

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 23 February 1994

The Council met at half-past Two o'clock

PRESENT

THE PRESIDENT

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

THE CHIEF SECRETARY

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.

THE FINANCIAL SECRETARY

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

THE ATTORNEY GENERAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE PETER WONG HONG-YUEN, O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN, O.B.E., J.P.

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, O.B.E., J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

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, O.B.E., J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING, J.P.

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

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

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

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

THE HONOURABLE 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

THE HONOURABLE ANNA WU HUNG-YUK

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

THE HONOURABLE ALFRED TSO SHIU-WAI

IN ATTENDANCE

MR MICHAEL SUEN MING-YEUNG, J.P.
SECRETARY FOR HOME AFFAIRS

MR ALISTAIR PETER ASPREY, C.B.E., A.E., J.P.
SECRETARY FOR SECURITY

MRS ELIZABETH WONG CHIEN CHI-LIEN, I.S.O., J.P.
SECRETARY FOR HEALTH AND WELFARE

MR CHAU TAK-HAY, J.P.
SECRETARY FOR TRADE AND INDUSTRY

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

MR HAIDER HATIM TYEBJEE BARMA, I.S.O., J.P.
SECRETARY FOR TRANSPORT

MR GORDON SIU KWING-CHUE, J.P.
SECRETARY FOR ECONOMIC SERVICES

MR NICHOLAS NG WING-FUI, J.P.
SECRETARY FOR CONSTITUTIONAL AFFAIRS

MR LAM WOON-KWONG, J.P.
SECRETARY FOR EDUCATION AND MANPOWER

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>
Merchant Shipping (Prevention of Oil Pollution) Regulations (Exemption) Notice 1994-----	91/94
Pesticides (Amendment) Regulation 1994 -----	92/94
Declaration of Constituencies (Districts) Order 1994 -----	93/94
Declaration of Districts Order 1994 -----	94/94
Boundary and Election Commission (Registration of Electors)(Geographical Constituencies) Regulation-----	95/94
Building (Construction)(Amendment) Regulation 1994 -----	96/94
Building (Planning)(Amendment) Regulation 1994-----	97/94
Animals and Plants (Protection of Endangered Species)(Exemption)(Amendment) Order 1994-----	98/94
Designation of Libraries (Urban Council Area) (No. 2) Order 1994 -----	99/94
Immigration (Places of Detention)(Amendment) Order 1994 -----	100/94
Probation of Offenders (Approved Institution) (Consolidation)(Amendment) Order 1994 -----	101/94
Rules of the Supreme Court (Amendment) Rules 1994-----	103/94
Hawker (Urban Council)(Amendment)(No. 2) Bylaw 1994 -----	104/94
Bills of Lading and Analogous Shipping Documents Ordinance (85 of 1993)(Commencement) Notice 1994 -----	105/94

Buildings (Amendment) Ordinance 1993 (43 of 1993)(Commencement) Notice 1994 -----	106/94
Lifts and Escalators (Safety)(Amendment) Ordinance 1993 (44 of 1993)(Commencement) Notice 1994-----	107/94
Registrar General (Establishment)(Transfer of Functions and Repeal) Ordinance (8 of 1993) (Commencement) Notice 1994 -----	108/94

Sessional Papers 1993-94

- No.61 — Hong Kong Productivity Council Annual Report 1992-93
- No.62 — Secretary for Home Affairs Incorporated Statement of Accounts for the Year Ended 31 March 1993
- No.63 — Li Po Chun Charitable Trust Fund Annual Report for the Period 1 September 1992 to 31 August 1993
- No.64 — Trustee's Report on the Administration of the Education Scholarships Fund for the Year Ended 31 August 1993

Oral answers to questions

Air pollution

1. MISS CHRISTINE LOH asked: *With recent figures showing air quality objectives breached at nine out of 11 air quality monitoring stations, will the Government inform this Council of the immediate measures planned for this year to mitigate the air pollution problem?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, three measures are proposed which will produce positive effects in the short term.

We propose to amend the Air Pollution Control Ordinance and to make the Air Pollution Control (Motor Vehicle Fuel) Regulation to require the use of better quality diesel fuel after April 1995. The Bill which will enable this to be done was introduced into the Council for First Reading on 8 December 1993 and I understand will be scheduled for its Second Reading on 30 March this year.

We also propose to amend the Air Pollution Control (Vehicle Design Standards)(Emission) Regulation under the Air Pollution Control Ordinance to require all vehicles registered after 1995 to meet more stringent emission standards adopted by Europe, the United States and Japan. Subject to consultation, the amendment regulation should be enacted by the third quarter of this year.

In addition to the two new regulatory measures mentioned, the smoky vehicle detection programme will be stepped up so that more vehicles are called up for examination.

A further measure which could help reduce pollution emissions from light duty diesel vehicles would be a switch to unleaded petrol and catalytic converters. The possibility of introducing this measure is being considered urgently by the Administration.

MISS CHRISTINE LOH: *Mr President, could the Secretary confirm that from his answer in paragraphs 2, 3 and 5, that there will in fact be no effect on air quality improvement in 1994? And also, am I right in saying that for the initiatives in paragraphs 3 and 5, that they have significant financial implications? For example, in paragraph 3, it would mean car imports from Japan would be affected. Can the Secretary tell us who in the Administration will take these decisions?*

PRESIDENT: Two questions, Secretary.

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, I think the answer to the first part of the question, or the first question, is that since the effects of the two regulatory measures — assuming they overcome the consultative and legislative hurdles with full support this year — will be effective from April 1995.

As far as the second question is concerned, if the stringent emission standards which are already applicable in Europe, the United States and Japan are introduced from April 1995, they will obviously apply to new vehicles imported from elsewhere. My understanding of the situation is that vehicles which will meet these standards are available.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, getting motorists to switch from using diesel to petrol will improve air quality significantly as the former is a worse polluter than the latter, and I understand the Administration has been considering this measure for years. Why was this measure not mentioned in the Secretary's main reply?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, it is mentioned in the final paragraph of my main answer.

PRESIDENT: Not answered, Rev FUNG?

REV FUNG CHI-WOOD (in Cantonese): *Mr President, I was asking why the Administration did not implement the measure of getting motorists to switch from using diesel to petrol. I did not ask anything about strengthening the control on diesel vehicles. So I think paragraph 5 of his answer has not touched upon the measure I was asking. I hope the Secretary will give me a reply on that again.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: I am sorry, I am not sure whether I have yet fully understood the question, Mr President. Paragraph 5 of my answer says:

"A further measure which could help reduce pollution emissions from light duty diesel vehicles would be to switch to unleaded petrol and catalytic converters. The possibility of introducing this measure is being considered urgently by the Administration."

MR PETER WONG: *Mr President, since the air quality is steadily deteriorating, what efforts have been made by the Administration to try to persuade the oil companies to bring forward the introduction of higher quality diesel fuel?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, as I have said, our target date for introducing the higher quality fuel is April 1995, which of course is just over a year away from now. We have considered an earlier introduction but this, we believe, is not practicable. It would require the oil companies to resort to purchase from the spot markets instead of the traditional source which is mainly Singapore. This would be more expensive and it would also not guarantee a steady supply.

MR ALBERT CHAN (in Cantonese): *Mr President, one of the major causes of air pollution in Hong Kong is vehicle emissions, which mainly come from the large number of container vehicles returning from China every day. What has the Administration done to prevent these vehicles from using illegally sub-standard fuel which contributes to the problem of air pollution?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, there is no doubt that all vehicles, which use whatever fuel and are not properly maintained and therefore burn fuel inefficiently, contribute to the problem of air pollution. But in the main urban areas of the territory, where the air quality standards are most in breach, the main problem is light duty diesel vehicles and these are taxis and public light buses. However, I think the question as to how we deal with the possibility that container vehicles are using, illegally, sub-standard fuel is a separate issue. And I would be prepared to take that up with my colleagues to determine what might need to be done about that.

DR LEONG CHE-HUNG: *Thank you, Mr President. When will the Government outlaw leaded fuel? It is because lead-poisoning in relation to the burning of leaded fuel causes neuro-psychology and psychological damage, particularly to children. And in many cities in Europe and the United States, leaded fuel has been banned for this very reason and their experience has shown that all cars running on leaded fuel can actually run on unleaded fuel, so will the Government ever consider outlawing leaded fuel?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, as far as I am aware, we do not at this stage have in any part of our programme a requirement that certain vehicles should be outlawed. But as I said in my main answer, we are proposing under the legislation to require that all vehicles registered after April 1995 should be able to meet the more stringent emission standards adopted by Europe, the United States and Japan, and my understanding is that that would achieve largely the effect that the Honourable Member is seeking to achieve.

Unlicensed travel agents

2. MR HOWARD YOUNG asked: *Will the Government inform this Council of:*

(a) *the number of persons found to be operating as travel agents without a licence in the past three years and the number of such persons actually prosecuted; and*

(b) *the measures taken to deter such illegal operations?*

SECRETARY FOR TRADE AND INDUSTRY: Mr President, the Registrar of Travel Agents, who is the licensing authority for travel agents, and the Travel Industry Council, which is the travel industry's own self-regulatory body, work together closely in monitoring the activities of unlicensed travel agents.

In the three years from 1991 to 1993, the Registrar referred a total of 50 reports involving 90 suspected unlicensed travel agents to the police for investigation. Prosecution was undertaken in respect of 35 of those cases, as a result of which 38 persons were convicted and 11 cases remain outstanding.

In addition to enforcement action, both the Consumer Council and the Government make regular publicity efforts, particularly before each peak travel season, to educate the public that it is an offence to provide outbound travel service without a licence and that they should not patronize unlicensed travel agents. The Travel Industry Council has recently launched a similar publicity drive.

Moreover, the Registrar of Travel Agents and the Travel Industry Council have advised all licensed travel agents not to have dealings with unlicensed travel agents. The outbound travel industry has also been encouraged to report cases of suspected unlicensed travel agents to the Registrar of Travel Agents for necessary action.

MR HOWARD YOUNG (in Cantonese): *Mr President, will the Administration inform this Council whether it had received any complaints from consumers in connection with allegations of losses as a result of patronizing unlicensed travel agents? Can the Administration confirm that if there are indeed complaints of this nature, the consumers will not be able to get compensation from the Travel Industry Compensation Fund?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, as far as I know, we have not received any of these complaints. But I can confirm that the Travel Industry Compensation Fund will not pay out any compensation in regard to claims for damages made by persons who patronized unlicensed travel agents.

MR NGAI SHIU-KIT (in Cantonese): *Mr President, are group tours organized in the name of certain neighbourhood associations, district organizations or even Member's Offices in breach of the existing law?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, any person, regardless of who he is or his status, commits an offence if he engages in outbound travel service without a licence.

Diminished shop spaces

3. DR TANG SIU-TONG asked (in Cantonese): *Individual shop-space owners of two converted shopping arcades in Kowloon complained in September and November respectively last year, of inconsistencies between the information on saleable areas as provided by the developers/real estate agents and the actual areas of their units, that is the so-called "diminished shop spaces" issue. The actual areas of these shops are only about 30% to 50% of the floor areas specified in the information provided. Will the Administration inform this Council:*

- (a) *of the number of similar complaints that were lodged with the Administration in 1992 and 1993;*
- (b) *how the interests of the consumers are being protected under the existing legislation with regard to the purchase of property;*
- (c) *whether the agreement for sale of converted or redeveloped property is currently not subject to any legislative control; whether consideration has been given to plugging the loopholes of the relevant legislation; and*
- (d) *what findings have been made by the Buildings Department in its investigation into the "diminished shop spaces" issue of Jordan Square; whether the Administration has taken any follow-up actions?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, first of all, I would like to say that the undiminished nature of the question prevents me from giving a diminished answer.

- (a) The Government does not have records of complaints of this type. The Consumer Council, however, has received 25 complaints relating to "diminished shop spaces" in three developments.
- (b) There is no legislation governing such matters as the disclosure of information in relation to the sale and purchase of property. However, a subcommittee of the Law Reform Commission is currently studying the subject with a view to ensuring that sufficient information is available to prospective purchasers and in a form easily understood. I understand the subcommittee is now finalizing its report and I look forward to seeing the results of these important deliberations.
- (c) In developments which are covered by the Consent Scheme operated by the Lands Department (this means developments whose leases stipulate that the prior consent of the Director of Lands must be

obtained before the sale or disposal of uncompleted units) sales brochures must be produced for the sale of uncompleted units. The saleable floor area is one of a number of items which must be disclosed in such brochures. A standard form of Agreement for Sale and Purchase containing a definition of saleable floor area must also be used in these cases.

For developments not covered by the Consent Scheme, it is currently for the developer to decide whether or not to disclose saleable floor areas in sales brochures. The Law Society operates a Non-Consent Scheme which adopts a standardized Agreement for Sale and Purchase and a similar (but not identical) definition of saleable floor area as for the Consent Scheme. The Non-Consent Scheme applies where the same solicitor acts for both the vendor and the purchaser in respect of uncompleted developments by virtue of Rule 5C of the Solicitors Practice Rules of the Legal Practitioners Ordinance. I understand that the Law Society is considering amendments to the form of the Agreement for Sale and Purchase in the Non-Consent Scheme, including the definition of saleable floor area, but these have not yet been finalized.

To protect their own interests, purchasers should make sure that they know what the precise saleable area of the unit they are buying is and check the floor plan of the unit attached to the Agreement when they sign the formal Agreement for Sale and Purchase. Purchasers are also advised to seek legal advice and, if necessary, engage an architect or surveyor to give them expert advice.

- (d) The case of Jordan Square, where building works were carried out to convert the premises into a shopping arcade, has been investigated by the Director of Buildings. This investigation found that the conversion works are in accordance with the approved building plans and the Buildings Ordinance and Buildings Regulations.

Property sales and purchases are matters between vendors and purchasers and the Government does not normally intervene in private disputes over such matters. Purchasers should seek legal advice as to what action may be taken where they believe misrepresentation or any other questionable practice has occurred.

Thank you.

DR TANG SIU-TONG (in Cantonese): *Mr President, it is mentioned in the second paragraph of part (c) of the Secretary's reply that "The Law Society is considering amendments to the form of the Agreement for Sale and Purchase in the Non-Consent Scheme, including the definition of saleable floor area". Will*

the Secretary advise this Council when this will be implemented? For developments which are covered by the Consent Scheme operated by the Lands Department, it is stipulated that the saleable floor area must be disclosed in the sales brochures. Why can the Administration not legislate to the effect that developments covered by Non-Consent Scheme will also be required to provide such information to purchasers?

PRESIDENT: Two questions there. Have you got them both, Secretary?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: The matters now under consideration by the Law Society are of course matters within the purview of the Law Society's Non-Consent Scheme. And as regards when the Law Society may decide on whether amendments are appropriate and when they might be introduced is a question which I should have to put to the Law Society.

As regards the second question, if I understand it entirely correctly, my answer is this: the Consent Scheme is operated under the system of control whereby the Director of Lands is the authority. In order to secure the agreement to redevelopment proposals, the developer requires to satisfy the Director of Lands, so the Director of Lands has a degree of control. The Consent Scheme operates only in those circumstances. Where those circumstances do not apply, the Director of Lands has no control. It is under those circumstances that the Law Society has introduced a Non-Consent Scheme. But it is under the Law Society's Non-Consent Scheme and not under the government authority that that scheme operates.

MR JAMES TO (in Cantonese): *Mr President, the crux of the problem concerning diminished shop spaces and diminished flats is that purchasers have no way to know at the time of purchase the saleable floor areas of the uncompleted units or the units awaiting redevelopment. Now the Secretary seems to say in part (b) of his reply that the Law Reform Commission will study the problem and come up with proposals which will be examined again by the Administration. Will the Secretary assure us that the proposals in the Law Reform Commission's report will cover this to ensure better protection? If the law does not give that protection, then a purchaser who has signed a preliminary agreement is probably too late to do anything by the time he instructs a solicitor. Has the Secretary considered these problems or has he washed his hands of it and leave it to the Law Reform Commission?*

PRESIDENT: Are you able to answer the question in full, Secretary, or do you wish part of it to be re-interpreted?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: I am prepared to make an attempt at a reply, since the Honourable Member worked so hard on the question.

I would not at this stage wish to pre-judge the efforts of the Law Society. I believe that the Law Society and other members of the Working Group who of course are not necessarily members of the Law Society have invested a great deal of time and effort in considering this matter in considerable detail. I do not think it has been superficial or an attempt to find a quick fix. I am therefore confident that substantive proposals and recommendations will come out of that review. Since the review is almost complete, I believe that it is well worth awaiting the outcome and the opportunity to examine those recommendations before pre-judging them and before we start a round of exactly duplicated effort to consider the same issues.

MR CHEUNG MAN-KWONG (in Cantonese): *Mr President, during the construction of buildings, is there any channel for the Administration to know about the progress of works and any possible problems? To take the example of the two shopping arcades mentioned in the main question, besides the inconsistencies between the actual areas and the saleable areas mentioned in sales brochures, there are also other problems including the poor suitability for use of the units. For example, an owner who wants to sell candies may end up selling fragrance essences because there is a sewage drain pipe stretching across the unit. And there are some very small units which practically cannot be used because there is a large pillar at the centre of these units. Can the Administration inform this Council whether the department concerned has the responsibility to detect the problem at an early stage and caution the developers accordingly, so as to protect the interests of owners?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the Administration's concern under the Buildings Ordinance is about the safety and health of the situation in the building and in many of the similar situations, and I believe this is the case in the Jordan project. We are not talking about new construction. We are talking about the alteration of an existing building. And it is not, I believe, for the regulators under the Buildings Ordinance to ensure that premises which are the subject of rental agreements are suitable for the uses to which the renters wish to put them. I believe that a prudent renter or purchaser of property would establish clearly in his mind, if necessary with professional advice, what he is getting, and that when the time comes, that is exactly what he gets.

