

OFFICIAL RECORD OF PROCEEDINGS**Wednesday, 11 November 1992****The Council met at half-past Two o'clock****PRESENT**

THE DEPUTY PRESIDENT

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

THE FINANCIAL SECRETARY

THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, C.B.E., J.P.

THE ATTORNEY GENERAL

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

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

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

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

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

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

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

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

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

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

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

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

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

THE HONOURABLE MRS PEGGY LAM, M.B.E., J.P.

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E.

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

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

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

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE GILBERT LEUNG KAM-HO

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

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

THE HONOURABLE HENRY TANG YING-YEN, J.P.

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

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

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

ABSENT

THE CHIEF SECRETARY

THE HONOURABLE SIR DAVID ROBERT FORD, K.B.E., L.V.O., J.P.

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

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, J.P.

IN ATTENDANCE

MR RONALD JAMES BLAKE
SECRETARY FOR WORKS

THE HONOURABLE MICHAEL SZE CHO-CHEUNG, I.S.O., J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR ANTHONY GORDON EASON, J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

MR IAN ROBERT STRACHAN, J.P.
SECRETARY FOR SECURITY

MRS ELIZABETH MARGARET BOSHER, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR PAUL LEUNG SAI-WAH, J.P.
SECRETARY FOR RECREATION AND CULTURE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR CLETUS LAU KWOK-HONG

Papers

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Dangerous Drugs Ordinance (Amendment of Fourth Schedule) Order 1992.....	363/92
Supreme Court Fees (Amendment) Rules 1992	364/92

Sessional Paper 1992-93

No. 23 — Hong Kong Tourist Association
Annual Report 1991-92

Address by Member**Hong Kong Tourist Association Annual Report 1991-92**

MR MARTIN BARROW: Mr Deputy President, I am pleased to table the Annual Report of the Hong Kong Tourist Association for the financial year 1991-92.

By the end of 1991, Hong Kong had welcomed a record of more than six million visitors, and even though international travel had been seriously curtailed during the first six months by the crisis in the Middle East and recession in several of our major markets, the 1991 record represented a 1.7% increase over 1990.

The tourism industry also generated total revenue of HK\$40 billion — a modest increase of 1.0% over the previous year.

It is a tribute to the industry's resourcefulness and competitiveness that we achieved growth in a year when economic conditions adverse to travel and expenditure persisted in many of our long-haul markets.

This performance means that tourism continued to be the territory's third largest earner of foreign exchange, accounting for the equivalent of 6.3% of GDP.

Arrivals from East Asia accounted for 62% of the total. This dominance reflected general economic growth in the region, as well as the Association's own strategic marketing emphasis in the area.

Hong Kong's hoteliers achieved a healthy average room occupancy of 75%. This result was all the more impressive considering the fact that supply during the year increased by 3 000 rooms, bringing the territory's stock of rooms to 31 000. The continued investment in hotels indicated underlying confidence in the future of the tourism industry. After several years of rapid growth, however, we now expect to see a period of consolidation.

The Association's marketing activities during the year included strengthening the "Hong Kong — Stay an extra day" marketing theme to promote an increase in the average length of stay in Hong Kong.

This theme is pivotal to our marketing strategy. With more hotel rooms becoming available and the possible constraints on the number of arrivals due to the capacity of Kai Tak in coming years, we need to alter the perception of Hong Kong as a stopover destination.

And it was pleasing to note that the campaign produced results last year. The average length of stay rose from 3.33 nights to 3.43 nights. This meant an additional 900 000 room nights.

Having overcome the problems of 1991, we are viewing 1992 with optimism. Total visitor arrivals in the first nine months rose 17.8%. Even more significant was the growth in tourism receipts up 24.7% to HK\$23.4 billion. Hotel occupancy has also been encouraging, reaching an average of 80%.

We must not, however, underestimate the strength of the competition, nor the work that needs to be done if we are to retain our position as Asia's most popular travel destination.

Top of the list, we consider the earliest possible completion of the new airport essential for future growth and prosperity. We could be welcoming up to 10 million visitors and earning HK\$140 billion annually by the year 2000 with the facility fully functioning. It is vital, therefore, that there are no constraints on air traffic.

The protection and preservation of our environment, both natural and historical, is also vital. The growing importance of environmental factors in a tourist's choice of a travel destination is documented and we must be keenly aware of the need for clean air, water and beaches, and a well-maintained countryside if we expect to offer the recreational facilities many of our Asian neighbours can provide.

We have been working closely with the Immigration Department to reduce visa complications for visitors — notably from Taiwan and East Europe — and were delighted that many areas of concern have been eliminated, although delays still occur elsewhere overseas and there remains the perception that Hong Kong has unnecessary, restrictive policies.

Three other obstacles we view as serious threats to the growth of the tourism industry must be removed. One is the exorbitant Airport Departure Tax and we urge that it is, at least, reduced by half and waived completely for visitors arriving and departing on the same day.

The other two are the need to maintain Hong Kong's law and order and the need to control inflation. Safety and cost are two major factors which influence the consumer's choice of a travel destination.

If we can overcome these challenges, I have little doubt that Hong Kong will continue to be a major player on the international travel scene.

Such developments as China's resumption of its position as a destination in demand, the opening of many new markets following the end of the Cold War politics or domestic reform, and increased direct flights to Hong Kong are particularly auspicious. And we hope that next year, at least, the recession in North America and Europe may have somewhat eased. We will continue our work to ensure that Hong Kong retains its prime-destination status.

I invite Members to study the Annual Report. It outlines comprehensively the range of activities the Association undertook on behalf of the industry and Hong Kong in the past financial year.

Thank you.

Oral answers to questions

Legislative programme

1. MR MARTIN BARROW asked: *Will the Government inform this Council of its future plans towards legislation including:*

- (a) how many Bills are to be submitted to this Council in 1992-93;*
- (b) how many pieces of proposed legislation have failed to secure a legislative time slot in the 1992-93 Session as a result of the prioritization exercise conducted by the Chief Secretary's Legislative Priorities Committee;*
- (c) how it plans to cope with bringing existing legislation in line with the Basic Law, as well as handling a large amount of new legislation; and*
- (d) whether the Government has a schedule of the drafting status of all future legislation for the purpose of monitoring the drafting progress of Bills; if it does, whether that schedule could be made available to Member of this Council?*

ATTORNEY GENERAL: Mr Deputy President, I shall reply to the four detailed parts of the question in the same order as they were put to me.

Eighty-four items of legislation are currently scheduled for introduction into this Council in this Session, including the nine Bills which have already been introduced. The Chief Secretary's Office is arranging for a list of these items to be circulated to Members for information. I should explain, however, that the list is subject to change, since new items may become necessary and existing items may be postponed or dropped altogether.

Sixty-four proposed items of legislation have not been allocated a legislative slot in this Session, either because they are not considered to merit priority or because they are unlikely to be ready for introduction in this Session.

We have embarked on an "adaptation of laws" exercise to review, and if necessary, amend existing legislation to ensure its compatibility with the Basic Law. That law comes into force on 1 July 1997. This exercise is carried out in parallel with the handling of other legislative proposals. As far as possible, adaptation will be carried out in the course of regular amendments to existing legislation, in order to reduce the number of adaptation Bills that are needed. Problems of adaptation that apply across the board (for example changes in terminology) may be dealt with in a single adaptation Bill.

As I said in reply to the first part of this question, Members will shortly receive a list of Bills scheduled for introduction this Session. And I trust that Members will find this useful. The progress of all draft legislation is carefully monitored in order to make sure that deadlines are met and that drafts are handled efficiently.

MR MARTIN BARROW: *Mr Deputy President, with regard to the last sentence of the answer, I note that the progress of all drafting legislation is carefully monitored. Would the Attorney General not agree that it would be helpful to Members to understand everything that is in the pipeline and could he thus make available to us, on a periodic basis, a complete schedule of pending legislation, and if not, why not?*

ATTORNEY GENERAL: The Law Draftsman, as I have said, Mr Deputy President, keeps all items on his list under review, monitoring them to ensure that deadlines are kept. The progress report is an internal document; it is prepared, essentially, for the Law Drafting Division and I do not think that it would be helpful or appropriate to make it publicly available.

MR PETER WONG: *Mr Deputy President, of the 11 items of legislation waiting for introduction and the 64 unallocated ones, how many relate to monetary and financial affairs as records show that these sectors have taken up a great deal of legislator's time in scrutinizing the Bills that come forward?*

ATTORNEY GENERAL: I shall have to supply a written reply to that. (Annex I)

MISS EMILY LAU (in Cantonese): *Mr Deputy President, paragraph 4 of the reply mentions that the "adaptation of laws" exercise is to ensure compatibility with the Basic Law. As the Chinese Government has stated that the power of interpretation of the Basic Law shall be vested in the Standing Committee of the National People's Congress, has the Hong Kong Government ever discussed with the Chinese Government about obtaining its approval when it comes to interpretation of the Basic Law and amendments of the laws of Hong Kong? Has there been any agreement by the Hong Kong Government that any amendment of our legislation must be put before the Standing Committee of the National People's Congress to ensure that they will remain in force after 1997?*

ATTORNEY GENERAL: Mr Deputy President, the principles concerning adaptation of laws have been discussed with the Chinese side in the Joint Liaison Group and consultation with the Chinese side will be carried out in that group from time to time in the process of adaptation of laws.

Town Planning (Amendment) Ordinance 1991

2. MR EDWARD HO asked: *Will the Administration inform this Council:*

- (a) *whether it has conducted a review to determine whether the Town Planning (Amendment) Ordinance 1991 (Ord. No. 4 of 1991) has been effective in preventing further proliferation of open container and other storage on agricultural land; if so, whether the results of the review (including comparative statistics) can be provided; and*
- (b) *whether the Buildings and Lands Departments and the Planning Department have sufficient staff resources to enforce the said legislation?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, a review of the application of the provisions introduced by the Town Planning (Amendment) Ordinance 1991 — to improve control over haphazard land use and development in the rural areas of the New Territories, including the storage of containers and other materials on agricultural land, has been

carried out. Within the 31 Development Permission Areas which have so far been designated, 53 cases of unauthorized open storage uses have been detected, and 232 warning letters have been issued. In some cases the unauthorized uses ceased upon receipt of the warning letters; and only eight enforcement notices have had to be issued. In 16 cases planning permission has been sought.

It is a little too early to evaluate the effectiveness of the new provisions, since land owners and operators can apply to the Town Planning Board for planning permission to use land not zoned for open storage for that purpose. They can also seek a review and appeal if their applications are not approved. Nevertheless, it is clear that the new provisions have now come to public attention and are assisting the process of detecting and controlling new unauthorized development and container and other open storage on agricultural land and preventing the problem worsening. The Planning Department will continue to monitor progress and report to the Town Planning Board.

The Planning Department and the Buildings and Lands Department have created or are creating new posts to support application of the new provisions since their enactment in January 1991; and both intend to create more posts next year. The need to allocate more staff resources to this task is kept under review and will be considered if necessary, as usual in the light of other priorities and the overall limits on what can be made available. In these circumstances, the resources provided so far are sufficient to maintain current levels of enforcement.

MR EDWARD HO: *Mr Deputy President, I refer to the last paragraph of the Secretary's reply. Will he please elucidate whether the required resources will become available as his proviso as to other priorities, overall limits and others made his answer rather unclear?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think it is quite clear that the provision of additional posts for any particular purpose must be weighed against other competing demands from time to time, so that whilst it can be said the departments have intentions and plans to introduce additional posts, it is possible that priorities will need to be adjusted. So I do not think it is fair to try and give a categorical assurance that every post which is currently under planning will definitely be provided.

MR MOSES CHENG: *Mr Deputy President, will the Administration be prepared to consider designating more land for container storage so that unauthorized open storage uses can be minimized without the need for enforcement?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, yes.

MR GILBERT LEUNG (in Cantonese): *Mr Deputy President, with regard to the traffic congestion and flooding problems caused by the use of agricultural land for container storage, will the Administration inform this Council if it has any measures to deal with land owners so as to improve the situation?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think this is a question in relation to existing uses. If I am correct, the means available for enforcement against existing uses are not particularly effective, and where problems arise as regards transportation access, drainage problems and so on, these are the situations in which fairly ad hoc measures will have to be taken to control traffic and to prevent inadequate drainage facilities from having adverse effects. The measures taken so far have been to try and deal with these problems as they arise, and until we have a stronger enforcement provision in, for example, the Town Planning Ordinance, I think there is little prospect of any better approach.

DR SAMUEL WONG: *Mr Deputy President, also referring to the last paragraph of the reply, could this Council be advised as to whether, with the intended creation of more posts next year in the two departments, the level of enforcement would then be considered adequate?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the situation is not one-sided, in other words, the provision of staff is not the only factor; the demand for their deployment is another factor. So we shall have to see whether the effectiveness of this Ordinance that I have described starts to take hold, and if it does, then I think we shall be able to provide enough staff, subject to other priorities, to keep the situation under a reasonable level of control.

MR WONG WAI-YIN (in Cantonese): *Mr Deputy President, in the first paragraph of his reply, Mr EASON mentioned that 53 cases of unauthorized open storage uses had been detected and that in some cases the unauthorized uses ceased upon receipt of warning letters. How is the Administration going to stop such land being used for storage again in the future? Furthermore only eight enforcement notices have been issued. May I know under what circumstances the Administration will issue such notices?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think the first part of the question is in relation to possible repeat offences in respect of the same site. If that is correct, then, clearly, reuse will be followed by re-enforcement. As far as the question of warning letters and enforcement notices is concerned, what I have tried to explain in my initial answer is that there are a number of options, as it were, open to those who receive warning letters and one of those options may be to apply for permission, and if conditions can be met and the use can be permitted, then enforcement will not follow. The serving of enforcement notices is very much a last resort and follows where warnings to cease use and applications for permission fail.

REV FUNG CHI-WOOD (in Cantonese): *Mr Deputy President, will the Administration inform this Council how many of the 53 cases of unauthorized open storage uses have been prosecuted and what the results are? And if not, why not?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: The 53 cases involve no repeat offences and, as I think I have said in my initial answer, so far only in eight of these 53 cases have we had to serve enforcement notices.

MRS PEGGY LAM (in Cantonese): *Mr Deputy President, will the Administration inform this Council how it goes about identifying agricultural land which is used for open storage without permission? Are staff regularly sent out to various parts of the New Territories to carry out the inspection?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the main responsibility for detection rests with the staff of the Planning Department who are involved in regular visits and inspections of the 31 development permission areas which have been designated so far. Experience over the past year or so has enabled the drawing up of priorities so that particularly vulnerable areas can receive more frequent visits. I think that covers the question.

At the point of the Council proceeding to Question 3

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, before I ask the question, I would like to seek clarification from you. One of my companies is having a law suit with the Government that touches the Ordinance to which the next question relates. If you would permit, I will proceed with my question.*

DEPUTY PRESIDENT: Under Standing Order 18(1)(g), Mr CHIM, no question may be asked which is likely to prejudice a pending case. Your question, as framed, is in order.

MR CHIM PUI-CHUNG: *Very well, then I can ask the question.*

Crown Lands Resumption Ordinance

3. MR CHIM PUI-CHUNG asked (in Cantonese): *Regarding the Administration's application of the Crown Lands Resumption Ordinance, will the Government inform this Council:*

- (a) *in relation to paragraph (d) of the definition of "a public purpose" in section 2 of the Ordinance which covers "any purpose which the Governor in Council may decide to be a public purpose", whether consideration will be given to issuing a set of statutory guidelines, providing explicitly for the applicability and coverage of the definition and stating that the property ownership of the affected persons must be safeguarded; and*
- (b) *whether the Administration will, on the basis of previous land resumption cases, consider conducting an overall review of the Ordinance, so as to improve the current procedures on private property resumption and ensure fair treatment to the people affected?*

At this point Mr Steven POON indicated a wish to declare interest

DEPUTY PRESIDENT: Mr Steven POON, on the question as framed so far, you do not need to declare any interest.

MR STEVEN POON: *Mr Deputy President, I do not know how the discussion will proceed; so I had better, if you permit me, declare that I am the chairman of the Land Development Corporation. The Corporation has, in the past, recommended to the Government to invoke the Crown Lands Resumption Ordinance to resume land for the purposes of urban renewal. Thank you.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, because the system has been operating satisfactorily for many years, there appears to be no need for statutory guidelines to assist the determination of what constitutes a "public purpose" when applying section 2(d) of the Crown Lands Resumption Ordinance. Generally, proposals for resumption are only put to the Governor in Council for the implementation of public works projects

or town plans. Advice from the Attorney General's Chambers is invariably sought before resumption proposals are submitted to the Governor in Council.

The current resumption procedures, both statutory and administrative, are considered to be fair and reasonable. Property owners are offered compensation based on the market value of their properties and they have the right to appeal to the Lands Tribunal if they do not agree with the amount of compensation offered. The Administration plans to review the Crown Lands Resumption Ordinance to take account of the results of the current review of the Town Planning Ordinance since the two Ordinances are closely connected. Experience from previous land resumptions will be taken into account.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, the reply given by the Administration is misleading the public. If the system has been operating satisfactorily, there would not have been so many disputes. To enable the public to better understand the issue, I would like the Administration to give explicit answers to the following three questions:*

- (a) *How is the Administration going to prevent such large number of disputes from arising;*
- (b) *I have already spent \$1 million so far and may have to spend as much as \$5 million but I am afraid that may not bring the matter to an end. What cheaper means does the Administration provide for the general public to get reasonable treatment; and*
- (c) *On what basis could the Administration determine that co-operation with private developers is in the public interest?*

DEPUTY PRESIDENT: Mr CHIM, you have asked three questions in one. You are only permitted to ask one question. The last two might just raise the question of prejudice in the pending case. Would you confine yourself to the first question and I will call upon the Secretary to reply only to the first question. Did you catch the first question, Secretary?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Could I have the first question again, please, Mr Deputy President?

DEPUTY PRESIDENT: Mr CHIM, the first question only.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, in that case I would just ask one question. How could the Administration determine that co-operation with private developers is in the public interest?*

DEPUTY PRESIDENT: I think in the context of the pending case that question may be of prejudice, and that was not, I think, your first question as originally formulated.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, I think that is a business interest already because the objective is to make a profit and not to serve the community. As such, how can it be regarded as a public interest?*

DEPUTY PRESIDENT: Sorry, Mr CHIM, that question is out of order.

DR YEUNG SUM (in Cantonese): *Mr Deputy President, just now Mr EASON described the administrative procedures relating to payments of compensation as very fair and reasonable. But when dealing with some of the resumption cases in Island West, I found that a lot of tenants and owners refused to accept the amount of compensation offered. Can the Administration inform this Council whether they have considered that basically some guidelines should be available when they allow resumption to take place so that the owners concerned can use the compensation offered to find suitable alternative accommodation in the same area and to continue with their living or trade? Is it necessary that the Administration should draw up these administrative guidelines so that they can be followed by people involved in resumption cases?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think I have largely answered that question in the original answer. I think what I have described is a system whereby compensation is paid for the value of properties and this, I believe, if in dispute, can be settled in the Lands Tribunal. I should add that for domestic premises we do have, as part of the system, an *ex gratia* arrangement whereby purchase allowances are paid to enable alternative premises to be purchased in the same area.

MR ALBERT CHAN (in Cantonese): *Mr Deputy President, I do not own any property in redevelopment area, so I have nothing to declare. However I would like to understand more about the situation because the Land Development Corporation and the Housing Society had invoked or might invoke in future the Crown Lands Resumption Ordinance to resume lands for commercial or residential purposes as a result of redevelopment of older districts. However it would appear that these developments are not in line with the "public purpose" defined under the Ordinance. Since many of the future developments would be for commercial purposes, will the Administration consider reviewing the relevant sections of the Crown Lands Resumption Ordinance in the light of this?*

DEPUTY PRESIDENT: Secretary, without accepting the premise, is there a case for review?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, in the general sense, I have already said that we propose to review the Ordinance.

MR LAU WONG-FAT (in Cantonese): *Mr Deputy President, can the Administration inform this Council whether in the past the Government had invoked the Crown Lands Resumption Ordinance to resume private lands on grounds of "public purpose" but subsequently sold them to private developers? If yes, had this defeated the original purpose of the Ordinance which is to resume lands for public purpose and was it also unfair to those owners from whom lands have been resumed?*

DEPUTY PRESIDENT: Secretary, were there such cases? That is the first part of the question only.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, I think Members will be aware that for the development of our seven new towns, there have been extensive land resumptions in the New Territories, following which new towns have been developed.

MR EDWARD HO: *Mr Deputy President, the Secretary justified not having statutory guidelines by saying that it has been satisfactory in the past. Can he tell this Council how many resumption cases have been objected to in the last five years?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, since and including the financial year 1987-88 up to date, 103 resumptions have been ordered. This of course involves very many land interests beyond the number 103. Although I do not have a precise figure, because it requires a good deal of detailed research, I can say with a good deal of confidence that very few cases have gone to the Lands Tribunal for adjudication, and I am aware of only two cases in which there has been further challenge.

MR HENRY TANG: *Mr Deputy President, in the last paragraph of his reply, the Secretary says and I quote: "Property owners are offered compensation based on the market value of their properties". Does compensation based on*

market value include not only the property itself but also the redevelopment potential of the property?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the valuation is on the valuation of the property which is owned by the owner in individual cases.

MR CHIM PUI-CHUNG (in Cantonese): *Mr Deputy President, can the Administration revise part of the Ordinance to make available an appeal channel for those people who do not want to have their lands resumed? At present the discussions of the Administration only cover how people can be compensated when their lands are resumed but not how they can object to the resumption in the first place.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the process of development, either through public works projects or implementation of town plans, inevitably affects private interests. Were there to be arrangements whereby individual owners could opt out, there would be no possibility of implementing essential public works and town plans.

Immigration Department's Stop List

4. MR SIMON IP asked: *Given that Article 8 of the Hong Kong Bill of Rights provides that any restrictions on the freedom to leave Hong Kong shall be provided by law, will the Government inform this Council of:*

- (a) *the number of persons put on the Immigration Department's Stop List who were stopped by the Department during the last three years and*
 - (i) *who were not the subject of a warrant of arrest or other restrictions imposed by a court, and*
 - (ii) *against whom the power of immediate arrest had not arisen, and*
 - (iii) *who were not reasonably suspected of being about to abscond to evade the due process of law;*
- (b) *the reasons why such persons were:*
 - (i) *put on the Stop List*
 - (ii) *stopped; and*

- (c) *the reasons why the use of the Stop List, at present purely an administrative measure, should not be provided and regulated by law?*

SECRETARY FOR SECURITY: Mr Deputy President, I can answer (a) and (b) very simply, as the question's three categories are already all-inclusive: the only people stopped when leaving Hong Kong by Immigration Officers because of their names being on the Stop List are people actually subject to arrest warrants or immediate arrest, or who are reasonably suspected, either locally or through international Interpol notification, of trying to evade the due process of law.

The answer to (c) is therefore also quite straightforward. We see no reason to change the present Stop List system which operates lawfully, flexibly and successfully in the pursuit and apprehension of criminals.

MR SIMON IP: *Mr Deputy President, I am afraid the Secretary for Security has not answered the last part of my question which asked why the Stop List should not be regulated or provided by law? What he has said in his answer is that the system should not be changed because it is flexible and it is successful. But given that to stop somebody leaving Hong Kong could be an infringement of a fundamental right, does the Government not think it right that the use of the Stop List should be regulated by law so that people would know who would be liable to be stopped, circumstances under which they can be put on the Stop List, and when their names should be removed from it?*

SECRETARY FOR SECURITY: Mr Deputy President, in our view the restrictions are provided by law and do not need to be provided by a separate law. After all, the Stop List itself is only an administrative system supplying officers at the airport with information to enable them to take action in accordance with other laws. People are not arrested simply for being on the Stop List; they are arrested because the Stop List has drawn attention to them, enabling their arrest under other Ordinances, for example, individuals in possession of forged documents. If any person stopped feels he has been arbitrarily stopped without due cause as a result of his name being on the Stop List, he can take action against the Government.

MR JAMES TO (in Cantonese): *Mr Deputy President, at present the police can arrest any person reasonably suspected to have committed an offence under the Police Force Ordinance, while the Director of Immigration can, on the basis of an administrative arrangement, take away the right to "freedom to leave Hong Kong" given to a person under Article 8 of the Hong Kong Bill of Rights. What exactly is that law (not the separate law) referred to by the Secretary just now? Is it made up by him?*

DEPUTY PRESIDENT: Sorry, that last interjection is out of order, Mr James TO, but you are entitled to ask what other Ordinances.

SECRETARY FOR SECURITY: Mr Deputy President, requests for the Stop List inclusions originate from law enforcement agencies who are acting under the law. In the case of Immigration Officers, they can detain people at control points under the Immigration Ordinance only, but they can cease to process someone at a control point and await the arrival of a policeman or another law enforcement officer.

MR MAN SAI-CHEONG (in Cantonese): *Mr Deputy President, will the Government take political factor into account in formulating its policy on freedom of movement? If not, what would happen if during the transition period, China should request the Administration to stop a resident of Hong Kong from leaving the territory? Will the Administration do as requested? If not, would that be taken as confronting China?*

DEPUTY PRESIDENT: The first part of the question, Secretary for Security.

SECRETARY FOR SECURITY: Mr Deputy President, I have already answered the question in respect of people leaving Hong Kong. As to persons arriving in Hong Kong, we do wish to monitor the movements of suspects and undesirables, but we do not take decisions on political grounds.

MR PETER WONG: *Mr Deputy President, will the Secretary please provide the statistics asked for in part (a) of the Honourable Simon IP's question?*

SECRETARY FOR SECURITY: Mr Deputy President, I can give figures for the last two years. The number of persons, who were stopped because they were subjects of warrants of arrest and other restrictions imposed by the courts, was 2 572 in 1991, and for all others 2 082. 20% were bailees and the remaining 80% were suspected criminals.

For the period January to September 1992 the respective figures are: 1 882 and 2 543.

MR JAMES TO (in Cantonese): *Mr Deputy President, will the Secretary inform this Council if he is aware of a case in which a resident of Hong Kong was stopped at the airport and prohibited from leaving for his vacation because he owed the Government \$60 in water charge subsequent to the sale of a premises?*

SECRETARY FOR SECURITY: Mr Deputy President, I am not aware of this case.

Flood mitigation works in northwest New Territories

5. MR WONG WAI-YIN asked (in Cantonese): *With regard to the flooding problems in the northwest New Territories, will the Government inform this Council:*

- (a) *of the specific works in hand to improve the flooding situation; when these works will be completed and what measures will be taken to ensure that the flooding problem will not be worsened when these works are in progress, and*
- (b) *prior to the completion of the works concerned, what interim measures are being taken to alleviate temporarily the existing flooding problem?*

SECRETARY FOR WORKS: Mr Deputy President, as regards the first part of the question:

(A) *Long-term flood mitigation projects*

The long-term works to mitigate flooding in the northwestern New Territories floodplains comprise river training schemes and village flood pumping schemes. The specific works are presented below under their respective drainage basins:

1. For Tin Shui Wai

The main drainage channels in the Tin Shui Wai hinterland have recently been completed. There are also four flood pumping stations in operation at Kiu Tau Wai, Lo Uk Tsuen, Sik Kong Tsuen and Sik Kong Wai. In addition, two flood pumping stations are under construction at Ha Mei San Tsuen and Sheung Cheung Wai. Meanwhile, planning of further minor channel improvement works at Shek Po Tsuen, Ha Tsuen Shi and Kau Lee Uk Tsuen is in hand with a view to starting construction in the end 1994 for completion by the end of 1999.

2. At Yuen Long and Kam Tin

The main drainage channels will be improved in two stages:

- (a) Stage I comprises the training of the Shan Pui River, and the lower and middle reaches of the Kam Tin River. This project will cost

about \$1,100 million and is scheduled to start in mid 1993 and be complete by 1998.

- (b) Stage II comprises the training of the upper reaches of the Kam Tin river. This project will cost about \$520 million and is scheduled to start at the end of 1995 and be complete by 1998.

There is at present one flood pumping scheme in operation at Nam Bin Wai (Kau Hui). Under planning are six further flood pumping schemes to protect Sha Po Tsuen, Ma Tin Tsuen, Shui Pin Wai, Shui Pin Tsuen, Tai Kiu and Lam Uk Tsuen and neighbouring villages in Wang Chau. The construction of the Sha Po Scheme is scheduled to start at the end of 1994 and be complete by 1997. The construction of the remaining schemes will start at the end of 1997 and be complete by 2003. These six flood pumping schemes together with two similar schemes in Ngau Tam Mei will cost \$275 million.

3. At Ngau Tam Mei

The river training will be carried out under a \$290 million project which is scheduled to commence in early 1994 and be complete in 1998. Also under planning are two flood pumping schemes to protect Pok Wai and Chuk Yuen Tsuen/Ha San Wai. Construction of these schemes is scheduled to start at the end of 1994 and be complete by 1997.

4. At San Tin

The river training works plus three flood pumping schemes to protect the San Tin group of villages, Chau Tau and Mai Po Lo Wai/Mai Po San Tsuen will be implemented under a \$370 million scheme. This project is scheduled to start in early 1995 and be complete in 1999.

As regards the concern raised that the flooding problem should not be worsened during the progress of the above projects, this has obviously been an important consideration in determining the phasing and the design of these projects. In addition, during construction as with all public works projects there will be contractual provisions for the works not to interfere with the free flow of the existing drainage system and for construction sequences and temporary works to receive independent checks by the resident engineers. They will be particularly watchful to ensure that these contractual provisions are complied with, especially during the wet season.

As regards the second part of the question, Mr Deputy President,

(B) *The short-term flood mitigation measures*

Because it will take some time for the benefits of the long-term flood mitigation projects to be realized, the Government is undertaking a variety of short-term flood mitigation measures.

1. Floodplain management

A Drainage Impact Assessment process has been introduced for major development projects on the floodplains so as to prevent the flooding situation from further deterioration. Under this process, at the beginning of any major development project, its likely impacts on the drainage patterns must be carefully studied and appropriate mitigation measures included in the project. Also, the enforcement of the Town Planning (Amendment) Ordinance since 1991 has slowed down the proliferation of indiscriminate land filling.

2. River maintenance

Efforts to maintain natural rivers have been hampered by the problem of access through private land. To overcome this difficulty, a Land Drainage Bill is being drafted to empower the Government to gain access to the main rivers to carry out maintenance works. It is scheduled to submit the Bill to Legislative Council in early 1993.

In the meantime, a budget of \$25 million over three years has already been obtained for clearing streamcourses in the New Territories and to bring early relief; clearance will be undertaken at flooding blackspots wherever and whenever the land access problem is overcome.

3. Local drainage improvements

In the Rural Planning and Improvement Strategy programme, there are 21 local stormwater drainage improvement items at various stages of planning, design and construction with an expenditure of \$69 million over the next five years for the entire New Territories. These works are small-scaled projects aimed at relieving bottlenecks in the local drainage systems.

4. Finally, flood warning

At present, there is a territory-wide flood warning system operated by the Royal Observatory. Pilot-testing is also in hand of flood sirens at San Tin, Kwu Tung, Tai Tau Leung and Tai O arranged this year. Also, a Real Time Flood Forecasting System is under development and will be pilot-tested next year. These pilot testings will indicate the practicability of an improved flood warning service to the New Territories villagers.

MR WONG WAI-YIN (in Cantonese): *Mr Deputy President, the Secretary mentioned in his reply that the vast majority of the improvement schemes would not be complete until 1998, 1999 or even 2003. As I have pointed out during the debate on the policy address, the situation now is a pressing one. If the Government can build a new airport at the cost of over \$100 billion before 1997, why does it take as long as over six to seven years to carry out these schemes which cost just over \$2 billion?*

SECRETARY FOR WORKS: Mr Deputy President, for the airport projects we are basically making new land, our own land. Unfortunately, the problem with the New Territories is that most of the land that we require for these drainage and improvement schemes comes under various ownerships and much of the time before the works can actually be started is taken up in obtaining access to the land and the right to use the land for these schemes. And secondly, as I have indicated in my reply, the phasing, planning and implementation of the various schemes has to be carefully co-ordinated so that the impact of any part of a scheme does not adversely affect the flooding risk of other areas.

DR TANG SIU-TONG (in Cantonese): *Mr Deputy President, could the Administration inform this Council which department is responsible for handling problems relating to flooding? And what ad hoc measures does the Administration have to gain entry to blocked streamcourses so as to carry out desilting work?*

SECRETARY FOR WORKS: Mr Deputy President, the Secretary for Planning, Environment and Lands is obviously deeply involved in many of the access problems relating to the New Territories. He and I must necessarily work very closely together in these flood amelioration projects. As far as the implementation is concerned, it is the Drainage Services Department together with the Territory Development Department who are the responsible departments, and as far as implementation performance is concerned, they report to me.

DEPUTY PRESIDENT: The next question touches on the role of the Executive Council in 1990, in connection with constitutional development in Hong Kong. As I was an Executive Council Member at the time, I will not preside over this question, to avoid any possible conflict of interest. The senior ex-officio Member present will now take the Chair for this item. The Financial Secretary, for the record, was not a Member of the Executive Council at the relevant time.

THE FINANCIAL SECRETARY took the Chair as presiding Member at this point.

Sino-British diplomatic exchanges on constitutional development

6. MR FRED LI asked (in Cantonese): *As the OMELCO consensus on political reform reached in 1989 was not mentioned in any of the recently released diplomatic letters exchanged between the British and Chinese Governments in early 1990 on the constitutional development of Hong Kong, will the Government inform this Council:*

- (a) *whether it is aware of the reasons why the British Government did not mention the Omelco consensus in these letters addressed to China;*
- (b) *whether the then Governor and Executive Council had seen all the relevant materials apart from the above-mentioned letters and whether they had been informed of the details discussed throughout the negotiations between the British side and Chinese side on the pace of political development in Hong Kong; and*
- (c) *whether it is aware of the reasons for the British Government to agree in principle with the arrangements proposed by the Chinese Government for an Election Committee to be established in Hong Kong in 1995, as stated in its letter to the Chinese Government on 12 February 1990?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, the Hong Kong Government was fully consulted at all times about the position being adopted by Her Majesty's Government with the Chinese Government on constitutional matters. The OMELCO consensus was passed to the Chinese side at an earlier stage: it was pointed out that it commanded wide public support in Hong Kong. The reason why it was not mentioned in the published documents is that the negotiations had by then moved beyond that stage.

The Executive Council were kept fully briefed throughout these discussions. Her Majesty's Government's aim in these discussions was to seek the maximum extent of democracy for the future consistent with the expressed desire for the smooth transfer of government in 1997.

MR FRED LI (in Cantonese): *Mr Acting Deputy President, the Administration is trying to evade the third part of my question, namely, why did the British Government agree to the arrangements proposed by the Chinese Government for an Election Committee to be established in Hong Kong in 1995? I would like to have a formal reply from the Secretary.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, I thought that I had answered the question but I am prepared to elaborate on that. The answer is that there was no agreement. Mr Douglas HURD agreed in principle with the arrangements prepared by the Chinese side which could be established in 1995 but stated that details of how these should be done would need to be discussed between the two sides. He also expressed the hope that the five principles agreed between the two sides could be reflected in the Basic Law. In the event, the Chinese Government did not take the steps required to turn the proposal in principle into a binding undertaking. The five principles were not fully reflected in the final version of the Basic Law. More significantly, the Basic Law makes clear that the Election Committee of the first SAR Legislature would not be the Election Committee for 1999. It was therefore incumbent on the Governor to put forward proposals for discussion; he has done so. There is nothing in his proposals which is inconsistent with the Basic Law.

MR MARTIN LEE: *Mr Acting Deputy President, after the OMELCO consensus had been dropped by the British Government in its negotiations with the Chinese Government, what was the reason for not informing the then non-government Members of this Legislative Council of this fact, since all such Members had contributed to the formation of the OMELCO consensus and all of them had, by virtue of such non-disclosure, been fully kept in the dark until the recent publication of the seven secret documents?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, by that time the Basic Law had been promulgated and the number of directly elected seats for 1991 and 1995 decided. The Secretary of State made clear that in the light of the results of the 1991 elections, the British Government would approach the Chinese Government on the question of a faster pace of democracy, and this the Secretary of State carried out on 25 September this year.

MR RONALD ARCULLI: *The Secretary, in his answer, has not really answered question (b) which asks whether the Executive Council had been shown all the relevant documents that were disclosed recently, and whether in fact there are any other documents relevant to these discussions that have not as yet been published. Could he perhaps answer that part of the question?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, I think in my main reply I have said very clearly that the Executive Council was fully briefed throughout those discussions. As to what matters were discussed or brought to the notice of the Executive Council, these must remain confidential.

MEMBER PRESIDING: Elucidation, Mr ARCULLI? Yes.

MR RONALD ARCULLI: *The Secretary still has not answered the question; "fully briefed" does not answer the question as to whether Members of the Executive Council were shown the secret letters that we have now been shown.*

MR PETER WONG: *My question would be exactly the same.*

MEMBER PRESIDING: Thank you, Mr WONG. Yes, Mr ARCULLI?

MR RONALD ARCULLI: *Sir, I asked for elucidation and you did not either rule me out of order or whether the Secretary should answer.*

MEMBER PRESIDING: Sorry, Mr ARCULLI, I thought you were elucidating what your question was. I do not think it is for the questioner to judge whether the answerer has answered the question fully.

MR RONALD ARCULLI: *With respect, Sir, if you think that the Secretary has answered the question, then perhaps you will rule my question seeking clarification as being a question out of order.*

MEMBER PRESIDING: I believe that my ruling was quite clear. I move to the next question.

DR LEONG CHE-HUNG: *Sir, after the exchange of the so-called "secret letters" there were some 11 visits by Ministers from the British Government. In each visit, as I can recall, there were points raised on the OMELCO consensus and at the same time questions were asked of these Ministers whether the British Government had backed down from its original promises, and yet, every time, this Council was given the answer that that was not the case. Would the Secretary care to elucidate on that particular point?*

MEMBER PRESIDING: Can you please, Dr LEONG, relate the visit of Ministers to the original question or the answer?

DR LEONG CHE-HUNG: *Ministers from Britain were questioned every time they visited Hong Kong by the then Members of this Council on the position of Britain. In spite of the fact that secret letters had been passed and presumably certain agreements had been made, yet, every time, Ministers from Britain gave the assurance to Hong Kong people, or this Council at least, that Britain had not backed down from its original stand. Could the Secretary comment on this?*

MEMBER PRESIDING: Your question related specifically to the OMELCO consensus, Dr LEONG?

DR LEONG CHE-HUNG: *Yes, Sir, to the OMELCO consensus.*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, the answer is very simple: the Secretary of State said so very clearly in his visits to Hong Kong that Her Majesty's Government is still very much attached to a faster pace of democracy, and Her Majesty's Government will continue to press this particular issue.

