

1 HONG KONG LEGISLATIVE COUNCIL -- 17 May 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 17 May 1989

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)
SIR DAVID CLIVE WILSON, K.C.M.G.

THE CHIEF SECRETARY
THE HONOURABLE PIERS JACOBS, O.B.E., J.P.

THE FINANCIAL SECRETARY
THE HONOURABLE DAVID ALAN CHALLONER NENDICK, J.P.

THE ATTORNEY GENERAL
THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

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

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

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

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

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

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

THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

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

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

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE DAVID LI KWOK-PO, J.P.

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

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING, J.P.

THE HONOURABLE TAM YIU-CHUNG

DR. THE HONOURABLE DANIEL TSE, O.B.E., J.P.

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

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

THE HONOURABLE GRAHAM BARNES, C.B.E., J.P.
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE, O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.
SECRETARY FOR TRANSPORT

THE HONOURABLE EDWARD HO SING-TIN, J.P.

THE HONOURABLE PETER TSAO KWANG-YUNG, C.P.M., J.P.
SECRETARY FOR ADMINISTRATIVE SERVICES AND INFORMATION

THE HONOURABLE CHAU TAK-HAY, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.

THE HONOURABLE DAVID CHEUNG CHI-KONG, J.P.

THE HONOURABLE RONALD CHOW MEI-TAK

THE HONOURABLE MRS. NELLIE FONG WONG KUT-MAN, J.P.
THE HONOURABLE MRS. PEGGY LAM, M.B.E., J.P.

THE HONOURABLE DANIEL LAM WAI-KEUNG, J.P.

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

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

THE HONOURABLE KINGSLEY SIT HO-YIN

THE HONOURABLE MRS. SO CHAU YIM-PING, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

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

THE HONOURABLE PETER WONG HONG-YUEN, J.P.

THE HONOURABLE ALISTAIR PETER ASPREY, O.B.E., A.E., J.P.
SECRETARY FOR SECURITY

ABSENT

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

THE HONOURABLE POON CHI-FAI, J.P.

PROF. THE HONOURABLE POON CHUNG-KWONG, J.P.

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

IN ATTENDANCE

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

Papers

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

Subject

Subsidiary Legislation L.N. No.

Shipping and Port Control Ordinance Shipping and Port Control (Amendment) Regulations 1989.....	134/89
Boilers and Pressure Vessels Ordinance Boilers and Pressure Vessels (Exemption) (Consolidation) (Amendment) Order 1989.....	136/89
Television (Amendment) Ordinance 1988 Television (Amendment) Ordinance 1988 (Commencement) Notice 1989.....	137/89

Sessional Papers 1988-89

No. 71 -- Report of the Finance Committee on the Draft Estimates of Expenditure 1989-90

No. 72 -- Traffic Accident Victims Assistance Fund Annual Report by the Director of Social Welfare Incorporated for the Year from 1st April 1987 to 31st March 1988

Oral answers to questions

Adolescent sexuality study

1. MRS. TAM asked: Sir, with reference to the findings of a recent adolescent sexuality study conducted by the Hong Kong Family Planning Association that a high percentage of young people in Hong Kong have had pre-marital sex, sexual intercourse with prostitutes, and abortion, will the Government inform this Council whether or not it has conducted similar studies revealing similar findings; and whether the Government plans to expand existing services to help young people with problems associated with such activities?

SECRETARY FOR HEALTH AND WELFARE: Sir, in 1981, a similar study was undertaken jointly by the Social Welfare Department and the voluntary welfare sector on "The Attitude of the Younger Generation Towards Marriage". This and the recent Family Planning Association study both revealed a comparatively liberal attitude towards sex among young people.

It is important that young people should have a good general knowledge about sex and awareness of the possible consequences of their sexual activities and that adequate channels are open to them to obtain advice and help on an individual basis if necessary.

At present, there are opportunities for adolescents to obtain a general education on sex in schools. All secondary schools are advised to set aside about seven hours of teaching per year for sex education. Individual students are able to seek advice from their school social workers if they experience specific problems relating to sexual matters.

Outside the school environment young people, irrespective of their marital status, can obtain medical and counselling services at the Family Health Service Centres under the Department of Health and Family Services Centres operated by the Social Welfare Department. It is the Government's intention to develop these services further according to need. Planned improvements include the provision of an additional eight Family Health Services Centres and six Family Services Centres in the next five years.

Apart from the services provided by the Government, a number of voluntary agencies including the Family Planning Association also offer services directed at young

persons with sex-related problems.

MRS. TAM: Sir, I am pleased to know that the Government has planned to expand the family service centres, but I am afraid the focus will not be on young people. Will the Government consider funding voluntary organizations to establish health clinics, specifically for young people, which will have an atmosphere that will induce young people to go to seek advice in regard to problems relating to their sexuality, since we know that they are unlikely to go to government general out-patient clinics for this problem?

SECRETARY FOR HEALTH AND WELFARE: Sir, since 1986 the Family Planning Association has established a youth health care centre and a youth advisory centre to provide services for young people of the type referred to by Mrs. TAM. The services they provide for young people are similar to those which the Family Planning Association provides in its normal clinics and which the Government provides in its hospitals and clinics. The main difference is that these centres provide more counselling services. At the time the pilot project was started, the then Medical and Health Department considered the service to be of a low priority and therefore the service was not subvented by the Government. But I can say, Sir, that the Government is prepared to consider any proposal put up by the Family Planning Association regarding such centres. Whether or not we will be able to subvent them will, of course, have to depend upon the availability of resources and the merits of other competing projects.

MR. DAVID CHEUNG: Sir, other than sex education and counselling services, what measures has Government taken, or will Government consider taking, to minimize the seriousness of the situation?

SECRETARY FOR HEALTH AND WELFARE: Sir, I think the problems have a very considerable moral dimension and I think moral education is really the responsibility of parents and also the schools.

MRS. LAM: Sir, the Secretary for Health and Welfare said in his main reply that all

secondary schools are advised to set aside about seven hours of teaching per year for sex education. Will Government inform this Council how many secondary schools are actually teaching sex education, whether the Government is satisfied with the progress of sex education in schools, and what the Government thinks it can do to further improve the effectiveness of sex education?

HIS EXCELLENCY THE PRESIDENT: I will ask the Secretary for Education and Manpower on that.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, a survey conducted in 1987 shows that virtually all schools are conducting some sex education. On the other two parts of Mrs. LAM's question, the Education Department will be conducting a survey in the coming school year, starting September, and I think we will await the outcome of that survey before we take a view as to how satisfactory progress has been and what more needs to be done.

MR. TIEN: Sir, is the Government aware that there are a number of agencies referring people to take abortion across the border? If yes, what measures have been taken to curb such activities?

SECRETARY FOR HEALTH AND WELFARE: Sir, if indeed there are such advertisements, I believe the Government can take action under the Undesirable Medical Advertisements Ordinance.

MRS. FAN: Sir, for the adolescents who unfortunately require termination of pregnancy, will the Government consider subventing a short-term counselling service as an essential part of the treatment, so that these youths, through their traumatic experience, will gain some support for their emotional disturbance and will hopefully avoid a repetition of behaviour which will lead to another unwanted pregnancy?

SECRETARY FOR HEALTH AND WELFARE: I believe the sort of counselling referred to by Mrs. FAN is already being provided by the Family Planning Association in their youth

health care centres, and my answer on whether or not the Government will subvent those centres in reply to an earlier supplementary question applies here also.

MRS. CHOW: Sir, would the Secretary not agree that the youth advisory service currently operated by the Family Planning Association has achieved considerable success and won the confidence of young people in general and because of that would the Government not consider it better to capitalize on this success by sympathetically assisting the Family Planning Association to expand existing service in the voluntary sector, rather than to expand government services which presently do not enjoy the same degree of public acceptance?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not in a position to assess the relative success of the services provided by the Family Planning Association and the Government respectively. But I have no reason not to believe that the Family Planning Association is providing a useful service, and as I said earlier, subject to the availability of funds, financial resources, and the relative priority which we can accord to the Family Planning Association's proposals, we will certainly consider subventing their services.

MRS. TU: Sir, in his reply, the Secretary for Education and Manpower said that sex education was taught in schools. Are the teachers given any training on how to approach the subject or is it a case of leaving it to any Tom, Dick and Harry to teach anything he likes?

SECRETARY FOR EDUCATION AND MANPOWER: All students at colleges of education receive some training in sex education. All are trained to teach primary health education and all attend special sessions on sex education. In addition, since 1986 2 300 teachers have attended in-service sex education programmes and a further 300 have attended the Family Planning Association's 10-week course on sex education in secondary schools, and over 150 have attended extra-mural courses offered by the universities. Other bodies have also organized seminars at the local level. The 1987 survey revealed that 84% of schools had at least three teachers who had attended training courses on sex education.

DR. LEONG: Sir, since they are adolescents who are unfortunate enough to require termination of pregnancy, will the Administration inform this Council to what extent Government is providing or subsidizing a safe service for termination of pregnancy?

SECRETARY FOR HEALTH AND WELFARE: Sir, I do not have the necessary information to enable me to say to what extent Government is subsidizing the provision of a safe service. The information that I have with me indicates that in 1987 only 6.1% of abortions were performed in government hospitals or clinics, 3.2% in subvented hospitals, and 78.7% in private hospitals and clinics. So I would say, Sir, that the vast majority of legal abortions performed in Hong Kong are not subsidized.

MR. MICHAEL CHENG (in Cantonese): Sir, will the Secretary inform this Council how many young prostitutes there are in Hong Kong and what their average age is? What plans does the Government have to reduce their number and to help them quit prostitution?

SECRETARY FOR HEALTH AND WELFARE: I am afraid we do not have statistics of the sort requested by Mr. CHENG. As far as the prevention of prostitution by young girls is concerned, I think there are again two dimensions to the problem, the first being a moral one, and that is a matter for the parents and the schools; the second is one of law enforcement, and I think if the police could, and I believe they are doing a lot in that area already, step up enforcement action against illegal vice establishments, that would minimize, if not eliminate, opportunities for young girls to turn to prostitution.

MR. DAVID CHEUNG: Sir, in view of the important role the school social workers play in schools on such matters, will Government inform this Council whether it has any plans to improve the social worker/student ratio which at the present is 1:3000?

SECRETARY FOR HEALTH AND WELFARE: Sir, a review of the service will commence towards the end of this year. It will examine all aspects of the service, including the manning ratio.

Water quality at bathing beaches

2. MR. LAM asked (in Cantonese): Will Government inform this Council what actions are being taken to improve water quality at beaches which have been declared unsuitable for swimming and what progress has been made?

SECRETARY FOR LANDS AND WORKS: Sir, at present, six out of 42 gazetted beaches have been declared unsuitable for swimming, based on the water quality during the 1988 bathing season. These beaches are Anglers', Silvermine Bay, Old Cafeteria, Castle Peak, Ting Kau and Rocky Bay. They are all polluted by faecal wastes from sewage outfalls, or by livestock wastes.

To improve the water quality of these beaches it is necessary to tackle the sewage pollution problem at source. Anglers' and Silvermine Bay beaches are polluted mainly by pig wastes. Under the Waste Disposal Ordinance, controls on the disposal of such wastes in the areas around these beaches began on 24 June 1988. As a result the bacterial quality of the water of the two beaches has recently improved.

Rocky Bay and Ting Kau beaches on the other hand are polluted by effluent from domestic sewage treatment plants or from septic tanks, many of which are not big enough or are badly operated. In the long term, tackling the pollution problems at these beaches requires the provision of proper sewerage and sewage disposal systems for the swimming areas, so that existing and future developments can connect their sewage systems to the public sewers. A sewerage master plan for the south of Hong Kong Island which will include proposals for the Shek O/Rocky Bay area is being developed under a consultancy, which is scheduled for completion later this year. Similarly, consultants were commissioned early in 1989 to undertake a sewerage master plan study in the Tsuen Wan area. The completion of works deriving from this study will generally improve the water quality in the Tsuen Wan area and along the Castle Peak Road beaches. In addition, a \$5 million sewage treatment and disposal scheme for Ting Kau, involving interception and disinfection of the sewage from the hinterland of Ting Kau beach, is planned as an urgent remedial measure.

MR. LAM (in Cantonese): Sir, from information available I am convinced that the

Government is doing a lot of improvement work in this respect. In view of the steadily improving water quality at Silvermine Bay beach (closed since 1987), will the Secretary inform this Council whether consideration has been given to stricter control of poultry and livestock waste at Silvermine Bay to enable the beach to be reopened to bathers this summer?

SECRETARY FOR LANDS AND WORKS: Sir, all efforts in the Silvermine Bay area are aimed at making the water quality suitable for the opening of the beach as soon as possible. That will not happen this year because the water quality has to be measured over a whole year before a reading of "acceptable" can be reached. But every effort is being made to do it as soon as possible and of course we have next year in mind. But, the standards which we use are objective and they will be applied objectively.

MR. PETER WONG: Sir, will the Secretary confirm whether the use of antibiotics in animal feed has made the bacteria resulting from animal wastes largely resistant to most of the antibiotics available to treat humans who are infected while swimming in infected waters?

SECRETARY FOR LANDS AND WORKS: Sir, not as far as I know.

MR. PAUL CHENG: Sir, will the Secretary for Lands and Works inform this Council how many prosecutions, if any, have been made under the Waste Disposal Ordinance since June last year?

SECRETARY FOR LANDS AND WORKS: Sir, I will supply a written answer to that question. (Annex I)

Closure of schools in adverse weather

3. MR. PETER POON asked: In view of the danger and confusion that confronted school children travelling to school during the rainstorm on 2 May 1989, will Government inform this Council what measures will be taken in the near future to ensure that

decisions regarding closure of schools are made without delay in the event of adverse weather to ensure the safety of school children?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I understand and sympathize with Members' concern that everything possible should be done to protect school children from dangers arising from sudden unexpected rainstorms such as occurred on 2 May.

The present arrangements are that whenever the weather is unsettled the Education Department have an officer on duty round the clock. He keeps in touch with the Royal Observatory, the Information Services Department and the Police. If there are grounds for closing schools the Director of Education personally takes the best decision he can on the facts available. When conditions justify it, an announcement whether or not schools will be closed is made no later than 6:15 am for morning session and all-day schools, and no later than 11 am for the afternoon session so that parents will know the position before they allow their children to set off for school.

Problems arise because heavy rain is sometimes extremely localized and cannot always be foreseen. This means that it may sometimes be necessary for school heads or parents to use their own initiative to take whatever safety measures local conditions may justify. To help them the Education Department issues circulars to all schools and through schools to parents, telling them what they should do when there is danger from bad weather. The circulars explain in what circumstances schools may be closed; stress the responsibility of school heads to ensure the safety of their students; and cover situations where local weather conditions may force some schools to close, even though a general announcement to close all schools is not justified. The circulars emphasize that schools should remind parents to use discretion in sending their children to school when local weather or transport conditions cause difficulties; and school heads are asked not to penalize students who are absent or late in such circumstances.

These arrangements are based on experience and seem to me to make sense. I cannot myself think of any way they can be improved, though I would of course welcome any suggestions that Members may have.

On 2 May, the department began monitoring weather and traffic conditions as soon as the heavy rain began at around 10 am. By 11 am there were no indications of any need to close schools. However, announcements were made over the radio and in

response to telephone enquiries advising parents that they should use discretion in sending their children to school if local conditions were likely to make this difficult.

At about noon the rain over Kowloon unexpectedly became much heavier. Between noon and 1 pm the Royal Observatory recorded over 104 mm of rain at its headquarters, although some other parts of the territory recorded only light rain. By that time many afternoon session children were already on their way to school, or had already reached school. The director decided against a closure announcement at that stage, because it would have resulted in these children, as well as students in whole day schools, having to set off home in the heavy rain. We know from experience that this would only have added to the strain on public transport and increased the risks to students' safety.

MR. PETER POON: Sir, I thank the Secretary for his detailed reply. But in view of the heavy rain on 2 May 1989 at 10:00 am and knowing that bad weather would continue that day, would it not have been better for the Director of Education to decide to close the schools for the afternoon session? The reason given for deciding against closure, which is "not to cause strain to public transport", does not seem to be a satisfactory reply in the circumstances described.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the decision was taken by the director personally on the information available to him. He felt that the information available to him at that stage did not justify closure. It seems to me that it was a reasonable decision on the facts then available to him. With hindsight, of course, it is easy to say that it was the wrong one, but I personally think that that is an unreasonable view to take.

MR. TIEN: Sir, since the Education Department has the latest information concerning weather forecasts, flooded areas and road traffic conditions in each district, would the Administration inform this Council whether it would be more appropriate for the Education Department to decide on the closure of schools by districts, instead of passing the responsibility to the parents who cannot assess the local situation fully?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I think it is difficult for the director in his headquarters to decide. I do not honestly think he has a better knowledge of the position on the ground in each area than parents and schools have. I will pass this suggestion on to the director, but I am not convinced that it is practical.

MR. MICHAEL CHENG (in Cantonese): Sir, the Secretary said in his main reply that school heads may close schools having regard to the weather and related circumstances and that school heads should remind parents to use discretion in sending their children to school. In other words, the Education Department, instead of making a decision to close schools, is asking school heads and parents to exercise their discretion. But weather information as available to schools is solely monitored through the radio and is invariably brief and sketchy. The Education Department is better informed in this regard. Will this cause difficulty to schools? Could one draw the inference that the department is evading responsibility? Should the department review this arrangement and come up with an early solution so that schools can make decisions promptly to let school children stay at home?

HIS EXCELLENCY THE PRESIDENT: Will Members try to make supplementary questions as short as possible, and make sure they are a question rather than a statement.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not think it is possible for any central authority to lay down rules to cover every circumstance. I think schools and parents will always need to use their discretion as to how best to safeguard the children in their particular circumstances. However well the central judgement is taken, obviously the director takes the best decision he can, and I have no reason to doubt that he makes a reasonable decision on the facts available to him.

MR. ANDREW WONG: Sir, I am not going to make a statement. I might stray a bit.....

HIS EXCELLENCY THE PRESIDENT: Mr. WONG, I hope you will not stray and that you will keep to a question and to the point at issue.

MR. ANDREW WONG: Certainly, Sir, it will be very short. I realize the question is on rainstorm and the answers are on rainstorm. But could it be confirmed by anyone in Government that it was a thunderstorm and the weather forecast had predicted a thunderstorm? And bearing in mind that at least one civil servant, who was a member of the staff of the Agriculture and Fisheries Department, died as a result of a thunderbolt, should schools not be closed for that particular day in view of that sort of weather forecast?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not think I can add to what I have already said. The director took the best decision he could on the facts available to him. I think he is a very intelligent person. I honestly doubt whether any other people would have made a better decision.

MR. EDWARD HO: Sir, it seems that on 2 May at 11:00 am the Royal Observatory failed to predict a record rainfall which happened one hour later, between 12:00 noon and 1:00 pm. Will the Secretary inform this Council whether this is considered to be satisfactory?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, it is not possible with present technology to forecast precisely where unusually heavy rain will occur.

MR. DAVID CHEUNG: Sir, since the school heads are given a discretion, can the Secretary confirm that the heads have the jurisdiction to close the school in the light of adverse weather conditions, or prior approval has to be obtained from the Education Department?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, my understanding is that the circulars issued by the department make it clear to schools in what kind of circumstances they should use their own discretion in closing schools.

MRS. CHOW: Sir, would the Secretary, in reviewing experience gained in the past, and more recently on 2 May, consider that the director should issue advice, not so

much related to school closure but to parents and schools to keep children indoors, wherever they are, in school or at home, so as to ensure their safety?

SECRETARY FOR EDUCATION AND MANPOWER: Sir, the circular does seem to me to cover this point.

MR. ANDREW WONG: Sir, I am still seeking an answer to my previous question as to whether or not the weather forecast was for thunderstorm, and not just rainstorm.

SECRETARY FOR EDUCATION AND MANPOWER: Sir, I do not know whether the forecast was for a thunderstorm.

Written answers to questions

Pigeon raising in public housing estates

4. Mr. RONALD CHOW asked: In connection with the death of a youth due to cryptococcus meningitis contracted possibly from pigeons' excrements, will Government inform this Council what regulations have been laid down regarding the raising of pigeons in public housing estates?

SECRETARY FOR DISTRICT ADMINISTRATION: Sir, under the terms of their tenancy agreements with the Housing Authority, tenants of public housing estates are only allowed to keep animals, birds or livestock of any kind in their premises with the prior written consent of the authority. For those older types of public housing estates, the tenancy cards issued by the former Resettlement Department also contain a similar condition prohibiting the keeping of poultry, pigeons, rabbits or animals of any kind except one cat, without prior written consent.

If any tenants are found to be in breach of the above-mentioned tenancy conditions, they are told to remove the animals. In most cases, the Housing Department is able to solicit the co-operation of the tenants. In some cases where pet keeping will not cause nuisance to other tenants, such as keeping small cage-birds, the Housing

Department is prepared to tolerate it. The Housing Department is, however, not prepared to allow or tolerate the raising of pigeons in public housing estates. As regards that particular case mentioned in the question, the tenant has disposed of all the pigeons.

Compensation for resumption of land

5. MR. TAI asked: As payments of compensation for the resumption of land under the Crown Lands Resumption Ordinance and the Roads (Works, Use and Compensation) Ordinance are often subject to administrative delay, will Government inform this Council whether it will consider amending the Ordinances to provide that interest on compensation shall automatically be paid and be calculated from the date the land concerned reverts to the Crown, irrespective of whether or not the compensation is determined by the Lands Tribunal?

SECRETARY FOR LANDS AND WORKS: Sir, section 17(3) of the Crown Lands Resumption Ordinance specifically provides for interest to be paid on all statutory compensation, covering the period from reversion of the land to the Crown to the actual payment, irrespective of whether or not the compensation is determined by the Lands Tribunal. This covers also compensation to be paid under the Roads (Works, Use and Compensation) Ordinance. There is therefore no need to amend the Ordinances.

Codes of guidance for cyclists

6. DR. IP asked: Will Government inform this Council whether it has a comprehensive plan to install road signs depicting codes of guidance for cyclists at cycle tracks; if so, what are the contents of such signs and which cycle tracks have not yet been provided with these signs?

SECRETARY FOR TRANSPORT: Sir, apart from providing ordinary traffic signs and road markings to control and guide cyclists generally, Government has a scheme to install informative road signs on cycle tracks in Sha Tin and Ma On Shan. Fifteen locations along the tracks have been identified and the signs will be installed by October this year.

These road signs will carry advice on the basic rules of safe cycling. They also inform cyclists of the location of cycle routes, rest kiosks, cycle parking places, toilets and local landmarks.

The Transport Department will review the effectiveness of the scheme after completion. If evaluation shows that the signs are effective in promoting safety and awareness of cycling facilities, they will be adapted for use in other districts.