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, it can be seen from the Administration's reply that its only concern is to see whether the Buildings Ordinance has been complied with and little attention has been paid to other aspects like the commercial value of the premises. If it is established that there*

is misrepresentation in the information provided, will the Administration, on receiving complaints, institute criminal proceedings against the developers or real estate agents; if not, why not? Why does the Administration only care about collecting rents and rates and does not do what a responsible government should do?

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: I am not sure that in these circumstances, Mr President, there is any question of rent collection by the Government. I think the point here is that if there is a question of breach of contract, to use the layman's term, then it is a matter for the parties to consider whether action is justified, with legal advice. And since most of the people we are talking about here are commercial businesses, they should have access to good legal advice. If we are talking about a question of a criminal action, then I am sure that the authorities, if they receive a report which is actionable, will take action.

Hospital Authority's transparency

4. MR TIK CHI-YUEN asked (in Cantonese): *In reply to a question raised in this Council on 20 October 1993, the Government indicated that it would explore with the Hospital Authority further ways to enhance the latter's transparency. Will the Government inform this Council what new measures have been or will be taken by the Hospital Authority to this end?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Hospital Authority enhances its transparency along two strategic directions: first to cultivate public participation in its decision-making process and further to be accountable to the public for the decisions made.

There is strong public participation in the work of the Hospital Authority through the Board of the Hospital Authority itself, the Regional Advisory Committees and Hospital Governing Committees. These Board and Committees are served by over 300 community leaders, comprising some 40 members of district boards. They play a key role in laying down the strategies and directions of the Hospital Authority, overseeing the management and reviewing the performance of individual hospitals.

The Hospital Authority is substantially funded from public revenue and is accountable to the public for decisions made and is indeed answerable to this Council. Furthermore, under the Hospital Authority Ordinance, the Director of Audit may conduct examinations on the economy and efficiency with which the Authority has expended resources in discharging its statutory functions.

The transparency is further enhanced by a patient-centred culture. To take a very positive attitude in dealing with patient complaints, a Public

Complaints Committee handles complaints received at the hospital level as well as cases referred to it by Members of this Council and the Commissioner of Administrative Complaints.

There is a constant flow of information about the Hospital Authority through newsletters, press briefings and interviews. Last year, 198 press releases were issued, 217 press conferences, media briefings and interviews were conducted, and over 3 000 press enquiries were dealt with.

The Hospital Authority has ongoing plans to further increase the transparency of its work and the above activities are only examples of some of its efforts in this direction.

MR TIK CHI-YUEN (in Cantonese): *Mr President, from the Administration's reply, it seems it also subscribes to the view that the Hospital Authority should enhance its transparency and accountability to the public. But I cannot see any significant or marked improvement from what it has put forward today. Has the Administration reviewed with the Hospital Authority to see if it can open up its meetings so that the public will know how it operates? If the Hospital Authority is to open up its meetings, what are the difficulties that it will have?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the Boards and Committees under the Hospital Authority are entrusted under the law to deal with day-to-day management, which is directly related to the delivery of hospital service under the Hospital Authority. It would serve little purpose, I think, in opening up routine meetings of a purely executive nature, where management and confidential staff issues are discussed. On matters of public concern, as I said in my main reply, press conferences are held, answers are given and the Chief Executive of the Hospital Authority regularly attends Legislative Council Health Panel Meetings. The Hospital Authority therefore is accountable through various ways to this Council which we all know is open and fair in its scrutiny of public policies.

MR FRED LI (in Cantonese): *Mr President, I am pleased to learn from the Secretary that there are more than 300 community leaders serving on Hospital Governing Committees and various advisory committees, and they help in laying down the strategies and directions of the Hospital Authority. Can the Secretary give us some concrete examples so that we may know that they really work well. For instance, which strategies or directions suggested by these 300 or so community leaders were adopted by the Hospital Authority?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the composition of Committees is set out in schedule 3 to the Hospital Authority Ordinance. As I said in my main reply, membership of these Committees comprises mainly

community leaders and experts in the administration and management of hospital services. As regards the details of the running of hospitals, some hospitals have, for example, newly established patients' resource centres, as a result of public consultation and the initiative taken by the hospitals in consultation with its Committees. At the regional level, in the overall development of their policies and new suggestions on how to cater to community needs, the Council's Advisory Committee members will offer very important advice to the Hospital Authority, not only in terms of its business plan but also its corporate plans.

MR MICHAEL HO (in Cantonese): *Mr President, first of all I would like to declare interest as a Member of the Hospital Authority. The question in essence asked what measures have been or will be taken to enhance the transparency of the Hospital Authority after the Administration undertook to study the subject with the Hospital Authority? The main reply mentioned a lot of measures that the Administration has taken. But what was the outcome of the study? And what measures will be taken to enhance its transparency? Will the Administration provide further details?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, in developing the transparency of the Hospital Authority further, we hope also that the Hospital Authority is as open and as transparent as it can reasonably be. We have established periodic and in fact regular meetings with its Chief Executive with a view to putting forward some ideas for public consultation. I think Members will have realized that the Hospital Authority, before submitting an annual business plan to the Administration for its endorsement, indeed announces the proposed amendments to its business plans first to the public, probably in consultation with members of the public. And I think some of its operational targets, which are aimed at opening up the work of the Hospital Authority, are always negotiated between the Administration and the Hospital Authority in deciding how best to deliver the services to the people of Hong Kong.

DR CONRAD LAM (in Cantonese): *Mr President, I have received a complaint about the lack of transparency of the Hospital Authority not long ago. Someone very concerned about the services provided by the Eastern Hospital told me that he was not able to get a reply from the hospital when he asked the person in charge to tell him the breakdown of the charges. May I ask the Secretary what will be done to let members of the public know the charges of each hospital and therefore be psychologically prepared for the charges?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I will certainly look into complaints of this kind as raised by the Honourable Member. In respect of complaints, I also receive periodic letters from citizens who write to me and we always take the complaints up item by item. On the complaints itself, I am pleased to share information with this Council that the number of complaints received has gone up, so has the number of appreciation. For example, in 1992-93, the Hospital Authority received 1 632 complaints, as against 2 340 appreciations over the same period. We make sure that individual complaints are individually answered, individually looked into.

As to the general question — I think the second part of the question is, if I understand the question correctly, a very general one — that is to say: how transparent are the fees? I think Members will realize that all the fees charged by the Hospital Authority are gazetted, so by the very act of gazetting there is no question of secrecy. Indeed under section 8(6) of the Hospital Authority Ordinance, the Secretary for Health and Welfare may give directions, in writing, of a general or specific character to the Authority in relation to the determination of fees payable to hospital services and this is really to safeguard our time-honoured policy that nobody should be prevented, either through lack of means or through ignorance — because we do not know how much is involved — from obtaining adequate medical treatment.

Hand massage trade

5. MR HUI YIN-FAT asked (in Cantonese): *While it has become increasingly common for members of the public to receive hand massage service, due to the lack of a management system and appropriate promotion, the proper image of the trade is often being confused with obscene activities operating under different guises. In this regard, will the Government inform this Council of the following:*

- (a) *the number of people presently engaged in the hand massage trade, and how many of them are blind people;*
- (b) *whether consideration will be given to encouraging the hand massage trade to draw up a Code of Practice and operational guidelines for its practitioners, so as to enhance their social image and safeguard the health of such practitioners and their customers; and*
- (c) *whether consideration will be given to setting up a licensing system for persons practising hand massage, so as to establish the social status of the trade and guarantee the quality of service?*

SECRETARY FOR SECURITY: Mr President, as regards the first part of the question, we do not have statistics on the number of people presently engaged in the hand massage trade. According to the Hong Kong Society for the Blind, there are 40 trained blind people engaged in the trade.

As regards the second part of the question, the Government itself has no intention of drawing up Codes of Practice and Operational Guidelines for individual trades. This is best left to trade associations.

As regards the final part of the question, we do not consider it necessary to set up a licensing system for persons practising hand massage. Massage establishments at present are adequately regulated under the Massage Establishments Ordinance.

MR HUI YIN-FAT (in Cantonese): *Mr President, apart from licensing control, has the Administration thought of other ways to clear the confusion that always associates the trade with obscene activities? If not, will the Administration just have their arms folded and do nothing?*

SECRETARY FOR SECURITY: Mr President, yes, it is the purpose of the licensing and control operated by the police to prevent massage establishments becoming vice establishments. This is done in three ways: first, massage establishments are monitored by the police to prevent vice activities from taking place. When an application for a licence is received, the Commissioner of Police must satisfy himself that the applicant is a fit and proper person to hold a licence and all staff engaged by the applicant must be approved by the Commissioner of Police. Secondly, monitoring is exercised by way of licence checks, warnings, use of undercover officers and acting upon reports and complaints. As a result of this monitoring activity, in the past five years, 24 licences have been revoked or not renewed on the grounds that the premises were found to be operating as vice establishments. And thirdly, the police do take action against unlicensed massage parlours. In 1993, some 230 persons were convicted for keeping an unlicensed massage establishment.

Labelling of dispensed medicines

6. MR MICHAEL HO asked (in Cantonese): *The Health and Welfare Branch has recently decided not to introduce legislation for the compulsory labelling of dispensed medicines, and instead to leave it to the medical professions concerned to implement such measure through self-discipline. Will the Government inform this Council:*

(a) *of the reasons for making such a decision;*

- (b) *which professional bodies and community organizations have been consulted prior to making the decision; and*
- (c) *while encouraging the medical professions to formulate a code of self-discipline, why legislation will not be instituted at the same time to ensure the effective implementation of the requirement for the labelling of dispensed medicines?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, the benefits of labelling dispensed medicines are well recognized. In this context, we have progressively introduced drug labelling in government clinics and public hospitals. We have also consistently encouraged health care professionals in the private sector to adopt the practice.

So far, all public out-patient and specialist clinics already have their dispensed medicines labelled. Extension of drug labelling in all medical institutions under the management of the Hospital Authority will be completed by 1994-95. Within the private sector, 12 of the 13 private hospitals in Hong Kong have their dispensed medicines labelled, either as a routine or on the request of doctors or patients. The remaining one hospital will follow suit, in a couple of months' time, this April. According to a recent survey conducted by the Estate Doctors' Association, some 15% of its members label their medicines for patients on a voluntary basis.

As a further step to encourage wider compliance, we have last year consulted all 49 medical, dental and pharmaceutical associations on the feasibility of legislation for mandatory labelling of drugs. It was clear from the consultation that there was overwhelming support by the health care professionals for mandatory labelling. Although many who were consulted preferred mandatory labelling via the vehicle of Codes of Practice. Furthermore, the Medical Council has responded positively by stipulating, on its own initiative, the requirement for labelling of drugs in its code of practice for doctors. This will come into effect on 1 January 1995. It is understood that any medical practitioner found in breach of the requirement will be subject to disciplinary action by the Medical Council under the law. The penalties under which can be very severe indeed. We welcome this initiative and will closely monitor the effectiveness of this approach before considering, if necessary, further legislation. In effect, this approach ensures earlier implementation of drug labelling in the private sector with full co-operation of the medical profession than would have been the case otherwise. Hence, I would like to appeal to all health care professionals to introduce, where relevant, mandatory drug labelling via a vehicle of Code of Practice in the first instance.

Mr President, our aim is to safeguard patient interests. This aim is best served by the joint efforts of the public and private health sectors alike. In my view, legislation should be considered either to give legislative effect to

reinforce good professional practices and/or as a vehicle to enforce measures in the public interest. We have certainly not abandoned this measure.

I believe the subject was discussed at length at this morning's Legislative Council Health Panel meeting and I am grateful for Honourable Member's support to this reasoned and progressive approach that we have adopted.

MR MICHAEL HO (in Cantonese): *Mr President, may I refer to the last paragraph of the Secretary's reply in which she said that the subject had been discussed at length at this morning's Legislative Council Health Panel meeting. Government officials attending the meeting said that they would leave the question until this afternoon when a formal reply would be given. Mr President, if eventually we have mandatory codes of practice on drug labelling, but if the patients and professionals have different views and the former cannot get the latter to amend their codes of practice, then what can the Administration do to ensure that they will respect the patients' right and safeguard their interests?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, in deference to the question itself, I think it is a hypothetical situation. The question of labelling dispensed medicines is not only to benefit the patients themselves but also to benefit the professionals in the way that it provides the correct information to professional people when they examine the type of drugs being taken by the patients. We certainly hope that, with the introduction of a code of practice and subsequent legislative measures, the interests of the people are protected through correct professional practices.

DR LAM KUI-CHUN (in Cantonese): *Mr President, first of all I declare my interest as a private medical practitioner and drug labelling is what I have to comply with. Although the medical profession has decided to introduce a code of practice in this respect, there are pressure groups who doubt the effectiveness of this form of control. Can the Administration inform this Council how the departments concerned will explain to the public the effectiveness of control by way of codes of practice, so as to clear the misunderstanding and allay the concerns of the public?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I believe as from 1 January 1995, all medicines dispensed to patients directly or indirectly by medical practitioners should be properly labelled with the following essential information and as I mentioned in my main reply, that is a monitoring mechanism: name of patient, date of dispensing, trade name or pharmacological name of the drug, dosage per unit, method and dosage of administration and precaution where applicable. There are of course exemptions. For example, medicines for clinical trials would be exempted, with informed consent from

patients. I think the patient and doctor relationship must be a very important one. And here I would like to appeal to every member of our society in his or her own interests to ask as many questions as a patient is entitled to ask, particularly when it concerns his or her health.

DR HUANG CHEN-YA (in Cantonese): *Mr President, we certainly welcome mandatory labelling of medicines. Unfortunately, that is only confined to the practice in clinics. Though drugs with considerable side-effects can only be sold on prescription, one can buy them easily over the counters without being told their side-effects, and they may be harmful to the health of patients. As far as the control of dispensaries is concerned, are there any requirements for dispensaries to label the medicines properly before they sell them? If so, how will the Administration enforce the measure?*

PRESIDENT: Yes, this goes slightly beyond the main question and answer, but do you have an answer for this, Secretary?

SECRETARY FOR HEALTH AND WELFARE: Yes, Mr President, I think it is a very important question indeed. I think the requirement for labelling dispensed drugs applies equally to pharmacists. And in this context we have asked the Pharmacy and Poisons Board to consider stipulating the same requirement for pharmacists and the matter, I believe, will be discussed by the Board at its next meeting in April. And from our discussion with representatives from pharmacists' associations and related bodies, we have been assured of the same sort of support that we have expected from the Medical Council.

DR LEONG CHE-HUNG: *Thank you, Mr President. I also have to declare my interest as a private medical practitioner. I agree with the Secretary that professional self-discipline for the betterment of the public is in many ways better than to have everything enshrined in law. In her reply, the Secretary indicated that the Medical Council will set its own code of practice for mandatory drug labelling by doctors. But besides medical doctors there are other professions who are also dispensing drugs, namely dentists, pharmacists and veterinary surgeons. Now, though she has said that she will appeal to the different professions to do likewise as the Medical Council, will the Secretary ensure that a code of practice in these professions in the direction of drug labelling is introduced also in January 1995, to take effect at the same time so that the public could be well protected and perhaps even animals could be protected, especially dogs because this is the Year of the Dog?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, I think the simple answer to that is I will do my best. And I did say in my main reply that I would appeal to all health care professionals to introduce, where they are amenable, as soon as possible relevant drug labelling mandatory codes of practice. I shy away from answering the question in relation to the veterinarians because I believe the Agriculture and Fisheries Department, under another Secretary, will be responsible for that matter.

MR TIK CHI-YUEN (in Cantonese): *Mr President, at the Health Panel meeting this morning, a Member said the implementation of such measure through self-discipline and legislative work could in fact go hand in hand. But the present position of the Administration is to leave that to professional bodies who may stipulate, on their own initiative, the requirement for labelling of drugs in their codes of practice, before considering further legislation. May I refer to the third paragraph of the main reply in which it is mentioned that "if necessary, further legislation will be considered." Will the Administration explain in detail what it meant by "if necessary"?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, it is not that long ago that I replied in this Council to a similar question. I was then only talking about advisory labelling of dispensed medicine. I refer to Hansard dated 7 February 1990. I have taken advice not only locally but from practices overseas. Not many overseas countries have statutory requirements, so we are in fact in a totally new game. For example, in the United Kingdom, there are no statutory requirements governing the labelling of dispensed medicines. In Canada, by-laws are enacted in each province. In the United States, there are no statutory regulations, as far as we know. Labelling of dispensed medicine is also widely practised in Australia although there are no statutory provisions. I think, to be fair to Hong Kong people, we need everybody to work together, including the co-operation of professionals in Hong Kong. So it is really not a question of before or after, it is a question of what is the correct and more reasoned, measured way in order to attain our objective. And what is our ultimate objective? Our objective is to protect the interests of the patient.

DR CONRAD LAM (in Cantonese): *Mr President, in some advanced countries, in order to better protect the interests of patients, doctors usually only treat patients while the dispensing duties are left to pharmacists and dispensaries. Some of my friends who are private medical practitioners told me that as doctors, they hated doing the extra dispensing work. Will the Secretary advise whether the Administration has any long-term plan in this respect so that doctors only have to look after patients without having to do the dispensing work?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, this is commonly described as "醫藥分家". This is a matter of much debate amongst the health care professionals. The arguments on both sides are balanced. Theoretically the idea has its attractions. It recognizes the professional independence of pharmacists and helps safeguard patient interests by providing a cross-check on prescription of medicines for patients. On the other hand, the present one-stop arrangement has worked very well for Hong Kong for many, many years. It is convenient for the patients and it really helps to ensure clear accountability for proper care and safety of patients. Furthermore, the Medical Council's requirement for mandatory labelling of medicine will facilitate, I think, cross-checking of prescriptions and provide the necessary added safeguard. There are also practical considerations. Hong Kong now has some 875 registered pharmacists and only a small proportion of them are working in the retail outlets. That is according to the information available to me. A much larger number of pharmacists will have to be required if we were to "divorce" the dispensing function from the medical function of a clinic. Therefore, Mr President, no firm conclusion can be drawn today. And I think this matter must be given careful all-round considerations before conclusion, if any, could be reached.