MR FREDERICK FUNG (in Cantonese): *Mr Acting Deputy President, in the second paragraph of his reply, the Secretary said, "the Executive Council were kept fully briefed throughout these discussions", but in his subsequent answers to Member's questions, he also said that many of them could not be disclosed due to confidentiality. Therefore, I could see two things. One is that the Governor may every now and then reveal matters relating to the Executive Council; the other is that the British Foreign Office released seven secret documents which might have been seen by the Executive Council. These give the impression that the authority can do whatever it wants while members of the community are not allowed to do anything. Will the Administration consider allowing the incumbent Executive Council Members who have also taken part in the discussions to speak openly?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, I would like to clarify the circumstances regarding the release of the seven exchanges to which Mr FUNG referred. The Secretary of State, on the recommendation of the Governor and at the suggestion of the Chinese side, decided that, in the interest of openness, the seven diplomatic messages should be published, so as to make plain the true nature of the discussions which had taken place and which had already been partially disclosed by the Chinese side. As to whether the principle of confidentiality should be relaxed in the case of Executive Council Members who were serving at that time, in other words, allowing them to do what Mr FUNG suggests, I think the Governor has on many occasions reiterated that the principle of confidentiality and collective responsibility with regard to Executive Council discussions would be maintained.

MR LEE WING-TAT (in Cantonese): *Mr Acting Deputy President, in the second paragraph of his reply, the Secretary said that the Executive Council were kept fully briefed throughout these discussions. He has used the word "briefed", but in the document he sent us last week, he said that the "Executive Council Members saw" the relevant diplomatic exchanges. Since there is a difference between the words "briefed" and "saw", can the Secretary clarify*

whether the Executive Council Members actually "saw" the documents or were just given a "briefing" on them?

SECRETARY FOR CONSTITUTIONAL AFFAIRS: I think, Sir, the Executive Council Members saw the relevant diplomatic exchanges.

MR HOWARD YOUNG (in Cantonese): *Mr Acting Deputy President, I refer to the last sentence of the Secretary's reply which mentions the expressed desire for the smooth transfer of Government. Can he clarify whether this "expressed desire" is a unilateral desire of the British Government, the Chinese Government, or the people of Hong Kong, or a common desire of the three sides?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, I do not think anybody, wherever they stand, whatever their views are, would object to the smooth transfer of power.

MISS EMILY LAU (in Cantonese): *Mr Acting Deputy President, I would like to follow up the question of Mr LEE Wing-tat. The Administration has said that the Executive Council Members saw the exchanges, but it has also been reported by the media that the then Executive Council Members denied having seen them. In order to let the public know who have betrayed the people of Hong Kong, will the Administration consider publishing the relevant documents of the Executive Council so that the people of Hong Kong can see who have betrayed us?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Sir, this would require the disclosure of Executive Council minutes and proceedings. As I have said in my previous reply to another question, these must remain confidential.

THE FINANCIAL SECRETARY stood down as presiding Member at this point and the DEPUTY PRESIDENT resumed the Chair.

Written answers to questions

Buildings acquired by LDC for purposes of urban renewal

7. DR YEUNG SUM asked (in Chinese): *In view of the time needed for the Land Development Corporation to acquire and develop the area designated for urban renewal project, will the Government inform this Council of:*

- (a) *the measures taken to ensure that dilapidated buildings within the designated areas for development are in safe condition pending the reconstruction work; and*
- (b) *the number of structurally unsafe buildings that have been acquired by the Corporation?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the maintenance of buildings, including those within areas designated for urban renewal, is the responsibility of the owners. Nonetheless, pre-war buildings in the urban area are inspected by staff of the Buildings Ordinance Office periodically.

Buildings Ordinance Office staff also investigate complaints about the condition of buildings and take action to secure their repair, closure or demolition under sections 26 and 27 of the Buildings Ordinance if they are found to be structurally unsafe.

There are no records which show specifically that structurally unsafe buildings have been acquired by the Land Development Corporation. However, 15 buildings have been closed and are being demolished or are awaiting demolition in areas to be redeveloped by the Corporation.

The Land Development Corporation itself regularly inspects buildings it has acquired and generally will keep them under repair until they are redeveloped. However, where their condition warrants it, buildings, once vacated, will be demolished provided this can be done without affecting adjacent buildings.

Fiscal reserve

8. MR DAVID LI asked: *In view of the prospect of increased government spending on social welfare and public works programmes in the years ahead and the fact that the Financial Secretary has mentioned the need for a "reasonable cushion" of fiscal reserve when speaking in this Council on this year's Appropriation Bill, will the Administration inform this Council what measures are being taken to formulate more concrete guidelines to ensure this "cushion" remains "reasonable" for the years ahead?*

SECRETARY FOR THE TREASURY: I am glad to be able to reassure the questioner that the spending proposals on social welfare and other key programme areas over the forecast period conform with the budgetary guideline that the growth rate of public expenditure will not outpace the trend growth rate of the economy. Thus the spending proposals announced in the Governor's address will not reduce the level of the fiscal reserves that we have

shown in the last Budget, in our Medium Range Forecast for 1992-93 to 1996-97.

Against this background, it is not necessary to formulate more concrete guidelines. How large the reserves should be must inevitably remain a matter of judgement, which would be influenced by a number of factors. These include the level of annually recurrent expenditure; the level of outstanding contractual commitments; the extent of our contingent liabilities; and any commitment such as that under the Memorandum of Understanding concerning the Construction of the New Airport in Hong Kong and Related Questions.

Inspections under the Companies Ordinance

9. MISS EMILY LAU asked: *In view of the Government's reply to a Legislative Council question on inspection of companies on 21 October 1992, will the Government inform this Council:*

- (a) *whether, in view of the large sums of money spent on company inspections, it will consider amending the Companies Ordinance to give the Securities and Futures Commission the power to carry out company investigations and to fund the work by imposing a levy on transactions of the Hong Kong Stock Exchange; and*
- (b) *the number of inspections conducted over the past 10 years under the Securities Ordinance, the costs borne by the taxpayers, the time taken by the inspectors to complete their investigations and whether the final reports have been completed and published?*

SECRETARY FOR MONETARY AFFAIRS:

- (a) There have been on-going discussions between the Securities and Futures Commission and the Administration on some proposed legislative amendments to allow the powers of investigation under the relevant sections of the Companies Ordinance and/or other Ordinances to be exercised more effectively. Members will be able to examine the detailed proposals when a Bill is submitted to this Council.

Until concrete proposals are developed, it is premature for me to say whether or not any further levy, in addition to the present transaction and the special levies, would have to be envisaged. But I am conscious of the need to ensure that the Hong Kong securities markets remain competitive as far as intermediation costs are concerned.

- (b) There were three inspections conducted over the past 10 years under the Securities Ordinance. The total costs for the three inspections amounted to about \$47 million and the time taken by the inspectors to complete their tasks varied from 7.5 months to four years and two months. A summary of the information requested can be found in the attached table.

Annex

<i>Year</i>	<i>Company involved</i>	<i>Cost borne by Government</i> \$	<i>Time taken</i>	<i>Whether report completed and published</i>
(1)	1982 Dollar Credit (Holdings) Limited	0.1M	7.5 months	Completed but not published because of concurrent prosecution and police search for wanted persons, whose trials could be jeopardized by publication of report.
(2)	1982 Mercantile Foundation Limited	2.1M	18 months	Not completed because of suspension of enquiries. Draft report and papers were passed to ICAC and publication was inappropriate.
(3)	1983 Eda Investments Limited and Carrion Investment Limited Commission	45M		Eda report completed but not published, on legal advice. The Carrion investigation was curtailed at the request of the then Securities Commission because of its complex and costly nature, with no indication that the outcome would be commensurate with the substantial expenditure of public funds likely to be incurred further should it be allowed to continue. The Carrion inspectors did not make a formal statutory report. They produced a paper on their investigation, which is subject to a confidentiality agreement between the Government and the inspectors.
	(a) Eda		2 years and 8 months	
	(b) Carrion		4 years and 2 months	

Radioactive shipments

10. MISS CHRISTINE LOH asked: *With regard to a Japanese vessel, Akatsuki Maru, carrying a cargo of radioactive plutonium from France to Japan, will the Government inform this Council:*

- (a) of its contingency plans in the event of the vessel requiring emergency assistance, given that Hong Kong is an international emergency port;*
- (b) of the controls that are in place over the shipment of radioactive or toxic materials that may enter Hong Kong waters or use Hong Kong as a transshipment port; the number of such shipments that have entered Hong Kong waters in the past two years;*
- (c) whether inspections are carried out to determine if there are radioactive or toxic materials without proper labelling on board vessels entering Hong Kong waters; what penalties have been imposed for such improper labelling;*
- (d) whether there are legal provisions regarding the payment of compensation to Hong Kong residents whose health is damaged due to exposure to shipments of radioactive or other toxic materials from abroad; and*
- (e) whether the Government's policy is in any way affected by Britain's national interests, given Britain's exchange of radioactive shipments with Japan and possibly other Asian countries.*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President,

- (a) The route to be followed by the plutonium carrier "Akatsuki Maru" has, for security reasons, not been made public. At present, we have no reason to believe that its course will bring the vessel close to Hong Kong, but we have been assured by the Japanese Government that should the carrier enter the South China Sea, it will, in normal circumstances, remain in international waters and not navigate closer than 200 miles to Hong Kong.
- (b) The question refers to Hong Kong as "an international emergency port". I wish to make clear that although Hong Kong has an international obligation to conduct and to co-ordinate search and rescue missions within a defined geographical area, such missions are directed to save human life in circumstances where the lives of the rescue personnel are not likely to be put at grave risk. Notwithstanding the above obligation, our port authorities would, in accordance with international regulations, be entitled to deny entry

into Hong Kong waters of any vessel deemed to pose a grave and imminent threat to the safety of the port or to the environment.

- (c) The shipment by sea of radioactive and toxic substances is regulated by the International Maritime Dangerous Goods Code. The Code, which is applied under our local Merchant Shipping (Safety) (Dangerous Goods) Regulations to all ships which wish to enter Hong Kong waters, lays down standards for the packaging, documentation, marking and stowage of all such goods.
- (d) The provisions of the Code are supplemented by provisions in the Import (Radiation) (Prohibition) Regulations, made under the Import and Export Ordinance, which prohibit the import of radioactive substances into Hong Kong except under licence. A licence for import is only issued to an importer who holds the appropriate permit issued by the Radiation Board. A licence is also required for the transshipment of radioactive substances and is only issued to those holding a permit issued by the Radiation Board.
- (e) The number of import licences issued in respect of radioactive substances transhipped or landed in the last two years was 1 140 (in 1990) and 1 180 (in 1991) respectively. The great majority of these were in respect of materials and equipment required by hospitals and by laboratories in educational institutions.
- (f) Further controls in regard to toxic materials are provided under the Dangerous Goods Ordinance, the Merchant Shipping (Safety) Ordinance and the Waste Disposal Ordinance, depending on their nature. Shippers carrying goods subject to control under the Dangerous Goods Ordinance must, on arrival in Hong Kong waters, submit to the port authorities a manifest detailing the nature and quantities of the goods being carried and some 200 such manifests are processed daily by the Marine Department.
- (g) As regards inspection, under the Radiation Ordinance, the Radiation Board is empowered to appoint inspectors to enter and inspect vessels which are licensed to import radioactive substances into Hong Kong or to use Hong Kong as a transshipment port for such substances. However, inspections as to labelling are not normally carried out on board vessels. There have been no recent cases of improper labelling of such substances.
- (h) As regards the legal provisions regarding the payment of compensation to Hong Kong residents whose health is damaged due to exposure to shipments of radioactive or other toxic materials, the Employees Compensation Ordinance deals with compensation for death or personal injury suffered or incurred in the course of and arising out of the employee's employment. Outside of that context,

the Nuclear Installations (Hong Kong) Order 1972 gives a right to compensation to persons in Hong Kong injured or suffering damage to property and this is in addition to any claim which might be made at common law for example in negligence against the consignors, consignees or shippers of such shipments.

- (i) The Government's policy in relation to the shipment of radioactive substances is not affected by the national interests of the United Kingdom.

Squatters in the New Territories

11. MR ALBERT CHAN asked (in Chinese): *Regarding the squatter problem in the New Territories, will the Government inform this Council:*

- (a) *of the number of squatter huts and the existing squatter population in the New Territories; and of the number of the New Territories squatter huts that are located on slopes;*
- (b) *whether there are plans to clear the squatter areas in the New Territories; if so, what the details and the schedule of such plans are?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, as at the end of September 1992, there were about 414 000 squatter structures in the New Territories, of which some 88 000 were used for dwelling purposes, housing about 228 000 people. The number of squatter structures for domestic use on steep slopes is around 16 000.

Squatters in the New Territories are cleared either when the land is required for public works or on safety grounds when recommended by the Geotechnical Engineering Office (GEO). Studies by the GEO between 1988 and 1991 showed that about 6 000 squatters were especially vulnerable to landslips during periods of heavy rainfall. To date, about 5 000 of these have been cleared and the remainder will be cleared by the next wet season.

The GEO is carrying out a re-inspection of the New Territories squatter areas previously covered by the studies between 1988 and 1991. This will be completed by June 1993 and additional areas will be inspected thereafter. Further clearances on safety grounds are likely to follow.

Kindergarten education

12. MR CHEUNG MAN-KWONG asked (in Chinese): *As kindergarten education has not been given due attention in the Governor's policy address, will the Government inform this Council of the following:*

- (a) *the numbers of children aged two to five enrolled in various kindergarten grades and those reaching the age to attend Primary I in each of the past three years; whether the Government will, based on these figures and information and having regard to the importance attached to kindergarten education by parents and the public, re-assess the necessity of pre-school education; and whether the Government has conducted studies to examine if children enrolled in Primary I direct without completing kindergarten education are more likely to have learning problems;*
- (b) *the respective numbers of private non-profit-making kindergartens and other private kindergartens in Hong Kong, the places available and the actual enrolment in various kindergarten grades in each of the past three years; how subsidies are provided by the Government to the above two types of kindergartens; the range of school fees charged by these kindergartens; and how parents benefit from the Kindergarten Fee Remission Scheme; and*
- (c) *the Government's total expenditure on kindergarten education and its share of the total budget for education in each of the past three years; whether there are plans to improve this ratio as soon as possible?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr Deputy President, the answers to Mr CHEUNG's questions are as follows:

- (a) (i) The numbers of children aged six, which is the normal age of entry into Primary I, in the past three years were estimated to be:

<i>1989</i>	<i>1990</i>	<i>1991</i>
86 867	81 992	77 043

The numbers of 2-6 year olds enrolled in various kindergartens grades over the same period were:

	<i>1989</i>	<i>1990</i>	<i>1991</i>
Nursery classes	62 013	60 766	64 902
Lower KG classes	68 538	65 543	63 236
Upper KG classes	71 199	70 157	65 620
	-----	-----	-----
Total	201 750	196 466	193 658
	=====	=====	=====

- (ii) The Government's policy is to enable all to have access to kindergartens. Non-profit making operators are subsidized with rebates on rent and rates. Needy parents are given assistance under a Fee Remission Scheme. This Scheme is being improved to allow more parents to become eligible for financial assistance, thereby making it possible for the operators to improve the quality of their teachers. The Government will consider the need for legislation to achieve a minimum proportion of trained teachers.
- (iii) The Government has not carried out any specific study to examine whether children enrolled in Primary I direct without having completed kindergarten education are more likely to have learning problems. The present Primary I curriculum does not presuppose that pupils starting their schooling have any prior academic knowledge. We are aware, however, that one research project, which is being undertaken by the University of Hong Kong, may throw light on the relationship between kindergarten experience and possible learning problems encountered by Primary I pupils. This study has started but is not expected to publish its findings on the issue in question for some time.
- (b) (i) The numbers of non-profit-making and other private kindergartens in Hong Kong, places available and actual enrolment in the past three years were:

	<i>1989</i>	<i>1990</i>	<i>1991</i>
<i>No. of kindergartens</i>			
Non-profit-making KGs	375	399	403
Other private KGs	416	386	364
	-----	-----	-----
Total	791	785	767
	===	===	===

	1989	1990	1991
<i>No. of places available</i>			
Non-profit-making KGs	N.A.	N.A.	N.A.
Other private KGs	N.A.	N.A.	N.A.
	-----	-----	-----
Total	224 267	224 718	223 376
	=====	=====	=====

Actual enrolment

Non-profit-making KGs	105 274	107 006	109 955
Other private KGs	96 476	89 460	83 703
	-----	-----	-----
Total	201 750	196 466	193 658
	=====	=====	=====

The breakdown of enrolment by grade is given under (a)(i) above; a further breakdown by type of kindergarten is not available.

- (ii) The Government subsidizes non-profit-making kindergartens by reimbursing their rents and rates. Expenditure in 1992-93 amounted to \$113 million. In addition, the Government assists parents who pass a means test with fee remission, regardless of whether their children are in non-profit-making or other private kindergartens. The Education Department also trains kindergarten teachers on a no-fee basis.
- (iii) The school fees charged by the two types of kindergartens are, in dollars per annum:

		1989	1990	1991
<i>For whole day operation</i>				
Non-profit-making kindergartens	Minimum	840	3 552	3 680
	Maximum	19 139	20 910	27 063
	Weighted average	5 988	8 125	8 771
	Median	4 860	6 780	8 094

		1989	1990	1991
Other private kindergartens	Minimum	2 940	2 940	2 940
	Maximum	35 340	43 600	43 600
	Weighted average	8 117	8 813	9 972
	Median	6 930	9 000	10 012
<i>For single session operation</i>				
Non-profit-making kindergartens	Minimum	1 000	1 000	1 200
	Maximum	23 100	27 400	30 800
	Weighted average	2 806	3 632	4 294
	Median	2 532	3 410	3 960
Other private kindergartens	Minimum	450	650	650
	Maximum	19 500	34 800	34 800
	Weighted average	3 736	4 727	5 632
	Median	2 940	3 908	4 716

- (iv) Parents who pass the means test under the Fee Remission Scheme are reimbursed the standard fee, either in full or in part, depending on need. In 1991-92, these reimbursements ranged from \$100 to \$400 per month in the case of single session kindergartens or \$200 to \$800 per month in respect of whole day operations. About 22% of eligible parents were reimbursed the full standard fee. Total disbursements amounted to \$24.7 million for the parents of 10 988 children, representing 5.7% of the total kindergarten enrolment.
- (c) (i) The total government expenditure on kindergarten education in absolute amounts and as a percentage of the total budget for the Education Department was:

<i>Financial Year</i>	<i>Expenditure* (\$million)</i>	<i>As % of ED Expenditure</i>
1989-90	83.7	1.0
1990-91	93.0	0.9
1991-92	128.9	1.1

* Comprising reimbursement of rents and rates to non-profit-making kindergartens, disbursements under the Kindergarten Fee Remission Scheme and an apportionment of staff costs in the Department.

- (ii) Funding for the Fee Remission Scheme will be increased from \$26 million at present to \$63 million by 1996-97. It is not possible at this stage to say how this increase will be translated into a new ratio as other factors to be involved in the calculation are unknown. However, given the large size of the Education Department budget, a dramatic increase is not expected.

Illegal car racing

13. MR JAMES TO asked (in Chinese): *Will the Government inform this Council:*

- (a) *of the extent of illegal car racing activities in the vicinity of the Cross Harbour Tunnel at night;*
- (b) *whether public complaints against nuisances caused by these activities have ever been received over the past two years; if so, what the total number of such complaints is; and*
- (c) *what measures are being taken to clamp down on these activities?*

SECRETARY FOR SECURITY: Mr Deputy President, there are illegal car racing activities in the vicinity of the Cross Harbour Tunnel but such activities are intermittent as a result of police action. These activities cause nuisance to nearby residents. Princess Margaret Road on Kowloon side is popular among illegal car racers, especially during the early hours of weekends. Those who take part are fairly well organized. For example, it is suspected that they have their own towing trucks to clear away cars that have broken down. They may also have their own speed observation, radar tracking devices and radio communication equipment to monitor police action against them. They are extremely alert to police patrols and any other operations that the police may mount.

Members of the public have made 112 complaints in 1990, 89 in 1991 and 90 in the first ten months of 1992 to the police about noise nuisance caused by cars. Some of these complaints may relate to illegal car racing. All these complaints were received on the Kowloon side of the Cross Harbour Tunnel.

It is an offence under section 55 of the Road Traffic Ordinance to participate in car racing. The maximum penalty is a fine of \$10,000 and imprisonment of 12 months as well as disqualification to hold a driving licence for 12 months upon conviction. Other traffic offences such as speeding, reckless driving, driving whilst disqualified and driving without insurance, may be invoked as appropriate.

The police deal with the problem through various measures. They set up traffic patrols, radar speed detection and road block checks to detect offenders. Police task forces are formed to mount special operations in conjunction with routine police traffic patrol teams to counter illegal car racing activities. Since January 1990, some 60 operations have been mounted.

Interception of telephone transmissions

14. MR GILBERT LEUNG asked (in Chinese): *Will the Government inform this Council the total number of orders made under the Telecommunications Ordinance for tapping private telephone conversations in the past three years; and whether the Administration has conducted any review, since the Hong Kong Bill of Rights Ordinance came into effect last year, of such tapping activities undertaken by the departments concerned to ensure that the provision on the protection of privacy as stipulated in Article 14 of the above Ordinance could be complied with?*

SECRETARY FOR SECURITY: Mr Deputy President, orders under section 33 of the Telecommunications Ordinance to intercept telephone transmissions are made only when the public interest so requires and only in cases involving the prevention or detection of serious crime, including corruption, or in the interests of the security of Hong Kong. Such orders are authorized by the Governor, who has to be satisfied personally that these criteria are met. It would not be appropriate on law and order and security grounds to disclose details of orders made, including numbers. However, Members can be assured that all applications submitted and decisions made are considered carefully on their own merits.

I can confirm that we are looking at our legislation to see if it is in need of modernization in the light of the introduction of the Bill of Rights, and a review is now underway. In this review we will take carefully into account the recommendations of the Law Reform Commission, which is presently examining existing Hong Kong laws affecting privacy, including the interception of communications.

Air services between Hong Kong and Taiwan

15. DR HUANG CHEN-YA asked (in Chinese): *Will the Government inform this Council whether existing air passenger and freight services between Hong Kong and Taiwan are able to cope with current demands and those projected for the coming five years; if not, what improvement plan for these services is being contemplated in order to enhance the commercial and trade activities between Hong Kong and Taiwan?*

SECRETARY FOR ECONOMIC SERVICES: Mr Deputy President, I can confirm that existing air passenger and freight services between Hong Kong and Taiwan are generally adequate to cope with current demands. The planning of additional services to meet increasing demand is a matter for the airlines in which the Government does not intervene.

Ventilation in underground public car-parks

16. DR SAMUEL WONG asked: *Will the Government inform this Council what statutory requirements are in place concerning the provision of mechanical ventilating systems in underground public car-parks, what statutory controls are available to ensure that such systems are running properly, and how the relevant legislation is enforced in practice?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr Deputy President, the Building (Ventilating Systems) Regulations govern the ventilating systems installed in private buildings which involve the use of ducting or trunking passing through compartments, including those in underground car-parks open to the public.

The Regulations specify safety requirements in respect of the construction and materials used in the ventilating systems to minimize fire hazards. The owner of the ventilating system is required to maintain it in safe condition and efficient working order at all times, and to employ a registered ventilation contractor to inspect the dampers, filters and precipitators fitted in the system at intervals not exceeding 12 months. Failure to comply with this requirement is an offence punishable by a fine of \$2,000 on conviction.

After the inspection, the contractor is required to issue certificates, with copies to the Director of Fire Services, to the owners confirming that the dampers, filters and precipitators are in safe and efficient working order. Failure to comply with the requirement is an offence punishable on conviction by a fine of \$2,000 and imprisonment for six months. Again the Director of Fire Services is responsible for enforcing this provision.

Illegal parking of heavy duty vehicles

17. MR FRED LI asked (in Chinese): *In view of the growing problem of illegal parking of heavy goods vehicles and trailers of container trucks on the roadsides and in the vicinity of public housing estates, will the Government inform this Council:*

- (a) *whether action will be taken to step up the prosecution of offenders and to raise the level of fines; and*
- (b) *whether consideration will be given to restricting the issuance or renewal of the relevant vehicle licences only to those owner of heavy goods vehicles and container trucks who are able to secure fixed parking spaces for their vehicles?*

SECRETARY FOR TRANSPORT: Mr Deputy President,

- (a) The police invariably take enforcement action against illegal parking, particularly where this causes traffic congestion or poses a danger to pedestrians and other road users. They intensify enforcement measures in blackspot areas where possible, commensurate with their manpower resources and other priorities. Consideration is being given to raising the level of fixed penalty fines for illegal parking and other offences.
- (b) Making the availability of fixed parking spaces a licensing requirement for heavy goods vehicles and container trucks would be very difficult to enforce. Instead, the Administration is concentrating on increasing the supply of parking spaces as a better solution to the problem. As the Secretary for Planning, Environment and Lands said in his written reply to a question on 21 October 1992, the Government plans to provide about 2 000 parking spaces for heavy goods vehicles in the coming year. Container terminal operators have been encouraged to provide spaces within their terminals for overnight parking, and one operator has already agreed to designate 300 such spaces. Over the next five years, the parking problem associated with the container port should be relieved with the commissioning of terminals 8 and 9, which will have 52 hectares of back-up land, including space for heavy goods vehicle parking.

Quality of reproduction of government written material

18. MR MARTIN BARROW asked: *Is the Government aware that the poor reproduction quality of material which it distributes to Members of this Council reflects badly on professionalism of Government and is causing increasingly severe eye strain amongst Members of this Council and if so, what steps will it take to improve the quality of reproduction of its material?*

CHIEF SECRETARY: We are aware that on occasions the documents presented to Members are quite difficult to read because of the poor quality of faxes or as a result of faxing a facsimile copy. We will be reminding government offices that the written materials given to Members should be of a good legible quality. The Secretary General OMELCO has also taken the necessary steps to ensure that this is done.

Recreational and cultural activities for the disabled

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

- (a) *of the number of recreational and cultural activities organized for the disabled by the relevant government departments such as Social Welfare Department, Urban Services Department and Regional Services Department and so on, the number of participants and the expenditure incurred in the past three years; and*
- (b) *whether the relevant government departments have set a certain ratio with regard to the number of activities to be held for different target groups when organizing the activities for the public; if so, what the proportion of the activities for the disabled in relation to the total number of activities organized is; and whether consideration will be given to increasing the number of activities for the disabled to participate in?*

SECRETARY FOR HEALTH AND WELFARE: The following response, *seriatim*, is based on information supplied by the Secretary for Recreation and Culture and the Director of Social Welfare.

As regards part (a) of the question, cultural activities are organized mainly by the Urban and Regional Councils for the general public, including disabled persons who have access to most of the venues. No breakdown is therefore available. The information in respect of recreational activities organized by the municipal councils for disabled persons is set out below:

	<i>1989-90</i>	<i>1990-91</i>	<i>1991-92</i>
<i>Urban Council</i>			
No. of Activities	140	170	156
No. of Persons	8 530	9 340	8 700
Expenditure	\$330,000	\$540,000	\$550,000
<i>Regional Council</i>			
No. of Activities	88	93	91
No. of Persons	4 311	4 581	4 860
Expenditure	\$116,000	\$178,000	\$224,000

These activities include excursions, fun days, camping and sports training courses. The expenditure set out above relates to direct programme expenses such as the hiring of instructors, temporary organizers and transport. Other costs such as staffing, administrative costs as well as venue charge have not been included.

The Social Welfare Department in collaboration with non-governmental organizations organize social and recreational activities for disabled persons through social and recreational centres, sports associations and social clubs. Their able-bodied relatives and friends also take part in such activities. The information in respect of social and recreational activities is as follows:

	<i>1989-90</i>	<i>1990-91</i>	<i>1991-92</i>
<i>Social Welfare Department</i>			
*No. of Persons in Daily Activities	74 270	76 470	74 540
No. of Special Activities	3 480	2 930	3 060
*No. of Persons in Special Activities	119 640	118 210	110 450
Expenditure	\$9.8 M	\$11.6 M	\$13.1 M

* These figures include relatives and friends of disabled persons. No further breakdown is available.

In addition, Work Group Units and Youth Offices of the Social Welfare Department also organize programmes for disabled and able-bodied persons. The total number of persons/times of disabled participants in these programmes amounts to 38 972 over the past three years. Within the limited time given, it has not been possible to arrive at a breakdown of the cost of these programmes.

The interest cultivated by sports training courses organized by the two municipal councils and the talents of our disabled athletes have enabled them to achieve resounding success in international sports events. A total of 344 gold, 227 silver and 171 bronze medals have been won over the last decade.

As regards part (b) of the question, no ratio has been set on the number of activities for different target groups. Our ultimate goal is to achieve integration of disabled persons into the community. They should be encouraged as far as possible to take part in our daily activities.

Commander British Forces's Executive Council membership

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

- (a) *in announcing the stepping down of the Commander British Forces as an ex-officio member of the Executive Council on 7 October this year, whether the Governor has considered:*
 - (i) *that the withdrawal of the Commander British Forces is in violation of clause II of the Royal Instructions;*
 - (ii) *that the decision of the withdrawal, being announced to take effect before the relevant legal provision is suitably amended, will affect the credibility of the Government; and*
- (b) *whether the decisions taken by the Governor in Council subsequent to the stepping down of the Commander British Forces as an ex-officio member of the Executive Council are legally effective?*

SECRETARY FOR CONSTITUTIONAL AFFAIRS:

- (a) The Commander British Forces is an ex-officio member of the Executive Council, as provided for by clause II of the Royal Instructions. The Secretary of State endorsed the Governor's proposal that the Commander's ex-officio membership should cease. The Commander will of course remain formally a member of the Executive Council until the necessary amendments are made to the Royal Instructions to abolish his membership. There is therefore no question of any violation to clause II of the Royal Instructions.

It is not uncommon for the Government to announce, in the public's interests, certain policy decisions before the relevant legal provision is in place. Providing the public with timely information on Government's decisions improves, rather than weakens, the Government's credibility.

- (b) Pending the completion of the necessary amendments to the Royal Instructions, the Commander British Forces will remain on the Executive Council. Whilst the Commander has agreed that he will not normally attend Executive Council meetings in the interim, this will not in any way affect the Council's operation. There is no requirement that meetings of the Executive Council must be attended by all Council members.

Motion

TELEPHONE ORDINANCE

THE SECRETARY FOR ECONOMIC SERVICES moved the following motion:

"That the Schedule to the Telephone Ordinance be amended in Part V -

- (a) By adding after item 27 -

"28. Tie Line Access Facility for "Centrex" Service (see Note 10) -

- | | |
|----------------|--|
| (a) Connection | \$200 for each inter-system leased circuit |
| (b) rental | \$600 per annum for each inter-system leased circuit"; and |

- (b) by adding after Note 9 -

"10. The amounts indicated for Tie Line Access Facility are for one-way access (i.e. either inward or outward access) only; charges for access both ways are double the amounts indicated."."

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

Under section 26(1) of the Telephone Ordinance the Hong Kong Telephone Company may charge for its services at levels which do not exceed those shown in the Schedule to the Ordinance. Section 26(2) empowers this Council to amend the Schedule by resolution.

The Company wishes to introduce a new service, the Tie Line Access Facility, to subscribers to its Centrex service. Centrex is a centralized private branch exchange service for business customers.

Briefly, the new service will allow Centrex subscribers to communicate directly with other Centrex users and private branch exchanges, without the need to go through the public switched telephone network. This will allow subscribers to set up virtual private networks between Centrex and private branch exchange systems. Such networks will be particularly useful to companies with branch offices, as it would allow all network users to benefit from the same enhanced network features, such as call-forwarding or conference calling.

To provide the new service, the Company will need to install new processing and signalling equipment. The Company proposes to charge \$200 for installation and \$50 per month rental for each one-way circuit access to the service. The Administration has examined the basis for the charges and considers it to be reasonable.

Mr Deputy President, I beg to move.

Question on the motion proposed, put and agreed to.

First Reading of Bills

CRIMES (AMENDMENT) (NO. 3) BILL 1992

LORD WILSON HERITAGE TRUST BILL

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

Second Reading of Bills

CRIMES (AMENDMENT) (NO. 3) BILL 1992

THE SECRETARY FOR SECURITY moved the Second Reading of: "A Bill to amend the Crimes Ordinance."

He said: Mr Deputy President, I move that the Crimes (Amendment) (No. 3) Bill 1992 be read a Second time. The purpose of the Bill is to remove capital punishment from our statute books.

Capital punishment is currently the mandatory penalty for:

- (a) murder, under section 2 of the Offences Against the Persons Ordinance (Chapter 212);
- (b) treason, under section 2(2) of the Crimes Ordinance (Chapter 200); and
- (c) piracy with violence, under section 19 of the Crimes Ordinance.

The death penalty may also be imposed by the Governor in Council under the Emergency Regulations (Chapter 241).

On 26 June 1991, this Council voted in favour of the introduction of legislative measures which would abolish the death penalty and replace it with life imprisonment.

The purpose of the Crimes (Amendment) Bill is to make all of the adjustments to legislation necessary to abolish the death penalty.

In its place, it is proposed that life imprisonment should be the mandatory sentence for murder, treason and piracy with violence and that mandatory life imprisonment will be the maximum sentence that may be provided for by the Governor in Council under the Emergency Regulations.

In cases where a sentence of life imprisonment is imposed, the Governor will call on the trial judge to give him a written report indicating any special considerations or mitigating circumstances and, where appropriate, what in his view should be the minimum term of imprisonment to be served. This is currently the practice with regard to sentences of capital punishment.

Life sentences will be reviewed by the Board of Review initially after five years and subsequently every two years, unless the Governor directs that a case should be reviewed earlier after having considered the trial judge's report.

Once the Bill becomes law, all those who are then under sentence of death will have their sentences commuted to life imprisonment. Currently there are 32 prisoners who fall into this category.

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

LORD WILSON HERITAGE TRUST BILL

THE SECRETARY FOR RECREATION AND CULTURE moved the Second Reading of: "A Bill to establish the Lord Wilson Heritage Trust and to provide for its administration and related matters."

He said: Mr Deputy President, I move the Second Reading of the Lord Wilson Heritage Trust Bill.

The Bill seeks to provide for the establishment of the Lord Wilson Heritage Trust whose objects are the preservation and conservation of the human heritage of Hong Kong. The Trust is named after Lord Wilson to commemorate his term of office as Governor of Hong Kong.

Since the enactment of the Antiquities and Monuments Ordinance in 1976 and the establishment of the Antiquities and Monuments Office in the same year, the Government, on the advice of the Antiquities Advisory Board, has made significant progress in the preservation and conservation of Hong Kong's heritage. So far, 47 historical buildings and archaeological sites have been declared as monuments, including the exterior structure of this Council building. Excavation of sites in northern Lantau and western New Territories over the years have uncovered significant artefacts of archaeological interest, some of which date back to as long ago as 6 000 years in history. That we have come this far is due in no small measure to the dedication and contributions of many individuals and organizations including the universities, the Hong Kong Archaeological Society and the two municipal councils. However, much more remains to be done, in particular, in promoting community awareness of the importance of heritage protection in Hong Kong. While the Government will continue to provide the lead, the establishment of the Lord Wilson Heritage Trust will strengthen our efforts by providing additional financial support for educational and publicity activities, and where appropriate, the purchase or restoration of historical buildings and monuments for the purpose of their preservation and making them accessible for public appreciation.

The Trust will be funded entirely by donations. So far, over \$26 million has been received and an additional \$17 million pledged, of which \$15 million is from the Royal Hong Kong Jockey Club.

The Bill provides for the appointment by the Governor of a Board of Trustees and a Council. The Board of Trustees will be responsible for managing the Trust assets both for the purpose of promoting the objects of the Trust and for investment, while the Council will undertake activities to promote the objects of the Trust under the direction of the Board. The Bill provides for matters relating to the auditing of the accounts and tabling of reports in the Legislative Council. The Bill also empowers the Board and the Council to employ staff to assist in the discharge of their respective functions. However, initially, the intention is that the Trust will be serviced by the Antiquities and Monuments Office and no additional staff will be required.

The establishment of the Trust has the full support of the Antiquities Advisory Board, and the public at large as indicated by their generous donations.

Thank you, Mr Deputy President.

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

WATERWORKS (AMENDMENT) BILL 1992

Resumption of debate on Second Reading which was moved on 14 October 1992

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 Bill

Council went into Committee.

WATERWORKS (AMENDMENT) BILL 1992

Clauses 1 and 6 were agreed to.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

WATERWORKS (AMENDMENT) BILL 1992

had passed through Committee without amendment. He moved the Third Reading of the Bill.

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

Bill read the Third time and passed.

Member's motion**POLITICAL DEVELOPMENTS IN HONG KONG**

DEPUTY PRESIDENT: I would remind Members of the agreement of the House Committee that Members' speaking time should be limited as follows: the mover of the motion, including the reply, 15 minutes; the movers of amendments to motions, seven minutes; and other speakers, seven minutes.

In accordance with recent practice, the buzzer will sound one minute before the allotted time expires and at the expiration of the allotted time the buzzer will sound continuously. I would expect Members to honour the agreement of the House Committee as to this restraint on length of speeches.

MISS CHRISTINE LOH moved the following motion:

"That this Council urges the British and Hong Kong Governments to adopt the principles of openness, fairness and acceptability to the people of Hong Kong when engaging in future dialogue with the Chinese Government on the political development of Hong Kong."

MISS CHRISTINE LOH: Mr Deputy president, I rise to move the motion standing in my name in the Order Paper.

To the extent that the Joint Declaration commanded the confidence of Hong Kong in 1984, it did so by offering a series of important promises in unambiguous terms. It promised:

- That Hong Kong would enjoy a "high degree of autonomy" from the Chinese Central Government;
- That the legislature would be elected to office;
- That Hong Kong would be invested with independent judicial power, including that of final adjudication;
- That rights and freedoms would be protected and extended;
- And that until 1997, Britain alone would be responsible for the administration of Hong Kong, with China promising its "co-operation" in that regard.

Those were the pillars on which Hong Kong's future was to rest.

Mr Deputy President, these pillars are tottering.

They are being undermined by a force of which we were told nothing in 1984. Which made no appearance in the Joint Declaration. And which was imported by stealth into the transitional arrangements sometime between November 1985 and January 1986.

The force of which I speak here is what we now call "convergence" — a misleading name, since it suggests a mutuality of movement by the parties deemed to be converging. In the case of Hong Kong, "convergence" seems only to mean what China says it wants, and that Britain, after a decent interval of hesitation, agrees.

We have been hypnotized by "convergence". It is a device introduced by China to serve China's ends. Convergence is not a strategy. It is a tactic. Yet we are told to treat it as a virtue, a necessity, even, incredibly, as a high principle capable of eroding promises set down in the Joint Declaration which we once so trustingly assumed to be sacrosanct.

"Convergence" is frustrating the desire of Hong Kong for the rapid development of democratic government. It is contesting the authority of the present Administration. It mocks our expectation of a "high degree of autonomy" in Hong Kong after 1997.