Gravel on motorways

7. MR. CHAN asked: As the presence of gravel on many motorways, in particular Kwai Chung Road, could damage the windscreens of passing vehicles, will Government inform this Council whether it has taken or will take measures to improve the situation?

SECRETARY FOR LANDS AND WORKS: Sir, flying gravel particularly in high speed roads is indeed a danger to windscreens which cannot be entirely eliminated. This is so everywhere in the world, and as far as I am aware is not particularly common in Hong Kong.

Road sweeping is shared between Highways Department and the two municipal councils with Highways Department responsible for the high-speed roads and the councils the rest. Both use mechanical road sweepers about once a week and these pick up much of the gravel and other dirt which is produced. Van patrols also pick up other debris every day.

The departments concerned believe that these measures are generally adequate but do not believe that they can guard completely against flying gravel, as even a small piece flying up at a high speed can break a windscreen.

Flood control

8. MR. POON CHI-FAI asked: In view of the fact that Kwun Tong experienced serious flooding, which has rarely happened before, during the rainstorm on 2 May 1989, will Government inform this Council :

(1) why the authorities concerned failed to take effective measures to prevent the occurrence of serious floods having regard to the fact that there were reports of 32 floods throughout the Territory on 1 May and the Royal Observatory forecast that there would be further heavy rain and thunderstorms for the next one or two days;

(2) what measures had been taken before and during the flooding and the landslip on 2 May to ensure the safety of those people residing on the dangerous slopes; and

(3) whether any investigation has been conducted after the flooding to find out the causes and what steps will be taken to prevent the recurrence of such incidents?

SECRETARY FOR LANDS AND WORKS: Sir, my answers to the above questions are as follows:

(1) On 2 May, the Kwun Tong area experienced exceptionally heavy rainfall, with almost record short-term intensities. Such a storm could be expected to occur only once in 20 years, and some flooding is an inevitable consequence of this.

I do not wish to seem over defensive but it is fair to say that although there were flooding reports on 1 May elsewhere in the territory, none of them related to Kowloon region. Also the information available on that day gave no indication of the exceptional intensity of the rainfall which was later experienced. As far as Kwun Tong was concerned (but by no means in all other places) this was much greater than rain usually linked with "heavy rain and thunderstorm warning" which are issued frequently by the Royal Observatory during the rainy season. Thus although departments operated their emergency standby procedures, no exceptional arrangements were made.

(2) The only real way to ensure the safety of people who live on slopes is for those slopes to be cleared and the people rehoused. A clearance policy was therefore adopted by Government some time ago, and the Housing Department has subsequently cleared and rehoused 38 000 squatters from vulnerable slopes. Although over 10 000 still remain, it is hoped that they will all be cleared from unsafe slopes in the urban area by the early 1990s.

Meanwhile, a prescribed warning system is used to urge squatters to take refuge in reception centres when exceptionally heavy rainfall conditions are expected to

occur. On 2 May, the Landslip Warning was issued by the Royal Observatory at about 12:17 pm. Unfortunately this gave only short warning of the impending downpour, the peak of which was around 13:00 hours and action to implement the system was only just beginning. During and after the flooding and landslips on 2 May, Highways Department staff carried out site inspection of affected areas. They advised the Housing Department on the need for temporary evacuations and called on the Geotechnical Control Office (GCO) for advice as necessary. Highways Department have been carrying out urgent repairs recommended by the GCO to remove the immediate danger arising from potential or actual landslips.

(3) We have looked at the causes of the flooding in Kwun Tong and elsewhere and our conclusion is that the major cause of the localized flooding was the combination of exceptionally high local intensities of rainfall and blockages of drainage inlets. There was extensive blockage of gullies by refuse (in particular plastic bags) and debris washed from roadworks and small landslips. Once the rainstorm had finished and blockages removed, apart from the Kwun Tong Bypass, the flood waters drained away quickly showing that the existing drainage system is functioning satisfactorily, despite all the debris and rubbish which was brought down with the flood water.

The extent to which the temporary works and supporting the Lei Yue Mun road widening extension blocked the Tsui Ping nullah and thereby contributed to flooding is debatable. I am advised by the Director of Highways that it was not a major factor and that with the work in the nullah now virtually complete it is most unlikely that this particular situation would occur a second time.

As a general comment, in my view the response of the respective departments in dealing with the flood situation was good, as have been their efforts to restore things to normal since the flood. But that does not mean efficiency and co-ordination between government departments in dealing with floods could not be improved. I have asked the Director of Civil Engineering Services to undertake a thorough review of existing flood emergency procedures to see what changes could be made to improve this important service.

Employment contracts for Filipino domestic helpers

9. MRS. TU asked: Would the Government inform this Council:

(a) whether in 1988 80% of the broken contracts in respect of engagement of Filipino domestic helpers were initiated by employers, and whether about 40% of them occurred within the first six months of the contract period;

(b) how many Filipino domestic helpers have in the last three years expressed fear of reporting physical or sexual abuse because of unfairness resulting from the new conditions of service; and

(c) how many bad employers the Government has blacklisted in the last three years in order to protect future Filipino applicants against accepting employment contracts from them?

SECRETARY FOR SECURITY: Sir, the Immigration Department keeps statistics on applications for a change of employment by foreign domestic helpers following premature termination of their original contract, but not on the overall number of contracts terminated prematurely. It does not, therefore, have detailed information on the number of cases where premature termination was initiated by the employer or by the employee, nor on the stage at which contracts are terminated. However, I can say that in 1988 there were 2 606 applications from foreign domestic helpers to change employment following premature termination of their contracts. Of these, 75% gave one or other of the following reasons for not completing the original contracts --

(a) transfer out of Hong Kong or emigration of their employer;

(b) death of their employer; or

(c) financial difficulty of their employer.

About 1% gave maltreatment or abuse by their employer as a reason.

It is normal procedure for the Immigration Department to advise any foreign domestic helper who submits an application to change her employer on the grounds of physical or sexual abuse to report her case to the police.

Since the introduction on 21 April 1987 of the revised conditions of employment for foreign domestic helpers, the department has approved 40 applications for a change

of employment on the ground of physical or sexual abuse by the employers. This will be taken into account if and when the employers next seek to employ a foreign domestic helper.

Right of abode in the United Kingdom

10. MRS. TU asked: Will the Government inform this Council what information it has received from the British Government on the annual figures of local officers of the Administrative Service, and the Police Inspectorate Grade and above, who have been granted the right of abode in the United Kingdom in the last five years?

SECRETARY FOR SECURITY: Sir, the right of abode in the United Kingdom is an attribute of British citizenship. The Hong Kong Government is informed of all applications for the grant of British citizenship on account of crown service under the Government of Hong Kong. In the past five years, three local officers from the administrative service, and none from the Royal Hong Kong Police Force, have been granted British citizenship under section 4(5) of the British Nationality Act on account of crown service in Hong Kong. We have no details concerning those who may have acquired British citizenship in other ways.

Safety of outdoor staff during bad weather

11. MRS. LAM asked : In view of the death of a workman with the Agriculture and Fisheries Department during the heavy rainfall on 2 May 1989, will Government inform this Council whether there are adequate measures for ensuring the safety of outdoor staff during bad weather?

CHIEF SECRETARY: Sir, precautionary measures and guidelines exist in departments whose staff are required to perform outdoor duties to ensure that they are not exposed to unnecessary risk. These measures and guidelines take into account the operational needs of the department. The measures and guidelines may cover --

(a) training for staff in the use of safety equipment and in dealing with emergency situations, including the application of first aid;

(b) provision of protective clothing where appropriate;

(c) specific operational instructions to meet different circumstances; and

(d) the discretion of supervisory staff to adjust their work programme in accordance with changes in weather conditions and to recall staff on outdoor duties where necessary.

These measures and guidelines are regularly reviewed and updated. Nevertheless, accidents by their very nature do occur from time to time, although in the last three years, apart from the incident in question, there have been no fatalities attributable to adverse weather conditions.

In the unfortunate incident in question, the cause of death has yet to be determined. The Agriculture and Fisheries Department has reviewed the safety measures currently in operation and will shortly be issuing more detailed guidelines to supervisors and staff involved in outdoor work. Other heads of department have also been reminded to review and where necessary update such guidelines and bring these to the attention of supervisory and outdoor staff more frequently.

Conversion of industrial buildings for commercial use

12. MR. TIEN asked: Given that there has already been a shortage of commercial floor space for quite some time whilst the supply of industrial floor space is rather abundant, will Government inform this Council whether it has come to any conclusions on its review of the situation, including the feasibility of allowing whole blocks, certain floors, or certain units of existing industrial buildings to be converted for commercial use on condition that premiums are to be paid to Government for such conversions of use?

SECRETARY FOR LANDS AND WORKS: Sir, I have addressed this issue fairly frequently of late in response to various questions and suggestions from Members, and I am impressed by the frequency with which the questions come bouncing back at me.

As I have said before the Town Planning Board's view on the immediate use of

existing industrial space for office purposes which reflects that of the Administration, is that conversions should be limited to office uses related to manufacturing operations in the same premises and should not normally exceed 30%. I can appreciate the frustration of those who own factory premises which could more profitably be let out as offices and of those who would hope to pick up a cheaper rent in an industrial building, but they must appreciate that through zoning and user restrictions Government has in practice set the limits of the markets both in industrial and commercial premises and a more wholesale unrestricted conversion would certainly upset these markets unfairly.

As regards change of planning I can offer little advance on my statement in the Budget debate two weeks ago. I said as follows:

"Over the last five years the Town Planning Board has been agreeing a fairly steady stream of conversions of Residential A lots to office use along the Mass Transit main lines. It has however been more hesitant to rush into a large-scale conversion of factory lots to offices, because of the general uncertainty of industrial demand in a changing scene. Nevertheless some changes of zoning to commercial use have been agreed in areas where industry is no longer really compatible with the environment and these are likely to continue."

The little I can advance is that from 1986 to 1988, the Town Planning Board gave permission to 29 applications to office development which will result in an additional 400 000 sq m of commercial floor space from former industrial land. So even within the restricted guidelines quite a lot is being achieved. In my view it also confirms that the general policy that additional office accommodation should be provided for through new land and conversion of land rather than buildings is a right one.

Motions

PENSIONS (INCREASE) ORDINANCE

THE CHIEF SECRETARY moved the following motion:

That the Second Schedule to the Pensions (Increase) Ordinance be amended with effect from 1 April 1989 --

(a) in Part I by adding at the end --

"22. The adjusted pension under paragraph 21 may be further increased by 9 per cent.";

(b) in Part II by adding at the end --

"21. The adjusted pension under paragraph 20 may be further increased by 9 per cent.";

(c) in Part III by adding at the end --

"21. The adjusted pension under paragraph 20 may be further increased by 9 per cent.";

(d) in Part IV by adding at the end --

"20. The adjusted pension under paragraph 19 may be further increased by 9 per cent.";

(e) in Part V by adding at the end --

"19. The adjusted pension under paragraph 18 may be further increased by 9 per cent.";

(f) in Part VI by adding at the end --

"18. The adjusted pension under paragraph 17 may be further increased by 9 per cent.";

(g) in Part VII by adding at the end --

"17. The adjusted pension under paragraph 16 may be further increased by 9 per cent.";

(h) in Part VIII by adding at the end --

"16. The adjusted pension under paragraph 15 may be further increased by 9 per cent.";

(i) in Part IX by adding at the end --

"14. The adjusted pension under paragraph 13 may be further increased by 9 per cent.";

(j) in Part X by adding at the end --

"13. The adjusted pension under paragraph 12 may be further increased by 9 per cent.";

(k) in Part XI by adding at the end --

"12. The adjusted pension under paragraph 11 may be further increased by 9 per cent.";

(l) in Part XII by adding at the end --

"11. The adjusted pension under paragraph 10 may be further increased by 9 per cent.";

(m) in Part XIII by adding at the end --

"10. The adjusted pension under paragraph 9 may be further increased by 9 per cent.";

(n) in Part XIV by adding at the end --

" 9. The adjusted pension under paragraph 8 may be further increased by 9 per cent.";

(o) in Part XV by adding at the end --

" 8. The adjusted pension under paragraph 7 may be further increased by 9 per cent.";

(p) in Part XVI by adding at the end --

" 7. The adjusted pension under paragraph 6 may be further increased by 9 per cent.";

(q) in Part XVII by adding at the end --

" 6. The adjusted pension under paragraph 5 may be further increased by 9 per cent.";

(r) in Part XVIII by adding at the end --

" 5. The adjusted pension under paragraph 4 may be further increased by 9 per cent.";

(s) in Part XIX by adding at the end --

" 4. The adjusted pension under paragraph 3 may be further increased by 9 per cent.";

(t) in Part XX by adding at the end --

" 3. The adjusted pension under paragraph 2 may be further increased by 9 per cent.";

(u) in Part XXI by adding at the end --

" 2. The adjusted pension under paragraph 1 may be further increased by 9 per cent."; and

(v) by adding after Part XXI --

"PART XXII

Applicable to a basic pension based on a salary in force from

1 April 1988 to 31 March 1989 inclusive

1. The basic pension may be increased by 9 per cent."

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

The Government's declared policy is to maintain the original purchasing power of civil service pensions, including pensions payable under the Widows and Orphans Pensions Scheme and under the Widows' and Children's Pensions Scheme. This is achieved by periodic pension adjustments in line with movements in the Consumer Price Index (A).

During the latest review period from 1 April 1988 to 31 March 1989, the moving annual average of the Consumer Price Index (A) rose by 9.1 points to 8.18%.

The usual practice is to round up the percentage figure to the nearest whole number if the decimal place is 0.5% or more, and to round down if less. The pension increase percentages will also be adjusted, if necessary, to take into account the cumulative effect of rounding off over the years.

Since 1976, when the present arrangements for adjusting pensions against movements in the Consumer Price Index (A) were introduced, the percentage increases have been rounded down in nine years out of 13; this has resulted over the years in a net arithmetic rounding down of 0.62%. To round down again this year and adjust pensions by 8% would increase the shortfall to 0.8%. It is therefore considered reasonable to round up this year's adjustment from 8.18% to 9%, and to apply it to all pensions in payment on 1 April 1989.

The total cost of increasing all pensions by 9% is estimated at \$82.22 million for a full year. This is a statutory charge which may be authorized by resolution of this Council under the appropriate Ordinances.

Sir, I beg to move.

At this point, the following Members declared their interest:

Mr. CHENG Hon-kwan as a Civil Service pensioner.

Mr. LAU Wah-sum as a Civil Service pensioner.

Mr. MCGREGOR as a Civil Service pensioner.

Mr. LIAO Poon-huai as a Civil Service pensioner.

Question on the motion proposed, put and agreed to.

WIDOWS AND ORPHANS PENSION (INCREASE) ORDINANCE

THE CHIEF SECRETARY moved the following motion:

That the Schedule to the Widows and Orphans Pension (Increase) Ordinance be amended by adding the following --

"46. The pension calculated on the total contributions up to 31 March 1988 inclusive plus the total increases in pension up to 31 March 1989 may be increased by 9 per cent with effect from 1 April 1989.

47. The pension calculated on contributions from 1 April 1988 to 31 March 1989 inclusive may be increased by 9 per cent with effect from 1 April 1989."

He said: Sir, I move the second motion standing in my name in the Order Paper. The reasons I have just given in relation to the first motion apply equally to the second motion. I therefore beg to move.

Question on the motion proposed, put and agreed to.

Second Reading of Bills

BANKING (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 12 April 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

BUSINESS REGISTRATION (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 12 April 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

DUTIABLE COMMODITIES (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 12 April 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1989

Resumption of debate on Second Reading which was moved on 12 April 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 12 April 1989

Question on the Second Reading of the Bill proposed, 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.

APPROPRIATION BILL 1989

Heads 21 to 194 were agreed to.

Schedule was agreed to.

Clauses 1 and 2 were agreed to.

BANKING (AMENDMENT) BILL 1989

Clauses 1 and 2 were agreed to.

BUSINESS REGISTRATION (AMENDMENT) BILL 1989

Clauses 1 and 2 were agreed to.

DUTIABLE COMMODITIES (AMENDMENT) BILL 1989

Clauses 1 to 13 were agreed to.

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1989

Clauses 1 to 24 were agreed to.

ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1989

Clauses 1 to 3 were agreed to.

Council then resumed.

Third Reading of Bills

The ATTORNEY GENERAL reported that the

APPROPRIATION BILL 1989

BANKING (AMENDMENT) BILL 1989

BUSINESS REGISTRATION (AMENDMENT) BILL 1989

DUTIABLE COMMODITIES (AMENDMENT) BILL 1989

INLAND REVENUE (AMENDMENT) (NO. 2) BILL 1989

ROAD TRAFFIC (DRIVING LICENCES REGULATIONS AND REGISTRATION AND LICENSING OF VEHICLES REGULATIONS) (AMENDMENT) BILL 1989

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

Question on the Third Reading of the Bills proposed, put and agreed to.

Bill read the Third time and passed.

Member's motion

VIETNAMESE BOAT PEOPLE

MR. ALLEN LEE moved the following motion:

"That this Council, considering that the effectiveness of the screening policy for Vietnamese boat people depends upon the successful repatriation of all those screened out as non-refugees and the resettlement of all refugees, urges Her Majesty's Government to fulfil its responsibility by taking a leading role in actively pursuing the effective implementation of repatriation, and in accepting for resettlement more refugees from Hong Kong."

MR. ALLEN LEE: Sir, I rise to move the motion standing in my name on the Order Paper. But at the outset I must give recognition to my honourable colleagues Mrs. Rita FAN and Mr. Kingsley SIT for taking the initiative in calling for this debate, and providing the ideas behind the motion.

This motion reflects the deep concern expressed in this Council over the Vietnamese boat people problem and urges Her Majesty's Government to fulfil its responsibility by taking a more positive role in helping Hong Kong to resolve the problem.

The ongoing spate of Vietnamese boat people influx has now brought the total number of Vietnamese stranded in Hong Kong to more than 33 000. And there is no end in sight. The Vietnamese boat people problem has been with us since the late 1970's and although successive measures had been introduced by the Administration to try

and curb the inflow, a durable solution has still to be found. With Vietnamese boat people now pouring into Hong Kong at a daily average around 300, I believe we are fast approaching a crisis. The motion laid before this Council today is timely indeed.

In moving the motion, I wish to make three points which I believe are shared by the majority of the people in Hong Kong. The first relates to Hong Kong's position.

Hong Kong's position

Hong Kong has a population of 5.7 million people living in an area of just over 1 000 square kilometres. In terms of population density, it amounts to over 5 000 people per square kilometre as compared with 22 in the United States and 230 in the United Kingdom. The large number of arrivals has continually strained the already scarce land resources available in Hong Kong. Finding accommodation for the boat people has inevitably affected our own housing and social programmes. Let us not forget that today, there are still many people waiting in the queue for public housing.

None the less, at no time has Hong Kong turned away a single refugee, Vietnamese refugee that is. Since the Geneva Conference on Indo-China Refugees in 1979, Hong Kong has provided first asylum to over 130 000 Vietnamese boat people. The record has been consistent, and we make no apologies to the rest of the world for honouring our international commitment.

In terms of financial expenditure, we have also spent over \$1.4 billion on the up-keep of refugees and boat people over the years. No doubt such a significant amount of money could have been spent on programmes for the local people, but on our part we have sacrificed it for the sake of the boat people. But it must be pointed out that the bulk of the arrivals now are no longer political refugees. Most of them are economic migrants and are indeed illegal immigrants. They continue to flee from their country despite the diminishing prospect of obtaining resettlement overseas.

The very difficult circumstances faced by Hong Kong have led to the adoption of the screening policy on 16 June 1988. Since then, Vietnamese boat people arrivals have not been automatically granted refugee status but those screened out as non-refugees have to be put in detention centres pending repatriation. Unfortunately, repatriation has so far been on a voluntary basis only and the number is too small for it to be of any significant effect.

Mandatory repatriation for those screened out as non-refugees must be the only answer, since it is no longer realistic to expect most of the recent arrivals to be granted resettlement in western countries.

The international dimension

The second point which I would like to dwell on relates to the international dimension of the Vietnamese boat people problem.

The Vietnamese boat people issue is indisputably an international problem. Its source was rooted in the Vietnam War. The outflow of Vietnamese boat people had led to the convening of the Geneva Conference in 1979, which brought about the arrangement whereby temporary asylum would be accorded to the boat people leaving Vietnam pending their eventual resettlement in other countries. Hong Kong has continued to provide first asylum to Vietnamese boat people on the understanding that other countries to the Geneva agreement would honour their obligations by accepting for permanent resettlement refugees temporarily accommodated in places of first asylum. But with the marked slowdown of intake of resettlement countries since the early 1980s, this arrangement has actually fallen through. As a result we are now being lumbered with a growing backlog of refugees, some of whom have been here for over nine years.

The whole issue is an international problem and it must be resolved through international co-operation. Hong Kong and other places of first asylum cannot be expected to shoulder the problem alone. It is totally irresponsible of the international community to let the plight of this unfortunate group of people linger on. And it is a shame for the Vietnamese Government to see so many of its people fleeing from its own country. It must be persuaded to accept all those who are not refugees back into its own country where their future actually lies. The resettlement countries, at the same time, should see their way to honouring their commitment by accepting all the refugees now stranded in the places of first asylum. In this connection we look to the coming conference in Geneva, ten years after the first one, to find a durable solution to the problem. The opportunity must be taken to effect resettlement of all the refugees and repatriation back to Vietnam of all those screened out.

United Kingdom's responsibility

Now I come to the last but not the least important point -- the United Kingdom's responsibility.

It has been most disturbing to hear recent expression of opinions which suggested that the handling of the Vietnamese boat people issue in Hong Kong should be treated as a domestic affair. This cannot be right. Given the international dimension which I have just mentioned, it is clear that the Vietnamese boat people issue is a foreign affairs matter and lies squarely within the responsibility of our sovereign state, the United Kingdom. It was after the 1979 conference that the first asylum policy was firmly put in place and it was at that conference that Hong Kong was represented by the United Kingdom. Furthermore, Lord GLENARTHUR, in his reply dated 6 October 1987 to my honourable friend, Mrs. Rita FAN, said that: "Hong Kong is a dependent territory of the United Kingdom and the responsibility for the conduct of foreign affairs rests with the United Kingdom. This responsibility has been carried out vigorously, with the close involvement and active participation of the Hong Kong Government. We are receptive to any suggestions for new initiatives. But this would have to be carried out within the proper constitutional framework". This leaves us in no doubt that the United Kingdom, being Hong Kong's sovereign state, is responsible for the policy applicable to Hong Kong on the Vietnamese boat people problem.

