomy promised in the Sino-British Joint Declaration can be preserved.

I am afraid that there is no empirical evidence to uphold these myths. If one looks around the countries in this part of the world, one will become painfully

disillusioned, because one will quickly be dismayed by the pathetically low level of democracy prevailing in those countries where direct elections are in practice.

To dispel the last myth, that is, to sustain a high degree of autonomy, I shall advance a little more explanation. According to the Sino-British Joint Declaration, the powers and functions of the legislature of the future HKSAR do not come from the fact that its members are directly elected or otherwise, but are to be prescribed in the Basic Law. Furthermore, the chief executive of the HKSAR and the principal officials (equivalent to secretaries) will be appointed after some sort of consultation by the Central People's Government. The details of the relationship and the role of the chief executive with regard to the future HKSAR legislature are yet to be formulated in the Basic Law. Therefore, the extent to which the future HKSAR legislature will act as a check and balance over the executive authorities of the future HKSAR government remains to be seen. Pragmatically, it is logical to presume that the degree of autonomy to be enjoyed in the future HKSAR relies, to a large measure, on Hong Kong's capability to keep its capitalist system flourishing and to contribute towards China's modernisation goals.

Sir, having dealt with the idealistic assumptions associated with direct election, I wish to express my views on this form of election, with particular reference to the special circumstances of Hong Kong. While recognising that the move towards direct election is irresistible, I must warn that the timing and the conditions must be properly set for its introduction.

The Basic Law, which provides a framework for our political structure after 1997, will be promulgated in 1990. It will probably specify, among other things, the form or forms of election and will thus have significant implications for the formation and composition of the legislature. Under these circumstances, I am inclined to regard the two and a half years leading to 1990 as an interim period. During this short run-up, I prefer to see only minor, incremental changes at most to our Government structure, in order to leave least disturbed the present institutional arrangements which are instrumental in achieving social stability and economic prosperity.

Sir, there is a considerable body of opinion expressing great reservation for the introduction of direct election to the legislature in 1988 on various grounds. To me, direct election is a fundamental change to our political system and should not be implemented in haste and without proper regard to the particular circumstances prevailing in Hong Kong.

Political reforms must take place in a gradual, orderly manner and in a sustained direction over many years. However, if these reforms, introduced hurriedly and recklessly, are found shortly afterwards to be incompatible with the provisions of the Basic Law, there is no other viable alternative but to have them withdrawn or reversed immediately. In case of this eventuality, our economy will invariably suffer from tremendous disruptions and our confidence in our political future will likewise be inflicted with lasting damage. Therefore,

it is in the interest of Hong Kong to exercise utmost prudence and patience in developing our representative government during this interim. However, I do believe that a frank, rational and dispassionate expression of our views on this subject of direct election in this debate and other forums will effectively serve the purpose of drawing the attention of the local and the Chinese members of the Basic Law Consultative Committee and the Basic Law Drafting Committee to our preferences and aspirations for our political system after 1997.

Sir, I wish to remind the proponents of direct election that direct election must not be seen as an end in itself. In order for the spirit and the effect of direct election to realise, a great majority of the populace must have attained a high level of political consciousness and maturity. In a democratic system, it is up to the general electorate to monitor whether their civil and political rights have been safeguarded as promised, whether justice and equity are done, and whether their elected representatives have honoured their election pledges. In other words, the average man and woman in the street must have not only the political will, but also the know-how to assess, censure, prod and impeach their elected representatives in respect of their performance and conduct. Such know-how and political maturity take time to develop, and I do not think that Hong Kong people have now achieved such a level of political sophistication yet: civic education has a vital role to play in this respect.

In countries where direct election by universal suffrage is practised, political parties are a common feature. The Chinese Government has made it clear that she cannot countenance party politics in Hong Kong and that she may activate the communist elements into a party should political parties emerge here. The implications of an active, powerful communist party in our directly elected legislature are far reaching. Certain speculations and fears immediately arise in our mind. Will the stipulation in the Joint Declaration that 'the socialist system and socialist policies shall not be practised in the HKSAR and that Hong Kong's previous capitalist system and life-style shall remain unchanged for 50 years' stand unchallenged and unaffected? Will business confidence be eroded? Will our future legislature be likely dominated by one single political party?

Party politics is adversarial in character. The immediate task of those parties not in power is to topple the government. They ridicule the government's policies, harass the government officials' behaviour, discredit the government's decisions and try to shatter public confidence in the ruling party. This type of confrontational and openly aggressive tactics is at variance with the Chinese tradition and mentality. If such a western-oriented political system is transplanted to the Chinese-dominated legislature here without modifications, I am quite sure that it will not be able to function at its optimum level, thus resulting in a less than efficient government for Hong Kong.

On the other hand, however, where direct election is practised without the accompaniment of political parties, a different scenario, which is also undesirable, may likely emerge. There is a high probability that the legislature is composed of members representing only a limited number of professions and sectors. This predominance of a few professions amongst the elected members is vividly borne out by the election outcome of the municipal councils and district boards. This kind of unbalanced representation will likely be exacerbated by the small number of seats in the legislature earmarked for directly elected members. In the interest of balanced development, a legislature should be filled by as wide a spectrum of occupational, geographical and sectoral interests as possible. This explains the calls for the number of functional constituencies to be increased.

## II. *The Presidency of the Legislative Council*

Sir, there are suggestions in some quarters that the Governor of Hong Kong should not simultaneously serve as the President of the Legislative Council. I do not subscribe to this thinking.

Constitutionally, the Governor is the representative of the Queen's sovereignty over Hong Kong and exercises the powers of the royal prerogative. This means that his powers as Governor are comprehensive and inclusive of his powers as President of the Legislative Council. Even if he appoints some other person to preside on his behalf, the Governor continues, by virtue of the Letters Patent and the Royal Instructions, to retain the powers that enable him to control the business of the Legislative Council. For example, the Governor can exercise certain powers to which the President is not entitled:

- (i) to assent to, or withhold his assent from, legislation passed by the Legislative Council;
- (ii) to determine whether a sitting be held outside the normal session; and
- (iii) to dissolve the Legislative Council.

Under these circumstances, it therefore serves no useful purpose to replace the President of the Legislative Council by another person. Moreover, while that Basic Law is being promulgated during this interim period, there is no knowledge as to the role of the Governor (or the chief executive) in the future HKSAR legislature. Therefore, in the interest of convergence, I prefer the option to make no fundamental change to the role of the Governor as the President of the Legislative Council, but allows him the discretion to appoint some one to preside in his absence for specific sittings or part of a sitting.

The development of a representative government in Hong Kong is a matter of grave concern for the entire population. A consensus in political reform with support from the widest possible spectrum of community sectors is essential for arriving at the best form of government for Hong Kong. I therefore urge each and every member of the public to study the Green Paper and to channel his/her candid views to the Survey Office within the time limits set for consultation.

In his/her deliberations, I earnestly urge that he/she must bear in mind that the political reforms referred to in 1988 should be viewed as interim measures, while awaiting the promulgation of the Basic Law.

With these remarks, Sir, I support the motion.

MR. HU: Sir, as it is an indisputable scenario that 10 years from now Hong Kong will be returned to China and become a highly autonomous Special Administrative Region, the current review of developments in representative government is very different from the one we conducted in 1984. Subsequent to the 1984 review, the United Kingdom and China signed the Joint Declaration on Hong Kong's future and work began on the drafting of the Basic Law to serve as Hong Kong's post-1997 constitution.

These developments, which did not exist at the time of our last exercise, have to be taken into account in our current attempt to further develop our political system in the transition to 1997. There are three guidelines which we have to observe in the 1987 review. And although the Chief Secretary has already mentioned them when introducing the 1987 Green Paper in this Council, owing to their significance, I believe it would be worthwhile to repeat them here.

Firstly, any constitutional changes must be undertaken within the framework of the Sino-British Joint Declaration. Secondly, the resultant changes from the current review have to converge with the future government model to be stipulated in the Basic Law, which is still being drafted. Thirdly, in the course of changes, the Government has to ensure that Hong Kong's prosperity and stability would not be affected.

Before I comment on the various options listed in the Green Paper, I would like to go back a little to three years ago on 9 January 1985 when we debated the White Paper on the Further Development of Representative Government in this Council.

I was then speaking against increasing functional constituency and electoral college seats from six as proposed in the then Green Paper to 12 in the subsequent White Paper.

I said: 'Once the number of seats to be created by any method is agreed upon, it would be extremely difficult to reduce the number in some categories and thus make future adjustment more difficult...The decision to increase the seats for both the electoral college and functional constituencies would make the review in 1987 more difficult as the Government will have less room to manoeuvre.'

I am not trying to claim credit for my prophecy, but many would agree that my prediction has turned true. In retrospect we have taken a larger than necessary stride in the 1984 review which now leaves us little room for manoeuvre under today's changed circumstances.

In the same speech, I called for a cautious approach. I repeat the call today with a stronger conviction.

The 1985 review had introduced elected Members to the Legislative Council through the electoral college and functional constituencies. The new system still has not settled in and we would need more time to assess the effects of these changes which were made only two years ago.

Before there is clear evidence to convince us of the need for any change, we must not commit ourselves to further changes just for the sake of change and risk disturbing our present system unnecessarily.

Now I wish to address certain options in the 1987 Green Paper. I begin from where we are—the Legislative Council.

In principle I support a directly elected element in the Legislative Council. I believe direct elections should be introduced in due course and therefore the problem here is one of timing.

As I have mentioned, the current political review has to be conducted under certain guidelines, and convergence with the Basic Law is clearly one.

The Hong Kong Government will be responsible for the administration of the territory before 1997. But 10 years later the power of Hong Kong Special Administrative Region Government will not be based on the Royal Instructions or the Letters Patent, but the Basic Law instead.

The people of Hong Kong have been assured time and again that both the Basic Law and the current political review will be based on the same public opinions in Hong Kong. I agree that in regard to the issue of direct elections, there will not be much discrepancy between the outcomes of the two exercises.

However, this possibility should not be used as an excuse to pre-empt the outcome of the Basic Law by introducing direct elections next year.

It is because despite our confidence that we will have a future legislature with a directly elected element in it, there is no way of telling the details involved. If we introduce direct elections in 1988, we will be forcing it on the Basic Law which is still in the drafting stage.

The consequence of such blatant disregard for our future constitution cannot be fathomed at the moment. But one thing is sure, it will not be in anyway beneficial to Hong Kong's prosperity and stability.

Having said that, I still believe direct elections to a proportion of seats in the Legislative Council should be introduced in a later year.

In my view, a more appropriate timing may be in the years 1991 to 1992 when the Basic Law will have been promulgated, given that it will have a provision for direct elections.

Future direct elections, as I perceive it, should replace the existing system of electoral college. And I would suggest that the introduction of direct elections could be carried out in two stages.

In the first stage, nomination of candidates will have to be made by members of district boards, the Urban Council or the Regional Council to ensure that the quality of candidates have reached a certain standard.

At the second stage there can be direct nominations from the districts to ensure that anyone who intends to stand for election will have a fair chance of doing so.

I think I have talked enough about direct elections. My colleagues here, I am certain, will also have many views on this topic. I want to turn to other options in the 1987 Green Paper which, I believe, require more immediate attention from us.

I entirely agree with the observations stated in chapter 4, paragraph 79 concerning the number of Official Members in the Legislative Council. Many colleagues have shared the frustration of having our questions unsatisfactorily answered since the officials directly responsible for the issues concerned are not Members of this Council.

If we further reduce the number of Official Members, the efficiency of this Council's operation will inevitably be affected. I would support the option that the existing number of Official Members be upheld.

In regard to appointed Members, I also concur with the remarks made in paragraph 81. The system of appointed Members has contributed very much to the stability and continuity of the Council's operation. However, as the Green Paper has also pointed out, such a system will have to be abolished eventually. To prepare for its final abolition, a limited reduction of the appointed seats will be desirable at this stage.

The seats vacated by the reduction of appointed Members can go to an expanded functional constituencies system. Elections through the functional constituencies have been proved suitable for Hong Kong's situation. Its merits have both been acknowledged in the Green Paper and widely accepted by the public.

I support option (iii) in paragraph 88 that the number of seats allocated to functional constituencies should be reasonably increased for a number of new categories next year, but which new categories should be created has to be decided after further public consultations.

With regard to the system of electoral college, I think more caution is required in planning for its further development. The system, introduced only two years ago, has led to political bickering within the district boards. Changes will not be preferable next year since we should give more time to try out this system before deciding on the next move.

Paragraph 108 mentions a new broadly-based electoral college to elect a proportion of the members of the legislature. I find this idea most appealing since it will be able to substitute the function of the appointed Members system. It is a pity that the appointment system will be abolished since it can draw out people who have the talent but are not prepared to stand for election.

I envisage that the introduction of a new electoral college comprising a wide range of representatives from all sectors and strata of the community can elect the appropriate talents to meet prevailing needs and thus achieve a balancing effect as appointed Members used to do.

Chapter 5 of the 1987 Green Paper has raised the question of whether the Governor should remain President of the Legislative Council. I do not see any urgency in making changes in this respect and I think it will be more appropriate to leave the existing arrangements intact at this stage.

After discussing the various options concerning changes in the legislature, I would now proceed to the three-tier system.

Efficiency, I believe, should be the key word for the administration of Hong Kong. I have objected to the establishment of a separate Regional Council alongside the Urban Council to take care of municipal services in the rural areas. I still think the establishment of the Regional Council is redundant and is a wrong decision.

However, we cannot put the clock back at this stage. My view is that we should leave the existing arrangements as they are with as little change as possible before 1997.

Furthermore, two essential elements in the present three-tier system, the district boards and the Regional Council were only established in recent years. The first district board election was held in 1982 while the Regional Council only formally came into being last year.