Why do we suffer this? We do so because we are told that "convergence" is the necessary basis for a "smooth transition" in 1997. But let me suggest otherwise.

At Britain and China's behest, we have been attempting to "converge" with a post-1997 political system which, as set down in the Basic Law, falls dangerously short of our standards and requirements.

I remind this Council that we have already declared our support for the Honourable Jimmy McGREGOR's motion on 14 October that the election committee should be composed of the democratically elected district board members. China's ill-reasoned denunciation of the proposed 1995 election committee structure shows that "convergence" serves mainly as a useful cover for instinctive hostility towards democratic reform.

There is then the publication on 28 October of correspondence between the British and Chinese Foreign Ministers, on the subject of constitutional reform in Hong Kong. Though these letters do not, as China claimed, reveal a secret "agreement" with Britain, they do reveal an attitude towards democracy which is scarcely less distressing. They show that democracy in Hong Kong has been regarded, by London and by Beijing alike, not as a value, but as a commodity — something to be bartered, bargained over, managed and exploited.

Mr Deputy President, I fear that some may accuse me of failing to justify my argument by reference to fact and to detail. I would like, therefore, to remind the Chamber of some of the specific problems which will confront it during the 1997 transition, however diligently it might seek to "converge". For "convergence" is powerless to solve problems inherent in the Basic Law itself. Indeed, by denying the capacity to amend, to oppose or to innovate, convergence merely makes the situation worse.

This Council's "reward" for "converging", we are told, would be the "through train". Very well. But how, then, do we accommodate Article 67 of the Basic Law? It provides, as you will remember, that:

"..... permanent residents of the Region who are not of Chinese nationality or who have the right of abode in foreign countries may not exceed 20% of the total membership of this Council."

The problem is that we do not know who will or will not be considered a Chinese national after 1997. China's Nationality Law is too vague and untested for us to be sure how objectively that law will or even can be applied in Hong Kong after 1997.

Would Article 67 restrict those who can stand in all constituencies, or just in some constituencies? Would we do better to see who was elected and then draw lots as to who should be compelled to stand down? And would we then hold fresh elections to fill the vacancies, starting the cycle all over again?

This is the direction in which the logic of convergence pushes us. Is this our idea of a "smooth transition"?

Surely, it cannot be. Article 67 of the Basic Law alone makes it impossible to reconcile the principle of "convergence" with the idea of a "smooth transition".

Let me now proceed to another contradiction. I remind this Council of the decision that was adopted on 4 April 1990 by the National People's Congress on the method for the formation of the first government and the first Legislative Council of the Hong Kong Special Administrative Region. It provides that members of the legislative Council may only continue to serve onward from 1997 to 1999 after they have been "confirmed" in office by a Preparatory Committee appointed by the Chinese Central Government.

The identity of this committee is still a mystery to us. The mandate of this Preparatory Committee is not only to scrutinize the composition of this Council for conformity with the Basic Law, but also to examine the individual Council members themselves. It must ensure that only those members who "uphold the Basic Law" and "pledge allegiance to the Hong Kong Special Administrative Region" will continue to serve beyond 1997.

I do not think that any of us here will have any problems pledging allegiance to the Hong Kong SAR. But what does it mean to "uphold the Basic Law"? Does it mean to obey the Basic Law in so far as it prescribes particular courses of action? Or does it mean to espouse the Basic Law in every detail and not to question it?

If the latter, then any Member of this Council who has suggested that the Basic Law should be amended in any way has theoretically rendered himself vulnerable to the Preparatory Committee's mandate.

The fact is that, as in all other matters of interpretation, it is up to China. They are to be decided upon by the Standing Committee of the National People's Congress — a body under the political control of the Communist Party. And because we cannot possibly forecast how the Communist Party will choose to exercise its absolute discretion in interpreting the Basic Law during and after 1997, we cannot "converge" in any sure, verifiable way.

Some of the Members elected to this Council in 1991 may not be acceptable to China come 1997. Yet those same Members have every prospect of being re-elected in 1995 if they choose to stand. We must expect that the Preparatory Committee and perhaps the nationality rules will then be used to block their way. Fresh elections will presumably be inevitable, and the possibility of a "smooth transition" will again be frustrated — not by any failure of "convergence", but by criteria invented and imposed by China without any basis in the Joint Declaration.

If elected representatives of the people can be removed from this Council by the Preparatory Committee, that would be a total abnegation of democracy and would make a mockery of the Basic Law's promise in Article 68 that the ultimate aim is the election of all members of this Legislative Council by universal suffrage.

Those who say that bumping off "one or two" elected legislators does not affect a smooth transition are totally misguided.

The Joint Declaration promised Hong Kong the freedom of speech and the freedom of the ballot box. Let us not be lured into conspiring against those freedoms in the name of "convergence". Let us remain true to our own beliefs and to our own values. And let us urge Britain and China alike to respect our right to do so.

Mr Deputy President, I come now to the text of the motion. It says nothing about convergence.

- The motion looks forward to a continuing dialogue between the British and Chinese Governments on political reform.

- The motion requires that the dialogue be an open one. When the future of Hong Kong is being negotiated, the people of Hong Kong must know what is being said on their behalf. That is a matter of right and common decency. It should not be an occasional or accidental privilege.
- The motion requires that the reforms be fair ones, in which due weight is given to the democratic wishes of Hong Kong.
- Finally, the motion requires "acceptability to the people of Hong Kong" as the objective criterion for reform.

Mr Deputy President, since I still have some time, if I may, I would like to comment on all the amendments now because I think that may save time later on. Would you permit that?

DEPUTY PRESIDENT: You have the right to speak to each of the amendments after the amendments are proposed. So it is really your option, Miss LOH.

MISS CHRISTINE LOH: I think it would save time perhaps if I do it all now because I am conscious that many speakers would like to speak. If I may, I would like to carry on.

DEPUTY PRESIDENT: Certainly.

MISS CHRISTINE LOH:

- (1) Mr Deputy President, the Honourable Jimmy McGREGOR's amendment to my motion is about further democratic reform for Hong Kong and supports in general the Governor's reform proposals. I therefore support his amendment.
- (2) The Honourable CHIM Pui-chung's amendment offers hollow sentiments, in hollow language.

I have made my arguments against convergence and against illusory appeals to a "smooth transition" on that basis. There is nothing in Mr CHIM's amendment to undermine my case, and much to reinforce it. Convergence means not merely deference to China's wishes, but uncritical, unconstructive, unthinking deference. Such deference cannot possibly be in the "long-term interests" of the people of Hong Kong. The amendment is thus logically and politically wrong.

As to the idea that discussions should be conducted on the basis of their "realistic acceptability" to the people of Hong Kong, I am torn between incomprehension and disbelief. Are we telling Hong Kong people that they have to accept whatever is thrust at them?

The people of Hong Kong understand a very great deal, they understand much more than the governments of Britain and China often seem to appreciate. Mr CHIM cannot expect acquiescence and he certainly cannot be allowed to propose it as this Council's mandate. Our problem is to secure respect for Hong Kong's views. Mr CHIM's amendment is thus regressive and patronizing. It should be discarded in its entirety.

- (3) The Honourable Andrew WONG's proposed amendment unfortunately does not answer our present needs.

Of course we hope that discussions between Britain and China will be "friendly" ones. But it would be naive to issue this proposition as our mandate. Discussions and negotiations of every kind have their ups and downs, their periods of rapid progress and their periods of reflection. If the interests of Hong Kong require the British Government to be firm, then it must be so. So long as it does so courteously and justly, no offence should be given or taken.

Much of the wording of Mr WONG's amendment has unfortunately been borrowed for less noble ends in more recent years, and I worry about the construction which might be put on Mr WONG's references to "prosperity and stability" and a "smooth transition". These are phrases which have been appropriated by the advocates of "convergence" in order to inhibit democratic reform in Hong Kong.

Accordingly, while I respect Mr WONG's sentiments, I cannot support his amendment, which would tend both to weaken and to confuse the message which we are trying to send.

- (4) The Honourable FUNG Kin-kee's amendment is a virtuous one. But I am concerned that it would lead us away from the main matter of the moment, which is the principle by which Sino-British dialogue should be conducted. Accordingly, I oppose this amendment, not because I think it wrong in principle, but because I think the matter needs to be developed more fully at another time.

With these remarks, Sir, I beg to move the motion with the Honourable Jimmy MCGREGOR's amendment.

Question on Miss Christine LOH's motion proposed.

DEPUTY PRESIDENT: Members may now express their views on the main motion as well as each of the four Members' amendments listed in the Order Paper. I shall ask the four Members who intend to move amendments to speak first, but no amendments are to be moved at this stage.

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, in 1840, the United Kingdom occupied Hong Kong by means of the Opium War. In 1984, that is 144 years later, the British and Chinese Governments reached an agreement and signed the Sino-British Joint Declaration. After four to five more years' joint efforts and numerous debates, the Basic Law was formulated. The Chinese Government, realizing that the Hong Kong community is incapable of adapting itself to communism and the communist way of life, put forward the idea of "one country, two systems" in its own interests and some Hong Kong people's interests. Actually, "one country, two systems" provides us with a very good choice.

Being members of the Hong Kong community, we should bear in mind the following four conditions or rights:

First, we should acknowledge that the Chinese Government will have absolute sovereignty over Hong Kong after 1997. In other words, the sovereignty of Hong Kong after 1997 will undeniably be in the hands of China.

Second, if we have no confidence in the implementation of "one country, two systems" and the Basic law, what should Hong Kong people do? The answer is: we should fight for the right of abode in the United Kingdom because the British Government bears absolute responsibility for us and has absolute obligation to do so, just like what the Portuguese Government does to the people of Macau.

Third, if we are not going to fight for the right of abode, we should respect the promise of "one country, two systems" and the Basic Law. We should at least give them a chance to be implemented and give tacit consent to them. I am very confident in "one country, two systems" and the Basic Law which are going to be put into practice after 1997. The situation in Taiwan and Singapore indeed boost our confidence. Are these two territories not run by ethnic Chinese? Furthermore, we have experienced expatriates to assist Hong Kong after 1997.

Fourth, if we negate completely all the above-mentioned, it means that we have chosen the wrong path to move ahead.

Mr Deputy President, Hong Kong acutely needs a smooth transition and convergence in 1997. Convergence means the last Legislative Council elected in 1995 is to be converged with the first Legislative Council to be elected in 1997. Naturally some Members are against this view and say that it is unnecessary. Their reason is that if they are required to get off the train, then they will

certainly raise objection to it. This is in fact a selfish statement which is made not for the Hong Kong people and does not have their interests at heart. We must realize that if we cannot have convergence by that time, Hong Kong may not necessarily come to an end. But if there is no need for convergence, there is utterly no point in conducting any discussion and one can simply say that "I support all the 60 seats to be directly-elected in 1995". After 1997, the Chinese Government can exercise its sovereignty over Hong Kong and implement what it considers to be right in accordance with the Basic Law. It is undeniably laid down in the Basic Law that Hong Kong has absolute rights in running its own affairs. But we should not lose sight of the fact that China has sovereignty over Hong Kong. We must realize that we cannot say that Hong Kong belongs 100% to the Hong Kong people. If this argument were valid, does it mean that Taiwan belongs to the Taiwanese? Does it mean that Tibet belongs to the Tibetans? Such a point of view will not be acceptable to the Chinese Government, nor will it be supported by the Chinese who really care about China. As Members of this Council, we must appreciate this fact. Actually, we have to be fully aware that according to the Basic Law, the Legislative Council in 1995 shall be composed of 60 Members. We all know that the seats will be fairly distributed and that all Members be returned by any one of three types of election. The introduction of different election methods is to suit different situations. There are 21 Members returned by functional constituencies including Mr TAM Yiu-chung, Mr PANG Chun-hoi, Mr Jimmy MCGREGOR, Dr LEONG Che-hung, Mrs Elsie TU, Mr CHEUNG Man-kwong, Mr Michael HO, Mr HUI Yin-fat and myself. How can anyone challenge that they are not representing the interests of the grassroots, or championing democracy? It is too arbitrary for the so-called liberals to say that others are not liberals and claim themselves to be the only liberals. As a legislator, I have the obligation and responsibility to echo the feelings of some people to this.

Miss Christine LOH's attitude is very arrogant just now. It is within her rights to voice her own opinions but if you look at her background you will not be surprised why she expressed such views. Her backstage boss is *Ming Pao Daily*. And she has practically allied herself with the United Democrats. Therefore, I think that she

DEPUTY PRESIDENT: Yes, Mr LEE?

MR LEE WING-TAT (in Cantonese): Mr Deputy President, I would like to know whether it is proper during debates to impute motives to another Member or to make unsubstantiated claim with intent to slander or to smear one's integrity and character. Thank you.

DEPUTY PRESIDENT: Let me rule on this, before you intervene, Mr CHEUNG. Members are well aware of the rules in Standing Orders by which offensive and insulting language is not to be used in respect of another Member

and no Member may impute improper motives to another Member. Mr CHIM, please be guided by those principles.

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, I will fully comply with these rules. I still have approximately one minute

DEPUTY PRESIDENT: Mr CHEUNG, do you have a point of order?

MR CHEUNG MAN-KWONG: Yes, Mr Deputy President.

MR CHEUNG MAN-KWONG (in Cantonese): I would like Mr CHIM Pui-chung to clarify in what way Miss Christine LOH is related to *Ming Pao Daily News* and the United Democrats of Hong Kong. And on what basis did he make such an allegation?

DEPUTY PRESIDENT: Mr CHIM, that is a point of elucidation which you are at liberty to elucidate or not elucidate.

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, I could decline to answer the question posed by Mr CHEUNG Man-kwong but I am willing to give a reply. Miss Christine LOH works for CIM Company Limited which at present is managing *Ming Pao Daily News* while Mr NG Sung-man, the treasurer of the United Democrats of Hong Kong, also works for CIM Company Limited. Therefore basically they have a very close relationship. If my observation is correct, this is how things stand. I will continue with my speech, therefore

DEPUTY PRESIDENT: Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): Mr Deputy President, you have mentioned earlier that under Standing Orders, contents of speeches should not contain any statement that is damaging to a Member's reputation or any imputation about the motives of another Member. I would like Mr Deputy President to make a ruling on whether Mr CHIM should be asked to delete that part of the speech he made.

DEPUTY PRESIDENT: It is very often a matter of degree, Dr YEUNG Sum. I have reminded Mr CHIM of the provisions of those Standing Orders and I have called on him to exercise restraint. Mr CHIM, please proceed.

DEPUTY PRESIDENT: Yes, Miss LOH. Is it a point of order?

MISS CHRISTINE LOH: Mr Deputy President, I appreciate Members helping me out. I would like to just say that I excuse Mr CHIM for those comments. So we do not have to come back to this issue again.

DEPUTY PRESIDENT: It is a matter for my ruling, Miss LOH, although you are very generous. (*Laughter*)

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, the press in the public gallery should have realized the actual situation, therefore, I am not going to make a reply.

Being a Member of this Council, I am obliged to put the public in the picture. It is indeed necessary for Hong Kong to maintain wholehearted co-operation between the industrial and business sector and the working population to strive for a more prosperous future. If we disregard the importance of convergence, any motions and debates are in essence meaningless, and we may support the Hong Kong Government to do whatever it thinks fit for the 1995 elections. But this is totally unacceptable to the Hong Kong community and all thinking men. Therefore, it is necessary for the Chinese and British Governments to hold discussions in order to achieve convergence and to come up with solutions which are in the real interests of Hong Kong people.

Lastly, I would like Members of this Council to bear in mind the three points that I have just mentioned. After all, we should not forget that if we have no confidence in the Basic Law and "one country, two systems", there are still other alternatives available. Mr Deputy President, all my remarks are made with the aspirations of some Hong Kong people in mind. Thank you.

MR JIMMY MCGREGOR: Mr Deputy President, the issue before us is very clear. The Governor, and therefore the Government, has put forward, for consideration by all the parties concerned proposals for the further development of representative and democratic government through the 1995 elections. It is the responsibility of the Government to do so. It is the responsibility of this Council to consider these proposals and to take a view on them. It is irresponsible for Members of this Council to suggest that, somehow, this vital issue is not one which should be put to the Council. If it should not then why on earth are we sitting here? Why did the Governor appoint many Members of this Council? Why did the functional constituencies and the people of Hong Kong elect many other Councillors? Did we go through this process so that we could "chicken out" when important and controversial issues come before us for consideration and decision? We would be a poor bunch if that were indeed the situation. We are supposed to be leaders of the community and

yet some of us become very nervous when required to lead. Leaders do not wail and wring their hands and look to the North Star for guidance. They make decisions.

The Governor's proposals have pushed democratic reform in Hong Kong to the limit within the constraints of the Joint Declaration and the Basic Law. China claims that some of them have gone beyond these limits, if not in legal terms then in terms of the spirit and intention of these documents. On the basis of the secret correspondence we have now seen on the subject, I would say that the British position is legally correct but that the Chinese have at least one very reasonable point to make. They should make it in discussion and negotiation, not by megaphone and certainly not through their chosen business and professional friends in Hong Kong whose one-sided bias has been apparent to all of us for some of these years. Who are these people who allegedly speak for business? What element of business recognizes their status in continually backing China against Hong Kong and in particular the Hong Kong Government whenever a problem arises between the two territories. This group of wealthy, elite businessmen do not, in my view, represent anyone other than themselves and a very narrow and shortsighted sector of the business world. I say that with some feeling. They were virtually all opposed to me at two elections; so I know them very well. Yet twice I was elected to this Council by business voters. Every member of the Chamber knew that my political orientation was towards democratic reform; yet they voted me back into office. A great many businessmen support Mr PATTEN's proposals in principle and in general although they recognize that some changes may have to be made in negotiation and in the course of taking legislation through this Council. It is time we heard more from businessmen like Roger THOMAS and Simon WONG who have faith in democracy and not so much from those whose quavering voices are guided by profit and not people.

I amended Miss Christine LOH's motion because it did not require Members to take a view on the proposals and to vote in support or against. That is the least what the Governor should be able to expect from this Council. It is a strange situation to me that, as far as I can judge, the majority of elected Members support the Governor with some understandable reservations whilst the majority of the appointed Members, who have no elective mandate, seem prepared to vote against him. These proposals represent major government policy. Those Members appointed by the Government, if they really feel so strongly against these policy proposals, should, in my view, resign from the Council. That is the recourse they have and they should use it. Virtually all of them have called at various times for greater democracy in Hong Kong and I am on record for saying so. Yet when our Governor tries to provide it they turn away. The people will judge them.

As to the proposals, there is little need to discuss those affecting the Election Committee. These arrangements were already strongly endorsed at the motion debate on Wednesday, 14 October.

The proposal for one-seat constituencies for 1995 has also been endorsed and no objection has been seen to the lowering of the voting age to 18.

So which proposals need negotiation? Only one major issue. That is the question of the nine functional constituency seats. The Governor's proposals for these are interesting, democratic and ingenious but I can see clearly that they cut across the understanding that we all had that such constituencies would represent narrowly defined elements of our society. Most people in Hong Kong thought so. China thought so. The new formula seems to me to have been thrown together without much thought for the practical difficulties. These will be considerable.

I support the concept but these particular proposals should be the subject of much detailed examination. If in the course of further discussion here or with China these particular proposals were substantially modified, I would not be surprised.

We must not be frightened by China nor accept bullying by Chinese officials. We have a strong case for further reform and we must answer to our consciences and ultimately to the Hong Kong people. China must be made to understand that nothing we do is intended to harm China. Indeed the very opposite. But we must deal with each other as equals and our views must be put forward to China without fear. We must go forward together or we may not go forward at all.

I say to you that Mr CHIM Pui-chung's amendment is an invitation to vote against the Governor, the Government and the clear wishes of the people of Hong Kong. My amendment will provide a vote for the Governor's proposals on further democratic development and for the people. Mr Andrew WONG's amendment will allow Councillors to sit on the fence. It is like a dog's dinner, so much promise and so little substance.

I now ask Councillors to support Miss Christine LOH's motion as amended by me.

MR ANDREW WONG (in Cantonese): Mr Deputy President, two days ago, that is, 9 November, I submitted my amendment to Miss Christine LOH's motion with a heavy heart. Today, I take part in this debate with the same heavy heart.

The focal point of today's debate is neither on Miss LOH's motion nor my amendment to her motion, to say nothing of Mr Frederick FUNG's amendment. It is actually on the amendments moved by Mr CHIM Pui-chung and Mr Jimmy MCGREGOR.

In his amendment Mr CHIM Pui-chung emphasizes the importance of convergence, the convergence with the Basic Law and the convergence with the future political system stipulated by the Basic Law even though this political

system may not be good enough or democratic at all. To put it nicely, such a position is realistic and practical but to put it cruelly, it is submissive and kowtowing. Of course, it can even be described in more unpleasant manner but as a responsible legislator, I do not wish to and should not say such things on any occasions, not to mention inside the stately chamber today.

Mr McGREGOR's amendment shows his clear-cut stance to support the Governor's proposed political reform. He emphasizes the importance of democratization in the sense of democratization of our political system and stepping up the pace of democratization of our political system, disregarding the possibility that the relationship between China and the United Kingdom may rupture and China may set up a shadow government elsewhere. To put it nicely, such a position is idealistic but to put it cruelly, it is also idealistic but a kind of romantic idealism. There are naturally some harsher words about it but as responsible Legislative Council Members, should we really have to be scathing about it and go on endless rattling and hurling abuses?

Unfortunately, Mr Deputy President, the battle line has been clearly drawn and the battle has already taken place. However, Mr Deputy President and my honourable colleagues, have you ever thought that such a battle can be avoided? Even if it is inevitable, have we considered whether this is the most appropriate moment to open fire? Mr Deputy President, I earnestly urge my honourable colleagues to think it over again.

Mr Deputy President, the amendment I submitted two days ago seems to be a combination of different opinions but actually it is not so. My amendment is characterized by the deliberate omission of the two opposing phrases: "convergence with the Basic Law" and "in support of the Governor's political reform package".

Some people have already called me a fence-sitter and I forgive them. In fact, I am dissuading Hong Kong people as a whole family from painting ourselves into a corner. Hong Kong is our home. Although we cannot decide everything ourselves, we really have the ability to bring about internal strife or disorder and the total destruction of this beautiful home. Should this happen, are we going to blame China and the United Kingdom, or indeed ourselves?

Mr Deputy President, the aim of my amendment is to remind myself and all of us of the fact that our pressing task is to urge China and the United Kingdom to conduct some constructive discussion in a friendly spirit. The sovereignty is not in the hands of Hong Kong but China and the United Kingdom instead. These two sovereign powers, in possession of sovereign rights, are responsible for ensuring that all future arrangements will be made in the interests of Hong Kong people and in line with their wishes. This is the responsibility of China and the United Kingdom. On the other hand, they should do so as this is what they owe us. We should unite to press them for discharging their responsibilities or repaying their debt.

Mr Deputy President, my amendment is also aimed at reminding China and the United Kingdom of abiding by the Sino-British Joint Declaration. The most important and basic principle is to work for the interests and wishes of Hong Kong people and to abide by the Sino-British Joint Declaration.

Mr Deputy President and my honourable colleagues, let me repeat that the pressing task upon us is to urge China and the United Kingdom to sit down and have a sincere discussion rather than to stir things up or even pour oil to the fire. If we go different ways and drive China and the United Kingdom to confront each other, thus ending their good relationship, we, as a family on board the same boat, will only be trapped in a situation beyond redemption.

Mr Deputy President, I have recently composed a poem in response to the current situation and I would like to share it with all of you:

The thin thin Hong Kong dollar coin
 Heads the western Cleo
 Tails the northern Leo
 O you brave people of Hong Kong
 O make your choice

The daily thinning Hong Kong dollar coin
 On the casino table
 spinning O its endless spin
 Heads the northern Leo
 Tails the western Cleo
 O you clever people of Hong Kong
 O place your bet

The thinly thinned Hong Kong dollar coin
 On the casino table
 still spinning its spin
 Heads the western Cleo
 Tails the northern Leo
 The two wagering sides
 squabbling O their endless squabble
 O you poor people of Hong Kong
 O what can you do

The thin thin Hong Kong dollar coin
 Heads the northern Leo
 Tails the western Cleo
 O you brave people of Hong Kong
 O make your choice

Mr Deputy President, I have already made my choice. My choice is Hong Kong; my choice is life. I am against Mr CHIM Pui-chung's amendment not because I do not support convergence and I am also against Mr Jimmy

McGREGOR's amendment not because I do not support the quickening of the pace of democratization. I think if you care to see my track record of supporting democratization, you should be very clear about my stance. It is my wish as well as Hong Kong people's wish to serve both God and Mammon, so to speak. Is it really impossible for us to do so?

Mr Deputy President and my honourable colleagues, I choose to call for unity. This is the moment we unite ourselves to press China and the United Kingdom for discharging their responsibilities. Mr Deputy President, may I earnestly ask my honourable colleagues again to courageously vote against the amendments of Mr CHIM Pui-chung and Mr Jimmy McGREGOR respectively and courageously support Hong Kong, our Hong Kong?

Mr Deputy President, there are bound to be people saying that this is a critical moment to decide some cardinal questions and we must take sides. It is precisely for this reason that I am calling upon different parties and political groups to allow their representatives in this Council to make an independent choice in voting. Let us make a choice out of our conscience at this very critical moment.

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, today's debate actually touches on the fight for political reform and at the same time might involve the Legislative Council in the tug of war between China and the United Kingdom. I would like to look at these two issues separately. On the issue of political reform, I think that political reform has always been the goal for which our social organizations have been persistently striving. We have never given up; the fight is still on. I believe that we will continue to fight for political reform after 1997. Let me talk about my personal experience and some of the experience of the Hong Kong Association for Democracy and People's Livelihood. Before the Association came into being, while the review on district administration was underway in 1984, we were already, as a group of young people, fighting for the provision of more directly elected seats. In 1987, when representative government came under review, the Association was also working hard to secure more directly elected seats. I also set up an Association for the Promotion of Democracy with other political groups to fight for direct elections in 1988. We were demanding that the Legislative Council should have at least half of its seats returned by direct elections after 1997. We continued to work towards that end in the follow-up review of representative government conducted in 1989. In this regard, we can see that social organizations have never given up on their fight for democracy and political reform.

China and the United Kingdom contested each other on three issues. First of all, there were the Sino-British talks which later produced the Joint Declaration. Secondly, the two countries were engaging in negotiations on the airport and afterwards they announced the Memorandum of Understanding on the Airport. Thirdly, at the Joint Liaison Group meetings, the two countries

have frequently quarrelled with each other, only to make up again each time. Hong Kong people are amazed at the spectacle of the two making war, and peace, time and again; it is just like adapting to the regularly changing weather conditions. The question remains, though, how much say do Hong Kong people have in the discussions concerning their own future. To what extent are their wishes respected? To what extent are the wishes of Hong Kong people incorporated into the policy decisions? If the seven diplomatic exchanges are anything to go by, I think the answer to these questions has to be none at all.

I would like to focus on social organizations campaigning for political reform. Spatial and temporal constraints do not apply in terms of a social organization staging a campaign for its own government to adopt what it regards as the appropriate, or desirable, pace of democracy. There is no way constraints can be superimposed on such campaigning either. There is no question of exception in respect of the different circumstances of country or people. There are people fighting for more democracy and greater justice in democratic countries like the United Kingdom, the United States and West Germany. In authoritarian societies, such as the Chinese society, there are equally people campaigning for political openness. In this connection, I do not see any temporal, spatial or geographical constraints concerning the campaigning for democracy. Insofar as the Sino-British rivalry for power is concerned, I think that it is something beyond the comprehension of our social organizations. We are not equipped to take sides. The reason is that we do not know what they are arguing about. Secondly, we do not know whether they have reached a secret deal behind the scenes. Since we have no knowledge of what they are arguing about, or what sort of deal they have reached, their rivalry for power should be a matter of their own. Since it is a matter of their own, it should not have a bearing on the campaigning of Hong Kong social organizations for political reform. In this connection, I do not think that we should get drawn into the Sino-British dispute, whether in today's motion or in any amendment motion. I think that today's motion or amendment motion should only reflect, and have bearing on, the attitude of this Council on the political reform proposals for 1995. To me, it is not a question of stating where one stands. Indeed, how many Councillors have still not yet indicated where they stand on this issue? On the very day the Governor gave his policy address, Members affiliated to the Co-operative Resources Centre, the United Democrats, Meeting Point and the Hong Kong Association for Democracy and People's Livelihood have already taken turns to express their views; more than half of Members of this Council have already spoken. Independent Members have also stated their views. 60% to 70% of Members have already stated where they stand. It is for this reason that I consider today's debate should not be used as another opportunity for publicizing our political stance.

Insofar as the Association for Democracy and People's Livelihood is concerned, we presented a political reform proposal in early September, one month before the Governor's policy address. Comparing our own proposal with the eleven reform proposals of the Governor, we can see some measure of agreement on one proposal, difference on another proposal, but total agreement

on all the other nine proposals. Put in another way, there is over 90% convergence between the Governor's proposals and our own. We believe that the Governor's political reform package has incorporated most of the views articulated in the past by the various organizations advocating democracy. It is, as such, more like a package emanating from the democrats, or shall we say Hong Kong people as a whole, than one invented by the Governor. It is for this reason that we are not so much supporting the Governor in this debate as supporting a political package of Hong Kong people, a democratic political reform package as it were. We support using that package as a basis with which to conduct dialogue with China. It should be a dialogue which has no superimposed constraints or pre-conditions. However, there is one point which I would like to clarify about our position. We are very upset about the provision in the Governor's package for functional constituency elections. The Hong Kong Association for Democracy and People's Livelihood would go for the scenario in which each voter has uniformly one, or two votes. What the Governor has proposed is a scenario in which whereas the 21 old seats will be returned by one man one vote, the newly created nine (functional constituency) seats will give rise to some voters having two, or even three votes. Whereas the new arrangement is nevertheless an improvement on the old system in terms of greater openness, it is still not fair and not in keeping with the Governor's own principle.

Returning to the subject of this motion debate, I can see that the motion moved by Miss Christine LOH was originally to urge both the United Kingdom Government and the Hong Kong Government to conduct constructive discussions on the political development of Hong Kong with the Chinese Government on the basis of the wishes of Hong Kong people as indicated by the findings of a comprehensive consultation exercise. I would agree with that motion, but in its final version, the phrase concerning comprehensive consultation of public views is missing. I would like to ask Members whether the wishes of Hong Kong people have ever been valued since the start of Sino-British talks in 1983. To what extent have the wishes of Hong Kong people been mentioned in the Sino-British Memorandum of Understanding on the Airport? If at this Legislative Council debate we are still unable to talk about the wishes of Hong Kong people, then how are we going to go about this comprehensive consultation exercise? It has always been my view that democracy is not something which is bestowed on us, that it is something that people have to fight for themselves. We do not need a middle man; we do not want the Governor to play the role of a middle man. I do not wish to see the British acting as our agent. The Governor's political reform package is one that belongs to the people; we hope that the Governor would accept it, but we have no wish to see the Governor acting as our agent. We feel that the only thing the Governor needs to do is to provide a channel through which we Hong Kong people will have the opportunity to express our own views, and our own inclinations. Once these have been given direct expression, then they should form the conditions and contents of the negotiations between the British and the Chinese Governments. It is in this context that a comprehensive consultation exercise is required. And by comprehensive consultation I mean that a

comprehensive, scientific, and all embracing survey should be conducted, or a Green Paper published. It is an exercise in which everybody expresses his or her wishes on the basis of one person one vote. I think that the Legislative Council can at the end of the day pass the enabling law for the Government to make the final decision or leave that to a referendum. But what I have said about decision making by the Legislative Council, the Government or a public referendum is actually a separate issue from what we understand by a comprehensive exercise. Thank you, Mr Deputy President.

MR STEPHEN CHEONG (in Cantonese): Today's debate is a good debate. First of all, I have to apologize to you, Mr Deputy President, and other Members of this Council, for I may have to exceed the time limit of seven minutes, though I will certainly do my best to compress the points I wish to make. Given the fact that we in Hong Kong uphold free expression and freedom of speech, I would think that any restriction on the speaking time of legislators is fundamentally in contravention with the spirit of debate and the overall social climate.

Mr Deputy President, we are faced with a chaotic situation. It is up to us as a responsible government, and a responsible legislative body, to come up with an objective analysis and enable the public to look at the overall picture in its proper perspective. As a responsible legislator, I would think that we have the obligation to bring up issues which we should address in order that Hong Kong people will be able to conduct a rational analysis and make a sensible choice.

You will recall that while the Chinese and the British Governments were engaging in their talks over the future of Hong Kong, while the Chinese Government was putting together the Basic Law for the future Special Administrative Region, and indeed while the Foreign Ministers of China and the United Kingdom were conducting their diplomatic exchanges, the guiding principles involved in each process were invariably the maintenance of prosperity and stability in Hong Kong and a smooth political transition. These principles provide an important safeguard for Hong Kong people during the latter half of the transition period, and for their lifestyle to continue beyond 1997. We can see from the history of Hong Kong, and the present situation of other countries, that stability is a very important factor in social development. Hong Kong is no exception. I very much hope that this will be borne in mind by both China and the United Kingdom when they engage in further talks on Hong Kong.

Governor PATTEN put to this Council his political reform package a few months after taking office. Not only has China not been consulted as the future sovereign country of Hong Kong, but the views of this Council too have not been solicited in putting together that package. The Governor considers his package to be the result of his best judgement of public opinion since his arrival in Hong Kong. But how should public opinion be judged after all? No one can give a definite answer to this question. For example, whereas the Governor perceived public opinion to be going for the abolition of the appointment system

in district boards, we can at the same time see that most of the district boards, which represent public opinion, are opposed to the abolition move. Can we conclude that public opinion can be right sometimes, but wrong at other times? Should we, alternatively, select public opinion on the basis of certain preconceived notion in order to resolutely pursue a policy which suits that notion?

If the Hong Kong Government is determined to disregard the priority of convergence, which the British officials have stressed in the past, if it does not care whether the through train model will be derailed, choosing instead to implement this reform package of the Patten Administration, then we have a duty to inform Hong Kong people of the kind of consequences which this will bring about. We have to fulfill that duty as responsible legislators. For responsible legislators should not, and cannot, indulge in shouting empty slogans while turning a blind eye to the possible consequences. We should not misguide Hong Kong people and sacrifice their right to continue to enjoy a stable life style.

This reform package has already been labelled by the Chinese Government as going against the Sino-British Joint Declaration and the Basic Law. If implemented in Hong Kong, the result will be, when Hong Kong reverts to Chinese sovereignty, that the Chinese Government will reorganize the legislature in accordance with the provisions in the Basic Law. When non-convergence becomes a reality, then major changes will be made to the power structure. One should like to ask whether the social, political and economic impact which this will create should be borne exclusively by the six million people who will remain in Hong Kong.

Over the past month or so, many supporters of the Patten proposals have chosen to evade the issue of consequences of non-convergence, preferring instead to talk obliquely about their hope that China will, for the sake of convergence, decide not to, or dare not, change the *status quo* after all. But the reality which everybody can see is that China has repeatedly made it clear, and indeed the diplomatic exchanges between the Chinese and British Foreign Ministers have also indicated very clearly, that there existed a certain tacit understanding and agreement. Why do we have to force Hong Kong to get back to the drafting stages of the Basic Law? Why do we have to force Hong Kong to take the road which is socially divisive and will only lead to further intensification of dispute? The Sino-British talks have been able to achieve results by keeping to the principle of seeking consensus and accommodating differences. If we are unable to uphold that principle, I wonder how we are going to solve all the obstacles which we will encounter in terms of the new constitutional arrangement and the discussion of other real issues which lie ahead. Who have forgotten to live up to the spirit of the years of Sino-British co-operation after all? Who have after all instigated the confrontation and made us forget the importance of convergence? Who have put the interests of Hong Kong people at risk after all? Who after all have seen fit to open the already

resolved issue of the future of Hong Kong again, in the remaining years of the transition period?

I have to remind the Governor that Hong Kong people invariably want stability and prosperity and that the smooth political transition is a matter of overall social interest. The Governor should not allow himself to be misled by politicians. He should not unrealistically and blindly expedite the pace of democratic development, merely to satisfy the selfish ends of politicians, and sacrificing the interests of Hong Kong people in the process.

The other point which I think is also worth looking at is that some politicians are misleading the people

DEPUTY PRESIDENT: Sorry, Mr CHEONG. Yes, Mr McGREGOR?

MR JIMMY McGREGOR: A point of order, Mr Deputy President. Time has gone well fast for Mr CHEONG. We are all subject to the same rules in this Council and I suggest that his speech be brought to an end.

DEPUTY PRESIDENT: As Members are aware, the time limit as to seven minutes is one that was agreed by the House Committee. I have no power under Standing Orders to enforce the agreement and the decision of the House Committee in this regard. So it is very much a matter for the individual Members to honour the terms of the decision of the House Committee. But I cannot stop Mr CHEONG.

MR JIMMY McGREGOR: Then, Mr Deputy President, may I protest that this information was not provided to all other Members before this meeting. We would all have taken a much longer time. We have subjected ourselves to restrictions in the interest of getting through the work of this Council. I think it is very wrong indeed for one Member to go beyond that time limit.

DEPUTY PRESIDENT: So far as Standing Orders are concerned, Mr McGREGOR, I cannot take any further steps.

MR STEPHEN CHEONG: Mr Deputy President, I would like to respond by saying when the House Committee considered this particular issue we did not know that there would be four amendments and further possible amendments to the amendments. And in the interest of freedom of speech, there would seem to be little reason here in this Council to limit the speaking time of any Member. If I may continue.

MR STEPHEN CHEONG (in Cantonese): We have to distinguish between a high degree of autonomy and independence. Given the indisputable fact that China will become the sovereign state of Hong Kong in 1997, any alteration to the system cannot be decided unilaterally by Hong Kong people. Looking back on the colonial history of Hong Kong, we cannot see any instance of Hong Kong people being allowed to vote decisively on any crucial issue. For otherwise, why would the British Government have described as unrealistic our request that it should grant the right of abode to our six million population. Also, whereas the majority view of Hong Kong people has always been that Hong Kong should cease to be the port of first asylum so we could get the burden of Vietnamese boat people off our back, the British Government, under the pressure of the United States, eventually exercised its powers as the sovereign state of Hong Kong and effectively made it impossible for Hong Kong people to take any decisive action other than voicing our protest. There are many instances of this kind; we have not forgotten. As responsible legislators we have to take it as our first priority, in keeping with the principle of a high degree of autonomy, to lead Hong Kong people to take the road which points to a smooth transition. We should not recklessly encourage Hong Kong people to turn a blind eye to the inescapable political reality, to go for a utopia which only exists in our dreams.