It is therefore only right for us to look to the United Kingdom as being responsible for finding a solution to this intractable problem. But I am afraid the general feeling among the community in this regard is one of discontent. It is true that the United Kingdom Government has recently made a contribution of 6 million on top of what she has already contributed in helping Hong Kong shoulder the cost of maintenance of Vietnamese boat people here which we appreciate. The fact remains, Hong Kong has spent over \$1.4 billion. Turning to the aspect of resettlement, the United Kingdom's record is even more dismal. It is a conditional agreement that the United Kingdom will accept 1 000 Vietnamese refugees from Hong Kong over the next two or three years. However, over the past five years, the United Kingdom has accepted less than 1 000 Vietnamese refugees from Hong Kong whereas during the same period the United States and Canada have each resettled 5 900 and 5 300 respectively -- more than five times that resettled by the United Kingdom. Can we expect other resettlement countries to accept more refugees when our own sovereign state has failed to take a lead?

Surely we are not begrudging why the United Kingdom Government has done nothing, but rather why they have done so little. As I have just mentioned, the coming Geneva

Conference is a crucial opportunity where the countries represented could arrive at a durable solution to the Vietnamese boat people problem. In this respect, mandatory repatriation of non-refugees and resettlement of refugees are the two crucial matters. The United Kingdom must take the lead and in this respect we hope the United Kingdom Government could pursue at the next Geneva Conference vigorously arrangements whereby all Vietnamese boat people screened out as non-refugees could be repatriated on a mandatory basis back to Vietnam as soon as possible. On the other hand, in order to encourage other resettlement countries to accept more of those classified as refugees, the United Kingdom Government should agree to increase her quota of intake from Hong Kong so that a clear example can be set for other countries attending the Geneva Conference.

Conclusion

Sir, people in Hong Kong look to the Geneva Conference in June as a golden opportunity for the international community to come up with a durable solution to the Vietnamese boat people problem. It will be irresponsible for the United Kingdom and indeed the international community to ignore the feelings and wishes of the people in Hong Kong. We urge the United Kingdom to demonstrate to the people of Hong Kong that it is fulfilling its basic responsibility as our sovereign state.

Sir, I beg to move.

Question on the motion proposed.

MR. SIT: Sir, I think few will disagree with me that the problem caused by the influx of a huge number of Vietnamese boat people in the past few weeks is fast reaching a crisis level. Apart from the over 14 000 Vietnamese refugees who have arrived in Hong Kong before 16 June 1988 when the screening policy was introduced, we have in our various detention centres over 18 000 Vietnamese boat people, who are joined by over 300 of their fellow countrymen every day.

The drastic increase in arrival has proved to be a serious strain on Hong Kong's resources. The increasing threat of a large number of Vietnamese living next door has aroused grave concern among Hong Kong people about their own safety. The heavy financial burden, in particular, has aroused stronger public opinion against the continuation of Hong Kong as a port of first asylum and against the admission of new

arrivals even though few of them would qualify as refugees. One can safely assume most of the arrivals in recent years have been prompted to leave Vietnam for economic reasons rather than for any genuine fear of persecution.

Sir, I have recently read with great interest an official document prepared by the UNHCR Headquarters on the Concept of Asylum and the Obligations of the Hong Kong Authorities. It was stated in the paper that the 1967 United Nations Declaration on Territorial Asylum confirmed that derogation from the principle of admission of asylum-seekers was only permitted for, and I quote, "overriding reasons of national security or in order to safeguard the population." It was also stated that the states participating in the 1979 Geneva Conference "pledged full support to ensure that first asylum countries in the region would receive adequate assistance to meet the burden they would face in meeting their obligations."

It is clear therefore that the 1979 Geneva Conference agreed that the problem of the influx of a large number of Vietnamese refugees into Southeast Asian countries was an international one which called for efforts of the international community to deal with collectively. It was agreed that while countries of first asylum would continue to uphold the principle of non-rejection of the Vietnamese refugees arriving in their territories, the rest of the international community should collaborate by either making financial contributions or providing places for resettlement.

Hong Kong has abided by the 1979 Geneva Conference. We have never turned away any Vietnamese boat people arriving in our waters. But to the frustration of Hong Kong people, the international community has never honoured their agreement in the 1979 conference: not only have resettlement opportunities dwindled because of the reduction in the number of places offered by the resettlement countries and the more stringent criteria for the selection of refugees used, but we have been required to shoulder a greater portion of the financial burden for maintaining the Vietnamese who have arrived in Hong Kong. The UNHCR has used the closed centre policy as an excuse for not increasing their contribution to Hong Kong and has used financial resources as the bargaining chip to press us to liberalize our closed centres.

Despite the difficulties faced by us and despite the change in basic circumstances in Vietnam, we have never attempted to force any of the boat people to return to Vietnam; and we have provided a favourable living environment to the Vietnamese refugees and boat people. At times, I cannot help but wonder if the living condition in our refugee centres and detention centres has been an attraction rather than a deterrent to

further arrivals. They are enjoying a living environment which I am sure is better than that of some local people living in temporary housing areas. How is it possible in such circumstances that Hong Kong is still being accused of being inhumane by the international community? Hong Kong has done her part, and it is high time the international community took determined action to resolve the problem in the same manner as Hong Kong which has been trying so hard to resolve the problem since 1979.

Sir, most of the arrivals in recent years have been prompted to leave Vietnam for economic reasons. These people strictly speaking do not qualify as refugees and should therefore be returned to Vietnam in accordance with international convention. The introduction of the screening policy is the evidence of the continued commitment of Hong Kong to the principle of non-rejection and non-refoulement of asylum-seekers and of our attempt to ensure that those who have a genuine fear of persecution for one reason or another are not deprived of the opportunity to prove their cases. Screening is one of the essential ingredients of the durable solution to the boat people problem for it is not possible to require the international community to continue to shoulder the unfair burden of the repercussions of economic failure in Vietnam, which could prove a bottomless pit.

Nevertheless, I would like to make a note of caution here. While screening policy can help reduce the number of refugees and thereby ease the burden on resettlement countries, at the same time, however, it implies a heavier burden on countries of first asylum without the certainty of the acceptance by the Vietnamese Government of the repatriation of all the screened-outs.

The Hong Kong experience is therefore a lesson to be learnt by the countries of first asylum in the coming Geneva Conference to be held this June. The screening policy only makes sense if the international community can secure a commitment from Vietnam to accept the repatriation of all the Vietnamese boat people who fail the screening test. I therefore urge that this be pursued at the Geneva Conference. Since these people do not qualify as refugees, they should be repatriated to their country of origin. It makes no difference whether we call it compulsory repatriation, mandatory repatriation or, simply, repatriation. However, even if a person is not a refugee, he is still the responsibility of the international community in particular, the responsibility of the participants of the 1979 Geneva Conference. Nothing in the world can exonerate any of these countries from this responsibility heavy though it is. It is also unfair that we have to shoulder indefinitely the heavy financial burden of up-keeping the boat people on our own. If it is not possible to have an

immediate solution to the problem, the international community should at least share the costs for maintaining these people.

Sir, I should now like to turn to the subject of the search for durable solution to the problem, a subject which should be pursued vigorously by the international community at the June conference. Resettlement and repatriation are the two indispensable components of any solution to the problem. Without renewed commitment from resettlement countries to increase resettlement offtakes and to clear the backlog of long-stayers in the countries of first asylum, there is no real hope of resolving the problems caused by the presence of a large number of refugees in these territories; repatriation of all those boat people screened out as non-refugees to Vietnam is a convincing precedent to the success of the screening policy, and is the only deterrent to the further exodus of the Vietnamese from their home country.

The boat people problem, however, cannot be resolved without hammering the problem at its source. It would be futile to ask the Vietnamese Government to curb the outflow of its people and to take back those who have left Vietnam as long as the push factor, that is, the hope of a better life, remains. It is therefore important that the international community should positively do something to actually help the Vietnamese Government reconstruct its war-torn economy.

Turning to the responsibilities of the United Kingdom, Sir, I am sure that no Hong Kong person will disagree that the United Kingdom owes its responsibilities to Hong Kong in taking a leading role amongst the international community to search for an early solution to the problem. I cannot help but question why Her Majesty's Government has, as in the case of the nationality issue, felt that it has done its part for Hong Kong. It is inconceivable that we should be expecting other countries to increase resettlement off-takes from Hong Kong while the United Kingdom found that it could only manage with 20 refugees from Hong Kong over the last two years; it was more disappointing because Her Majesty's Government would only be prepared to accept 1 000 refugees from Hong Kong on the condition, and I emphasize, on the condition, that other resettlement countries also increased their offers. If at all our voice is to be heard by the international community, the United Kingdom should at least be perceived to be concerned about the problem.

There is, however, no use crying over spilt milk. I hope that the Hong Kong Government would, after today's debate, reflect the urgent views of this Council and the strong feelings of the public at large to Her Majesty's Government and urge them

to take a leading role in the search for a permanent international solution to the problem.

Sir, the deterioration of the situation caused by the massive influx of boat people in recent weeks has created a more urgent need for something to be done at the coming Geneva Conference. I do hope that you would reflect at the conference the strong feelings of the Hong Kong community against the lack of sympathy on the part of the rest of the international community on the plight of the places of first asylum in the region. If countries like the United States are genuinely concerned about the problem and want us to be as humane as it could be to the Vietnamese refugees and boat people, they should also be humane to our own people and do something positive to resolve the problem instead of leaving us to struggle on our own.

I am also aggrieved and surprised to hear news reports about the head of the UNHCR's Bureau for Asia and Oceania commenting after his recent meeting with you, Sir, that he was not optimistic that "mandatory" repatriation, which is only as simple as the return, without exception, of all those who fail to qualify as refugees, would be discussed at the Geneva Conference. It would be unfortunate if one of the essential components of the durable solution to this boat people problem would not even be considered seriously at a meeting which is supposed to identify a solution to it.

Sir, in his reply to a question raised by one of my honourable colleagues in this Council in February, the Secretary for Security said that the long-term effectiveness of the policy "will have to be judged in terms of deterring people from travelling to Hong Kong, the level of repatriation and the level of resettlement." It now seems that none of these yardsticks could give us a measure of hope that the existing policy will work effectively other than identifying who are the genuine refugees. We are forced into a situation in which we have to passively react to a crisis imposed upon us. There will come a stage when Hong Kong people will find the situation intolerable and we are not far from that. Unless something positive is done by the international community, I am afraid that Hong Kong will have to be forced to resort to new initiatives out of self-protection which I am sure will not please the international community. After all, Sir, I have reasons to believe that as a responsible and responsive government, the Hong Kong Government's prime obligation is the welfare and wishes of her own people and all other considerations should be of secondary priority.

Finally, I would like to pay special tribute to the many staff of the Correctional Services Department, the Civil Aid Services, the police, the district offices and the various government departments for the difficult, if not impossible, task of manning and running the various refugee and boat people facilities. Of course we must pay tribute to our own people who have up to now been as cool and as tolerant as they should be towards an issue which has been forced upon them from outside.

Sir, with these remarks, I support the motion.

MR. CHEONG (in Cantonese): Sir, with heavy hearts we attend today's motion debate on Vietnamese boat people. Our hearts are heavy because we are indeed hard pressed by the problem of Vietnamese boat people. What worries me most is that if an early solution and guidelines cannot be identified to satisfactorily resolve the problem, our stable social condition would most likely be subjected to an unnecessary repercussion, to the detriment of our long-term prosperity and stability. In order to identify a satisfactory solution to the problem, I would like to give my views briefly as follows:

Firstly, as I have noticed recently, there are indications that some high-ranking British officials are trying to shirk the responsibility of resolving the problem and shift it to Hong Kong in a bid to wash their hands off the matter. Such a move is disappointing. It is beyond doubt that Britain, as our sovereign state, has all along been making guidelines and decisions on foreign affairs in connection with Hong Kong. On this issue, I am of the opinion that the British Government should not take care of her own interests only without regard to the prosperity and stability of Hong Kong. Moreover, it has been clearly stipulated in the Sino-British Joint Declaration that the British Government shall have full responsibility for maintaining Hong Kong's stability and prosperity until 30 June 1997. It is incumbent on both the Chinese and British Governments to honour their obligations in the implementation of the Sino-British Joint Declaration.

Sir, I have the feeling that Hong Kong people are very kind-hearted and practical. For its own interest, Britain had introduced in the past amendments to the Nationality Act to strip some Hong Kong residents of the right they were entitled to. Hong Kong people could do nothing but to accept this fact. Is it true that British Government intends to shirk its responsibility once again on the issue of Vietnamese boat people?

Sir, there are opinions that the recent impatience of Hong Kong people on the Vietnamese boat people seems to be a violation of humanitarianism. In fact, we have been upholding humanitarianism and fulfilling our commitments made in the 1979 Geneva Conference on Vietnamese Refugees by offering first asylum to all Vietnamese refugee arrivals. Yet, the international community and the UNHCR have not kept their promises to the full extent by arranging resettlement for Vietnamese refugees in Hong Kong and providing more financial support to the territory. Britain has not done her part as our sovereign state. Not only has she failed to take positive actions in the international community to expedite the search for a satisfactory and durable solution to the problem, but, as a token only, she accepted less than 400 refugees from Hong Kong over the past two years. It is in the light of this negative approach of our sovereign state that the interest and enthusiasm of other resettlement countries in accepting refugees from Hong Kong have dropped to a record low. On asking the British Government to take the initiative to increase her intake from Hong Kong so as to set a good example for others, the reply we got was that it was difficult for Britain to increase her monthly intake of 20 from Hong Kong given the numerous difficulties besetting her, such as the physical constraint of the country and the shortage of manpower in her voluntary agencies. I cannot help but ask the British Government whether Hong Kong is larger than Britain in size. Is Hong Kong not also vexed by the problem of shortage of manpower? Why must Hong Kong shoulder this burden on her own? Should the British Government reflect on the real meaning of "her responsibility towards Hong Kong"? I suggest that the Governor in Council should strongly press the British Government to honour her obligation as our sovereign state, to set an example by accepting at least 1 000 -- 2 000 Vietnamese refugees from Hong Kong a year. Actions should also be taken through her renowned diplomatic tactics to persuade other countries such as the United States, Canada, Australia, and so on, to increase their quotas of intake as well. While we recognize that the problem of Vietnamese boat people is a very complicated foreign affairs issue, the responsibility lies squarely on the British Government. She should not shirk her responsibility towards Hong Kong as in the case of the nationality issue. I hope that the British Political Adviser in Hong Kong could face up to the matter and reflect the resentment of the Hong Kong people to the British Government.

Secondly, it has been learnt from recent press reports that many Vietnamese boat people coast-hopped along the Chinese coast and got replenishments of provisions during their journey to Hong Kong. I therefore urge the Chinese Government, in an effort to maintain the stability and prosperity of Hong Kong, to stop the replenishments and help find a satisfactory solution as far as possible in order not

to increase our difficulties in resolving the problem.

Thirdly, regarding the screening policy on Vietnamese boat people, I think that such a policy is not the only key factor that attracts the massive influx of Vietnamese boat people into Hong Kong. I believe that it was a correct decision to introduce the screening policy at that time.

In fact, many Hong Kong citizens and even some of my honourable colleagues in this Council have misunderstandings about this policy. I believe that Members have not forgotten that full deliberation had been conducted in this Council last year before the introduction of the new policy. At that time, Hong Kong was facing an increasing burden of Vietnamese boat people. The resettlement of boat people to other countries was extraordinarily slow. Yet the influx of refugees continued. The problem had changed from an issue of refugees to one of economic migrants. There was indeed a need for Hong Kong to implement an internationally recognized policy to define the status of a refugee. It was hoped that all those who failed to be identified as refugees would be repatriated to Vietnam so as to deter further influx of boat people into the territory. Unfortunately, up till now, the screening policy has not achieved desirable results because the repatriation procedure has yet to be universally recognized by the international community.

For the screening policy to attain its expected result, we have to rely on the Geneva Conference to be held in June this year to reach a clear decision on the definition and procedures of "repatriation".

I hope that the British Government and the international community will in the Geneva Conference in June reach a sensible decision which will be helpful to Hong Kong.

Fourthly, if the Geneva Conference fails to reach a satisfactory resolution in June on the problem of Vietnamese boat people, and the British Government and the international community still deem it necessary for Hong Kong to continue its role as a port of first asylum I would suggest the costs incurred by the Vietnamese boat people in Hong Kong should be borne by Britain and the UNHCR.

Lastly, Sir, on the suggestion that Hong Kong should hire ocean going vessels to take the Vietnamese boat people in batches to the coastal regions of other countries such as the United States and United Kingdom, provide them with life-saving devices,

food and small vessels and let them steer themselves to the coasts of these countries, I believe that Hong Kong should give careful consideration to the practicality of this proposal.

Sir, with these remarks, I support the motion.

MR. CHAN (in Cantonese): Sir, I support the motion moved by the Honourable Allen LEE.

In my opinion, many countries are to blame for aggravating the Vietnamese boat people problem in Hong Kong. But when it comes to solving the problem, ultimately it is the United Kingdom, our sovereign state, that should take up the full responsibility of negotiating with other resettlement countries, the United States in particular, with a view to securing for us a satisfactory plan for the repatriation and resettlement of the Vietnamese boat people and refugees stranded in Hong Kong.

We all know that Hong Kong has not been inhumane to the Vietnamese boat people. It is in fact the United States that is chiefly responsible for driving them into such a miserable state. The United States is still asking Southeast Asian countries to remain as places of first asylum, thus adding to their already heavy domestic loads the burden of caring for the boat people. In other words, the United States is shifting the problem created by itself to other countries while it watches their trouble with indifference.

I therefore appeal to the United States Government to uphold humanitarianism in its treatment of the Vietnamese boat people by abolishing all ports of first asylum and to resettle those applicants who wish to leave Vietnam directly through the orderly departure programme. As a matter of fact, so long as Hong Kong remains as a port of first asylum according to the United States' wishes, hundreds of Vietnamese boat people will continue to risk their lives and take to the high seas in the false hope that they would be resettled in the United States. These people forsake their wives and children. Some may get drowned on the way, or brutally killed by pirates, or they may even fall victim to cannibalism. But when they finally make it to Hong Kong after all the hardship, many are refused resettlement in the United States. Is the United States making a fool of the Vietnamese, or playing the game of death with them? How can the Americans be so hardhearted as to let this happen? I strongly protest against the inhumane way the United States is treating the Vietnamese boat people.

If Britain does not do anything to stem the influx of Vietnamese refugees, she is no less inhumane than the United States and should be censured all the same.

MRS. FAN: Sir, I accept that the Vietnamese boat people problem is an international problem, and it requires an international solution. But I am not optimistic that the package of measures currently contained in the comprehensive action plan to be discussed at the Geneva Conference in June will provide an effective solution to the boat people problem in Hong Kong, which unfortunately has now developed into a serious social, economical, and political problem for us. My lack of confidence is based on what I have read, seen and heard in the past three years in relation to the way countries have behaved.

Take Vietnam as an example. The cause of the continuous influx of boat people into Hong Kong is the direct result of incompetence, insincerity, and irresponsible attitude of the Vietnamese Government. They have used all kinds of excuses to try to shed their responsibility in the whole affair. They claimed that they have such a long coast line that it was virtually impossible for them to stop clandestine departure. One cannot keep wondering that if that is true, how did the Vietnamese Government manage to reduce the number of boat people drastically after the 1979 Geneva Conference? The Vietnamese Government refused to fulfill their responsibility as a country of origin and take back the illegal immigrants who travelled by boat to Hong Kong. Their excuse is that they believe it will be inhumane for Vietnam to take these Vietnamese back against their will. By inference, the Vietnamese Government is actually accusing many countries of the world of being inhumane, since these countries do accept repatriation of their own people who have entered another country illegally to improve their living standards. The Vietnamese Government also threatened to imprison the boat people who have left Vietnam illegally because they have contravened the law. This has led to various humanitarian groups expressing concern and worry over repatriation and these groups mounted intensive lobbying exercise in the western world, in particular in the United Kingdom and the United States, to prevent mandatory repatriation of the screened out boat people. As I see it, the United Nations and some humanitarian organizations are unwittingly aiding the Vietnamese Government in using its own people as bargaining chip for financial aid. The economic sanction of the west led by the United States was counteracted by Vietnam through exportation of their people whose remittance back to Vietnam forms a valuable source of foreign currency. An estimate given by a senior British official in 1987 put that source of income at US\$500 million. While the west

moans over every report of death at sea of the boat people, and even suffers from feeling of guilt in some instance, the Vietnamese Government has shown little concern over the well-being of its own people. Whenever the humanitarian organizations protest with great indignation against the "cruel" action of some countries of asylum, there is often a glaring omission that the real culprit Vietnam was not even mentioned. Vietnam wants to play the game according to their rules. And they seem to be succeeding in it. Because they choose to use humans as their weapon, UNHCR and humanitarian and refugee organizations are led by the nose by Vietnam. Similarly, some countries claiming to uphold the human rights and humanitarian principles formed an unholy alliance with Vietnam to put pressure on first asylum countries to accept and suffer the consequences of their humanitarian stand and Vietnam's strategy. Hong Kong, an open and humane society, probably suffers most from this unholy alliance, and we cannot even manage to fight back because we do value human life and want to protect the boat people if at all possible. So, even if Vietnam agrees to take effective measures to stop the outflow in the coming June conference in Geneva, the international community needs to find a way to bind the Vietnamese Government to their agreement, and ensure that should the Vietnamese Government go back on its words, they would suffer financially or otherwise as a result of such action.

The United States, which had a very active involvement in Vietnam before 1975 is opposed to mandatory repatriation of the boat people. The United States Congress recently passed a resolution urging countries of first asylum to continue offering first asylum to boat people. The United States State Department's acclaimed objective was to ensure safe and humane treatment for all asylum seekers. With all these high sounding and admirable principles, the United States Government has conveniently turned a blind eye to the problems faced by Hong Kong which has to accommodate the massive and never ending influx of boat people who are in the main rejected by the selection criteria passed by the same United States Congress and implemented by the United States Government officials. The American people have the right to know that their congressmen and their government are not practising what they are preaching. Moreover while the United States Government would not even allow asylum seekers from Haiti to land and indeed turn them away from the United States waters, they expect Hong Kong to accommodate boat people screened out as illegal immigrants in this densely populated and crowded territory for an indefinite period. The population density of Hong Kong is 250 times that of the United States. The double standard so blatantly applied is grossly unfair to Hong Kong.

What is our sovereign state, the United Kingdom, doing about this? We were told

that they mounted concerted diplomatic efforts to find a durable solution to the problem. We were told that such efforts are continuous and the Foreign Office is doing their best. But there is very little real result. Instead, the people who make decisions in the United States are constantly misled by lobbyists on the real situation in Hong Kong. As one of the closest allies of the United States Government, is it possible that the United Kingdom Foreign Office cannot even relate the facts to their friends in the United States Government, Senate and Congress. Are we to believe that the lobbyists from voluntary agencies are more effective than the highly capable and experienced diplomats of the Foreign Office?