We should allow more time for the community to find out how this system works and reassess the different roles concerned.

However, I would support some fine-tuning of the system. For instance, we need to streamline the operation and improve the communication among the three levels.

In particular, I support option (iii) in paragraph 39 which proposes to give to district boards a role in the management of certain district facilities. Giving more management role to the district boards will provide them with very useful training in district management.

In the long run, we will have to consider merging the existing three-tier system into a two-tier one. Hong Kong is so small that it does not really require a complicated system of management. One of the future two tiers should be district or regional oriented while the other tier should of course be at the central government level.

The layer in between, that is, the present Urban Council and Regional Council, can fade out at an appropriate time. But all these changes should only take place after 1997 when Hong Kong has settled in its new model of administration.

In closing, I would like to make some remarks on the current survey exercise in regard to the 1987 Green Paper. I have canvassed a wide range of people about the Green Paper and have the distinct feeling that there is a general ignorance about the contents of this document.

Before the public can have a full grasp of the implications of the options thrust upon them, it would be very risky indeed if we just ask them to say either 'yes' or 'no' to the options concerned.

How to ensure that the outcome of the survey will truly reflect the public's wish is the job of the Survey Office. But I want to make a point here that if the survey is based on uninformed and immature opinions, the findings may be very misleading.

In the long run, a strengthened civic education programme may help to promote the public's interest in and understanding of political issues.

But as little can be done at the moment concerning the survey on the Green Paper, Hong Kong should only take a cautious approach at this stage.

Sir, with these remarks, I support the motion.

MR. WONG PO-YAN (in Cantonese): Sir, since the publication of the Green Paper on the 1987 Review of Developments in Representative Government, many people have commented on the Green Paper—especially the columnists in the newspapers, who have been writing on the subject day in and day out thus having a lot of influence on members of the public. Now in the middle of the consultation period Legislative Councillors are expressing their views so that members of the public know what they think—this is indeed meaningful. I would like to join in and speak my mind.

First of all, let me repeat what I said on 9 January 1985, when the Legislative Council discussed the White Paper on Representative Government and I quote:

'We can rightly say that the driving force for the rapid development of representative government in Hong Kong is the impending change in Hong Kong's political status, and not the need for a solution to problems caused by serious impediments to developments in various aspects. In the past ten years or so, Hong Kong has progressed more rapidly in its economy and cultural activities than most countries or regions in the world. I think we have to pay special attention to this point in laying down the stages of development for our representative government. If Hong Kong is a society with a thousand defects, we can well go out to reform our Government since it is not

difficult to make some improvements under that kind of circumstances. But we are faced with a thriving community where there is world-renowned progress in many aspects. After visiting Hong Kong, people from all over the world are usually full of admiration and praise rather than pity. Under the circumstances, we should be extra careful in considering our political reforms.'

I then went on to say:

'During the final stage of the reform process, the greatest change in our Government is that appointed members of the Legislative Council will be gradually replaced by elected ones. Therefore the aims and methods of the future elected members in fulfilling their duties is crucial to our society. Elected members have their own constituencies. Whether a candidate is elected or not depends on the support of his voters. This support in turn depends on whether the voters are satisfied with his political ideas and their implementation. Hence, most of the elected members will represent the interests of different social strata, professions and districts. Under the close scrutiny and supervision of their voters, it is inevitable that the members will have to fight to a considerable extent for the greatest benefit of their constituencies which they represent.

Our society is a complex organism...the activities of various strata of our society are interlinked and at the same time pushing one another forward. Consequently, the success of the entire community depends on the smooth operation and co-ordination of all sectors which it is made up of. If any sector insists on protecting its own interests at the expense of the whole community, all of us will, to a greater or lesser extent, be adversely affected. Hence, the key to success of our society depends on whether elected members who come from different social strata will properly look after the interests of the community as a whole, restrain the interests of the sectors which they represent if conditions so require and put the long-term interest of their sectors above immediate benefits.'

Do excuse me for repeating at such length, though two and a half years have elapsed. From my experience, during this period, I think the remarks I have just quoted are still valid. During these two and a half years our objective environment has undergone some changes. The drafting of and the consultation on the Basic Law have begun. The Sino-British Joint Liaison Group and the Land Commission have been working smoothly. Starting from November 1985, elected and appointed Members of our Council have been working together. Political commentary groups were formed one after another, with some people actively participating in these activities—all these are rephrasing the new developments to the public. At the same time, on the positive side, we can see that in the past two or three years, Hong Kong's economy continued to grow. Industrialists, businessmen and the labour work force were still working diligently. People in the financial and real estate sectors, as well as other

professionals, concentrated on implementing development plans in their own fields. This phenomenon on the one hand, and the frequently heard remarks about emigration and the description of Hong Kong as a rotting apple on the other, provide sharp contrast. Under these circumstances, I feel that our major responsibility at present is to provide the great majority of people who have decided to take Hong Kong as their home, with an environment as stable as it has been for many years in the past, so that they can work with an easy mind. On this basis, I would like to make some comments on the Green Paper.

First, direct election to Legislative Council. Basically, I think direct election to various boards and councils, including the Legislative Council is our ultimate aim in putting democracy in practice. If Hong Kong is ready for it, and if we adopt the attitude of progressing steadily, then I hope that by the year 2047 we would have developed to a stage where a considerable number of seats, even up to 100 per cent of the seats in the Legislative Council, are filled through direct election. By Hong Kong being ready for direct election, I mean the electorate and all the candidates understand the real meaning of democracy and direct election, and that the interests of the community as a whole should be put above the interests of individuals, or a certain sector of the community. This is a long-term ideal, but I believe we can gradually reach such a stage. For the short term, I don't think we should have direct election in 1988 for the following reasons:

First, in 1985 we began to have elected Councillors returned from functional constituencies and the electoral college. To assess whether this mode of election is successful, in 1988 we should repeat the same mode of election, so that the successful or unsuccessful candidates will once again be subject to the test in their own constituencies. And we can also review the merits or imperfections of such a system. I believe such an arrangement is fair to all parties.

Secondly, in my opinion, in the past two and a half years, the introduction of civic education has not yielded the results that it should have, only a small proportion of people are engaged in political discussions. Recently in Kowloon City more than 3 000 questionnaires were sent out in a survey on the views on the Green Paper. The fact that there were only 50 odd returns substantiates my point. Direct election has major implications and can only be effectively introduced with greater public participation. We can make use of the next few years to promote civic education so that discussions on politics are more common and more evenly distributed among various sectors of the community. This will lay a better foundation for direct election, and provide an even greater assurance for the stability and prosperity of Hong Kong. Such an arrangement will comply with our strategy according to which political reforms should be gradual and steady.

Thirdly, not to introduce direct election in 1988 will ensure that the political structure during the transitional period will converge with the Basic Law. As to the need for convergence I believe that it is accepted by all parties. One principle

governing the drafting of the Basic Law as we all know is that the Basic Law must not go against the Joint Declaration. We know that in the Joint Declaration it is clearly stipulated that the legislature of the Hong Kong SAR shall be constituted by elections. We know that the provisions in the Joint Declaration do not specifically identify the mode of election. As a member of the Basic Law Drafting Committee, I know that the drafting committee has not come to a final decision on the mode of election. And also, I fear that to make stipulations clearly in the provisions is not a simple matter. I made the above comments because I have some experience when I, together with others discussed the provisions regarding the economy of Hong Kong. Now we know that in the Joint Declaration it is stipulated that the Hong Kong SAR shall deal on its own with financial matters, including disposing of its financial resources and drawing up its budgets and its final accounts. When the drafting committee discussed this, some drafters suggested that the following provision should be added, that is; Hong Kong SAR's public expenditure should not exceed 20 per cent of the gross domestic product. This proposal was regarded as follows: first, it may go against the Joint Declaration, and second, it imposes some restriction on the SAR Government; therefore the proposal is not appropriate. Subsequently, some drafters withdrew this proposal. This was given wide coverage in the media, as everyone knows. By the same token, I think, regarding the way the legislature is to be elected, it is possible that the Basic Law may copy the wording in the Joint Declaration. If that is indeed done, direct election will not be spelt out in the Basic Law. In addition if something that is not specified in the Joint Declaration, e.g. a certain mode of election, were to be incorporated into the Basic Law, approval from various sides would have to be obtained. Therefore, I believe that before 1990, when the Basic Law is to be promulgated, we cannot be sure of the mode of election. Because of this I feel that if we do not have direct election in 1988, and alternatively if in 1990 we study the Basic Law and also study the political development in Hong Kong, and then deal with the problem of direct election, it will be more appropriate. As to the argument that if we do not have direct election in 1988, we will not have direct election in the future, I do not think that such an argument holds water.

Now on other issues. First, regarding the arrangement that the Governor is to be the President of the Legislative Council—this arrangement should not be changed because there are no defects in practice. Second, the various tiers of political structure should not be changed, and should be maintained for some more period. Third, the importance of the transitional period is known to all, and the complexity of the Hong Kong society is also known to all. In a debate on 9 January 1985, I said that we should take an extremely cautious attitude as if we were treading on thin ice, in implementing reform. Today I still maintain such an attitude.

With these remarks I support the motion.

4.30 pm

HIS EXCELLENCY THE PRESIDENT: I'm sure that Members will wish to take a short break at this point.

4.55 pm

HIS EXCELLENCY THE PRESIDENT: Council will now resume.

MR. CHAN KAM-CHUEN: Sir, to fulfil a promise made in 1985 the Hong Kong Government published this Green Paper in May 1987 to collect the public's view. As this is done before 30 June 1997 it is an internal affair under British administration.

It is of paramount importance to point out that its contents are based on the Sino-British Joint Declaration, signed by the two Governments, which is formal (正式的). Those who try to misinterpret its contents are talking nonsense or rubbish (胡說八道). Silence is golden sometimes even in politics. This is well described by the Tung Dynasty poet Po Chu-yi (白居易) in his poem, 'the Song of a Guitar' (琵琶行), that is 此時無聲勝有聲: At this time, it told even more in silence than it had told in sound.

The Basic Law is not yet a law and may not even be called a bill. Hong Kong is evolving and developing every day in all aspects. What Basic Law are we going to converge to? As the Basic Law is only one part of the Joint Declaration and cannot exceed it, we can only now take the words contained in the Joint Declaration for convergence.

It says, inter alia, that the Hong Kong Special Administrative Region, (SAR) shall be vested with executive, legislative and independent judicial power, including that of final adjudication. Now we already have independent judicial power, but just converged to the final adjudication.

Now we have a legislature with legislative power and we just have to converge to the constitution by elections.

Now we have an Executive Council an executive authorities both abiding by the law and we shall converge to the executive authorities which shall be accountable to the legislature.

It also states that the socialist system and socialist policies shall not be practised in the SAR, and that Hong Kong's existing capitalist system and lifestyle shall remain unchanged for 50 years after 30 June 1997.

As we are practising the capitalist system and the capitalist way of election is therefore in order.

To those who said that Hong Kong is not a state and cannot have direct election, I just fail to see what authoritative reference they may quote from. In

the capitalist system, direct or indirect election may be used to vote mayors, governors, or heads of state in office.

The Joint Declaration also states that during the transition period, between the date the Joint Declaration comes into force and 30 June 1997, the Government of the United Kingdom will be responsible for the administration of Hong Kong with the object of maintaining and preserving its economic prosperity and social stability, and that the Government of the People's Republic of China will give its co-operation. I trust that all will agree that deeds are better than words and the best co-operation is to help prop up business and community confidence by putting in more investment into our capitalist system.

The essence of a democratic election is freedom of choice. It provides equal opportunity for all those who are eligible to be voters and candidates.

In a mock election the voters may be asked to go through some formalities of casting a vote for some pre-determined candidates. There is no fairer system than universal suffrage and direct election. Direct elections are used in many powerful and prosperous countries and territories.

#### *Appointed Members*

When I spoke on the last Green Paper on 9 January 1985, I said, inter alia, 'this is a happy tidings for an apolitical Hong Kong...Like a child learning to walk, democratisation process may need guidance and something to hold onto in the beginning, it may stumble but it would eventually walk, and even run...it would turn a new chapter for the appointed Unofficial members who would gladly unload their heavy responsibilities to the newcomers and gradually let this long tradition of our appointment system of over a century fade away.' We are here to serve the community and to hand over our experience to the elected Members and when the time is ripe we just bow and leave with a smile on our face of accomplishment. For those who do not agree, I shall refer them to Shakespeare's Julius Caesar—'the evil that men do lives after them, the good is oft interred with the bones,' so let it be with appointed Members. Power corrupts and in some countries even the head of state may serve only two terms of four years each. History is a record of war and of those who cling to power for too long and it may end in scandal and even death.

#### *Elections*

There are various ways of judging whether the people of Hong Kong are now more mature politically.

- (1) the percentage of voters turning out to vote.
- (2) increased interest shown by the people on public affairs, such as the nuclear power plant issue, in which over 1 million signatures have been collected from mostly wage earners of a family. This tallies some 70 per cent of those against nuclear power by random sampling.

- (3) the average Hong Kong citizen is better educated than some neighbouring countries. Knowledge means aspirations, and even discounting those who have thrown in their towel and emigrated, the majority will remain and will want a voice in the political arena.
- (4) in the first indirect election people do not know the candidates so well, but after these years, the voters will be wiser in their choice of candidates.

Let the new blood with new ideals have an opportunity to participate in the running of our community. I consider that the time is ripe to have direct elections. It's now or never. There should be one seat each from the Urban Council, the Regional Council and the 19 district boards in 1988. Without increasing the total number of seats in the legislature, some seats may be created by reducing the number of appointed and functional constituency Members, especially those who occupy seats both in Executive Council and Legislative Council. Have we heard of any members in other countries occupying seats in both the Upper and Lower Houses of Parliament?