There are some irresponsible politicians who frequently use the economic achievement of Hong Kong as a bargaining chip with China, thinking wishfully that the Chinese Government has to rely on the economic power of Hong Kong to develop its economy. They foolishly seek to pressurize China into allowing them to experiment with their unrealistic political ideal. I regret their ignorance of the economic development in China. China has had a need for the economic power of Hong Kong to develop its economy in the past 10 years. But now China has already developed a dynamism of its own in terms of economic development. Furthermore, investors of South Korea, Japan and South East Asia have been eyeing China for its rich resources, vast market and phenomenal potential for economic development; they are only too eager to take over the role of Hong Kong in the China market.

It is admittedly true that over the past several years the flourishing economic development of Hong Kong has resulted in the improved living standard for Hong Kong people. The dynamism behind our economic development, however, has been attributable to China's policy of reform and openness and the excellent relationship between China and the United Kingdom. If a solution cannot be found to the Sino-British impasse and we actually end up with a situation where there is no question of Sino-British co-operation, then this will lead to instability, erode the confidence of Hong Kong and overseas investors and have a direct impact on the economic activities of Hong Kong.

It is feared that, given our present economic and cost structure, we will not be able to achieve the 5% economic growth forecast by the Governor, without the economic development in China which will contribute to our economy. It is in the context of this economic reality that Hong Kong should

devote itself to promoting Sino-Hong Kong economic co-operation and actively support the policy of reform and openness in China. We should refrain from blindly confronting China and become die-hard anti-communist fighters. On the contrary, we should patiently help China to go for even greater openness. For otherwise, Hong Kong's value to China will diminish, due to its own short-sightedness.

I am sure that there are people who will accuse me of talking like a scaremonger. But the fact is that these things can happen as they happened before in history. I want members of the public to be wary of, and take lessons from, what happened in former British colonies like India and Pakistan. The policy of decolonization pursued by the British Government following the end of the Second World War has resulted in democratic governments being set up overnight. However, it turned out that the sudden change actually came as a blow to the economic development in the countries involved, leading to political instability. This is not only proof that democratization should only progress gradually, but also that excessive speed in democratization will only have an adverse effect on development. This should serve as a reminder to us that as colonization comes to an end we must be all the more wary of any sudden generosity; we have to think very clearly about the consequences before we allow ourselves to be carried away.

Mr Deputy President, I would like to end by quoting another public opinion poll. According to a survey conducted by the *South China Morning Post* in May, it was the consensus of the respondents that the first priority of the Governor upon taking his office was to address the issue of inflation and Sino-British relationship was only a second priority. This is evidence of the far greater importance which Hong Kong people attach to the local economy and the issue of livelihood; they are far less interested in constitutional development. The reason for this is that Hong Kong people realize that economics is the key to their livelihood and it is after all a stable investment environment and a stable political situation which will form the basis of sustained economic development.

I support the amendment motion of Mr CHIM Pui-chung.

MRS SELINA CHOW: Mr Deputy President, in the debate of 14 October in this Council, Co-operative Resources Centre's convener, the Honourable Allen LEE, succinctly stated our position and I quote: "CRC considers that Hong Kong must have progress in democracy. At the same time we demand a smooth transition through 1997. In order to reach this objective there must be convergence in the political system. In paragraph 128 of the policy address the Governor mentioned that most citizens are hoping for constitutional reforms that would be compatible with the Basic Law and thereby transcend 1997."

In the same debate the mover of the motion, Mr Jimmy McGREGOR, concurred with this view. He said we are only concerned with the pace of democratic reform and a system which will bring this about allowing a smooth transition of sovereignty and authority to China.

On 24 October, on the Governor's return from China, CRC went on public record to state our position yet once again. We do not believe that it would be in Hong Kong's interest, nor do we believe it is the wish of our people, to adopt a package of reforms which has no hope of surviving 1997. Today we firmly maintain this view. For if Hong Kong is to pursue this route of uncertainty, not only will the constitutional development face disruption or possibly even an abrupt end, but other important areas where continuity of development rely on the good will and co-operation of both governments will also suffer. These include issues currently under discussion in the Joint Liaison Group. In other words, disruption would not only be contained in the political side but would overflow into other social and economic areas. Some such vital issues are franchise agreements straddling 1997, air service agreements and other international negotiations, law and order and many other day-to-day problems that may be common to both Hong Kong and China and the solution of which depends entirely on joint efforts on both sides.

The latest poll published today by the *Hong Kong Economic Times* brings new revelation on the views of our people on this question of continuity. Over 50% of the respondents consider that the failure in reaching agreement by the two governments will undermine the stability and political development of Hong Kong. In other words, it confirms people's recognition of the negative effect that a break in communication between the British and the Chinese sides will have on Hong Kong and their overwhelming wish that the two governments should return to a course of dialogue and compromise so as to find a way which would put Hong Kong back on to the safe and sure course assured by the Joint Declaration and the Basic Law.

On this basis, we at the CRC urge both governments to demonstrate their sincerity and resolve by untying this knot, which they have both played their part in creating, by engaging in useful talks across the table with each other. Efforts so far put by both sides to muster support are polarizing and dividing our community and pushing us further and further away from the goal that Hong Kong people would like to see achieved. Communication, not confrontation is needed now. Convergence, not collision, must remain the goal. But if — and it is a very big if and it is not an if that Hong Kong wants to face — the Governor does decide one day to put forward a package of political arrangements to this Council, which clearly has no chance of survival beyond 1997, we regard it his responsibility to tell the people of Hong Kong that, contrary to a decade of consistent policy on the part of the British Government to secure convergence, he has decided to forgo the assurance of convergence and thereby put at risk the smooth transition of sovereignty. We maintain that such an important choice should be put to our people through a referendum.

In his first speech to Hong Kong the Governor put forward the five key principles of his governorship, one of which is the importance he places on the building of trust between Hong Kong and China. Recent developments are seriously threatening this aim. Our people are anxious that both governments should take urgent steps to rectify this situation for the sake of Hong Kong.

As for Mr Jimmy McGREGOR, who calls himself a democrat, he has consistently ignored the views of the people who disagree with him and has called on those who disagree with him to resign from this Council, even today. This is not the way of a democrat. He advocates the killing of the enemy, the annihilation of dissent and pushing disagreement between the British and the Chinese to the brink of breakage to the detriment of our people who have to live with the consequences for years to come.

May I now say a few words about our views regarding the key elements in the package proposed by the Governor. These have been arrived at by CRC in the light of recent disclosure of exchanges between the two governments and views put forward by the community. Regarding the electoral committee for the Legislative Council, the 10 Legislative Council seats, we agree with the five principles and the arrangements for the proportional composition of the committee proposed and agreed by the two sides as indicated by the exchange of papers in January and February of 1990. We believe discussions on details should take place as soon as possible, basing on the guidelines laid down and agreed upon. And regarding functional constituencies, CRC considers the arrangements proposed by the Governor on the new constituencies to be philosophically a departure from that contained in the 1984 and the 1988 White Papers on development of representative government in Hong Kong. While we support that elections in these new constituencies as well as existing ones should be as open and democratic as possible, we believe the definition and scope of functional constituencies as contained in the White Papers mentioned above should be adhered to.

Mr Deputy President, I agree with Mr Andrew WONG that we need to be courageous and to answer to our conscience when we vote. CRC members know that those who advocate pressing ahead with the existing package regardless will call us names or label us pro-China, for we vote for convergence. But we have to do right for Hong Kong. We therefore support Mr CHIM's amendment, we oppose Mr McGREGOR's amendment which is unrealistically idealistic and irresponsible and does more to harden and deepen the dispute than to facilitate communication and compromise.

MR HUI YIN-FAT (in Cantonese): Mr Deputy President, since the Government made Hong Kong's political system more open by introducing representative government more than 10 years ago, the people of Hong Kong have never let slip any opportunity for practising democracy. The general public thirsts for more democracy and freedom, particularly in this transitional period. The reason is that they find the quest a more practical way of realizing "one country,

two systems" and "Hong Kong people ruling Hong Kong" in comparison with the guarantees offered in the documents, namely, the Sino-British Joint Declaration and the Basic Law. With this and the pragmatic spirit consistently shown by the people of Hong Kong in mind, I think that the Chinese Government should not look at Hong Kong people's pursuit of democracy in terms of a conspiracy theory. Unfortunately, neither the Chinese nor the British Government has shown any respect to the wishes of the people of Hong Kong, thus resulting in the lasting, interminable argument about political development. This is a situation one is sorry to see and find it regrettable.

As everybody knows, the social services profession is one that is able to maintain the most extensive contact with the general public and understands their needs the best. During the past 10-odd years, professional social workers, particularly those involved with community development, made valuable contributions to the preparation of the ground for the establishment of residents' organizations, heightening people's civic awareness and monitoring district and central government policy. In addition, they stood in the front line with the citizens and acted as vanguards in pro-democracy movement. As a matter of fact, professional social workers are sensitive to the need of the times. They are not only concerned about political development, but also issues affecting people's livelihood or civic rights. Keeping their fingers on the pulse they have invariably taken the lead in suggesting timely improvements. Their professionalism has long won the recognition and trust of society at large.

With regard to democratic government, it is the belief of social workers that only a democratic and free society can give people full guarantee of the rights pertaining to their livelihood and of the fair distribution of social resources. All the time, from the Government's introduction of district administration, the Sino-British talks on the future of Hong Kong, the further development of representative government in 1987, the drafting of the Basic Law, the debate on whether we should have more directly elected seats in the 1995 Legislative Council elections to the recent political reform package, the social services profession has acted out of good-faith concern for society and called on both China and the United Kingdom to respect the wishes of the people of Hong Kong and to let them have a democratic government as soon as possible, which will produce a stabilizing effect on Hong Kong society during the transitional period. As history has told us, social commotion of a gigantic magnitude will follow if the pace of political liberalization fails to match that of economic development.

Against this backdrop, I think that the recent enthusiasm displayed by the people in offering comments on the Governor's constitutional package is in line with the trend. The reason is not only that this is their long-cherished wish to have a further democratization of government but also that they believe it to be their last opportunity available to win a greater measure of democracy before sovereignty is reverted. For these reasons, many recent public opinion polls not only indicate widespread popular support for the Governor's proposals but also

show that most of the people are not intimidated by China's threat to scrap the "through train" and smooth transition arrangements.

As a social worker myself and as a representative of the social services profession in this Council, I must stress that people's passionate call for more democracy is already loud and clear enough. In the policy address, the Governor actually proposed nothing new. He merely presented a well-defined package for discussion. Now the question is: Are the Chinese and the British governments willing to discuss and find a proper solution, based on Hong Kong's real needs to have a steady development in future and the wishes of the people of Hong Kong, and to do away with needless mutual suspicion, and to take a pragmatic and rational approach to remove prejudices and ideological differences over procedural matters? After all, the ultimate victims will be the people of Hong Kong if there is any Sino-British wrangle over their own interests or out of a matter of face. This is why I am supporting the debate in this Council today.

Mr Deputy President, I always hate gambling. I cannot agree with those who describe this constitutional package debate as a gamble involving Hong Kong's smooth transition and pace of democratic development. I do not think that it is a question of whether China, the United Kingdom and Hong Kong can afford to lose. On the contrary, I believe that what the people of Hong Kong would like to see is that both smooth transition and democratic development can be achieved at the same time. Our efforts will certainly pay off. In addition, it is the sacred mission of the people of Hong Kong to strive for greater measure of democracy as they seek to make "one country, two systems" a reality! I appeal to the Chinese and the British governments not only to go to the negotiating table expeditiously but also to disclose to the public details of their talk at every stage. Then, the people of Hong Kong will know that their wishes are not being used as a gambling chip by either the Chinese or the British Government. They will also know who should be damned by history for obstructing Hong Kong's democratic development.

Mr Deputy President, I have clearly stated the pro-democracy position of the social services profession. In regard to the original motion and the four Member's amendments, I think that the four amendments either are out of line with the original motion or attach so many conditions to it that they will not do any good to the Sino-British talks. None of them is better than the original motion. Therefore, I really cannot understand why colleagues in this Council wish to waste so much time on futile arguments. In view of this, I so make my submission in support of the original motion.

MR MARTIN LEE (in Cantonese): Mr Deputy President, in 1982, a Chinese leader made a point of asking a group of local reporters visiting Beijing, "What do you fear (about China's resumption of the sovereignty of Hong Kong)?" His question went unanswered at that point. However, it was common knowledge that the Communist Party was what people feared; they were afraid that the

communists would not keep their promises, that they would go back on their own words. In 1984, the Chinese Premier of the time put it in black and white that "Hong Kong would be ruled by Hong Kong people by democratic means" at a reception which he gave to the delegation of the Students' Union of the Chinese University of Hong Kong. Over the years, after endless discussions, Hong Kong people have now come to a consensus that democracy is a good thing for Hong Kong. Even the most conservative political groups also claim that they are supporter of democracy. I do not understand how it comes about that even today there is still a small group of people who will stop at nothing to oppose the Governor's political reform package which would give us a relatively greater measure of democracy. I think the most fundamental reason for this is that it has never been the wish of the Communist Party to allow Hong Kong to practise democracy. That explains why they have tried to thwart the democratic development of Hong Kong through the Basic Law. Whilst people all over the world are moving towards the ideals of democracy, freedom and rule of law, the Chinese Communist Party has spared no efforts in using the stick and the carrot to press Hong Kong people to give up their democratic demands. They keep on threatening Hong Kong people that if they fight for democracy, they are in fact heading for confrontation and sabotaging convergence with the post-1997 arrangements which is tantamount to undermining the stability and prosperity of Hong Kong. But I like to ask whether there is definitely no question of convergence if we are allowed to practise democracy. The answer is: absolutely not. Provided that the Chinese Government is willing to respect the common wish of Hong Kong people, that is, a greater measure of democracy, then there is a very good chance that the democratic institutions we put in place before 1997 will survive beyond 1997.

Mr Deputy President, democracy and convergence are not mutually incompatible. It is unfortunate however that the communists do not practise what they preach. While they like to say that Hong Kong people should rule Hong Kong democratically, they harbour deep hatred of democracy. They will try their best to demolish the political reform package of Governor PATTEN; they will not mind acting in contravention of the wishes of Hong Kong people. Indeed, if the former Governor, Lord WILSON, had not been so afraid of offending China and seen fit instead to go against the wishes of Hong Kong people, then the democratization process would have been much faster than it has been. Now that the British Hong Kong Administration has at long last agreed to respect public opinion and come up with a more democratic political reform package, albeit a bit belatedly, it is nevertheless better than no political reform package at all. Ever since the reform package was made public on 7 October, the vast majority of Hong Kong people have expressed their support for it. It is unfortunate though that there are people who are unable to resist the intimidation and coaxing of the communists. These are the people who have accepted their so-called "political reality" which makes it a requirement that developments in Hong Kong have to converge with an absolutely undemocratic system after 1997. They have forsaken their own conscience. Worse still, they hope that other people will follow suit, to give up their principles and accept the "political reality". It may be the case that they feel it less embarrassing if they

can get more people to join them in kowtowing to their northern masters. It is precisely due to this mentality that they will criticize anyone who is not willing to accept, as they have done, the convergence model; they will invariably accuse them of being unrealistic, engaging in confrontation, and sabotaging the stability and prosperity of Hong Kong.

Indeed, all this talk about political convergence and a through train model is nothing more than the weapon which the Chinese Communists use to intimidate Hong Kong people. It is also like a piece of cloth which the United Kingdom uses to conceal its shame over its betrayal of Hong Kong people. It can be clearly seen from the seven diplomatic exchanges which have been publicly disclosed earlier on, that the United Kingdom has always been afraid of offending China, that it reached a secret agreement with the Chinese side while repeatedly and publicly stating its support for the OMELCO consensus model. What it has done in the name of convergence is in fact an act of kowtowing to China at the expense of the wishes of Hong Kong people for democracy in the process. The Chinese Government, as well as the people who have sided with it, likes to repeat the same through train argument whenever Hong Kong people put forth their demand for greater democracy, in order to put pressure on them.

I am convinced that many Members of this Council are very clear about this point. It is only that some Members are just too keen on riding the through train, which means that they will choose to look the other way, or even tell tales unabashedly in broad daylight. I honestly hope that Members of this Council will no longer be obsessed by the temptation of riding the through train. I hope that they will wake up for otherwise this Council, which is made up mostly of elected Members, will effectively degenerate into a chamber which speaks with one voice only; it will literally be no difference from a wholly appointed body. If colleagues will always have to look over their shoulder and act in accordance with the wishes of Beijing, then each vote we take will be no more than a reflection of the prevailing edict from Beijing. How is our legislature different from the rubber stamp which it used to be before 1985? How can we put into practice the idea of "Hong Kong people ruling Hong Kong" which has been promised to us in the Sino-British Joint declaration? What we would like to have is a Legislative Council which will work in accordance with the wishes of Hong Kong people rather than a voting machine controlled by Beijing. What we would like to have is a through train which will take us to democracy, not one which we have to kowtow in order to get on.

There are people who are afraid of being forced to get off the train in 1997. They have decided to comply with the orders of the Chinese side; they will stop at nothing to please them. I gather they will feel that even if they are cursed by Hong Kong people, it will still be worth it. But I will have to warn them sternly that, however hard they try to please their masters, they cannot be sure that they will be assured a place on the train which runs through 1997. The reasons are that they may not be able to satisfy each and every demand of the Chinese side and they may also fail to outlast their short-lived usefulness.

Though the Chinese side may value you today, there is no guarantee that you will not be driven out of the train some day and get someone else who is of even greater value to them then to take your place. It is in this regard that even if this through train will not allow just one of its passengers to get through to the destination, it is basically no longer a through train as such. There is no reason for any passenger at all to indulge in a false sense of security, thinking that the next person to be pushed off the train will never be him or her.

Nowadays, there are people, including some Members of this Council, who consider that if we implement the political reform package of Mr Chris PATTEN, then there will be no convergence in 1997 and what will happen then will be just as bad as the end of the world. I have to make it clear that advocates of the doomsday scenario are scaremongers; the real situation will not be what they would have us believe. If, come 1997, the Chinese Government did decide to start all over again, what this would entail is nothing more than another Legislative Council elections to be held in either July or August of 1997. Members who are to be returned by the 1995 elections can also take part in the 1997 elections. So long as they can secure the support of Hong Kong people, they will still be able to re-enter the new Legislative Council and to serve Hong Kong. It is for this reason that the starting-over-again scenario is not a big deal. The world as we know it will not fall apart; the prosperity and stability of Hong Kong will not be at risk at all.

Mr Deputy President, the development of democratic government in Hong Kong has reached a critical point at this juncture. I wholeheartedly wish that my colleagues who have been fighting for democracy throughout the years will be able to hold on to their position. I also wish that all Members of this Council participating in today's debate will be able to decide according to their conscience so that their decision will be one based on Hong Kong people's interests at this critical point in the history of Hong Kong.

These are my remarks.

MR NGAI SHIU-KIT (in Cantonese): Mr Deputy President, since the Governor delivered his policy address, Hong Kong has been plunged into an extremely chaotic situation. The relationship between China and the United Kingdom has suffered a setback on account of the constitutional package. People with different political views in the community are becoming divided with the introduction of the package. The Legislative Council has been pushed to the centre stage to be held ultimately responsible for a political reform package which has been put together without its participation. The people of Hong Kong have been led to believe that democracy and a smooth transition are mutually exclusive, that they have to choose either one. Meanwhile, they also have to decide whether to support the Governor and to confront China. Before he has made any achievement in Hong Kong, the first thing the Governor did was to make arbitrary alterations to the existing political system and to demand that

Hong Kong people themselves should be held responsible for whatever the consequences. This is extremely unreasonable.

On the issue of political reform, I think that the Governor disregarded the existing system and made at least three mistakes. First of all, it would appear that he has put together his reform package without prior consultation with the Executive Council. Secondly, he attempts to change the constitutional powers of the Legislative Council. Thirdly, he attempts to disregard the arrangements for Sino-British talks during the transitional period as stipulated in the Sino-British Joint Declaration. He has taken it upon himself to elevate the level of discussion of political reform.

It must be borne in mind that the policy of past Governors has always been to treat the Executive Council as the highest decision-making body with supreme authority. All policies and government decisions have always been cleared by the Executive Council before being prepared in the form of bills and put to the Legislative Council for endorsement. In this regard, the Governor in Council enjoys the supreme power but also assumes the ultimate responsibility. However, under the leadership of the new Governor, there have been some substantial changes at least on the surface. It seems that the political reform package was not put to the Executive Council of the preceding term for discussion. It is apparent also that the new Executive Council has not been able to participate in the decision-making process with regard to this package. For at the time of the reform package becoming public, the appointments to the current term of the Executive Council were not released yet. In this regard, it may be said that the Executive Council was not involved in the formulation of the reform package at all. It should not therefore be made responsible for it. Incidentally, by presenting this highly confrontational reform package in the form of a bill, the Governor has literally thrown the ball in the legislature's court. It is not only a deviation from the traditional practice of decision making, but it is also extremely unfair to the Legislative Council. The Governor has turned the Legislative Council into his pawn in his duel with China. He has pushed each and everyone of us into the front line to confront China, irrespective of whether we are eager, or reluctant, to do so, in the sense that we have been made to bear responsibility for the Governor's confrontational reform package. I would consider that legislators are made a scapegoat for his action.

I would like to give my earnest advice here that any attempt to manipulate the legislative mechanism of the legislature and to devolve to the Legislative Council the power to decide on policy and political matters in order that those legislators who are unable to join the Executive Council may still be able to share the powers that they have been craving for is as despicable as it is deceptive. It will effectively alter the nature of the Legislative Council as a non-policy-making body. It is also a constitutional change and in contravention of the spirit of the Sino-British Joint Declaration and the Basic Law. I would like to respond also to the view expressed by Mr Andrew WONG, which I disagree with, that if we seek to converge with the Basic Law, then our future

political system established accordingly will kowtow or otherwise be subservient to Beijing. I would also like to take issue with Mr Martin LEE, who has said just now, that if we refrain from talking about democracy and take on light issues instead of difficult ones, then we are in fact going against the wishes of Hong Kong people. He further made the point that the very act of seeking convergence is in fact tantamount to kowtowing to our northern masters and failing to meet the demands of members of the public. In response, as I see it, I would like to ask Mr LEE, how much democracy have we been able to enjoy for the past 150 years? The Basic Law has been formulated in accordance with the spirit of the Sino-British Joint Declaration. Finally, the Basic Law has a provision for the local legislature to be constituted by direct elections. I would like to ask how long it will take before this becomes a reality. If our efforts to seek convergence are considered as kowtowing and being servile. I am sure most of my colleagues in this Council, and the vast majority of the people of Hong Kong, will not agree to this. I feel that when legislators and members of the public talk about convergence what we would like to have is really continuity so that there will be a peaceful and smooth transition from one administration to another and there will be no social disturbance. That is in line with the overall interests of Hong Kong and the wishes of the majority of the people in Hong Kong. All of us wish to be able to live and work peacefully. That is entirely in keeping with the spirit of the Joint Declaration. There is no question at all of being servile or kowtowing. One may wish to repeat the incantation a hundred times that convergence or otherwise is not going to be a problem or even that to seek to converge is to kowtow. It is not going to change the fact that this will cause social unrest and damage to Hong Kong.

Meanwhile, given that the meetings of the Executive Council, including their agendas, are confidential, there is no way we can ascertain the conclusion we have drawn that the Executive Council has not been involved in the designing of the political blueprint. We can only resort to analysing the situation according to the apparent signs. But this conclusion is also very unsettling because that would not be in line with the provisions laid down in the Royal Instructions. It is specifically stipulated in Royal Instructions that the Governor has to consult the Executive Council on all matters, except those relating to public officers' appointment, dismissal and discipline. It must be noted that all matters should be discussed by the Executive Council, the only exception as provided in the Royal Instructions being those matters which, in the judgement of the Governor, fall into the following three special cases which would be unnecessary or undesirable to be put to the Executive Council for consultation. And I would like to ask under which one of the following three cases political reform is a matter on which consultation with the Executive Council is unwarranted. First, will consultation lead to substantial damage to British interests? Secondly, is the matter so trivial to consult the Executive Council with? Thirdly, is the matter so urgent that the Governor is not allowed to go through the normal consultation process and must take action on it immediately? Unless non-consultation is justified by one of these three reasons provided for in the Royal Instructions, I am convinced that all matters should be put to the Executive Council for consultation.

Returning to the issue of the political reform package, the specific arrangements for the 1995 elections should be discussed by the Joint Liaison Group in accordance with Appendix II of the Sino-British Joint Declaration. Section 5 of the Appendix provides that, in the latter half of the transitional period, there will be need for closer co-operation, and matters which should come under deliberation during this period include procedures to be adopted for the smooth transition. It is obvious that the 1995 elections should be one such matter. Section 3 of the same Appendix also requires that matters on which there is disagreement in the Joint Liaison Group shall be referred to the two Governments for solution through consultations. If the Governor had acted according to the requirements and put his reform package to the Joint Liaison Group for deliberation, instead of hastily elevating the constitutional issue to the central governmental level, then I am sure he would certainly have been able to make his trip to Beijing a great success.

Hong Kong people have been made victims of the self-willed Governor. That he does not admit that a consensus has already been reached between the Chinese and British Foreign Ministers has seriously impaired the tacit understanding over the future of Hong Kong, which China and the United Kingdom have worked so hard in the past 10 years or so to achieve. The tacit understanding is that both China and the United Kingdom have agreed that the through train model should be used as a means to achieve two important principles. They are, respectively, that the two political systems before and after 1997 should converge so that we will have a smooth transition; and that the democratization process should proceed at a gradual and moderate pace. These two principles have been widely accepted in the community, both businessmen and the general public alike. We all anticipate that, under these principles, Hong Kong will be able to maintain its existing social institutions and way of life and enjoy a relatively more harmonious relationship with China, which will be of benefit to both our economic development and the people of Hong Kong.

There are already signs that the business sector and the labour sector, out of the consideration that Hong Kong's economic growth is dependent on the economic development of China, are reconciling their differences in political views. That the relationship between management and labour is becoming more stable and harmonious is a very good thing indeed for Hong Kong during the latter half of the transitional period. It is unfortunate, however, that the political reform package of the stubborn Governor has intensified the differences among the political organizations, and the differences between the business community and general public. In this regard, his reform package is devastating. A reform package which is so destructive and not constructive in any way is not one which Hong Kong people need. If the British side is bent on pushing it ahead unilaterally, then it will not be for the benefit of Hong Kong people. In addition, the authorities concerned only chose to listen to those views which they like to hear and dismiss outright or underrate those views which oppose them or which they do not like to hear. This kind of attitude is certainly not rational and not conducive to a frank dialogue.

The reality we are faced with in Hong Kong is that it has already been written into the Basic Law that our political development will be based on the through train concept. Indeed, it is also clear from the confidential diplomatic exchanges of the Chinese and British Foreign Ministers that both China and the United Kingdom have already reached a consensus on the formation of the Election Committee. Insofar as the functional constituencies are concerned, the experience of the two previous elections is that, although the voting method may still be improved upon, the way these constituencies are constituted and defined is already widely accepted by the community at large. On the issue of the appointed seats in the three-tier assembly, their phasing out in the future is also endorsed by the community. However, any move, in the name of democracy, to abolish all appointed seats once and for all, to drastically change the definition of functional constituencies, to extend the franchise arbitrarily, to set up the Election Committee irrespective of previous diplomatic agreement, thus resulting in the failure of political convergence, is tantamount to casting a spell on Hong Kong people and enticing them to take a leap into the most treacherous seas by the fabled pipe. If Hong Kong people are captivated by the deadly tune produced by that magic, lethal, pipe, they will be betrayed in the deepest consequences. For the wishes of the great majority of Hong Kong people actually are the continuation of the political system and a smooth transition so that they will be able to go on living and working in peace and prosperity.

As a responsible legislator and a person who plans to continue to live and do business in Hong Kong, I hope that the Governor will be able to realize the reality. I hope he will be able to contribute to the well-being of Hong Kong along the well-defined path. I hope he will be able to come up with innovative, but non-destructive, proposals with regard to smooth transition and democratic development, so that the political stability and economic prosperity of Hong Kong will be further enhanced. If he can do that, then he will live up to the expectations of, and bring good fortune to, the people of Hong Kong.

Mr Deputy President, I would support the amendment motion which advocates Sino-British consultation, smooth transition and political convergence. Given that the original motion mover and Mr Jimmy McGREGOR have both taken a negative attitude towards these issues, I would have to oppose both their motion and amended motion.

MR PANG CHUN-HOI (in Cantonese): Mr Deputy President, democracy, freedom and the rule of law are the mainstream of world politics. The people of Hong Kong hope that the principle of "Hong Kong people ruling Hong Kong" will be implemented after 1997 (through democratic elections) and "election" is the only way to achieve a high degree of autonomy. That explains why there have been numerous calls for a faster pace of democratic development.

We very much regret that in the past, the Hong Kong Government bluntly rejected the introduction of direct election into this Council in 1988. With regard to the OMELCO consensus arrived at in 1990, the Hong Kong

Government has not pressed for its inclusion in the Basic Law as well. The Government has turned a deaf ear to repeated calls of the public and the Legislative Councillors over the years for a faster pace of democratic development. The majority of the public and I myself feel deeply sorry about that.

The British and the Chinese Governments are now quarreling over the political development for 1995 proposed by the Governor. The crux of the matter lies in the difference in the understanding of the Basic Law. It is the same book. But each has its own view and goes its own way. The United Kingdom and China hold discussions on Hong Kong issues, but the people of Hong Kong are not involved. Furthermore, they are always kept in the dark. The British and Chinese sides both claim that they are "safeguarding and representing the interests of Hong Kong people", but we are perplexed by this.

Originally, it should be a cause for celebration that we, second class citizens in a colony, will revert to China. However, the six million Hong Kong people are disturbed and worried. The people of Hong Kong have been living under a colonial regime with no democracy for 140 years. They know their place and feel nothing wrong. Now, when they are to "revert" to China, they strongly demand democracy. Why? Are they "unpatriotic" or do they "intend to rebel"? No. The reason is that they are frightened by the so-called "good tradition" in politics of China over the past decades. Though there has been no democracy under the rule of the colonial government, the United Kingdom traditionally respects freedom. Therefore, Hong Kong people need not worry about politics. But that does not mean that they do not want democracy. When "the future" is talked about, Hong Kong people feel that it is very remote and uncertain.

From letters of the Foreign Ministers of China and the United Kingdom disclosed recently, we can see that in the course of discussion with the Chinese side on Hong Kong's political structure, the Hong Kong Government did not take account of the wishes of the people of Hong Kong or respect the views of this Council. I urge that in negotiating with China on Hong Kong's political development in 1995, the Hong Kong Government should adopt the principles of openness, fairness and acceptability to the people of Hong Kong. There should not be any secret negotiation or secret deal. Today, there is an unprecedented number of amendments to a motion in this Council. Four Members proposed amendment to the motion of Miss Christine LOH. A great number of Members spoke out freely in this heated debate. Some presented their views vehemently and some spoke with great sincerity. This shows the importance of freedom of speech and democracy of a legislative assembly. I do not doubt the motives of my colleague who put forward the original motion, those colleagues who proposed the amendments and other Members who spoke. They all spoke from their conscience, showing their ideals and love for Hong Kong. I sincerely hope that though Members debated heatedly, they should put the interests of Hong Kong in the forefront and continue to do their

best to urge China and the United Kingdom to reopen negotiation for an agreement.

Mr Deputy President, with these remarks, I support the original motion of Miss Christine LOH.

MR SZETO WAH (in Cantonese): Mr Deputy President, according to some news reports, there are people exerting pressure to dissuade some political groups from supporting Mr PATTEN's package and warn that, if failure to do so, their members will not be able to ride the through train beyond 1997, that is, they cannot retain their seats in the legislature of the Special Administrative Region. If these reports are true, then the through train will not be a through train. It will be a red wagon for pigs. Sitting on it will not be humans but pigs — red pigs who say yes to everything. It is not a big deal for a self-respecting man not to ride in the red wagon. Convergence and smooth transition in the red-wagon mode will not lead to a world of humans. One would rather forget about such convergence and smooth transition!

Some allege that there are people who are nursing a vain hope of conspiring to make Hong Kong "independent" or "semi-independent". This is a serious accusation. The label is so large that those targetted at by this label-banding tactic will have their eyes blindfolded, mouths gagged and their hands and feet bound. Since the Sino-British talks over Hong Kong began, the liberals have been the first to take the position that sovereignty should be reverted to China so that Hong Kong can reunite with the motherland. Nor have they ever changed their steadfast position. We are not qualified to wear the label. Please give it to those who at the time agreed to trade the sovereignty for the right of administration so that the right of administration might be extended! What we espouse is not "independence" or "semi-independence" but independent thinking. We oppose the way convergence and smooth transition is pursued whereby independent thinking is not tolerated and oppressive label-banding tactics are used to exact blind obedience.

Some emphasize the fact that the power of interpretation of the Basic Law is vested in the Standing Committee of the National People's Congress (NPC). Indeed, the NPC Standing Committee has this power. However, the power of interpretation is not a power to make up something out of nothing or a power to say that a deer is a horse. Calling a deer a horse is a historical tale which has a clear moral. During the reign of the Second Emperor of the Qin Dynasty, a eunuch by the name of ZHAO Gao once called a deer a horse but nobody dared point out his mistake. From this test, he successfully found out that everybody was afraid of his power and influence and would blindly agree with everything he said. As a result, he became even more capricious. Now, there are people who indeed are calling a deer a horse when talking about convergence and smooth transition. They try to test the reaction of the Hong Kong people to see if they can go further in imposing their will on us. We must oppose them and can no longer remain silent.

Some people emphasize the spirit of the Basic Law. There can be no spirit without flesh. Text is the flesh. Which provisions reflect the spirit they attach so much importance to? Their so-called spirit is not based on any specific provisions. As a matter of fact, it is a ghost, which is created out of one's imagination. It is something mysterious and invisible but decides everything. One of the basic points of the "one centre, two basic points" concept is such a mysterious ghost. It means holding fast to power, or absolute political power. Some people's real intention of calling for the so-called convergence and smooth transition is indeed to put into practice this basic point, which does not tally with the practices of the capitalist system and is contrary to the promise of "a high degree of autonomy."

As I have said before, some people call me a traitor to China. I will respond once more: I have never shaken hands with war criminals who are covered with Chinese people's blood, and even called them old friends; I have not proposed shelving the issue of China's indisputable sovereignty over the Diaoyu Islands, so as to facilitate joint development with foreign countries; nor have I acted so servilely to invite as many as 12 times in a row a Japanese Emperor, who refused to apologize for his country's war crimes, to visit China. I have neither the power that goes with a traitor to China nor the qualification to be a traitor to China. Now, because they support Mr PATTEN's package, more friends are bound to be accused of being traitors to China. A long time ago, when Dr SUN Yat-sen was in trouble in London, he was rescued by his former teacher, an Englishman called James CANTLIE. If there had been in those days the kinds of "contributios" that are now published by some newspapers, he certainly would have been accused of being a big traitor collaborating with foreign forces to subvert the motherland. Dr SUN walks with us. We have no fear of the invectives. People who spit like this will spit only on their own faces. The so-called simple class sentiment has become totally rejected along with the demise of the Cultural Revolution. Now, this accusation that looks like something out of the so-called simple class sentiment is in fact a relic of the Cultural Revolution.

Mr Deputy President, with these remarks, I oppose Mr CHIM Pui-chung's amended motion.

MR TAM YIU-CHUNG (in Cantonese): Mr Deputy President, the Governor's policy address of 7 October, which put forth a series of political reform proposals, has cast a dark shadow over Hong Kong's bright future. Developments since then have been increasingly worrying. Within the short span of a little over a month, we have sensed at least the following four effects:

(1) Deterioration and retrogression of Sino-British relationship

The Governor, paying no heed to the spirit of the Basic Law, put forth some proposals which are detrimental to convergence between the political system of Hong Kong and the one of the future Special

Administrative Region (SAR). This has damaged the co-operative relationship between China and the United Kingdom during the latter half of the transitional period. Now, the wrangle and contradiction between China and the United Kingdom over Hong Kong's political development have escalated to the diplomatic level and become a conflict between the national policies of the two powers. This has made the problem stickier and harder to resolve.

(2) Worsening mutual trust between China and Hong Kong

Hong Kong will return to China in less than five years. Yet, the Governor's provocative political reform proposals have brought China and Hong Kong into conflict. The degree of mutual trust between them has declined. How can this be conducive for Hong Kong's smooth transition or for the maintenance of good relations in future between Hong Kong as a SAR of China and the central government of China?

(3) Disagreement among the people of Hong Kong

There are now considerable numbers of Hong Kong people for and against the Governor's political reform package. Disagreement and contradiction among the people have in some instances made the debate about political development emotionally charged and irrational. Some think that only the Governor's political reform proposals stand for "democracy" and take a hostile and confrontational attitude towards China. Others, on the contrary, think that the Governor's political reform proposals must be opposed on the just ground of nationalism and self-respect. Such serious disagreement among the people of Hong Kong will become a time bomb which may trigger social conflict in future.

(4) Setback for the recognition of the Basic Law

The Basic Law, as the constitution of the future SAR, has met with great challenges in the wake of the Governor's political reform proposals. The Governor violated the spirit of the Basic Law. He also gave a capricious interpretation to the provisions of the Basic Law. Yet he insists that he has not violated the Basic Law. This sets a very bad precedent of disrespect for the Basic Law. If this kind of disrespect for, and non-acceptance of, the Basic Law should become a social trend, I really dare not imagine how the future Hong Kong will implement the spirit of the "rule of law". How can Hong Kong maintain a lasting good order?

Mr Deputy President, the current row about the political system is already taking a toll on the people of Hong Kong who are worried about their future. One newspaper today published the findings of a public opinion poll. One

question asked during the survey was what, in their view, would happen to Hong Kong in terms of the political, economic and social stability if China and the United Kingdom failed to reach an agreement over Hong Kong's future political system. About half or indeed over one half of the respondents think that things will get worse. Clearly, the public knows that failure to resolve the present wrangle about the political system satisfactorily will be bad for Hong Kong. Also, we can see from many other public opinion polls that public opinion is changing. For instance, a survey conducted on 26 October showed that 70% of the respondents would support the Governor's political reform proposals even if China should oppose them. Yet, yesterday, a survey sponsored and organized by several district board members showed that, when asked similar questions, only 40% of the respondents would still support the Governor's political reform proposals. It is evident that the public is becoming increasingly unwilling to see the Governor's political reform proposals strain Sino-British relations and jeopardize the convergence of political systems.

At this moment, when public opinion is still in a state of flux, we, as representatives of the public, really should not draw any conclusions about the argument over the political system, conclusions which would guide and influence public opinion. If so, we will be violating the spirit of democracy. Yet, Mr Jimmy McGREGOR has moved an amended motion, urging all colleagues to take a position. I think that this is neither necessary nor desirable. I feel that, over the past month or so, Mr Jimmy McGREGOR has been paving the way for the Governor's political reform proposals. This only shows the existence of a good partnership type of co-operation between him and the Governor. I hope that the Secretary for Constitutional Affairs will understand what I mean and stop putting words like "acting in collusion with each other", "mutual collaboration" or the like, into my mouth

Mr Deputy President, I have looked at the original motion and the four amended motions today. I find that only Mr CHIM Pui-chung's amended motion mentions the most important principle of "smooth transition". Therefore, I support Mr CHIM Pui-chung's amended motion.