The resettlement figures of Vietnamese refugees in the United Kingdom is not impressive at all in recent years. But we were told that this is the best that Her Majesty's Government can manage in view of their domestic problems. Housing problem for the refugees was given as one of the reasons for the dismal intake. Hong Kong's population density is 20 times that of the United Kingdom, and arrival rate of boat people in Hong Kong in one month, say April and May this year, is more than 10 times the annual intake of the United Kingdom. Apart from the small intake, the United Kingdom also offers a ready excuse to the United States for refusing to consider more intake of Vietnamese refugees from Hong Kong, by simply pointing out that Hong Kong is the United Kingdom's responsibility.

Her Majesty's Government endorses the implementation of screening policy in Hong Kong. There is no doubt in my mind that the ministers and officials involved in this decision are fully aware that mandatory repatriation is part and parcel of the screening policy. Hong Kong relies on Her Majesty's Government to persuade the international community on the necessity and early implementation of mandatory repatriation. But the United Kingdom Government would not even openly support mandatory return of the boat people who are determined not to be refugees. A lobbyist from a refugee organization in the United States told the Heritage Foundation in America that the British Prime Minister was reluctant to back forced repatriation because it would bring Britain worldwide condemnation. Does this mean that in order to avoid criticism on Britain, Hong Kong's interest should be swept under the carpet? Is this the way Britain fulfills her sovereign responsibility?

To make things even more confusing and less palatable, Members of Parliament of the Foreign Affairs Committee from the United Kingdom appeared to think that the Vietnamese boat people problem was a matter of internal administration, not a matter of foreign affairs. Are they paving the way for Her Majesty's Government to shed

responsibility? Let me put it categorically on the record that the Vietnamese boat people problem and its associated policies are matters of foreign affairs and therefore the responsibility rests with the sovereign state, the United Kingdom. I was in fact reminded by Lord GLENARTHUR in October 1987 in writing. Mr. Allen LEE has already read out that passage, but if you will bear with me, may I again read a very significant passage from that letter, and I quote here, "the fact is that Hong Kong is a dependent territory of the United Kingdom and the responsibility for the conduct of foreign affairs rests with the United Kingdom. This responsibility has been carried out vigorously, with the close involvement and active participation of the Hong Kong Government". Please note the following, "We are very receptive to any suggestion of new initiatives. But these would have to be carried out within the proper constitutional framework." My understanding of this paragraph as applied to the screening policy and repatriation of boat people is this, the Hong Kong Government suggested the screening policy as a new initiative to Her Majesty's Government, which was very receptive and gave approval for it to be carried out in Hong Kong within the proper constitutional framework. Any one with common sense cannot but agree that the responsibility of solving the Vietnamese boat people problem is clearly with Her Majesty's Government.

Our community patience has been stretched to the utmost. The staffing resources in the Correctional Services Department, Royal Hong Kong Police Force, Civil Aid Services, Immigration Department, Medical and Health Department and Auxiliary Medical Services have also been stretched to the utmost. It is only appropriate for me to give recognition and show respect for the good work carried out by staff of these departments in the most difficult and strenuous circumstances. I also extend my sympathy to all government officials who are not in a position to make policy changes but who have to stand the unending criticisms and requests from the local branch of UNHCR, who appear to be totally immune from the feelings and well-being of local residents. I also want to put on record my sympathy to the residents in the various districts whose daily lives have been affected by this problem. May I earnestly request for their endurance in this most difficult period when Hong Kong is trying to find a "way out" of this mess not of our making. The "way out", whatever it may be, is not going to be easy or quick. There are numerous hurdles on the way ahead, but a way through them we will find even if we have to fight every inch of the way. We are in this together no matter who we are -- a member of the public, a Legislative Councillor, a civil servant or a senior government official. We must unite and speak with a common voice so that it is strong enough to be heard internationally.

Sir, it is imperative for the United Kingdom delegation to achieve the twin objectives of resettlement and repatriation with a clearly defined timetable at the Geneva Conference. Voluntary repatriation is a waste of effort and is just another example of UNHCR being led by the nose by Vietnam. The hope that UNHCR harbours is that voluntary repatriation will gather momentum as time goes by. This is but a dream in the present crisis. Hong Kong do not have the luxury of time. There is also a world of difference between UNHCR's idea of a reasonable period of time and ours. Resettlement without repatriation will inevitably pull in more boat people to Hong Kong. Hong Kong has not got the ability to cope with the continuous influx by the hundreds every day. We do not have sufficient resources, such as land to build accommodation of the desired standard and manpower to manage the centres. Even if the sites can be located and accommodation built at great expenses, the rate of arrival of boat people is such that construction work just cannot catch up. The Correctional Services Department has large number of vacancies, and police has to manage camps which resulted in their removal from normal law and order duties. The service that should have been provided to the public is depleted. The community is fed up to their teeth with this problem which have dragged on for more than a decade. They have endured the expenditure, the inconvenience, the higher than normal crime rate of Vietnamese refugees, the unfair treatment by UNHCR, and unrealistic criticisms all these years. But all their contributions and help to the Vietnamese boat people was brushed aside casually by thoughtless remarks from self-righteous individuals who appear to carry the opinion of the western world. To put it bluntly, we have here a situation which can lead to social unrest, we are sitting on a time bomb and we simply cannot afford to wait much longer. This is a luxury enjoyed by London, Washington and Geneva which do not have to sit on the time bomb. As for Vietnam it is a gold mine which will become richer the longer they refuse to co-operate. The bottomline is therefore:

- (a) Mandatory repatriation of screened out boat people to begin as soon as possible but no later than next March so that the whole scenario of massive influx may not repeat again in this summer of 1990 or, to transfer boat people out of Hong Kong to a regional reception centre before next March.
- (b) Resettlement of all Vietnam refugees in Hong Kong over a period of three to five years.

If Her Majesty's Government failed to convince the international community to

help Hong Kong to solve this problem, Hong Kong may be forced into taking drastic measures to protect its social stability. Let it be clearly understood that Hong Kong has been pushed into a corner by Vietnam and the international community to adopt hardline policy to contain this problem out of absolute necessity.

Sir, it would be wrong for me to go on any longer and take up more of Member's time. The points that I have not covered will no doubt be taken up by my honourable colleagues. I only wish to add that Her Majesty's Government should ask the Chinese Government to co-operate to resolve this problem in accordance with the spirit and the letter of section 4 of the Joint Declaration.

Sir, I support the Honourable Allen LEE's motion.

MR. HUI (in Cantonese): Sir, the recent large influx of Vietnamese boat people into Hong Kong has created a very serious crisis for our community. Obviously, the 15 000 refugees stranded in Hong Kong pending resettlement overseas and about

20 000 boat people who have to be repatriated have not only added heavily to the financial burden on our society, but also led to an "accommodation crisis" because of the lack of space to house these people. Conflicts have also emerged between residents of certain districts and the Government. The sentiments of Hong Kong people towards the Government have gradually changed from dissatisfaction to anger and fears. If the situation continues to deteriorate, the stability and prosperity of our community, which are valued most by Hong Kong people, will surely be harmed.

Moreover, in terms of security and the provision of guidance services, the overcrowding conditions in various refugee camps and detention centres have exerted tremendous pressure on the disciplined departments and voluntary agencies which have already been hard pressed for manpower. It is feared that the situation may reach a breaking point at any time. Some people may even be more worried about the threat posed by the boat people problem to the internal stability of the territory than the transfer of sovereignty in 1997. The hidden anxiety and unrest among most Hong Kong people towards the boat people issue should not be taken lightly.

I am of the opinion that the problems brought about by the Vietnamese refugees and boat people have already stretched to the limit of our tolerance. Hong Kong people may not care about the drafting of the Basic Law or the development of the political system, but they do have a very strong feeling about the boat people problem which has been harassing Hong Kong for so many years. With no durable solution in

sight after waiting for a long time, they are all the more convinced that the current situation will only aid the spread of international injustice and selfishness which in due course will drain our social resources and ruin our stability and prosperity. As far as Hong Kong people are concerned, is this not also a kind of inhumane treatment?

I therefore think that at this critical moment the Government should lead Hong Kong people to formulate some self-help measures rather than awaiting their doom or engaging themselves in arguing whether the past policy is right or wrong. I suggest that we should take the following measures to save ourselves:

Firstly, the most urgent task is to stop boat people from coming to Hong Kong. Although Mr. Sergio Vieira de MELLO, the head of UNHCR Regional Bureau for Asia and Oceania, has indicated that the issue of mandatory repatriation was not expected to be discussed at the international refugee conference to be held in Geneva next month, it is believed that people from many quarters, the Hong Kong Government in particular, still hold out a forlorn hope on this option. Sir, I suggest that you will take with you the strong opinion of Hong Kong people to the conference, and that on the one hand you will urge the British Government to support our stance, and on the other hand, enlist the support of Britain in lobbying the representatives of other participating nations, the United States in particular, to reach an agreement over the policy of mandatory repatriation. It is believed that this is the only way to enable the existing screening policy to attain its deterrent effect so that Hong Kong may not have to take the ultimate step.

Sir, if these final efforts you have made on behalf of all Hong Kong people are of no avail, or the conference eventually fails to come up with a durable solution, then I think there is no alternative but to ask the Government to abolish the port of first asylum policy. Of course, a small number of people who do not understand the real situation and who do not suffer any pain brought about by the problem will inevitably point an accusing finger at Hong Kong through local and international mass media. However, under the premise of safeguarding the overall interests of Hong Kong people, should we be afraid of such unfair accusations? Before the western nations and organizations concerned criticize Hong Kong, I would like to draw their attention to an indisputable fact that in the past 10 years, Hong Kong has already done its best to implement the agreement reached by the Geneva Conference on refugees in 1979. The present crisis facing Hong Kong is in fact created by these western nations who have broken their promises by refusing to accept the boat people stranded in Hong Kong. Under the circumstances, do they have any right to criticize Hong Kong?

Moreover, the United States which has always been an ardent advocate of humanitarianism, has recently refused entry to Haitian refugees too.

I cannot agree with the claims that some foreign humanitarian organizations may ask their governments to take retaliatory trade measures against Hong Kong and that our external trade relations as well as international image will be affected accordingly. I am more inclined to believe that the decision of foreigners to make investments in Hong Kong is dependent upon the investment conditions here which include our economic policy, financial system, communication facilities, internal stability and so forth. If we are able to maintain favourable investment conditions, even if foreign investments are affected, our loss will not be great. Besides, the decision of the Government is supported by most Legislative Councillors and the great majority of Hong Kong people.

Perhaps some people are worried that Britain, which has all along been making use of Hong Kong as a port of first asylum to enhance its own humanitarian image in the international community, may not accede to the decision of the Hong Kong Government. I think such worries are unwarranted. Did our decisions not to implement the closed camp policy and the screening policy initially meet with opposition from the British Government? Thus, the problem is whether the Hong Kong Government only cares about safeguarding the dignity of Britain but bluntly ignores the strong public outcry for protecting the overall interests of our community.

I realize that it requires great courage to scrap the first asylum policy; but we should be able to minimize the adverse effects by taking comprehensive and moderate measures. All we have to do is to provide the necessary replenishment to those Vietnamese boat people who have intruded into our waters, or even repair their vessels for them so that they can safely return home or go to other places. At the same time, the Government should ask the UNHCR to set up a refugee holding centre outside Hong Kong as a means to demonstrate its sincere concern for the boat people issue. I believe that after abolishing the first asylum policy, Hong Kong may consider offering some kind of economic assistance to Vietnam.

Moreover an influential Chinese official has assured me that should the Hong Kong and British Governments be willing to abolish the first asylum policy, China can definitely offer a helping hand at any time, for the Chinese Government is most unwilling to see the stability and prosperity of Hong Kong being further disrupted by this problem. Feasible measures include issuing central directives to cities

along the south-eastern coast of Guangxi instructing local residents not to provide replenishment or sell vessels to Vietnamese people, and assisting Hong Kong to use large ships to ferry Vietnamese boat people from Hong Kong to Guangxi where they will take an overland route back to Vietnam.

Once the influx of Vietnamese boat people is successfully curbed, the next step is to urge the British Government to fulfil its basic commitment towards the territory by taking the lead to unconditionally increase its quota on the intake of refugees stranded in Hong Kong as well as lobbying other nations, through diplomatic channel, to adopt a common stance in upholding the internationally recognized principle of mandatory repatriation of illegal immigrants so as to compel Vietnam to take back all the boat people. In regard to economic assistance to Vietnam, I hold the view that such assistance should pass through the legal channels established by the United Nations, and that the Vietnamese Government should not be allowed to continue to blackmail other nations for financial aids through exporting its people. The international community should severely condemn this kind of hooliganism which is in fact a humiliation to the nation concerned.

To sum up, the nature of the Vietnamese boat people problem has completely changed. Western nations have taken the lead in breaking promises and the Vietnamese Government is not sincere and determined to solve the problem. Under the circumstances, I think we cannot determine our policy purely on humanitarian grounds, for the Government will only become more hesitant under the influence of such consideration. To get rid of the danger threatening the stability and prosperity of Hong Kong and to restore the confidence of the people, the Government should act quickly at this critical moment by proclaiming that the first asylum policy be abolished. This is what a wise and competent government should do.

Sir, with these remarks, I support the motion.

MR. MARTIN LEE: Sir, the problem relating to Vietnamese refugees, who have since been re-named Vietnamese boat people, has been with us for many years. But I regret that our Government has allowed it to degenerate into a crisis situation. And I regret even more that our Government has no long-term policy on the issue, but is dealing with the matter on a day-to-day crisis-management basis.

And this lack of leadership has resulted in an utter sense of frustration and

this caused a deep polarization of views among our people, so that even intelligent people resort to using very strong and unkind words on those who do not agree with them. A debate on this issue is therefore long overdue.

Sir, many people in Hong Kong today believe that as soon as we change our policy of being a port of first asylum, our worries will be over. But this is not so. First, the Hong Kong Government cannot come to such a decision on its own, for this pertains to foreign relations, so that only the British Government can scrap the existing policy of Hong Kong being a port of first asylum. And the present indications are that the British Government will not do this. Secondly, even if the British Government were to allow our Government to do it, it simply will not solve the problem. For what it means is that we will have no more obligation to receive the Vietnamese people as a port of first asylum. But we still cannot reject these people. For while Hong Kong is not bound by the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, Hong Kong, like all other countries, is bound by customary or general international law of "non-refoulement". And this means, in practice, that the Vietnamese boat people may not be forcibly returned to Vietnam unless they are in no danger of persecution. And under this principle of non-refoulement, it does not matter whether they are branded as refugees or illegal immigrants. The obligation on a country is not to reject them at the frontiers because they claim to be refugees, and this in effect amounts to giving them admission at least for the limited purpose of seeking temporary refuge.

Thus, even if we were allowed to cease being a port of first asylum, and treat all Vietnamese boat people as illegal immigrants, we will still be prevented by international law from rejecting them because they claim to be refugees. Of course, this principle has not been adhered to by some countries. But even if we were to follow their example, it would still mean that we have to make a decision of either to admit them or to push them out to sea again after giving them food and water. In the latter case, we would run the risk of seeing some of them drown in our waters, and thus incurring international condemnation. And in the former case, it would not be different from the 90% or so of the recent arrivals from Vietnam who are being screened out as illegal immigrants. And we still have to house and feed them until they are either resettled in other countries, or repatriated to Vietnam voluntarily or until Vietnam agrees to accept them on a forced repatriation basis.

Whether Hong Kong is or is not a port of first asylum, we are bound by international law in effect to admit the Vietnamese boat people at least to allow them to seek

temporary refuge. In fact, there is a difference which goes the other way. For if Hong Kong remains a port of first asylum, those arrivals who are screened as refugees will be resettled by the receiving countries. But if Hong Kong ceases to be a port of first asylum, all arrivals will be illegal immigrants, and the receiving countries will have no obligation to accept them. For this reason, it will be worse off for us if Hong Kong should cease being a port of first asylum. It is singularly unfortunate that our Government has not cleared up this misunderstanding, but has allowed it to become a gigantic red herring both inside and outside this Chamber. I therefore call upon the Administration to clarify this issue by informing this Council and the public the consequences of making such a move.

Sir, 11 months have elapsed since the Chief Secretary announced the adoption of the screening policy in this Council on 15 June 1988. And it is clear that this new policy has not achieved the desired deterrent effect and people are still coming from Vietnam.

Unfortunately, people think that the screening policy was the decision of the Hong Kong Government. This is clearly not so. For in reply to a supplementary question from me in this Council on 8 April, 1987, as to whether it would be for the Hong Kong Government or Her Majesty's Government to make the final decision on the screening policy, the then Secretary for Security, Mr. David JEAFFERSON said: "Sir, this issue involves Hong Kong's external relations, and Hong Kong's external relations are the responsibility of Her Majesty's Government".

The question no one has yet asked is this: Is the screening policy in the interest of Hong Kong or the United Kingdom? Let us first consider these facts. If all arrivals from Vietnam are admitted as refugees to Hong Kong as a port of first asylum, then all the receiving countries including the United Kingdom will have to take them from Hong Kong. And since the United Kingdom exercises sovereignty over Hong Kong, she will be expected to take more from us than the other countries. As to this, the record of the United Kingdom is abysmal. From 1979 until March 1989, the United Kingdom has accepted altogether 13 074 refugees from Hong Kong against 66 465 by the United States and 20 322 by Canada. In May 1987, the United Kingdom announced that she would accept 468 refugees from Hong Kong over a period of two years. The process started in July 1987, and so far only 348 have been resettled. And it is extremely doubtful whether the United Kingdom will be able to fulfil this promise in two months' time. In terms of money, Hong Kong has expended a total of about \$1.5 billion on the Vietnamese boat people programme. And although I have not been able to obtain the

figures showing the financial commitments of the United Kingdom, except the two recent payments amounting to a total of 8 million, there is no doubt that over the years, Hong Kong has paid much more than the United Kingdom.

Since the adoption of the screening policy, about 90% of the arrivals from Vietnam are being screened out as illegal immigrants. And as such they have to be kept in closed centres which are costing the Hong Kong taxpayers more money to run than if they were treated as refugees and kept in open camps. But much more importantly, once the Vietnamese boat people are screened out as illegal immigrants, the receiving countries, including the United Kingdom have no more obligation to accept them, and they become our sole responsibility. But if we were to scrap the policy of being a port of first asylum, then the arrivals would be 100% illegal immigrants as opposed to 90% under the present system, and they will all be our problem, and nobody else's.

But why should Hong Kong adopt the screening policy when it has increased our financial burden and caused Hong Kong to be criticized by other countries as being inhumane, and yet has not deterred the people of Vietnam from coming here? The answer is obvious. The screening policy reduces the responsibility of the British Government to accept refugees from Hong Kong.

The immediate consequence of implementing the screening policy is that Hong Kong must think of a way to repatriate those who have been screened out as illegal immigrants. After protracted negotiations, the voluntary repatriation scheme has recently been implemented, and two groups of illegal immigrants have been flown back to Vietnam. But not without expense from Hong Kong, for we have to make a contribution towards their "reintegration assistance."

But voluntary repatriation depends entirely on the free will of the Vietnamese boat people. And no one believes that our problem will be solved by this method alone.

The only other viable alternative is forced repatriation. But this cannot be attained without the co-operation of the Vietnamese Government. And it seems extremely unlikely that there will be any agreement on this in Geneva next month. But even if the Vietnamese Government were to agree to forced repatriation, the chances are that Hong Kong will be required to pay in one way or another.

For these reasons, I urge my colleagues in this Council and the people of Hong Kong not to continue to make the mistake of trying to solve the problem ourselves.

If they do, they will be playing into the hands of the British Government. If we were to press the British Government to work towards a forced repatriation scheme, as some of my colleagues are doing, and this was done, could we in the Finance Committee vote against any contribution towards the implementation of such a scheme? And if we were to press the British Government to allow us to scrap the policy of being a port of first asylum, as again some of my colleagues have been pressing, and that was done, could we refuse to give food and shelter to the illegal immigrants from Vietnam in our closed centres?

We must wake up to the truth, namely, that this is a problem for the British Government and not for us. The British Government which decided to adopt the screening policy must be made solely responsible financially for its implementation. The British Government has decreed that all arrivals from Vietnam be screened. Let it be. The British Government wants the refugees as well as the illegal immigrants to be housed and fed properly and treated humanely. Let it be. The British Government needs more time to resettle those who are given the refugee status. Let it be. The British Government wants to repatriate only those illegal immigrants who are willing to return to Vietnam under the voluntary repatriation programme. Let it be. The British Government needs much more time to negotiate with all parties concerned before a forced repatriation scheme can be put through. Let it be. The British Government wants us to pay for these programmes. We say: No. Thank you. For these are matters which pertain to foreign relations, and in the words of the Secretary for Security "Hong Kong's foreign relations are the responsibility of Her Majesty's Government."

We must therefore insist that from now on, the British Government must finance all Vietnamese boat people programmes in Hong Kong. And if the British Government will not do so, then we can do it for them in Finance Committee by deducting all these expenses from our future contributions under the Defence Cost Agreement. Some fear that the British Government will say that we are in breach of agreement. But it lies ill in the mouth of the British Government to accuse us of breaking an agreement when it has been shirking from its undoubted responsibility for so long over this matter.

Once we are agreed to take this line, which I have been advocating for some time, we need not be frustrated or excited any more. For this is an international problem which takes time to resolve. And there could be no solution without the full co-operation of the Vietnamese Government. But in the meantime, let the British Government for a change do the worrying for us, because they are footing the bill.

And in such a situation, our Government need not worry about the financial constraints in housing the Vietnamese boat people, so that it can provide accommodation to these people without adversely affecting our housing, social and other programmes for our own people.

In these circumstances, the people of Hong Kong will, I am sure, retain their calm and will not vent their frustration and anger on the Vietnamese boat people. Nor will they allow this issue to degenerate into a racial one.

And I hope our Government and the leaders of our community will sow the seed of love and understanding, because after all, the Vietnamese boat people are the unfortunate victims from a war-torn country with a broken-down economy. And just as many of our own people are bringing their children overseas so that they could have a better future, can we really blame these boat people who risk their lives in coming here so that their children will have a brighter future? Of course, the people of Hong Kong are emigrating legally into Canada, Australia and the United States whereas the people of Vietnam are coming to Hong Kong illegally. But to the people of Canada, Australia and the United States, this may be a distinction without a difference, for many of their people are complaining already that the recent immigrants from Hong Kong are taking good jobs from them, and pushing up their property market; and some simply do not like the colour of our skin. The question is: Do we really want to do this unto the people from Vietnam when we do not wish it to be done unto us?