Written answers to questions

Lifts in public housing estates and HOS estates

7. REV FUNG CHI-WOOD asked (in Chinese): *Will the Government inform this Council of:*

- (a) *the total number of lifts that has been installed in public housing estates and Home Ownership Scheme (HOS) estates (including estates under the Private Sector Participation Scheme (PSPS));*
- (b) *the names of all authorized lift contractors of the Housing Department; and*
- (c) *the following information in respect of the past three years:*
 - (i) *the number of lift repair services (excluding regular inspections and maintenance) carried out each year, the average age of the lifts, the total costs of maintenance and repairs of all lifts;*
 - (ii) *the costs involved in the maintenance and repairs of these lifts as a percentage of the annual management fees of HOS estates (including PSPS estates) and of the annual "cost rent" of public housing estates;*

- (iii) *the number of cases in which the lift contractors were in breach of the relevant regulations each year and the details of the penalties imposed; and*
- (iv) *the number of lifts in public housing estates and HOS estates (including PSPS estates) assigned to each authorized contractor for the provision of maintenance and repair services each year?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) There are 4 370 lifts in public rental estates (including 56 in flatted factories) and 968 lifts in HOS courts under the Housing Authority's direct management. The Housing Department does not keep information on lifts in Private Sector Participation Scheme (PSPS) developments since they are developed and managed by the private sector.
- (b) There are a total of 10 approved contractors for lift installation in public housing estates and HOS courts. They are:
1. Chevalier (Hong Kong) Limited
 2. Fujitec (Hong Kong) Company Limited
 3. Goldstar Industrial Systems (Hong Kong) Limited
 4. Hitachi Elevator Engineering Company (Hong Kong) Limited
 5. Kone Elevator (Hong Kong) Limited
 6. Otis Elevator Company (Hong Kong) Limited
 7. Ryoden Lift and Escalator Company Limited
 8. Schindler Lifts (Hong Kong) Limited
 9. Shan On Engineering Company Limited
 10. The General Electric Company of Hong Kong Limited

As regards lift maintenance, there are 13 approved contractors, namely:

1. Chevalier (Hong Kong) Limited
2. Fujitec (Hong Kong) Company Limited
3. Goldstar Industrial Systems (Hong Kong) Limited
4. Hitachi Elevator Engineering Company (Hong Kong) Limited
5. Kone Elevator (Hong Kong) Limited
6. Otis Elevator Company (Hong Kong) Limited
7. Ryoden Lift and Escalator Company Limited
8. Schindler Lifts (Hong Kong) Limited
9. Shan On Engineering Company Limited
10. The General Electric Company of Hong Kong Limited
11. CKP Building Services Systems Limited

12. Brightness Building Services Limited
13. Holake (Hong Kong) Limited

- (c) (i) In 1990-91, a total of 31 654 repair orders on lifts in public housing estates and HOS courts were executed at a total cost of \$11 million, and the average maintenance and repair cost per lift was \$24,712. In 1991-92 and 1992-93, a total of 26 233 and 24 309 repair orders respectively were carried out at a cost of \$24.8 million and \$23.8 million; and the average maintenance and repair cost per lift was \$39,730 and \$47,460 respectively.

As a matter of policy, the Housing Authority replaces all lifts which are more than 20 years old. About 30% of lifts in public housing estates and HOS courts are less than five years old, about 27% are between five and 10 years old; and the rest are between 10 and 20 years old. A figure for the average age of all these lifts is not readily available.

- (ii) The cost of maintenance and repair to lifts as a percentage of the management fees of HOS courts varies from court to court. On average, it accounts for 15-20% of total management fees. In general, the total cost of maintenance and repair to lifts represents 3-4% of total rents collected.
- (iii) Lifts in public housing estates and HOS courts under the Housing Authority's direct management are exempt from control under the Building (Lifts) Regulations. Nonetheless, contractors responsible for maintaining lifts in public housing estates and HOS courts have not been found to be in breach of such regulations in carrying out their work.
- (iv) There are 5 338 lifts serving buildings in public rental estates (including flatted factories) and HOS courts under the Authority's direct management. Their maintenance and repair are shared among 12 approved contractors, with the following distribution:

Chevalier	369
Fujitec	441
Goldstar	14
Hitachi	487
Kone	660
Otis	484
Ryoden	395
Schindler	633
Shan On	419
GEC	857
CKP	38
Otis (Falconi lifts)	541
Total:	<u>5 338</u>

Immigration clearance arrangements

8. MR MOSES CHENG asked: *Drawing the experience from the Chinese New Year holidays, will the Administration inform this Council whether there are plans in hand to make special arrangements for China-bound passengers to clear the immigration procedures at Kowloon Tong or Hung Hom during festival times in order to relieve the pressure at Lo Wu border?*

SECRETARY FOR SECURITY: Mr President, during the recent Chinese New Year holidays, improvements we had initiated to cope with the volume of passengers through Lo Wu went well. Even though the flow was the busiest ever, with 14% more passengers than in 1993, it was also the smoothest in recent years. We achieved this by:

- (a) opening the border one hour earlier on 7, 8 and 9 February;
- (b) manning all of the 44 counters in the Lo Wu departure hall, by redeploying staff from elsewhere; and
- (c) introducing a contra-flow system, whereby as necessary arrival counters were used to process departure passengers and vice versa on the return journey, in order to match the peak flows in each direction.

These arrangements will now be considered for use at other busy holiday periods.

There are no plans to provide immigration clearance for China-bound passengers at Kowloon Tong; we wish to reduce Kowloon Tong's role in cross border passenger movement.

Hung Hom is the proper terminal for through train cross border travellers and we are planning improvements, in co-operation with the KCRC. We already have immigration clearance arrangements at the through train terminal to handle passengers proceeding to Guangzhou or Foshan. This year the KCRC made extra use of this facility by operating one additional charter express train to Lo Wu on a daily basis between 7 and 13 February. Although the patronage was not great, the KCRC intends to continue to operate these charter express trains during festival periods and to give them greater publicity. Beyond this, a new station at Hung Hom is being built, and it will include a bigger immigration hall with additional counters. This is expected to be completed in 1995-96.

We are also making improvements to relieve the pressure at Lo Wu. An additional 70 staff are to be provided in 1994-95 to man the extension to Lo Wu Terminal, which is due to be completed then. This will increase the number of immigration counters at Lo Wu from 88 to 160. An Immigration Task Force

of 46 staff, will also be established this year to deal with special investigations, and to reinforce Lo Wu and other control points during busy periods.

Differential Global Positioning System

9. MR PETER WONG asked: *Will the Administration inform this Council whether there are plans to install a land-based reference station and broadcast transmitter for Differential Global Positioning System (DGPS) to enable the DGPS equipment to be used by the civilian vessels for positioning which enhances safety of mariners?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, Differential Global Positioning Systems (DGPS) are widely used as an electronic navigational aid. The system relies on a land-based reference station broadcasting radio signals which enable a vessel to locate more accurately its position by cross-reference to satellites. DGPS is also extensively used in many other areas such as land surveying and vehicle tracking.

The Administration recognizes the value of DGPS in navigation, survey, and related functions, and is considering the installation of a land-based reference station and transmitting equipment under the auspices of the Hong Kong Hydrographic Office when this is established later this year. The Director of Civil Engineering, Director of Marine, together with the Telecommunications Authority (TA), are currently examining the technical and operational implications of establishing and operating the system.

Four licensed DGPS systems for private use by shipping or dredging companies are already operational in Hong Kong. There is also the potential for DGPS to be offered on a commercial basis as a public telecommunications service. The TA is prepared to license operators should they come forward.

Firearms and Ammunition Ordinance

10. MR JAMES TO asked (in Chinese): *In respect of the Firearms and Ammunition Ordinance (Cap. 238), will the Government inform this Council:*

- (a) *how many arms and ammunition dealers were prosecuted over the past three years for failing to keep an accurate record of the transactions of arms and ammunition and the quantity in their possession; how many of them were convicted and what were the penalties imposed;*
- (b) *how many times did the police inspect the registers of arms and ammunition of shooting clubs over the same period; what measures did the police take during their inspection to ensure that the records*

kept were accurate (including information on the quantity of cartridges spent); and

- (c) *what criteria are adopted by the police in vetting the types of arms and ammunition included in a dealer's application for a licence; whether the police will review the safety standards of powerful arms and ammunition and lay down more stringent licensing conditions in this respect?*

SECRETARY FOR SECURITY: Mr President,

- (a) Over the past three years, no arms and ammunition dealers have been prosecuted for failing to keep an accurate record of transactions in arms and ammunition or the quantity in their possession.
- (b) The police inspect the registers of arms and ammunition of shooting clubs which keep their own armouries at least once a year. Where necessary, police divisional commanders increase the frequency of inspections to quarterly or monthly, depending on the circumstances.

During inspections, the police count the arms and ammunition and verify the particulars recorded in the registers against the items stored in the armoury.

- (c) The police issue an arms and ammunition dealer's licence under the Firearms and Ammunition Ordinance only if the dealer can demonstrate that there is a legitimate need for the firearm in Hong Kong; for example, for pursuing shooting of a particular type of firearm as a sport. At present, dealers may deal only in harpoon guns, crossbows, air guns, pistols, revolvers, rifles (but not fully — or semi-automatic rifles) and shotguns, for which the police issue licences of possession. An exception is that an arms dealer may be permitted to take possession of a wider selection of arms (including automatic weapons) for them to be modified for film shooting; these weapons can be used only for film shooting after examination by the Police Ballistic and Firearms Identification Bureau.

Each application for possession of a particular type of firearm, or for dealing in such a firearm, will be considered on its own merits. If a licence for possession is subsequently issued, it is issued subject to terms and conditions as the Commissioner of Police thinks fit. Conditions are imposed primarily with the public interest in mind and invariably relate to safety and security.

New coins

11. MR TAM YIU-CHUNG asked (in Chinese): *Regarding the issue of the new coins bearing the bauhinia emblem, will the Government inform this Council whether consideration had been given to:*

- (a) *the percentage of iron content in the alloy of the coins and the adaptability of these coins to current vending machines when they were minted; if so, why are the new coins not suitable for use with some of such machines; and*
- (b) *the inconvenience that might be caused to the public in carrying the coins around when making the decision to replace the existing \$10 notes by the new coins?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) As with any new coin, existing vending machines will need to be adapted to accept the new \$10 coin, regardless of the metal content of the coin. The Hong Kong Monetary Authority is working closely with representatives of both the operators and the suppliers of vending machines with a view to ensuring that the \$10 coin will be accepted by vending machines from its introduction. There is no iron content in the new \$10 coin.
- (b) The new \$10 coin is lighter in weight than the existing \$5 coin. (The former weighs 11 grammes and the latter weighs 13.5 grammes.) The inconvenience that might be caused to the public in carrying the \$10 coin should, therefore, be minimal. Furthermore, the circulation of \$20 notes will be increased so members of the public will have a choice of the convenience of carrying bank notes in a higher denomination instead of coins if they so wish.

China's Most Favoured Nation status

12. MR JAMES TIEN asked (in Chinese): *In view of the United States' forthcoming review of whether to renew China's Most Favoured Nation (MFN) status unconditionally, will the Government inform this Council:*

- (a) *whether it has, after the renewal of China's MFN status last year, reassessed in the light of the latest economic and commercial developments in Hong Kong, what substantial impact will be caused to Hong Kong's economy should China fail to secure the unconditional renewal of its MFN status this year;*

- (b) *given that the Governor in his policy address and the Financial Secretary at various public occasions have both pointed out that as compared with last year, it will be more difficult for China to secure the renewal of its MFN status this year, what work and lobbying the Government has actually done to ensure that our economy will not be seriously affected should China fail to secure the renewal of its MFN status this year;*
- (c) *whether it has provided a detailed analysis for the industrial and commercial sectors, giving a forecast of our overall economic development in the event of the successful renewal of China's MFN status and analysing which sectors of our economy will be the hardest hit should the renewal bid fail, so that the industrial and commercial sectors, with more information available, can map out their long-term development plans; and*
- (d) *what it will do to assist the affected factory operators should China fail to secure the renewal of its MFN status this year?*

SECRETARY FOR TRADE AND INDUSTRY: Mr President, the information sought by the Honourable Member is set out below:

- (a) An updated assessment of the impact on Hong Kong's economy should China lose its Most Favoured Nation (MFN) status in the United States, based on 1993 trade statistics, is being prepared and will be available in March 1994.
- (b) The Hong Kong Government continues to support the unconditional renewal of China's MFN status. Lobbying for such renewal has by now become a regular part of the work of our Economic and Trade Office in Washington. In this connection, the main task of my colleagues in Washington is to ensure that the damaging impact of MFN revocation on Hong Kong's economy is conveyed to relevant members of the United States Administration and as many members of the United States Congress as possible. In carrying out this task, my Washington colleagues co-operate closely with a coalition of United States businesses which have an interest in trading with or investing in China. Such efforts are supplemented each year by visits to Washington by Hong Kong Government officials. In addition, the Government also co-ordinates the visits to Washington of prominent Hong Kong personalities as well as lobbying missions comprising representatives of Hong Kong's trade and industrial organizations; and assistance is provided to them on the spot by my Washington colleagues. The programme of visits in connection with MFN renewal in 1994 is under consideration.

- (c) The degree to which individual sectors of Hong Kong's economy may be hurt would depend on the extent of their involvement in the re-export trade between China and the United States and in the production in China of goods for consumption in the United States. In view of the close inter-relationship between the sectors involved, the possible damage to individual sectors would be difficult to estimate separately and the economic impact assessment carried out by the Government does not go beyond an estimate of the overall economic impact.
- (d) In line with our economic philosophy of minimum interference in the operation of market forces, we believe that decisions on how best to adjust to changes in the business environment should be left to businessmen themselves. In any case, given the degree of economic inter-dependence between Hong Kong and China, it is not possible to envisage any action on the part of the Hong Kong Government which would have the effect of insulating any Hong Kong businesses involved from the impact of China's loss of MFN.

Outline Zoning Plans

13. MR EDWARD HO asked: *With regard to the revised density controls in Kowloon introduced recently through amendments to the relevant Outline Zoning Plans (OZPs), will the Government inform this Council of the reasons for:*

- (a) *the disparity in length of time allowed for raising objections to the different OZPs; and*
- (b) *the imposition of controls through amendments to the OZPs rather than the Buildings (Planning) Regulations?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) The period for raising objections to Outline Zoning Plans (OZPs) is governed by the Town Planning Ordinance and depends on the status of the particular OZP. If an OZP is a new one or has been referred back to the Town Planning Board for amendment by the Governor in Council under sections 9(1)(c) or 12(1)(b)(ii), amendments to it need to be gazetted under section 5 of the Ordinance and exhibited for public inspection for a period of two months. However, if it is an amendment plan to amend one already exhibited under section 5 but not yet submitted to the Governor in Council under section 8, amendments will be gazetted under section 7 with a three-week public inspection period.

- (b) OZPs deal with the overall layout, land-use and planning of an area and may set development limits in the form of plot ratio restrictions for different land uses and for different areas having regard to such matters as the provision of infrastructure, planning considerations and environmental factors. It is therefore appropriate to impose revised density controls on Kowloon and New Kowloon through amendments to OZPs. The Buildings (Planning) Regulations serve a different purpose in that they govern the integrity of a particular structure, the safety of the building, the standard of fire fighting equipment and so on. The Administration made clear and the Legislative Council acknowledged on 7 November 1991 that density control in Kowloon and New Kowloon would be imposed by amending OZPs when the Secretary for Planning, Environment and Lands moved a motion seeking an extension of the Temporary Control of Density of Building Development (Kowloon and New Kowloon) Ordinance until 31 December 1993.

Housing sites in Junk Bay

14. MR LEE WING-TAT asked (in Chinese): *Will the Government inform this Council of the respective manner, terms and price of granting the sites in Junk Bay to the Housing Society for the construction of housing estates for rental/sale purposes (excluding sandwich class housing scheme)? Please state the market value of the sites concerned.*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, the site in Area 19B of Tseung Kwan O will be granted to the Hong Kong Housing Society by private treaty for the purposes of constructing rental flats and flats for sale together with a proportionate amount of supporting commercial floor space. The site has an area of about two hectares and the proposed domestic gross floor area is about 144 000m² and the supporting commercial floor space about 1 400m².

The premium for the site will be calculated on the basis of one-third of the full market value for rental flats, one-half of the full market value for flats for sale, and the full market value for commercial floor space in accordance with established policy. Because the site will be granted at a concessionary premium in respect of the residential portions, the Society will be required under the conditions of grant to offer the flats for sale on terms similar to the Housing Authority's Home Ownership Scheme.

The premium and market value of the site have not yet been assessed and the housing mix between rental and sales has not yet been decided upon.

Immigration offences

15. MS ANNA WU asked: *Will the Government inform this Council of cases of immigration offences which failed to be brought to court or failed in court on account of an inability to secure the attendance of witnesses from China or on account of attacks on the credibility of evidence by reason of lengthy detention of witnesses under the Immigration Ordinance?*

SECRETARY FOR SECURITY: Mr President, we do not have records of the number of cases which have not been brought to court because of a decision not to seek the detention of a witness. Nor do we have figures of cases which have failed in court for lack of such a witness.

We are aware of a case in 1993, when a magistrate ruled that the evidence of an illegal immigrant (II) found working on a construction site was essential to prove his status and hence for the prosecution of the site controller. The site controller was therefore acquitted because the II was not available, having been repatriated. This particular problem has now been resolved; section 63A of the Immigration Ordinance was amended by the Immigration (Amendment) Ordinance 1993, which allows for the proof of an II's status by means of a certificate.

We are not aware of any problems caused by attacks on the credibility of the evidence of a witness by reason of his or her detention under the Immigration Ordinance.