MR EDWARD HO: Mr Deputy President, in the bewildering number of amendments to Miss Christine LOH's motion (except for Mr Andrew WONG's amendment), one phrase is common. This phrase, "open, fair and acceptable to the people of Hong Kong", is of course the catch phrase used by the Governor to describe the three tests by which his or anyone's political package should be judged.

I fully agree with the three tests and I urge the Government to provide the right kind of environment to enable all three tests to be fairly assessed. Before the Hong Kong people were to be asked whether they accept a particular proposal, they should be informed in a most open and fair manner as to what the proposal is about, and what are the implications and consequences if the

proposal is supported or rejected. Openness and fairness are absolutely vital in determining acceptability.

Unfortunately, recent events have led me to perceive a serious problem. My perception is that the Government has not behaved openly and fairly in promoting the Patten Package. More seriously, my perception is that we are beginning to see a government that does not tolerate dissenting voices. Tolerance of dissenting voices is, after all, the hallmark of true democracy. And, democracy is what the Government purports to promote. I sincerely hope that my perception is proved to be unfounded.

There are a number of recent examples that cast doubt on the openness and fairness of the Government. I do not know whether Mr Chris PATTEN has seen the Business and Professionals Federation's position paper prior to its release but, two days before its release, the Governor was described as having launched a pre-emptive strike against the Federation's position warning them against becoming out of touch with the Hong Kong public. Members of the Federation are of course also members of the Hong Kong public and I cannot see why the opinion of this sector should not be considered as much as any other sector. The Chief Secretary, Sir David FORD, was also quoted as saying "Any responsible member of the business community must take account of the views of the Hong Kong people and should not be guided by their own narrow interest". Why did the Governor and the Chief Secretary consider that businessmen are not part of the Hong Kong people and why should they summarily judge that businessmen would be guided by their own narrow interest? Why is the interest of the business sector not the interest of the community? What is happening to our Government that it cannot consider dissenting opinions? These are indeed perplexing questions.

In the Chief Secretary's speech during the debate on the Governor's address, he alleged that some Members of this Council suggested "that the constitution of the Election Committee should be designed, or to put a less polite description, rigged, to ensure that pre-selected people can have their candidature rubber-stamped by such a Committee". This is a most amazing accusation. If it is true, he owes it to this Council to make public the names of those Members who have made such a suggestion. It would be most regrettable for anyone to impute improper motives to those Members of this Council or our community who have genuine criticism of the Patten Package?

In his address, the Governor said, in reference to political development, that standing still is not a viable option. I cannot agree with him more. But no one has suggested standing still. The Basic Law does not provide for standing still; it provides for further democratic development although some of us do want a faster pace of democracy than that provided in it. The question is how a faster pace could be achieved so that political development could be sustainable in the longer term.

This brings us to the question of the through-train; most people in Hong Kong aspire to a smooth transition from now to after 1997. It is one of the fundamental principles upon which the Joint Declaration and the Basic Law were founded.

Mr Martin LEE in his speech during the policy debate in this Council has said that we should not be riding on just any sort of through-train. He questioned whether, if the convergence before and after 1997 was for a system that was not good for Hong Kong, we should be getting on a through-train that would lead us to hell. In which case he went on to say we should not support convergence and still continue to get on that through-train. Sound advice, but though the Basic Law may not have provided as fast a democratic development as he and many of us would want, few reasonable men would argue that it would lead to hell.

When the Basic Law was debated in this Council on 1 March 1990, the Chief Secretary said: "The Basic Law provides a framework within which Hong Kong can continue to be successful." Mr Douglas HURD, the Secretary of State for Foreign and Commonwealth Affairs, in his statement to the House of Commons on 16 February 1990, in referring to the Basic Law, said that "the arrangements make good sense for Hong Kong".

Neither of those gentlemen believed that the Basic Law was leading the way to hell as suggested by Mr Martin LEE. Convergence is not a through-train to hell. The people of Hong Kong deserve better than be misled; they should truly understand the proposal before them so that they can decide fairly whether they can accept it.

In the famous seven letters of exchange, the British Government stated more than once that what was needed was to ensure an overall continuity in the legislature and that it was the Britain Government's wish to do everything possible to ensure a smooth transition in 1997 in consideration of the Joint Declaration.

Considering all of the above, my position is very clear. I support that the electoral arrangements for 1995 should be open, fair and democratic, building upon the letter and spirit of the Basic Law. I also support a faster pace of democracy through agreement between the British Government and the Chinese Government to ensure that the development of democracy is sustainable and to ensure a smooth transition beyond 1997.

Mr Deputy President, I cannot support Miss Christine LOH's motion not for what it proposed but for what it consciously omitted, if she cannot even subscribe to prosperity, stability and smooth transition as she did this afternoon in what she said. Mr Deputy President, I rest my case.

MR RONALD ARCULLI: Mr Deputy President, I want to compliment the Honourable Christine LOH for her candour in her remarks but unfortunately this candour is not reflected in her motion. The thrust of her remarks appeared to be more appropriate if it were made here some 10 years ago. But I suppose she might say that it is better late than never.

I do not know whether she is advocating that we should conduct our own affairs as if the Basic Law is non-existent. Assuming we go along with that, what then is the future for Hong Kong? Is not the Joint Declaration somewhat left in suspended animation because it does provide the basic policy that China has advocated in the Joint Declaration for Hong Kong with a further statement that those principles and policies be elaborated in the Basic Law to be enacted by China? The Joint Declaration is clear on that point and indeed Britain accepted that when she signed the Joint Declaration and when Parliament ratified that in Britain.

The Honourable Christine LOH also suggests that the concept of convergence somehow or other crept in somewhat insidiously, some time in 1985, 1986 and held the carrot of the through-train for Members of the Legislative Council. However, a lot of us have accepted the through-train agreement as has been by the leader of the United Democrats, the Honourable Martin LEE.

Mr Deputy President, I fear that high ideals, however admirable, may lead our community down a one-way road into a *cul-de-sac*. My family has been here for five generations. We are Hong Kong. I feel for Hong Kong, otherwise I doubt very much whether I would be sitting here today. We can have disagreements but, unlike the Honourable Jimmy MCGREGOR, I believe his call for the resignation of appointed Members who disagree with the Governor's proposal is completely out of line. No appointed Member prior to his appointment is asked to support each and every government policy or measure. Indeed Mr MCGREGOR knows that he has had disagreements with his constituents. Did any of us suggest that he should resign? If I did not know him better I might have thought that he might have been put up to saying that.

Mr Deputy President, the substantive point made by Mr MCGREGOR on his amendment to the motion goes even further than the Governor. The Governor emphasized that his were proposals. However if we were to adopt the amendments proposed by Mr MCGREGOR this afternoon, would we not in fact be tying the hands of our Government? Is that what we want? But I venture to suggest that Hong Kong would not want that.

Mr Deputy President, Mr MCGREGOR has also hit out at some leaders of our business community for their frank and open criticism of the Governor's proposal. Would it not have been easier for them to keep quiet? We all know that businessmen generally prefer to avoid politics because they feel it is really for politicians. For my part, I would defend everyone's right to freedom of speech and expression and will condemn anyone who wants to browbeat critics

into silence. Instead of criticizing them I would have thought they ought to have been praised for their frankness and courage.

Mr Deputy President, I had intended to say much more but I will not because I want to give a live example of a saying coined by that British statesman Clement ATTLEE and he said this, and I quote: "Democracy means government by discussion but it is only effective if we can stop people talking."

MR MARTIN BARROW: Mr Deputy President,

The merits of this debate

Instead of just discussing the Honourable Christine LOH's take note debate, we are today faced with a situation of unprecedented complexity which will confuse the public and, I believe, does not reflect well on this Council. It might even have been better if Miss LOH had withdrawn her motion thereby bringing down the whole pack of cards of amendments.

Members have already had ample opportunity in last month's debate to comment on the proposals and it might have been preferable to wait for the final outcome. There are bound to be further discussions over the next few months beginning with next week when the Governor and Vice Premier ZHU Rongji will both be in London. Thus there will be some delay before a final package emerges on which Members will have to reach a decision. Some argue that support for the proposals will erode with time and that this is an argument for seeking Members' commitment now. As things stand today, there might well be abstentions but I hope that when we do make a final decision, Members will accept the responsibility and there will be no abstentions.

The proposals themselves

Let me turn to the proposals themselves. Regrettably the ever widening debate over constitutional development has marred the other elements of the Governor's "The Agenda for Hong Kong". There has been widespread support for the many initiatives, for the efficiency drive, for the protection of consumers, for the focus on social responsibility, the initiatives on education and on medical services and the strong message that the pro-business approach and the focus on the economic agenda is the best way forward for the people of Hong Kong. I urge the community not to overlook these very important aspects.

There is also support for the constitutional proposals themselves. The new Exco/Legco split is a done deal for the moment although some colleagues see this as a "kowtow" overlooking the fact that the public has widely accepted the arguments in its favour. The voting age and voting system proposals as well as the proposed changes in the district boards and the municipal councils appear

uncontroversial. This therefore leaves the Election Committee and the new functional constituency arrangements as the only contentious issues.

At this stage, these are only proposals and in my view are worthy of this Council's support as such. Clearly there will need to be detailed discussions which I hope will lead to a meeting of minds over the next few months. What is not acceptable is for the package as a whole to be rejected and I urge both governments to get down to the specifics. At the same time, those who have reservations must come up with detailed and specific counter proposals of their own. Those who have spoken against the proposals without offering alternatives must accept responsibility for polarizing the community. There are those in the community who continue to argue that Hong Kong is not ready for democracy. That is outdated and nostalgic nonsense. I for one entirely share the Governor's belief in the sophistication and maturity of the people of Hong Kong. Nevertheless I recognize the sincerity of those who have said that they are concerned about the dangers of not achieving convergence in 1997. Fortunately senior Chinese officials plainly support the Governor's three principles that the arrangements must be open, fair and acceptable to the people of Hong Kong.

I must also remind Members of the vital importance of Hong Kong's international relations and in particular with a new United States democratic, I repeat democratic, administration. Their support for Hong Kong will be essential as we move into the 1993 MFN discussions. The implication of this must be obvious to all.

Public opinion and a referendum

Public opinion on these critical issues has never been easy to assess although, to quote Mr Jimmy McGREGOR's wording, there is clearly widespread general support for the Governor's proposals. Nevertheless, there is also a pragmatic desire for the stability and prosperity which will accompany a smooth transfer of sovereignty in 1997. Indeed the Government's own polls show that people give a higher priority to good relations with China and a strong economy than they do to more democracy. But the Governor is not saying that democracy is the only key to our future. It is but one element, albeit an important one.

Some have called for a referendum as implied by the Honourable Frederick FUNG's amendment. I oppose a referendum. It would split Hong Kong down the middle and this could be exploited with implications for our stability.

DEPUTY PRESIDENT: Sorry, Mr BARROW. Yes, Mr FUNG?

MR FREDERICK FUNG (in Cantonese): I would like to clarify one point. I have made it clear in my speech that what I mean is not a "referendum" but an exercise in which everybody expresses his or her views on the basis of one person one vote. The Legislative Council can at the end of the day pass the enabling law for the Government to make the final decision or leave that to a referendum. Thus what I was referring to was an exercise in which everybody expresses his or her views and not a referendum.

MR MARTIN BARROW: Thank you, Mr FUNG, for your clarification. I do however wish to continue making the point on the question of a referendum. I do see great difficulties in framing a question on that subject and, as the recent French referendum on the Maastricht Treaty illustrates, voters tend to use referenda as an opportunity to express their views on issues which are unrelated to the subject on which the government seeks a verdict.

In the Hong Kong context, a referendum will be a negation of the strong executive-led government that the Governor is committed to maintain. It could also undermine the standing of the Governor and of this Council. In this Council we cannot duck our responsibilities in this way. We must make our own decisions once discussions with China have taken place.

Conclusion — The way forward

Many people have stressed the need for convergence. Of course we all want to see this achieved but it is wrong to say that convergence and democracy are irreconcilable opposites. Nor is convergence a one-sided process. It is the essence of convergence that both sides move towards the centre over time. We cannot however aim for convergence regardless of the cost. For example, it would be wrong for Members of the present Council, who are re-elected in 1995, to be thrown off the through-train in 1997. Nevertheless, those of us who are at risk on that must reflect on this for themselves. I believe that they could make their own contribution to a solution by deciding to leave behind certain baggage including cases picked up for understandable reasons in 1989.

In conclusion, Mr Deputy President, I believe that this is a time for calm, cool and thoughtful reflection. I accept the logic of the Governor's desire to get the political issues out of the way earlier rather than later but we must recognize that these matters will take time and that we have to be patient. I hope therefore that there will be a new dialogue between the parties concerned as soon as possible. The Governor deserves our support as he undertakes this process.

With these words, I support Miss Christine LOH's motion.

DR SAMUEL WONG: Mr Deputy President, while we wallow in controversy we are in danger of losing sight of democracy.

Democracy is rule by the people. This requires that the people exercise their right to rule. In Hong Kong they do not. Of those eligible to vote less than 20% do so.

Let me emphasize this point. Only 50% of people eligible to vote register. Of those that registered last year only 39% voted in geographical constituencies. That is less than 20% of those eligible. Compare that with the United States where 55% of those eligible voted and you see how far we are behind established democratic countries in our development — not because we do not have the right package in place, but that people do not vote whatever we have in place.

So what are over 80% of the electorate trying to tell us by not voting. Could it be that they do not want democracy? I hope not. I want democracy. I think most of us here today want democracy. I would hate to think we were battling against the tide of 80% of our electorate. But the fact is we cannot be sure that 80% of our electorate want democracy at all. The 20% who vote are simply not a credible sample.

The motion today, despite the four amendments, is consistent in one respect. In every version it calls for the opinion of the Hong Kong people to be taken into account. How can we obtain such an opinion when they will not even vote and when they will not exercise their right to rule!

Another aspect of democracy we may be losing sight of is our right to discussion. The Governor has put forward what he has stressed are proposals. Proposals to be discussed. By inference, proposals that are open to modification. Why else discuss them? I am at a loss to understand why, on this occasion, there is so much emotion, so much animosity, so much controversy.

In the past the practice has been to issue a Green Paper for public discussion. I understand in the case of the 1984 Green Paper on Political Development and subsequent related documents some 70 000 opinions were sifted and considered. That was a mature democratic approach. Can we not return to it?

As I see it we are in great danger of jumping the gun. Before discussion had even started we passed a motion in this Council supporting part of the package. Now we are trying to influence it further before alternatives have been tabled. The fact is I suspect many of us here support the Governor's package in principle, but have misgivings on certain points of details. It is therefore not yet a package that can be voted upon. In my view we should drop all reference to political development in this Council until we have been through due process of opinion collection and discussion.

This will give us an opportunity to address the key issues in their proper context. In particular we can address the problem of why our electorate has so far prohibited significant introduction of democracy into Hong Kong. How do we get them to vote in sufficient numbers to make any political package viable?

Mr Deputy President, I can support the original motion provided there can be found some means of testing acceptability to the people of Hong Kong. It is otherwise a sensible pragmatic approach to discussion. But I cannot support at this time any amendment which hardens our position before adequate discussion has taken place.

Thank you.

MR LAU CHIN-SHEK (in Cantonese): Mr Deputy President, Hong Kong's political situation today reminds one of the calm before a storm. At this moment, all the people of Hong Kong — both the rich and the poor and both employers and employees — are in the same boat. They must speak the truth from their hearts.

What is the most noteworthy about the constitutional package proposed by Governor PATTEN is not the substance of the package itself but the emphasis he places on the importance of people's participation in deciding the future political system, that is, the emphasis he has repeatedly placed on the three principles of openness, fairness and acceptability to the people of Hong Kong! His view is a complete departure from the old Sino-British way of handling the local affairs in that it puts the popular will first. In fact, I think that the outcome of the present wrangle about the constitutional package is not the most important thing. To me, the most important thing is giving the general public an opportunity to express their wishes under circumstances where they will be free of any kind of coercion or manipulation. And we ourselves are to choose a political system and a method of election that we think are appropriate! Only this is the true realization of democracy.

The Chinese Government has this time been very harsh in its criticism of Mr PATTEN's constitutional package. It accuses PATTEN of being like an athlete who tries to jump the gun. As a matter of fact, it is disgruntled because PATTEN does not follow the old Sino-British game rules for handling the Hong Kong affairs. But what were those rules? They required that China and the United Kingdom hold private talks (openly, semi-openly or secretly) to decide Hong Kong's future, with the people of Hong Kong being denied all the time the right to participate. The people of Hong Kong were just told what to do. Look at the Sino-British talks in 1983 concerning the future of Hong Kong, the signing of the Sino-British Joint Declaration in 1984, the discussion of the 1988 direct elections in 1987, the passage of the Basic Law in 1990 and the signing of the Sino-British Memorandum of Understanding on the new airport in 1991. It is evident that while they all dealt with our future developments and

had a direct bearing on the people of Hong Kong, the people of Hong Kong were simply denied their say and worse still, their right to know.

It has been a long-standing position of the democrats to support Hong Kong's return to China in 1997. We would like to be proud Chinese, not colonial subjects. Hong Kong's economic and cultural developments in recent years have spawned new elements of decolonization. The community at large shows a strong inclination towards democracy, rule of law, human rights and help for the weak. DENG Xiaoping's idea of "one country, two systems" indeed took into account the subjective wishes of the people of Hong Kong and the realities in Hong Kong. PATTEN's constitutional package similarly reflects the subjective wishes of the people of Hong Kong and the realities in Hong Kong.

Colleagues, I think that only when Beijing has really learnt how to communicate with the people of Hong Kong and how to deal with Hong Kong on an equal footing, the relations between China and Hong Kong will then, and only then, become really harmonious. We must put aside the view that everything is either black or white, whereby "supporting PATTEN's package means confrontation or opposing China", if we are really to have some room for manoeuvre in which decisions about our future can be made free of coercion! Only this means true participation by the public from bottom to top; only this means that a thousand people have a thousand thinking heads; only this is the true realization of democracy!

Debates about political reform and arguments about the political system are nothing unusual in capitalist societies. They are indeed part of everyday life. Such arguments do not stifle economic development. Look at Taiwan, South Korea and so forth. Political debates and arguments there make them more sophisticated and promote their social progress. To insist that debates and arguments cause upheaval and undermine stability and prosperity is to be intolerant of dissent, nothing more. How can it be normal?

The day before yesterday, Mr David LI suggested that the Sino-British controversy had arisen because the Governor had no sinologist among his advisors. I hope that those who think they know China well and are able to have access to the Chinese Government will clearly convey to Beijing that the people of Hong Kong are not trying to turn the territory into an independent state. Their hope is that, with "one country, two systems" and "a high degree of autonomy" in mind, they will be able to decide for themselves the election method to be used in 1995. Their hope is to be practically recognized as a rational autonomous entity in the decolonization process and not to remain colonial yes-men.

Thank you, Mr Deputy President.

MRS PEGGY LAM (in Cantonese): Mr Deputy President, when referring to the Government's policy for Hong Kong for the next five years in his policy address on 7 October, the Governor said that necessary preparation had to be made for the prosperity and stability and for the practice of "one country, two systems." after 1997. These issues closely affect the well-being of the people of Hong Kong and have drawn the attention of many of them. They have been offering comments on the substance of the policy address and, of course, its most controversial part is the constitutional package.

In my speech today, I would like to focus on the issue of abolishing in one stroke the appointed membership of all district boards and the two municipal councils. We are Hong Kong people and Hong Kong people all love democracy. What is said by the so-called democrats — that they are democratic but the others are not — is not true. They should not say so. We, too, agree that the pace of democracy should be quickened. However, we would not like to stumble and fall because of a quickening or over-quickening of the pace. Nor do we think that democracy comes only from direct elections. While directly elected members represent members of the public, it must not be forgotten that they represent only those who voted for them. (I am a directly elected member myself. And I would like to clarify that I am a directly elected district board member.) Many other citizens voted for candidates who did not win. They, too, need representatives to reflect their views. Appointed members are often able to play this role.

District boards are consultative bodies from which the Government draws advice. The Government wishes to be able to hear the views of people from all sectors of the community. If all appointed seats are abolished at one go, the views of some people will probably not be heard. We think that there should be many channels through which the views of the public may be heard, the more, the better. The appointed members in fact provide one channel through which the opinions of the public are reflected. Such being the case, we think it would be better to abolish appointed membership gradually than to do it in one stroke.

At the moment, appointed members only account for one-quarter of the municipal councils seats and one-third of that of the district board seats. Clearly, appointed members are minorities and cannot influence the decisions of the municipal councils/district boards. However, they have been making many contributions in other ways. In fact, there are arguments for retaining the appointed membership. I mentioned them in the debate of 3 June this year which I do not intend to repeat. Nevertheless, I would like to talk about recent developments. The Urban Council had a discussion on this issue in its regular meeting recently. It revealed that a vast majority of the Councillors supported the retention of the appointment system. As for the 19 district boards, more than half of them have now discussed the matter in their meetings. The mainstream opinion that emerged was that most district boards were in favour of retaining the appointed seats. I myself have been asked by members of the Wan Chai District Board to make known their opinions here. If there is to be democracy, the Government must listen to these opinions as well. Moreover, I

would like to point out that not only the appointed members but in fact many popularly elected members, including myself, are also in favour of retaining the appointed seats. Being a popularly elected district board member, I am also a district board chairman elected by district board members. The views of the district boards have been conveyed by the Chairmen of the 19 district boards to the Governor, the Chief Secretary and the Secretary for Home Affairs. I hope that the Government will be receptive to good advice and give consideration to the opinions expressed by the many district boards members. It should adopt a gradual development mode for the sake of smooth transition, prosperity and stability.

Finally, I hope that the Chinese and the British Governments will discard their prejudices and resume their discussion and dialogue as soon as possible so as to come up with a political system acceptable to both sides. The public does not want to see quarrels, which make them worry and which cause social divisiveness. What we hope to have is a smooth transition. We hope that Hong Kong's economy will continue to flourish and that the people of Hong Kong will remain as confident as ever about their future. We wish to remain in Hong Kong forever.

Mr Deputy President, with these remarks, I cannot support Mr McGREGOR's amended motion. Therefore, I support Mr CHIM Pui-chung's amended motion.

DR PHILIP WONG (in Cantonese): Mr Deputy President, I think the motion debate today is meaningless.

The whole matter is brought about by Governor Chris PATTEN. If he wants to find some steps to get down, he should construct the steps himself.

Whoever started the trouble should end it.

These are my remarks.

MRS MIRIAM LAU (in Cantonese): Mr Deputy President, since the signing of the Sino-British Joint Declaration in 1984, both the Chinese and British Governments have placed great emphasis on the importance of convergence of political systems and a smooth transition. They feel that these are crucial factors ensuring the stability and prosperity of Hong Kong. According to Annex II of the Joint Declaration, both sides have agreed to "continue their discussions in a friendly spirit and to develop the co-operative relationship which already exists between the two Governments over Hong Kong with a view to the effective implementation of the Joint Declaration". This spirit of co-operation and the emphasis on a smooth transition and convergence of systems have all along been the keynote of the policy that the British Government adopts towards Hong Kong. From the remarks of the British and Hong Kong officials

and the seven diplomatic documents recently disclosed by the Government, we can see clearly that the British Government has adhered to the principles of smooth transition and convergence.

On 16 January 1990, the British Foreign Secretary, Mr Douglas HURD, who was on a visit to Hong Kong, told the people of Hong Kong that "the first prize was to achieve a system that was capable of convergence and continuation." Later, on 16 February, speaking in the House of Commons, he said the British Government hoped that "a government with real democracy could be established in Hong Kong before 1997 and that this government could transcend and develop further beyond 1997". Mr Douglas HURD also pointed out that to achieve this objective, the political reforms to be commenced in 1991 should be carried out according to the arrangements laid down in the Basic Law. As to the 1995 elections, he considered that if the electoral arrangements in the Basic Law were implemented, "legislators returned in 1995 could transcend 1997 and continue in office until 1999". Holding such views, Mr Douglas HURD repeatedly urged the then members of the Executive and Legislative Councils to attach major importance to a smooth transition and continuity and not to insist on the OMELCO consensus. He stressed that a system which was certain to survive after 1997 was better than one which would land itself on the rocks in 1997.

Thereafter, officials in Hong Kong pointed out many times that a lack of convergence in 1997 was detrimental to Hong Kong and that Hong Kong people did not want to see that. During a visit to Hong Kong in September 1991, the British Prime Minister, Mr John MAJOR said, "What we ought to do is to ensure that we will proceed on the road to democracy and that what we have achieved can be retained and transcend 1997".

In fact, from the seven diplomatic documents recently disclosed, it can be seen that Britain attached great importance to convergence of the systems of Hong Kong before and after 1997. In the first document, the British Foreign Minister says both the Chinese and British Governments should "fully co-operate to establish together a political system which will ensure convergence and a smooth transition". In the third document, he says arrangements have to be made for the 1995 elections "to ensure continuity". He also says it is the British Government's wish "to do everything possible to ensure a smooth transition in 1997 in accordance with the Joint Declaration". The fifth document states explicitly that "the British side thinks the way of ensuring a smooth transfer in 1997 is to provide that all members elected in 1995 should be able to continue in office until 1999". The above citations are used to demonstrate that over the past eight to nine years, the British Government's policy towards Hong Kong consistently emphasized convergence and a smooth transition. In the Governor's policy address, such an approach can be seen. Though no such words as a smooth transition or continuity are used in the policy address, it does stress that the Joint Declaration and the Basic Law should be complied with. For instance, paragraph 128 says that "a majority wants constitutional reforms to be compatible, as far as possible, with the Basic Law

and, accordingly, to transcend 1997. I (the Governor) respect these views." In paragraph 147, the Governor reiterates that he will "extend democracy while working within the Basic Law. What these arrangements should give us, therefore, is a "through train" of democracy running on the tracks laid down by the Basic Law". Though the policy address does not state clearly how to achieve these objectives, I feel that what it says virtually reflects the suggestion of the British Government of a smooth transition for Hong Kong and continuity of Hong Kong's systems.

However, there seems to be a 180 degree about-turn recently in the policy of the British Government. With the start of the war of words between China and Britain, neither the British Government nor the Hong Kong Government mentions a smooth transition and continuity of systems any more. Now, they only talk about wide public support for the constitutional reforms proposed by the Governor and the need to implement these reforms as soon as possible. After the promulgation of the Basic Law in 1990, Mr Douglas HURD reminded Hong Kong that "it would be unrealistic to suggest that China would be obliged to accept whatever we did in 1997". But on 24 October 1992, when answering questions from members of this Council, the Governor said "things which proved effective could continue to develop". Is the analysis of Mr Douglas HURD wrong or is the Governor unrealistic? The Governor also said relevant legislation would be laid before this Council early next year, regardless of whether the proposed systems could continue after 1997.

If we think carefully of past events and recent developments, we cannot help doubting if Britain's policy towards Hong Kong has changed. Is it that Britain now pays attention only to ensuring that policy development meets the demand for democracy and no longer considers smooth transition and continuity of systems which it valued so much in the past? If the British Government really changes its policy towards Hong Kong, I think the Governor should, on behalf of the British Government, explain to the people of Hong Kong why there should be significant policy changes when Hong Kong is to revert to China in four years, why convergence and continuity, which the British Government thought were extremely important to Hong Kong, can now be ignored, and why the British Government thinks there can be a smooth transition in Hong Kong in 1997 even without convergence and continuity of systems. Here, I would like to reiterate the position of the Co-operative Resources Centre. It is the wish of Hong Kong people to have democratic reforms and we should implement such reforms. However, in doing so, we should ensure the continuity of the political system and pay regard to a smooth transition. In this way, Hong Kong will have a bright future.

In her speech, Miss Christine LOH indicates clearly that in her opinion, convergence can be ignored. I do not agree with her view, therefore I cannot support her motion.

DR LEONG CHE-HUNG: Mr Deputy President, let me start by taking Members back to April 1990. It was then in this building that Mr Francis MAUDE was confronted with questions on whether the British Government was backing down from its previous undertaking in giving Hong Kong democracy. Mr Douglas HURD and Mr Francis MAUDE had, as you all recall, on previous visits said Britain was committed to democracy in Hong Kong. Francis MAUDE's answer then was an emphatic "No, Britain was not backing down." It was the intention of the British Government, he said, to reopen discussions with China for a faster pace of democracy by 1995.

27 July 1990 again witnessed Mr MAUDE facing this Council again, this time after his meeting with the Chinese Premier and the Chinese Foreign Minister. On that occasion I asked him a direct question: "Is it Britain's intention to support a faster pace of democracy should the 1991 election prove to be a success?" Mr MAUDE's reply was in the affirmative.

So I could go on and on quoting dates and examples. In fact since 4 June 1989, a total of 13 visits were made to Hong Kong by the British Foreign Secretary and the Minister with Special Responsibility for Hong Kong. At each and every meeting, the wish of Hong Kong people for a faster pace of democracy and the support for the OMELCO consensus were raised. On each of these occasions the reply from the British ministers had consistently been: Britain was in favour of more directly elected seats. Ironically, Mr Deputy President, 11 of these visits were made after January 1990, that is, after the exchange of the infamous secret correspondence recently disclosed.

Mr Deputy President, what we have witnessed seems to be a pure lip service. It is seriously questionable whether Britain had at any time accommodated the wish of the Hong Kong people. It seems that Hong Kong people have time and again been led up the garden path when those in power knew fully well that this path leads to nowhere. How many more secret deals, Mr Deputy President, were there that saw Hong Kong people's destiny and interests down the drain, and how many more secret deals will there be before the actual transfer of sovereignty? Mr Deputy President, these questions deserve an answer. I want accountability from those who were in power, those who are in the know and yet did not stand up for the OMELCO consensus.

So today we are faced with a motion and four amendments. This debate, over debate, is not only messy and confusing. It will no doubt tarnish the image of this Council in the eyes of the public. Let me call upon honourable colleagues of this Council to stop beating around the bush and to call a spade a spade. In my mind the issue is a simple one. We are asked today to decide for Hong Kong whether we want a faster pace of democracy or otherwise. I believe our honourable colleague Mr Jimmy MCGREGOR's amended motion is aimed towards this end and Mr CHIM's amendment prefers something else. So, as Councillors, it is our duty to reflect the views of the people we represent. It is also our duty to provide leadership to guide them in a direction we truly believe

will be the best for our future in Hong Kong. We must have a stand and we must be ready to stand up to be counted.

Let me take this opportunity to present the results of a recent full-scale referendum in my own constituency. A total of some 7 400 letters were sent out to my constituency and there was a return of over 10%. The referendum showed ever clear evidence in favour of the constitutional change proposed by the Governor. 81% of those who responded were in favour of fully elected district boards and municipal councils. 79% agreed with the replacement of corporate voters and 66% supported the expansion of the electoral base for the nine new functional constituencies. I add here that 91% were in favour of the single seat, single vote system for a geographic constituency and some 75% were agreeable to cutting the voting age down to 18. The composition of the Election Committee was not included in this survey as this survey was done after this Council last debated the issue. Prior to that motion I did secure clear mandates from the medical and dental bodies to vote in favour of the motion which advocated that the Election Committee should be composed entirely of elected district board and municipal council members.

So whatever the outcome of today's debate, there will no doubt be continual criticisms, hue and cry from China and from certain local groups. Let us hope that these will only stir but not shake the conscience of Hong Kong people as to what our future is.

In any event, if the British Government is committed to Hong Kong and if the British Government conducts itself with honour towards its subjects, I call on it again to reopen the British Nationality scheme to include all British subjects born or naturalized in Hong Kong. For if the British Government is confident in Hong Kong's future, let it fear not that Hong Kong people would swamp the White Cliffs of Dover, nor the concealed plane of the Heathrow Airport.

Mr Deputy President, with these points, I support Mr McGREGOR's amended motion.

MRS ELSIE TU: Mr Deputy President, when the Governor made his policy speech on 7 October, I understood that his political reforms were only proposals. Now it seems clear that they were intended to be firm decisions. If there was any consultation before those decisions were made, I am at a loss to know who was consulted. This Council was certainly not fully consulted, yet OMELCO disappeared overnight and we were left groping for a replacement. Likewise, many members of district boards and municipal councils found themselves ready to be thrown on the scrap heap after years of useful service to the community by government appointment.

The Governor's right-hand men are now conducting what they call consultations with the aggrieved parties but those consultations appear to be one-sided explanations of what has already been put into effect. Governor PATTEN has now challenged anyone unintelligent enough not to agree with him to offer alternative proposals, though the invitation to speak up is accompanied by an implied threat that anyone who takes up the challenge is liable to public opprobrium. In fact, challengers are in a no win situation. If we do not speak up, it means we all agree and the deed is done. If we do speak up, we are said to be condemning ourselves in the public eye.

The proposed political reforms are supposed to be about freedom and democracy; yet some of us feel we are not free to speak but are under some kind of moral intimidation. The strange thing is that this pressure for democracy is being exercised against people who have always practised democracy by those who have always opposed democracy on the grounds that the political situation made democracy dangerous to our stability and prosperity. Has there ever been so dangerous a position as now to our stability and prosperity? Is this the time to polarize our community and split us up into factions?

In this situation Mr Andrew WONG's amendment offers us breathing space. It does not reject Governor PATTEN's plan but seeks sensible and peaceful discussion between the two warring sides. I am grateful to Mr WONG for offering us time and saving us being bulldozed into accepting the plan lock, stock and barrel.

Mr Deputy President, I would like to suggest to my colleagues that we should take up Governor PATTEN's challenge and set an early date in this Council when each one of us will have another chance to express our views on the individual proposals without having to take a majority decision on the whole package now. Let us try to find out what is acceptable while still safeguarding our stability. Such an exercise would have to include an agreement that we may not only talk but that we may also be listened to because at the moment I am not convinced that we are being given a proper hearing and that we are being rather intimidated.

Mr Deputy President, I reject any innuendo that in stating my views I do not act democratically or according to my conscience. I bend to no one but I do listen to the views of people at all levels of the community. The message I get continually is that they want democracy but not at the cost of a smooth transition.

6.35 pm

DEPUTY PRESIDENT: I shall suspend the sitting for half an hour to enable a supper break to be taken.

7.15 pm

DEPUTY PRESIDENT: Council will resume.

MR PETER WONG: Mr Deputy President, Hong Kong is now caught in the wrangle between China and Britain over the territory's future political development. It is a sorry state of affairs, in that once again Hong Kong people will have no part to play in a bargaining process that will have such far-reaching effects on our future. It is high time the two countries put behind them the acrimonious accusations, denials and mistrusts so as to prevent a further decline of people's confidence here and abroad.

The Honourable Andrew WONG's amended motion calls for further negotiations based on the interest and wishes of the Hong Kong public. Members of the accountancy functional constituency, in response to a recent survey I conducted, came out with an explicit, unequivocal stance. We want a stable, democratic government and a prosperous, free economy. I believe that this is also the wish of the vast majority of Hong Kong people as it coincides with the conclusion drawn by the Governor in his policy address.

Times have changed, and so have Hong Kong people's expectations for democracy. Whatever the changes are, the spirit of the Joint Declaration and the Basic Law, which is the end product of long-drawn-out consultations and discussions, and their basic principles of "one country two systems", "Hong Kong people ruling Hong Kong" and smooth transition to 1997 and beyond should remain intact. Ignoring these fundamental principles will put to waste all the work done in the last 10 years and bog down any negotiation efforts at the expense of Hong Kong's best interest.

In any business deal, negotiations take time, patience, skill, and particularly an understanding of the views and problems faced by the other side. In this regard, surveyed accountants maintain that confrontation with China, which can only jeopardize the Sino-Hong Kong relation, is the last thing we want.

Mr Deputy President, in deciding whether I support any matter put to the vote, I will adopt as far as possible the accountants' line of thinking. As a professional accountant who has assisted clients through long years of negotiations, I would urge both the Chinese and the United Kingdom Governments to put aside their own preconceived ideas and prejudices, re-examine the Joint Declaration, Basic Law and Airport Memorandum, then return to the bargaining table with a sincere wish to engage in a dialogue and come up with constructive suggestions based on what is best for Hong Kong's six million people. In return, we Hong Kong people should exercise patience, good sense, and above all a strong will to work for the common good. Let us hope that this may happen before too long.

MR MOSES CHENG: Mr Deputy President, not even one year ago, British policy on Hong Kong's political developments was of a far different character. For better or for worse, the significant shift London has decided to pursue in its bilateral talks with Mainland China regarding our future will bear its consequences in Hong Kong long after British sovereignty has expired. Not too long ago, on 16 January 1990, the Foreign Secretary Douglas HURD said,

"The first prize is to achieve a system of convergence and continuity so that the people who want to stand for election for Legislative Council know that it is not just for 1991, not just for 1995 but gradually there would be a continuous upward movement towards democracy."

What the Foreign Secretary was actively espousing then was that the best interests of Hong Kong rested with British and Chinese convergence on a negotiated basis. Why this approach was suddenly judged illogical and inadequate by the powers has never been fully explained; but, in the face of the blatantly hostile atmosphere of cold silence that has emerged from the suggestion of unilateral actions, perhaps it is time to reconsider the wisdom of negotiating towards convergence.

It seems to me that the latest approach has revealed how far apart the British and the Chinese sides are from understanding one another, and it is up to Hong Kong to offer answers that will break the impasse. The Governor's speech unquestionably runs contrary to the secret letters just revealed. Without addressing for the moment the secretive nature of the previous dialogue or which of these two divergent approaches is more sincere and genuine, it is important to consider the perceptions of the change itself. While the British side might say that no formal or legally binding agreement was reached, the understanding from the Chinese side is coloured by the famous Chinese saying 一諾千金 or the Cantonese saying 「牙齒當金使」 (meaning when people say something which is meant to be relied upon by the other party, they should not walk away from their words). Perhaps, the current policy, which differs from the previous one, can be argued that it has the genuine interests of Hong Kong at heart. But given the recent history of pursuing a different track, China's reaction to what they believe to be a breach of faith, consistency, and honourable negotiations must also be considered. After all, do we really want China to obey only the letter of their negotiations and ignore the spirit of them when it comes down to the Basic Law? This misunderstanding must be resolved to preserve our way of life and the stability enshrined in the years of negotiations and agreements affecting transition to date. Whatever the imminent results may be of Hong Kong citizens' deliberations on the reform issues, it is our duty as well as the Administration's to see that they are fully informed and have ALL the facts at their disposal of both potential risks and benefits. There are certain realities that idealists have often tried to obscure with defensive rhetoric over reforms they themselves have deemed "unsubstantial". Economic reality, a topic few of the idealists care to speak about, has recently brought the Business and Professionals Federation together to emphasize the call of others to urge for fuller consideration.