Finally, on the wording of the motion. I am in full support of calling upon Her Majesty's Government to accept more Vietnamese refugees from Hong Kong for resettlement. But if I were to vote for the motion, it would imply acceptance of the screening policy which I believe to be more for the benefit of the United Kingdom than Hong Kong. Nor is the motion clear as to whether Hong Kong would have to pay anything under the repatriation scheme. I therefore feel that I should abstain when the vote is taken.

4.42 pm

HIS EXCELLENCY THE PRESIDENT: Members might like to take a short break at this point.

5.02 pm

HIS EXCELLENCY THE PRESIDENT: Council will now resume.

MR. NGAI (in Cantonese): Sir, the recent continual influx of Vietnamese boat people into Hong Kong has again proved that the screening policy has failed to achieve any deterrent effects. Since the introduction of the screening policy last June, we were almost at our wits' end before we managed to have a few batches of boat people, amounting to a hundred odd, repatriated to Vietnam. None the less, Hong Kong had to take in more than 2 500 new arrivals during the first eight days of this month alone. Sir, the inflow of Vietnamese boat people into Hong Kong is definitely not in proportion to the number leaving for settlement overseas. As a result, the exacerbating burden upon the local community has stretched our tolerance to the limits.

Sir, in considering the interests of the local community against the well-being of Vietnamese boat people, I firmly believe that the Hong Kong Government should set itself on public interest and conduct a review to assess the impact of this unsuccessful screening policy.

Broadly speaking, two types of arguments are falling on our ears concerning the recent policy on Vietnamese boat people. Some are protesting that Hong Kong has been stifled by the problem of boat people. Hence, for the overall political and economic interests of Hong Kong, we need to review our screening policy. As there is no way for the screen-outs to be repatriated, the screening policy proves to be a failure, and the policy of first asylum has to be scrapped. We have already fulfilled our obligations on humanitarian grounds. However, there is another kind of argument holding that Hong Kong is under the obligation to honour the commitments of the British Government. Neither the screening policy nor the status of first asylum should be changed. Though there is a shortage of accommodation for our residents, our officials are bustling in search of suitable places for lodgings for the impending arrivals from Vietnam. Though there are not enough school premises for our children, our officials are busily engaged in making arrangements for the schooling of the children of our invited Vietnamese guests who are due to arrive shortly, fearing that we are not hospitable enough. This is said to be humanitarianism and international commitments.

Just now, the Honourable Martin LEE explained in great detail the legal

implications of the port of first asylum and mandatory repatriation. I would like to thank him for initiating me into some concept of law. Mr. LEE also reminded us that we might fall into the trap of the British Government if we tried to solve the problem on our own. None the less, I must say I cannot agree with Mr. LEE on this. It is undeniable that Britain lacks the enthusiasm in dealing with the problem. The intention to shirk responsibility is obvious. Recently, Britain has been prevaricating, sidetracking and dilly-dallying on this. If Hong Kong does not try hard to find a way out, it can only await its doom as the matter drags on.

Sir, sending illegal immigrants away is a measure conforming to principles and practices of international law. We have been conscientious in applying these international regulations to illegal immigrants of all nationalities save those from Vietnam. On what grounds is this impartiality based? It is simply a joke. We have been taken as fools who may be easily duped. That is something hard to swallow.

Sir, as a representative of the community, I cannot help raising three questions --

Firstly, for how long do we have to shoulder this heavy burden?

Secondly, there are people who tread upon others and yell at the top of their voice for human rights and moral obligations. To whom should the trodden appeal for human rights and moral obligations?

Thirdly, it is said that the screening policy should not be changed and Hong Kong's role as the port of first asylum should not be changed either. For those high-ranking officials and groups who maintain that nothing should be changed, in whose interest are they making such statement?

Sir, may I put forth my proposal here. For many years, Hong Kong has fulfilled its international obligations towards Vietnamese boat people. Besides, those who find their way to Hong Kong are mostly young and able-bodied adults. No screening needs to be made before one can safely determine that these young people and children are not war refugees. Yet we still accept them without discrimination. We accept and support them although we are confronted with a situation that virtually none of them will depart after arrival. Our generosity is witnessed by the whole world. As to our "honourable" guests from Vietnam, their fightings, killings and riotings are also witnessed by everyone in our community. We should immediately revise our

screening policy and cease to be a port of first asylum. While asking the British Government who puts upon us at our reluctance the first asylum policy to assume full responsibility to resolve the boat people issue in two to three years, I support the proposal of some of our colleagues that we should charter ocean going ships to take these boat people back to Vietnamese waters safely and comfortably. They should be provided with small boats and food to complete the last part of their voyage home. Some worry they might get drowned. I think such worries are unfounded. It is just like worrying the heaven may fall. If they can endure the distant voyage to Hong Kong in high seas, would the uneventful sail on familiar waters within a stone's throw of their home shore be dangerous to them? Of course, there might still be certain technical details to be sorted out. Just now, the Honourable HUI Yin-fat suggested soliciting assistance from China to repatriate boat people by an overland route. This is undoubtedly one of the most effective measures to solve the boat people issue. It is hoped that Government will give due consideration to the proposal.

Sir, with these earnest remarks, I support the motion.

MR. TAI: Sir, since you took up your governorship in Hong Kong I think it may be the first time that you are in some form of a dilemma as to your capacity as the Governor for the people of Hong Kong and as an official from Her Majesty's Government taking up the governorship of Hong Kong. Indeed it is difficult to reconcile the dual role.

Understandably, there is a lot of international pressure on Hong Kong to remain as a port of first asylum, which runs contrary to the wishes of the great majority of the people of Hong Kong that we should abandon this policy.

The man in the street reacts furiously to our present policy of admitting Vietnamese boat people to Hong Kong in great numbers whilst sending them back in small numbers on plane loaded with hi-fi sets and large amount of personal belongings. Many people wonder whether we are not ourselves tempting the boat people to come to Hong Kong, or at least indirectly encouraging them to come here by offering them this form of material gain.

We have to admit that at this stage Hong Kong cannot control the influx of these accidental tourists from Vietnam. There have been hundreds of new arrivals since the beginning of this month but there are no signs to suggest that the situation will be improved in the near future.

I understand that the Administration is examining a number of options. However, all these options tend to be reactions or emergency measures to cope with the crisis. They are not themselves solutions to the problem. As a matter of fact, I do not think Hong Kong alone can solve this problem without the support of Her Majesty's Government, the United Nations and other countries concerned.

Throughout the years Hong Kong has performed a "lifeguard's" role rescuing or saving thousands of refugees and non-refugees from the China Sea. As far as this role is concerned, we have done a reasonably good job. We have saved thousands, fed and clothed tens of thousands and even absorbed hundreds of them into our community. I am sure we have done more than a lifeguard can do despite our limited resources and other challenging domestic problems that we have to encounter during the transitional period.

However, a lifeguard's job is mainly to rescue people from the rough sea. One cannot expect a lifeguard to act also as a foster parent or even adoptive parent, giving the rescued a permanent home. The rescued must go back to their own homes eventually. If it happens that the rescued child is an abandoned one either the natural parents should take him back or the child should be helped to look for adoption. By no means should the lifeguard take up the sole responsibility of providing long-term care for such a child, even if he is willing to help.

Nevertheless, Hong Kong has the first reception centre for boat people, has been forced into acting both as a lifeguard and foster parent home for more than 10 years. It is most unfortunate that sometimes we are blamed by the international community for not treating the boat people well enough. I suppose people who have made such comments simply ignore the fact that Hong Kong is not responsible for creating such a problem and that our resources have been exhausted. I think the majority of Hong Kong people would expect our Government to rescue people from the high seas when they are in trouble without expecting any kind of reward, but we do not like to be a scapegoat and let the burden be passed on to us.

The problem of Vietnamese people has already threatened the integration and stability of our society. Whilst the Honourable Secretary for Security is trying very hard to seek emergency centres for the boat people, members of the public are asking why we should take up the job, and how long we have to shoulder such a burden.

The open camp policy and boat people's camp in residential communities without careful planning and adequate consultation is in itself a risk for crisis. We are trying to establish a different community in a community as a sub-culture within a dominant culture. This would threaten our integration and social stability and would induce unnecessary confrontation between the Government and local residents. Most of all we would increase the hardship being faced by the residents in districts where open camp and reception centres are being situated, presenting all kinds of social problems, of which I am sure the Administration is fully aware. The credibility of the Government of Hong Kong has suffered seriously due to the boat people issue and a credible and responsive government is what we want most during this transitional period.

The exodus of Vietnamese boat people is an international issue which should be dealt with by the central governments of all countries concerned. Hong Kong should not be expected to be relied upon to solve the problem alone. We have performed reasonably well as a "lifeguard", and it would be unfair and unrealistic to expect Hong Kong to continue to support these people endlessly.

No one would blame the lifeguard for not being able to secure a permanent place for the abandoned child whom he has rescued from the high seas. By the same logic, Hong Kong cannot be blamed for not being able to place thousands of boat people who risked their lives for a better standard of living.

Balancing the various factors involved, such as humanity, the consequences to Hong Kong of a large influx of boat people, the attitude of the international community in terms of financial assistance to Hong Kong, resettlement of these people, or assistance in the repatriation of the boat people, unless we have some very positive solution to resolve the problems once and for all from the Geneva Conference in June, we cannot continue with the present policy of being the first port of asylum which only will strengthen the bargaining power of Vietnam at the conference table. In part, the initiative for changing this rests with the Administration and you, Sir, as the Governor of Hong Kong.

MR. LAU WONG-FAT (in Cantonese): Sir, the Vietnamese boat people problem has been worrying Hong Kong for the last ten years and so far cost local taxpayers almost \$1.6 billion. While the Administration has been driving itself hard to arrange for their resettlement, there are widespread clamours of discontent and complaints from the

local population. As a matter of fact, the Vietnamese boat people issue has already begun to show its disturbing and fretful effects on our community. However, much to our disappointment, the Hong Kong Government is still in a helpless position to tackle this problem.

Hong Kong was officially made a port of first asylum in 1979 following the conclusion of an international agreement in Geneva. According to that agreement which the British Government had subscribed to on Hong Kong's behalf, a port of first asylum only bears the responsibility of providing temporary accommodation for refugees pending their final resettlement in countries elsewhere. Thus, it cannot be more explicit that Hong Kong, as a port of first asylum, is only obliged to provide the genuine "refugees" with temporary accommodation. Nevertheless, the problem that faces us today is no longer concerned with refugees and humanitarianism. In recent years, Hong Kong has been beset by a continuous sea-borne influx of Vietnamese whose motives and reasons for fleeing their own country are greatly different from those of their predecessors. A large majority of them are not political refugees. They are, by any internationally recognized standard, downright illegal immigrants who are basically no different from the illegal immigrants who steal into Hong Kong from China or those who sneak from Mexico into the United States. The international practice in handling this kind of cases is to repatriate them.

In recent weeks, there has been another upsurge of new arrivals. The total number of boat people and refugees stranded in Hong Kong has rapidly grown to more than 30 000. This has not only caused difficulties in providing them with accommodation, but also directly put the livelihood and overall interest of the local population in jeopardy, bringing about serious social impact. It is obvious that the existing screening policy has virtually failed to deter boat people from coming to Hong Kong. The screening policy has not been able to produce its intended effect. The crux of the problem lies largely in the absence of an effective repatriation arrangement. However, Hong Kong's ability to implement such an arrangement is crippled by the absurd decision of the Vietnamese Government to refuse acceptance of any non-voluntary repatriation of these boat people. Under such circumstances, the only workable measure that Hong Kong may resort to is to stop playing its role as a port of first asylum.

Sir, there is no excuse for Britain, as the sovereign state responsible for the administration of Hong Kong and being the nation which subscribed to the Geneva agreement on behalf of Hong Kong, not to take up responsibility in finding a solution

to the Vietnamese boat people problem for Hong Kong. It is, however, regretful to note that the British Government has obviously not done enough in this area and apparently fails to live up to its status of a sovereign state. Despite repeated appeals by the general public, the district boards and the Executive and Legislative Councils, the British Government is still unwilling to offer any assurance of a substantial increase in its resettlement quota for refugees stranded in Hong Kong, nor has it made any positive move to share the huge expenditure on the boat people in Hong Kong. Instead, the British Government has made a counter proposal that any increase in its resettlement quota should be conditional on corresponding response by other resettlement countries. This is indeed a totally irresponsible approach. The British Government has for many times vowed to fulfil its moral obligation towards Hong Kong, but they are merely empty promises that lead us to nowhere. All in all, the people of Hong Kong are greatly discontented with the way that Britain has taken in handling this issue.

In fact, Hong Kong people's resentment at Britain's attitude in the Vietnamese boat people issue has almost brought them to their limits of tolerance. Given the small size and high population density, it is simply impossible for Hong Kong to impose no restriction on the intake of these boat people. At present, the level of expenditure on Vietnamese boat people is actually beyond Hong Kong's affordability; if Hong Kong keeps on accepting such uninvited guests indefinitely, our community will inevitably be reduced to a Vietnamese "colony". In my view, the British Government and Hong Kong Government should not sacrifice the interests of Hong Kong people in exchange for the vain glory of being humanitarian. In recent years, the major participating countries which subscribed to the Geneva agreement have significantly reduced their intake of Vietnamese boat people from first asylum countries, leading to a substantial increase in the number of stranded Vietnamese boat people in Hong Kong. Such a move represents a departure from the spirit of the Geneva agreement. Since the major resettlement countries (including Britain, the sovereign state of Hong Kong) have not been implementing fully and faithfully the terms of their agreement at Geneva, Hong Kong is no longer bound by any moral or rational or legal obligation to bear the onerous burden of being a port of first asylum.

Finally, I would like to reiterate that the participating countries of the Geneva Conference should honour their words and fulfil the terms of their agreement. The British Government should set a good example by taking upon itself the full responsibility of solving the Vietnamese boat people problem in Hong Kong. If these

countries break their promises and refuse to take the responsibility, there will be no need for Hong Kong to bear this increasingly heavy burden and we shall have every right to make our own choice and our own decision.

Sir, it is time to act decisively. If the forthcoming Geneva Conference on Indochina refugees to be held in June fails to come up with any practical and feasible measure to help Hong Kong resolve the Vietnamese boat people problem, I think, for the sake of the interests of the whole community, Hong Kong should discontinue its role of being a port of first asylum and that the Hong Kong Government should stop allocating any more funds for the Vietnamese boat people.

With these remarks, I support the motion.

MR. ARCULLI: Sir, there is nothing worse than unjustified and unfair criticisms except a total disregard for Hong Kong's position.

Criticisms that Hong Kong is uncaring, heartless, harsh and so on in its treatment of the Vietnamese boat people and refugees have been expressed from time to time by the UNHCR, some senators of the United States, some members of voluntary agencies and individuals. Some of them have even been good enough to remind us that our present attitude is not in our own interest in case we find ourselves in a similar position post-1997. Our critics should however examine the history of this whole unfortunate affair to see where the responsibility rests.

Sir, there is no doubt that the decision in 1979 that Hong Kong be a port of first asylum was one concerning external affairs and therefore constitutionally it was a matter solely in the control of Her Majesty's Government. This decision was part and parcel of an international understanding that the international community would resettle all Vietnamese refugees. This was all very laudable until the resettlement part of this international agreement broke down. In the event, even before the recent influx, Hong Kong, therefore, became lumbered with far too many Vietnamese refugees and boat people. If Hong Kong had used its traditional commercial acumen one would have expected strong pressure being brought on Her Majesty's Government to reverse the first port of asylum policy for Hong Kong by simply saying: well, you and the international community have not lived up to your side of the bargain and therefore we too will abandon our side of the bargain. But this was not done. In the meantime Hong Kong has done its best to try to cope with the problem including bearing almost

the entire financial burden. Our community has been asked to live with this situation with a hope and a prayer that a durable solution is within reach. Is this the action of an uncaring or heartless community? Clearly not. As time drags on everyone feels that their plight is worse than the next. This might be an understandable frame of mind for most of people or communities except the Vietnamese Government and Her Majesty's Government. The Vietnamese Government claims that it is helpless in attempting to stop its people from leaving. Even if there were a shred of truth to this there seems to be no explanation whatsoever as to why they are not prepared to take those back that are not refugees. The position of Her Majesty's Government is perhaps clearer: time is on their side. The Vietnamese are not landing in the United Kingdom, they are landing here. The United Kingdom is not making any significant payment towards the total bill, we are. The United Kingdom is not the subject of constant criticism, we are. Sir, I am convinced that the time to take firm action has long passed. Her Majesty's Government must be given a clear and unequivocal message that we are entitled to expect and indeed demand that Her Majesty's Government fulfil its obligation to Hong Kong by --

- (1) accepting for resettlement much more refugees from Hong Kong and thereby encouraging others to follow suit;
- (2) paying the lion's share of the cost of the Vietnamese refugees and boat people in Hong Kong;
- (3) pressing the international community to accept much more refugees from Hong Kong as well as bear their fair share of the financial burden, particularly those countries that do not have a first port of asylum policy or those that do not accept refugees for resettlement;
- (4) pressing the Vietnamese Government to accept mandatory repatriation; and
- (5) taking such further action against Vietnam including trade sanctions to prevent further outflow of people.

Sir, with these remarks, I support the motion.

MR. PAUL CHENG : Sir, after serving over 10 years as the major clearing house for Vietnamese refugees and boat people and having spent well over \$1.5 billion, Hong

Kong by any measure has been an outstanding global citizen. We can stand mighty tall for what we have done and we should be mighty proud of our citizens who have been patient and understanding for so long. Despite the fact that this is an international problem, one which must necessarily be resolved through international diplomacy by the United Kingdom Government, Hong Kong has without a shadow of doubt done more than its fair share.

That is why we need no longer be unduly worried about our international image and reputation. Instead, we should be receiving international acclaim for our contribution to date. It is, therefore, totally insensitive and outrageous for the UNHCR representative and those who work for the various voluntary agencies to shower condemnation that Hong Kong is being inhumane and that the services provided for these illegal immigrants are inadequate. Let me ask these people who incidentally are guests in Hong Kong how many other countries in the world treat illegal immigrants the way we do? All countries repatriate illegal immigrants; they do not house and feed them and provide schooling for their children. We are long past the stage when the Vietnamese can be referred to as refugees and boat people. Let us call a spade a spade. They are mostly illegal immigrants.

It would be an understatement for me to say that sentiments are running high. Hong Kong citizens are tired, and rightly so, of playing host. The Administration must send a clear message to Her Majesty's Government that concrete steps must be found at the international level to resolve this problem and that Hong Kong must be allowed to change its policies.

At the upcoming Geneva Conference, the world, and in particular, the United States and France, must be informed through the official United Kingdom delegation, that unless the international community can successfully pressure Vietnam into accepting mandatory repatriation -- Hong Kong will have to drop its role as the first port of asylum. There is simply no other alternative.

In the meantime, we must turn back all the boat people who have stopped off in China on their way here back to China. We turn back Chinese illegal immigrants, so we must be consistent in turning back Vietnamese who came through China -- even if they merely stopped off to "refuel" or to avoid bad weather along the way. China must play its part, especially since it has repeatedly indicated this problem must be resolved before 1997.

As Legislative Council Members we should not get too involved with discussions on where and how the Vietnamese refugees and boat people should or should not be housed. This is an operational matter which is the Administration's responsibility. We must instead concentrate our efforts in pressing the United Kingdom Government and the Hong Kong Administration to change our policies -- to take a tougher stance. We need to find ways to send these illegal immigrants back to Vietnam, so that not only the Vietnamese Government, but those who are planning to sail for Hong Kong know that our door is closed and that we mean it. For instance, the idea of chartering ships to bring the illegal immigrants back to within 12 miles of Vietnam's shorelines, and transferring them onto smaller boats -- then pointing them towards their homeland may be a solution that is certainly worth further exploration. This method also has the benefit of not having to wait until everyone agrees on mandatory repatriation.

There is no question that the Hong Kong Administration has a difficult role to play. However, when the chips are down, the interest of Hong Kong must outweigh all other considerations. Whilst I do understand most Legislative Council Members are reluctant to stop further funding, we are fast reaching the point whereby this may well be the last resort within our powers to impress upon, not only the Administration, but Her Majesty's Government, and for that matter the rest of the world that urgent actions must now indeed speak louder than words.

Let us hope that those representing the United Kingdom (and thus Hong Kong) at the Geneva Conference fully appreciate our frustration and strong feelings and that an all-out effort must be made to move us at least to a point where there is light at the end of this long tunnel.

Sir, with these remarks, I support the motion.

MR. MICHAEL CHENG (in Cantonese): Sir, I remember that during the same period in May last year when summer had just set in, the local community was deeply distressed at witnessing the start of another massive influx of Vietnamese boat people. Being the chairman of the Wong Tai Sin District Board then, I took the lead to submit a paper for discussion by the district board, proposing that Hong Kong should cease to serve as a port of first asylum. Subsequently, my attempt won the support of most of the district board members and local residents. As a result, other district boards soon followed suit in giving their support to the proposed cancellation of Hong Kong's first asylum policy; and in mid-June last year, the Government introduced the

screening policy. None the less, after the policy has been implemented for almost one year, we witness at the onset of this summer an escalation of the Vietnamese boat people problem to a far more serious extent than that of last year. The number of new arrivals is more than double the number registered during the corresponding period last year, with signs indicative of an even drastic increase in their number. Fifteen thousand Vietnamese are expected to arrive in Hong Kong during the period from May to July. So far, more than 33 000 Vietnamese boat people and refugees are stranded in Hong Kong. A large majority of them have been screened out as illegal immigrants. The screening policy has failed to stem the massive influx of Vietnamese boat people. It fully demonstrates that the policy has not achieved its intended effect.

Sir, Hong Kong has been beset by the problem of Vietnamese refugees for 10 years. In July 1979, the British Government and other participating countries subscribed to an agreement at the Geneva Conference on refugees to the effect that Hong Kong should become one of the ports of first asylum for the Vietnamese refugees. However, as time went by, the circumstances have changed. In recent years, most of the boat people fled Vietnam for economic reasons, rather than on grounds of political persecution. It is very clear that they are not refugees. In the past decade, the British Government has indeed won the good reputation of being "humanitarian" on the international arena, leaving the consequential burden to rest squarely on the people of Hong Kong. From January 1979 till now, over \$1.8 billion of public money has been spent on Vietnamese refugees, boat people and illegal immigrants. Had such huge funds been made available for other welfare services, surely the people of Hong Kong would have been benefited more.