Security measures in police stations and police staff quarters

16. MRS SELINA CHOW asked: *In relation to the recent burglaries that broke out in a police station and in a police staff quarter where a police uniform and revolver(s) have been stolen, will the Government inform this Council:*

- (a) *of the security measures in police stations and police staff quarters; and*
- (b) *whether improvements have been made to these measures in the light of these burglaries?*

SECRETARY FOR SECURITY: Mr President,

- (a) (i) Police formation commanders issue instructions and orders governing the general security of police stations. These instructions and orders include procedures to be followed by police officers and other staff in police stations to ensure the

security of offices, equipment, firearms, ammunition, documents and valuables; they are reviewed regularly.

- (ii) There are specific Police General Orders for police officers to follow in police station armouries and, in particular, for the security of personal issue weapons.
 - (iii) Access to police stations is, in many cases, controlled by police officers on gate guard duty. Disciplined staff in police report rooms are also responsible for overseeing the security of the police station.
 - (iv) At the design stage of new police stations, security is one of the major factors taken into consideration when preparing the layout and accommodation plan.
 - (v) Security measures for police quarters differ, depending on where they are situated. Some purpose-built police quarters are located adjacent to police stations. Where access to these quarters is via the adjacent police station, then entry and exit is controlled by the station gate guards. For police quarters in public housing estates, private housing estates, or isolated residential blocks, the estate management or the property management agency appointed by the Government will be responsible for security. Police Regional Crime Prevention Officers can give advice to property or estate management staff to improve and maintain appropriate security for police quarters, and, where necessary, require them to make improvements.
- (b) The police investigate thoroughly all cases of theft or loss of police arms, ammunition or equipment, irrespective of where the theft or loss has occurred. The investigations into the two recent cases involving the theft of a police uniform and a personal issue revolver do not indicate any inadequacy in police orders for security or security measures. Therefore, no immediate changes have been made. However, the Force keeps under regular review security measures and orders to ensure that they are adequate and properly administered.

Film Standards Survey

17. MR ERIC LI asked (in Chinese): *At the Eastern District Board meeting on 22 July 1993, an official of the Recreation and Culture Branch stated that a survey would be completed by the end of 1993 to find out the extent to which people would accept objectionable and indecent elements in films and posters. Will the Government inform this Council:*

- (a) *of the findings of the survey;*
- (b) *whether the survey covers pornographic computer software; if not, whether a separate survey on this particular article will be conducted;*
- (c) *whether the existing Control of Obscene and Indecent Articles Ordinance (Cap. 390) will be amended in the light of the findings of the survey; if so, when the relevant Bill will be introduced to this Council; and*
- (d) *if the Government has not yet conducted or completed such a survey, what the reasons are?*

SECRETARY FOR RECREATION AND CULTURE: Mr President, the purpose of the Film Standards Survey referred to by the Honourable Eric LI is to collect public opinion on the present film censorship system and standards. The Administration took the opportunity to also solicit public views on film posters.

The field work for this Survey was completed at the end of 1993 as scheduled. The independent research firm commissioned to conduct the survey is now tabulating, analysing and interpreting the data collected. The final report should be ready by the end of March. The Administration will brief the Recreation and Culture Panel of this Council on the findings once they are available.

The Film Standards Survey is conducted every two years mainly for the purpose of ascertaining whether the censorship standards adopted by the Television and Entertainment Licensing Authority (TELA) reflect standards of morality and decency prevailing in the community at the time.

This survey does not cover pornographic computer software or any other obscene or indecent articles as these are subject to regulation under the Control of Obscene and Indecent Articles Ordinance (COIAO) and are not governed by the Film Censorship Ordinance (FCO). The Honourable Eric LI may wish to note that the authority under the COIAO is the Obscene Articles Tribunal (OAT), a judicial body consisting of a Presiding Magistrate and at least two lay adjudicators, and not the Television and Entertainment Licensing Authority. The standards for determining obscene and indecent articles are set, not by TELA, but by the OAT having regard to the criteria laid down in the COIAO.

The Administration has no plans to conduct any survey to gauge public opinion on pornographic computer software or other similar articles as the initiative for such an exercise should come from the OAT. However, the Administration will continue to take strong enforcement action and the police and TELA have, in the past nine months, seized 2 500 pieces of pornographic

computer software and charged four persons as a result. These cases are pending hearing by the court.

As the Film Standards Survey deals mainly with films, any resulting amendment will be made principally to the Film Censorship Ordinance and not to the COIAO. Even there, it is too early to say whether any amendment is necessary to the FCO until we have the survey findings to hand.

Sandwich Class Housing Loan Scheme

18. MR VINCENT CHENG asked: *Will the Government inform this Council:*

- (a) *of the number of applications received under Phase I of the Sandwich Class Housing Loan Scheme;*
- (b) *of the number of applications approved and, of these, the number of applicants who have bought a flat under the Scheme; and*
- (c) *when the second phase of the Scheme will begin and whether there will be modifications as to the eligibility criteria and other details of the Scheme?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) Under Phase I of the Sandwich Class Housing Loan Scheme, 3 545 applications were received.
- (b) So far, 388 applications have been approved and 79 applicants have purchased flats under the Scheme. The Phase I processing will be completed by the end of March.
- (c) Applications for Phase II of the Scheme will be invited in April 1994. Based on the experience of Phase I, it is likely that the eligibility criteria and other aspects of the Scheme will be modified. Consultation on possible modifications is currently taking place. (The Legislative Council Housing Panel was consulted on 22 February 1994).

Re-employment of locally enlisted British military staff

19. MR JIMMY MCGREGOR asked: *Will the Government inform this Council of any measures taken, in co-operation with the British military authorities, to assist in re-employment of locally enlisted staff of British military establishments which are being run down by 1997?*

SECRETARY FOR SECURITY: Mr President, the British Forces in Hong Kong employ some 3 300 Hong Kong residents of whom about 1 300 are serving members of the Royal Navy and the army. The remainder are civilians who provide support services.

Headquarters British Forces, as the employer of these people, has established resettlement teams to assist in managing the rundown in their employment and in identifying employment opportunities for them when they leave. The Hong Kong Government does not have any special schemes for giving priority entrance to former employees of the British Forces for vacancies either in the Royal Hong Kong Police Force or elsewhere in the Civil Service. But they are very welcome to apply, and to compete with other applicants. And there are also many other opportunities for them in Hong Kong's buoyant labour market.

Motions

FIXED PENALTY (TRAFFIC CONTRAVENTIONS) ORDINANCE

THE SECRETARY FOR TRANSPORT moved the following motion:

"That, with effect from 1 June 1994, \$320 is prescribed as a fixed penalty for a contravention of any of the provisions of section 4, 5, 6, 7, 8, 9, 10 or 11(1) of the Fixed Penalty (Traffic Contraventions) Ordinance."

He said: Mr President, I move the motion standing in my name in the Order Paper which seeks to increase the fixed penalty fine for illegal parking and related offences.

The existing \$200 fixed penalty for such offences was set in 1989. It no longer has a sufficient deterrent effect. This is illustrated by the substantial increase in illegal on-street parking and stopping which result in obstruction.

The last adjustment was made nearly five years ago, we therefore propose to increase the fixed penalty from \$200 to \$320, in line with the rise in inflation, with the aim of restoring its real value and deterrent effect. Subject to this motion being carried, the increase would take effect from 1 June 1994.

Question on the motion proposed.

MRS MIRIAM LAU (in Cantonese): Mr President, the number of vehicles in Hong Kong has been increasing consistently in step with economic growth. But at the same time, the problem of illegal parking has been aggravating, too. It is, therefore, only reasonable of the Administration to propose an increase in penalty fines for illegal parking and related offences, because the existing rate has not been adjusted for five years. The deterrent effect of these fines has been

off set by inflation. But the 60% substantial increase proposed by the Administration will indeed exert heavy pressures on car owners or motorists, professional drivers in particular. No wonder some critics have accused the Administration of fleecing the public.

Although the proposed rate of increase is very high, the problem of illegal parking is so very serious that it frequently leads to traffic congestion and accidents. The Administration must address this problem squarely. The Liberal Party does not approve of or acquiesce in any illegal acts. And since penalty fines are directed at offenders, the Liberal Party does not object to the current increase. But I wish to make use of this opportunity to analyse some problems reflected by this increase proposal.

- (1) The major factor contributing to illegal parking is the insufficient number of parking spaces. That the distribution of parking spaces has become a problem can be attributed to the increase of parking spaces having gone out of step with the continuous increase in the number of vehicles in Hong Kong. This is exemplified by the latest speculation in parking spaces and rocketing rentals for carpark spaces. Some car owners or motorists who park their cars illegally, open to receiving "tickets", will treat the eventual penalty fines, if any, as fees for renting a parking space. Moreover, some car owners simply have no choice but to park their cars in the streets for they practically cannot find any proper parking spaces. So unless supplemented by measures that can solve the problem of insufficient parking spaces, the increase in penalty fines will achieve a short-term effect only. Will the Administration increase the fines again when the difference between the fines and parking charges diminishes again or when the problem of illegal parking remains not solved? The result could be a vicious circle in which the fines keep increasing while the problem still remains, thus forming an ever increasing burden on car owners financially.
- (2) Since an increase in penalty fines cannot effectively solve the problem of illegal parking, while the insufficient number of parking spaces is an important factor contributing to illegal parking, increasing the number of parking spaces is therefore the only solution that can eliminate the problem for good. All very often the Administration says it can hardly provide more parking spaces given the serious shortage in land resources. But I think it is merely shirking its responsibility. An excellent communications network is conducive to Hong Kong's economic development. While it is the Administration's responsibility to promote economic development, it is also its responsibility to formulate policies to solve problems of transport, including parking spaces, brought about by economic development.

- (3) Solving the parking space problem is not something that can be done overnight. Therefore, to solve the problem effectively, I think the Administration has to formulate some short-term measures supplemented by a long-term strategy. In the short term, the Administration should find as much land as possible to provide some additional temporary carparks so as to meet the demands for parking spaces. But in the long term, having increased its revenue, the Administration should take the lead in actively investing in the provision of parking spaces. At the same time, it should also encourage private developers to develop more multi-storey carparks, in order to reduce the financial pressure faced by the Administration in this respect. In remote places where transport infrastructure support is lacking, many residents have to buy their own private cars as a means of transport. Therefore, the Administration should speed up the development of mass transport systems to cover such areas, thus meeting the residents' demands for transport as well as reducing their need to drive. This is the long-term solution.

With these remarks, Mr President, the Liberal Party accepts the penalty increase proposals with reluctance and in a critical manner.

SECRETARY FOR TRANSPORT: Mr President, I thank the Honourable Miriam LAU for supporting the motion even though the support given is somewhat reluctant.

She has mentioned that the proposed increase in fixed penalty fines is perhaps too high. Yes, this is so in percentage terms alone. But it has got to be remembered that no adjustment has been made for five years. May I reiterate that all that is being proposed is to apply the inflation factor so as to restore the deterrent effect and to bring the fine back to current day dollar terms. I reassure Members that this is not a revenue-raising proposal but is designed to deal with the illegal parking problem.

As regards car parking, the Administration is now addressing this problem. The Transport Department is considering short-term measures. For example, sites are identified and let on short-term tenancies to provide for more parking space. The Government also has plans to provide more multi-storey carparks which will provide some 6 000 additional places in the coming years. But in the meantime, I submit that the illegal parking problem has to be dealt with and I encourage Members to vote for the motion.

Thank you, Mr President.

Question on the motion put and agreed to.

FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

THE SECRETARY FOR TRANSPORT moved the following motion:

"That, with effect from 1 June 1994, the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance be amended -

- (a) in items 1, 3, 4, 5, 7, 9, 9A, 15, 18 to 22, 28, 30 to 34, 37, 38 and 40 to 52 by repealing "\$200" and substituting "\$320";
- (b) in items 2, 2A, 2B, 6, 8, 10 to 14, 16, 17, 23, 25, 26, 27, 29, 35, 36, 56 and 57 by repealing "\$280" and substituting "\$450";
- (c) in items 39, 53, 54 and 55 by repealing "\$140" and substituting "\$230";
- (d) in item 45 by adding -

"45A.	Regulation 36(1)	Taxi driver of first or second taxi at a taxi stand not sitting in or standing beside his taxi	\$320".
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He said: Mr President, I move the motion standing in my name in the Order Paper. This seeks to increase the levels of fixed penalty fines for moving traffic offences and to include a new item in the schedule.

Over the past few years, there has been a vast increase in moving traffic offences, for example, driving in excess of speed limits and crossing double white lines. The police are very concerned and now spend a disproportionate amount of time in attempting to contain the situation. One reason is because the deterrent effect of the existing level of fixed penalty fines which were set in 1989 has been eroded. We therefore propose to restore their value in line with inflation by increasing the fixed penalty fines from \$140 to \$230, from \$200 to \$320 and from \$280 to \$450 respectively for the different categories of moving offences.

Under existing law, the drivers of the first or second taxis at a taxi stand are required to sit in or stand beside the taxi so as to be ready for immediate hire. Failure to comply is an offence and it is proposed that this should be the subject of a fixed penalty fine so as to reduce the burden of the police and the time of the courts. The Administration proposes that this offence should carry a fixed penalty fine of \$320 which is pitched at the same level as fixed penalty fines for other taxi-related offences. The intention, Mr President, is that all these fines should take effect from 1 June this year.

Question on motion proposed, put and agreed to.

First Reading of Bills

CRIMINAL JURISDICTION BILL

TELECOMMUNICATION (AMENDMENT) BILL 1994

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

Second Reading of Bills

CRIMINAL JURISDICTION BILL

THE ATTORNEY GENERAL moved the Second Reading of: "A Bill to make provision about the jurisdiction of courts in Hong Kong in relation to certain offences and for connected purposes."

He said: Mr President, I move that the Criminal Jurisdiction Bill be read a Second time.

The purpose of this Bill is to extend the ability of courts in Hong Kong to try persons for certain offences of fraud and dishonesty that have a connection both with Hong Kong and another place. At present, the law regards an offence as being committed where the last act or event necessary for its completion took place. As a result, it is often not possible to prosecute persons in Hong Kong for frauds committed outside Hong Kong, even though they have a real connection with Hong Kong. This is because the law often regards these offences as having been committed abroad. It is possible therefore, to plan and organize in Hong Kong the commission of offences elsewhere, safe from prosecution here.

Mr President, let me give an example: a person publishes an advertisement in Hong Kong, inviting people to invest in a non-existent property in Australia by paying money into an Australian bank account. There will be no offence committed in Hong Kong if the criminal withdraws the money in Australia and brings his ill-gotten gains back to Hong Kong. This is because the last act, that is, the obtaining of the proceeds, took place abroad. At present, our courts would have no jurisdiction to try the offence.

Similar jurisdictional problems may arise if a person in Hong Kong attempts to commit an offence elsewhere, or conspires or incites another to commit an offence abroad. At present, there is no power to try a person in Hong Kong on a charge of, say, conspiracy to defraud, where the fraud is to take effect in another place. Hong Kong is an international financial and commercial centre. The people of Hong Kong are proud of its standing and status. We cannot allow Hong Kong's reputation to be tarnished by allowing

fraudsters in Hong Kong to plan frauds in other places, safe from prosecution here.

Mr President, it is unacceptable that our courts should be unable to deal with the situations I have referred to. The rules relating to the jurisdiction of our courts would develop at a time when the global financial marketplace and modern, sophisticated means of transferring money did not exist. Those rules have not evolved to deal effectively with international fraud, which often involves complex operations designed to conceal dishonest conduct and to make detection and conviction as difficult as possible.

The Bill is designed to overcome these problems. It applies to two groups of offences. The offences that are listed in the Bill as Group A offences are broadly the offences of theft, obtaining by deception, false accounting, making certain false statements and blackmail under the Theft Ordinance (Cap. 210), and forgery under Part IX of the Crimes Ordinance (Cap. 200). The Group B offences in the Bill are conspiracies, attempts and incitements to commit any of the Group A offences, and the offence of conspiracy to defraud. There is provision in the Bill for the list of offences to which it applies to be amended by an order that has to be approved by this Council. Additional offences may, therefore, be included in the legislation if experience shows that it is desirable and necessary to do so.

In relation to the Group A offences, that is the substantive offences involving fraud or dishonesty, the Bill will enable Hong Kong courts to try those offences if any event that must be proved in order to obtain a conviction in respect of them took place in Hong Kong.

In relation to the Group B offences, the Bill provides that our courts shall have jurisdiction if there is a conspiracy, attempt or incitement in Hong Kong to commit one of the specified offences elsewhere, and vice versa.

But, in giving Hong Kong courts jurisdiction in respect of conspiracies, attempts and incitements to commit offences elsewhere, the Bill provides important safeguards. The intended conduct abroad must be such that, if performed in Hong Kong, it would amount to an offence specified in the Bill and in addition, the conduct must be punishable under the law in the other place.

Mr President, the approach of the Bill is similar to that in the English Criminal Justice Act 1993, which implemented recommendations made by the English Law Commission. The Bill proposes to improve the administration of justice in Hong Kong by rendering fraudsters liable to prosecution where their activities, or the consequences of their activities, are connected with Hong Kong.

Mr President, I commend the Bill to the Council.

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

TELECOMMUNICATION (AMENDMENT) BILL 1994

THE SECRETARY FOR ECONOMIC SERVICES moved the Second Reading of: "A Bill to amend the Telecommunication Ordinance."

He said: Mr President, I move that the Telecommunication (Amendment) Bill be read a Second time.

The propose of this Bill is to increase the maximum fines for various offences under the Telecommunication Ordinance and its subsidiary legislation. These offences relate mainly to the illegal establishment of means of telecommunication, the sale or demonstration for sale of any radio communication equipment without a licence, and the use of apparatus which causes interference to the workings of telecommunication equipment. The offences may not appear serious in themselves, but they can have very serious consequences in terms of affecting communication by emergency services or by ships or aeroplanes, or by damaging licensed commercial services.

Fines under the Ordinance were first set in 1963 and have not been revised since then. The proposed increases, broadly in line with inflation, are necessary to restore deterrent effect. Over the past six years the number of convictions under section 8 of the Ordinance rose from 141 to 641 per annum, an increase of nearly five times. For the most part this increase was accounted for by unlicensed use or unauthorized modification of radio equipment in taxis and goods vehicles. We believe that the proposed revision in fines will have a significant effect in deterring this category of offenders.