*Functional constituency*

Functional constituencies can lead to endless arguments. Those rickshaw pullers around the Star Ferry pier also serve a function to attract tourists to Hong Kong—should they also have their own constituency? It also leads to the change from 港人治港 that is, Hong Kong people administering Hong Kong to 港元治港 Hong Kong dollars administering Hong Kong, by holding the workers' jobs at ransom, or threatening to leave for greener pastures elsewhere. Is this equality?

With this observation, Sir, I support the motion and direct election.

MR. CHEONG: Sir, prior to the Sino-British negotiation in 1982 over the future of Hong Kong, Hong Kong people can be considered as very fortunate. Hard work coupled with some luck had created our economic miracle. The living standard of our citizens had improved way beyond their dreams of 40 years ago. Moreover, we live in a place where our freedoms, rights and the safeguards provided through our legal and judicial systems can compare favourably with any developed democratic Western countries. Thus, we may not have democracy in name but in reality we have much of what the citizens of democratic Western countries have. In fact, the majority of the people of Hong Kong were so satisfied with our present Administration and its style of Government that we were hoping that the results of the Sino-British talks could produce a status quo and no change.

Well, our ideal hopes were not to be and we now have to face the stark reality of 1997 as prescribed by the Sino-British Joint Declaration and the Basic Law to be promulgated. Some of us might wish to look for greener pastures elsewhere in this world and we must wish them all the best. However, most of us will

probably be still in Hong Kong after 1997 and it must be recognised that whatever that is to be done, be it by China, the United Kingdom or the Hong Kong Administration, the well being of those who remain should rank as top priority.

What then are mostly desired by those who will really have to face 1997 and beyond? What can the Administration do in a most pragmatic manner to try to satisfy those desires. The answer to these questions must be the corner stone upon which any future policies are to be developed and built. The pace and scope of development of a future representative government is no different. In fact, Sir, this is probably the most important issue facing Hong Kong today.

This issue, as it involves part of the framework through which Hong Kong is to be governed, seems to me to fall within the scope of a constitutional issue. As such, it is expected that both the United Kingdom Government as well as the Chinese Government will have to address it and exchange views on it. Unfortunately, according to media reports of late, there have been notable signs of major differences of opinion existing between the two Governments over this issue. This is indeed rather worrying to the people of Hong Kong. I plead, Sir, that both Governments should address this issue with pragmatism and understanding so that whatever differences there might have been, they could be resolved without causing too much irreparable damage to the future of Hong Kong.

In so far as the Hong Kong Administration is concerned, allow me, Sir, first to voice my appreciation over the Government's sincerity and secondly to declare my full support for Government's efforts in trying hard to seek the views of the silent majority in Hong Kong.

As has been said recently in this Council, I firmly believe that this Government is a responsive and responsible Government. Hence, I do not believe that it will be constructive for anyone to continuously harbour unsubstantiated doubts on the good intention of Government's proposed policies and actions. For the sake of the future for those who will remain in Hong Kong after 1997, we must all work together with the spirit of understanding and co-operation so that we will be able to find in a pragmatic way the most acceptable solutions to any problems. It is with this spirit that I wish to share with my colleagues a few thoughts on this issue in this debate.

Sir, what do the people of Hong Kong want by 1997 and beyond? I have talked to a great number of people from all walks of life. Businessmen, industrialists, professionals, factory workers, doormen, waiters, taxi drivers as well as housewives. They all indicated that their major hope is to be able to maintain and improve if possible their present standard of living and their present way of life in Hong Kong. They do not display too much interest let alone having a reasonable degree of understanding of the current political constitutional development debate. Sir, it is a fact that Hong Kong is still at a

stage where civic education is just the beginning. Compared with popular democracies of Europe or America, the political awareness of Hong Kong is barely just awakening for there is still widespread apathy within our community on political issues. A recent survey reported fairly widely in the media confirms this reality.

This survey was co-sponsored by a district board member and undertaken in a housing estate which housed over 19 000 people. Three thousand and five hundred questionnaires were sent out and only 52 responded. Over 250 people were approached for street interviews and only 45 bothered to stop and answer questions. Out of the 45 who responded to questions, 36 people either did not know about the existence of the Green Paper or have not read it. Also, they claimed they did not know how the present Legislative Council is constituted. When asked if they would take part in the voting if direct elections were introduced in 1988, 39 people out of 45 replied that they would not vote.

Under such a climate of general political apathy, should we not ask ourselves whether or not it is advisable to draw very firm conclusions right now? Is the opinion clamouring for the introduction of direct elections in 1988 really that representative of the wishes of the people of Hong Kong at large? Should the Government not make it a point to increase its efforts in promoting civic education and public awareness of civic affairs? No doubt over time the pace of the awakening will speed up, and over time the basic requirements of Hong Kong's society will embark on a route of progress. My point is simply that political change must follow popular political awareness and not pushing for change for the sake of change, or for the sake of ideals or indeed for the notion of democracy against communism.

Direct elections must not be regarded as the panacea to allay our fears about possible interference from China after 1997. Because it simply cannot realistically provide much relief if and when the sovereign state decided to act irrationally or even irresponsibly. We need also to guard ourselves against falling into an emotional trap of simply agreeing to direct elections in 1988 for the sake of showing some colours to China. Such actions would not be productive towards maintaining stability and prosperity in Hong Kong. In fact, the divisive atmosphere already created in Hong Kong over this issue would tend to erect more obstacles to the crucial need of developing better understanding amongst the people of Hong Kong. It certainly has not helped in promoting a better understanding between China and Hong Kong.

Sir, Hong Kong's return to Chinese sovereignty is another fact. That fact will not be altered by suddenly throwing the democratic process open. That fact will not be altered no matter how some of us would sincerely harbour distrusts on China's intentions or even her ability to implement the concept of one-country-two-systems successfully.

We should work to effect the change of sovereignty with minimal disruption to what we presently enjoy. There is no point in pretending that the 1980s and the 1990s are an independent, isolated era in the history of Hong Kong. There is no point spreading that false illusion. It is unrealistic to pretend that the Basic Law is not directly relevant to the present debate over political reforms.

This is a transition period, and any change that we make, every action that we take, must be done with the aim of trying to make 1997 a non-event. The actual date of handing back sovereignty to China should ideally be viewed like any other day in Hong Kong, with people going about their business of working, playing, studying, and striving.

I would respectfully ask every one of us to consider once again what the goals of this society are. What do we wish to see in the decades ahead?

I would hope that the goals of this society are the same goals repeated again and again by leaders in Britain, China, and Hong Kong, and the same goals which echo endlessly in the hearts and minds of the ordinary citizens of Hong Kong. Those goals are for stability and prosperity, now, in 1997 and far into the future.

The future of this territory, Sir, is contained in those two words. We need stability so that our people can have prosperity. We need prosperity so our people can continue to do that which has made this city great: strive for ever better living standards for themselves, their families and their descendants.

It is on these basic premises that the building of our future political structure must be based. We must have faith in the Government and Civil Service structure that has brought such good results to Hong Kong over the years. We need to maintain the executive Branch morale and efficiency of operation. For the best way of minimising effectively possible interference from China in future lies in how well we can perform in achieving the twin goals of stability and prosperity. In my view keeping the present Civil Service structure, efficiency of the Administration, and the maintenance of the present judicial system are the key for without them Hong Kong cannot be what we are today and without them Hong Kong will certainly not be what we would like it to be in future. Therefore no system should be developed if it will have a damaging effect on the authority and efficiency of the Administration and the independence of the present judicial system.

Sir, in the progressive society that we hope to live in Hong Kong I recognise we must have a balanced representation within the legislature and it is in the principle of providing balance in the legislature that I propose we should consider seriously having an element of direct election, say 25 per cent maximum, in future. This element should replace a present geographically based electoral college system. However, the timing of direct elections should take place in 1992 because I also subscribe to the Green Paper's view that the term should be extended for another four years. To introduce these earlier

would not provide enough time for Hong Kong to prepare for such a change in the quest of seeking more balanced results.

Furthermore holding direct elections in 1992 would allow Hong Kong more time for sufficient, developed, and detailed preparation for common suffrage. Hong Kong has never had direct elections to its legislature—elections of any kind to the legislature, in fact, are a very recent development. Yet having intelligent, effective direct elections requires an advanced stage of civic education. Both voters and candidates must be politically mature. Relative to the long-term future we all have to face four years is very short indeed. Is it therefore too much to ask for just a short period to prepare ourselves better for our progress towards our future? Is it not prudent that the introduction of any changes to our political system must have regard to our territory's tradition, resources and circumstances. Is it really too conservative to ask that the revision should come through long-term evolution rather than by adapting certain elements from foreign systems which might not be suitable and might threaten vital confidence in a stable and prosperous territory.

One need not look far for countries which prematurely went for the concept of Western democracy without sufficient preparation. Their economies devolved into chaos because they were thrust too soon into the political storm.

Economic chaos, of course, is the last thing that Hong Kong should ever have, for it certainly will mean unrest within the society. Our prosperity depends on stability; our freedom depends on our having an ordered society.

We must preserve the best of what Hong Kong presently offers its citizens— freedom, opportunity, challenge, and an efficient, economical, and representative government.

There is no question that calls for radical change sound impressive. There is no question that saying 'now' is more attractive than saying 'later'.

But Hong Kong does not need superficially attractive options. Hong Kong does need options which are well thought out, considered, and gradual. It needs options which are pragmatic yet progressive.

Sir, moving to other areas covered by the Green Paper, may I first voice my reservations to those options that would have the effect of changing the advisory role of our district boards. Hong Kong thrives on the ability of the executive branch being able to develop and implement policies without too much interference from political influences. If the advisory role of district boards were changed to having some executive function, it will be a fundamental departure from our formula of success and I am afraid this will have inevitable adverse effects on both the morale and the efficiency of the executive departments. Perhaps it may be timely to point out that a sizeable majority of those hon. Colleagues present in our in-house meeting when we preliminarily examined and exchanged views on the Green Paper were also of the opinion that the role of district boards should not be changed.

Secondly, I support the option that the President of this Council should, in 1988, still be Your Excellency. However I feel it is only fitting that you, Sir, must have the option of appointing other persons to assume the responsibilities of the chair if the need arises.

Thirdly, it is a fact that there were deficiencies in certain practical aspects in relation to the election experience we had in 1985. Therefore I support the preferential elimination system for our future elections. One word of caution however is that such a system will fall apart unless there are rules to stipulate that every voting paper must be marked with all the preferences or else such a vote would not be counted. Also, in relation to the amount of election expenses allowed, the Administration should look seriously and sympathetically to hon. SZETO Wah's suggestion which I have pleasure in supporting; he might mention it tomorrow. Last but not least, I support the idea of a four-year term.

Finally, Sir, I would like to echo my colleagues' plea to the silent majority of Hong Kong to speak out and spell out their true wishes. Please do not forsake our future by default. If at the end of this exercise, the vast majority of the people of Hong Kong clearly and conscientiously indicates which route our development should embark upon, I for one would see it my duty to abide by such wishes and would further undertake to work with the best of my ability for the long-term future of Hong Kong a place I dearly love and treasure.

Sir, I have pleasure in supporting the motion standing in Miss Lydia DUNN's name in the Order Paper. (*Applause in public gallery*)

HIS EXCELLENCY THE PRESIDENT: Order! Members of the public gallery should not interrupt the proceedings of the Council.

MR. CHEUNG (in Cantonese): Sir, I must commend the Government for releasing the political review in 1987 on time. I also appreciate the Government's sincerity in seeking public opinion openly so that the people of Hong Kong can have a chance to express their views and register their preference, or otherwise, for every option in the Green Paper. Through territory-wide participation people of Hong Kong can directly help formulate the political system of Hong Kong. This is something to be encouraged. Sir, however, I am worried and am uneasy about two points. The first point is that in the Green Paper it has not provided a comprehensive and clear outline of our master plan for the future political system. For example, basic questions like the relationship between the Governor and the Executive Council, the ministerial system and a government led by the legislature or the relationship between the Executive Council and the Legislative Council. All these are not addressed in the Green Paper. Certainly it is good to introduce changes step by step. Certainly we have to converge with the Basic Law. However, since we do not understand the overall direction to take I would say the present political system is only a shortsighted one. Would it be that in the future we would find out that because we did not know the overall direction, we would have done a lot of thankless tasks.

The second point is that the Government is encouraging the silent majority to speak up. However, undoubtedly the proposals and options contained in the Green Paper are not that easy to understand. If we expect the silent majority to come up with their wise decisions I think the prerequisite would be for the Government to provide opportunities for the people of Hong Kong to understand the content of the Green Paper, and to understand the criteria for choosing and the pros and cons for different options as well as the long-term impact of different options on the political system of Hong Kong. Undoubtedly the Government has done a lot and tried its very best in trying to collect the people's views. However, regarding agitation and explanation, it seems the Government has not done enough. People's views thus collected may not be constructive. However, if every citizen makes his own choice after careful analysis, then such views would really be their views and are meaningful. Only people's views collected in this manner would last and would not be swayed by the tide of public opinion. Therefore, through the district offices, district boards, area committees, mutual aid committees, owners' corporations, kaifong associations, which are all grass-root bodies, the Government should encourage citizens to organise seminars or briefings in good time, and to exchange objective analysis as well as balanced views with the people of Hong Kong. I think this is a very important step. It is also a chance for us to put civic education into practice; also it would help to raise Hong Kong's political awareness.