Take the recent allocation of funds for example, the Hong Kong Government has prepared to make an allocation of over \$200 million for the implementation of its open door policy of "building big houses in anticipation of the impending arrival of the Vietnamese boat people". Such generous attitude of our government in allocating funds for the reception of the Vietnamese boat people is a striking contrast to its usual austerities in the allocation of funds for welfare services. For instance, several schools whose students are gravely affected by the noise generated from the nearby highway traffic, have applied for a mere sum of a few million dollars for the installation of noise abatement facilities. Yet, after a lapse of several years, these schools are still awaiting the release of such funds.

Our resources have been overstretched in providing the necessary accommodation facilities and management personnel for the Vietnamese boat people. It is difficult

to find any suitable place to build detention centres for them. Furthermore, Correctional Services Department staff in charge of the centres are about 40% short of their full strength. Under such circumstances, Hong Kong cannot and should not accept these Vietnamese boat people interminably. In fact, Hong Kong has tried her utmost in taking care of the Vietnamese.

The screening policy implemented in Hong Kong will be effective only if mandatory repatriation of all those screened out as non-refugees can be put into effect. The Vietnamese boat people issue, in fact, is a diplomatic concern of Britain. It is beyond the power of the Hong Kong Government to handle. However, Britain being Hong Kong's sovereign state, is totally irresponsible in this matter. She has not taken into consideration the interest of the Hong Kong people but has acted contrary to our wish. In order not to offend her United States ally who is always against the idea of mandatory repatriation, the British Government is not enthusiastic at all in striving for mandatory repatriation on behalf of Hong Kong. Her inertness indirectly encourages more boat people to come to Hong Kong.

On the other hand, recent development indicates that the Vietnamese Government, which is in a competent position to stop the illegal outflow of boat people, seems to be exporting her people with a view to gaining bargaining power at the international conference.

In my opinion, in order to seek a durable solution to the Vietnamese boat people issue, the imperative task before us is to take a two-pronged approach to repatriate all the Vietnamese boat people already in Hong Kong on the one hand and to check the continuous influx of boat people on the other. The British Government should fulfil her responsibility by taking the lead in accepting the refugees stranded in Hong Kong and helping the remaining refugees find resettlement overseas as promptly as possible. Furthermore, the British Government should help Hong Kong repatriate those screened out as non-refugees back to their country of origin.

At the same time the British Government should urge other countries, especially the United States and the United Nations, to exert pressure on the Vietnamese Government to stop exporting any more boat people and promise to take back all the screened-outs stranded in Hong Kong.

On our part, Hong Kong should cease to approve further funds for the construction of various kinds of centres for the Vietnamese boat people. By so doing, we intend

to let the boat people realize that there will be no place for them in Hong Kong and that being economic migrants they are not eligible for resettlement overseas.

Sir, your dedication and affection towards the Hong Kong people have earned the respect of the community. Whilst we are fully aware that the existing Vietnamese boat people issue has placed you in a difficult position, may I ask you to make a greater effort to reflect the present situation in Hong Kong to Britain and urge the British Government to make sincere and vigorous efforts at the Geneva Conference next month to help Hong Kong people resolve the Vietnamese boat people problem that has been causing great distress to us. If the Vietnamese Government does not accept the principle of mandatory repatriation, we should scrap the first asylum policy and declare all Vietnamese arrivals as illegal immigrants. They should be treated in the same way as illegal immigrants from China, that is, to be repatriated immediately upon arrest. They should be taken in big ships to the open sea near Vietnamese waters before they are arranged to continue their voyage to Vietnam in small boats, supplied with sufficient life jackets, food and water. This approach may be criticized as inhumane and lead to certain consequences. However, if we do not resort to this measure, Vietnamese boat people would come to Hong Kong in even greater numbers. On their voyage to Hong Kong, many of them would get drowned, many families would break up and many women would be raped. Those who allow these extremely tragic incidents to happen are truly inhumane. The Vietnamese Government keeps on exporting her people, without any regard to their safety. The aforesaid unfortunate incidents would continue if we do not take positive action to deter such exodus. How can we salve our conscience then?

The United Nations High Commissioner for Refugees only talks about humanitarianism. It shows favour towards the Vietnamese boat people and yet it takes no positive action to stop Vietnam from exporting her people and pays no attention to the heavy burden and great distress thus imposed on Hong Kong. One of the officers in charge of UNHCR's Bureau of East and South Asia and Oceania Mr. A CASELLA even made cynical comments that Hong Kong people are affluent enough to afford the expenses and that the ratio of boat people to Hong Kong population is still not too great. This shows a complete lack of sincerity on the part of the United Nations in resolving Hong Kong's Vietnamese boat people problem. This is extremely unfair to the people of Hong Kong.

Finally I would like to point out that the Vietnamese refugees issue is an international issue and a foreign affairs issue for Britain. It started in 1979 when

Britain subscribed to an agreement with other countries that Hong Kong should become one of the ports of first asylum for Vietnamese refugees. To solve this problem, Britain as our sovereign state must assume full responsibility. Therefore, all expenses incurred by Vietnamese boat people, including the construction of the centres for the boat people and the management and maintenance of the boat people, should be shared by Britain and UNHCR.

Sir, with these remarks, I support the motion.

MR. DAVID CHEUNG: Sir, nothing can be more excruciating than to anticipate the explosion of a time bomb. The problem of Vietnamese refugees and boat people in Hong Kong is a time bomb.

I am extremely concerned about the ramification of the problem. Let us not under-estimate the sentiments of the Hong Kong people who, through no fault of their own, have been enduring the pains brought about by the problem for 10 years. We have spent huge sums of money to little or no avail. Our patience has been stretched to the limit; and anger and dissatisfaction are mounting. This is evident from the tone of the recent representations made to OMELCO from all quarters.

Beyond any shadow of doubt, it is the responsibility of Her Majesty's Government to find a satisfactory solution to the problem. As the Chinese saying goes, the knot can only be untied by the one who tied it (). Her Majesty's Government must untie the knot the sooner the better. Her Majesty's Government must not shirk her due responsibilities, neither should she expect Hong Kong to continue shouldering the problem.

All nations, friends or foes, who wish us well or ill, must be sensible enough to recognize that the problem of Vietnamese refugees and boat people in Hong Kong has reached crisis magnitude because we do not see a solution to the problem.

We in Hong Kong have every reason to be proud that we have been facing up to the problem most graciously for 10 years. We are still facing up to it with a stiff upper lip. But is it fair for the international community to expect us to shoulder the burden endlessly?

It bewilders me why so few countries have been willing to stretch out their arms

to help Hong Kong alleviate the problem. And yet it has been repeatedly suggested to us that Hong Kong would be inhuman if it ceased to be a port of first asylum. Let those who criticize us demonstrate their humanity by taking concrete steps to ease our burden and, eventually, solve our problem. Hypocrisy is unpardonable.

Hong Kong must therefore contemplate and subsequently adopt some self-help measures to rid ourselves of the burden. Most of the Vietnamese sailing into Hong Kong waters today can no doubt be regarded as illegal immigrants. I suggest the first step is to repatriate as a matter of course those Vietnamese who have been screened out as non-refugees. Since mandatory repatriation of illegal immigrants is a common international practice, I think our action is perfectly justified unless the reception countries open their doors to these boat people. I wonder what would Her Majesty's Government or the United States Government do if Hong Kong people go to the United Kingdom or the United States the way the Vietnamese boat people are coming to Hong Kong.

At the same time, pressure must be put by the international community on the Vietnamese Government to stop exporting its people. In this regard, China can also help by blocking the access to Hong Kong of those Vietnamese who have landed in Chinese territory.

Having taken the first step, we look to the international community to find ways to have all Vietnamese refugees stranded in Hong Kong resettled elsewhere. Her Majesty's Government must take the lead; so must the United States and France. After all, they have had much to do with the problem we are facing.

Hong Kong has suffered enough of the problems created for us by others. Our people have been patient and generous enough. But there must be a limit as to how much more we can withstand the problem which is becoming more grievous. If Her Majesty's Government genuinely means what she said in the Joint Declaration -- that is that she would be responsible for the administration of Hong Kong with the object of maintaining and preserving our economic prosperity and social stability, she must, at the Geneva Conference next month, exert her influence on both the Vietnamese Government and the international community to accept and implement mandatory repatriation of non-refugees, and resettle refugees. In the meantime, she also has the moral obligation to at least share with Hong Kong, if not bear fully, the expenses on looking after the Vietnamese refugees and boat people who are still here in Hong Kong.

With these remarks, Sir, I support the motion.

MR. CHOW (in Cantonese): Sir, Hong Kong has been plagued by the Vietnamese refugee problem since the first batch of Vietnamese arrivals sailed into its harbour in 1975. In June last year, a telephone survey conducted by the Government showed that the Vietnamese refugee problem has become one of the three major causes of concern among the people of Hong Kong. And the debate today also arises from the same problem.

In 1979 when a large number of refugees arrived at Hong Kong and Britain made the decision of turning Hong Kong into a port of first asylum, I think the public at large could then appreciate the situation. In terms of sentiment and on humanitarian grounds, Hong Kong people were reluctant to reject those Vietnamese refugees who took to the sea for political reasons, and therefore let them stay in the territory temporarily. However, on the rational side, they knew that Hong Kong could not manage to solve the refugee problem. At that time, Hong Kong accepted the decision and became the port of first asylum, while the western countries undertook to resettle those Vietnamese refugees.

Nevertheless, since mid-1987, the arrivals far out-numbered those who left the territory. Moreover, since the beginning of 1986, refugees were basically coming from North Vietnam. In other words, less refugees were coming to Hong Kong for political reasons. Since the two reasons for Hong Kong to take up the role of the first asylum in 1979 no longer stand, that is, that Vietnamese refugees might be subjected to political persecution and that efforts were made by the western countries to accept refugees, why then should Hong Kong not abolish its first asylum policy?

A more serious situation is that the refugee burden which Hong Kong has been shouldering for over 10 years has aroused greater dissatisfaction among its people. An opinion poll conducted before the implementation of the screening policy and the open camp policy indicated that 70% of the people favoured the abolition of the first asylum policy. From experience, it is evident that the screening policy has induced more boat loads of arrivals and the open camp policy has resulted in direct conflict between locals and the Vietnamese. Such being the case, it is believed that no further opinion survey would be needed to gauge the public attitude towards the first asylum policy. For it would be no doubt a waste of resources to find out views which are perfectly clear to everyone.

Obviously, the solutions to Hong Kong's Vietnamese boat people problem are, in sequence, to abolish the port of first asylum policy; to implement screening policy and mandatory repatriation, and to urge the western countries to increase their intake of refugees. Regrettably, under the influence of Britain, the priority of our policies is just the reverse.

As the initiator of Hong Kong's refugee policy, Britain should be fully responsible for the 30 000-odd Vietnamese refugees and boat people stranded in the territory. Regrettably, more is said than done by Britain. If we deem it despicable of the Vietnamese Government to send out boat people in exchange for foreign currency, it would not be too far-fetched to say that Britain's cosmetic humanitarianism is shameful. In 1982 when nearly 8 000 refugees arrived at Hong Kong, Britain took the lead to cut sharply its refugee intake from Hong Kong, with the quota of 1 700-odd in 1981 dropping to that of 200-odd in 1982. In the same year, the United States accepted over 5 000 refugees directly from Hong Kong while Canada also accepted more than 1 000 refugees. Does Britain not feel ashamed? As a consequence of Britain's action, other countries followed suit. In 1983, the United States just accepted around 200 while Canada accepted only 500-odd. After forcing Hong Kong to become the port of first asylum, Britain, being the sovereign state of the territory, took the lead to slash considerably its quota of refugee intake, and even dared to say that Hong Kong would be inhumane should she stop being the port of first asylum. When did English gentlemen begin to turn into "Yue Bu Qun" (), the villain in disguise in swordsmen novels?

Is Britain very humane in taking 200-300 Vietnamese refugees annually? When Britain's commitment of accepting up to 1 000 refugees in the coming two years is still ringing in our ears, there are reports that out of the 400-odd refugee quota which Britain undertook two years ago to fill before the end of June this year, over 90 places are still unfilled. So, British humanitarianism only applies to these Vietnamese refugees having relatives in Britain. Should humanitarianism be practised with discrimination?

Talking about the financial commitment for refugees, as far as I can recall, Britain contributed a total of 7 million (that is, less than HK\$100 million) to the United Nations High Commissioner for Refugees (UNHCR) in October last year and April this year. Nevertheless, out of the vote endorsed by the Finance Committee, Legislative Council in June, August and November last year and April this year, nearly \$600 million was used to meet the non-recurrent expense of building refugee camps,

detention centres and so on. All such financial commitment was borne by Hong Kong. Moreover, the additional staffing and administrative outlay entailed on various departments in handling the refugees and boat people problems have not yet been taken into account!

If the western countries condemned Hong Kong's request to cease being the port of first asylum as inhumane, we may as well emulate these "salesmen of humanitarianism" by accepting 200-300 refugees annually and contributing several tens of million dollars to the UNHCR after abolishing our first asylum policy, so that Hong Kong would be on a par with other countries as far as humanitarian spirit is concerned.

As regards the screening policy now in force, it is beyond doubt that this policy has proved to be a total failure after enforcement for 11 months. In his reply to a Member's question early this year, the Secretary for Security said that the policy would not be reviewed until this summer when it would be known whether the screening policy has been an effective deterrent. Nevertheless, boat people arrive in great numbers even before summer! At present, there are a total of 33 000-odd boat people and refugees stranded in Hong Kong, and it is rumoured that 15 000 boat people are heading towards the territory. In the middle of last year, the Security Branch estimated that the screening policy would have a deterrent effect when the Vietnamese knew that Hong Kong was no longer a stepping stone for overseas resettlement. In a Finance Committee paper, it was even expected that the increase on the number of Vietnamese refugees stranded in Hong Kong would level off when it finally reached 25 000 by 1990. Regrettably, such optimistic expectation has not been realized. The number of Vietnamese stranded in Hong Kong now exceeds the figure estimated last year without the screening policy. What is more noteworthy is that the total number of boat people arriving at the major places of asylum in South East Asia in 1988 increased by almost 50% over the figure in 1987, but in the case of Hong Kong it was a six-fold increase!

The increase in total number of Vietnamese refugees and boat people may certainly be attributed to the Vietnamese authorities, but the fact that the Vietnamese boat people show a special preference for Hong Kong is something that needs some introspection. It was only around a month ago that the Vietnamese boat people started to come to Hong Kong via Mainland China. What makes them look forward to coming to Hong Kong? Is it because they have not learnt of the screening policy? Do they still cherish the idea that the arrivals here would enjoy a better opportunity of being resettled in western countries than those at other ports of first asylum? Or have

the voluntary repatriates become "volunteers" of the tourist association and to publicize the attractions of Hong Kong upon returning? According to a voluntary repatriate, half a tael of gold is equivalent to the income of five years' work in Vietnam. In that case, the US\$50 she received on repatriation is equal to her wages in one year.

In any event, the deterrent effect of the screening policy is seen only on paper. On the other hand, what worries us most is whether the Western countries would be responsible for the intake of those identified as non-political refugees.

On the eve of the Geneva Conference, there is hearsay that the leading resettlement countries may promise to solve the refugee problem in the coming two to three years. Is this good or bad news for Hong Kong? If the solution of the refugee problem means an everlasting problem of boat people, then that would be a disaster instead! According to the latest news, it is expected that there may not be any agreement on mandatory repatriation in the Geneva Conference. This is certainly something that the people of Hong Kong cannot accept.

We can by all means make it clear during the conference that Hong Kong will have no choice but to withdraw the screening policy or even the status of first asylum if the international community does not assist Hong Kong in implementing mandatory repatriation. It may not be suitable to raise the latter idea at the Geneva Conference, as it might attract opposition from many countries. The western countries would still advocate the cause of humanitarianism. The South East Asian countries would also object because our proposal might lead to an increase of pressure from the refugee problem in their own countries. However, it is the only way of radically solving the Vietnamese boat people problem. As to the abolition of screening policy, it is meant to redefine and upgrade the boat people problem to an international level, the burden of which should be borne by various countries. The western countries would of course hope that all ports of first asylum would adopt the screening policy, so that they themselves can smoothly get rid of the boat people problem. These countries may therefore agree to mandatory repatriation. However, we cannot pin too much hope on them. Under the banner of false humanitarianism, those countries can still remain indifferent towards the refugee problem. It will, none the less, enhance Hong Kong's opportunity to put into practice the policy of mandatory repatriation, and there is therefore no harm trying.

In case the Geneva Conference could not lead to a resolution favourable to Hong

Kong on mandatory repatriation, Hong Kong should immediately review its policy of first asylum as, when it comes to international forums such as the Geneva Conference, Hong Kong would inevitably have itself rendered powerless and stateless. All has to depend on Britain, its sovereign state. In case the British Government still tries to cause obstructions in one way or another, I earnestly hope that our colleagues would pull together to make her yield through our financial control. Since we have in the very beginning taken the oath of allegiance to the people of Hong Kong, let us go ahead and do something for them!

Sir, with these remarks, I support the motion.

6.00 pm

HIS EXCELLENCY THE PRESIDENT: It is now six o'clock and under Standing Order 8(2) this Council should now adjourn.

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

Question proposed, put and agreed to.

MRS. FONG: Sir, "frustration" and "anger" are the words that leap to mind when I try to describe the feelings of the Hong Kong residents about the issue of the Vietnamese boat people. Behind these feelings of frustration and anger is the knowledge that this problem is not under the control of Hong Kong. The Vietnamese boat people issue is an international problem and Hong Kong is being used to salve other people's consciences.

Behind this international problem is a lot of irresponsibility. A country is permitting its citizens to flood out to sea and into neighbouring countries without any right of access. Some of the countries these people first approach are, in turn, giving them food and water and pointing them towards Hong Kong. Others are just pushing them back out to sea and letting them find their own ways. Further, what does one think of a country which refuses to take back its own citizens who have not been granted the right to land in other countries.

Hong Kong is a very small place, both in the sense of its physical size and in

the sense of its international influence. It cannot possibly be expected to solve an international problem of this magnitude. It is also most unfair to expect the people of Hong Kong to continue to carry the heavy burden of this international problem.

Hong Kong has been very patient up until now. We have provided money and resources for the Vietnamese boat people. Many other countries could have been the place they made their first landing. But reports are that they have either pushed the boat people back out to sea in the state they were in, or providing them with fresh supplies, so that they could land elsewhere. This is irresponsible and reprehensible. They are pushing away their problems and expecting other places, such as Hong Kong, to handle them. They are participating in the problem but not helping to solve it.

Hong Kong can no longer handle this problem on its own. More and more boat people are arriving daily. The problem has been going on long enough. The United Nations must step in and solve the Vietnamese boat people problem. The United Nations must be made to realize that the refugee issue is one problem and that the boat people issue is another problem. Refugee, with a genuine fear of persecution, can be resettled in other countries, but the boat people who are illegal immigrants must be repatriated to their own country. Just as Hong Kong deports illegal immigrants from China or the United States of America deports illegal immigrants from Latin America, so the boat people must go back to Vietnam. Willingness or not to return is not an issue. Pending repatriation they should be put into detention centres and then sent back to Vietnam as soon as possible. It is simply not enough for the United Nations to take over the refugee resettlement programmes; the United Nations must also take over the repatriation of these illegal immigrants. While the United Nations may not normally undertake the problem of illegal immigrants, it must step in this time because of the lack of co-operation of the country the boat people are leaving.

Sir, Britain, too, is not free from blame. Britain has done an appalling job of looking after Hong Kong's interests in the Vietnamese boat people issue. Could it be that since the boat people have not landed in the United Kingdom itself that it does not care about the problem? Is it fair of Britain to tell Hong Kong that since the boat people landed in Hong Kong that Hong Kong should handle the problem? Hong Kong is not a country; it is a dependant territory and as such, it relies upon Britain to handle external affairs and to represent its interests in the international

sphere. I admit that, considering the size and nature of the problem, Britain itself may not have a solution. But it must appeal on Hong Kong's behalf to the United Nations to find a solution. I am not convinced that Britain has done its best in this area.

Hong Kong is suffering the boat people crisis partially because of its proximity to Vietnam, but more so because it has been behaving in a reasonable and humane manner, while other countries have been pointing the way here. There comes a time when being reasonable and humane brings about the wrong results. The burden we carry with our limited space and limited resources, and with our own problems, becomes a physical and emotional overload. Then things begin to go wrong and the treatment we give to the boat people becomes the object of criticism. These things are already happening and, in my view, we cannot continue down this road. We have played our part well up to now, but, Britain should be aware that Hong Kong should not be expected to play the game alone. Hong Kong cannot shoulder the brunt of the burden alone. If Britain cannot persuade the United Nations to handle the boat people crisis, then it must explain to its own people and to the world that Hong Kong cannot and will not carry the burden by itself.

I am suggesting that Hong Kong should send a petition to Britain expressing our anger and our concern. I am not sure if Britain is aware of the feelings of unrest, frustration, and anger that the boat people are causing among the residents of Hong Kong. Through this petition, we must convey, to the British Parliament and to the world through the Geneva Conference, the enormous unrest and discontent that has arisen in Hong Kong over this issue. I am therefore calling upon the people of Hong Kong to express their objections about having the boat people in Hong Kong through a signature campaign. I believe that the district boards would be the ideal vehicle to organize such a signature campaign as they have been formed and organized to collect and reflect the opinions of residents within the districts. If the people are angry and the sentiment is strong, then these feelings must be transmitted to Britain, Vietnam, and the world.

The anger and the feelings aroused by the boat people are very strong. We have seen isolated instances of social unrest, which have resulted directly from the boat people problem. My concern is that without relief we will see more and that would be most unfortunate. A place must be found to house the boat people pending repatriation; they cannot continue to be housed in the city. Since Britain and China both profess and desire to maintain a stable Hong Kong, the two countries should

develop an intermediate solution. Britain should talk to China, on a foreign affairs basis, on behalf of Hong Kong, and find a suitable site for a detention centre along the coast of China where all the boat people who are in or about to arrive in Hong Kong could be housed before repatriation. If such a solution could be found, the residents of Hong Kong would be most grateful. We would see it as a sign of the sincerity of both Britain and China in aiming for a stable Hong Kong.

Meanwhile, Britain and other countries around the world must exert pressure on Vietnam, by imposing economic sanctions or by stopping international aid if necessary, until it realizes its international responsibilities and takes its people back. Vietnam must not shirk its responsibilities to the world and to its citizens.

Sir, we can no longer tolerate the existing situation and we must call upon Britain to help solve this crisis. I am convinced that if Hong Kong is left to carry the burden alone, it will lead to events that we will all regret.

Sir, with these remarks, I support the motion.

MRS. LAM (in Cantonese): Sir, when Your Excellency visited Wanchai District two days ago, I assured you that my speech today would be very brief. I hope I can keep my words.