In addition, clause 15 of the Bill proposes to increase the maximum fines for offences under regulations made under the Telecommunication Ordinance from the current \$2,000 to \$20,000. This is to enable the fines for similar offences under the Telecommunication Regulation and Telecommunication (Control of Interference) Regulation to be increased in line with those being proposed for the principal Ordinance.

With these remarks, Mr President, I commend the Bill to the Council.

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

ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL 1993

Resumption of debate on Second Reading which was moved on 15 December 1993

Question on Second Reading proposed.

MR ANDREW WONG (in Cantonese): Mr President, the Bill before us cover five main proposals:

- (1) adoption of the "single seat, single vote" voting method for all three tiers of geographical constituency elections;
- (2) a lowering of the minimum voting age from 21 to 18;
- (3) removal of the restriction on candidature and membership as applied to Hong Kong residents who are members of the central or local legislative organs of the People's Republic of China;
- (4) abolition of all appointed seats in the municipal councils and the district boards, retention of district board representatives in the municipal councils, and retention of *ex officio* seats of the Chairman and Vice-Chairmen of the Heung Yee Kuk in the Regional Council as well as those of the chairmen of rural committees in the New Territories district boards; and
- (5) an increase in the number of elected members in the municipal councils. (The Urban Council would have 32 while the Regional Council would have 27 directly elected seats)

In scrutinizing the Bill, the Bills Committee had concentrated mainly on the technical aspects. It was reckoned that Members would hold different views on the principles covered in the Bill, and would no doubt take the opportunity today to express their views.

The Bills Committee had suggested to the Administration that some of the existing electoral provisions should be reviewed. One of these is the Governor's involvement in the cessation of office of elected Members of this Council. Most of these current functions and powers of the Governor are apparently attributable to his former position as President of this Council. The Administration has agreed to review and seek appropriate amendments to the existing legislation in due course.

Another issue is the disqualification provision relating to "salaried" functionaries (or salaried representatives). (Clauses 9, 31 and 44 of the Bill.) Some Members were concerned that in view of the special relationship between non-salaried functionaries (such as honorary consuls, foreign government representatives) and their respective governments, conflict of interest situation might arise if these functionaries were allowed to stand for elections. The Administration agreed to look at this aspect.

At Members' request, the Administration also agreed to consider closing the statutory voter registration as close as possible to the date of election, and to review the appropriateness of the quorum for the municipal councils at one-fourth of the total number of members of the council.

Members took the opportunity to seek clarification on the provision regarding the qualification for nomination as a candidate. Section 18 (2) of the Electoral Provisions Ordinance stipulates the residence requirement, that the person has to be "ordinarily resided in Hong Kong for the 10 years immediately preceding the date of his nomination". The Administration advised that the determination of whether a person has met such residence requirement will depend on the facts of the individual case. Under the existing electoral law, a formal decision on the validity of nomination of candidate cannot be taken until a vacancy is formally declared, a nomination paper and the candidate's consent have been put forward, and a returning officer for a particular election is appointed.

Members were concerned that a person's eligibility for candidature should be established before an election. On this, the Administration responded that if a prospective candidate wishes to seek clarification on his residence qualification, he may provide details to the Registration and Electoral Office, and the view given will be conveyed to him on a strictly without prejudice basis. Besides, the prospective candidate may apply to the court for a declaration of his residential status. Members were not fully satisfied with the response and had decided to refer the issue to the Constitutional Development Panel of this Council for further discussion. The issue is being discussed by the Panel now.

The Bills Committee had also suggested a few technical amendments to the Bill. The major amendments are as follows: to change the date of the Electoral Provisions (Miscellaneous Amendments) (No.2) Bill from "1993" to "1994"; to add a new part to the proposed Section 6A, which will spell out expressly the requirement for a poll to be counted when an election is contested and the voting at that poll should be by secret ballot; and the word "whether" will be added before "central or local" in the English text so that the meaning of the provision will be clearer.

Mr President, with these remarks, I support the Bill.

MR ALLEN LEE (in Cantonese): Mr President, today's debate on the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993 has evoked many memories in me. I remember that on 26 September 1984 the Chinese and British Governments officially announced, "The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China have reviewed with satisfaction the friendly relations existing between the two Governments and peoples in recent years and agreed that a proper negotiated settlement of the question of Hong Kong, which is left over from the past, is conducive to the maintenance of the prosperity and stability of Hong Kong and to the further strengthening and development of the relations between the two countries on a new basis." These are the words in the beginning of the Sino-British Joint Declaration. The Chinese and British Governments did solve the important question of the future of Hong Kong by way of negotiations. From then on, Hong Kong has entered the transitional

period of the transfer of sovereignty and launched a series of unprecedented political reforms.

Officials of the British Government have long emphasized to us the importance of the convergence of political systems. Mrs Margaret THATCHER, Sir Geoffrey HOWE and Mr Douglas HURD have repeatedly made such an emphasis to the people of Hong Kong and have also stressed that the Chinese and British Governments have to co-operate with a view to ensuring a smooth transition. Today, in the absence of an agreement after 17 rounds of talks between the Chinese and British Governments, this Council is debating on the first part of the political reform package. But will the arrangements of this part of the package as well as those of the second part, which will soon be discussed by this Council, be scrapped after 30 June 1997? It may now be too early to draw any conclusion, but there is every indication that China will remove the entire election system on 1 July 1997 and conduct another election.

The Liberal Party firmly believes that the people of Hong Kong have always expected that the Chinese and British Governments can resolve the dispute over the electoral system by way of negotiations in order to have a smooth transition. The findings of an independent survey were published in the *South China Morning Post* the day before yesterday, indicating that 69% of the respondents thought that China and Britain would re-open the talks. Like most of the public, we earnestly hope that the two Governments will perform their historical responsibilities for the people of Hong Kong and resume the co-operation and discussion between them. The Liberal Party wants to strive for Hong Kong a fair and democratic election system that can continue into the future. That we shall move an amendment today to the first part of the political reform package to defer the discussion of the "single seat, single vote" system for the Legislative Council election is because we consider that passing the electoral arrangements at this stage will lead to a complete breakdown of the Sino-British talks. We do not wish to see the electoral arrangements of this Council become the reason or excuse for the breakdown of the talks. We learn from the media that the Chinese and British sides have, after so many rounds of talks, narrowed down the difference between them and are not far from reaching an agreement on the political system. Therefore, the Liberal Party hopes that we can concentrate today on the electoral arrangements for the municipal councils and the district boards, deferring the discussion on the part of the Legislative Council elections, so as to give both sides room and leeway to re-open the negotiation and reach an agreement which is acceptable to the people of Hong Kong. It may also ensure a through train arrangement, continuity in the political system and a smooth transition.

The Liberal Party considers that the people of Hong Kong should urge the Chinese and British Governments to re-open the negotiations. Even though some people may say that this is only our wishful thinking, we should still try our best and exhaust all avenues to prevent the two Governments from evading their historical responsibilities. "To strive to do something even though one knows that it is unlikely to succeed" is the teaching of Mencius. Besides, how

can we say that something is infeasible if we have not even given it a try? We do not want to give up any hope however small it is. What we need is the vision and courage to make history.

The Liberal Party attaches great importance to the continuity of the arrangements in the political reform package. We agree to certain parts of the package, namely, the lowering of the voting age, the removal of appointed seats in the district boards and the two municipal councils, and the adoption of the "single seat, single vote" system for the elections of the district boards and the two municipal councils. Although we have a different view as regards the election method of the Legislative Council, we can accept this Council's previous decision in this regard, that is, implementing the "single seat, single vote" arrangements. But we do not consider now an appropriate time for this Council to decide on the electoral arrangements of the Legislative Council. We should give a chance, however small, to the talks. Regardless of the result of today's debate, life will still go on in the next three years of the transitional period. We therefore call on the Chinese and British Governments to fully co-operate at various levels. The relationship between China and Hong Kong is close and symbiotic. A stable and prosperous Hong Kong will be equally beneficial and important to the people of Hong Kong and to China. I hope that Members will support our amendment.

MR HUI YIN-FAT (in Cantonese): Mr President, the row over the political reform proposals in respect of the 1994-95 elections for the three tiers of representative government has been rumbling on for nearly one and a half years with no signs of resolution. In my view, it is a tragedy to the people of Hong Kong. On the one hand, the people of Hong Kong are very indignant at the Chinese and British Governments' lack of sincerity and faith; on the other, they feel helpless and disheartened that the Hong Kong Government, though under the strong leadership of the Governor, seems to be at its wits' end when the people of Hong Kong are going to pay the heavy cost of a strained Sino-British relationship. Another thing is that today this Council is merely going to deliberate and decide on the less contentious part of the Governor's political reform package, yet there are still several amendments to be moved. It is sad to see that Hong Kong people fail to show solidarity before the two sovereign powers over some less contentious issues. Who are we going to blame but ourselves?

My colleagues of the social service sector have taken an unequivocal and persistent stand on the broadening of democracy. This is an integral part of our professional ideal. Besides, our close relationship with the general public through the delivery of services certainly enables us to have a clear idea about what sort of democratic system our community wants.

That said, in the wake of the announcement made by the Chinese side of making arrangements for the transition without the through train following the breakdown of the Sino-British negotiation over the political reform in Hong

Kong, I sent out questionnaires to consult my social service colleagues about their views and attitudes towards, the political reform package. Although the response was poor as predicted, the outcome is still of some use to me and this Council.

Simply put, the three major issues to be put to a vote today in respect of the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993, that is, single vote, single seat for the three tiers of government, the lowering of the minimum voting age to 18 and the abolition of *ex officio* and appointed seats in the two municipal councils and district boards, received a high degree of support among the respondents. The overwhelming support is in contrast to the tug-of-war now we witness in this Council. As for the amendment put forward by Mr Allen LEE just now, if there are sufficient evidence and justifications to make one believe that the endorsement of the amendment will bring both the British and Chinese sides back to the negotiation table, we might as well give it our support. The majority of the people now still cherish a hope that both Governments may resolve the convergence problem in the run-up to 1997 through negotiations. However, I find the chances very slim.

One of the major arguments against the abolition of appointed and *ex officio* seats in the two municipal councils and district boards is that district affairs should not be politicized. I consider such an argument self-deceiving. In an open and democratic community, any boards and councils under a parliamentary system, be they at central or district level, will inevitably be involved in competing political interests. Actually, nowadays, any boards and councils that deal with public issues are "arenas of politics". It does not matter whether we have *ex officio* or appointed seats in the boards and councils. On the contrary, a parliamentary system with higher representativeness would facilitate direct representation of public opinion and the establishment of an equitable system to accommodate competing interests.

Moreover, all the seats in this Council are going to be returned by the people less than two years from now. There is indeed no reason for me to have any doubts about the electors' ability and not to support the councils and boards assuming the role of monitoring the Government and upholding public interest. From a different perspective, one would see that the penetration of politics into every sphere of the community is beneficial to Hong Kong, which has been a dearth of political talents, by providing long-term and perpetual political training to the people, thus enhancing our ability to handle future situations.

Furthermore, on the issue whether or not Hong Kong deputies to China's National Peoples' Congress should be allowed to run in the three-tier elections, over 60% of the respondents had an open mind and were of the view that anyone who complies with the provisions under the electoral legislation should be eligible and entitled to run in the elections. However, there were still more than 20% of the respondents against this. Of the various reform package, this is the single item that attracts the most opposition. As I understand it, social workers often keep a wary eye on the appointment system and the nucleus of its

power. Apart from that, social workers also look at this group of people with suspicion and reservations because they are not sure whether people of such background will fight for Hong Kong people's best interest. In other words, if they do not eradicate their public image as "loudspeakers" and "hand-raising machines" of the central authority, they will not be able to gain local people's trust and support.

Mr President, I have made it clear time and again in the past that the social service sector and I support the proposals put forth in the partial political reform package. I have no intention to change my position today.

These are my remarks.

MR MARTIN LEE (in Cantonese): Mr President, although I will move an amendment at the Committee stage, all the 13 Members from the United Democrats of Hong Kong (UDHK) will support the principles of the Electoral Provisions (Miscellaneous Amendments) (No.2) Bill. However, the Government has been delaying the introduction of the political reform Bill to the Legislative Council. It has even gone back on its words by taking the initiative to divide the reform proposals package into two parts. The UDHK must again express our strong dissatisfaction over this.

The next district board elections will be held in six months' time, but the electoral arrangements are still unclear. We do not even know on which Sunday in September the elections will be held. The Government has the responsibility to work out as soon as possible the specific electoral arrangements, including the date and form of the elections and the voters' qualification, so that citizens can begin to prepare for the election in good time. As to the political parties, it is even more essential for them to grasp as early as possible the specifics of the electoral arrangements for the three tiers of representative government, in order to conduct overall planning, manpower deployment and allocation of resources. The present uncertainty has not only dampened the desire to stand for election, but also affected the voters' incentive to vote.

Mr President, the three tiers of representative government are interrelated. Therefore, the UDHK have been insisting that the 1994-95 electoral arrangements must be dealt with in their entirety. The so-called "less controversial" part has to wait until today to go through the Second and Third Readings, and that is already too late. The remaining part which deals with the constitution of the Legislative Council in 1995 has yet to be introduced despite repeated calls. According to what was said in the press recently, the Government would gazette the remainder of the political reform package this Friday. But even so, when will the Government introduce the Bill to the Legislative Council? Such perpetual uncertainty is unfair to those who intend to go into politics.

The UDHK attempted to amend the Bill before us to incorporate the method of constituting the Legislative Council into today's debate. Yet it was vetoed by the President on procedural grounds. Although the UDHK supports the spirit of this Bill, we must solemnly call on the Government again to delay no more and gazette the remainder of the political reform package immediately and introduce the respective Bill to this Council for scrutiny. The UDHK also appeals to the Government to really respect Hong Kong people's wishes by holding a referendum to decide the future political system of Hong Kong.

With these remarks, Mr President, the UDHK supports the principles of the Bill. But I will move an amendment at the Committee stage to abolish the *ex officio* seats.

MR PANG CHUN-HOI (in Cantonese): Mr President, first of all, I would like to state my position, that is, apart from the purely technical amendments to the wording of the Bill to be moved by the Honourable Andrew WONG at the Committee stage, I will not support any other amendments.

The principal contents of the Electoral Provisions (Miscellaneous Amendments) (No.2) Bill 1993, as presented to this Council by the Administration, were enthusiastically debated by this Council in 1992, and a consensus was reached by a majority of Members. I therefore feel that amendments are unnecessary.

The Sino-British talks, after the 17th round, have been bogged down as a result of both sides' unwillingness to concede ground. It has been reiterated by China that unless the Hong Kong Government withdraws the political reforms proposals, it is impossible for any further negotiations to be held. Therefore, the partial amendment proposed by some Members today may have been well intended but there are indeed no signs that China and Britain might possibly return to the negotiation table.

In the meantime, the majority of Hong Kong people are frustrated, and even tired of it because no agreement has been reached by China and Britain in respect of the political reforms. They are also very dissatisfied with this Council's incessant preoccupation with the political reforms, thus overlooking the people's livelihood.

Finally, I should like to reiterate that I will not support any other amendments except those to be proposed by the Honourable Andrew WONG.

Mr President, I so submit.

MR SZETO WAH (in Cantonese): Mr President, the 13 Members of the United Democrats of Hong Kong will oppose the amendments to be moved by the Liberal Party and Mr Eric LI during the Committee stage.

The amendment by the Liberal Party seeks to remove that part of the Bill which concerns the "single seat, single vote" system for direct election to the Legislative Council. The Liberal Party has openly indicated that it will not oppose using the "single seat, single vote" system in the elections of the district boards and the two municipal councils, and in the direct election of the Legislative Council. If so, then why do they move such an amendment? They say that it is useful for encouraging the Chinese and British sides to resume the talks on the political system. But is it the true reason?

In 1995, all the appointed seats of this Council will be abolished. Those who intend to run in the election, especially members of political parties, will have to face the pressure of the people's opinions. The people have clearly expressed their preference for the "single seat, single vote" system. Therefore, the Liberal Party cannot but change its formerly Co-operative Resources Centre position of supporting a multi-seat, single vote system. This is a welcomed change of position.

However, the Chinese Government has expressed its opposition to adopting the "single seat, single vote" system for the direct election of the Legislative Council. So to give full impetus to its strategy of procrastination, it has demanded to separate the district board and municipal council elections from that of the Legislative Council. In response to this expressed intent, the Liberal Party has come up with this amendment.

China's condition for resuming the talks on the political system is the withdrawal of Mr PATTEN's entire political reform package. In these circumstances, I am afraid that even the Liberal Party itself is not convinced that the passing of its amendment can lead to the resumption of the talks.

PRESIDENT: What is your point, Mr LEE?

MR ALLEN LEE: I want to seek clarification from Mr SZETO Wah. I have specifically said in my speech that we accept the voting method. What proof does he have, if any, to say that we are taking the Chinese line?

PRESIDENT: Yes, Mr SZETO Wah, you are well aware of the procedure. It is entirely up to you whether you elucidate or not.

MR SZETO WAH (in Cantonese): I do not intend to reply.

PRESIDENT: Go ahead.

MR SZETO WAH (in Cantonese): Do you think you will be praiseworthy if you just fall on your knees when in fact you are told to kowtow on all fours? Any wishful thinking, any attempts at appeasing both parties at the same time, any acceptance with a half-hearted resistance, or any suggestive eyes making to the authority will all be futile and will only end in the notoriety of fickleness. If you have one leg in one boat and the other in a second, you will surely fall into the water if either boat moves away.

The *Oriental Daily News* of 12 February this year reported that a Member of the Liberal Party had told its reporter, "Given that we sell coffee, we should try to expand the market of coffee. We just should not switch to selling tea on finding that people like tea and then to selling soft drinks when people like soft drinks." I think that the crux of the matter is neither coffee, tea nor soft drinks. It lies in the word "sell". A councillor's prime duty is to handle the affairs of the public. He should determine his stance in discharging his duty according to the principles applicable in the handling of public affairs. He should not be business-minded and regard this Council as a market place.