Since 1985 there has been a change to the composition of the Legislative Council. In these two years my own observation is that not only has the normal functioning of the Legislative Council not been disrupted, but also issues have been discussed at length and debates have become forums which feature well thought out diversified views. So, from this we can see that the Legislative Council with a wider representativeness has gradually become a place for the collation of people's views, and in the realisation of the spirit of representative government this is certainly one very big successful step. Now, we are conducting the 1987 political review we must recognise that functional constituencies based on occupations, and the election message based on geographical boundaries are widely accepted in Hong Kong, although in the initial stage some citizens have harboured cautious scepticism about the effectiveness of this representative government system. Once it is implemented it has proved that it can stand up to test and has evolved to become a Hong Kong style political system. So we can see that on this foundation we can extend the representative-ness of the Legislative Council so as to provide more strata of society with the proper channels for them to expound their unique social function and increase the contribution to the building of a better Hong Kong.

Therefore, I would suggest that the number of seats of functional constituencies, as well as electoral colleges, can be increased based on actual developmental needs and that the ratio between them does not necessarily have to be one to one.

First of all, let me talk about seats for functional constituencies. We can all see for ourselves what each functional constituency has done for Hong Kong. Therefore, when we map out and select functional constituencies the most important thing would be for the one who does the mapping out as well as the one who selects to be both impartial and fair in coming to a decision. It shouldn't be by discretionary approval or royal bestowal. In my view the most cautious and acceptable way would be to set up a new electoral college type selection committee with sufficient representativeness. As to the composition we can look at the Basic Law Consultative Committee. And then this selection committee can take reference from the criteria for the initial establishment of functional constituencies and formulate new criteria through consultation, and then the majority will hold to see whether we should add some new functional constituencies. On the one hand we can then respect democratic participation; on the other this is a test ground for the feasibility of the new electoral college concept.

As for electoral colleges, I think the principle of change should be that things should be as simple as possible and that conflict should be reduced to a minimum. And then, the most important thing would be to see which method of dividing voters can best shorten the distance between the Government and people and to strengthen the communication between the two so that people's views can effectively be reflected and that the Legislative Council can stand out more prominently and are closer to the districts. Therefore, because of this I am inclined to support paragraph 95(2), that is, to re-organise some geographical constituencies and to increase seats where appropriate.

As regards the controversial subject of direct elections to the Legislative Council in 1988, when we had a debate on the Green Paper on Representative Government on 2 August 1984 I proposed that we should introduce gradual and progressive changes, and that indirect election should be introduced between 1985 to 1988 to mark the first stage of democracy, and then starting from 1988 we should introduce direct elections step by step as a further step towards democracy. As at today, I am still abiding by this concept of democracy and I still think that direct election is the fundamental mode of public participation in politics and the most direct way to merge people's power with government's power. However, it is very difficult to predict the consequences of direct election, and we cannot guarantee the quality of Councillors returned by direct election. We can only rely on the wisdom of voters. Therefore, I still think that there is a necessity to preserve indirectly elected seats. Actually, direct election, functional constituencies and electoral colleges together should be like players in a soccer team, that is, on the one hand they should play their own role, but on the other they must complement one another so that the legislature of Hong Kong would be a complete network of representative government. Therefore I am in favour that we should have some seats for direct election based on the present foundation.

Now, as for the seats we can consider taking half out of the appointed seats, or to reserve a certain percentage out of the total number of seats. If we say half would be too hasty for a start and 10 per cent would be too little, then a quarter or one fifth would be a more appropriate figure.

Lastly, I would like to say something regarding paragraphs 130 and 131 of the Green Paper, that is sequence and timing of elections. Now, the idea of staggering terms of office is actually a good one. However, before we can solve some practical implementation problems, I have some reservations. For example, in certain special circumstances the Legislative Council can be dissolved. If we adopt the system of staggering the terms of office according to the timetable in the Green Paper during the reorganisation of the Legislative Council, there would be a whole year where some seats would be left vacant. In addition, according to the implementation period of the staggering terms of office system, whether the electoral colleges hold their election first or the functional constituencies first, there would arise a situation requiring some Councillors to extend their terms of office for one year. In other words, the staggering system, when it is implemented for the first time, may necessitate a by-election or a re-election, and in certain circumstances some Councillors may only remain in the Legislative Council for as short as one year. And then they would have to face the electors again and enter the battlefield for another election campaign, which would cost much manpower and other resources as well as energy or even friendship. Therefore, a unified, a uniform election timetable would be much simpler than the staggering mode, and it is more acceptable, and also smoother in its implementation.

Now, there has been much opinion expressed and much discussion held regarding district administration. Basically, the three-tier system is worthy of our support. The two municipal councils, as well as the district boards are functioning well. The spirit and image of regional representativeness has penetrated the community and we are now enjoying the fruits of this contribution. Any change would only bring more harm than good and we cannot possibly pay for the losses. Just now Mr. F.K. HU said something regarding the three-tier system. I welcome it because our Senior Member, Miss Lydia DUNN, has said that everybody is entitled to express his own views. Mr. F.K. HU said that we should do away with one tier. I don't mind that.

Next Thursday, the Regional Council will discuss the possible options contained in the Green Paper and by that time I would certainly spell out my views regarding the very special options regarding the three-tier system.

Sir, the consultative period for the Green Paper would last until the end of September. Like my other colleagues I would like to appeal to every stratum in society to express its views enthusiastically, so that the Government may have some guide-lines when they formulate the political change. I also hope that all

of us can remain cool and avoid becoming personal. With abundant innovations, unsurpassable patience and perseverance, we can all work for an ideal political system for the future Hong Kong.

Sir, with these remarks, I support the motion.

MRS. CHOW: Sir, Hong Kong is experiencing the biggest political controversy in our history. How we resolve it will prove how democratic we truly are. How we are allowed to resolve it will prove how truly autonomous we are, and how free of interference we may be from China and Britain. And if Hong Kong chooses to abandon its own say in the matter, we can blame no one but ourselves for the consequences.

The 1987 review has been promised as a review of the experience we have gained from the 1984 White Paper. But apart from looking back we must be conscious of the parameters for the future which were laid down and agreed by the two sovereign powers in the Joint Declaration as the principles that underlie the SAR government in 1997. So long as the review recognises and adheres to these terms of reference, it should be free to discuss and examine views on all options included in the Green Paper. And it would only be regarded as a genuine review if the results, by and large, reflect the wishes of our people, including those of the silent majority.

Next to stability and prosperity, the word 'convergence' has been mouthed most often in the recent months, initially, when Mr. Timothy RENTON visited Hong Kong but more so since publication of the Green Paper. It has been stressed, far too often in my view, how the development of representative government should converge with the Basic Law, without it being equally stressed that convergence takes two sides, that the Basic Law is by no means finalised and therefore could be flexible enough to take in the current position of our reforms, but most important of all, that convergence comes naturally if our reforms and the Basic Law both abide by the Sino-British Joint Declaration and the wishes of our people. It is totally inconceivable and unacceptable that certain options in the Green Paper should be off-limits just because the Basic Law Drafting Committee has not made up its mind. That argument could only be interpreted as interference through the Basic Law into the pre-1997 affairs of Hong Kong. This will not do, nor is it so intended as we have been assured. The people of Hong Kong must be free and feel free to air our views, without the pressure of intimidation, internally or externally, if we are to look ahead to the future with confidence.

Sir, from this point onwards when I refer to direct elections it means direct elections for the Legislative Council. I have spoken on my reservations about direct elections in this Chamber often enough in the past, and I will waste no time to repeat them. The pros and cons of direct elections have been extensively

listed in the first report issued by the OMELCO Standing Panel on Constitutional Affairs, and I commend it to whoever is interested as a basis for debate and deliberation.

The question that has not been asked enough is: 'What do we want direct elections for in the context of Hong Kong?'

It would be misleading to advocate direct elections as the basis for a Western style democracy here. Elsewhere, where party politics in effect aims to control and influence the choice of the voting public in elections, the final goal for political parties is to form the government, and when one party succeeds to do this, it is the single-minded objective and the business of the opposition to undermine and, eventually, to replace the ruling party. In such a situation the elected representatives fall into two categories: those in the Administration and those outside of Government and their behaviour is logically dictated by their related positions. In Hong Kong, there is no party politics as such. Elected representatives here are not bound by party platform and discipline. They are held to their individual constituencies by common interests arising from common geographical and social environments or professional and occupational backgrounds. Between them there is no common ground, except what may develop from time to time in relation to issues, particularly controversial and sensational ones that no elected representatives can afford to be left out in order that they are seen to be serving their constituencies. But, most important of all, and let there be no illusions about the role of elected representatives in Hong Kong, now and in 1997. Whatever it is, it is not to form the Government. In the Sino-British Joint Declaration it is clearly stated, and I quote 'The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government. Principal officers, equivalent to Secretaries, shall be nominated by the Chief Executive of the Hong Kong Special Administrative Region and appointed by the Central People's Government'. Are we not then unnecessarily paying the price of confrontational politics without the remotest possibility of reaping the benefits? Are we not giving our elected representatives rights without responsibilities? Are we as a community likely to sacrifice the pragmatic judgment of what is in our overall interests for what is popular to the greater number or the more politically active and can we afford the price?

So let us ask ourselves again, what do we want direct elections for?

No doubt some will say that with the advent of the SAR government and with the promise of autonomy we must have channels of participation for our elected representatives in the system so as to put our views forward and to influence decisions. In other words, they are there to serve as checks and balances to the system, and to ensure its openness and accountability to the public. I agree, but I fail to see how directly elected representatives can necessarily do any better than what our indirectly elected Members have been doing in the last two years. In fact, I see the risk of directly elected Members playing up their roles as the

permanent opposition, doing everything possible to undermine the credibility and good will of the Government, so as to enhance their direct accountability to their electorate without constructively adding anything to good government.

In my view, therefore, there is no need for direct elections to achieve a better Hong Kong. But that is not to say that I do not acknowledge that a large proportion of our people have quite a different perception from mine and because of that perception want it. No one, when asked whether he wants political rights, would deny himself that. And I could well understand that the acuteness of this need as a form of assurance of civil rights and freedom with the approach of 1997 and the formation of a new government with which little can be taken for granted.

With that in mind and with no illusions about where direct elections will lead us, and having been assured of acceptance of some degree of direct elections in 1997 by our conservative sector, I am prepared to accept, though not without qualifications, a small proportion of directly elected members if it is Hong Kong's wish that it be so. As for timing, I do not believe that there is any justification in delaying the introduction once the broad principle has been endorsed. For it is clear that Hong Kong prefers changes to be moderate and gradual. The more we delay the bigger will each step be. I believe Hong Kong will risk the least disruption if we are to replace by direct elections the existing populist based representatives from the district boards in 1988 with no change in absolute number or proportion.

Now, my qualifications. Firstly, in order to avoid unnecessary conflicts there must be no duplication of populist elections. Directly elected members should replace those presently elected from the district boards, but in order to retain the successful link between the district boards and the Legislative Council, nominations should rest with the district boards. In the absence of party politics the district boards can serve as extremely effective training ground for budding politicians.

Secondly, there must be sufficient safeguard against the abuse of public resources by political hopefuls. It has been commented often in the past few elections that employees in subvented services have had unfair advantage over other candidates in the running of campaigns by mobilising public resources to court votes. This may or may not have been true. After seats are won, such elected representatives could not devote the time their original jobs required of them, and while they would still receive the same pay for the work they are not able to do, their seniors would have to find other financial resources to pay for their substitutes. In the end, the taxpayers have to pay more. This is an issue that Government must address fairly and meticulously.

The time has come for vital decisions. Decisions have to be made after all arguments have been exhausted. As legislators we owe it to Hong Kong to state our views honestly and courageously, regardless of how we anticipate their reception will be. I have done my duty by putting forward mine. I hope what

I said here this afternoon would be respected by those who disagree with it, just as I would respect different views from mine. At the end of the day my vote for or against direct elections will be determined by the wishes of the majority of our people in the true spirit of democracy.

Sir, I support the motion.

MISS TAM (in Cantonese): Since the publication of the Green Paper we have received a number of views. We know that an official from the United Kingdom Government has told the Hong Kong people that if we want to have British administration after 1997 it is not pragmatic, because after 1997 Hong Kong sovereignty will be given back to China. At that time we have a delegation to United Kingdom led by Sir S. Y. CHUNG and we requested that we could maintain the political system in Hong Kong through a formal international agreement, and we hope that we can have wide consultation so that we will know whether citizens agree with the agreement. When we did the lobbying among the MPs we were asked several times, 'As you are not elected by the Hong Kong people, how can you speak for them?' They also asked us why we did not have any elected Legislative Councillors. At that time we said that we had not had elected Legislative Councillors in the history of Hong Kong. After lobbying for one or two days, we saw the problems. One day we left the Parliament at Westminster and stood in front of St. Stephens Gate. Sir S. Y. CHUNG was not very far away from me. He was thinking of something, and then he said to a photographer of TVB, 'Come, I have something to say to the Hong Kong people.' As the photo machine moved towards him, he said to the public, 'We are here to reflect Hong Kong people's views. If Hong Kong people have any views on the future of Hong Kong, they must speak up. This is very urgent.' Then we received about 40 telegrams from Hong Kong people, and they all supported our effort to reflect their views. We also read out the telegrams to the MPs. I would say Sir S. Y. CHUNG is a good leader and he is working for the interests of the Hong Kong people. It has been proved that he is very sensitive to the political environment. I think his comments on the Green Paper have not been given due recognition and I think this is most regrettable. But in 1984 we finally got the promise of the Parliament that we could let the Hong Kong people discuss the whole issue and decide on the internationally binding agreement which should have detailed provisions. Then we came back to Hong Kong. At that time everybody in Hong Kong knew that Hong Kong sovereignty would be given back to China and we had many political groups set up. Very often when we sat down and sipped our coffee we were also thinking of how we could work for the benefit of Hong Kong. We had a lot of able and energetic young leaders in Hong Kong and they were all discussing about the formulation of political groups. But later, around half a year ago, we saw very little of these activities.