We simply must have continuity and a smooth transition in 1997 to insure a bright future, conducive to growth. Furthermore, we must comprehend the reality that Hong Kong's economic strength has given us a privileged position. If we undermine the economic strength from which the territory derives its influence in exchange for slight and potentially short-lived political reforms, the loss of confidence and lack of stability would make for a difficult and damaging transition. Unfortunately, some Hong Kong leaders are more concerned with the loss of face in their political position than with long-term considerations. They would prefer to limit broader deliberations and engage in petty politicking to push their own agenda. I deem it unwise for the people of Hong Kong, who are caught in the middle of the two great powers, to be swayed into the simplicity of taking sides with their respective interests. Labelling positions "pro-China" and "anti-China" is characteristic of those who perpetuate the simplistic approach and these terms have far outlived their usefulness to a relevant dialogue. Some local politicians seem to be caught up in a rush of the "pied-piper" mentality and are busy trying to rush the alleged benefits forward, irrespective of China's response and disregarding the Hong Kong people's right to contemplate the seriousness of these issues with all the facts before them.

Let me be blunt and direct: it is not "fence-sitting" to call for opening to the people of this territory the broadest and most careful contemplations possible on the issues that surround these controversial proposals. These issues affect their lives, in a way that they will never affect the current Administration's, and the debate must be taken beyond the practised politicians and the press elite. The issues in the crossfire are no longer limited to Governor PATTEN's "modest" proposals and airport financing. The stakes have been raised by the Mainland's concerns and specific responses, and it would be irresponsible to go forth in our relationship on the premise that Beijing is bluffing. The consequences to bear for tampering with the sanctity of the Basic Law, and its concessions of autonomy and rights guarantees, are simply too great to recklessly risk on the hope of short-term objectives.

Mr Deputy President, I have never been given to understand that appointed Members are appointed by the Governor to blindly support the Government's policy. I certainly do not see the justification, nor the necessity, to be a quitter because I hold different views to the Government. The amendment proposed by the Honourable Jimmy McGREGOR and his address in this Chamber today pre-empt all different views.

I therefore cannot support this amendment.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Deputy President, after the Governor published his policy address, there came from China, as thick as hail, criticisms of the democratic political system, coupled with all sorts of attacks and threats. This has now reached irrational proportions. The question that lies at the heart of the matter is why the Chinese Government is so resistant to, and so afraid of, letting Chinese people, letting the people of Hong Kong, who are

about to be reunited with China, use democratic methods to administer their own community.

There are only three possible explanations. One, China is afraid that Hong Kong will become independent and be separated from the mother body. Two, it is afraid that a democratic political system in Hong Kong will give rise to a pro-British government, which will extend British rule. Three, it is afraid that the democrats who represent the power of the people in Hong Kong will grow strong enough to loosen China's absolute rule of, and absolute hold on, Hong Kong. In a word, China wants a colonial form of rule to be extended and unchallenged after 1997.

This clearly clashes with and differs from the wishes of the people of Hong Kong. The democrats represent precisely these wishes as they proceed to win democracy for the people, as they challenge China's irrational form of rule. As we do so, our intention is not to push Hong Kong towards independence or to establish a pro-British government after 1997. If we have not forgotten the formative history of the democrats, we will certainly understand that the democrats' former self was the student movement of the 1970s. That was a movement against British colonial rule and for Hong Kong's return to a reunified China. Mr Deputy President, today, I am almost a middle-aged person. But my youthful dreams and pursuits have remained with me. They still pulsate in my heart and in my blood vessels. It can be said that patriotism has clearly occupied a very important place in our cause from the beginning. If someone should insist that, because we are supporting Mr Chris PATTEN's democratic proposals today, we are pro-British traitors agitating for independence, this would be nothing but slander, insult and an irrationality in total disregard of history and the truth. The democrats absolutely will not be accommodative to it or yield to it.

Mr Deputy President, because we love our country, we want democracy. The present Chinese Government was established more than 40 years ago. It has never been democratic. That was why such major tragedies as the Great Leap Forward and the Great Cultural Revolution took place during the MAO Zedong era, resulting in millions who died aggrieved and with all their aspirations blighted. That was why corruption was so rampant during the DENG Xiaoping era when reform and liberalization was emphasized, culminating in the 4 June pro-democracy movement, as a result of which some are still in prison today. One historical tragedy after another has convinced us that China will have hope only if economic reform and political democracy keep pace with each other. Only if there is hope for China will Hong Kong have a great future.

Mr Deputy President, the place where we grew up is Hong Kong and not the China mainland. To win democracy, we must begin at our own place. We are convinced that an international capitalist community like Hong Kong must have a fair and open democratic system if it is to maintain a proper balance among international business consortia, between the business community and the

ordinary citizens and among the people of different social strata while protecting the political and economic interests of all. Only thus will there be a good order, in which groups and individuals will strive for their ideals with intelligence and hard work and not through corruption or privileges, thus creating Hong Kong's future together.

Of course, on the road of transition from absolute power in a colony to modern democratic government, one is bound to find confusion and bickering. In particular, one has to face resistance and opposition from all kinds of vested interests. Their best hope is that there will be a change of bosses but no change in their own privileges. So-called smooth transition is a kind of transition intended to continue the suppression of the public's demand for democracy. It is a kind of transition intended to continue protecting the privileges of a small handful of people. Mr Deputy President, I want them to do some sober thinking. Will the people of Hong Kong today, given their education, their social awareness and international horizon, gladly let political privileges perpetuate under the guise of smooth transition? Will they gladly let their future and their fate be disposed of like merchandise?

The answer from the people of Hong Kong is already quite clear. The politics of privileges must end. A democratic system must be established before 1997. At this important historical juncture, the democrats must show political and moral courage. Let them fear no threat and no slander. Let them not be afraid to leave the "train" in 1997. They must righteously and proudly stand with the rest of the people of Hong Kong to strive for a democratic political system and equal political rights for everybody now and beyond 1997, so that Hong Kong along with democracy will be returned to China.

Mr Deputy President, in my speech today, I have not attacked anybody. Many have threatened and slandered us. This makes me feel very bad. Still, I insist on being composed and persuasive. The reason is that, in my belief, democracy means tolerance and rational persuasiveness, not threat or slander. Today, as we strive for democracy, we must remind ourselves not to stoop to the level of our detractors even in speech, lest we soil the name of democracy.

Mr Deputy President, with these remarks, I oppose the Honourable CHIM Pui-chung's amendment motion and support the amendment motions of the Honourable Jimmy MCGREGOR, Andrew WONG and Frederick FUNG as well as the original motion of the Honourable Christine LOH.

REV FUNG CHI-WOOD (in Cantonese): Mr Deputy President, the Sino-British Joint Declaration, when it was signed on 26 September 1984, had the hearty support of the people of Hong Kong across the entire social spectrum. In the Joint Declaration, the governments of China and the United Kingdom promised that the legislature of the future Hong Kong Special Administrative Region would be returned by election. At the time, most people took it for granted that this meant direct election, which was fair and simple, as was generally the

practice all over the world. I believe that, if the people of Hong Kong had known at the time that the post-1997 legislature would not be completely returned by direct election but would be partly returned by unfair election practices, namely, the functional constituencies and the Grand Electoral College, the Sino-British Joint Declaration would have come under some very severe criticism. I do not know if it was done deliberately or inadvertently — most probably deliberately, I think — but the Joint Declaration did not specify what type of election it would be. This failure has given an opportunity to people with an ulterior motive to devise weird and unfair election practices in whatever way that suits their minds.

Mr Deputy President, where election is the issue, we all know that fairness is the most important. The result of an election should mirror the wish of the majority; so election must be held in a fair way. Take the election of a seven-member ad hoc group in this Council as an example. To assure its fairness, the simplest way is to give each Councillor one vote. Suppose there is a Councillor who says that he should have one extra vote by virtue of his special contributions. In such a case, I believe nobody will accept his suggestion. Suppose there is a Councillor who proposes letting directly elected Councillors elect three of the group members and letting the full Council (including the directly elected Councillors) elect the other four. In such a case, his proposal will definitely be rejected because it unfairly gives some Councillors two votes each.

After the Basic Law was promulgated, it was given a very different reception from that given the Joint Declaration. The Basic Law, particularly the part about the political system, has come under a lot of fire. This is mainly because the election practices laid down in the Basic Law are unfair. The representative nature and the legitimacy of a legislature returned by unfair election practices will be questioned by the public. This is one major potential source of trouble. Unfair election practices will help to create a privileged class in society. Some people will have two votes each. Some people will even have three votes each, that is, if they are electors in functional constituencies and also members of the Grand Electoral College. This is the second potential source of trouble. The legislature returned by unfair election practices certainly will not be impartial in looking after the interests of all social classes but will make unfair policies and laws. This is the third potential source of trouble. Clearly, then, unfair election practices will have disastrous consequences. The functional constituencies and the Grand Electoral College are unfair election practices. They should be done away with as soon as possible. When I told foreign friends about Hong Kong's functional constituencies and Grand Electoral College, they expressed perplexity that such extremely unfair election practices should even have been conceived during the democratic 20th century.

Nevertheless, there is a reality for us to face. It will be some time before the functional constituencies and the Grand Electoral College disappear. The Governor's constitutional package now merely seeks to make unfair election practices a bit more fair. The Governor will increase the number of voters in

functional constituency elections to the maximum possible. But he still leaves out the non-working wives, the retirees, the unemployed persons and the students. The Governor's proposal will restrict the membership of the Grand Electoral College to those district board members who are returned by the public on a "one man, one vote" basis. The Second Grand Electoral College mentioned in the Basic Law will have other kinds of members. They will be excluded from the membership of the present electoral college. The reason is that these other kinds of members are not returned by fair election practices.

Mr Deputy President, Mr Chris PATTEN has boldly made some improvements in election practices that are unfair, making them a bit fairer. The basic nature of these election practices is not changed. Even after the improvement, they will still be unfair. There will still be the situation where some people will have two votes each while others will have one vote each, and where some functional constituencies will have a few hundred electors each while others will have more than 200 000 electors each. Election practices that are a bit fairer are of course a bit better for society. They give a bit more protection to the rule of law, to human rights and to freedom. What is being proposed is not a drastic change.

The Governor's constitutional package is obviously deficient. Still, the Governor is already doing his utmost under the constraint of the Basic Law. Councillors, for their part, should now do their utmost and support a form of government that is fairer and better for Hong Kong. Let us look farther into the future. If we want Hong Kong to enjoy long-term prosperity and stability, democracy will be very important. I hope that Hong Kong will have true democracy soon.

Mr Deputy President, I so make my submission.

DR HUANG CHEN-YA (in Cantonese): Ever since direct elections were introduced in 1988, the people of Hong Kong have never failed to give their strong support to the cause of setting up a democratic political system. It is unfortunate, however, that over the years, the Hong Kong Government has always resisted public opinion. It has seen fit instead to use the appointed members within the various boards and councils of our multi-tier political system to get its way; it has even used the functional constituency elections as a way to block the development of direct elections. The political reform package proposed by Governor Chris PATTEN, though it has failed to meet the demand for half of the Legislative Council seats to be returned by direct elections before 1997, is more in line with the long-cherished wishes of Hong Kong people. It is for this reason that I would welcome his proposals. I am saddened, however, by the fact that there are still people who like to cling to their colonial privileges. They seek to perpetuate the appointment system, in order to maintain the conservative privileges which are very much part of the existing functional constituency arrangements. They are hoping that the colonial institutions in Hong Kong will remain unchanged for 50 years.

Mr Deputy President, the purpose of our political reform should be in order that Hong Kong people will be able to establish a political framework in which they will indeed run their own government with a high degree of autonomy. That purpose has to be achieved if the economic prosperity of Hong Kong is to be maintained. In this regard, whether the political reform proposals are right or wrong is to be decided by the wishes of Hong Kong people themselves. It is not a matter which can be decided by the will of any officials; neither does it have to do with the secret diplomatic exchanges which went on behind the backs of Hong Kong people. And the answer to this question has been abundantly clear. Opinion polls have confirmed that over 60% of Hong Kong people support the political reform proposals though there are people who are wary of the problems associated with convergence with the Basic Law. How to converge? And what to converge with? The Basic Law provides for the establishment of a Selection Committee for the first legislature of the Special Administrative Region, consisting of 400 members; and in the second term, the setting up of an Election Committee consisting of 800 members. These members will come from four categories but how they are to be elected remains a matter yet to be ironed out. Supposing that the election method for the 1995 Election Committee is also applicable to the Selection Committee of the first term and the Election Committee of the second term of the SAR Government, then it would be up to the Chinese Government to immediately consult Hong Kong people on the methods of selecting such members, in an open, fair and widely acceptable way. I tend to think that, after the arrangements for the election methods for the Committees for the first and second terms have been finalized, Hong Kong people may be asked whether they find the arrangements acceptable to them, and whether the same arrangements should apply to the formation of the 1995 Election Committee. If the way in which the Election Committee is formed is not democratic after all, and not acceptable to Hong Kong people, then there is no reason whatsoever for insisting that the 1995 Election Committee should be formed in a similar manner. In this regard, I cannot agree with Mr CHIM Pui-chung's line that Hong Kong people should agree at the outset to converge with whatever may develop, and what they have no slightest idea at this moment. However, the spirit of the one country, two systems concept is that Hong Kong people will have a system which will meet their needs, one which will enable Hong Kong people to rule Hong Kong with a high degree of autonomy. What after all is convergence? In the past, young girls had to have their feet bound by cloth and this whole business of foot binding was in order that they would be able to wear a pair of ready-made shoes. The question though is whether the foot binding practice is justified for the sake of enforcing a uniform shoe size. Likewise, does convergence mean that Hong Kong people must hold down their demands and aspirations for democracy, in order that they will be able to adapt to a semi-colonial, semi-feudal political system? Does convergence mean that China and the United Kingdom should be allowed to trade Hong Kong people like livestock and come to another stealthy agreement between themselves, while keeping Hong Kong people in the dark? The answer is no. The basis for a successful convergence is that due respect must be paid to the two principles, namely, Hong Kong people ruling Hong Kong and Hong Kong enjoying a high degree of

autonomy. I find what Mr CHIM Pui-chung has been advocating is putting the cart before the horse. There is no question of a successful convergence if we are purely concerned with convergence, if we are willing to give up our principles for the sake of convergence. In this regard, what the Chinese and the British sides should be talking about is not so much how to ensure that the political reform for 1995 will converge with the Basic Law as it now stands

DEPUTY PRESIDENT: Sorry, Dr HUANG. Yes, Mr CHIM?

MR CHIM PUI-CHUNG (in Cantonese): I have never interpreted convergence in the way Dr HUANG did. Once again, his remark is an insult to my intelligence and a disrespect to the meaning of convergence.

DR HUANG CHEN-YA (in Cantonese): I will take up this point of Mr CHIM after I have finished with my speech.

DEPUTY PRESIDENT: Please, gentlemen, do not engage in crosstalk. Your remark, Mr CHIM, does not fall within Standing Orders; please sit down. Dr HUANG, please continue.

DR HUANG CHEN-YA: I cannot find the place in the speech where I left off. (*Laughter*)

DR HUANG CHEN-YA (in Cantonese): What China and the United Kingdom have to deal with is not so much how to make sure that the political reform for 1995 will converge with the existing version of the Basic law as how to make sure the convergence of the said political reform and the Basic Law will take place in such a way as to meet the demands of the people of Hong Kong. Both political reform and the Basic Law must be conducive to the development of democracy and freedom in Hong Kong. The political arrangements of the Basic Law in its present form run counter to the democratic demands of Hong Kong people. It is for the protection of the special status and privileges of a handful of people with vested interests that the rights of the broad masses of Hong Kong, and the harmonious relationship between Hong Kong and China, have been sacrificed. It is up to China to review the Basic Law as early, and as expeditiously, as possible so that the unreasonable clauses are revoked and arrangements which are more in line with a democratic system worked out to meet the needs of Hong Kong people.

There are people who worry that, with political reform emanating from the Governor, this will create a misunderstanding among the public that they are receiving democracy as a gracious gift from the colonial master. If people

really have this misunderstanding, then the reason for it is not that Governor PATTEN has been particularly smart to be able to successfully win public support. Rather, the fact is that the Chinese Government has been misled by a group of ultra leftist bureaucrats and bad advisors who know only how to please their masters. The result is that China is now resistant to the progressive forces of Hong Kong, that China is now driving its own people to the rival camp. There are people who are saying that the Basic Law cannot be revised as it is. But why can it not be revised? The Chinese Constitution has been amended four times. The laws governing the elections to the People's Congress have also been amended five times, in 1949, 1953, 1979, 1982 and 1986, respectively. Indeed, the Chinese Communist Party itself has seen it fit to make major amendments to its own Party Constitution at its 14th Party Congress, so that market economy is incorporated into the system. It can therefore be seen that, if there is a need for it, if it is done for the sake of progress, then amendments can indeed be made to the Party Constitution, the Election Law, and also the State Constitution. Why should the Basic Law be an exception to this? It goes without saying that amendments to the Basic Law should be made with the utmost care; they should not be made lightly. We should decide on what amendments to make by means of a wide public consultation exercise. But I am convinced that, as and when the Chinese Government is able to get rid of its bad advisors who will stop at nothing to please but who in fact harbour ulterior motives, then it will be able to come up with a Basic Law which is more democratic and more popular with the people of Hong Kong.

Mr Deputy President, there are people who intimidate Hong Kong people and say to them that they cannot stand up to China's opposition. There are people who say that we should not lend our support to the political reform package because China's opposition would have unfavourable consequences for the economy of Hong Kong. If we accept this line of argument, then the Chinese officials could in future distort the meaning of the Basic Law at whim, calling white black and there is nothing we could do to voice our objection. If the logic inherent in such argument holds sway, then this whole effort to deceive Hong Kong people is unnecessary and one might as well stop talking about convergence. It would make more sense for us to talk honestly about complete capitulation; we may as well completely abandon our cause and surrender. The one country, two systems promise will not be broken overnight. However, if Hong Kong has to give way and capitulate whenever China and Hong Kong have differences, the promise will surely be less convincing and gradually become bankrupt; we will eventually be left with a one country, one system framework. I firmly believe that in order to uphold the principle of one country, two systems, it is necessary for us to have the courage to argue our case strongly on just grounds with China; we have to speak our minds and act according to our conscience.

Mr Deputy President, with these remarks, I support Miss Christine LOH's motion and Mr Jimmy McGREGOR's amendment motion.

MR SIMON IP: Mr Deputy President, the last few weeks have seen the disagreement between China and Britain over political developments in Hong Kong escalating into an unprecedented, but now familiar, war of words. In this context it is worth remembering that the Governor's proposals are for discussion and he has said that he would listen to counter proposals but people may wonder whether the leaders of our community are so preoccupied with public bickering as to be unable to have any rational and intelligent dialogue on the proposals.

Mr Deputy President, this situation simply cannot continue. Hong Kong simply cannot afford at this critical stage of its history to engage in a destructive dialogue filled only with accusations and recriminations. If there is any time in which Hong Kong must speak with a united voice, it is now. Hong Kong people must stand up and be counted. We must make our voice heard. We must speak with credibility and conviction and we must not bow to pressure. The reasons are obvious from the disclosure of the secret correspondence between the Foreign Ministers of China and Britain. We now realize that deals have been struck behind our backs, without our knowledge and lacking in consultation. To put it mildly, this kind of negotiation cannot command our trust and confidence. Neither the Chinese Government nor the British Government have come out of this affair in a good light. The British Government displayed a blatant lack of commitment to press for the OMELCO consensus which had wide support across the community in Hong Kong. This in turn enabled the Chinese Government to ignore the OMELCO consensus and to dictate its own pace of political reform knowing that it would only meet with token resistance from the British Government.

For these reasons alone, we should put behind us the dispute as to whether the secret correspondence constituted an "agreement" or an "understanding" or a "consensus" or whatever else it might be called. The truth remains that it is an under the table deal that side-stepped the wishes and desires of Hong Kong people. It cannot therefore have any morally binding force over Hong Kong. It is now imperative that the two governments should sit down again to have an open and constructive dialogue which truly reflects the views and wishes of Hong Kong people. We have had enough of public bickering. Now is the time for serious and rational discussions.

Having said that, it must not be supposed that this Council does not have a role to play in this important issue. Ultimately we have to decide on the final shape and form of the package of reforms and that is a responsibility we must discharge in a credible and trustworthy manner. The people of Hong Kong will look to us to provide true leadership at this crucial time. Through us they want to realize the concept of Hong Kong people ruling Hong Kong. They want to see us stand up for them and for Hong Kong.

If agreement between China and Britain can ultimately be reached in whatever form, there will be convergence. It must not be supposed that the process which Mr PATTEN has initiated will inevitably lead to divergence and we must not refuse to support his proposals on that ground alone. On the contrary, we should support his proposals (none of which contravenes the Basic Law) and we should give him the necessary mandate to hold serious discussions with the Chinese Government. We should of course strive for convergence and a meeting of minds. We must not, however, let convergence be our master and allow it to dominate our every thought and action. To do so will result in our being conditioned to give in on all issues whenever our ideas meet with disapproval or resistance. We would be failing in our duties if we capitulate at any cost in the name of convergence. That is why I cannot support Mr CHIM Pui-chung's amendment.

Failure to agree on every issue need not result in a rough transition. Goodwill and sincerity between the parties will accommodate differences of opinion which after all are inherent in a free society and under the concepts of "one country, two systems" and "Hong Kong people ruling Hong Kong." Times are changing and so are the aspirations of Hong Kong people. We cannot turn back the tide. We must support wider democracy within the framework of the Joint Declaration and the Basic Law.

Mr Deputy President, I therefore support Mr McGREGOR's amendment to Miss LOH's motion.

DR LAM KUI-CHUN (in Cantonese): Mr Deputy President, where the political situation involving China, the United Kingdom and Hong Kong is concerned, my understanding is this: The China mainland is the supply source of most of the things that keep the people of Hong Kong going, including food, water and re-export trade. Militarily, Hong Kong has no defensible natural barriers. Therefore, the reality for Hong Kong at this time is that China has the final say over whether any operation or system is permitted. I think Lady THATCHER, former British Prime Minister, appreciated this, I believe, when she tripped and fell in front of the Great Hall of the People in Beijing. Such being the political postulate, while the wish of the people of Hong Kong should be the starting point for discussions on the issue of Hong Kong's political system, the attitude of China must ultimately be taken into consideration. I am afraid that it is unrealistic to think that, with "one country, two systems" as a protective amulet, one can afford to disregard China's wishes.

As far as I understand, China's attitude towards Hong Kong is what it always regards Hong Kong as only one of the focal points of the unequal treaties between China and the United Kingdom. The reversion of Hong Kong's sovereignty to China in 1997 is a matter between the two sovereign powers of China and the United Kingdom. Even though we may take a very exaggerated view of ourselves, Hong Kong is in reality only a passive entity that has never been on an equal footing with the two sovereign powers of China and the United

Kingdom. The fact is that, under such a political situation, China and the United Kingdom arrived at their Joint Declaration without Hong Kong's participation. Later, in 1990, they reached an agreement on Hong Kong's political system for the transitional period, that is, the agreement on the five principles and composition ratio in respect of the electoral college for the 1995 elections. But then the Governor of Hong Kong put forth a brand new plan and went hither and thither to find support and to confront China. I suspect that, in the eyes of China, which has the absolute say, this is but a side show, not even a part of the mainstream thinking on the way forward. Therefore, I understand (even though I may not fully agree with it) why China is insisting that, if Sino-British talks are to be resumed, Mr Chris PATTEN's proposals must be completely withdrawn.

I think that, upon resumption, the Sino-British talks would probably begin with the five principles and composition ratio in respect of the electoral college, on which there has already been agreement. The talks would then go on to cover implementation and specifics. Governor PATTEN's brand new constitutional package would, if it comes sooner, become history perhaps before this year or next year is out; in any case, it surely will become history in 1997 at the latest. I think that it is not worth one's while to expend a lot of energy to support a package that has no future. Colleagues of the Co-operative Resources Centre always support convergence with 1997, the rationale being that the people of Hong Kong need to have a clearer view of the future in order that they may plan their own future.

Mr Deputy President, there is a horse race meeting at Happy Valley tonight. Let me use a horse race to illustrate what, in my estimate, is the average person's view about a drastic change in the political system, about uncertainty and about the absence of convergence. Before placing a bet on my favoured horse, I must find out what the going will be tonight, what the distance of the race is and what the conditions of the other horses in the same race are. Then I will feel safe to place a bet and I will decide how much to bet. Suppose that the Jockey Club decides to try a brand new concept and, after the bend around the rock, to discontinue the grass track or the sand track and replace it with a gravel track, which will cause the horses to trip and fall and the jockeys to come a cropper. I would find that to be more than exciting but less than reassuring. Suppose that one then learns that, a little farther on, there will be a non-converging racing system but that one does not know what it will be like. Suppose that one does not even know, after the Hong Kong Sanatorium bend, whether it is going to be a horse race or a greyhound race. Am I going to bet everything I have in this kind of a race, once and for all? That must be a joke.

The key to Hong Kong's political development before and after 1997 is compromise followed by observance. The diplomatic agreement and the Basic Law were both compromises reached between parties headed in opposite directions. It is inevitable that each side should fail to be totally satisfied. If Hong Kong ignores the reality of compromise but wants to have total satisfaction unilaterally, then, for its part, China can similarly ignore

Hong Kong's requests and seek its unilateral total satisfaction. Should this happen, all compromises arrived at in the past would be overturned and Hong Kong would return to the scary and distressing days of the 1984-1988 period. The life of the people would be severely affected.

Mr Deputy President, I agree that having to accept the reality of compromise is not totally satisfactory to either side. However, it is feasible. The public needs a convergence of systems before and after 1997. It will enable them to have an unobstructed view, a full view. They can then plan their future and make suitable investment decisions. Thus, Hong Kong will gain stability and prosperity.

Therefore, I am of this opinion: Firstly, where there is diplomatic agreement between China and the United Kingdom, such as on the composition of the electoral college and on the way forward as laid down in the Basic Law, such agreement should be followed up and implemented. Secondly, where there is no specific agreement between China and the United Kingdom, such as on the definition of the new functional constituencies, new agreement will have to be worked out, and the new agreement must basically be such as will assure convergence with, and transition to, 1999 and thereafter. Thirdly, as for the political reform side show, I feel that, when the time is ripe, it will wither and fall off. It is not worth the trouble of the people of Hong Kong, who are having a good time betting on horses and dancing in cabarets.

However, one point is very important and needs to be noted in particular. It is a historical fact that the British administration, when leaving a former colony, often left behind a situation of divisiveness, polarization, hostility and fighting. Examples are India and Pakistan, Israel and the Arab countries, Sri Lanka, Cyprus and so forth. In Hong Kong today, ever since that picture taken in front of 10 Downing Street, London, appeared on the front pages of major newspapers, we the people of Hong Kong have fallen into a divisive and polarizing mood. It is the radical democrats versus the smooth transitionalists. Such a path leading to turmoil is well precedented. It is a path that other countries have followed and come to grief on. I sincerely hope that the people of Hong Kong will keep their heads sober. Should they be even slightly off guard, they would fall into a situation of mutual hatred and be in for endless days of disquiet and strife.

Mr Deputy President, how I would vote should be abundantly clear.

8.00 pm

DEPUTY PRESIDENT: It is now eight o'clock and under Standing Order 8(2) the Council should adjourn.

ATTORNEY GENERAL: Mr Deputy President, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this afternoon to be concluded.

Question proposed, put and agreed to.

DR CONRAD LAM (in Cantonese): Mr Deputy President, on 15 October 1984, in this Council, Mr LOBO moved that this Council endorse the Sino-British Joint Declaration and commend it to the people of Hong Kong. At the time, only two people in the entire Council abstained from voting. These two just men of vision were you yourself, Mr Deputy President, and Mr CHAN Kam-chuen. To find out why you abstained from voting on that important motion in the Legislative Council's history, I reviewed today the speech you gave on that day. I sincerely recommend your speech to those colleagues in this Council and to those people of Hong Kong who have never read it. The Joint Declaration was drawn up in a process that violated at least the two major principles mentioned in the Honourable Christine LOH's motion today, namely, openness and fairness. What actually happened was that China and the United Kingdom secretly, without any open consultation of the public, arrived at an agreement on the future of Hong Kong, on an important issue with impact on the more than five million people who are rooted in Hong Kong. The people of Hong Kong were forced to accept it because there was no other choice. That the British administration here should return Hong Kong to China, returning something to its original owner, was proper. However, was it a reasonable decision to deliver more than five million people, before their consent was obtained, into the rule of a dictatorial communist regime? Is this not the most glaring instance of violation of human rights in history? Many among the people of Hong Kong are from China. They came to live in Hong Kong after surviving journeys of a thousand hardships. Many had suffered a lot under communist rule before they did so. Will these people accept being returned to dictatorial rule? To this day, some ethnic minorities rooted in Hong Kong have not yet resolved the problem of their post-1997 nationality. Is this fair? On 14 March 1984, in this Council, Mr LOBO moved that this Council take the position that, before final agreement is reached, any proposal concerning the future of Hong Kong should be debated in this Council. Yet, before long, China and the United Kingdom reached secret agreement concerning Hong Kong's 1991 and 1995 political development. The views of the general public and of this Council were ignored. Really, China and the United Kingdom should each be punished with 50 strokes of the cane. While the Sino-British Joint Declaration said that the legislature should be returned by election, it did not specify whether the election was to be direct election or indirect election. The result was the creation of the functional constituencies, which were a curious hybrid. Another result is the differences which have now arisen between the Chinese and the British Governments concerning Hong Kong's political development.

The Joint Declaration states that Hong Kong should enjoy a high degree of autonomy. Is it British-style high-degree autonomy or is it high-degree autonomy as perceived by the aged rulers in Beijing? The Basic Law Drafting Committee drew up the Basic Law in the absence of participation by representatives of democrats. This caused some unhappy people to burn the Basic Law in front of the Office of the New China News Agency. It is causing the present controversy in which some people contend that the Governor's constitutional package is in violation of the spirit of the Basic Law. All of the above shows that neither the Joint Declaration nor the Basic Law was drawn up in accordance with the three major principles mentioned in today's motion, namely, openness, fairness and acceptability to the people of Hong Kong. In other words, both the Joint Declaration and the Basic Law are products with birth defects. Is it wise to force the people of Hong Kong to converge their future with a congenitally flawed political system? Will it be good for Hong Kong? The world is changing. So is China. What will China be like five years from now? Nobody can tell. With what are we now trying to converge? China and Hong Kong are advancing at different speeds. What is the best way to let them converge with each other? Does Hong Kong have to stop advancing to make convergence possible? Or does Hong Kong have to backtrack? The amendment motion by the Honourable CHIM Pui-chung talks about the long-term interests of the people of Hong Kong, about convergence and about smooth transition. But he says nothing about the definition of "long-term." Does it mean 50 years, 100 years, or what? As far as we know, how are the big businessmen of Hong Kong riding in Rolls Royces to converge 50 years from now with a communist regime which insists on proletarian dictatorship? One way to do so, as suggested by some people, is to try, in the name of economic development, to help China to become a so-called communist China with capitalist characteristics. This would be good for the 1.1 billion Chinese people. However, would the makers of such a suggestion not be charged possibly with the crime of subverting communist China? Capitalists and communists are the antitheses of each other in goals and ideals. They have vowed not to co-exist. How can it be the truth from one's heart when one talks about smooth transition from one to the other? Everybody is simply putting on a show.

Mr Deputy President, I have heard it said that there are people in this world whose creature comfort is that of the 20th century but whose world outlook is that of the 18th century and whose ideas are those of the 15th century. This reminds me of all those Chinese and foreign people who are strongly opposed to the development of democratic government in Hong Kong.

With these remarks, I oppose the amendment motion by the Honourable CHIM Pui-chung.

MISS EMILY LAU (in Cantonese): Mr Deputy President, I speak in support of the motion standing in the name of Miss Christine LOH. She requests that the British and the Chinese Governments should in their discussions on the political system of Hong Kong, abide by the principles of openness, fairness and

acceptability to Hong Kong people. Her request has my full support. I am convinced that the reason why Miss LOH has decided to move her motion is that, recently, seven extremely despicable letters have been released. Those seven letters, as some colleagues put it just now, testify to the under-the-table deal which betrayed Hong Kong people; it will not be acceptable to Hong Kong people. It is for this reason that I fully support the motion of Miss LOH; I hope that the Chinese and the British Governments will not continue to betray the people of Hong Kong. In addition to upholding that principle of no further betrayal, I want to stress further that the result of the Sino-British negotiations will have to be acceptable to the people of Hong Kong and to the Legislative Council. I am convinced that we should be able to make the final decision on this issue.

Mr Deputy President, I very much agree with the view expressed by Mrs Miriam LAU just now, and indeed I would like to thank her for stating it. She was talking about the policy of the British Government in the past, which I think is very helpful to us. It is very clear that there has been a change in the policy of the British Government. Although neither the British Government nor Governor Chris PATTEN is willing to publicly acknowledge that, I am sure nevertheless that the change actually dates back to the decision to remove Governor David WILSON which was taken towards the end of last year. Admittedly, it was then anybody's guess who would take over from Governor WILSON and when the new Governor would come along to take up his post. But Prime Minister John MAJOR's decision gave us the impression that he was very determined to see Governor WILSON leave his post in order to put an end to the policy which he represented. In that regard, I would go along with what Mrs LAU was saying, that the British Government should take a stand and account for why there has been a change in its policy. Insofar as this Council is concerned, I am sure that many colleagues of mine would fully support the policy change, but as a result of this policy change, it is also likely that new uncertainties and turmoil may ensue. In this regard, I fully support Mr CHIM Pui-chung and Dr LEONG Che-hung who have expressed the view that the British Government should seriously think about giving the British nationality to the over five million people in Hong Kong. Mr Deputy President, I am sure that you will also lend your full support to this cause. I am hoping that all Members of this Council will be able to work wholeheartedly together in order to fight for the right of the over five million people of Hong Kong to British nationality. If one chooses to be a Chinese citizen, it is perfectly within one's right to do so. However, if one does not want to be a Chinese citizen, it is the responsibility of the British Government to provide one with an alternative.

Mr Deputy President, I would also like to respond to the argument of Mrs Elsie TU. About a year ago, when I was speaking in this Council, I was saying that of all my colleagues in this Council Mrs Elsie TU was the person I admired most. Even now, I must say I have not changed my mind about Mrs TU. I am also convinced that, of all Members of this Council, Mrs TU has done the most to contribute to the well-being of Hong Kong people. I remember on that particular day when I was saying this, Mr Stephen NG was also one of the

speakers. He was also a great admirer of Mrs Elsie TU. I am sure there are many other colleagues who have respect and admiration for Mrs TU. That was why we chose her to be the Convenor of this Council. When Mrs TU said this time around that it would appear that the Governor had not consulted the people of Hong Kong before he made his political reform proposals, I found that very strange and amazing indeed. If he had not consulted Hong Kong people, how did it come about that his political blueprint managed to win the approval of 60% to 70% of Hong Kong people immediately after it was publicly released? Are we saying that the results of all these opinion polls have been fabricated?

One may recall that, in 1987, there was also an opinion poll conducted by the Hong Kong Government with the intention to manipulate public opinion. Did it register a 70% approval rate for the Hong Kong Government? Meanwhile, Legislative Council Members of both Meeting Point and the Hong Kong Association for Democracy and People's Livelihood have also made the point that a lot of their proposals have actually been incorporated into the Governor's policy address. In that regard, I am sure that the Governor has taken into account the views of many people and then incorporated them into his own policy address. It goes without saying that the Governor should continue to listen to the views of the people and there should be no question about that. I am really amazed when Mrs Elsie TU said that the Governor was trying to intimidate Hong Kong people. In recent days I have heard many intimidating utterances which mostly came from the Chinese communists. It was the second time I heard about the Governor intimidating Hong Kong people, and the first time around, it was the business community who made the accusation. I fail to understand how such accusation can stand. However, given that Hong Kong is a free society, everyone has his right to freedom of speech. Mrs Elsie TU was saying that she felt that Hong Kong people invariably wanted a smooth transition. I will certainly not deny that. In the past couple of months, I have conducted a number of public consultation meetings, and I received a lot of public views. At the meeting held at Tseung Kwan O last Saturday, the attendance was particularly good. Some two to three hundred people turned up; feelings ran high and they all strongly condemned China. All of them supported the political blueprint of the Governor. Why is it that Mrs TU and I seem to be living in worlds apart? In this regard, Mr Deputy President, I believe that it is likely that this Council will be more and more divided on this issue today. However, insofar as certain issues are concerned, it is not important that we have different views; it is more important that we should be able to clearly express our different views. The public want us to clearly account for our differences; they do not want us to become scapegoats, as some Members were saying just now. It is very difficult to make a decision. If we have made too many wrong decisions, then we would be as good as finished under a democratic system. Hong Kong is different from what it is like in a totalitarian society, where there are people who can go on making mistakes, and killing people again and again.

Mr Deputy President, Mr CHIM Pui-chung brought up the issue of a smooth transition. I am all for a smooth transition, but I do not believe that a smooth transition and democratic reform are mutually incompatible. According to Mr CHIM's logic, it would be best if we would not instigate any democratic reform at all. It would be good if we could be more pragmatic and go for smooth transition alone. I cannot accept this kind of logic. Neither can I agree with the amendment motion standing in the name of Mr Andrew WONG. It is too vague. It is not the time for vagueness. Mr Deputy President, I have heard the requests of too many citizens for us to stand up for what we believe in and clearly and firmly go for what we all want.

Indeed, I am rather embarrassed about the great number of amendments which have come up in this debate; we have to change the motion back and forth. Up until yesterday afternoon, many colleagues were still in the dark about what was going on. The general public in particular did not have the faintest idea what we were up to. I hope that superfluous amendments aiming to distract, and complicate matters, rather than serve any good purpose should be kept to a minimum. Otherwise, the image of this Council will be impaired. Finally, I hope that we should as legislators have respect for ourselves. We should not give up our constructive role and take on a destructive role instead.

Mr Deputy President, with these remarks, I support the amendment motion of Mr Jimmy McGREGOR.

MR GILBERT LEUNG (in Cantonese): Mr Deputy President, I have been deeply impressed by the presidential election which was held in the United States last week. The Americans have changed their government overnight, but there has been no social turmoil whatsoever resulting from the changeover. The United States Government has now entered into a transition period between now and January next year. President BUSH is now a *de facto* lame duck president. It all happened so smoothly and peacefully. President BUSH said when he conceded defeat that the change of government has been in line with the free choice of the American electorate. Now that the Americans have already made their choice in accordance with what they perceived to be their interests, all those who engaged in politics have to abide by the rules of the game; they have to respect the wish of the people. But why can we not have a say in our future as Hong Kong people? Why is the right to choose denied to us Hong Kong people?