That particular Member had also said, "In the past, there were occasions on which the Liberal Party did change its stance in order to appease different people. It did for this reason vacillate between different positions. However, after the incidents concerning the political reform package and the two bus companies, I hope that the Liberal party will not vacillate nor change its stance anymore." But judging from the amendment it will move today, the Liberal Party has not learned its lesson from yesterday's faults. It is still trying to appease different people, still vacillating between different positions and still changing its stance.

Someone has in the meeting of this Council called me a "political animal". Dr SUN Yat-sen once said, "Politics means the affairs of the public." Man is an animal, a genus of the family of animals. So to be a political animal is not a shame. But one must not become a political "qinshou". A "qinshou" is also an animal, but it is not a human being. "Qin" means creatures that can fly. It belongs to the category of birds and is oviparous. "Shou" means beasts. It belongs to the category of mammals and is viviparous. A "qinshou" is neither a bird nor a beast. It may be a bird or a beast; it may also be a bird and at the same time a beast. It may sometimes pretend to be a bird and sometimes a beast, vacillating between both categories. Is there such an animal? From the scientific point of view, bat belongs to the category of beast, but it can also fly like a bird. So it resembles the kind of animal that is neither a bird nor a beast, perhaps a bird or a beast and perhaps a bird and a beast, pretending sometimes to be a bird and sometimes a beast, and vacillating between both categories. It is therefore excluded by both bird and beast. Bat has also some other features: It is afraid of light; it hides by day and comes out at night; and when it sleeps, it hangs itself upside down, with its head to the ground and its tail to the sky.

Due to the time limit, I will not speak on Mr Eric LI's amendment as other Members will surely do so.

Mr President, I so submit.

MR TAM YIU-CHUNG (in Cantonese): Mr President, I originally did not intend to speak today because what has to be said about the subject has been said too much already. Yet, as a member of a responsible political group, I find it necessary to explain the current situation to the people of Hong Kong once again.

The 10th anniversary of the Sino-British Joint Declaration is just a few months away. Ten years ago, China and the United Kingdom, after nearly two years of talks, reached a settlement on questions left over from the past and established a relationship of mutual trust and co-operation. These were then written into the Sino-British Joint Declaration. Who could have speculated then that China and the United Kingdom were to argue later about the specific arrangements for the last elections in the transition period, with a little less than three and a half years in the run-up to 1997? Both countries have been arguing over the question since October 1992 for an unusually long period, with unfathomable damages to Sino-British relations.

People cannot but wonder what brought this all about. Is it because of the change in Governorship? Apparently not, since the Governor has repeatedly claimed to have the full backing of the British Cabinet.

People therefore cannot help wondering again what made the United Kingdom change its policy so abruptly. Is it that the British Government feels that it has let the people of Hong Kong down over the past 150 years of colonial rule? Is it that the British Government also feels that it was wrong to sign the Sino-British Joint Declaration, so much so that it has decided to go back on its words now and try to reverse what it has done?

One can keep on asking for reasons. History will give its verdict. But the reality, I believe every Member here today is discerning enough to see, is that despite the British side's insistence for over a year that it has been fighting for democracy in Hong Kong, we are suffering a loss before an uncertain gain. Even Sir Percy CRADOCK, the former foreign affairs adviser to the British Prime Minister, said that the unilaterally formulated political reform would not bring more democracy to Hong Kong, but on the contrary would do to the territory permanent damage.

Another reality is that we have this debate today because the British side unilaterally announced after the 17th round of talks that it would table the first part of the reform package at this Council. The significance of the Bill before us today is that if the Bill is passed, the British side will then have crossed the

Rubicon on the question of political system. And the Chinese side will then give up any hope of reaching a settlement with its British counterpart.

Whether or not the Chinese and British sides could continue to co-operate in other areas such as people's livelihood and matters connected with the transition, with the relationship of mutual trust damaged by the British side, is not something that can be achieved simply by wishful thinking on the part of China or us.

The situation today is something that the Democratic Alliance for the Betterment of Hong Kong (DABHK) have never wished to see. DABHK's position has been steadfast from October 1992 to the present. We have met with the Governor several times to urge the British side to change course soon and to try to settle, by way of discussions, its argument with the Chinese side on the issue of Hong Kong's political system. Towards the end of 1992, DABHK gathered the opinions of the people of Hong Kong on this issue and took them directly to the Chinese Government during a special visit to Beijing. We explained the Hong Kong people's fears and concerns over the so-called "separate kitchen." We called on China and the United Kingdom to begin talks soon on the issue of Hong Kong's political system and to resume their co-operative relations at an early date.

By November last year, China and the United Kingdom were reported to have reached a consensus on some of the questions following 17 rounds of talks on the issue of Hong Kong's political system. Subsequently, however, words came out that the British side had breached the principle of solving the less complicated problems before the complicated ones by insisting that arrangements for the 1995 Legislative Council elections, specifically the proposed use of a "single seat, single vote" system in these elections, should be discussed simultaneously with the arrangements for the district board and municipal council elections; and that, the British side intended to suspend the talks unilaterally when its request was rejected by the Chinese side. On 1 December, a 20-member delegation of DABHK, including myself, made another trip to Beijing in a last-minute bid to enable an agreement to be reached between China and the United Kingdom. Regrettably, however, on 2 December, while we were in Beijing, the Governor, Mr Chris PATTEN, announced that he would table the first part of his reform package at this Council.

At a subsequent meeting with DABHK representatives, Director LU Ping of the Hong Kong and Macau Affairs Office of the Chinese State Council expressed with a heavy heart his great disappointment at this. In fact, we, too, were disappointed and our hearts were heavy, too. All our hard work over the past year or so had gone down the drain.

DABHK knew very well at the time that the chance for the Sino-British talks to be resumed was infinitesimal. Nevertheless, we rushed back to Hong Kong as soon as we could. I then engaged in active discussions with colleagues of this Council as a last-ditch attempt to stop the Governor from tabling the Bill,

with the hope that time could be bought to enable talks with the Chinese side to be resumed. Regrettably, things did not turn out as I had hoped.

We have now come to the point where we must admit that the chance for any further Sino-British co-operation on the issue of Hong Kong's political system no longer exist.

Mr President, in face of such a situation, we should not content ourselves with expressing regrets. We should do something positive about our future. We would not underestimate the difficulties ahead of us, but we should not be afraid of these difficulties. What we do today is for the good of Hong Kong tomorrow. DABHK will continue to do its best to urge China and the United Kingdom to co-operate in issues other than the issue of Hong Kong's political system and to solve problems of concern to the people of Hong Kong.

At the general meeting of the Preliminary Working Committee of the Preparatory Committee for the Hong Kong Special Administrative Region in mid-December 1993, I urged the Chinese side to work with the people of Hong Kong to make Hong Kong's transition smooth and to overcome the difficulties created by the break-down of the talks. We are convinced that though the course of the struggle will be bitter, its fruit will be sweet. It is certain that, if we share the same purpose and work together for it, Hong Kong's future will surely be better.

Mr President, I will vote against the Bill before this Council today. Mr Eric LI's amendment seeks to keep the appointed seats in the district boards and in the two municipal councils, while Mr Allen LEE's amendment seeks to separate from the Bill the part concerning the single-seat, single vote system for the 1995 Legislative Council elections. Though these amendments agree with DABHK's basic position, I will abstain from voting on them because we do not think that the Bill should be tabled at this Council at all before an agreement is reached between China and the United Kingdom.

Mr President, I so submit.

MR LAU WONG-FAT (in Cantonese): Mr President, the Sino-British Joint Declaration signed many years ago can be called a milestone in Sino-British relations towards closer co-operation on the Hong Kong question. The Sino-British Joint Declaration was highly evaluated by the then Legislative Council. Today, many years later, the Council's consideration of the Bill on the 1994-95 elections signifies however a serious step backward in the co-operative Sino-British relations. But most unfortunately, this is happening just over three years from the transfer of sovereignty over Hong Kong — a time when sincere Sino-British co-operation is much needed.

The Sino-British Joint Declaration was signed jointly by China and the United Kingdom. The Chinese side also heeded many suggestions made by the

British side during the drafting of the Basic Law. Such a relationship of pragmatic co-operation was in the best interest of China, the United Kingdom and Hong Kong. But the Administration's unilateral introduction of the political reform package and tabling of the relevant Bill at the Legislative Council, before an agreement is reached with the Chinese side, is not in the best interest of Hong Kong. The most significant implication is that there will be no through train for Hong Kong's political system. The various councils and district boards constituted by the proposed electoral arrangements will not cross over and beyond 1997. The Chinese side has said time and again that, in the absence of an agreement, the three tiers of representative government must be dissolved and reorganized on 1 July 1997. Nothing can be clearer. It would only be self-deceiving if we should harbour any illusion and insist that the arrangements in question could continue after the specific date.

How can political arrangements that cannot cross over and beyond 1997 be good for Hong Kong? Should our attitude towards the question of Hong Kong's political system be one of "Never mind if you can have it for eternity; just be content with having had it once"? The truth is that an arrangement with a life span of only two or three years will not help the Administration achieve its intended purpose. Quite on the contrary, they will only undermine the foundation of Sino-British co-operation and bring about confusion and instability during the transition period.

From beginning to end, the Heung Yee Kuk always thinks that only political arrangements that can cross over and beyond 1997 are really in Hong Kong's interest. The Heung Yee Kuk hopes that China and the United Kingdom will resolve the issue of Hong Kong's political system through talks. The Heung Yee Kuk does not want to see unilateral action. I will set this point aside for the moment. I think that the many and varied amendments to the Bill, namely, Mr Allen LEE's separation of the Legislative Council's "single vote, single seat" system from the elections of the district boards and the municipal councils; Mr Eric LI's proposed retention of the appointed seats in the municipal councils and district boards and keeping the ratio of appointed and elected members at 1:3; and Mr Andrew WONG's technical amendments are all desirable. The amendments to be moved by Mr Allen LEE and Mr Eric LI have taken account of the realities and overall situation of Hong Kong. I support them because they are conducive to creating a favourable atmosphere for the resumption of Sino-British talks.

Mr Martin LEE seeks to abolish the rural organizations' *ex officio* seats in the Regional Council and in some district boards. I find that his proposed amendment has not only disregarded the realistic situation and the *raison d'etre* of the existing arrangements, but has also ignored the overall interests of Hong Kong. The grounds for his amendment are untenable.

Why did the Administration put in place *ex officio* seats in the New Territories councils and district boards? The 1980 Green Paper: A Pattern of District Administration in Hong Kong contains a fair and balanced comment on

this matter, and I quote, "It is not proposed to change the part played by the Heung Yee Kuk, the Rural Committees or the Village Representatives. They will continue to play their traditional valuable role not only in the rural areas but also as representatives of the indigenous people of the New Territories living in the more developed areas, providing a means by which their particular interest in land, rural housing and rural tradition can be discussed with the Government. As *ex officio* members of the district boards, the chairmen of rural committees in new towns and New Territories districts will ensure that progress is tempered by tradition."

I find the above comment still carries some significant realistic meaning today because the major development of Hong Kong will continue to centre around the New Territories where there are 15 000 hectares of undeveloped private land. Matters of concern to the New Territories inhabitants, their traditional customs and habits of life will continue to be buffeted by the development of new towns, for example, land resumption and relocation of villages. Rural representatives have traditionally acted as bridges of communication and co-ordinators between the Administration and the people, thus enabling the smooth implementation of development plans. I am convinced that this difficult task should continue to be performed by the rural representatives in the future because they are irreplaceable. We cannot underestimate the unsettling effects on the New Territories and on the entire community, as well as on Hong Kong's development, if such a tried and proven institution is abolished regardless of the reality.

Mr President, many critics of the New Territories portion of representative government said the rural representatives are no longer necessary because Hong Kong is so well developed that the distinction between town and country has already disappeared. Actually, these critics do not understand the New Territories' unique historical and social backgrounds. The truth is that there are still nearly 700 villages in the New Territories where facilities in the rural areas are quite inadequate compared with the town proper. For instance, there is still no tap water in some villages.

Some say that since woman villagers have no franchise, the *ex officio* seats for rural communities should be abolished. But the truth is that women are not barred from voting in elections in the rural areas. The traditional practice has it that the principal of each household is a unit of franchise and acts as the household's representative in voting. The Heung Yee Kuk recently passed a resolution to adopt the "one man, one vote" system for elections in the rural areas. It also set up a working group and approached the Administration for help in expediting progress towards this goal. Such a course of action is in line with the Heung Yee Kuk's usual policy of pursuing liberalization and reform in a gradual and orderly manner. Clearly, the grounds used to justify attacks on rural organizations are untenable. Besides, when creating the *ex officio* seats in the first place, the Administration did not use any criterion related to the so-called equal voting rights for men and women. That it now uses this as an excuse for abolishing the *ex officio* seats is legally indefensible.

It must be pointed out that all rural representatives in the New Territories are elected by way of lawful electoral procedures. Villagers will first elect village representatives who will then elect members of rural committees. Members of these rural committees will then become members of the Heung Yee Kuk and elect the chairman and vice chairmen of the Kuk. Therefore, rural representatives are broadly based. Such an electoral system has operated for decades. In fact, the New Territories was the first to hold democratic elections among all parts of Hong Kong. At present, rural committee chairmen account for only 27 *ex officio* seats among the more than 200 seats on the five district boards in the New Territories. At the same time, the three *ex officio* seats in the Regional Council are held by the chairman and vice chairmen of the Heung Yee Kuk, representing the Regional Council's three New Territories constituencies. I find this arrangement totally appropriate to the actual circumstances and fully justified

Mr President, it is necessary to retain the *ex officio* seats in the New Territories. The northward movement of city population in large numbers has turned the indigenous residents of the New Territories into a minority. Keeping the existing institution will ensure that they can elect representatives who really understand the New Territories to reflect their opinions and to protect their interests. I believe colleagues in this Council will weigh this issue pragmatically and objectively and not be influenced by dangerously radical and misleading statements. I hereby express the hope that this Council will continue to support the existing system of rural representation.

Acting with some conspicuous political motives, some people have consistently singled out the New Territories inhabitants for attack. Today, they say that they want to abolish the traditions of the New Territories inhabitants. Tomorrow, they will say that they want to take away their rights. They are as cocky as the vanguards of the Cultural Revolution who toppled the so-called "four olds". We the indigenous inhabitants of the New Territories have always loved peace and harmony. Nor do we resist people from outside. But we will not sit idly by as unreasonable actions are taken against our lawful traditional rights and interests. We will do everything we can to protect our interests.

It is commendable of the Administration to have put in place, out of pragmatism, *ex officio* seats for the benefit of smooth administration in the New Territories. However, as far as the Bill as a whole is concerned, its passage will do nothing to help smooth Hong Kong's transition because the British side has failed to reach an agreement with its Chinese counterparts on the question of Hong Kong's political system and the electoral arrangements concerned will not as a result cross over and beyond 1997. Therefore, I do not intend to support it.

Mr President, I so submit.

MR RONALD ARCULLI: Mr President, the resumption of the Second Reading debate on the Electoral Provisions (No.2) Bill 1993 casts on this Council the responsibility of deciding, one way or another, electoral arrangements for the 1994 and 1995 district board and municipal council elections and to a limited extent, to Legislative Council elections in 1995. All of us are aware that whatever decision we take may have consequences so far-reaching that we are unable to gauge its effect.

Without agreement with China over Hong Kong's constitutional development, we will be giving to the people of Hong Kong not just political uncertainty but also dramatic changes in our political structure when Hong Kong becomes a Special Administrative Region of China in 1997. Some of us must have a sense of foreboding today for whatever our political persuasion, I do not believe that any one of us can claim that we will be entirely happy with the outcome of either this debate or the Bill.

At a time, and on an issue so vital to all of us in Hong Kong, it is indeed a great pity that we are unable to reconcile our differences. This, Mr President, brings to mind what the Governor has said on quite a few occasions and that is, that the Legislative Council will have to determine what it believes to be in the best interests of the people of Hong Kong and what is in the best interests of the principle of Hong Kong people running Hong Kong. But will this Council today be truly deciding what it believes to be in the best interests of the people of Hong Kong? Will this Council today be embarking on the journey that enables Hong Kong people to be running Hong Kong? I fear that that may not come to pass for if the Bill before us is decided by three votes or less, one way or another, historians will long debate whether it was decided by the votes of the three Government Members.

Mr President, in these rather extraordinary circumstances I believe that the three *ex officio* Members could, and should, abstain from voting so that whatever happens history can say that today in the Legislative Council Hong Kong people are ruling Hong Kong.

Mr President, that would have been my speech but for the remarks made by one Honourable Member, the Honourable SZETO Wah. Mr SZETO in his speech accused the Liberal Party of not really supporting the "single seat, single vote" for the Legislative Council. The Chairman of the Liberal Party, the Honourable Allen LEE, clearly stated the purpose of his amendment and the fact that if his amendment is defeated, that the party will support that particular voting system. Mr LEE asked Mr SZETO for clarification, he refused to reply. Why? Because in truth there is no reply. His relentless attack on the Liberal Party tells me only one thing, that the United Democrats must fear the Liberal Party as real opponents.

Mr President, some of the remarks in this Council have brought laughter to the gallery. Mine has brought laughter to this Council. Today is indeed a very solemn and serious day for Hong Kong and no one is doing justice to this

Council or the proceedings of this Council by remarks, however humorous they may be. The particular Member that I refer to, Mr President, does his own party no justice.