Speaking about what is the most enduring problem that greatly disturbs the people of Hong Kong, one can have no doubt that it is the issue of Vietnamese refugees and boat people. The general public have been confronted by the issue for about 10 years, but some people like me have at least been perturbed 15 years, and hence my feelings are even more intense. I was the one who first suggested that services should be provided for the refugees the first day when they fled from Vietnam and arrived in Hong Kong. At that time, arrangements were made for them to stay in hotels! For more than 10 years, Hong Kong people have, on humanitarian grounds, unconditionally shouldered the obligation of actively rendering services for them, taking care of them and assisting them in resettling overseas. We have offered them help out of sympathy, humanitarianism and goodwill; it is unexpected that instead of being rewarded for its good deed, Hong Kong has got itself enmeshed in a very difficult situation. The Vietnamese refugees problem in Hong Kong has reached a state of crisis much to the dissatisfaction and indignation of its people. It is indeed opportune now to review the current policy, and to take effective measure to solve the problem.

A former governor of Hong Kong, Lord MacLehose, once said that 10 years ago, Hong Kong was committed as a port of first asylum to assist those politically persecuted refugees who took to the rough seas, so that they could have a temporary shelter when the United Nations High Commissioner for Refugees would arrange for their permanent resettlement overseas. However, a look at the recent arrivals will tell us that they are no longer politically persecuted refugees, and UNHCR could not convince the resettlement countries to receive a larger intake from Hong Kong. Therefore, if the screening policy implemented by Hong Kong Government in June 1988 could have really brought about the mandatory repatriation of all non-political refugees stranded in Hong Kong, it could have been described as a good policy. Unfortunately, the Vietnamese authorities are unwilling to accept the mandatory repatriation policy, and the other resettlement countries are just making irresponsible and sarcastic comments, saying that repatriation should only be made on a voluntary and not mandatory basis. May I ask, how many of the boat people would be willing to go back voluntarily after going through all the difficulties to arrive at Hong Kong! In my opinion the last two batches of 130 voluntary repatriates are indeed a miracle. Under the circumstances where the stranded refugees have nowhere to go and more Vietnamese boat people are on the way to Hong Kong, the number of stranded Vietnamese refugees will definitely increase incessantly. The present figure is 33 000, and the increase so far this year is 8 000. With this rate of growth, at the end of the year the increase may well be over 20 000. This is really an intolerable burden to Hong Kong.

On the premises of sympathy and humanitarianism, Hong Kong has spent over \$1.5 billion on the refugees in the past 10 years, not to mention the care given to them by various departments like the Security Branch, the Correctional Services Department, the Medical and Health Department and various voluntary organizations. Is that not humane enough? I think we have done everything possible in terms of humanity and benevolence. The problem of Vietnamese boat people and refugees is a very complicated international issue, which cannot be solved by Hong Kong alone. We need equitable support and understanding at the international level. Hence, I have the following requests and appeals:

(1) That the leading resettlement countries and every country that will participate in the Geneva Conference this June should support our policy of mandatory repatriation for non-political refugees; to exert pressure on the Vietnamese Government and to convince them to take back their own countrymen; and to urge, in

particular, the influential United States not to adopt double standards on the policy of repatriating non-political refugees. Such policy is evident in the incidents where those Haitians who enter or intend to enter the United States are immediately repatriated or intercepted when still at sea. Moreover, I do hope the resettlement countries will accept as soon as possible and within three years all the refugees stranded in Hong Kong. They should also share some of the expenses which Hong Kong spent on the Vietnamese refugees and boat people. In addition, I would like to take this opportunity to urge all district board members of the 19 districts to sign a joint representation, conveying, inter alia, the above views to every country that participates in the Geneva Conference this June, asking for their support.

(2) The British Government should carry out the responsibilities of a sovereign state by striving for the support of countries participating in the Geneva Conference on the mandatory repatriation policy, and by demanding in conjunction with other countries that the Vietnamese Government should take back its countrymen. Moreover, Britain should take the lead in increasing its intake of Vietnamese refugees stranded in Hong Kong.

(3) All the Vietnamese arrivals henceforth should only be accommodated on uninhabited islands. They will be provided with timber and provisions to make their own living. Their treatment will be comparable to that afforded to the earlier immigrants from Mainland China who built their own huts by the hillside. We must ensure that the level of their livelihood in Hong Kong will not be higher than what they lead in their own country, so as to avoid attracting more Vietnamese boat people.

Sir, with these remarks, I support the motion.

MR. LAM (in Cantonese): Sir, I strongly agree with what you said earlier this month that "Hong Kong is facing a very real and serious problem at the moment with the continuing influx of very large numbers of people from Vietnam." The people of Hong Kong are very worried about this problem.

As this is a serious problem that is about to bring us to the limits of our capacity, we should not keep quiet and take an evasion attitude. We must face the reality, put our heads together and find a way to get round the impasse.

If we look at this problem from a historical point of view, we note that the war

in Vietnam has long been over. The war ended in 1973 and the National Assembly of Vietnam was subsequently formed on 25 April 1976 after general elections in both North and South Vietnam. With the newly established National Assembly, a central government came into being and Vietnam became a unified country after a rift of more than 30 years. Vietnam is no longer in a state of war. Nevertheless, after 10 years, the people of Hong Kong are still suffering from the aftermath of the Vietnam war because of the problems created by the Vietnamese refugees. In actual fact, the people of Hong Kong should not be put under any obligation to shoulder the burden of refugees.

Since the introduction of the screening policy last June and up till the end of March this year, a total of 11 693 Vietnamese boat arrivals were registered. 1233 of them had gone through the screening process. 116 persons were screened in as refugees while the other 1 117 persons were screened out as boat people. 820 persons of the latter group had appealed to the United Nations High Commissioner for Refugees (UNHCR) against the screening results.

As for the resettlement figures, the United Kingdom has taken in an annual average of about 300 refugees stranded in Hong Kong since 1982. The goodwill and kindness of the people of Hong Kong have been exploited and we have been made a fool.

Evidences have now shown that the nature of the Vietnamese boat people issue has changed. For the past decade, we have been providing asylum to the Vietnamese refugees and we have been making arrangement for them to resettle overseas. However, it is apparent that things have changed. To deal with the problem of the Vietnamese refugees/boat people, the Hong Kong Government introduced two new measures which began to take effect from 16 June 1988: the Vietnamese boat people who have been screened out as illegal immigrants will be retained in detention centres pending repatriation to Vietnam; and refugees will be sent to closed camps awaiting resettlement in other countries. In my view, measures to deal with the Vietnamese refugees/boat people problem should be adaptive to prevailing circumstances and local conditions. By "adaptive" I mean the modification of old concepts to suit new conditions. The next step to cope with the Vietnamese boat people is mandatory repatriation. As for the Vietnamese refugees, what we should do next is to urge the United Kingdom, our sovereign state, to take the lead in accepting more Vietnamese refugees from Hong Kong and at the same time, take the initiative in asking other resettlement countries to fulfil their responsibilities.

Hong Kong has been the port of first asylum for 10 years. There should be an end to the role we play. We should not be made to play host indefinitely. The Vietnam War came to an end 16 years ago. Among those Vietnamese coming to Hong Kong now, few in fact fled for fear of political persecution. It is not appropriate to tackle this issue as a refugee problem. Being also an international industrial, commercial and financial centre, Hong Kong should not be bogged down by the issue of political refugees which should be dealt with at international level. I hope the Geneva Conference to be held next month will decide on a time-frame for Hong Kong to rid itself of its role as the port of first asylum so that the obstacles may be cleared for the smooth transition to 1997.

The Vietnamese, be they refugees or boat people, have been psychologically affected by the warlike spirit of their home country where war dragged on for several decades. As a result, fights and strife always occur in closed camps and detention centres in Hong Kong. Such warlike spirit should not be disseminated into our peace-loving society. I therefore strongly object to having the closed camps and detention centres located too close to residential areas.

Sir, the more we are lenient with the Vietnamese boat people, the more they will come. It is impossible for Hong Kong, with such limited space, to take in an unlimited number of boat people. The Vietnamese boat people has triggered off widespread discontent. As this issue affects all of us, we should not remain submissive in the hands of other people. It is simply lies to talk of humanitarianism if one country shirks its responsibility and imposes the burden on others. We should strive to free ourselves from the existing political abyss.

With these remarks, Sir, I support the motion.

DR. LEONG: Sir, the presence of Vietnamese refugees and Vietnamese boat people as a result of Hong Kong's being the first port of asylum has produced an unaccountable strain on all the physical and mental faculties of Hong Kong, and now, with an ever increasing daily arrival, has reached crisis situation.

My honourable colleagues have, and I am sure they will, highlighted the effects on finance and accommodation and so on, but as the medical functional constituency representative, it is my duty to voice our discontent over what our already very strained medical and health services have to shoulder and to sound a warning note

that a major disruption of the Hong Kong's health record may well be on the way.

It is obvious that medical services are needed in the camps that house both the Vietnamese refugees and the Vietnamese boat people. As such, currently about half a dozen medical doctors are already deployed to take on this duty. With the increase in arrivals, more and more of our Correctional Services staff are forced to take up the medical and nursing duties within the centres and camps. The effect is crystal clear, as all of us are cognizant of the fact that there is already a substantial shortage of doctors in the public service. As the numbers of arrivals continue to surge, more and more of the Vietnamese will be forced to be transferred to our public hospitals to be treated, which is in effect jeopardizing or delaying the medical services for local residents.

To show our concern and our care for the sick, doctors in Hong Kong have volunteered to work in their own spare time in these camps to ease the shortage. Ironically, even such a gesture is not welcomed and is snubbed by the United Nations High Commissioner for Refugees (UNHCR) and her agent, the Medicins Sans Frontieres (MSF), to the dismay of the caring medical profession.

The maintenance of sanitation and health within the camps are even more important and again place extra burden on the staff of the Department of Health and the Hospital Services Department.

In spite of their unrelenting effort to stamp out infectious and communicable diseases, it is, however, a well-known fact that crowded environment is conducive to rapid spread of such ailments. Furthermore, with these camps only separated by a fence from our already very crowded environment Hong Kong, I shudder to think what it would bring to the health of the population of Hong Kong should an epidemic of some form develop in these camps.

I am in no way attempting to "cry wolf". There was in the past a widespread of chicken pox, for example, in one of the camps and if it were not for the very effective way the medical and disciplinary government staff reacted in curbing the spread of the ailment, the effect on the Hong Kong public at large would be unthinkable.

As it is, there are sporadic cases of fulminating tuberculosis developing on a few health workers who have looked after the health and medical care of the Vietnamese people. It is a well-known fact too that parasites are found in the excretion of

a high percentage of these illegal entrants.

Sir, in spite of all these and more that Hong Kong people have already suffered for, and offered to, the Vietnamese refugee problem, we are still being pin-pointed by high-sounding international human rights organization as "racists" and "inhumane" towards these refugees or boat people. There is something very wrong in our existing Vietnamese refugee policy which is totally out of focus and fails to bring about proper solutions.

Many controversies prevail in the existing policy, which has already been and will be addressed by some of my honourable colleagues. I would not go into details of the inconsistencies of our immigration criteria, the unfair treatment of Chinese illegal immigrants, and the unjustified allocation of resources to the refugees at the expense of local welfare services.

Rather, Sir, I would concentrate on the importance of international co-operation for possible solution and in particular the role that Britain must take up in sorting out the mess which she herself has played an important part in bringing about.

It is ridiculous that Hong Kong should suffer because of the first asylum policy -- the result of a pact signed by the British Government for us some 10 years ago. The policy was once successful when it received international backing from the resettlement countries. The situation is now different -- the resettlement figures creep slowly while the influx is at jet speed.

But what has Britain done so far? A slight increase in resettlement numbers that would be granted under specified conditions; some comparatively momentary offers to the United Nations that are of little help to Hong Kong and minimal commitment in solving the problem through diplomatic channels. Over the past five years, Britain has only taken in 948 refugees, compared to some 5 000 for Canada and about 7 000 for the United States. Not that they have taken enough. Hong Kong has since the 1988 influx been petitioning the United Kingdom for reconsideration of the port of first asylum policy, but in spite of all the unceasing efforts by the Members of this Council and the Administration, what have we achieved so far through Britain? Perhaps more international out-cry against us; perhaps an ineffective screening policy; and perhaps an ever larger influx from the north and the south of Vietnam.

The worst thing is that we are hearing comments from British politicians who are doubting whether Hong Kong's refugee problem is a United Kingdom foreign affair matter.

Are they trying to shed their responsibility over Hong Kong even before they dump us back to China eight years from now?

Let it be clear from the outset that Hong Kong is not discriminating against the Vietnamese refugees. We cannot simply incorporate them into our community without considering the social and financial impacts that we cannot shoulder. If Britain cannot afford to grant the right of abode to the 3.28 million Hong Kong residents for whom she is responsible, how can she expect us --with all our constraints -- grant the Vietnamese asylum seekers the right to stay? It does not stand to reason that Britain will not open her door to us, her adopted son, and yet tell her adopted son to receive an unmeasurable number of strangers.

The current policy is hypocritical. If we send these people out on a plane without valid documents to the United States, Canada or other countries begging them to accept all or some of them, we would be accused for being irresponsible. Yet these countries are taking the cream of local Hong Kong people who bring along with them skill and money.

It is rather obvious now that the screening cum voluntary repatriation policy will not work. First of all, under the time limits and staff constraints, we can never get all the new arrivals screened in the foreseeable future and up till now, no one can be sure how the screening procedures can possibly determine one's refugee status.

Secondly, given the existing political situation in Vietnam, the number of refugees being repatriated can never compensate for the number of new arrivals. As for voluntary repatriation, it is clear from the fact that so far only about 150 boat people have been successfully sent back, not to say the cost we have to bear in transport and other supporting services.

The latest statistics indicated that more than 18 000 boat people had arrived since last June when the screening policy was introduced. The trend is that we are going to receive more as summer comes perhaps at a rate of a few hundred per day. On top of this, there are still over 14 000 refugees scattered in various districts pending resettlement.

As far as finances are concerned, we have already been giving out \$1.5 billion since 1979, while Britain has only sponsored in the past two years an amount of some

8 million. All along she has been watching the fire but unfortunately from the other side of the river.

Sir, Hong Kong is experiencing serious social, administrative and financial problems from the unceremonious entrance of Vietnamese. They are using our land and eating up our public funds that indirectly hinder our economic and social welfare development. It is obvious that we must strive for practical ways to ease Hong Kong out of this long standing burden. In the word of a doctor, Sir, this patient has reached a critical stage, and definitive treatment has to be started right away. My prescription which I am sure most of my colleagues would agree would include the following:

(a) To scrap the first asylum policy. This I have to say in spite of the lengthy explanation by my honourable colleague Mr. Martin LEE. I still feel that Hong Kong as the port of first asylum should be scrapped. Let it be known, however, that this we do, not by choice, not by Hong Kong's liking, not by racial discrimination but purely because we are forced into it. By scrapping the port of first asylum, we are freeing ourselves from the obligation of having to accept all those who come in. At the same time, I am sure it would be a deterrent factor to the Vietnamese who are making an onslaught on Hong Kong.

(b) Secondly, I feel that Britain should shoulder, if not all, the lion's share of the financial implication that Hong Kong is bearing at the present moment.

(c) Thirdly to fight for compulsory repatriation during the coming Geneva international conference to be held next month. We must make sure that all new arrivals will be sent back; and

(d) Fourthly, there must be some help for Hong Kong to press for international support in financing the food and accommodation for the Vietnamese refugees.

Sir, all these fall within the responsibilities of Her Majesty's Government. It is time for Britain to order the cake and have a whole belly full of it at the same time. The whole issue is a diplomatic one and Britain must be held responsible for Hong Kong as long as she is still having sovereignty over Hong Kong.

It would be pathetic, if not demoralizing, if Hong Kong had to resort to hiring ocean liners to take these Vietnamese people, as has been suggested, and drop them

off with lifeboats when we see the white cliffs of Dover to convince Her Majesty's Government to take some real action!

With these remarks, Sir, I support the motion.

MISS LEUNG (in Cantonese): Sir, at the outset, I did not intend to speak in today's debate. My initial decision to hold my lips does not mean that I show very little or no concern about the Vietnamese boat people problem in Hong Kong. At first, I thought the purpose of today's motion debate would be well served by the incisive views to be expressed by my honourable colleagues who have an expert knowledge of the issue. However, in considering the unprecedented predicament that Hong Kong is facing because of the Vietnamese boat people issue, I resolve to join in and make use of the opportunity of this motion debate to register my strong protest. My protest goes against the Vietnamese Government, the so-called western resettlement countries and agencies with the United States in the lead, the United Nations High Commissioner for Refugees and, last but not the least, the British Government.

I share the feelings of most people in Hong Kong. Every time when I think of the endless distress Hong Kong has been made to suffer through no fault of its own, especially the heavy burden we have borne all these years for the upkeep of the boat people and the ungrateful and groundless condemnation on Hong Kong from those self-claimed international humanitarian states and agencies which are in actual fact trying to evade their duties in practising humanitarianism, my indignation is beyond description.

Sir, with what appears to be the tacit consent and indirect encouragement of the Vietnamese Government, a sudden upsurge of Vietnamese boat people is now witnessed. These boat people probably see it their last chance of escape before the Geneva Conference on Indo-China Refugees takes place next month. Since the last two weeks of April, we have had a tidal wave of boat arrivals. Figure for the first half of this month shows that over 4 000 boat arrivals have been registered. It will not be surprising if this figure grows to as many as 10 000 by the end of this month.

Hong Kong is on the verge of a crisis situation. The continuous massive influx of uninvited boat people into this small and densely-populated place has already created a catastrophic problem which is beyond Hong Kong's capacity to cope with. The threat of this crisis has been felt in many areas. On the one hand, we find it

increasingly difficult to arrange accommodation for these boat people. The growing financial burden to look after them has also affected public expenditure in other aspects. The general public, being increasingly discontented and angry with the policy taken in respect of the boat people, have put the blame more and more on the Government. On the other hand, under the influence of widespread public resentment local residents find it hard to keep their heads cool. As a result, a deteriorating relationship has developed between the Hong Kong people and the boat people, posing a serious threat to our social stability.

Sir, on the boat people issue, the whole world should severely condemn the Vietnamese Government. It is probably the only country that tries to avoid the consequences of maladministration of its own government by exporting its people abroad. In these years, the Vietnamese Government has apparently been taking an indifferent and irresponsible attitude. By indirectly exporting its people in large numbers, it has been putting the lives of its own citizens at risk to serve its selfish purpose of extorting financial aids and economic gains from the rest of the world. The Vietnamese Government is indirectly prompted to take such action because it has taken note of the weakness of the leading countries such as the United States and the agencies in the west, including the UNHCR. These countries and agencies like to steal the show by talking about humanitarianism in hyperbolic terms but, in fact, they are trying to find an inexpensive way of winning international prestige of upholding humanitarianism which they do not deserve.

Hong Kong as well as other South East Asian countries have borne the full brunt of the boat people problem. In the past decade, we have been bogged down in a helpless situation in the catastrophic flood of the boat people. The forthcoming Geneva Conference on Indo-China refugees scheduled for next month seems to provide the best opportunity ever for the Vietnamese Government to put its blackmailing tactics into full play. It appears that the massive influx of boat people in recent months is the result of Vietnam's attempt to make things as bad as they can be in order to force the world and particularly the Hong Kong Government, which it can easily throw weight on, to accede to unreasonable demands at the conference table in Geneva.

Sir, the United States-led resettlement countries and agencies in the west, including the UNHCR and especially the United States Government have already started to make their last-ditch effort before the Geneva Conference in June, trying to exert continual pressure on Hong Kong and all South East Asian countries through the United States Senate Foreign Relations Committee and the House of Representatives External

Relations Committee. They try to justify their objection on their so-called humanitarian ground to the proposed mandatory repatriation policy which Hong Kong and the other South East Asian countries wish and seek to implement.

The ironical fact is that the western countries, especially the United States are on top of the list of the dream countries that these Vietnamese boat people wish to go. Why is it that those countries which pass no chance to preach humanitarianism are not willing to accept more if not all these boat people? If they only make a reluctant offer of a token increase in their resettlement quota or agree under compelling circumstances to increase their quota of intake by a negligible margin after the Geneva Conference just to keep their humanitarian masks on, then it is unreasonable of them to throw their weight on Hong Kong and the other South East Asian countries which are already heavy-laden and condemn these places which have fallen victim to circumstances out of their control. Neither should they boast in high sounding words again that they would continue to accept Indo-China refugees in a generous and humanitarian way.

If the United States Government is sincere in practising humanitarianism as said, then why did this most affluent and powerful country with a vast territory and rich resources fail to live up to the humanitarian goals she imposes on others in relation to the Indo-China refugee issue and refuse to fling its back door wide open to the flood of boat people from the Caribbean region and let them land on the North American continent?

In fact, the western countries led by the United States and other agencies, including the UNHCR are creating a negative effect by harping on humanitarian principles. The more they talk about it, the more they would feed the false hopes of the Vietnamese people. More and more of them would be deluded into putting out to the rough sea only to end up stranded in Hong Kong and other South East Asian countries which are not their target countries. Many would get drowned in the South China Sea in the process. It is obvious that the louder these empty slogans of humanitarianism are pronounced, the more harm they will do. It will even cost the lives of many more Vietnamese.

Sir, the UNHCR which has been accustomed to singing the humanitarian tune and the United States-led western countries and agencies have, to a greater and less extent, turned a blind eye to the hardship that the Vietnamese boat people problem has caused Hong Kong. They often mobilize public opinion to create pressure on us

without referring to practical situation and wantonly lash out at Hong Kong for her policy on the handling of the boat people, adding unnecessary weight to our already heavy burden.

Sir, our existing policy on the boat people, formulated and adopted by the Government with the consent of the British Government, is no longer a workable policy by which we can effectively and reasonably cope with the increasingly serious boat people problem in Hong Kong. This is understandable and, most unfortunately, an undeniable fact. Being obliged to obey the wishes of the British Government, our Government has been holding fast to the policy of first asylum and, as a result, has turned Hong Kong into the most popular long-term mid-way stop for the Vietnamese boat people.

To truly solve the problem, we must now rise to urge for immediate action by the British Government which, being the ultimate authority responsible for finding a solution to the boat people problem in Hong Kong, should in no circumstances further evade her responsibility and wash her hands off this issue.

Public opinion on the boat people issue is consistent and clear. In order to effectively head off the boat people crisis and to accede to public opinion, the Hong Kong Government and British Government should respect the wishes and interest of the Hong Kong people by taking prompt actions to abolish the policy of first asylum and seek to introduce mandatory repatriation.