In about June 1984 we had the Green Paper on representative government in September. We then had the signing of the Sino-British Agreement. In

November we had the White Paper and in December there is the formal signing of the agreement, that is, the ratification of the agreement. We read from the Sino-British Agreement that the legislature after 1997 would be formed by election. At that time we had a very high political tide and we thought we would come to a time when the power would be given back to the Hong Kong people, we would have a high degree of autonomy. But unfortunately we had mixed up the two issues because at that time when we thought about the future government we all had different pictures in our minds. By July 1985 I visited Beijing for the first time as a drafter of the Basic Law. The first thing I discovered was that the first paragraph of the Sino-British agreement said that the PRC after 1997 would resume its sovereignty over Hong Kong. Another topic we very often discussed was the future political structure and we said that it would be stipulated by the Basic Law.

The third point we said was that there would be a draft of the Basic Law made in 1988 and it would be finalised in 1990. I started to worry because the Hong Kong Government had already promised that in 1987 we would have our own review on political system. So, how could the two converge? How could we face 1987? At that time we might think that this was still very far away and we did not give it much thought. But today we must think about this question.

The Westminster politics will still be in Hong Kong for some time. In the first three rounds we talked about residual power, that is, where does the administrative power of Hong Kong come from, and what is the future direction? After three rounds of discussion, we could not prove that residual power could be given to the Hong Kong people and not back to China, because now residual power still belonged to the Queen of the United Kingdom. And so there was no more talking about giving power back to the Hong Kong people after we knew that. And if we cannot have a Westminster style government in Hong Kong, how can we solve the problem? But we have neglected one point. I think the best draft is our old political system. When I realised that the first thing I tried to do was to explain within the Basic Law Drafting Committee the merits and the defects of our existing system. I also let them know about the improvements that could be made to the political system, which would be a very important foundation for future development.

A number of my colleagues have commented on the point of convergence and about whether there is difficulty. I see a lot of technical difficulties but I think all these can be overcome. It is only a matter of time. First of all, I think that both the Chinese and British Governments are equally dedicated to the maintenance of prosperity and stability in Hong Kong. We can just look at the work of the Land Commission and the JLG. We will see that the two Governments are working in a very harmonious spirit for the stability and prosperity of Hong Kong. But when we talk about political system we have discovered a number of points in the Basic Law, and we have not resolved the issue. We must see whether there will be a problem of convergence. Now, I'll refer you to the final sentence in section 13 of Annex I to the Sino-British Joint Declaration. It

says that: The Provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force. If we check we will notice the fact, and that is in 1984 when we signed the Sino-British Agreement there was a provision that there would be Legislative Councillors elected by universal suffrage. In other words, right now this power is still maintained and that is, Hong Kong people can elect.

6.00 pm

HIS EXCELLENCY THE PRESIDENT: Sorry, Miss TAM. It is now six o'clock. Under Standing Order 8(2), the Council ought now be adjourned.

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

*Question put and agreed to.*

Although we have not discussed this problem in public, we have already mentioned this within the Basic Law Drafting Committee. What is the definition of the provisions? It said the provisions applicable to Hong Kong would remain in force. If we said that provisions applicable to Hong Kong in 1984 would remain in force, we could not have universal suffrage as a basis for electing Legislative Councillors, but if we talk about provisions applicable to Hong Kong after 1997, then of course the United Kingdom Government still has the right to change this provision and let the Hong Kong people elect their own Legislative Councillors.

So this involves the word 'applicable' as to whether it refers to provisions in 1984 or after 1997. We also have similar wordings. For example, the original system, original provisions and so on. And so we still cannot have a very quick answer about this. If we were to examine this in detail, we would seem to be breaking up a bees' nest. These are very technical questions and I really cannot say now what kind of election is suitable for Hong Kong.

Just now, Mr. CHEUNG Yan-lung pointed out that direct election can combine our civic and political rights. I agree. But in the Basic Law Drafting Committee we also mention about one point and that is universal suffrage in international covenant. It says that political rights belong to nationals and not citizens. Under the circumstances, can only Chinese citizens in Hong Kong vote in an election or even people with foreign passports can do so? We have not resolved this point either. But I think all these points can be solved only if we have the time to talk about them dispassionately, and with an objective to work for the interests of the Hong Kong people. I think that the Basic Law can achieve the Hong Kong people's goal. I cited these two examples just to let people know that now we have to spend about five or six days in China every six weeks. We have to discuss all these provisions in the Basic Law, and we really cannot take decisions in a hurry.

Why should we need five years to draft the Basic Law? We now begin to understand better. I accept that I knew that there would be a problem of convergence when it was pointed out in July 1985 that there would be a political review in 1987. We have not had the answers to the major points and so I just cannot imagine how close the two outcomes will be before we have the draft of the Basic Law. And even when we have the draft, we must need time to discuss. I must assure everyone here that no one will want to interfere with Hong Kong and we will not let anybody interfere with Hong Kong, but still we have too much work to do and too little time, and we still have not arrived at the conclusions.

Now, I have discovered that the Chinese Government would want to take time to understand the operations in Hong Kong, not just operations in the political arena but also our economy, our freedom, our privileges, our civic rights and our systems in science, education and so on. So, I think a total of five years is almost right. If we would like to talk about convergence and if we want to have a legal provision achieving this convergence, I too am very impatient. But one pragmatic view is that we may have to wait until 1990 to have our first election. By that time it will be very safe to have direct election. We know that this baby will not die prematurely, and we know that this baby will be brought up together by the two Governments.

The British Government and the Chinese Government, when they started the 1987 review, actually had a lot of difficulties. This is actually a promise given to the Hong Kong citizens; it is also a question of honour. Therefore when we discuss this issue today, we should not be influenced by other factors, in order to maintain stability and prosperity in Hong Kong, I feel that a lot of people in the Hong Kong Government continue to work very hard. Sir John BREMRIDGE took us through two very difficult years and also went through three major bank crises. However, there was still a Member voting against his last Budget. Sir Edward YOUDE worked extremely hard for Hong Kong and he shuttled between different cities 52 times during his term of office. However during his last days there were still people who ridiculed him.

When Sir David AKERS-JONES left his post, he told us that we should not merely look at our individual interests and we had to make sure that the good of the Hong Kong people in general had to be kept in mind. Even though we have had such new experiences I find that the Hong Kong Government, in trying to maintain, improve and develop our representative government, is still moving ahead and taking up its commitments. And I hope this particular point will be looked at by the Hong Kong people.

As for my own stand, this is something that is very simple. Regarding the Basic Law, I have said very clearly that I hope that one quarter of the seats will be filled by direct election and this actually was my feeling after my trip to the United Kingdom and I still keep the same stand. As for the time for introducing direct elections, when I was interviewed in April 1987, I said that in order to

be cautions, in order to make sure that our development is in the right direction and is well protected legally, the best thing is to make sure that this is done after the Basic Law has been promulgated.

On 24 May the Green Paper was promulgated. As I wanted to show my respect for the views of the people of Hong Kong, I therefore have turned down invitations to seminars and discussions because I do not really want to influence public thinking. But today I have a different responsibility. I must try and state the facts as I see it, and I also would like to show people my beliefs so that in future I will have on record what I have said and you can assess whether my concepts are correct or not, or whether my beliefs are right or not.

Now, we still have two odd months to go for public consultation and after today I will, once again, retreat into myself and will not influence the way of thinking of other people any more. But I hope that those who have not voiced their views will do so quickly because I think that the Executive Council decision will be a collective decision. After the publication of the report by the Survey Office the views of the general public will be very seriously and truthfully reflected and assessed.

Sir, I support the motion.

DR. IP: Sir, direct election in 1988 is as premature as prescribing a new drug for a non-existent illness. Furthermore, preoccupation with direct elections alone is like treating a psychosomatic illness with a single drug and forgetting that a comprehensive cure requires a multidisciplinary approach. Whenever there is an alternative a well tried drug is always safer.

Personally I have more faith in indirect elections as one should have more faith in a doctor who commands the respect of other doctors, than one based on a layman's opinion alone. As one of the more junior appointed Members I have had the opportunity to see the old style appointment system and have experienced the introduction of elected Members from functional constituencies and electoral colleges. I have the greatest admiration and respect for my appointed Colleagues and also for the indirectly elected Members, particularly in the way they have faithfully represented and fought for the interests of the electorate. Please note that those who contributed most in my opinion are not necessarily the same as those who appear more in the limelight.

The elected Members have brought humour and new ideas to this Council. As the public can see, we now have lively debates, a bit long at times, and which are concluded with most Members recognising that the majority rules.

One must see that representativeness is only one of many important aspects of election to the Legislative Council. A balance must also be sought for ability, expertise, constructive contribution, such as track record, respect from one's peers, and a continuous feedback and answerability to a workable number of people.

I may consider supporting direct elections but only under the following three provisos. Firstly, it should produce only a small proportion of Legislative Councillors. Secondly, it should be implemented after 1988 if this is also the direction of the Basic Law. Lastly, candidates are nominated for election by a definitive body which can assess the qualities of the candidate as pointed out above. For this Council's interest, a local Member of Parliament from Oxford whom I met a week ago was also one of 120 candidates who applied for that position, one of 24 candidates shortlisted for interview, one of 12 who were given a second interview with their respective wives or husbands, and were subsequently selected by the relevant executive committee to finally run for direct election. Food for thought for those aspiring to run for direct election.

Sir, I see the 1988 elections to be a phase of consolidation and fine tuning of the functional constituencies and electoral colleges while perhaps preparing the ground for direct elections to come. In the 1985 debate on representative government I spoke on streamlining and fine tuning of the various elections, increasing the number of Legislative Councillors to between 60 to 70 in number as the final objective, increasing the number of functional constituencies and electoral colleges at the expense of appointed Members, keeping the number of Official Members and creating four-year legislative terms. I had also pointed out the need to standardise the method of elections from functional constituencies and to include professions such as the accountants, dentists and para-medical professions. My stand remains the same in its entirety as when I spoke in 1985.

Prior to the last debate I fought hard at the in-house meetings to give heavier ratings for first preferential votes and to introduce absolute majority in voting. Being in absolute minority then, I did not persist but would like to see more support in this debate.

Sir, I would like to add that staggering elections has the advantage of continuity but such advantages will be offset by the magnitude of the work if done any shorter than two years apart. The Urban Council elections should be made more like the Regional Council. Last but not least, Sir, I would like to see the Governor as President until the major changes in the constitution of the Legislative Council have stabilised shortly before 1997.

Sir, with these words I support the motion before Council.

MR. CHAN YING-LUN (in Cantonese): Sir, right now the controversy of and debate on the political system concentrate on whether we should have direct elections and when we should have direct elections, but few have talked about what would happen, even if we have direct elections, and what steps we should take after we have direct elections. Because nobody knows this, many people are very worried and sceptical about this. I myself share this scepticism. Some people say that we can take one step at a time but I don't think this is wise.

When I wrote this speech I had one internal conflict. On the one hand I support the principle of direct elections. On the other hand I am very afraid that if we introduce direct elections in too much haste we would abandon the very uniqueness of our consultative machinery. Therefore, I think we should explain to the citizens what direct elections are and what would happen after direct elections. This is very important.

From the people whom I have contacted I can see that very few of them are interested in politics. And just a few of them have read the whole Green Paper.

I think what we should consider now regarding direct elections, or actually what we are thinking of in direct elections is that we want to elect some representatives to help us present our views to the Government. Actually, not many people have the time or interest to do these things. That is why they would like to elect representatives. However, Councillors do not have actual ruling power; they do not have the power to formulate policy or to implement policy. It is just that when they see there are wrong things, they question the Government and ask the Government to rectify them.

In my own view I support that in 1988 there should be partial direct elections. And if we see that the results are good we can have more seats in the next election.

On the terms of reference for the Legislative Council I do not think there should be any change. In Western democracies to govern a country people are returned by election. In England people just elect the ruling party and then the party leader will organise his own cabinet and rule the country. However, in Hong Kong without the support of party politics I do not think elected Members will come to a consensus in the governing of Hong Kong, and because of a divergence of views they will damage the efficiency of the Hong Kong Government as well as the future SAR government.

Therefore, I support that we should elect spokesmen for the people directly. However, I do not have confidence because we do not have party politics, and I do not think that they should have executive power and become rulers of Hong Kong.

In reviewing the development of political systems in Hong Kong with the introduction of district boards, the people of Hong Kong already are willing to express their views regarding the governing of Hong Kong. This is something that is gratifying. However, with a history as short as five years, this is already widely acceptable. District boards understand district needs. They have given very valuable views on the capital works programme, so they have given very good contribution. However, district boards have not been able to expand their functions. I think we can strengthen this in two respects.

Firstly, the district government offices do not have flexibility or the resources to discharge their duties, so district board members sometimes feel frustrated or not respected. I hope that the Government can look at district government

offices and how they could tie in with the district board's functions. With the transfer of community halls to district boards I think district boards can take a more important role in the management of district facilities. This may repeat the work of Urban Council elected members. However, I think this would give a higher degree of participation to district board members. I should think that the Urban Council should devolve its power of managing district facilities to district boards.

The long-term objective of representative government should be that people should be encouraged to participate in the management of district facilities. But because of resource restraints we should not ask district boards to take up policy decisions. So the district boards' participation should be confined only to advisory as well as management of district facilities but should not hold any executive power.

Sir, I support the motion.

MRS. FAN (in Cantonese): Sir, the Green Paper has drawn attention from various sectors since its publication. Recently, Chinese officials have openly commented and made known their position on whether there should be direct elections to the Legislative Council in 1988.

I feel that this can cause some members of the public to hesitate in openly expressing their comments on the Green Paper for fear of going against the wishes of the Chinese authorities, and may even undermine their confidence in the concepts of one country two systems and Hong Kong people ruling Hong Kong.