MRS PEGGY LAM (in Cantonese): Mr President, ever since the Governor put forward his political reform package in 1992, the Sino-British-Hong Kong relationship has been deteriorating. For those of us who call Hong Kong home, we feel quite helpless. We feel helpless not because our views cannot be conveyed to the Chinese Government or the Hong Kong British Government but that the mutual trust among the Chinese, British and Hong Kong Governments has already been destroyed following the gazetting and tabling of the Bill before this Council. The people of Hong Kong have a cause for concern as to whether the smooth transition would be undermined. The people of Hong Kong have certainly remembered clearly that the Chinese Government has repeatedly expressed that the constitutional arrangements are negotiable only if the British side could demonstrate sincerity. We also know too well the utmost importance of a smooth transition to Hong Kong. At a time when agreement was about to reach in the 17th round of talks, the Hong Kong Government, without warning, unilaterally put forth the political reform package with no regard to the Sino-British Joint Declaration. It was bent on unilaterally putting forth the controversial proposals on the 1995 elections for this Council's endorsement, though in full knowledge that it would make it impossible to resume the talks. The Hong Kong Government's move had compelled the Chinese side to make alternative arrangements. Hong Kong is to be returned to China and become a part of it after 1997. This is something which cannot be changed. Under these circumstances, I am sure that the Chinese Government is going to make necessary arrangements for the Special Administrative Region Government. Regrettably, the fact that there is an absence of sincere co-operation on the part of the Hong Kong British Government would certainly cast a dark shadow over the territory in the remaining transition years and the community would be caught in instability and uncertainty. This has caused considerable concern to the people of Hong Kong and has made those who will remain in Hong Kong after 1997 feel helpless.

The former Foreign Affairs Adviser to the British Prime Minister Sir Percy CRADDOCK unveiled that in the past when he was instructed to hold talks with Beijing on several occasions, he was able to persuade China successfully on all occasions. Far from being as successful as Sir Percy, however, by unilaterally formulating the political reform package, the Hong Kong Government not only cannot bring democracy to Hong Kong but may even bring permanent damage. Sir Percy is an experienced diplomat. His experiences show that China is sincere and serious in its talks with Britain over Hong Kong affairs. The question is: Why Britain has suddenly abandoned its long-standing approach of having matters worked out through discussions and negotiations?

A few months ago, the chairmen of 18 district boards and over 200 district board members (including both elected and appointed members) signed a joint letter urging the Hong Kong Government to go back to the negotiation table for the sake of the future of Hong Kong, a smooth transition, the future stability and prosperity of the territory as well as for the well-being of our future generations. It is hoped that smooth transition of the three tiers of government could be achieved and Hong Kong could return to the position in 1991 or 1992. The letter, in brief, said that district board members were concerned about the failure to secure a smooth transition of the three tiers of government, as a result of the breakdown of talks on constitutional arrangements between China and Britain. This would damage the smooth transition of Hong Kong as a whole. Therefore, to ensure the prosperity and stability of Hong Kong, and to enable the resumption of the Sino-British talks, district board members requested the Governor to withdraw his political reform package.

As a matter of fact, basically, nothing is contentious in the Bill. But with a closer look, one would realize that the Bill does attempt to neglect the realities deliberately because if China and Britain really cease the talks on the territory's constitutional arrangements, the Bill, and the electoral arrangements for that matter, would not then be recognized by China. As such, the tenure of office of members of councils and boards would not extend beyond 1997, in contrary to what the Bill states. We need only to do a simple arithmetic to know that the tenure of office of Members of this Council can be in office only for one year and nine to 10 months. If the Bill before us is passed, the public would be misled.

I would also like to talk about the abolition of appointed seats. I am convinced that a progressive approach is the best approach. I think the abolition of appointed and *ex officio* seats in the two municipal councils and district boards in one go is not a sensible move. Everybody knows that the retention of appointed seats would maintain the existing composition of the membership of boards and councils and they can fully reflect and look after the interests of all walks of life. Therefore I think the spirit of the amendment moved by Mr Eric LI can be accepted basically. However if the current Bill is not withdrawn, the door to negotiations would be closed permanently and there would be slim chances for the resumption of the Sino-British talks. For this reason, I cannot possibly support the Bill whether in its original form or any of its amendments. I would abstain from voting on Mr Eric LI's and Mr Andrew WONG's amendments. I am not against what they intend to amend. It is just because the spirit and the underlying arguments of the whole issue go against my own principles. I believe that it is of paramount importance to seize any opportunity for the resumption of the talks.

I understand that Mrs Elsie TU would later move to ask the Hong Kong Government to shelve the Bill for the time being so that China and Britain may resume the talks. Mrs Elsie TU is a well-known veteran democracy fighter in Hong Kong. She is always fighting for the benefits of the people of Hong Kong.

I am absolutely sure that her proposal is geared towards a brighter future for the people of Hong Kong. Therefore, here I would like to take this opportunity to appeal to all honourable colleagues to support Mrs Elsie TU's motion if they are really concerned about the future of Hong Kong.

Mr President, with these remarks, I would support the motion to be moved by Mrs Elsie TU a moment later.

DR LEONG CHE-HUNG: Mr President, when the Joint Declaration was signed this was met with jubilation by many. To some to signify an end of decades of colonial governing, to others the implication is even wider — that "Hong Kong people will be ruling Hong Kong". In other words, Hong Kong people will be electing their own people, their own representatives, people who will be accountable to them to run their daily lives in the future, for themselves and their families.

The move towards democracy was therefore in the air. The June 4 Incident in China in 1989 gave Hong Kong a fresh impetus for the need for a faster pace of democratization. Politicians jumped onto the bandwagon. This same very Council then in accord with the Executive Council developed the so-called "OMELCO Consensus" which had been widely supported by the people of Hong Kong. 1991 saw our first direct election into this Council. Since then, few would disagree that this Council has been discharging its expected duty, giving a new dimension at the same time to the monitoring of government policies and their implementations.

Are Hong Kong people uninterested in politics? Are Hong Kong people too childish to run their own elections? Are Hong Kong people immature to know who to choose to run their daily lives in the future for their family?

Unfortunately the whole movement has regrettably been hampered by at least two movements:

- (a) The proposed 1988 direct election was suddenly withdrawn by the British Government, presumably in response to a comment by China then, and I quote, "certain people are not acting according to the principles of the Joint Declaration" (有人不按本子辦事), using this as a disguise of the result of public consultation.
- (b) The promulgation of the Basic Law which specifies that there shall only be 20 seats for direct election into this Council in 1995.

But be that as it may, the stage for democratization is set for Hong Kong and there is no turning back.

Mr President, the Bill before us today may appear simple and to a certain extent superfluous on the surface; the process of democratization may appear mild by any standard; yet there are two deep-rooted connotations:

- (1) It is a further step towards the process of democratization for Hong Kong. In other words, how Members vote today will determine their accountability to the progress of democracy for Hong Kong. It is indeed a heavy responsibility for all of us. On one hand, we will be committing the future of the people of Hong Kong and on the other, we must be sure that we are truly representing their sentiments.
- (2) It is an opportunity, and I feel that it is high time too, for all of us as people's representatives to stand up and be counted. There is no doubt that voting in a certain direction may get us into China's bad books and may further upset the Sino-British relationship, yet voting the reverse may make a mockery out of the time-honoured democratic principles.

In accordance with democratic principles, two referenda were done on my constituents in relation to the constitutional reforms. The first one was a general one, based on the proposal of the Governor and his maiden policy address. The second one was a specific one on this current Bill. Analysis of the second referendum shows the following:

- 74% supporting lowering the voting age from 21 to 18;
- 66% support the abolition of appointed seats in the district boards, and *ex officio* Members of the New Territories rural committees;
- 68% support the abolition of appointed seats in the municipal councils, including *ex officio* Members of the Heung Yee Kuk in the Regional Council;
- 85% support the concept of "single seat, single vote" system in all the three tiers of elections; and
- 77% support the relaxation of restrictions on Hong Kong residents who are also members of the central or local legislative organs of the People's Republic of China to run in elections in Hong Kong.

These two referenda show an overwhelming support, by those who responded, to the principles of this Bill. Furthermore the two referenda show a fairly consistent response, in spite of 16 months of nerve-wracking war of words, indicating people's maturity towards political development and their willingness to stand up to what they consider would be theirs for their future.

It is obvious from the survey that my constituents and myself would be supporting the Bill in principle. Let me, however, add in haste that we support the Bill in its principle of democracy, but this in no way implies our support for any person's ideology nor are we saying that the Government is doing enough for the promotion of democratization in Hong Kong.

For no degree of constitutional reform alone in any country, let alone in Hong Kong, will be enough to promote the complete democratic institutions. But, alas, most issues as suggested by this Council are brushed aside if not ignored by our current Government. At best I can categorically say the Government is purely providing a lip service. Take the incidence of the development of the independence of functions of this Council. After years of debate finally this was achieved, yet with only a shoestring budget to develop the necessary backing to support the ever-increasing and in-depth work of legislators.

The complete separation of executive administration and the legislature leave a lot to be desired. The absence of a linkage makes a mockery of the concept of the executive being accountable to legislature as is obvious from many examples where decisions of the executive administration are done without the least consultation to the legislature nor to people of Hong Kong.

Many times people that include past veteran legislators and Executive Councillors have criticized this Council for having the power to criticize and demand, but yet without the responsibility. But is this a fault of this Council? Has this Council ever been given the role in any way like a ministerial system to have any degree of responsibility?

Much therefore needs to be done. These and many others must be in place before a true democratic institution could materialize.

Finally, Mr President, my referenda to my constituents did show one other area which I can say the majority of Hong Kong would share. We are "suffocated" to say the least by these months and months of debates, wars of words, mudslinging, of even the most basic aspects of constitutional reforms. This degree of suffocation is not only undermining our patience, but eroding our confidence in our future. The result of the recent survey commissioned by the *Sunday Morning Post* says all. When interviewees are asked whether they are interested in the debate today, 75% say they are not. The message is thus to get on with it and determine the election package within the necessary scheduled timetable, come what may, so that we can still have some breathing space to consider many issues that affect not only the smooth transition, but also the social aspects of our daily life.

Mr President, the two sovereign governments have repeatedly stressed that they will strive to do their best to uphold the stability and prosperity of Hong Kong. Let this be a reality and not another lip service.

With these remarks and on behalf of the medical functional constituency, I support the Second Reading of the Bill and the amendment to be moved by the Honourable Martin LEE.

MR JIMMY MCGREGOR: Mr President, I prepared this address on the basis that some Councillors might wish to delay consideration of the Bill now before us and Mrs LAM has now confirmed that Mrs Elsie TU will do just that. On that issue I have some views.

The Chinese Government has made it clear many times in recent months that if the Patten proposals are put to this Council for legislative consideration, China will take no further part in negotiations with the British Government on their proposals. That message has been driven home with vigour and clarity by Mr LU Ping, Mr ZHOU Nan, by a number of other senior Chinese officials and recently by Premier LI Peng. In case there was any misunderstanding about the Chinese position, the Xinhua News Agency issued a very clear statement last week that any legislation on electoral reform passed by this Council would not be recognized by China. The Sino-British talks on Hong Kong's political development have been to use the Xinhua News Agency phrase, "unilaterally ended" by the Governor.

That being the stated position of China, I find it astonishing that there would be any attempt to delay further consideration of Mr PATTEN's electoral reforms by this Council. Do we really imagine that by doing so, China will somehow change its public stance and agree to talk? Talk about what?

Two of the Patten proposals have already been put into effect. Three more are before us today. Time is now so pressing that delay for delay's sake would be a wanton disregard of our obligations to Hong Kong and Hong Kong people. Do we really think that China will consider us all good boys and girls if we hold up this legislation? Is it remotely possible that China would then be able to be ready to rush to the negotiating table in the belief that the British Government will concede even more than they have already done? Would the Chinese negotiators be willing to eat their words by reaching some form of compromise? Or is it that some Councillors agree with Sir Percy CRADDOCK that China is calling the shots and Hong Kong must therefore do what China wishes? That is not exactly what the Joint Declaration says. It is also not what the Basic Law promises — Hong Kong people ruling Hong Kong with a high degree of autonomy.

I think it is the obligation of this Council to do what is right for Hong Kong and what is permissible under the law and within the agreements reached with China. It is not our function to adjust what we know to be right and permissible simply because we are threatened by the Chinese Government that whatever we erect will be pulled down and replaced. To accept that general proposition is to give way to the worst kind of bullying and to concede that this

Council accepts that instruction replaces debate and that eventually executive authority will smother the democratic independence of this Legislative Council.

Even although some Councillors have a close alignment with China and may therefore support the Chinese view in these matters, they also have a major responsibility to Hong Kong people and should exercise their judgment on that basis. It should be remembered that China is also undergoing massive economic and social change of an irreversible nature and that these changes will certainly bring about liberalizing political changes. What may be impossible or difficult for China to accept today may be a good deal more acceptable three years from now.

The proposals now to be given the authority of law are modest indeed. In most developed countries of the world and in many other countries, a good deal less developed than Hong Kong, they would be considered with amusement. To suggest that they represent a giant leap forward in democratic terms is laughable. China and Britain start the voting age at 18. A few years ago in this Council, to my recollection, all Councillors except seven voted against lowering the voting age. How shameful. Are we now to argue about such a trivial matter? I hope not.

We have already debated the merits of "single seat, single vote" Legislative Council voting procedures. And there was a solid vote in favour in July 1992. That was before the PATTEN proposals were constructed and in response to determined effort by some Councillors to introduce the "multi-seat, single vote" concept. Are we so mesmerized by the need to allow unpopular parties and politicians to take seats in this Council that we now have to change our minds? Or are we calculating the best system for ourselves, a system that will perhaps allow each one of us the best chance to stay on this Council?

Once again, it is the interest of Hong Kong people which should be paramount. One seat, one vote system has been the one successfully used for both lower tiers of representative government for many years. It is understood by the public and I see no reason to seek some other system which is less simple and desired only for party political ends.

As for the district boards, I acknowledge that appointed members have done a very good job through the years and am proud of their contribution. The job is in any case hardly political in nature but it may well become so in one very important matter, the formation of the Election Committee. I therefore feel that the Election Committee should be composed of fully elected members, including all district board members. I will vote to eliminate the appointed members from district boards.

This minor legislation that we are now examining is simply the precursor to much more important legislation which should reach us next month. It is this further legislation which is at the heart of Mr PATTEN's proposals and which has caused such a serious rift between Britain and China. I feel we should not

waste more time arguing over these rather petty electoral reforms but get them out of the way today so that the real battle can begin.

Thank you, Mr President.

MRS ELSIE TU: Mr President, in accordance with Standing Order 30(1), I move the debate on the motion for the Second Reading of the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993 be adjourned.

Mr President, I would not be taking the step I have just taken in moving this motion if I were not convinced that this is our last chance to call for a resumption of the Sino-British talks. I am sure that everyone in Hong Kong wants to see an agreement between the two sovereign states and a smooth transition in 1997. We need to remember that the vast majority of the Hong Kong people have little interest in political ideology, but they do hope for a peaceful transfer of power in 1997.

Let me make clear at the outset that I believe in democracy if that means finding ways to improve the livelihood of the people. But I do not believe in political power struggle that leads the community into a state of fear and anxiety about the future. I am not a political activist making unrealistic promises or irresponsible demands.

Today Hong Kong is in a political crisis in spite of our strong economy. Our chances of pulling Hong Kong through this political crisis may well rest upon how we vote today. The Sino-British talks have already ceased. If we vote through this partial Bill today, no matter how we amend it, I believe that there will be no chance of resuming the talks. China counts it a matter of honour that her constitution for Hong Kong, the Basic Law, will be implemented in 1997. A second stove is already being set up for that purpose, and we all know that a second stove signifies disharmony in the family, with both sides unhappy and unco-operative. When a family stays together, the members can work out a menu acceptable to all. If they set up a second stove, some members may not enjoy the new menu. In fact, we shall have no say in preparing the menu for 1997.

So the choice before us today is to vote, or not to vote, on this Bill. If we pass all of it, or any part of it, we shall have to live with the consequences, and we shall be responsible to the whole community that they too have to live with the consequences. If the Sino-British talks remain stalled, the years between now and 1997 will not be smooth for Hong Kong, because in a broken family there is inevitably a breakdown in communication and a lack of co-operation; there is ill-feeling and acrimony. And in a broken family it is the innocent children who suffer most. The innocent children in this case are the ordinary people of Hong Kong, the silent majority, who seek nothing more than to get on with their lives.

Is it worthwhile, therefore, to pass this Bill today when we know that it will only create more disagreement, and there will be no more talks? If we support this Bill, what do we gain? We shall have a British-made Bill lasting from 1995 until 30 June 1997. After that we shall switch over to the new stove in which this Council has had no say.

Of course there are some who promise us that if the British system is set up in 1995, China would not dare to change it in 1997. To anyone who believes that, let me quote the words of the British Foreign Secretary, Douglas HURD, in the House of Commons on 16 February 1990, two and a half years before he performed his sudden U-turn to support Mr PATTEN. On that occasion, Mr Douglas HURD said and I quote:

"Those who suggest that whatever we do now, China would be obliged to accept in 1997, are out of touch with reality."

Yes, that was Douglas HURD speaking — let me repeat his words:

"Those who suggest that whatever we do now, China would be obliged to accept in 1997, ARE OUT OF TOUCH WITH REALITY."

Let Mr HURD's own words judge whether he himself, and the Government he represents, are out of touch with reality. Indeed, is there anyone here in Hong Kong who would be unrealistic enough to believe that China will allow a British-made system to continue after 1997? China has made it abundantly clear that the issue is now one of national honour.

So the choice before us today is either to vote through this Bill, or any part of it, or to agree with my motion to adjourn it and urge the two sides to resume talks. I must make it clear that I am not asking Members to agree with any of my own political views, but just to adjourn the Bill so that China and Britain may resume talks, starting sincerely from where the two foreign ministers left off in early 1990. The two sides would have to put behind them all the bickerings and mistrust of the past 15 months. I am certain that no one in Hong Kong wants this family row to continue, because it is not good for the parents, and it makes the children feel unhappy and insecure.

Mr President, I shall summarize why I believe that an adjournment could lead to a quick and successful conclusion.

It is hardly necessary to remind Members that the proposal made by Mr HURD in 1990 for the Election Committee closely resembles that which China soon afterwards enshrined in the Basic Law. On the other hand, the proposal for the Election Committee made by Governor PATTEN in 1992 resembles neither Mr HURD's proposal nor that of the Basic Law.