Sir, in the light of the bitter fact that many countries are still hypocritical and keen on wearing the masks of humanitarianism, let us not pin any hope on the Geneva Conference on Indo-China Refugees to be held next month or indulge in the wishful thinking that it may bring about a solution to the Vietnamese boat people problem. To put it out straight, the conference in Geneva in June is highly likely to be no more than a market offering a grand sale of humanitarian masks.

Sir, with these remarks, I support the motion.

MR. MCGREGOR: Sir, I am no expert on immigration, emigration or enforced repatriation. I do however have several things to say about the wretched situation of the Vietnamese economic migrants. My views may be different to those of some of my more informed colleagues in this Council but, if so, I make no apology for it.

Over the whole of recorded history, there have been huge migrations of people almost always motivated by economic considerations, seeking a better life for themselves and their children. Even in modern times, we have witnessed very large movements of ethnic, religious, and national groups of people to foreign lands. The Irish, the Scots, the Jews and the Chinese all know the bitterness of mass migration, often to countries which do not want them or at best suffer them to stay. How many of us in this Council, I wonder, can say that our immediate forbears were born here and that our families did not come from another place.

The Vietnamese are no different. They are not criminals, nor some sub-species of human being that should be despised for setting sail at a terrible risk to themselves and their children, seeking a better life. Their country has been at war for half a century and is close to economic death with hardly enough to feed the population. How desperate these people must be to set sail as they do? How can we describe them as tourists? How many of us in Hong Kong, accustomed to leaving in our thousands for other countries, would yet set off with our children, as the Vietnamese do, into unknown waters? Are we to imagine that they do it because they like the challenge of dangers and the high seas, because they want to bring their children to our Hong Kong detention centres, with their psychologically debilitating conditions, behind barbed wire and despised by a large proportion of the Hong Kong population, most of whom incidentally, I believe, have not met or spoken to a Vietnamese during the years they have been here.

The increasing frustration that we feel at the continuing influx and the anxiety to bring it to a halt should not, I think, blind us to the terrible background to this enormous human tragedy, this flood of hopeless humanity surging along a dangerous circuitous route likely to finish up where they started.

I have been saddened many times to hear normally reasonable and kindly people speak of the Vietnamese with mounting anger and vituperation often with the implication that somehow they are all criminals to be kept very far away from decent law abiding citizens. They are no more criminal, Sir, than any other race or nationality seeking economic improvement in other lands. When allowed to settle in countries of asylum, as far as I know, they have integrated happily and without great difficulty.

Sir, this Council has a special responsibility to advise the Government, indeed

to work closely with the Government, to solve the many vexing problems which face us. One of the greatest problems at present is that of the Vietnamese. We ought to tackle this problem without heat or rancour and certainly without encouraging racial tension and discrimination. We are leaders, not racists, and we should advise the Government logically, not with a sense of mounting hysteria and ill-considered proposals. In fact, by making inconsiderate statement we risk leading public opinion badly and not reflecting it.

It does not need a great brain to see the extent of the problem and the potential for further difficulties. I have no doubt that the answer will have to be involuntary repatriation based on agreement by Vietnam, hopefully at the June conference, to accept their citizens back.

I do not doubt either that the British Government has a direct responsibility for finding the long-term solution and, in the meantime, for meeting the high cost of the Hong Kong authorities of maintaining the camps. These are matters which must be pressed strongly as my honourable colleagues have said. I agree with the Honourable Martin LEE that defence costs could be set off, if necessary, against the costs of Vietnamese to Hong Kong.

I want to say, however, that I will never personally be party to any Hong Kong policy or procedure which may result in serious risk of the loss of life on the high seas of men, women and children whose only crime is that they seek a better life. I will certainly never agree to the bizarre suggestion that tens of thousands of Vietnamese should be taken to the coast of Vietnam and there committed to the sea in small boats and life jackets to accept whatever fate the weather and the water will provide.

I am, Sir, in fact, somewhat ashamed that such proposals have been made in this Council. I am afraid that the feelings I expressed will have little support in the community and that I am probably whistling into the wind. I deeply hope, however, that a spirit of humanity and reason will prevail over the present wave of emotion.

With these few words, Sir, I support the motion.

MRS. SO (in Cantonese): Sir, there is almost a lapse of 10 years between the last Geneva Conference and the international conference on the Vietnamese refugees problem

to be held at Geneva in June this year. Many industrially advanced western countries and the Vietnamese Government seem to have failed in giving effect to most of the commitments they made in those days.

The number of people fleeing from Vietnam has not decreased. At present of all the Vietnamese stranded in the seven different places of first asylum Hong Kong got most of them, more than 30 000 in number. In view of the trend of influx in these few months, the number of Vietnamese boat people here will reach 50 000 towards the end of the year.

Hong Kong being probably one of the most densely populated cities in the world, the burden of the Vietnamese boat people borne by her is too heavy and out of proportion in terms of her land area.

Hong Kong people's patience has also been stretched to the limits. This can be seen from a number of recent disputes between the Government and local residents on the location of the refugee camps and detention centres. I do not mean to incite racial discrimination. In fact the Vietnamese boat people issue is a very saddening development. We cannot but admit that due to procrastination in solving the problem by all the countries concerned over the last decade, the Vietnamese refugees/boat people issue has become hopelessly intractable.

When the screening policy was introduced on June 16 last year, we seemed to have pinned high hopes on it. As substantiated by facts, the ASEAN countries have been given international support before they announced the introduction of the screening policy in March this year.

Despite the screening policy the influx of boat people remains strong. On the other hand, there is only slow progress in the screening procedure. Although the first batch of Vietnamese boat people on voluntary repatriation has already gone home, the amount of administrative expenses, allowances and so on involved in the repatriation process was well over HK\$800,000. The worse is yet to come. According to the comments made to the press in Hong Kong by the British Embassy in Vietnam, there are worries that the various benefits given to the repatriated boat people will probably induce more Vietnamese to come to Hong Kong.

Such worries are not unfounded. Perhaps the screening policy can deter those economic refugees who wish to make use of Hong Kong as a stepping stone for

resettlement in Western countries. However, to those Vietnamese who aim at making Hong Kong their final destination the screening policy is meaningless. The ensuing problem is whether we are prepared to allow thousands of Vietnamese boat people to become inmates for life in the detention centres.

We should not be self-deceiving any more. The first asylum concept as a temporary expedient has become a total failure. Many boat people have been stranded in Hong Kong for seven or eight years. They are still with us.

Apparently after a decade, there have been increasing changes in the types of people making clandestine departure from Vietnam. We need to bear in mind these changes when we formulate our policies. To abandon the first asylum policy now cannot be regarded as a defiance of humanitarianism. If we continue to take an indecisive stance on our policy towards accepting and handling Vietnamese boat people in an attempt to procrastinate while we can, it will only create more illusions and encourage Vietnamese to flee to Hong Kong at the risk of their lives.

Furthermore, the nature of the refugees/boat people issue has changed. There is evidence to lead to the suspicion that the Vietnam Government is able to manipulate the number of boat people departures at its discretion as a means to strengthen its bargaining power at the negotiation table. The boat people issue has become a trick in this ugly political game. It is tantamount to adopting a permissive attitude if we continue to be weak in our stance. Politically speaking, it is a most inadvisable approach.

Should other countries find it necessary to fulfil any moral obligation to those living in Vietnam and who are genuinely in need of assistance, they should in fact put an end to such political negotiations as soon as possible in order not to waste resources. Instead, action should be taken by other means to monitor closely the extent of human rights enjoyed by Vietnamese at present, such as stepping up their assistance in the implementation of the "Orderly Departure Programme", enabling those who are under persecution by the government to submit their formal application to leave the country.

I urge that the Government should adopt a firm and strong stance at the Geneva Conference to be held in June, and insist that those screened out as non-refugees should be repatriated to Vietnam in accordance with international practice. Details on the ways of repatriation can then be finalized. Furthermore, at the higher level

of diplomatic contact, the British Government should strongly reprimand the Vietnam Government for exploiting its boat people in this political blackmail.

In the "Annual Report on Hong Kong 1988" presented to Parliament by the British Government it was said that "Given Britain's particular responsibility for Hong Kong, Her Majesty's Government have been in the forefront of international efforts to find a solution". The report also mentions that "with the full support of Her Majesty's Government, from 16 June 1988, all boat people have been subject to a screening policy". Definitely, the above pledges have been welcomed as good news by the people of Hong Kong, but what is more important is that they hope they could see to it that these pledges be honoured.

Apart from taking the initiative and adopting a positive attitude in making clear our stance internationally so as to vigorously pursue international recognition of Hong Kong's policy, the British Government should also fulfil its obligation towards Hong Kong in settling the boat people problem by making concrete commitments.

In February, 6 million was donated by the British Government to UNHCR, but the implications of such a donation are different from shouldering the costs of refugees in Hong Kong. Hong Kong spent HK\$600 million on the refugees during the year of 1988-89 and the estimated expenditure on refugees will amount to HK\$800 million in 1989-90. Britain's donation can only be considered nominal in comparison with Hong Kong's enormous spending.

In addition to stemming the influx of Vietnamese boat people, the British Government should be responsible for assisting the resettlement of the refugees stranded in Hong Kong. I believe that the people of Hong Kong still remember the disappointment brought about by the conditional offer made by the Prime Minister Mrs. Margaret THATCHER on the intake of 1 000 refugees. As a matter of fact, several major resettlement countries have offered a larger quota of intake of refugees than that of Britain. In 1988 Canada and the United States have resettled 1 009 and 700 refugees respectively, and 364 for Australia. Only 205 refugees were accepted by Britain. In view of such record, it is hard to believe the words of Lord GLENARTHUR, the Minister of State of the Foreign and Commonwealth Office, who promised the local people in March to launch intensive diplomatic efforts to convince the international community. Britain should therefore fulfil her "special obligation" towards Hong Kong by taking the lead in accepting more refugees for resettlement in a bid to encourage other western countries to follow suit by increasing their quota on the intake of refugees.

Vietnamese immigrants have brought about such problems as employment, ethnic integration and so on in their resettlement countries, which are often given coverage in our newspaper, signifying that it is not possible for any place to commit itself endlessly to the Vietnamese boat people/refugees issue. Western countries, including Britain, should not label themselves as "champions of moral obligation" on the one hand, but beat the retreat in making actual commitments on the other. Since the Vietnamese boat people issue is an international problem, accordingly it should be resolved by international co-operation. On this basis, Hong Kong really needs the full support of British Government in ironing out the problem.

Sir, with these remarks, I support the motion.

MRS. TU: Sir, I am sure you will be glad to hear that I am going to cut out nearly half of my short speech because my colleagues have already made the points.

Hong Kong has always been compassionate towards refugees. The majority of families in Hong Kong have their roots in legal or illegal immigration. But after 40 years of effort to provide education, housing, medical services, transport and other facilities for a population that has grown out of all proportion to its land space, we have to change our immigration policies.

Because of pressures on our resources we have to prevent wives coming from China to Hong Kong to join their husbands, we have to prevent children from joining their parents, we have prevented old people from spending their last days with their relatives in Hong Kong. So with all the good will in the world, how can we be expected to take care of tens of thousands of Vietnamese people with no ties in Hong Kong, and with no acceptable reason for coming here?

It is unreasonable to expect us to cut down on our already overstressed, understaffed, and in some cases poor quality services, in order to take in an unspecified number of people -- perhaps hundreds of thousand or even a million -- who decide they would like to try their luck in a boat to Hong Kong. Moreover, we cannot continue to keep Vietnamese men, women and children forever in prison conditions waiting for resettlement that never transpires. This unwilling port of first asylum has become a place of permanent imprisonment, and I would like to contradict my friend Mr. McGREGOR because I do not for one moment think there is any

feeling against Vietnamese. It is a feeling against the British Government for what they are doing.

Since the United Kingdom is not prepared to carry out its responsibilities, it seems to me that we have no choice but to declare unilaterally that we shall have to ship the boat people safely back to Vietnamese waters. My colleague, the Honourable James TIEN, has requested me to say that he strongly supports giving the boat people a safe journey back to Vietnamese waters, and alternatively perhaps could negotiate with China to return them via China.

It may well be that this proposal to take the boat people back to Vietnamese waters will meet with criticism as we have just heard. But those countries which criticize can easily prevent us from carrying out such a proposal by offering to accept the people themselves from the boat.

No matter what transpires this year in Geneva, we simply cannot accept any more boat people invading our shores, and the United Kingdom must face up to this fact. And until we take drastic measures such as I have suggested, the boat people will keep on coming, and the other nations will keep on ignoring our plight.

No nation in the world has a policy of voluntary repatriation of illegal immigrants. Illegal immigration is illegal, but voluntary repatriation for lawbreakers removes the meaning of the law and encourages others to break it.

Let me conclude by saying that we can no longer put this heavy burden on our Hong Kong people, and continue to damage their already deteriorating life-style.

Sir, with these words, I support the motion.

MR. ANDREW WONG: Sir, I will be brief as I merely wish to put on record that I am in complete agreement with the views and sentiments so well aired by my honourable friend, Mr. Jimmy McGREGOR.

Sir, I support the motion.

SECRETARY FOR SECURITY: Sir, during this debate, Members have expressed clearly and eloquently their anger and frustration at the continuing influx of Vietnamese boat

people and the burden which this imposes on Hong Kong. I understand and share those feelings.

Ten years on from the 1979 United Nations Conference on Refugees and Displaced Persons in South East Asia, it is plain that not all have honoured equally the commitments they gave there. Those commitments were threefold: Hong Kong and countries in the region would continue to offer temporary asylum to arrivals from Vietnam; others would resettle them; and Vietnam would prevent further departures. Hong Kong has kept its word. No asylum seekers have been turned away. We have fed, sheltered and cared for nearly 150 000 boat people from Vietnam. Of these, over 116 000 have been resettled, and we are very grateful to the resettlement countries who have helped to ease our burden. The main resettlement countries for Vietnamese refugees from Hong Kong have been the United States which has taken in over 64 000, Canada which has accepted nearly 21 000, the United Kingdom which has resettled over 13 000, and Australia which has admitted 6 500.

But, particularly in the last two years, there has been no effective action to prevent departures from Vietnam. Arrivals of boat people from Vietnam so far this year total nearly 8 500. They are now running at their highest level in the last 10 years. This has stretched our resources to the limit. We are facing major problems in providing the accommodation and manpower to cope with this influx. And I believe that underlying the concern expressed by Members in this debate is the belief that we have become the victims of our own willingness to honour our commitments.

Some Members have suggested that we should change our policy of granting first asylum. That is not, I believe, the answer. Just as the problem is not of Hong Kong's making, so the solution does not lie in our hands alone. We need the help and co-operation of the international community. The consequence of abandoning the policy of first asylum would be that asylum seekers would be forced back to sea in unseaworthy boats. Such a policy, which would deny assistance even to those who are genuine refugees fleeing persecution, would be condemned internationally. It would risk destroying the reputation and the goodwill which Hong Kong has earned for its humane handling of this problem. Hong Kong must depend on this goodwill, not only to achieve a solution to its problem of Vietnamese boat people, but also in its wider political and economic interests.

A durable solution for Hong Kong lies, not in abandoning our commitments and responsibilities, but in ensuring that others live up to theirs. We have an

opportunity to do so at the International Conference on Indo-Chinese Refugees in Geneva next month. We must seize this opportunity to ensure that an effective solution is agreed by the international community. Such a solution must contain a number of elements, each of which is a critical part of the whole structure. If one element is missing, the structure is bound to fail.

First, a solution must include more effective efforts on the part of the Vietnamese Government to prevent clandestine departures. Whatever measures the Vietnamese Government has taken over recent months, they have clearly not been successful. We should continue to press for an immediate and sustained effort from the Vietnamese authorities. I have no doubt that, with the help of others, the problem of Vietnamese boat people in Hong Kong can be solved, provided that the size of that problem is controlled and limited. We shall not be able to do so while the size of the problem increases every day beyond our control. It is therefore imperative that Vietnam accept its responsibilities and take effective action to stem the outflow of its people. This would be the humane, as well as the responsible, policy for Vietnam to adopt.

Secondly, a solution must include screening of arrivals to determine who are genuine refugees and who are not. This is an essential step because experience has clearly shown that the resettlement countries are no longer willing to accept as refugees those who are simply seeking a better life, as opposed to those fleeing persecution. It was this inescapable fact, and the continuing and increasing problem which it created for Hong Kong, which led us to introduce the policy of screening last year. It was a policy devised in Hong Kong; it was supported and approved by the United Kingdom Government because it has international implications. We have never pretended that screening would by itself be a solution to the problem, nor stop the flow of new arrivals from Vietnam. Screening must be accompanied by repatriation, as nearly all Members who have spoken have pointed out. But at the same time, repatriation cannot take place without screening.

Thirdly, a solution must include resettlement of those who are found to be refugees. We hope that 4 000 of the present 15 000 refugees in Hong Kong will be resettled this year. The United Kingdom has played a part in the international resettlement effort, and agreed earlier this year to take an additional 1 000 refugees from Hong Kong over the next two to three years. Other countries have also agreed to increase their resettlement quotas. This is a big improvement on recent years. But we shall continue to seek a larger and quicker offtake, and a clear undertaking

by the international community to resettle all the refugees within a short and defined time frame.

Finally, a solution must include repatriation of those who are found not to be refugees. They should indeed be treated as illegal immigrants. Repatriation is inextricably linked with our policy of screening. Voluntary repatriation has so far proved very disappointing. Less than 150 have returned voluntarily to Vietnam, and we have only a further 70 applications in hand. I agree with Members who have spoken in this debate that voluntary repatriation is not likely to provide the solution we seek. But, if we are to achieve repatriation, whether voluntary or mandatory, we must determine quickly and finally the status of the 18 500 boat people now in Hong Kong and any future arrivals. I will not pretend that many of those who are found not to be refugees are likely to volunteer to return to Vietnam; but certainly few are likely to volunteer while they still have the hope of securing refugee status.

Our rate of screening so far has been too slow: only some 1 500 boat people have been screened since October last year. Our appeal procedure is too lengthy; no appeals have been decided so far. We are determined to improve this record, through a speedier and more efficient system of screening and review which will aim to dispose of all outstanding cases in 12 months and all new cases within 3 months of arrival. To this end, I intend to bring before this Council before the end of the present Session legislation to introduce a much simpler appeal and review procedure.

If voluntary repatriation fails to develop sufficient momentum, we shall press for mandatory repatriation. We believe that Vietnam must be persuaded to honour its obligations to accept back its own nationals in accordance with international practice, and not to treat harshly those who return for following their tragic but misguided belief that a better life awaits them outside Vietnam.

These then are the essential elements in the comprehensive package of solutions which we shall seek at the International Conference on Indo-Chinese Refugees in Geneva next month: effective prevention of departures from Vietnam, screening, resettlement, repatriation. The draft plan agreed at the preparatory conference in Kuala Lumpur in March includes all these elements. I believe that it provides the basis for a comprehensive solution on which we must build in Geneva. The United Kingdom Government has played a leading role in the preparations for the conference: and has made it clear that there must be comprehensive arrangements for the return to Vietnam within a realistic timescale of all those screened out as refugees.

Until we can achieve all these elements of a lasting solution, in particular repatriation, the burden on our resources will remain. There have been calls for the UNHCR and the United Kingdom to share a larger part of the financial burden. It is an international problem and we can reasonably expect the international community to make a greater contribution either financially or by providing accommodation outside Hong Kong for some of our present population of boat people. The United Kingdom has provided 8 million to Hong Kong through the UNHCR in the last nine months. The most recent donation of 6 million will be used to reimburse the Hong Kong Government for the construction costs of the Pillar Point camp. This contribution was made at short notice in response to our urgent request. We will continue to press for further assistance both from the United Kingdom and the wider international community.

I would in conclusion like to take up a point made by a number of Members about the strains which the present influx is putting on our resources of manpower. The demands and the difficulties are great. But all, government departments, disciplined and auxiliary services, and voluntary agencies, have responded magnificently to requests for them to undertake new and increasing commitments. I should like to thank them all for their willingness, their dedication, their professionalism. Members will, I hope, agree that they have been a great credit to Hong Kong.

Sir, I support the motion.

MR. ALLEN LEE: Sir, we have just heard a full range of views and concerns expressed by my colleagues on the Vietnamese boat people problem and their passionate plea to the United Kingdom Government for early and determined action for the resolution of this problem and the answer from the Secretary for Security. At no time has such a call from the community as reflected in today's debate been so loud and clear and the feeling so intense. The message is overwhelmingly obvious: the Vietnamese boat people screened out as non-refugees must be repatriated back to Vietnam and all the others considered as refugees should be resettled as soon as possible.

The Geneva Agreement of 1979 obviously no longer caters for the circumstances of today and must therefore be replaced by a new agreement which has to necessarily encompass the dual elements of resettlement of refugees and mandatory repatriation

for those who are not. Nothing else is going to work. Whilst we are prepared to honour our part in an agreement which can help all parties concerned to resolve the problem we must be assured that any agreement, if reached, must effectively deal with the problem. We certainly cannot afford to honour another agreement which does not allow mandatory repatriation. The Vietnamese boat people problem has now caused tremendous anxiety within our own community. The Administration is placed in a very difficult position. While it has inherited the problem through no fault of its own, it has been subject to continuous criticisms, rather unfairly at times, that it has not been effective in tackling the problem. To be sure, the responsibility is not ours but that of the United Kingdom and the international community. We could be helped a great deal if Vietnam effectively stops the outflow and agrees to take back all the non-refugee Vietnamese boat people, the international community, particularly countries like the United States, retract from their idealistic yoke of humanitarianism and accept the necessity of mandatory repatriation of illegal immigrants which they do themselves, the resettlement countries honour their commitment by accepting all refugees for permanent settlement, and China helps to stop the Vietnamese boat people from coast-hopping within her waters. Had such co-operation been forthcoming, I am sure the solution to the problem will not be difficult to reach.

The United Kingdom for the benefit of Hong Kong and, more importantly for the sake of the unfortunate boat people, must therefore work towards the goal of securing mandatory repatriation at the coming Geneva Conference. And on her part, she should also set an example by increasing the intake of refugees from Hong Kong. The voice expressed in this Council today is more than clear and should give sufficient mandate to the Administration to convey our feelings to Her Majesty's Government. It would be a great disappointment to the people of Hong Kong if Her Majesty's Government fails to act upon them.

Finally, Sir, we have heard a number of our colleagues calling for abandonment of the port of first asylum policy. I totally understand their and our community's frustration over the problem of Vietnamese boat people. But we must remain calm and really examine what are the implications of such a change of policy. Is the community willing to accept the consequences and, more importantly, can we really implement it? We must think and think deeply and not let our frustrations and emotions rule our heads.

Sir, I beg to move.

Question on the motion put and agreed to.

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday, 24 May 1989.

Adjourned accordingly at twenty-five minutes past Seven o' clock.

Note: The short titles of the Bills/motions listed in the Hansard have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.