Is this what the Chinese Government wants to see? If the answer is in the negative, I hope senior Chinese officials could cast a vote of confidence on the people of Hong Kong that they would be able to make a wise choice.

There is nothing wrong with Chinese officials expressing their personal views in a mild manner for consideration of the people of Hong Kong. But if they give too much guidance or too many hints it may be counter-productive.

I recall that at the end of 1984, the majority of Hong Kong citizens supported and accepted the Sino-British Joint Declaration. This shows that the people have faith in China's sincerity and believe that the Chinese central Government will act according to the Joint Declaration and allow Hong Kong to have a high degree of autonomy, and the opportunity to realise the innovative concept of one country two systems. If the people of Hong Kong have placed their trust in China and are willing to act as pioneers, Chinese officials should also have faith in the knowledge of the people of Hong Kong and in their ability and avoid saying or doing anything that might be interpreted as acts of intervention.

Mutual trust between the people of Hong Kong and the people of China is the basis of a harmonious relationship in future.

Sir, when I considered the various options in the Green Paper, I adhered firmly to three principles:

Firstly, the development of Hong Kong is led by our economy.

Secondly, political developments should be gradual.

Thirdly, duplicated representation should be kept to a minimum.

Based on these three principles I would like to express my views in three areas, namely, functional constituencies, direct elections and the voting age.

In 1985, 12 Members were returned from functional constituencies to the Council through indirect elections. Judging from the experience gained over the last 20 months, this arrangement has proved to be successful in enabling the viewpoints of various trades and professions to be duly reflected in this Council, thus contributing to the legislative process. I therefore feel that the number of functional constituencies could be increased slightly, whilst at the same time, the scope of some existing functional constituencies could be further extended.

For example, the accounting profession and the tourist industry which have both contributed greatly to the economy of Hong Kong, should be considered for inclusion as new functional constituencies. On the other hand, since city development cannot be separated from the construction industry, perhaps professionals such as architects, land surveyors and so on, who are closely related to the construction and property development industry should also be categorised as a new functional constituency. However, since it is possible that this functional constituency would overlap the Engineers Constituency, further thought should be given to the way in which voters are to be designated for the two functional constituencies.

Following the publication of the White Paper on 'The Further Development of Representative Government in Hong Kong' in 1984, two teacher organisations have asked for additional seats in the Education Constituency. One of the major reasons is that since there are nearly 50 000 registered teachers in the constituency, they should have two seats. However, we must not overlook the fact that although teachers have made definite contributions as frontline workers in the development of education in Hong Kong, there are over 1 000 education institutions in Hong Kong, in which the management authorities have to shoulder legal, administrative and financial responsibilities, as well as being responsible for making decisions on teaching objectives. They have certainly contributed towards the training of talents. The views of these many different bodies and the principals of the various institutions should not be ignored.

Section 10 of Annex 1 to the Sino-British Joint Declaration states:

‘Institutions of all kinds, including those run by religious and community organisations may retain their autonomy. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region.’

In other words, various institutions have a high degree of autonomy in educating their students both now and in future. Whether a school is running well, how much the students have benefitted, whether the parents are satisfied, and whether the school is held in high esteem by the community are all closely related to the school management authorities. The management authority of a school, which usually refers to the principal and the school council or management committee, also has to be fully responsible for every incident that happens in the school. Hence, if the number of seats in the Education Constituency is to be increased in future, priority consideration should be given to allowing each school or education institution to be given a vote and select a member to represent the management authorities of their institutions in order to reflect their views and to formally recognise their contribution to education in Hong Kong.

As for direct elections, I think it is a logical step given the experience acquired from the introduction of indirect elections to the Legislative Council in 1985. This will provide every citizen with a right to vote and enable the public to elect Members of the Legislative Council, which is part of the central government structure. This will enhance the people’s sense of belonging and help to ensure more public support on Government policies.

Therefore, I believe direct elections to the Legislative Council on a one-man-one-vote basis could be introduced in 1988. Members so elected should constitute 15 per cent to 18 per cent of the whole Council. As to whether there will be a problem of convergence with the Basic Law, I do not think there will be such a problem.

As I have already put down my reasons in writing and submitted them to the Survey Office, I will not repeat them here because I do not want to take up your time.

Regarding the two options related to direct elections mentioned in paragraph 107 of the Green Paper, I think the introduction of a directly elected element in addition to the existing categories of Members will possibly result in duplicated representation between Members returned from geographical constituencies and those returned from direct elections. It will also cause confusion. I therefore have reservations on this option.

The suggestion to replace Members returned from geographical constituencies by directly elected Members is acceptable in my opinion. However, implementation might cut off the existing link between district boards and the Legislative Council unless district boards are involved in the nomination of candidates standing for elections, that is, candidates must be nominated by a

fixed number of district board members. Those who oppose this option might argue that such a screening process goes against the principle of free participation in direct elections. None the less, I still think that this option is worth considering, because it not only ties in with the spirit of gradual changes but also introduces an element of direct elections.

The process of district board nomination would also help to improve the quality of candidates, to control their number, and to enhance the candidates' image as well as the confidence of voters.

Whether the voting age should be lowered from 21 to 18 is also a question of great concern to many people. Those in favour of lowering the voting age maintain that since the Law Reform Commission has recommended the lowering of the age of majority to 18, which means that youngsters who have reached that age can enter into contractual agreements or obtain a loan from others, it would be illogical to deprive them of the right to vote.

As regards the right to stand for elections, those who are in favour of lowering the voting age do not insist on a corresponding lowering of the age of eligibility for candidature. In my opinion, if the age of majority is fixed at 18, there does not seem to be a strong case for not allowing persons aged 18 to vote or to stand for elections.

None the less, there are two kinds of circumstances under which I would object to lowering the voting age to 18 in 1988.

Firstly, the voting age should not be lowered before the age of majority is lowered to 18.

Secondly, if direct elections are to be introduced in 1988, which will bring about a fundamental change in our system, other changes such as the lowering of voting age, should be implemented at a later stage in line with the spirit of progressive development.

Sir, I would like to call upon all of those who are concerned about political development and who are discussing the Green Paper, be they Councillors, political commentators, the press or the public, to respect other people's opinions and be impartial when considering different views. No matter how intelligent a person is, he or she may be wrong sometimes. On the other hand, even an idiot can sometimes be right. Every person has his or her own perception. If we want to have a progressive society, we must learn from each other drawing on other's strong points to make up for our own deficiencies. Every point of view should be taken into account thoroughly. We must listen to other people's views even if they are contrary to our own. If the comments are constructive and conducive to the prosperity and stability of Hong Kong, they should not be ignored simply because of personal grudges. Hong Kong is a city where people enjoy the freedom of speech. If you want to preserve your own freedom, you must respect other people's freedom.

I hope that the discussions generated by the Green Paper will enable the people of Hong Kong to be more unified. Everyone of us is a member of the community living in the same place. We are not enemies antagonistic to each other. We are friends who should discuss with each other. For the common goal we share, we should all contribute according to our own abilities and map out the blueprint for our future government system in a calm and sensible manner.

Sir, with these remarks, I support the motion.

MRS. NG (in Cantonese): Sir, if we look at the changes in development of our political system in recent years we can well say that we have progressed at tremendous speed.

In 1982 we had direct elections for our district boards for the first time. In 1984 we had the publication of the White Paper on the Further Development of Representative Government. In 1985 we had major changes to the Legislative Council. In 1986 we had the birth of the Regional Council, and today we have a debate on the Green Paper on the review of our representative government. All of these have entirely changed the citizen's outlook on the political system in Hong Kong.

Everybody may have different views on the future development of our political system. Personally I think we should progress gradually and we must not spoil things by being excessively enthusiastic.

The Green Paper on the review of our political system in 1987 has listed a number of choices, and we know that these are not choices with equal chance. We see that there is a stand behind the Green Paper. Let us refer to Chapter VI, 'Practical Aspects of Elections.' Under 'Terms of Office' it says that when we decide on the terms of Councillors we should consider the following: '(a) a longer period offers increased stability and continuity as those elected will have more time to settle into their new role and acquire experience; (b) it would reduce the frequency of elections and the consequent possibility of a 'familiarity breeds contempt' attitude to voting; (c) it would give the electorate more opportunity to assess the performance of its representatives before considering their renewed candidature at a following election; but (d) on the other hand, too long a term of office might discourage some potential candidates. It would also reduce the opportunity for the electorate to remove unsatisfactory performers.'

Paragraphs (a), (b) and (c) are only for a longer period, and only (d) holds a different view. So I think the Green Paper has its guiding principles.

According to my personal experience and my contacts with the citizens I support that the terms of office for district board members, Urban Councillors and Regional Councillors, and even Executive Councillors should be extended to a four-year term. As for the composition of Legislative Council, I agree that the number of Official Members should not be increased.

If we refer to the White Paper in 1984, it is suggested that the number of Official Members should be reduced from 18 to 10. Because that is too vast a decrease, the Official Members cannot give us satisfactory answers in Legislative Council sittings, so there is the suggestion that we should increase the number of Official Members, but I hold a different view, because we cannot inherit the consequences of previous mistakes. Otherwise we will see a sudden increase or decrease of Official Members and the citizens will find this hard to accept and may lose confidence in the Government.

As for the number of appointed Legislative Councillors, I think we should adjust the ratio progressively and gradually. At present we have 24 Legislative Councillors elected and 22 appointed Members, and the ratio between the two is one-to-one. I suggest that in 1988 we can adjust the ratio mildly. It can be revised to three-to-one or two-to-one as time goes on.

As an appointed Member I think that in all councils the value of appointed Members should be recognised. Appointed Members will look at things as disinterested parties, and I think this is good for the citizens overall. Some people criticise that appointed Members tend to be biased towards the Government, and I strongly oppose this observation because I think the performance of a member has to do with his character and his principles. I think this has nothing to do with his background, that is, whether he is elected or appointed.

As the performance of our Legislative Councillors from functional constituencies is remarkable, I think we can add two or three seats for functional constituencies in 1988 so that we can have more professionals included.

The Green Paper suggested that there should be 23 functional constituencies, and I think that we should also consider other sectors. We should evaluate their impact on the society and their representativeness.

As for the electoral college, since we have a great difference in the numbers of population in different constituencies, I suggest that we should revise the boundaries. In fact, Legislative Councillors coming from the electoral college can bring local issues into the Legislative Council, and I think they should remain in the Council. If we can increase the seats so that all district boards can have one member each representing them in the Legislative Council, this will be perfect. But if we are going to have direct elections in 1988, then I think that we should abolish the electoral college so that we will not have the embarrassment or conflict when we talk about the representativeness of the indirectly elected and directly elected Councillors.

As an elected district board member, of course I am all for the concept of direct elections. But as to whether this should be implemented in 1988, that will depend on the opportunities of the citizens in participating. I think we must progress gradually and we cannot afford any reversal of policies. That is why I have reservations on direct elections implemented in 1988.

I find it most regrettable that the Green Paper has mentioned nothing about the composition of the Executive Council. I think the composition of the Executive Council is closely related to political reform. I strongly support the view that we should have grass-roots representatives in the Executive Council because the policy of the Executive Council is closely related to everyone in Hong Kong. If we can have grass-roots members acting as advisers to the Governor, the Executive Council will be more responsive and will be better able to work for the benefit of the Hong Kong people.

Sir, with these remarks I support the motion.

MR. PETER POON: Sir, the Green Paper on the 1987 Review of Developments in Representative Government gives a list of options on a number of main issues. Since many Members are participating in this debate, I shall keep my speech very brief and shall comment on only a few issues.

I support the retention of the present system of district boards, the municipal councils and the Legislative Council. Until a better or more suitable constitutional system can be devised, there seems to be no real necessity to make changes in this regard. The present role of district boards should be maintained but it should be ensured that their advice is accepted whenever possible and acted upon promptly. The present proportion of appointed and elected Members seems to work well and, in my view, does not warrant any change.

As regards the composition of the Legislative Council, I am in favour of some reduction in the number of appointed Members. As for functional constituencies, I would like to see the creation of some new constituencies with their seats in the Legislative Council. Since 1985, it has been evident that Members representing functional constituencies have made valuable contributions to the Legislative Council. I have been an advocate of including accountants as a functional constituency. Hong Kong is one of the largest financial centres. During the development of our economy, accountants have made significant contributions to the community. The Hong Kong Society of Accountants has a membership of over 3 000. Its members serve in public practice, commerce and industry, higher education and the government service. The accountancy profession fulfils all the criteria or guidelines for new functional constituencies listed in paragraph 89 of the Green Paper namely (a) is substantial and of importance to the community, (b) can be clearly defined, (c) not based on ideology, dogma or religion, (d) not represented as accountants in more than one functional constituency. I feel that the non-inclusion of accountants as a functional constituency in 1985 was a glaring omission which should be remedied.

The former Chief Secretary, Sir Philip HADDON-CAVE in his speech on 10 July 1985, said 'The review in 1987 will provide an opportunity to consider whether any additional functional constituencies should be established and if so which

group they should represent. I am sure that the accountants will have a strong claim for inclusion and that we shall be reminded of the claim'. Sir, may I now so remind. Looking at the list of professional bodies which have requested formal recognition as functional constituencies, the Hong Kong Society of Accountants should rank higher in priority.

As to the Presidency of the Legislative Council, I support the option proposing that the Governor should be able to appoint some other person to preside in his absence for special sittings or parts of sittings.

With these remarks, Sir, I support the motion.

MR. YEUNG: Sir, in November 1984 the Government published the White Paper on representative government to develop a system of representative government in the centre. Indirect elections were thereafter introduced into the Legislative Council in 1985. The purpose of the constitutional changes is to develop progressively a system of government, the authority of which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong and which is more directly accountable to the people of Hong Kong.