Hong Kong can also have a smooth transition

Mr Deputy President, I am very sure that smooth transition is not something which only the Americans are capable of. Hong Kong people are equally keen on having a smooth transition. Hong Kong should be able to have a smooth transition. If we could have the British, the Chinese and the Hong Kong Governments and other political figures who have the power to influence the shape of things to come — if we could get them to respect the opinion and

choice of Hong Kong people, then Hong Kong will certainly be able to have a smooth transition in 1997 when sovereignty reverts to China. Our smooth transition will be a success story which will travel to the other side of the Pacific Ocean.

What Hong Kong people want

What do Hong Kong people actually want? There are people who say that given the rapid shifts in public opinion, and the many factors involved in its fluctuation, it is basically not possible at all to have an accurate picture of what the mainstream public opinion in Hong Kong is like. I totally disagree with this point of view.

It is true that man's thinking is subject to change constantly. Our surroundings and circumstances are not static; we have to adapt to the new changes in order to adjust our attitude towards new surroundings and circumstances. But, quite surely, this does not mean that we do not have any central guiding principle.

If we will only dispassionately reflect on the developments which have been taking place since the 1980s, we will discover that there has emerged in the Hong Kong community a mainstream sentiment. There is a longing for more democracy and freedom, for a government which is more open and accountable, for Hong Kong as a whole to be able to continue to enjoy stability and prosperity at the same time, and for Hong Kong people to have an affluent and stable environment in which to live.

More demand for democracy

The longing for a democratic political system has become stronger in Hong Kong in recent years. When a society has reached a certain stage of development, when the educational level of its members has become higher and higher, when their basic needs have already been satisfied, it is quite natural that they will want to have more and more channels through which they can participate in public affairs and become their own masters. This longing for a democratic political system is an objective law of social development which will not be affected in any way by subjective will.

It is for this reason that I have always wanted to have, and supported the fight for, more directly elected seats. If it is a matter which I can entirely decide on my own, I would certainly consider it the best option to have at least half of all the seats in the Legislative Council returned by direct election. The kind of direct elections I have in mind is geographical direct elections commonly practised in the international communities. In this regard, I am unable to agree with the electoral methods proposed by the Governor for the nine newly created functional constituencies. The Governor's proposal is basically to introduce a new form of direct election. But I would consider that if direct election is introduced to the functionally defined constituencies, it

would be very difficult to achieve the result of clear accountability of legislator to constituents, which is achievable by means of geographical direct elections. The essence of representative government is that the elected person should represent his or her constituents in the conduct of political affairs. If it is difficult to maintain the accountability of an elected person to his or her constituents, given that it is very difficult for either to come into regular contact with the other, then it would be equally difficult for the voters to decide what functional constituencies they belong to. It is in this context that representative government will lose its basis of support. In this regard, I believe that if we are to fight for more directly elected seats, then we should actively lobby the Chinese Government to make amendments to the relevant provisions in the Basic Law as soon, and as far, as practicable. We should not instead resort to the introduction of a new, rather dubious, electoral system.

Basically speaking, I would very much welcome the spirit of increasing democracy and expediting the development of an open government which is behind the political reform proposals of the Governor. I would consider too that if we are to develop representative government, then we should not stop at perfecting the central government; we should also promote democratic participation at the district level. I have already made the point that it is up to the Government to revamp the rather scattered district boards and go about setting up a regional board which has both powers and responsibilities and which will really live up to whatever promising name it will eventually be given. That would enable more and more people to take part in administrative affairs and the Government will in turn become more and more accountable to the public at large. I am convinced that the regional board members will certainly appreciate more the enlarged powers given to the regional boards than any additional power for them to elect people into the Legislative Council.

Constraints on democracy effort

But I also understand that Hong Kong is not a sovereign country. The political development of Hong Kong has previously been decided by the attitude of the British Government. Following the signing of the Sino-British Joint Declaration, we will have to obtain also the endorsement of the Chinese Government. Whatever our resentment of this reality, we cannot afford not to acknowledge that it exists. For I know very well that it is only when we do not seek to evade that reality, when we are able to face up to it, that we have any chance at all of overcoming and dealing properly with it — that we are not a sovereign country after all. Then we just might be able to eventually overcome our limitations and exploit our difficult position in such a way as to make it work instead to our advantage.

Making the best of a weak position

What can we do to make the best of our weak position? First of all, Hong Kong people should refrain from putting labels such as "pro-Britain" and "pro-China" on our internal political tendencies and movements in a knee-jerk

fashion. The "pro-China" and "pro-Britain" labels are reminiscent of the habit and mentality of Hong Kong people accustomed to relying on the favours of the British and the Chinese Governments. For us to continue to use such labels will only result in the further aggravation of our already weak position.

Both Chinese and British Governments must be pro-Hong Kong

We must understand that, as the existing and future sovereign powers of Hong Kong, both Britain and China have the responsibility of taking proper care of the interests of Hong Kong people. In this regard, it is not for us the people of Hong Kong to have to choose between siding with either Britain or China, but rather for both the British and the Chinese Governments to clearly indicate that they are pro-Hong Kong in terms of dealing with Hong Kong affairs. Given the historical circumstances which have made China and Britain the parents of Hong Kong, it is up to the two respective governments to fulfil their parental obligations in the conduct of Hong Kong affairs. They should attach the greatest importance to the opinions and interests of Hong Kong.

Flexible strategy

In order to turn our weak position into an advantage for us, the second secret is for us to be well versed in the art of negotiation. We should be very clear about our position and know how to be flexible, when to make advances and when to beat a retreat. It is only with a flexible strategy that we will be able to fight for the greatest interests of Hong Kong people.

Mr Deputy President, I so submit.

MR LEE WING-TAT (in Cantonese): Mr Deputy President, our debate today is on Hong Kong's political reform. In fact, our debate is not only on the pace of political development, but also on whether we should adopt a rational attitude in dealing with the issue, instead of stifling differing views and hindering democratic development by fallacious analysis and intimidating words. I can see in the recent controversy over the political system a repeat of the irrational and high-handed method used by the Chinese Communist Party and the Chinese Government in their attempt to suppress differing views and the call for democracy during the drive for direct election in 1988 and a democratic Basic Law. In an earlier meeting with Hong Kong deputies to the National People's Congress and members of the Chinese People's Political Consultative Conference, the Director of the New China News Agency Hong Kong Branch Mr ZHOU Nan said, "Are they scheming for independence in Hong Kong by means of such a political reform?" Some colleagues in this Council seem to be of the same view. This has greatly astounded and disappointed me. As far as I understand, a sovereign state possesses sovereignty both in an internal and an external sense. Internal sovereignty means that within the jurisdiction of a government, there is no other power which can challenge its legality, and that it can effectively carry out any measures according to its wishes. Likewise,

external sovereignty means that no power originating from places outside that government's jurisdiction can fetter that government. That government and governments of other countries are internationally recognized to be of equal status. My understanding regarding the current political reform is that Hong Kong, even in its future development, will definitely not have complete sovereign power, and still less likely will we have powers in national defence, diplomacy and interpretation of the laws and the constitution. So it is totally irrelevant to talk about independence in Hong Kong. The issue that we are discussing now is not simply a matter of interpretation. According to the provisions of the Basic Law, the ultimate aim after 1997 is the election by universal suffrage of all the Members of the Legislative Council of the Hong Kong Special Administrative Region. If this very small step towards democracy as proposed in the Governor's political reform is a move towards independence, then the provision of the Basic Law, which says that all the Members of the Legislative Council will ultimately be returned through universal suffrage, will be instigating the independence or even a 200% or 300% independence of the Special Administrative Region. Mr Deputy President, it is not surprising that members of the Communist Party should fallaciously equate democratic development with independence, because they have been living under the dictatorship of the Communist Party which is a democratic system of patriarchal control. But what is most disappointing is that the Hong Kong deputies to the National People's Congress and members of the Chinese People's Political Consultative Conference who have attended the meeting with Mr ZHOU did not raise any differing opinions on this fallacy. I may be expecting too much from these people. A person living in a capitalist society should have his independent personality and thinking, but I cannot find these qualities in these NPC deputies and CPPCC members. It may be due to their lack of independent personality and thinking that they should make such a fallacious analysis on the point of independence.

Mr Deputy President, pressure from the Chinese side has not only come in the form of labelling a person, even intimidating words have sometimes been used to force colleagues of this Council to oppose the development of the political system and democratization. It has been reported that the New China News Agency has contacted some democratic organizations and warned that their Legislative Council Members would have to step down in 1997 if they supported the Governor's proposal. Although the relevant people have subsequently denied such reports, there must be some grounds for such rumours. The last incident has reflected that there is no clear definitions of convergence and through train in the Basic Law. This point has been analysed very clearly by Miss Christine LOH and I will not repeat it here. What is more worrying to me is that such loose definitions can enable the Preparatory Committee for the Hong Kong Special Administrative Region and the Selection Committee, which will be appointed by the Chinese Government in 1996, to determine wholly according to political needs and subjective understanding who will stay on or get off the through train. This is to rule by man, not to rule by law. Mr Deputy President, I am not afraid of getting off the train. In fact, now is the time for a test of a person's integrity. Only by holding on to our

independent judgement without fear of the oppressing authority can we retain some human dignity and happiness.

Mr Deputy President, I support democracy, so I will support the motion of Miss Christine LOH and the amendment motion of Mr Jimmy McGREGOR. Thank you Mr Deputy President.

MR ERIC LI (in Cantonese): Mr Deputy President, today's motion debate allows all Councillors to air their views and to state their positions. It also makes one feel, from all the comments expressed, that in the row China and the United Kingdom each claims itself to be in the right. It is for each party, then, to find a suitable face-saving way to climb down. There may even be people who hope that, after they have made their views known, it will be possible to throw the hot potato back to the Chinese and the British Governments. In this atmosphere of individual scheming, I bear only one thing in mind and I hope that colleagues will also bear it in mind. It is that when making the Legislative Council Affirmation, we pledged that we would sincerely dedicate ourselves to the service of the people of Hong Kong. We are not working for the advancement of our personal political career. We are not serving here just to hit out at our political opponents. We are not defending the name of the United Kingdom. We are not trying to make it easier for China to rule Hong Kong when the time comes.

Political reform ought to be carried out in the overall long-term interests of the people of Hong Kong. A politically wise reform process should be one to achieve consensus through bargaining, understanding and consultation. But one sees no wisdom in the present political reform process, from the presentation of the package to the debate on it. One sees only politicians' recklessness, zeal for instant benefits and playing the bully. As a result, many innocent citizens have become embroiled in a battle in which the line is clearly drawn between friend and foe. In the community, people with different views are mercilessly divided against each other. I find such a tactic and its consequences totally unacceptable. But what has happened has happened. I am convinced that the people of Hong Kong themselves at this point must, as the first step, come up with a firm and well-defined position. Then and only then, as the second step, they must have the sincerity of accommodating difference in order to achieve general consensus as they seek China's understanding and look for a solution for the question of convergence.

Following the above sequence of steps, and on the basis of my conviction that the people of Hong Kong support the principles of fairness and openness and long for faster democratic development, I have to admit that, political manoeuvring aside, the motion as amended by Mr Jimmy McGREGOR is the most reasonable choice. I say so even though I do not identify with the high-handed style of this Council's "fire-setting brigade leader", who will not allow other Councillors more time to think about the important issue or let people in different quarters and with different views have an opportunity to exchange

their ideas. As indicated in his amendment motion, Mr CHIM Pui-chung attaches importance to convergence. While that, of course, is a very strong wish of the people of Hong Kong, it cannot be the basis for a bargaining position. Ask yourselves. A principal on one hand tells his agent to bargain for the best terms. On the other hand, he makes it publicly known that he instructs his agent that he will accept anything the other side would like to offer, regardless of whether any advantage is gained. What kind of bargaining is this? Unless we are basically happy with the terms now in place, there is no reason for this Council, as a principal, to abandon publicly the bottom line that it still may keep. Unilateral submission is not convergence, which is a two-way street and implies specific give-and-take from both sides. Unilateral submission is no different from giving up bargaining. I think that a more responsible way is to send a clear signal to the British Hong Kong Administration that convergence is still an extremely important goal. Therefore, it should enter negotiations with true sincerity and should not treat them as trivial as before. It should give serious consideration to any counter-demand from China and then come back to this Council to put forth its well-considered proposals for our endorsement. Only by so doing, the Administration can demonstrate that it is truly accountable to the Legislative Council. The original motion and the other neutral amendment motions are well intended. However, this Council no longer has the option of "hesitating and being indecisive". Therefore, it is preferable for us to act decisively and set a well-defined position. If this Council fails to come up with a clear initial position with regard to the constitutional package, the Administration and the public will have difficulty in deciding what to do. They will then be promoting political reform without any clear direction.

Mr Deputy President, the constitutional package can be amended. If the Chinese and the British Governments are sincere about convergence, they can still do their best to explore it. Democratic development cannot be abandoned. Smooth transition is the people's common wish. If the motion is to be adopted, it does not mean that this Council is telling the Administration that it can lightly throw that idea away.

These are my remarks, I support the motion as moved by Miss Christine LOH and amended by Mr Jimmy McGREGOR.

MR FRED LI (in Cantonese): Mr Deputy President, a Councillor from Meeting Point is the seconder of the Honourable Christine LOH's motion. We support Miss LOH's motion because, in Meeting Point's opinion, it enables this Council to make known its position and attitude in an appropriate manner. Four motions have since been proposed to amend it. The situation is bordering on confusion. After careful thinking, we have made our decision. All the amendment motions except the one proposed by the Honourable CHIM Pui-chung are consistent with the spirit of the original motion moved by Miss LOH. Therefore, Meeting Point will support them all.

I will explain why I do not support Mr CHIM's amendment motion. Here, I would like to repeat Meeting Point's consistent position with regard to political development.

Ever since its founding in 1983, Meeting Point has been vigorously promoting the return of a democratic Hong Kong to China and the government of Hong Kong by the people of Hong Kong. The pursuit of a democratic system is the basic programme of Meeting Point. Before the Basic Law was finally enacted, we had supported the "190 Model" in the interest of compromise and in the interest of seeking common ground while agreeing to disagree. Later, for the sake of Legislative Council solidarity, we had supported the "OMELCO Consensus". Later still, we backed one more step and reluctantly accepted the "442 Model" proposed by the business community and centrists. These were all rejected by the Basic Law Drafting Committee. It has now come to light that there were two giants — China and the United Kingdom — on the Basic Law Drafting Committee. These two countries, after exchanging correspondence and holding several closed-door meetings, then decided the pace of Hong Kong's political development. This is proven by those diplomatic letters that have been made public. You poor people of Hong Kong, what happened to your views? Where is the public opinion basis of the political system laid down in the Basic Law?

Meeting Point has never accepted that part of the Basic Law on the political system. We think that, if the promises about "one country, two systems" and about the people of Hong Kong governing Hong Kong democratically are to come true, China must listen to the views of the people of Hong Kong during the latter half of the transition period. Besides, Hong Kong's political system is neither a national defence nor foreign policy matter. It is a matter within the definition of autonomy. What should not happen is letting China and the United Kingdom decide everything by secret agreement. How can the people of Hong Kong be forced to accept and identify with a political system decided in this way?

Meeting Point has all along supported the return of a democratic Hong Kong to China. It hopes even more for the convergence of the political systems before and after 1997. But our hope is that such convergence will be based on democracy and the wish of the people. A vast majority of the people of Hong Kong, including Meeting Point, will remain in Hong Kong beyond 1997. We are well aware that Hong Kong will never be an independent country. In fact, we do not see anybody advocating independence. We ask for no more than the democratization of the political system, which will strengthen the confidence of the people of Hong Kong and help to realize the concepts of "one country, two systems" and a high degree of autonomy.

Now, Mr CHIM's amendment motion has highlighted "convergence." I emphasize that Meeting Point is never opposed to convergence. The trouble is that the term "convergence" has now acquired a set definition. Now it means that not only must the 1995 Legislative Council election system be in line with

the provisions of the Basic Law, but the 1995 Legislative Council must be returned in the same way in which, according to the Basic Law, the second Election Committee of the Special Administrative Region will be returned. Where nothing appears in black and white in the Basic Law, it will be necessary to comply with the "spirit" of the Basic Law and with the "intent" (an abstract thing) of the Basic Law drafting process. This signifies that the outline of the 1995 election must be consistent with previous secret agreements between China and the United Kingdom and that the specifics must then be decided behind closed doors. It is no wonder that Mr CHIM's amendment motion merely refers to the principle of acceptance or understanding by the people of Hong Kong and evades the important principle of consulting the people of Hong Kong and respecting their views. We cannot accept disfigured "convergence."

Meeting Point sincerely appeals to China and the United Kingdom to continue their dialogue dispassionately, to listen to the views of the people of Hong Kong sincerely and to respect them, to resume discussions according to the principles of openness, fairness and acceptability to the people of Hong Kong, but not to drag issues not directly related to the political system, such as whether or not the airport should be built, into the present political eddy, lest this should adversely affect Hong Kong people's confidence and Hong Kong's economic development.

With regard to the Honourable Jimmy McGREGOR's amendment motion, we support it.

The constitutional package proposed by the Governor is a far cry from our original ideal for the political system. Therefore, I must declare that we are not satisfied with it and are not accepting it in its entirety. It is even more conservative than the "442 Model." But it is at least a step in the direction of openness, fairness and universality. Also, we think that the proposal is not in violation of the Basic Law; it merely does the utmost to democratize the grey areas in the political system section of the Basic Law. For instance, there is really a vast difference between the elections of the nine functional constituencies to be newly added and the elections of most of the existing 21 functional constituencies. Among the comments presented by individuals and social groups to this Council's Select Committee on Elections, many are critical of the fact that the functional constituency elections violate the principle of fairness or, worse still, violate human rights. The broadened electoral base of the newly added seats will precisely lessen the unfairness identified by these criticisms.

Meeting Point supports the main proposals in the constitutional package outlined in the Governor's policy address. This is because Meeting Point supports democracy. Meeting Point also sincerely and eagerly appeals to China and the United Kingdom not to fan the fire or turn on the pressure, not to poison the atmosphere again, not to mix the political system issue with the airport issue, but to hold substantive discussions according to the principles of openness, fairness and respect for the wishes of the people of Hong Kong, thus

promoting the democratization of Hong Kong's political system and making the promises about "one country, two systems" and "a high degree of autonomy" come true.

Mr Deputy President, I so make my submission.

MR MAN SAI-CHEONG (in Cantonese): Mr Deputy President, let me begin by giving a concise definition of democracy. According to the American periodical *Journal of Democracy*, "Democracy is a political system in which, through fair and free election, citizens and organized political groups engage in extensive and peaceful competition to vie for public office, and citizens are allowed to participate actively in the political process to elect their agents." Thus, the main essence of democracy includes the characteristics of fair competition, free election and universal participation in the political process. Governor Chris PATTEN's constitutional package for 1995 is quite consistent with the above-described essence of democracy. So I support the Patten constitutional package, which is based on the principles of openness, fairness and acceptability to the people of Hong Kong. Because political reform affects their future, the people of Hong Kong should have the right to know about it lest they be hoodwinked and led around. So I am firmly opposed to the secrecy of Sino-British discussions concerning political development in Hong Kong and to secret agreements that sell out the interests of the people of Hong Kong. Discussions should be open, so that the people of Hong Kong may be informed of the entire course of the dialogue. Mr Chris PATTEN's constitutional package complies with the principle of fairness. The composition of the Election Committee and the broadened electoral base of the functional constituencies, as proposed by him, are in line with the spirit of democracy, which requires free election, fair competition and universal participation. The existing functional constituencies have very limited numbers of electors. Functional constituency elections are very unfair to the vast majority of the people of Hong Kong who are outside of the functional constituencies. Functional constituencies with a broader electoral base will be more fair. That the members of the Election Committee will be elected among directly elected district board members will make sure that the Legislative Councillors returned by the Election Committee will have a broader popular base. This is consistent with the principle of universal participation in the political process. It will at least help to prevent a repetition of a previous mistake, the mistake made in the election of the 180 members of the Basic Law Consultative Committee. At the time, the result of the election was seriously compromised by the behind-the-scenes manoeuvring of the New China News Agency and China. This greatly reduced the approval rating of the Basic Law. More importantly, the present constitutional package is intended to make the promises about the government of Hong Kong by the people of Hong Kong and about a high degree of autonomy come true. Because political development closely affects the well-being of the people of Hong Kong and affects the realization of those promises made by China and the United Kingdom, the people of Hong Kong should have the right to choose. They should have the right to choose a political reform model that they think is acceptable. This is

unlike forcibly imposing a Chinese model on the people of Hong Kong, making them feel helpless because they are inwardly very averse to accepting it and very averse to yielding to Chinese power.

The Patten constitutional package has come under fire in Hong Kong and in the business community, where some find that it will not converge with the future political system and say that this will be bad for Hong Kong's political development. Actually, this is just a case of interest groups using convergence as an excuse for protecting their vested interests. They stress first of all that trade on a fully competitive basis is the cause of Hong Kong's economic strength. They even go to the United States and other countries to promote open markets and fair competition and to oppose protectionism. They say one thing and do another. They represent the vested political interests in Hong Kong. They stubbornly prepare lines of defence in the area of political development and the area of political game rules, terribly afraid as they are that their vested interests may be impaired. They think that Hong Kong must not have full-blown democracy on a fair and competitive basis, or there will be a major upheaval in Hong Kong. This is precisely the state of mind of political protectionists. The people of Hong Kong cannot but question their moral integrity. Economically, they are against protectionism and in favour of fair competition. Politically, they are just the opposite. Why? Why are they using a double standard which makes them favour protectionism in one instance and oppose it in another? As the saying goes, it seems that "officials are permitted to set things on fire but ordinary people are forbidden even to light lamps." Undoubtedly, in a place that is backward economically and politically, economic development often has a higher priority than democratic development. But Hong Kong is not a backward place. On the contrary, Hong Kong is undergoing vigorous development politically. The difference is that its economic development is far ahead of its political development. If we do not pay attention to the pace of democratic development, if we simply care about economic development, then, when imbalance appears, Hong Kong will become the second South Korea or the second Taiwan. In South Korea and Taiwan, we sometimes see street demonstrations, fights and protests against the political monopoly of interest groups. Are these the things that we want to see in Hong Kong? The political reform of 1995 is an internal affair of Hong Kong. The Sino-British Joint Declaration provides that Hong Kong's affairs up to 1997 are to be handled by the British Government. Political reform is an internal affair of Hong Kong. The people of Hong Kong should have a right to choose a political system that, in their opinion, is reasonable, acceptable and fair.

Mr Deputy President, with these remarks, I support the Honourable Jimmy McGREGOR's amendment motion.

MR STEVEN POON (in Cantonese): Mr Deputy President, democracy is the common wish of the people in Hong Kong. In the past, the people of Hong Kong were never given a *bona fide* chance to run our own affairs through democratic means. We hope to have such a chance in the future. However,

when we strive for democracy, we should not disregard the political realities. What are the realities then? The reality is that the United Kingdom did not give Hong Kong people any measure of democracy over the past 150 years. The reality is that in the Sino-British Joint Declaration, the United Kingdom did not come up with a political system under which Hong Kong people can enjoy the greatest possible measure of democracy, in its negotiation with China. The reality is that the United Kingdom is not going to abandon Hong Kong but is going to revert its sovereignty to China. The reality is that China has promulgated the Basic Law of the Hong Kong Special Administrative Region. The reality is that there remains only four years or so of British rule. The reality is that Hong Kong's future is to be decided by China, not by the United Kingdom. The reality is that being a Special Administrative Region, Hong Kong's viability and Hong Kong people's well-being in future will depend on the maintenance of a good relationship with China. Mr Deputy President, without these political realities, I support that all the 60 seats on the Legislative Council to be returned by direct elections. But unfortunately this is unrealistic.

Most of the Members who take part in the debate today may have already left Hong Kong by 1997. But the overwhelming majority of our six million population will remain in Hong Kong. If today we, Members of the Legislative Council, turn a blind eye to the realities and introduce a political system which does not converge with the Basic Law, and adopt a confrontational attitude towards China by using Hong Kong people as stakes, I am afraid this will leave those who are going to remain here with an unstable Hong Kong and an uncertain future in terms of politics, economy and livelihood. It is unfair to those Hong Kong people who will remain here. And we are irresponsible should we do so. To put forward a political package before 1997, which does not converge with the Basic Law, will not only be of disadvantageous to Hong Kong, but also reapture the Sino-Hong Kong relationship. Furthermore, It minimizes the chances that Hong Kong may be able to ask China for a higher degree of democracy after 1997.

Mr Deputy President, what Hong Kong needs most now is not a politician who enlists the support of the United Kingdom to provoke confrontation with China in the remaining four years or so. What we need is a statesman who understands the majority's aspirations, one who wins the trust of Hong Kong people and China, one who realizes the political realities, one who is capable of engaging in dialogues with China so as to strive for our interests. He should be able to successfully carry the consent of China to give us the greatest possible measure of democracy under the Basic Law. Better still, he is able to attain a higher degree of democracy than that provided in the Basic Law based on the wishes of Hong Kong people after 1997.

Mr Deputy President, I share many Hong Kong people's view that we would like to have a political system that can converge with the system after 1997 and I am obviously against a political system that cannot achieve convergence. These are my remarks.

MR HENRY TANG (in Cantonese): Mr Deputy President, now that we are in the latter half of the transitional period, I attach a great deal of importance to sincere co-operation among the governments of China, the United Kingdom and Hong Kong. They should arrive at consensus on all things and make arrangements for Hong Kong's transition to the government of the Special Administrative Region in 1997. Making orderly arrangements for the transfer of power in compliance with the provisions of the Sino-British Joint Declaration and the Basic Law is precisely the basic responsibility of the two countries.

It cannot be denied that Mr Chris PATTEN's policy blueprint really takes the democratic political system one step forward from what was laid down in the Basic Law. Without question, I welcome the pace set by it for the pursuit of democracy. However, in my belief, where the people of Hong Kong are concerned, a better safeguard should be that promises made are kept; that the Sino-British Joint Declaration and the Basic Law are regarded as the basic blueprints for assuring harmony and co-operation between China and the United Kingdom during the transitional period and in the smooth transfer of power; and that, after 1997, Hong Kong will be governed by the people of Hong Kong with a high degree of autonomy.

Many people in Hong Kong have no confidence in China and worry that China may go back on its promises. This is true. So the Joint Declaration was filed with the United Nations to win international support for it and international supervision of its implementation. China and the United Kingdom are the signatory powers. They both have the responsibility and the moral obligation to abide by the spirit of the Joint Declaration. We the people of Hong Kong, in particular, have the right to insist and make sure that the original legislative spirit is not impaired by any unilateral breach of the provisions.

Governor PATTEN's constitutional package indeed does not violate the letter of the Basic Law. But he is definitely exploiting the law's loopholes. Since there are loopholes and since the Governor can find them, it will presumably not be difficult for the Chinese side to do the same. Once a precedent is set, there is no guarantee that the Chinese side will not follow it and impose on us all kinds of interpretations that are not good for the people of Hong Kong. Who will then look after the interests of the people of Hong Kong? When that happens, I am afraid that things will not remain unchanged for 50 years but be oft-changed during the next 50 years.

What is more, the Chinese side has declared that, if Governor PATTEN should unilaterally insist on carrying out his constitutional package, China would start a separate "kitchen range" in 1997. There would then be no smooth transition, and the separate "kitchen range" might be even less acceptable to the people of Hong Kong. This is worth worrying about. Some people in the community say that they do not care about convergence in 1997 since Hong Kong's return to China is a heavy enough blow to the people of Hong Kong as it is. I think that this is irresponsible talk. The United Kingdom will withdraw from this colony in 1997. After 1997, it will be possible for the

United Kingdom to stop caring about the state of Sino-British diplomatic relations. But we the broad masses of the people of Hong Kong will remain in Hong Kong beyond 1997. What will Hong Kong be like then? Many citizens care a very great deal.

A local newspaper today published the finding of a public opinion poll on the Governor's constitutional package. The finding is that 12.2% of the citizens support the Basic Law. That, very surprisingly, is 4.4 percentage points higher than the support for the Governor's package. This shows that the general public wants China and the United Kingdom to abide by the provisions of the Basic Law in handling Hong Kong's affairs.

The poll also shows that 66.9% of the public, a clear majority, are in favour of China and the United Kingdom each backing down one step. The message is clear. The general public would like China and the United Kingdom to base their consideration on the interests of the people of Hong Kong, to start a sincere dialogue and to arrive at a consensus through mutual understanding and give-and-take. It is not the wish of the people of Hong Kong that the constitutional package in question should be promoted unilaterally before all avenues are exhausted.

The spirit of democratic politics is to consult the public, listen to public opinion and heed it. Hong Kong has long entered the era of democracy and open government. Still, regrettably, history tells us that the governments of China, the United Kingdom and Hong Kong have never respected the views of the people of Hong Kong, including the views of Legislative Councillors. This is very clear from the letters exchanged in 1990 between China and the United Kingdom concerning 1995 political development, which have now been published. In the area of general social policies, all unofficial Members of the Legislative Council are in favour of the Government giving positive assistance to Hong Kong's industrial development and taking up the responsibility for insuring pension funds against risks. What has happened? It appears that nothing at all has been done so far. Clearly, when the Government talks about listening to public opinion, that is a false image. The truth is that, when public opinion fits in with the Government's intention, the Government will do something and say that it is heeding public opinion; but when public opinion differs slightly from the Government's intention, the Government will simply ignore it. Let me ask. What kind of democracy is this?

I recently wrote to the Governor, asking for an appointment, at which, with colleague the Honourable LAU Chin-shek, I would offer comments on the retirement protection scheme. Regrettably, the Governor's response was that he was too busy to see us. He told us to see Mr John CHAN instead. He simply did not wish to listen to our views. I have strong doubts that there is a fair and open attitude in consulting the public concerning such a major issue as political development.

Mr Deputy President, I sincerely hope that China and the British administration in Hong Kong will put the interests of the people of Hong Kong first and, with a pragmatic, sincere and co-operative attitude, resume discussions on the pace of political development in Hong Kong. I hope that they will, in the spirit of mutual understanding and give-and-take, arrive at a joint plan that will be accepted by the general public, so that Hong Kong may make its transition to 1997 smoothly, with no storms and no big waves.

Of course, I hope even more that China will heed public opinion, ask itself why the people of Hong Kong have no confidence in it and then make a review of things.

Mr Deputy President, I so submit.

MR TIK CHI-YUEN (in Cantonese): Mr Deputy President, since China and the United Kingdom began their talks on the future of Hong Kong, Hong Kong's political system has often been a hotly debated and sensitive topic. There have been many arguments between China and the United Kingdom in their discussions of this topic. The people of Hong Kong have felt helpless about these arguments. On one hand, too many arguments make the people of Hong Kong lose their confidence in the future. On the other hand, the people of Hong Kong have no right to participate in, and no say over, the decision on Hong Kong's future. Sadder still, while both China and the United Kingdom say that they respect the wishes of the people of Hong Kong, how often, really, have our views been heeded? How many of the proposals in the "190 Model" and the "OMELCO Consensus" have been adopted? If the people of Hong Kong are respected, how does one explain the secret agreements? Now the present big row between China and the United Kingdom is adding to the anxiety of the people of Hong Kong.

The present quarrel puts the people of Hong Kong in a difficult situation. What is happening now is that China and the United Kingdom are each doing its own thing. The United Kingdom proposes further democratization. China decides whether it fits in with convergence. The people of Hong Kong can choose either democracy or convergence. These two things seem to be mutually exclusive. If we choose democracy, then convergence will not be assured. This will lead to instability in the future. If we choose convergence, we must accept a conservative democratic plan. The choice is really a hard one. Actually, the people of Hong Kong have a great thirst for democracy, which will help really to achieve "Hong Kong people ruling Hong Kong" and "one country, two systems". At the same time, the people of Hong Kong would like to be able to live in a politically stable environment and make the transition smoothly to 1997, when Hong Kong will return to China. These are the heart-felt wishes of the vast majority of the people of Hong Kong. Regrettably, however, good dreams in this world never come true. The governments of China and the United Kingdom, while saying all the time that they have the interests of the people of Hong Kong at heart, permit them to choose either democracy or

convergence but not both. This has put the people of Hong Kong on the horns of a dilemma. Man lives on bread and water. Neither is dispensable. Hong Kong, for its development, needs democracy and convergence. Similarly, neither is dispensable. The people of Hong Kong may well ask: Why must we only have bread to eat or only have water to drink?

Mr Deputy President, before I joined the Legislative Council, I was a social worker. I did youth work and family work for 10 years. From my work experience, I have learnt that, in a family where the parents quarrel frequently and are on bad terms, those who suffer the most and are the most victimized are the children and not the quarreling parents. It is ridiculous for the parents to say that they quarrel about what is good for the children, since any kind of quarrel brings pain to the children. From my experience, I feel that parents who really care about their children should calm down as they discuss their differences, basing their discussions on the children's interests. In this way, differences will be resolved more easily. The people of Hong Kong are like the children in a family where the parents often quarrel. They are often annoyed and made unhappy by the quarrels between China and the United Kingdom. If China and the United Kingdom really have the interests of Hong Kong people in mind, then, I ask them, in the name of the future good of Hong Kong, to calm down and to take a good look at the needs of the people of Hong Kong. We want both democracy and smooth convergence. This is not too much to ask for. The way to grant our request is very easy. Respect the wishes of the people of Hong Kong and the interests of Hong Kong. Also, give the people of Hong Kong the right to participate, for we are "grown-up children" already.

Mr Deputy President, Meeting Point always takes a firm democratic position. In the past, when striving for democracy, we already yielded and conceded enough. We think that the Patten package is a proposal to take democratization one step forward. Meeting Point supports it. We will yield or concede no more. If there are other proposals that are even more democratic, Meeting Point will support them, too. At the same time, Meeting Point calls for convergence. However, in our interpretation, convergence means bilateral convergence between China and the United Kingdom. It is not a unilateral decision made by one side and forced on the other. Still less do we want convergence with an undemocratic model. In fact, the Basic Law leaves a lot of room for the way in which the first legislature should be constituted after 1997. It provides a lot of flexibility intended to make convergence easier. Therefore, to ask for both democracy and convergence is not to ask the impossible from China and the United Kingdom. The only question is: Are they willing to grant this request?

Mr Deputy President, I so make my submission in support of democracy, in support of convergence with a greater degree of democracy. I ask the Governments of China and the United Kingdom, when designing Hong Kong's future political system, to base their consideration on the wishes of the people of Hong Kong. Thank you.

DR YEUNG SUM (in Cantonese): Mr Deputy President, twists and turns are now in evidence in the situation with regard to the constitutional package. This being so, I would like to talk about the issue of political position-taking.

During the initial stage of Sino-British talks, with democratic allies including the late Honourable NG Ming-yum, I stood up to support China's reassertion of sovereignty over Hong Kong and the termination of colonial rule in 1997. We put forth a political programme for the democratic government of Hong Kong by the people of Hong Kong. Our position at the time was based on nationalism and non-acceptance of unequal treaties. We were regarded by the Chinese Government as patriotic intellectuals those days. In the course of the 4 June incident, tens of thousands of Chinese people, with nothing but their fresh blood and their bodies, stood up to exercise the civic rights that had been given them by the Chinese Constitution. They held peaceful rallies and demonstrations, asking to overthrow corrupt officials and asking for democracy and freedom. The Chinese Government had no respect for the Constitution. It sent troops to suppress the people. Multitudes of Hong Kong people, including us, stood up to support the Chinese people's pro-democracy movement. Our position at the time was based on democracy and human rights. Thereupon, we were considered unpatriotic by the Chinese Government. In its eyes, we changed from patriotic intellectuals to non-patriots. This also reflects how the political situation has now changed. However, our determination to win democracy for the people of Hong Kong will not change. To be frank, we are not afraid of the labelling and classifying that the Chinese Government has done to us. We are not afraid because we advocate what we advocate and do so in an above board manner. What matters to us and concerns us is whether we can win democracy for the people of Hong Kong, whether we can protect their human rights and whether we can enable them to live better.

The United Democrats of Hong Kong (UDHK), in striving for rights and benefits for the people of Hong Kong, aim chiefly to attain "one country, two systems," "Hong Kong people ruling Hong Kong" and "a high degree of autonomy." Precisely for this reason, we oppose the Honourable CHIM Pui-chung's amendment motion. Mr Deputy President, in moving his amendment motion, Mr CHIM Pui-chung argued his case for convergence. His argument was to the effect that the existing political system should converge with the future political system on the basis of the Basic Law. In this connection, I would like to present a three-point analysis:

1. The ideology behind the Basic Law;
2. The restrictions of the Basic Law on the political system; and
3. The impact of the Basic Law.

First point first. How does the Chinese Government look at democracy and a high degree of autonomy? The 14th Chinese Communist Congress has just concluded. The Congress passed a resolution opposing the adoption in

China of western parliamentary system and multi-party system. This shows that the line that the Chinese Government wishes to follow is to liberalize the economy but remain politically conservative. On one hand, the Chinese Government is of course worried about peaceful evolution due to external and internal causes. On the other hand, more basically, the Chinese leaders believe in people's dictatorship and democratic centralism. So they are basically opposed to the democratic elections of the western parliamentary type, to the multi-party system and to the system of checks and balances on power. How, then, are people's dictatorship and democratic centralism to be implemented? The secret is to let the Party represent the people in practising dictatorship and to let the Party (especially its leaders) centralize the operations of democracy. Clearly, to the Chinese Government, democracy goes from the top down. It is led and guided by the Party. It is granted by the Party.

In view of how the Chinese Government looks at democracy, I believe that colleagues know inwardly how the Basic Law restricts the political system. This restriction is that it will not be until the year 2007 that half of the seats in the legislature will be returned by popular elections, and that the Chief Executive serving the first three terms will be elected by the undemocratic Grand Electoral College and given the substantive appointment by the Chinese National People's Congress. Though it is said that there will be a review of the political system in the year 2007, yet, judging from the Chinese Government's political line and ideology, barring a major change in the Chinese Government or in the overall political situation and barring a major revision of the Basic Law, it will be a day in the very distant future when post-1997 Hong Kong will have its first legislature and first Chief Executive elected by universal suffrage.

On the whole, the Basic Law sets very severe restrictions on the political system. This is chiefly the result of the Chinese Government's perception of democracy. Also, the Basic Law, which was promulgated in 1990, was very clearly influenced by the 4 June incident. After that incident, the Chinese Government regarded Hong Kong as a base of subversion and showed an extreme degree of distrust of the people of Hong Kong. So the Basic Law set very severe restrictions on Hong Kong's political development. It can be said that the Basic Law is an undemocratic constitution. It restricts Hong Kong's democratic development and opposes Hong Kong people's demand for democracy. This is why the UDHK are determined to ask the Chinese Government to revise the Basic Law to help realize Hong Kong people's demand for democracy.