On 27 May this year the Government kept its promise by publishing the Green Paper: 'The 1987 Review of Developments in Representative Government', The Government is gathering public opinion as to whether the representative government should be further developed in 1988 and how it should be done.

I agree with the form of discussion adopted by the Green Paper, that is, there are no indications of any policy preference nor actions to be taken for specific proposals to be made. This form enables the people of Hong Kong when airing their views on the development of the system of government not to be bound by the limitations set down by the Government, which may have planned in advance the direction that should be followed.

Undeniably, the people of Hong Kong all hope to have a soundly operated, stable and consistent government. Hence, the process of developing the government system must be a gradual and progressive one. The Chief Secretary has also pointed out that the steps taken by the Government this time are carefully planned. We all know that constitutional reform is an intricate matter that involves not only a variety of problems but also an extensive scope. Hence, the issue of reviewing the system of government is not simply confined to the election and formation of the legislature. It involves the structure of the entire Government of Hong Kong.

We have carefully examined each problem with regard to its relation with and the effect on one another and considered the effects of each decision on the functioning of the entire government structure. Obviously, in order to adapt to

the new circumstances in the future it is pragmatic for Hong Kong to follow a progressive pace. Haste will only make waste and obstruct the pace of development giving rise to inconceivable consequences.

Sir, judging from the present circumstances the stand taken by the Government reveals no predetermined position. Public opinion is the guideline. The stand taken by China is that before the Basic Law is finalised the fewer changes to the system of government in Hong Kong, the better.

Among the people of Hong Kong some hold the view that to introduce direct elections as soon as possible is an inevitable step towards Hong Kong people administering Hong Kong with a high degree of autonomy, while some are worried that direct elections will affect the stability and prosperity of Hong Kong.

Before deciding on how constitutional reforms should be implemented we must understand that it is necessary for members of the public to be fully conversant with politics before they can make a choice between the right and the wrong. The public, in the process of transferring political power, must be able to tell the difference between a politician and a statesman. A politician may do anything just to achieve his goal whereas a statesman will take the overall interests into account and keep his word. As a matter of fact, direct election is a system practised in many democratic countries and is the most complete form of representative government. Direct elections should not be seen as an awful monster or a vice that should be eliminated. Nevertheless, before it can be guaranteed that all those eligible will try their best to register as voters, and that at the time of election voters will try their best to go to vote, we must first think clearly and carefully whether the time is right for direct elections. Besides, other issues such as the timing, the scope and so forth should not be overlooked.

Hence, to expedite the development of the political system it is necessary to strengthen people's civic consciousness first. The public's response to the green Paper this time is indeed an important test. Whether their response is overwhelming or indifferent will directly reflect the degree of their interest in politics.

History shows that there is no tradition of any political party whatsoever in Hong Kong, and confrontation of politics is not a local feature either. If political parties should become inevitable, either in the present day with the developing system of government or in the future when the Basic Law is practised, it will not only bring about confrontation of politics, but also lead Hong Kong into a very complicated political situation.

I believe that such a scene is not what the people of Hong Kong would like to see. To the people of Hong Kong the most important task is to formulate a satisfactory set of basic law so as to ensure that the capitalist system and capitalistic way of living will remain unchanged for 50 years, and that the stability and prosperity of Hong Kong will be further developed.

Sir, public response to the Green Paper will be collected by the independent Survey Office established by the Government. I have just mentioned that this response is an important test. The public must understand the importance of expressing their opinions since hopes will melt into thin air if no action is taken. The mere action of studying the Green Paper and expressing views in themselves reflects further development of representative government. In making their response the public should express their views independently as far as possible and avoid simply repeating what others have said. They should also make reference to the actual situations of Hong Kong when expressing views, and avoid making high sounding remarks that may be totally unrealistic. If a fair and objective attitude can be adopted in studying the local political system and the overall interest in Hong Kong can be borne in mind, then the development of the system of government will have a genuine forward march.

Sir, with these remarks I support the motion.

MR. CHAM: Sir, few will disagree that the expectation of the people of Hong Kong is for continued economic growth and prosperity. As such, we need a good government rather than a high sounding government. To preserve the incentive and enterprise qualities of our society, we must have leaders who make sense and not just news. Indeed, future leaders of Hong Kong should be doers rather than dreamers, for the pragmatists will achieve results while dreamers who concentrate on winning power will give us only fantasies. In short, the average Hong Kong citizens are not concerned about politics but they know what they like and what they don't like. Specifically, they don't like unemployment and the lowering of their standard of living and they do like continued economic growth, rising salaries, low inflation and low taxes. This explains why Hong Kong has continued to prosper with minimum politics and government intervention. Above all, the people of Hong Kong do not care for political dog-fights, in which politicians seek to damage each other, to the benefit of their egos, their supporters' morale and in time, their standing in the polls. Economic growth and stability must remain our goal, not political fanfare.

Before I vote on the White Paper in 1985, I stated that I considered the electoral process proposed as an experiment, and no more than a first experiment, towards our objective of developing a representative government in Hong Kong. I remain convinced that we ought to treat reforms in the same way as in a laboratory, with care and caution. But I would also agree that with our experience in the past two years, the time has come for us to expand the functional constituencies to include the presence of other sectors in our legislature. I have in mind at least two functional constituencies which should be added. At the same time, I must declare my interest in both of these proposals as I am a member of both of these two groupings.

The contribution of the accounting profession to the Hong Kong economy is beyond doubt. Accountants not only serve as independent auditors to safeguard the interest of shareholders in our free enterprise economy but also serve

directly in managerial positions in business. In our business world of companies with limited liabilities, who will have the confidence to invest in a company which is not audited by an accountant? Indeed, accountants serve diligently and self-effacingly in our economy. It is time that an indispensable sector of our economy should be recognised by creating a functional constituency in accounting.

At present, the functional constituency of finance have only one seat in our legislature with the Hong Kong Association of Banks representing the financial community. Nowadays financial markets have become important arenas for any business to transfer its risks. Indeed, total customer deposits in all deposit-taking institutions including banks, at the end of March 1987, is about \$586 billion, while the total market capitalisation in our stock market above at the end of June 1987 is in excess of \$539 billion. Undoubtedly, Hong Kong is one of the major financial centres in the world and it is not the banks alone which contribute to our size and importance. Our stock market is the second largest in Asia. Our stock index futures market and our gold market both rank as the third largest markets in the world. We have also witnessed the introduction of new financial instruments based on ingenious innovation which have promoted the securitisation of the banking industry. The anxiety of Singapore to develop its financial futures market, the publication of the precise timetable by the Japanese Ministry of Finance in developing the Japanese financial markets, together with the 'BIG BANG' in the City of London, all vividly illustrate the importance of financial markets in modern day finance.

Furthermore, the financial sector is one which boosts a high return to our labour input representing higher wages to its employees. The need for venture capital has been positively identified with the future development of technology and diversification for our manufacturing industry. The recent study of the Hong Kong Association of Banks has confirmed the need to develop a secondary stock market for our venture capitalists. All these culminate in the increasing role played by the financial markets in maintaining Hong Kong as one of the major financial centres in the world. We must recognise the hard work which the organisers of our financial markets have put in to nurture our markets, to internationalise these markets and to build up the confidence the world has in Hong Kong. We must also realise the speed and pace of development in this sector which Hong Kong will have to face in face of keen international competition. For our legislative process, we need those who are knowledgeable in the trade, without whom this will result in the blind leading the sophisticated.

I urged that serious considerations be given to creating a second seat for the financial constituency consisting of members of the Stock Exchange of Hong Kong, members of the Chinese Gold and Silver Society and members of the Hong Kong Futures Exchange. This will give the necessary legislative support for our financial markets and in tune with our efforts to maintain Hong Kong as one of the leading financial centres of the world.

The Green Paper points out that some district board members considered that their advice was not acted upon by government departments to the extent that they would wish. This is understandable as the implementation of their advice may involve complicated co-ordination of different government departments. For instance, the congestion caused by hawkers in some streets cannot be solved by the Urban Council's General Duties Teams alone. Very often, the solution lies in re-siting hawkers which involves inter-related functional departments, the Transport Department, the Buildings and Lands Department, the Housing Department as well as the Urban Council. The proposal to elect a representative from each urban district board to the Urban Council may not be an effective solution to the frustration which district boards have. In my opinion, it is more important for district boards to be represented in district management committees. The chairman of the district board, together with the chairmen of the various district board committees, should join the district management committee first as members. Later on, the chairman of the district board should take over the chairmanship of the district management committee to ensure that work is operationally carried out and problems solved in line with the wishes of the district board concerned. Such managerial participation is vital to the harmonious functioning of the district board, the Urban Council and the various government departments.

Having voted in the repeated ballot system for an electoral college, I think that it is important for a candidate to receive majority support in his constituency. Two criticisms of the present system has been advanced in the Green Paper, that is the time taken for voting among several candidates and the discern of voter identity. To overcome the length of time taken to secure a result and in particular to avoid our past experience in the Eastern District of five ballots in seven hours, candidates who receive less than 15 per cent of the votes in the preliminary round of voting should be eliminated. After the preliminary ballot, if there are more than three candidates remaining, only the leading three candidates would proceed to a second round. Hence a total of three rounds of voting would be necessary. The time taking for three ballots should be acceptable.

The second criticism was that candidates could more or less discern how the votes were cast in each ballot, that is who voted for whom. In an electoral college with a small number of voters and the electioneering activities before the election, it would not be difficult to gauge supporters of the candidates. The electors in an electoral college must accept the responsibility of choosing the best candidate without feeling embarrassed in an election. There must be a winner and a loser. Everyone must work together after a fair election and sentiments during an election must be set aside. We must all accept this.

Turning to direction elections, many businessmen do prefer a slower pace of change. I share their views and caution as well. However, it is only prudent to wait for the assessment of the Survey Office. If the general concensus is that

direct elections ought to be introduced in 1997, it is logical to start with only a small number of directly elected seats in 1988. This will help us to gain experience for future improvements.

Sir, I support the motion and await the findings of the Survey Office.

MR. JACKIE CHAN (in Cantonese): Sir, the three-tier political system in Hong Kong has all along been working well, and I think that we should retain such a system.

Speaking of the long-term development of district boards and the Urban Council, I think the most important thing is to enhance communication between the two so that we can make the best use of resources and so that the boards and councils can work for the benefit of the people.

As for the suggestion of giving policy-making power and management power to district boards in the Green Paper, I have reservations. If we are giving power to district boards, then district boards will be like the local authorities and we will be having 19 local authorities. And they will be working according to their own policies. I am sure that this will lead to waste of public money and to administrative confusion. There may also be conflicts with the central policy. Hong Kong is such a small place and I do not think it is appropriate at all for us to have 19 local authorities.

We all know that a tree does not fall in one stroke. We have demands from district boards because the Urban Council has failed to cater for the needs of the local people. It has always disappointed the residents. For example, in my constituency, that is the Mong Kok District Board, the Urban Council has promised us the construction of a swimming pool in Tai Kok Tsui and an urban complex at Sai Yee Street. After years of negotiation, finally a promise was made. District board members all thought that they would get the swimming pool and the urban complex so they reported the good news to the citizens. But all of a sudden the Urban Council decided to scrap the plans without giving adequate reasons and district board members found it impossible to explain it to the citizens. The relationship between the Urban Council and the district board is likened to a one-sided mirror. The Urban Council can see very clearly the operation of district boards but district board members do not know about the operation of the Urban Council very well, and they do not know the difficulties faced by Urban Councillors. They really do not understand why all of a sudden the swimming pool and the urban complex promised to the Mong Kok District have been taken away from them.

Sir, of course there should be more consultation and communication between district boards and the Urban Council and the best way is for district board members to experience the operation of the Urban Council. I think every district should elect one representative to the Urban Council. Only so would the Urban Council be truly accountable to district boards and only so would the Urban Council be able to cater for the needs of the local people.

Urban Councillors are not elected; they do not have to answer to the public, and very easily they will forget or neglect the views of the local residents. I am sure that if we had Urban Councillors coming from district boards there would be better co-operation of both the district boards and the Urban Council. By that time we would not have the one-sided mirror anymore, but instead we would have a glass door that Urban Councillors and district board members could see each other's operation and view very clearly. We all know that district boards and the Urban Council form the bridge head of our political system and I think it is important to have a good development.

Sir, we all know that stability is the basis of prosperity and prosperity is the fruit of stability. Stability and prosperity are the common wish of the Hong Kong people, the Chinese Government and the British Government.

After the publication of the agreement, the Chinese Government has openly declared time and again that there will be implementation of one country, two systems here, and they think that this is the draft of solving the problem of Hong Kong. The leaders have time and again said that they have perfect confidence in implementation of 'one country, two systems' in Hong Kong, and that we will maintain our capitalistic system. I do not understand why all of a sudden they have so much reservation about our ability to have direct elections. Do they think that only the socialistic way of elections is the solution to the problem of Hong Kong and that it can help us to implement 'one country, two systems'?

Sir, the Chinese Government attach great importance to convergence, but don't we, the Hong Kong people, attach the same degree of importance? Political convergence is like a trapeze performance at the circus. The United Kingdom Government is doing the throwing and the Chinese Government is doing the grasping. If anything happens, only the Hong Kong people will fall down and die. The British and Chinese Governments may feel it most regrettable, but they will not have any actual loss. So Hong Kong people really attach more importance to political convergence since we do not want any unnecessary sacrifice.

Since we will have a Legislative Council formed by election, I think that we should have more experience now so that when we have the formal resumption of sovereignty there will be a smooth convergence.

We also hear some voices against direct elections. Although these voices are very weak, they are all the same: very irritating. Most of them say that they disagree with direct elections in 1988 but they are all for direct elections in 1991. This is only a matter of three years between 1988 and 1991, and I really do not understand. I am afraid that in 1990 someone will say that 1991 is not appropriate and 1994 should be the time. I really do not understand where these views come from. Are they blown by winds from indefinite directions or do they just follow the wind wherever it blows?

Sir, some people have said that direct elections in 1988 will harm our economic prosperity. I think that this is totally unfounded. We all know that economy and politics cannot be separated and a good political system is advantageous to investment. We all know that we are moving towards this direction and we will develop a government that will have a high degree of autonomy and that will be accountable to the Hong Kong people.

The Sino-British Joint Declaration stipulates that we will have a Legislative Council formed by election. As we move towards this goal of course we cannot eliminate the element of direct elections. How can we have a government without public participation? The Government has always urged the citizens to register as electors. How can we then deprive them of their rights to cast their votes? If we do so, then won't people criticise the Government as mocking the public by urging the people to register as voters? The Government has been emphasising that it is the responsibility of everyone to be voters. Let us disregard political ideals. If we look at the quality and the pragmatic side, the taxpayer should of course have the right to elect their own representatives to monitor the use of public money by the Legislative Council.

Sir, all along I am for progressive development. Only if we move gradually and progressively can we have a political structure suitable for Hong Kong. In 1985 we had 24 seats in the Legislative Council open to electoral colleges and functional constituencies and this has been the first step. I think it is only right that in 1988 we should have direct elections for the Legislative Council. This is in line with our principle of gradual progress. So I think that in 1988 we should have one quarter of our seats open to direct election. If we cannot move towards direct elections I am sure that a lot of citizens will share my disappointment. But I hope that the Government will consider increasing the element of direct elections under the present system, and that is that we should let district boards nominate the candidates and then the electors in the constituency will vote for the Legislative Council directly. This compromise would not only tie in with the principle of democracy but would also ensure that the Legislative Councillor elected would have the experience, the know-how and the ability to deal with local affairs.

Sir, the Government is now collecting our views and it has set up the Survey Office. If most of our citizens agree that we should have direct elections in 1988, then I think the Government should listen to the citizens' views and we should open up some of our seats for direct election. A respectable, credible government would of course keep its promise and it should always act responsibly. Only a lame duck government without authority will go against the citizen's wish.

Finally, I said that practice is the only standard for evaluating truth. Whether a thing is right or correct will surely be proved by history. On the issue of direct elections why don't we invite history to be our witness and I am sure that we don't have to wait too long before we see the outcome.

Sir, with these remarks I support the motion.

MR. CHENG: Sir, a most important point was made in the introduction to the Green Paper. In referring to the form and scope of the 1987 Review of Developments in Representative Government, it is clearly stated that the review will be conducted within the framework of Hong Kong's existing constitutional arrangements and will also take fully into account the terms of the Sino-British Joint Declaration. It is, in my opinion, a sensible approach at this stage of the transitional period.

The Green Paper not only covers the composition and Presidency of the Legislative Council, but also discusses the role of and relationship between district boards and the two municipal councils. It is important for Government to be responsive to the needs of society through consultation at various levels of the community and with a wide range of advisory bodies. As regards the review of the role and function of these organs of government, I am impressed by what you said, Sir, on the occasion of your swearing-in: 'These are serious issues with far-reaching consequences. We must approach them calmly and with common sense. If there is to be change it should be prudent and gradual. It must not disrupt the steady progress we have been making, nor the stability which we prize.'

Sir, what we are essentially considering in this debate on our system of representative government, are:

Whether or not changes are needed;

Whether, if changes are needed, they should include major ones; and

Whether any major changes should be made now or later.

I am not, by nature or in principle, opposed to change, Sir, If a system is found to be working inefficiently or clearly requires improvement, the obvious thing to do is to modify it or change it or replace it. I am entirely in favour of such necessary change.

What I am opposed to is change for the sake of change, which may cause serious damage. I am also opposed to making major changes to a system which has not been adequately tested. So an initial question I want to raise is this: have we adequately tested the structures of representative government which have only been in use for two years?

To my mind, Sir, two years is an abnormally short testing time in this field. I am aware of the pressures on us to try to get an agreed, viable and enduring system of representative government in place and in operation towards 1997. But if we were to apply normal time standards to the structures we are now using, following the major innovations implemented in 1985, I believe we would still regard them as being in the 'shakedown' phase.

For this reason alone I feel extremely dubious about the wisdom of embarking on further major changes now. But there are three other factors which reinforce my caution.

Firstly, while no political system, such as our present one, may function perfectly, I am nevertheless conscious of the best features of our framework which has brought us a successfully developed community with prosperity and stability.

Secondly, it seems to me that immediate radical change would not be consistent with the spirit of the Sino-British Joint Declaration which places great stress, explicitly and implicitly, on continuity and a step-by-step evolution of our structures. This factor is a very important one, since the introduction to the Green Paper reminds us that the 1987 review has to 'take fully into account' the terms of that declaration.

Thirdly, and most important, I believe that if we were to introduce substantial or sweeping innovations soon such a move would almost certainly be interpreted as pre-empting the process of drafting the Basic Law for Hong Kong—a process which will not be completed until 1990.

Speaking recently in London in the House of Lords, Lord MACLEHOSE warned us of the danger that the two processes—the political review and the drawing up of the Basic Law—could become competitive, that one might pre-empt the other. He urged that change should be cautious and gradual. This warning and this advice seem to me to be wise.

These are the considerations and criteria which I have in mind as I turn now to some of the main options which the Green Paper puts before us. I start with the role of the functional constituencies, since this is the component of our elective system in which I am personally involved.

I am pleased that the Green Paper notes that on the whole comments on the system have been favourable. This conclusion squares with my own experience as a Member. I believe that the functional constituencies have worked, and are working, both effectively and accountably.

In the unique circumstances of Hong Kong, elective functional constituencies have been introduced here as a natural progression from a previous informal system of appointing Members. The functional constituencies have now proved themselves well worth retaining.

Regardless of my own role in this Chamber, it is a matter of record that Members representing these constituencies have made notable contributions to the legislative process. Their professional experience and expertise have proved very valuable in this process.

When it comes to the options for change or no-change, I see no reason for regarding any of the functional constituencies—including my own—as sacrosanct. By all means let's see if we should reshape some of them.

Let's take my own constituency—the Engineers and Associated Professions— as an example. The Green Paper comments that some non-engineers among my constituents feel that they are heavily outnumbered by the engineers.

Sir, this is true; they are outnumbered. It is natural that they are conscious of being a minority within the constituency; and I, for one, would support their request for a more identifiable representation, possibly through either the formation of a new constituency or the provision of an additional seat within the existing one.

And I should like to mention briefly, at this point, two groups whose members are closely linked with my constituency. They have made a very substantial contribution to the development of Hong Kong but are not enfranchised in their own right. I refer to the Building Contractors' Association and the Real Estate Developers Association. I feel strongly, Sir, that the members of these two bodies should be represented in this Council.

I now turn to the question on which public debate has so far mostly centred, that is whether or not an element of direct elections should be introduced next year.

Sir, I have already made clear my view that major change at this stage would run counter to the spirit of continuity and would be pre-emptive of the on-going process of drafting the Basic Law. Direct elections next year would be a major innovation. The issue, as I see it, is whether in introducing this element we would be putting the evolutionary process at risk.

Timing is all important. In principle, I am not against direct elections which I believe would eventually form part of the election system in our legislature. But direct elections next year would not be a natural evolutionary progression. For one thing, we would not be allowing ourselves anything like enough time to work out the electoral details. For another, time would not be available for intensifying the process of civic education—a process which I believe is an essential prerequisite to direct elections.

We really must make up our minds about how seriously we regard the business of harmonising our political developments with the system that will be proposed in the Basic Law. Surely it is essential that we go all-out to achieve harmonisation, or convergence.

I find that the words 'convergence' and 'evolution' are practically interchangeable in this context. If you imperil convergence, then you're endangering the evolutionary process, and vice versa.

In my constituency, arrangements have been made with the four professional bodies to seek the views from their members on the Green Paper for separate submissions to the Survey Office before the end of September. So far two surveys have been completed, one by the Hong Kong Institute of Surveyors, and the other by a Concerned Group on 1987 Political Review, the results

showing that 39 per cent and 60 per cent respectively of those responded support direct elections in 1988. The views on this issue are split and unfortunately both groups have one thing in common, that is poor response. The silent majority still remain silent.

Sir, in thinking about what I would say here today I have to decide whether to go through all the options, item by item, and state my preferences; or whether to concentrate on those issues and principles which are of most concern to ourselves. But what I have said about the evolutionary approach applies to many other options in addition to those I've spoken about already. In this regard, I believe that the number of Official Members of this Council should be maintained, but not increased; that the number of appointed Members may be further reduced, to allow a corresponding increase in functional constituency Members; and that you, Sir, as the Governor of Hong Kong should continue to preside over this Council.

Nor do I favour radical change at the district board or municipal council levels or to the electoral college system. The three-tier structure of government should, in my opinion, be retained; and while district boards should remain advisory in character, I urge the Government to take necessary steps to see that their advice is carefully heeded and promptly acted upon. I am in favour of representatives from the urban district boards being elected to the Urban Council to enhance cross-membership.

Sir, I hope in this political review Government will sensibly assess the collected views of the general public and ensure that any changes will not adversely affect our continuing economic prosperity and social stability which the British Government has the responsibility to maintain and preserve under the terms of the Sino-British Joint Declaration.

Sir, with these observations, I support the motion.

MR. CHEONG-LEEN: Sir, from the statement made in London last week by Ambassador KE Zaishuo, head of the Chinese side of the Joint Liaison Group, it is now clear that China is not opposed to an element of direct elections to the Legislative Council, and that if such were a part of the democratic process in Hong Kong, China would support and promote such democratic process.

Last year, I urged that there should be 12 directly elected seats in the Legislative Council in 1988 from large regional constituencies as follows:

Hong Kong Island	3
Kowloon East	3
Kowloon West	3
New Territories	3

and that the number of directly elected Legislative Council seats be progressively increased with every election until by the year 1997, the total number of directly elected seats reaches a maximum of 30 per cent of the legislature.

There is however much divergence of views in Hong Kong as to whether there should be direct elections to the Legislative Council in 1988. It is of primary importance therefore that we await the report of the Survey Office which is expected to be available by the end of October.

Should the report of the Survey Office indicate that a strong majority, are in favour of having a number of directly elected seats in the Legislative Council in 1988, it would be up to the British Government to take the necessary action to meet the wishes of Hong Kong people in accordance with the spirit of the Joint Declaration, and in addition to have a full exchange of views with China in the Joint Liaison Group or any other suitable forum.

As regards the number of indirectly elected seats, I am in favour of an increase of six seats from 24 to 30 Members in the electoral colleges of the district boards, the Urban Council, the Regional Council, and the functional constituencies.

On the question of the age of entitlement to vote, most of the people to whom I talked are in favour of lowering the voting age from 21 to 18, not in 1988 but in 1991. The main reason put forward is that more civic education needs to be promoted in order to make our young people, who are undoubtedly better educated today than the previous generation, more actively aware of their rights and responsibilities within the community. In this respect, we should await the outcome of the Survey Office report.

In regard to the Urban Council's relationship with district boards, while a number of district boards have proposed that they elect their representatives to the Urban Council, I do not believe that it is necessary for this to take place in 1988, since elected Urban Councillors are ex-officio members of district boards, and they are a constructive and effective channel between the Urban Council and district boards.

Sir, I was listening attentively to my colleague Mr. Jackie CHAN when he expressed the unhappiness of the Mong Kok District Board as the Urban Council is not providing any swimming pool in Tai Kok Tsui for the residents in Mong Kok. Surely there must be an explanation provided by the Urban Council through its ex-officio member and also there are Urban Services Department senior officials who sit on the Environment Improvement Committee in the district board; Urban Services Department officers are at all times on call to explain the Urban Council's policy. Now I think there must be a misunderstanding somewhere, bearing in mind that annually the Urban Council's capital works programme is brought to the attention of each of the 10 urban district boards and the views of district boards are fully taken into account. Where there are difficulties in meeting the wishes of district boards, the reasons are given. So I shall be very happy to take up the matter raised by my colleague Mr. Jackie CHAN and bring it to the attention of the select committee concerned and the Urban Services Department and see that an explanation is given. Perhaps it may be that the Mong Kok District Board is not happy with or

not fully satisfied with the explanation but we shall keep on trying. As far as keeping in touch with members of the Mong Kok District Board, we do the best we can, in fact, yesterday we had the chairman of the Mong Kok District Board with us at an Urban Council luncheon.

I therefore urge Government not to prematurely rush into grafting the Regional Council structure onto the Urban Council, since conditions in the New Territories are different from those in the urban area. The Regional Council has been established only recently and it will require some time for the structure there to be assessed before determining whether what is suitable for the New Territories is equally suitable for the Urban Council, which has a very good record in municipal administration and the provision of municipal facilities in the urban area.

I would therefore urge that the present structure of the Urban Council in relation to district boards remain as it is at present without any change for the purposes of the 1987 Green Paper review. However, should an element of direct election to the Legislative Council be decided upon for 1988, the relationship between the Legislative Council, municipal councils and district boards would have to be carefully reviewed in the light of changing political circumstances.

Sir, my speech today may be concise but I speak in good conscience for what I believe to be the interests of Hong Kong and its people, in accordance with the spirit of the Joint Declaration and the future of Hong Kong during the transitional period and beyond.

We in Hong Kong have the right and we must take up the challenge of shaping our own future within the terms of the Joint Declaration and in parallel with China's modernisation and open policy to the world for the uplifting of living standards of her 1 000 million people.

### **Suspension of sitting**

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Order I now suspend the Council until 2.30 pm tomorrow afternoon.

*Suspended accordingly at twenty-one minutes to Eight o'clock.*