What impact does the Basic Law have? The Basic Law was promulgated in 1990. Society will keep advancing in pre-1997 Hong Kong. There will be the Monetary Authority. There will probably be compulsory retirement protection. 50% of the population will live in public housing. School-age children will enjoy nine years of free education. 18% of the students of the right age will go to tertiary institutions. Who can say that these plans must not be carried out because they are contrary to the policy of positive non-intervention? Politically, there were the student movements and social

movements of the 1970s. There were the political discussion groups of the 1980s. There are the political parties of the 1990s. Who could or can obstruct these developments? Mr Deputy President, forward democratic development has appeared in Hong Kong. We must not let the undemocratic Basic Law promulgated in 1990 restrict the citizens' demand for a better life or their pursuit of democracy and human rights.

"When you row your boat against the current, you must advance or else you will fall back." The future is in front of us. There are many difficulties for Hong Kong to face. Hong Kong is like a person rowing his boat against the current. However, Mr Deputy President, the UDHK will advance bravely together with the people of Hong Kong, to create a better environment, to protect human rights and freedom. I merely want the Chinese Government and the pro-China people to stop throwing rocks into the river, to stop blocking the channel and to stop damaging Hong Kong's normal development.

Finally, Mr Deputy President, from our position of "one country, two systems," "Hong Kong people ruling Hong Kong" and "a high degree of autonomy," the UDHK support Governor PATTEN's constitutional package. Though we disagree with some parts of it, we still support it. This is not because he is the representative of the British Government. By the same token, we do not blindly support the Basic Law's undemocratic political system simply because the Basic Law was promulgated by the Chinese Government.

Colleagues, now is the time for testing the principles and courage of all. Governor PATTEN's constitutional package is merely a small step in the direction of democracy. If we do not support even this small step, it will be difficult for democratic development to get off the ground at all in the future.

Mr Deputy President, I so make my submission. The UDHK oppose the Honourable CHIM Pui-chung's amendment motion and support the Honourable Jimmy MCGREGOR's amendment motion as well as the Honourable Christine LOH's original motion.

MR HOWARD YOUNG: Mr Deputy President, tonight I was originally hoping that we would have a sensible discussion on the political reforms for Hong Kong. But instead we have had a debate that has an unprecedented number of amendments and, like many of the debates we have had over the last year or so, some Members, I regret, have still not been able to refrain from the very headline catching or perhaps very dramatic practice of directly or indirectly calling names. I think that to endlessly go on labelling people for their beliefs or to exaggerate without bounds views expressed by other people who do not conform with one's own is not only unrealistic, it is also a show of lack of substance in one's arguments.

We are discussing the political reforms or the constitutional package as expressed in the policy speech of the Governor. I totally agree that we should

heed that His Excellency the President has asked for people to come forward with constructive proposals and proposals with substance, proposals with details on any points where one does not agree with any of the aspects of his package. I already said in this Chamber, even before the Governor went to Beijing, that there was one aspect, and then on 22 October, I said there was another aspect of his package which I think could be looked at or improved. And I do believe that we should take the Governor's words at face value that his is but a package of proposals.

One of the proposals concerns the Election Committee. I did put forward proposals to the Governor last week, copied to all the Councillors here. I was rather surprised when I had to be reminded that this subject had been debated in this Chamber. I do not need to be reminded. I remember clearly that when the subject was debated I put forward my views without hesitation. Now I have answered the Governor's call to put forward proposals on the Election Committee which I think, frankly, are more broadly based, more democratic and more acceptable to all walks of life than merely confining the Election Committee to a group of district board members. I also believe my proposal can achieve the objective that all, or at least the greatest majority, of the members of the Election Committee can be democratically, fairly and openly elected. In fact, if one looks at my proposals carefully one will find that it is also possible within an Election Committee of 800 people to embody all of the 300-odd district board members in one category or another. So I would say that we should keep this discussion going. I also do not agree with the Chinese position that says "there are no proposals, just look at the Basic Law". But I also think that there are areas in the Basic Law that have not been defined and instead of arguing we should get together and try to define them sensibly.

On another aspect of the constitutional package, I would like to mention the functional constituencies. The Honourable Jimmy McGREGOR, earlier on in the debate, mentioned my good friend Mr Roger THOMAS. I spoke to Mr THOMAS this morning and I asked him: "Roger, you fought very hard for the wholesalers and retailers functional constituency. Tell me honestly, do you believe what you have got is what you wanted?" He said he would discuss it with his Retailers Association which I believe is taking place — discussions are taking place tomorrow. I would be interested in hearing his views.

Whilst we all say that we should listen to public opinion, I was doing just that this morning. I had a meeting with the Joint Council of the Travel Industry where there are representatives from the travel agents, from the retailers, from the hoteliers. During that meeting I saw a letter tabled that was from the Federation of Hotel Owners and it appears to me that they have already written to the Governor and also the Secretary for Constitutional Affairs expressing that they do not entirely take the view that what has been offered to them is what they wanted and I believe discussions in this respect should go on.

I am rather surprised today that some Members of this Council have said that they do not want convergence. Also Members are implying that we can do

without a smooth transition. I think remarks or very radical remarks such as that do not help the discussion, are irresponsible and in fact do not reflect public opinion. I think we have to recognize one fact, namely, that in 1997 the sovereignty of Hong Kong will revert to China. But I believe we should not just look at 1995 and 1997. We need to look beyond 1999, 2003, 2007 and see how we can achieve, not just a smooth transition with convergence for one year, but for the whole period. We will want to maintain the system of "one country, two systems" for Hong Kong. The essence of "one country, two systems" for Hong Kong is that we want to keep our way of life with continuity. We want to keep the capitalist system. I am dismayed that people here have expressed the sentiments that are driving wedges between the business and professionals and the industrialists and the man in the street. I think the industrialists, businessmen, man in the street are all in the same boat. And without business, where is capitalism?

Mr Deputy President, I rest with my remarks and I would like to support Mr CHIM's amendment because it does provide for a smooth transition.

MR WONG WAI-YIN (in Cantonese): Mr Deputy President, more than 40 colleagues have spoken today in this Council. I am sure what needed to be said have all been said. And Meeting Point has expressed very clearly its firm support for the cause of democracy. It is for this reason that I would like simply to tell a tale which is an allegory and which I am sure everyone will find familiar enough. The name of the story is, *Sunshine and North Wind*.

Here is the story. It was approaching autumn. North Wind and Sunshine saw a traveller who had put on a heavy overcoat so he could beat the cold, in case the weather changed suddenly. North Wind said, "This guy seems to be able to anticipate all sorts of mishaps. But he has no way of knowing what wind I would be blowing and getting dressed fittingly for it. If I can, I want to make him take his coat off. That would be fun for us. What do you say to this?" Sunshine said at once, "Very well, cut the crab. Let us make a bet. Let us see who can cause the traveller to take off his coat first. If we can start right away, I will turn off my radiance and let you show your might." Sunshine disappeared. Immediately after, North Wind rattled out in a devilish noise. It blew as hard it could, howling like mad. Heaven and earth turned freezing cold. Whatever lay in the wind's path wilted, and all for the sake of getting the man to take off his overcoat. But he was trying very hard to avoid the attack from North Wind. He wrapped his overcoat around himself so North Wind was unable to get through to him. He kept his overcoat and North Wind lost its chance. The harder it blew, the tighter the traveller held on to his coat. He was pulling up the collars and North Wind was unable to make him part with it. But it was at this point that the traveller had to deal with Sunshine who was on the other side of the bet. Sunshine broke through the clouds and light returned to the earth. Sunshine penetrated through the overcoat and the traveller was sweating all over. He was made to take off his overcoat. And it was not even necessary for Sunshine to turn on the heat at full blast.

This tale tells us a very simple truth. One does not have to exert one's full strength to get one's way. Mr Deputy President, the last couple of days have been marked by a sudden change of weather; the cold which has descended on Hong Kong is much too severe. Indeed, since the Governor gave his policy address on 7 October, and presented his political reform proposals along with it, our northern masters have resorted to cursing (the proposed political reform) daily. It would appear that the north wind is already blowing and Hong Kong has come under attack. Mr Deputy President, there is a piece of music played with the ancient Chinese string instrument *zeng* which I enjoy tremendously. It is called "Fighting the Typhoon". It describes how a group of fishermen came up against a terrible storm while catching fish, out at sea, how they were able to ride safely through the storm with their firm will and determination, and unparalleled courage and team spirit. I think Hong Kong people can also with the same spirit face up to their difficult situation. The odds may be against us as we find ourselves driven to the wall by attacks that chill us to the bone. But if we could be like the fishermen and had the same firmness of mind and will, then we would be able to pluck up our courage; I am sure we will be able to overcome this crisis.

Mr Deputy President, although we have no way of knowing when the storm will subside, we are convinced that after the severe winter, we can look forward to early spring. With these remarks, I support the motion of Miss Christine LOH and the amendment motion of Mr Jimmy McGREGOR.

DR TANG SIU-TONG (in Cantonese): Mr Deputy President, after Mr Chris PATTEN announced his plan for Hong Kong's political system in 1995, government institutions and the media gave it extensive publicity, but China's strong reaction of resentment has caused a calm political situation to become suddenly troubled.

The accomplishment on which Hong Kong now prides itself is in the economic realm. We must not forget that, but for China as our logistic base, a small place like Hong Kong, lacking water, lacking raw materials and lacking even an adequate police force, could not have worked its way into the ranks of the world's economically successful performers. Therefore, the relationship between China and Hong Kong is one of inter-dependence, indeed like that between the lips and the teeth. The future of Hong Kong is not an ordinary or simple question. All concerned should at all times take particular care to show mutual respect, mutual understanding, mutual tolerance and mutual co-operation and to resolve problems in such a spirit. Unilateral efforts will not be enough.

The worst mistake at the moment is the suggestion for Legislative Councillors to take a position. I say so because now is not the time for Legislative Councillors to take a position. Now is the time for all sections of society to discuss the package and come up with counter-proposals. In fact, the Governor himself has said that he plans to spend the next few months observing the moods of the people before making a decision. This Council's taking a

position now will not help things. It will only worsen a deadlock between opponents. The most important point to consider now is how to bring about talks between the governments of China and the United Kingdom to discuss and resolve the problem of the 1995 election with a view to keeping transition smooth and keeping Hong Kong stable and prosperous. For the Legislative Council to take a position now is to reverse the right order of things.

The argument about the political system has now divided the people of Hong Kong. A line has been drawn. One must be left or right, right or left. Nothing remains of the spirit of mutual help, mutual encouragement and being in the same boat. The seed of needless inter-group struggles has been sown in Hong Kong. We can expect more trouble from now on. Therefore, we very much need a cooling-off period, during which comments will be invited from the public and things will be discussed carefully and at length. Because political reform is a very complex issue, the Central Government should think things over carefully and find a compromise and a consensus. Then, a plan should be published to let all sections of society comment on it. Finishing touches should then be made to it and it be finally sent to this Council for a resolution. I think that all Legislative Councillors have the courage to take up this responsibility. The time to do so should be early next year.

Mr Deputy President, the ideals of openness, fairness and acceptability to the people of Hong Kong are basically acceptable. However, they are principles. They are inadequate; they are abstract. We should not and cannot escape from the reality, which is that sovereignty over Hong Kong will revert to China on 1 July 1997. Also, we must not ignore the spirit and letter of the Basic Law which took as long as five years to discuss and draft. It will be irresponsible of us to risk a total change of the legislative, judicial and administrative systems in 1997, to risk the economic and political and emotional upheavals that will follow, to carry out political reform in disregard of all consequences. This is like betting the lives and liberties of the people of Hong Kong. Can Legislative Councillors really bear to do so? Mr Chris PATTEN, who has a limited four and half remaining years in Hong Kong, has put forth such a percussive constitutional package. We do not know what his motive is. Anyway, there is no guarantee of success. I sincerely hope that colleagues in this Council and the public will think carefully.

For now, the solution for the problems is that China and the United Kingdom both return to the negotiating table, to discuss the proposals and counter-proposals in detail, to come to a compromise as far as possible and to seek a consensus in the spirit of mutual understanding and give-and-take.

Mr Deputy President, let me conclude with the lyrics of a song:

"Hong Kong is my home, my native village, the shore of my nation and my world, my heart, my window, the new direction for the East."

We will be facing a critical moment. As people of Hong Kong, we hope that Hong Kong will be able to make the transition smoothly, to remain stable and prosperous and to enjoy freedom and democracy and that this Pearl of the Orient, which is ours, will radiate lustre eternally.

Mr Deputy President, my position is very clear. Thank you.

MR ROGER LUK (in Cantonese): Mr Deputy President, in a film shown recently in Hong Kong, there was this line in its dialogue which I think gives us food for reflection. "People have three different attitudes towards destiny. Some may evade it; some may accept it; some may challenge it." For 40 years now, Hong Kong has successfully taken on its own destiny in a positive spirit. Hong Kong has developed into an international financial and trading centre in its present form. Today, in the same spirit, most Hong Kong people are prepared to take up the challenge presented by the concept of one country two systems, promised in the Joint Declaration and the Basic law. We will spare no effort to implement, in an uncompromising manner, the policy of allowing Hong Kong people to run Hong Kong with a high degree of autonomy.

The debate of late on the issue of further development of the political system in Hong Kong seems to have taught me a history lesson. It looks as though we have gone back to the Northern Sung Dynasty during the reign of Emperor Shen Zhong. It was 900 years ago and the Prime Minister of China then was the famous reformer WANG Anshi. His political and economic reforms caused great controversy among the general public. And they also triggered some dispute at the court. One of his opponents was a distinguished scholar-official whose name was SHIMA Guang. He criticized the reform-minded WANG for overstepping his authority, causing trouble, profiteering and refusing to listen to his critics. The result, it was alleged, was that the whole country was complaining, and resentful of WANG's reform. WANG in his *Answer to SHIMA's Criticism* explained, "The new laws which I have proposed are open to suggestions from colleagues. And they are introduced with the main objective that everyone will be able to perform his clearly defined duties. I am not overstepping my authority at all. I am employing the good measures introduced by previous emperors in the dynastic line to promote good government and put a stop to malpractices. I am not causing trouble at all. I am managing the public finance and it has nothing to do with profiteering. I deflect carping criticism and make life difficult for the people who make it. But I am not refusing to listen to my critics. Insofar as the overwhelming grievances are concerned, indeed I have long anticipated it." If representative government had been instituted at the time such that the views of the people at large were duly reflected, events would have turned out quite differently than they did, and we would have read WANG's *Answer to SHIMA's Criticism* with a different state of mind.

While following today's debate, my mind turned to a modern folk song which was very popular in the 1960s. I like to quote a few lines of that song so Members can share my feelings. They are as follows:

"Come Senators, Congressmen
Please heed the call.
Don't stand in the doorway
Don't block up the hall.
For he that gets hurt
Will be he who has stalled
There's battle outside
And it's ragin'.
It'll soon shake your windows
And rattle your walls.
For the times they are a-changin'."

Mr Deputy President, with these remarks, I support the original motion of Miss Christine LOH and the amendment motion of Mr Jimmy McGREGOR.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Deputy President, we have seen today one of the most lively debates in this Chamber. I am grateful to Members for all the views so eloquently expressed on this very important subject. I congratulate Miss Christine LOH for her powerful speech. Members who have spoken have placed emphasis on different aspects in this debate. This is also evident from the successive and, dare I say, imaginative amendments proposed to the original motion. Despite this, I am pleased to note that there is indeed a common theme in all the expositions and that is any constitutional reform must be open, fair and acceptable to the people of Hong Kong. As the Governor has said on many occasions, this is precisely the guiding principle of his constitutional package. Indeed, it is the Government's bottom line. It is the common view, I am glad to see, of this Council and, I firmly believe, the people of Hong Kong.

The object of our proposed constitutional package is clear. It is to find a point of balance between developing a greater measure of democracy in accordance with the aspirations of the community on the one hand and on the other meeting the general desire for such reforms to be compatible as far as possible with the Basic Law and therefore capable of transcending 1997. The Governor has repeatedly emphasized, as I pointed out in my speech in this Council on 14 October this year, that these proposals were put forward for consultation within the community of Hong Kong and with China. Discussions with the Chinese Government have started with the visit of the Governor to Peking last month. I entirely agree with Members that our dialogue with the Chinese Government on this matter must continue. But let me repeat one point. There is absolutely no question of the British Government making a secret deal over the heads or behind the backs of the people of Hong Kong and impose it on this Council and the community.

Given the doubts expressed by some Members on the nature of the Governor's package, I think it is worth repeating that the present package is a set of proposals, not decisions. We encourage Members and the community to continue to express their views on these proposals. If anybody has other specific proposals, let us hear them and let us discuss them logically and rationally. I hope that such a request for proposals is taken positively. It is definitely not a threat. I have heard rumours and allegations of intimidation but cannot imagine that anyone would suggest that the Hong Kong Government is the culprit.

I am encouraged that we are beginning to see some ideas emerging from within the community. I agree with some Members who have made the point that the time for a final decision is not yet with us. Much more discussion will no doubt take place in the community and in this Chamber before that time comes. Unfortunately because of the need to have arrangements in place well before the district board elections in 1994 and the enabling legislation would have to be in place much earlier, it would not be possible for us to adopt the Green Paper, followed by the White Paper process. We do not, unfortunately, have the luxury of time. It is therefore all the more important for the public to express their views now. Our current intention is to introduce into this Council, by early next year, legislation on the precise electoral arrangements for the 1994/95 elections.

I would like to take this opportunity to reassure Mr NGAI that the Executive Council will be asked to advise on these proposals before they are presented to this Council. Members of this Council will then have the opportunity to judge for themselves whether these proposals truly reflect the aspirations of the community and whether they serve the long-term interests of Hong Kong.

Mr Deputy President, as the Governor has also made clear, we intend to be frank and to be open with the people of Hong Kong for it is their future that we are discussing and it is they who have to bear the consequences of our decisions. Clearly, we all attach importance to convergence of the political system before and after 1997. I entirely agree with Mr BARROW and Mr IP that it is wrong to assume that convergence and democracy are irreconcilable opposites. Mr BARROW is right that convergence is not a one-sided process. The ultimate test is whether such arrangements are open, fair and acceptable to the people of Hong Kong. There can be no question of qualifying that acceptability which is, as I said, the Government's very bottom line. For that reason, ex officio Members are not able to support Mr CHIM Pui-chung's amendment.

Thank you, Mr Deputy President.

DEPUTY PRESIDENT: We now come to the various amendments. I shall first call on Mr CHIM Pui-chung to move his amendment.

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, how much time am I given to speak?

DEPUTY PRESIDENT: To speak further in support of your amendment?

MR CHIM PUI-CHUNG: Yes and I will try my best.

DEPUTY PRESIDENT: If you abide by the decision of the House Committee, you should not take more than seven minutes.

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, Members have had a lengthy discussion of about six hours on this issue. And an hour was spent on discussing other matters. With regard to the issue of the entire political system of Hong Kong, we all know that it triggered prolonged argument in 1982. Ten years later, argument is opened up again. It is hoped that there will be no argument when another 10 years have passed. Members should be aware of the current situation of Hong Kong. Outside this Council, many people are listening to our debate. I myself represent some of the citizens. Not long ago, I was asked by a member of the public how many citizens I represented. I can tell you I represent a minority of the citizens. What is meant by a minority? As I was elected to this Council, the number of persons I represent will certainly not be small. Furthermore, I would like to stress that the role I play may be very great. Apart from the four official Members, we have 55 other Members. They are not all here now. We come from different sectors and represent different groups. No matter which sector we come from and which group we represent, the most important thing is that we should act according to conscience and never mislead the public.

As I said, I have never given any explanation as to the mode of convergence. But many colleagues impose their views on convergence on me. I do not mind what the result of voting will be. I am only doing my best to reflect the views of some of the people. We should not mislead the public. We should understand that the British Government should now take up the moral responsibility and grant the right of abode in the United Kingdom to those Hong Kong people who do not agree with the concept of "one country, two systems" and do not support or have no confidence in the Basic Law. So far, the British Government has granted the right of abode in the United Kingdom to only 50 000 families. It seems to be a gift. This is extremely unreasonable. The Portuguese Government grants 400 000 people the right of abode in Portugal. Why can the British Government not do the same? Britain is duty-bound to do so. It should shoulder the responsibility. Among Members seated here, only Miss Emily LAU indicated her support for the demand of this right. Most councillors made no mention of this matter. Why do they not press for the granting of this right? I learnt that Dr LEONG Che-hung also supported this

demand (I have got the information). Why do we not strive for this right? Why do we allow the public to give up? I think we should start working again. The battle is provoked by the British Government. We Councillors should press for this right. I appeal to Members from the United Democrats of Hong Kong and comrades to stand up. I think we ought to strive for this right. It is not sensible if we do not do so and pass the buck to the Chinese Government.

I am not speaking on behalf of China. As we all know, there are two Members in this Council who are pro-China. But they are not in their seats now. Sorry, I failed to see them just now (*Laughter*). why does the Chinese Government not have the right to resume sovereignty over Hong Kong? The Chinese Government is now denounced by many Members and all responsibility is shifted to China. Is that reasonable? We, as Chinese, should no longer talk about nationalism at this stage. We should analyse facts. It is wrong if we fail to examine the reality with discerning eyes and fear that we cannot ride on a through train.

The public should be given a choice. If they have no confidence in the principle of "one country, two systems" and the Basic Law, they should stand up and press for what they want. If they dislike Britain for its being too foggy and have no intention to emigrate, they should unite and have confidence in themselves. We may have Mr Martin LEE as our future leader, or perhaps I may become the future leader too. We should have confidence. We should have full confidence in the future of Hong Kong. As Chinese nationals, we should not belittle ourselves. this is my greatest hope. It is extremely bad not to have confidence in oneself. After 1997, if we discover that the development of the political system is not in line with the Basic Law, we can fight for our cause, put up resistance or even go into revolution. If we prepare to act in this way, we have made a very wise decision.

From historical facts, we can see that the British Government only strives to achieve its own aims. Not only is it irresponsible, but it also forces us to confront China. That is like taking the road to one's doom. We can well imagine what the result will be.

As an open-minded capitalist, I wish to repeat one point (Today, the Hang Seng Index rises to 6 388 points, which shows that we all have confidence in Hong Kong). We councillors should unite and try to find a rational and acceptable solution for the public. Confrontation with one another will not produce any result. That will only mislead the public.

I am not afraid of criticisms of me by people and organizations outside this Council who represent the interests and voice the demands of certain groups. I am proud of being criticized. I face the reality and all I said is true. There is nothing I can do if the public does not agree with me. I have played my part. I hope that through the debate tonight, the people of Hong Kong will learn of my views and understand better their situation. I wish to remind the public that they should not be too mindful of the result of voting which will take

place later tonight as it will certainly not affect future decisions of China and Britain. Thank you.

DEPUTY PRESIDENT: You have not actually moved your amendment, Mr CHIM. *(Laughter)*

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, I am sure most Members have read my amendment motion. I originally have no intention to read it out. However, to comply with the Standing Orders, I now read aloud my amendment motion:

"In the long-term interests of the people of Hong Kong, it is firmly believed that the political development of Hong Kong should be pursued on the premise that it ensures convergence with the political structure of the SAR Government after 1997 and smooth transition of Hong Kong and on this basis this Council urges the British and Hong Kong Governments to adopt the principles of openness, fairness and realistic acceptability to the people of Hong Kong when engaging in future dialogue with the Chinese Government on the political development of Hong Kong including the electoral reforms relating to the 1995 elections of Legislative Council put forward by the Governor."

"To delete the word "That" and substitute the following:

"In the long-term interests of the people of Hong Kong, it is firmly believed that the political development of Hong Kong should be pursued on the premise that it ensures convergence with the political structure of the SAR Government after 1997 and smooth transition of Hong Kong and on this basis,";

to insert "realistic" before the word "acceptability"; and

to add the following after the words "Hong Kong" at the end of the motion:

"including the electoral reforms relating to the 1995 elections of Legislative Council put forward by the Governor"."

Question on Mr CHIM Pui-chung's amendment to Miss Christine LOH's motion proposed.

DEPUTY PRESIDENT: Miss LOH, do you wish to speak to Mr CHIM's further speech?

MISS CHRISTINE LOH: Mr Deputy President, I will make my final remarks when I reply at the end.

Question on Mr CHIM Pui-chung's amendment put.

Voice vote taken

THE DEPUTY PRESIDENT said he thought the "Noes" had it.

MR CHIM PUI-CHUNG (in Cantonese): Mr Deputy President, I claim a division.

DEPUTY PRESIDENT: We will proceed to a division. The division bell will ring for three minutes and the division will take place immediately thereafter.

DEPUTY PRESIDENT: The three minutes have elapsed and I will just remind Members of the voting mechanism. To register your presence, press the "Present" button; if you are in favour of Mr CHIM's amendment, press the "Yes" button; if you are against Mr CHIM's amendment, press the "No" button; and if you wish to abstain, press the "Abstain" button. I will of course check with Members before the results are displayed.

DEPUTY PRESIDENT: You mean the system is not working. Would Members try again please?

DEPUTY PRESIDENT: Do Members have any queries before the results are displayed?

Mr Stephen CHEONG, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Peter WONG, Mr Moses CHENG, Mr CHIM Pui-chung, Dr LAM Kui-chun, Mr Gilbert LEUNG, Mr Steven POON, Mr Henry TANG, Mr Howard YOUNG and Dr TANG Siu-tong voted for the amendment.

The Attorney General, The Financial Secretary, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr Martin BARROW, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Albert CHAN, Mr Vincent CHENG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr

Simon IP, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH and Mr Roger LUK voted against the amendment.

Mrs Elsie TU abstained.

THE DEPUTY PRESIDENT announced that there were 19 votes in favour of the amendment and 32 votes against it. He therefore declared that Mr CHIM Pui-chung's amendment was negated.

DEPUTY PRESIDENT: Mr McGREGOR, you may move your amendment now.

MR JIMMY McGREGOR moved the following amendment to Miss Christine LOH's motion:

"To delete all the words before "the principles" and substitute the following:

"That this Council, being in general support of the package of proposals on electoral reforms relating to the 1995 elections to Legislative Council put forward by the Governor, urges the British and Hong Kong Governments to comply with" and substitute the words after "people of Hong Kong" by "when these proposals are discussed with the Chinese Government"."

MR JIMMY McGREGOR: Mr Deputy President, I have already spoken on my amended motion and will not repeat my points except to say that I have provided this Council with a clear invitation to support the Governor's proposals for what I regard as very moderate, indeed modest, continued electoral and political reform. There is no doubt whatsoever that the people of Hong Kong agree with the Governor. I hope that a good majority of this Council also agree with him and with the Government and in doing so support the interests and the future of the people of Hong Kong. If we support the proposals in general and therefore broadly, that does not mean that they will not be subject to very great scrutiny and quite probably modification here and in negotiation with China. We will be supporting the underlying principle that Hong Kong people are perfectly capable of participating in the process of government and that they should be given the opportunity to do so to the greatest extent possible within the agreement which exists between Britain and China on the subject.

This Council's work has greatly improved in quality after the entry of directly elected Members. China and Chinese sovereignty over Hong Kong will not be affected. The Chinese will have overwhelming executive control over the territory after 1997. The legislature will not be anti-China but very much pro-Hong Kong. That is what is meant by Hong Kong people ruling Hong Kong with a high degree of autonomy. After the first wave of anger and irritation which we are experiencing now, China will resume more reasonable discussion. Gradually we will learn how to co-operate better whilst at the same time ensuring that Hong Kong's unique characteristics are not changed or weakened. We are of immense importance to China but only if we continue to run our own internal affairs sensibly and successfully. As a Chinese official has said, this is no big deal. I agree with him. It is, however, a big enough deal for the people of Hong Kong to deserve our support.

I would ask Councillors to take a position and help us to go forward. I now ask you all to support Miss Christine LOH's motion as amended by me.

Question on Mr Jimmy McGREGOR's amendment to Miss Christine LOH's motion proposed.

DEPUTY PRESIDENT: You will opt to speak at the end, Miss LOH.

Question on Mr Jimmy McGREGOR's amendment put.

Voice vote taken

DEPUTY PRESIDENT: Council will proceed to a division and the division bell will ring for three minutes.

DEPUTY PRESIDENT: Would Members now please proceed to vote. If you are in favour of Mr Jimmy McGREGOR's amendment, vote "Yes"; if you are against, vote "No"; and you may of course abstain.

DEPUTY PRESIDENT: Do Members have any queries before the results are displayed? The results will now be displayed.

The Attorney General, The Financial Secretary, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Martin BARROW, Dr LEONG Che-hung, Mr Jimmy McGREGOR, Mr Albert CHAN, Mr Vincent CHENG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr

WONG Wai-yin, Miss Christine LOH and Mr Roger LUK voted for the amendment.

Mr Stephen CHEONG, Mrs Selina CHOW, Mr HUI Yin-fat, Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Peter WONG, Mr Moses CHENG, Mr CHIM Pui-chung, Dr LAM Kui-chun, Mr Gilbert LEUNG, Mr Steven POON, Mr Henry TANG, Mr Howard YOUNG and Dr TANG Siu-tong voted against the amendment.

Mrs Elsie TU abstained.

THE DEPUTY PRESIDENT announced that there were 30 votes in favour of the amendment and 21 votes against it. He therefore declared that Mr Jimmy MCGREGOR's amendment was approved.

DEPUTY PRESIDENT: Mr Andrew WONG, as Mr MCGREGOR's amendment has been agreed, your amendment cannot proceed in its present form. Would you like to seek leave to alter the terms of your amendment?

MR ANDREW WONG: Mr Deputy President, may I seek your kind permission to revise the terms of my amendment as an amendment to Miss Christine LOH's motion as amended by Mr MCGREGOR's amendment in the following terms. At the end of the amended motion, add the following words: "and appeals to all parties concerned to conduct such discussions in a constructive and friendly manner, based on the interest and wishes of Hong Kong people and the spirit of the Sino-British Joint Declaration, namely, to maintain Hong Kong's prosperity and stability, to implement the policy of one country, two systems, Hong Kong people ruling Hong Kong with a high degree of autonomy and to bring about a smooth transition and preserve Hong Kong's current free institutions and lifestyle."

Mr Deputy President, if you find the terms agreeable, could we have a break so that the terms could be circulated to Members to enable them to have a closer look at the wording?

DEPUTY PRESIDENT: Yes, I will suspend Council to enable Members to consider the terms of your revised amendment and I will arrange for sufficient copies to be made and tabled for Members' benefit. I have myself just seen the final form of your revised amendment; so I will not rule on it just yet.

Council suspended from 10.03 pm to 10.25 pm

DEPUTY PRESIDENT: Yes, Mr ARCULLI.

MR RONALD ARCULLI: Mr Deputy President, before you give a ruling on Mr WONG's amendment, if I might refer to the circular that we received headed "Principles governing amendments" and indeed to the first sub-paragraph which reads: The further amendment should be so framed that, if agreed to by the Council, the question as amended would be intelligible and internally consistent. It is really the words "internally consistent" that I would wish to draw your attention to in respect of Mr WONG's proposed amendment vis-a-vis Miss LOH's original motion as amended by Mr MCGREGOR's amendment. It seems to me that there might be inconsistencies in two respects. In the motion as amended, there is reference to the principles of fairness, openness and acceptability to the people of Hong Kong. Acceptability to the people of Hong Kong is somewhat different, in my respectful view, from the words in Mr WONG's proposed amendment which is based on the interests and wishes of the Hong Kong people.

Secondly, Mr Deputy President, the thrust of the argument in the debate put forward by Miss LOH and Mr MCGREGOR was really quite clear in terms of there being no convergence or no smooth transition, whilst in Mr WONG's proposed amendment there is, in the third last line of the printed amendment before me, the spelt out purpose of bringing about a smooth transition. So really it is in those two respects that there might be an internal inconsistency and I wonder whether, Mr Deputy President, you would be kind enough to take that into consideration prior to your ruling. Thank you.

DEPUTY PRESIDENT: I have come to the conclusion myself that there is no internal inconsistency of such a nature that would deprive Mr Andrew WONG from seeking the support of Members to his revised amendment and I will therefore give leave to Mr WONG to move his amendment.

MR ANDREW WONG (in Cantonese): Mr Deputy President, during the debate on Miss Christine LOH's motion, I have already made myself clear why I do not support but am against the amendments of Mr CHIM Pui-chung and Mr Jimmy MCGREGOR. I have also given a full account of why I urge all Members to join me in opposing the two amendments and to support mine. In doing so, I hope that we may retreat before it is too late and that we do not paint ourselves into a corner. But it is evident that my efforts have proved to be in vain.

As I have said just now, the focal point of the debate is actually on the first two amendments, not on mine. The outcome of the debate is now only too obvious. My amendment can no longer serve the original purposes for which I move it. As for Mr CHIM Pui-chung's amendment and Mr Jimmy MCGREGOR's amendment, Mr Jimmy MCGREGOR is the winner whereas Mr

CHIM Pui-chung is the loser. Even if I vote against both amendments, the outcome will definitely be the same.

It may well be said that a single person with no strong allies is unable to exert any influence. And it is futile for him to seek the support of others no matter how earnestly and patiently he tries. I have expressed the view that now it is meaningless for me to move my amendment. In fact I realized very early that the two major parties on this Council have decided not to support my amendment and it will serve no purpose even if my amendment is to be incorporated in the original motion.

As I see it, Miss Christine LOH's motion as amended by Mr Jimmy McGREGOR shows that both of them are of the same view. If more points are to be incorporated, including that of mine, it will be turned into a "half-breed", or to put it cruelly, a "mongrel", and even worse, a "bastard dog". Therefore, I have made up my mind not to move my amendment. I would like to make an apology to you, Mr Deputy President, for causing you so much inconvenience. I also urge Mr Frederick FUNG not to move his amendment. *(Laughter)* Thank you, Mr Deputy President.

DEPUTY PRESIDENT: Mr K K FUNG, your proposed amendment likewise cannot proceed in its present form. Would you like to seek leave to alter the terms of your amendment?

MR FREDERICK FUNG (in Cantonese): Mr Deputy President, I have got something to say before I would say whether I would move the revised amendment. We have a heated debate today; nonetheless, its intensity, when compared with the previous

DEPUTY PRESIDENT: Sorry, Mr FUNG. You cannot make a speech. You either move your amendment and then speak to it or you take your seat.

MR FREDERICK FUNG (in Cantonese): O.K. I thought I also had an opportunity to speak like other Members did because I noted that they were given chance to speak when moving their amendments.

DEPUTY PRESIDENT: They spoke in support of their amendment. Are you moving your amendment?

MR FREDERICK FUNG (in Cantonese): May I give my reasons before I would say whether I would move my amendment or not?

DEPUTY PRESIDENT: A point of order, Mr FUNG. You have got to decide whether you intend to apply to alter the terms of your amendment. If you want a little time to consider this, I will suspend the sitting for a few minutes.

MR FREDERICK FUNG (in Cantonese): Could I have three minutes to think about it.

Council suspended from 10.35 pm to 10.38 pm

DEPUTY PRESIDENT: Mr FUNG.

MR FREDERICK FUNG (in Cantonese) Mr Deputy President, I do not intend to proceed further with my amendment motion. I should like to make a brief explanation. I find that today's debate, though a heated one, has been conducted in a friendly and useful way. By "useful" I mean that Members can put forward different arguments for or against the political reform and arouse public concern about the issue.

In fact, the main purpose of my amendment motion is to call on the public to stand out and indicate their stance, and to make the public aware that there may be changes to the political system of Hong Kong. For a Member who cares about the future and hopes that "Hong Kong people ruling Hong Kong" can become a reality, the most important thing is to make known, in a harmonious atmosphere, his own views and stance.

I have discussed with different people the amendment during the break. There is a Chinese saying which says, "A father is at fault if he does not give his children education, and a teacher is lazy if he is lax in teaching," and it happens that one of the amendment movers is my teacher. No matter in college or here in this Council, I always address Mr Andrew WONG as "teacher". Therefore, I am willing to follow my teacher and withdraw my amendment motion. However, I would like to stress that whatever debate we have in the Legislative Council the ultimate purpose is that the people of Hong Kong will care about their future and Hong Kong can really become in 1997 a "highly autonomous society with Hong Kong people ruling Hong Kong". Thank you, Mr Deputy President.

Question on Miss Christine LOH's motion as amended by Mr Jimmy McGREGOR's amendment proposed.

DEPUTY PRESIDENT: Miss LOH, do you wish to reply?

MISS CHRISTINE LOH: Mr Deputy President, I think I would be extremely unpopular if I wanted to say any more than "let us get on with it".

Question on Miss Christine LOH's motion as amended by Mr Jimmy McGREGOR's amendment put.

Voice vote taken

THE DEPUTY PRESIDENT declared that the "Ayes" had it.

MRS SELINA CHOW: I claim a division.

DEPUTY PRESIDENT: You should have asked for a division before I called the result. Did any one of you actually ask for a division before I called the result with my not hearing it?

MRS SELINA CHOW: I thought I did it at the point you were calling the result.

MR RONALD ARCULLI: Mr Deputy President, point of order. Before you said "the Ayes have it", I think we, the three of us, got up on our feet, as it were. When you said "I think the Ayes have it" I thought you had not finally declared. That is how I see the position.

DEPUTY PRESIDENT: You had got to your feet?

MR RONALD ARCULLI: Yes, Mr Deputy President.

DEPUTY PRESIDENT: I beg your pardon then. All right, there will be a division and the division bell will ring for three minutes.

DEPUTY PRESIDENT: Would Members now please proceed to vote and I will check with you before the results are displayed.

DEPUTY PRESIDENT: Are there any queries before the results are displayed? The results will be displayed.

The Attorney General, The Financial Secretary, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr Martin BARROW, Dr LEONG Che-hung, Mr Jimmy McGREGOR, Mr Albert CHAN, Mr Vincent CHENG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Timothy HA, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH and Mr Roger LUK voted for the motion as amended.

Mr Stephen CHEONG, Mrs Selina CHOW, Mr NGAI Shiu-kit, Mr TAM Yiu-chung, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mrs Peggy LAM, Mrs Miriam LAU, Mr LAU Wah-sum, Mrs Elsie TU, Mr Peter WONG, Mr Moses CHENG, Mr CHIM Pui-chung, Dr LAM Kui-chun, Mr Gilbert LEUNG, Mr Steven POON, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG and Dr TANG Siu-tong voted against the motion as amended.

THE DEPUTY PRESIDENT announced that there were 32 votes in favour of the amended motion and 21 votes against it. He therefore declared that Miss Christine LOH's motion as amended by Mr Jimmy McGREGOR's amendment was carried.

Adjournment and next sitting

DEPUTY PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Wednesday 18 November 1992.

Adjourned accordingly at twelve minutes to Eleven o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Lord Wilson Heritage Trust Bill, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

WRITTEN ANSWER**Annex I****Written answer by the Attorney General to Mr Peter WONG's supplementary question to Question 1**

Eighty-four items of legislation are scheduled for introduction into the Legislative Council in the current legislative session. Of these, 19 relate to monetary and financial affairs. At the conclusion of the sitting on 11 November 1992, 73 items of legislation were awaiting introduction and of these 17 items are so related.