It is hardly necessary either to remind Members that the 1984 White Paper issued by the Hong Kong Government gave the following reason for setting up functional constituencies, and I now quote from that White Paper:

"Full weight should be given to representation of the economic and professional sectors of Hong Kong society, which is essential to future confidence and prosperity."

If the reason for setting up functional constituencies has changed, there would be no point in continuing to call them functional constituencies. The 1992 proposals double the votes for all workers.

Since these two unexpected proposals sent shock-waves through the Chinese Government, it would appear that the two sides need to begin again where they left off in 1990 to work out an agreement, but hopefully that would be done without the insults and acrimony that have so far marred all decision-making.

If my information is correct, it seems that the two sides did agree in the 15th round of talks that the district board elections could go ahead with consensus between Britain and China on the voting age, the voting method, the inclusion of Hong Kong candidates who are also members of Chinese congresses, and with the proviso that if the appointed seats on district boards were abolished in the 1994 elections, China would have the option of reinstating the appointed seats in 1997. Apparently this agreement was abandoned only because the Governor unilaterally decided to expand these agreements to all three tiers of the Government in the 1995 as well as the 1994 elections. This, I am told, is why the talks broke down.

I was glad to notice in the news on television on the first day of the Lunar New Year that Premier LI Peng referred to the breakdown in talks as if the talks had only been suspended. That gives us some hope and indicates that China wishes the talks to resume. In fact, I understand that is true. However, I am not so certain that the British side wishes to continue the talks.

It is a regrettable fact which others besides myself have noticed, that whenever our community's hopes are high that an agreement is near, the Governor has added conditions, or made some mocking remark that needles the Chinese into retaliating with bitter comments. Unfortunately, it is the Hong Kong people who have to suffer when agreements break down in acrimony. Mockery may be acceptable between political parties in Westminster, but they are totally unacceptable in international diplomacy, and might easily be interpreted as racism. Britain should show a more genuine desire to bring the talks to a harmonious conclusion. Both China and Britain should realize that Hong Kong people are helplessly in the middle in these squabbles. The Governor in particular should realize that in 1997 he will be in Britain, basking in the glory of his fight for what he calls democracy in Hong Kong, but we in Hong Kong do not know what is in store for us if these insults and quarrels

continue. We are the ones who have to face 1997, and if China has to resort to seeking advice from other advisers, we on this Council shall have to bear some responsibility for taking a step today that will put an end to all hope of the talks resuming.

Mr ARCULLI has mentioned the point which I intend to raise next about the three *ex officio* Members on this Council. I have nothing against the Members but I did write to the Governor personally in my personal capacity asking him if they might abstain on this particular issue but he said "No". It would scarcely be democratic if these compulsory votes for the Government were to decide the issue.

And that brings me back to my motion to adjourn the debate on this Bill. I do not ask Members to agree with my political views. I only ask that they will respect what I believe to be the wishes of almost all Hong Kong people that the talks should be resumed. The majority of district board and municipal council members, most of whom are elected, also wish to see this Bill delayed, so the talks may resume. Resumption of the talks should take place speedily and sincerely, with mutual respect on both sides, without the twisting of words or additional conditions sneaked in to cause a rift. The parent countries owe this to their children, who have no say, no right to make their own decisions.

Mr President, I now move the motion that the debate on the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993 be adjourned, so that China and Britain may speedily agree on arrangements for the 1994 elections and then sincerely discuss the remaining electoral provisions without breaching any former agreements, and without breaching the Basic Law.

I so move.

Question on Mrs Elsie TU's motion to adjourn proposed.

PRESIDENT: Standing Order 30 provides for a Member to propose without notice the adjournment of the debate. If the motion is negatived, the debate on the motion shall continue. If, however, the motion is carried, the debate on the question shall stand adjourned. I now propose the question to you, which is, that the debate on the motion be adjourned. I would remind Members that, under Standing Order 28(4), a Member who has already spoken may speak again on a motion that the debate be adjourned. I would therefore ask for a show of hands and will continue to ask for a show of hands until all Members who wish to speak have spoken. And I will take the show of hands on the convention of seniority which has prevailed up to this point. Mr Allen LEE.

MR ALLEN LEE (in Cantonese): Mr President, we have listened here today to Mrs Elsie TU's speech moving the adjournment of the debate on the entire reform package. After consideration, the Liberal Party agrees to the points of

Mrs Elsie TU and support her motion. For several decades, Mrs Elsie TU has fought for people's livelihood in Hong Kong and for the democratization of the territory's political system. In delivering her speech in this Council, Miss Emily LAU also pointed out that Mrs Elsie TU was the person she respected most. Mrs Elsie TU realizes only too well that the absence of an agreement, hence the lack of a through train, will be to the great disadvantage of Hong Kong.

All along the Liberal Party has thought that a smooth transition of the constitutional arrangement is the only best arrangement; and the position of the Party is not something as Mr SZETO Wah described. Despite the grimness of the current situation, we still strongly urge the people of Hong Kong to try their best in encouraging both the China and the British sides to continue with their talks, with a view to arriving at an agreement with continuity.

In her speech just now, Mrs Elsie TU reminded me of what Mr Douglas HURD has once said in Parliament. I have also quoted his words in this Council before. He thought that those who suggest that whatever we do now, China would be obliged to accept in 1997, are out of touch with reality. I think, time permitting, to adjourn the debate of the entire reform package for the time being is, after all, not a bad suggestion, while the idea of exerting pressure on the two sovereign states is worthy of our support. However, the people of Hong Kong also feel that time is running out. Therefore it is also unacceptable for this Bill to be postponed indefinitely. As a result, the Liberal Party hopes that with an honourable way out provided by this Council for talks to resume, both Britain and China must respond immediately. In any case, the talks should be resumed in not less than a month while the two countries should first indicate whether they are prepared to return to the negotiation table. If the talks still cannot be resumed within one month, the Legislative Council should then resume the legislative procedures which we should have continued with today.

Each and every Member of this Council should try his/her very best to promote the resumption of the Sino-British talks. This is what we must bear in mind today. If China and Britain find no room for a continuation of the talks, it is absolutely impossible for Sino-British co-operation to maintain. Then such a terrible crisis will be inevitable despite what the Governor or the Hong Kong Government says.

Mr President, we support Mrs Elsie TU's motion under the condition that a time constraint is imposed.

MR HUI YIN-FAT (in Cantonese): Mr President, I have said just now that we should consider whatever means available to bring China and Britain back to the negotiation table to discuss the question of Hong Kong's political system again. While the proposal made by Mrs Elsie TU is doubtless very good, little do we know if China and Britain would return to the negotiation table to continue

discussing the question of political reforms even if we were to pursue the proposed course.

Hard pressed for time, it is practically impossible for us to delay any longer. Therefore, I feel that unless there is a deadline by which China must return to the negotiation table to discuss the question of political reforms, such procrastination will do no good to the future of Hong Kong. As such, I cannot accept this proposal.

MRS SELINA CHOW (in Cantonese): Mr President, after listening to the reasons given by the Honourable HUI Yin-fat for not supporting the motion, I feel that perhaps he does not fully understand the whole issue. If the Legislative Council thinks that there is still a gleam of hope, we should then try our best to ensure that this hope is realized. No matter how the Chinese and British sides reject the idea, we should pressurize them because the people of Hong Kong would like to see both sides return to the negotiation table. Therefore, we should try our very best even if it is a last-ditch attempt.

I also agree with Mr HUI Yin-fat's point that a deadline is necessary because we are extremely fed up with the entire process of the talks. However, in setting a deadline, we should at the same time allow some leeway for both sides, for example, a month's time. In fact, it is possible for the Hong Kong Government to do so because from the constitutional point of view the initiative still lies with the Hong Kong Government. If the Government wishes to resume the debate on this Bill within one, two or three weeks, it has the power to do so. As Members of the Legislative Council, it is our responsibility to set a deadline, put pressure on both sides and demand that what should be done is done.

MR MARTIN LEE (in Cantonese): Mr President, although Mrs Elsie TU had told only some Members about her motion but not us from the United Democrats of Hong Kong, I did make some preparation and so have a speech ready.

Mr President, I earlier expressed deep regret over the Government's delay on the political reform Bill. I find it almost impossible to believe that a colleague would actually move a motion to adjourn the debate of this Bill which has already been delayed for so long. I am greatly disappointed with this motion.

We should all understand that the most important duty of the Legislative Council and its Members is, by definition, to make laws for Hong Kong. If we, as legislators, shirk our responsibility and refuse to carry out our legislative duties, are we still qualified to sit in this Council? If Members of this Council are not satisfied with any bills proposed by the Government, they may move amendments, or cast a "no" or "abstain" vote. But shelving the Second Reading debate on any bill is an act of shirking responsibility.

In fact, I fail to see how Hong Kong would benefit from adjourning this debate. The Chinese Government has reiterated that it will never resume negotiations with the British Government unless Mr PATTEN withdraws his political reform package. And since Beijing has all along refused to recognize the Legislative Council's status, how can legislators be so naive as to think that Sino-British talks can resume simply because this Council has shelved the Second Reading debate? The only conceivable possibility for a motion to adjourn is that the Chinese side has secretly promised some legislators (of course not those from the United Democrats of Hong Kong) that it is willing to return to the negotiation table if the Bill is shelved. Should that be the case, the Member who proposed this motion and those who support it must give this Council a clear explanation.

Mr President, a further point is that even if the Sino-British talks resume, it would not necessarily mean that the Sino-British stand-off can be resolved, or that the two sides could reach an agreement which is in the interest of Hong Kong people. Members of the Legislative Council should not engage in such self-deception. Under the terms of the Sino-British Joint Declaration, the political development of Hong Kong should be decided by Hong Kong people rather than by the two sovereign powers, for elections have nothing to do with defence or foreign affairs. Can we expect a miracle to come out of the resumed talks, if any, when China and Britain failed to come to an agreement after 17 rounds of talks last year? Are colleagues so eager to have an agreement that they will by all means urge the British Government to kowtow to the Chinese Government again, and even sacrifice Hong Kong people's high degree of autonomy?

Mr President, a number of colleagues referred to Sir Percy CRADOCK's philosophy. The fundamental difference between Sir Percy's views and mine is very simple. I am of the view that the Joint Declaration is a binding international agreement. The Chinese and British Governments are therefore responsible for its implementation so as to honour their commitment to the people of Hong Kong. But Sir Percy is of the view that the Joint Declaration was only the beginning of Britain kowtowing to China, so much so that whatever China asks is given for the sake of reaching agreements one after another, thus undermining Hong Kong's high degree of autonomy step by step. In fact, what use is an agreement, if any, if we follow the path guided by Sir Percy?

Today, the Chinese Government does not like the old agreement and wants it changed. The British Government therefore enters into a new one with it. Come tomorrow, the Chinese Government wants another change, then another agreement is reached. What use are then these agreements?

If my colleagues in the Legislative Council are not clear about how urgent the legislative process for the electoral arrangements is, we can look at the legislative calendar together. We cannot debate the Bill next Wednesday, 2 March for it is the day for the Financial Secretary to announce the Budget for

the coming year. Theoretically, the Legislative Council could resume the debate on 9 March, but it would surely not be possible for the Chinese and British Governments to resume the talks and reach an agreement in two weeks. The Legislative Council will be occupied with the Budget in the rest of March, then the Easter holidays follow. If the Legislative Council adjourns the Second Reading debate today while the Chinese and British sides cannot resume the talks before 9 March and reach an agreement, the earliest date we can possibly resume the debate is 20 April. It is nothing as simple as adjourning the debate for a month. We cannot make it. Therefore if colleagues from the Liberal Party support this motion just because they think that the debate could be adjourned for a month, then I urge them to take a closer look at the calendar and oppose the motion here and now! Mr President, it will definitely be too late if we pass at the end of April arrangements for the district board elections to be held in September. There would not be enough time even to register voters and Legislative Councillors would let down all those members of the public who are interested in running for office, and those who are over 18 and intend to register as voters. Finally, if the Legislative Council defers passing the first part of the political reform Bill, how much longer would we have to wait for the second part to be gazetted? The scrutiny of the Bill will also have to be set back.

Mr President, the future political development of Hong Kong should be decided by Hong Kong people and the Hong Kong Legislative Council. But the two sovereign powers have shown very good co-operation only in ignoring the wishes of the people of Hong Kong and excluding the Legislative Council from the discussions. I cannot understand why colleagues of this Council should want to downgrade themselves further. Many Members have not fought with us as a united force for an early scrutiny of the Bill so that Hong Kong people's opinions can be reflected fully. But even when the partial Bill is now finally placed in front of us, some Members still dare not touch it.

Whether colleagues of this Council are willing to accept the reality or not, it remains that our term ends in July 1995 and there will be fresh elections. The situation for the municipal councils and district boards is the same — their terms will end earlier than ours and elections must be held accordingly. We as legislators must therefore make the necessary laws for these elections as soon as possible.

I urge all colleagues of this Council not to evade our responsibility and carry out our most fundamental duty of passing laws for Hong Kong. I urged in my Motion of Thanks speech last October that we as Legislative Councillors should straighten our backs and uphold the Joint Declaration. Hong Kong is at a historical crossroads and our future history is written by us stroke by stroke now. If any of our colleagues do not have the courage to shoulder this historical mission, he should evaluate carefully whether it is still suitable for him to sit in this Chamber.

Mr President, Mrs Elsie TU is a veteran fighter for democracy. She commands enormous respect from all who also fight for democracy. As less senior democrats, we find it hard to criticize her. But if we keep our mouths shut on this extremely serious matter, we will be letting down all supporters of democracy in Hong Kong. Mrs TU, let me say this in my most sincere manner: Sorry, your motion to adjourn the Bill is a big mistake.

With these remarks, Mr President, the United Democrats of Hong Kong strongly oppose this motion.

MR TAM YIU-CHUNG (in Cantonese): Mr President, ever since the press disclosed that Mrs Elsie TU had intended to move a motion to adjourn the debate on the Electoral Provision Bill, she has been under pressure from various quarters including the press, this Council and the public. Yet, she is still determined to surmount every difficulty and shoulder the immense pressure on her own. She is prepared to fulfill this difficult task with the morality and courage that one would expect from a Legislative Council Member. Now it is still open to question as to whether the motion will be eventually endorsed. Whatever the outcome, I feel great admiration for Mrs Elsie TU's courage and I will also give her my full support.

Yet, there is one point I regret very much. I believe everyone present in this chamber realizes that at this stage, we have already missed the golden opportunity since no one can say with any certainty that talks on the political arrangements would be resumed even if Mrs TU's motion is to be endorsed today with an overwhelming majority.

In fact, the Democratic Alliance for the Betterment of Hong Kong and I did propose to adjourn the examination of the Bill in this Council in early December. If I had then gained the unwavering support of most Members of this Council, especially those from the Liberal Party, I believe China and the United Kingdom would have held the 18th or the 19th round of talks on the political arrangements or even would have come to an agreement on the electoral arrangements, and this Council would have had ample time to go through the necessary legislative procedures.

Mr President, I entirely agree with what Mrs Elsie TU said in her speech: "If we support this Bill, what do we gain? We shall have a British-made Bill lasting from 1995 until 30 June 1997." I support her views because I believe that everyone in this chamber, and indeed all Hong Kong people, will not be so naive as to believe that the Chinese Government will allow the political package as proposed in the Bill to remain in force after 1997. As what the British Foreign Secretary, Douglas HURD, said in early 1990, such thinking is out of touch with realities.

Even though today's motion is to be endorsed, I think it will be an uphill task for this Council to change the present situation completely on its own. Yet, I would like to reiterate that I admire very much Mrs Elsie TU's courage to propose an adjournment of the debate against all odds today. She has set an example to this Council which, I think, colleagues should follow.

Mr President, with these remarks, I support the motion.

MR ANDREW WONG (in Cantonese): Mr President, I do not want to speak too much on whether I support the Bill or not. As Chairman of the Bills Committee, I would like to point out that it is already too late now. In fact, when the Bill was scrutinized, I had already given Members many opportunities to debate on the principles. However, Members were reluctant to give their views. If such arguments were put forward during the deliberation of the Bill, we still had enough time (to deal with them). Even if Members prefer to give their views in the Legislative Council sitting instead of the Bills Committee, we could have resumed the debate of the Bill on 2 February. However, some Members did not want to have the debate held on 2 February and preferred to postpone it to this date, that is 23 February. Hence, the matter is further delayed. If Members consider that there was not enough time for discussion, we could hold extra meetings. The main reason is that the part of the Bill which deals with the number of constituencies of the municipal councils has to be passed before March. If we cannot determine the number of constituencies, the Boundary and Election Committee will not be able to draw the boundaries on time and consult the public. The whole thing must be ready and submitted to the Governor in Council before 30 April. As time is running out, the adjournment of debate is definitely not a practical solution. If Members are not satisfied with the Bill, they should vote against it or amend it. I think this will be a more positive step.

Thank you, Mr President.

PRESIDENT: Mr CHIM, you have to leave, I understand, and want to speak out of turn. Is that right?

MR CHIM PUI-CHUNG (in Cantonese): Mr President, ever since the Governor first came to Hong Kong on 9 July 1992, Mrs Elsie TU and I have been the two boldest critics of everything that his administration does, particularly of his political reform package. To be sure, many have commented derogatorily that we are heedless of consequences and do not know what is good for us. The truth is that our criticism has been made mostly in consideration of the realities facing the people of Hong Kong. So, it is not surprising that we have been sneered at and hit back by some self-styled democracy fighters. Some even dismiss Mrs TU as a one-time democracy fighter.

Be this as it may, Mrs TU does not fall into a frame of mind similar to theirs when she works for the people of Hong Kong. Now 81, she has always slogged away quietly at her work. I hope very much that Members will fully appreciate this. As for myself, I have been accused of being "pro-China" because of my heaping reproaches on the Governor. I have even been once called "a Chinese running dog" in a radio programme. I admit that I would rather be "a Chinese running dog" than a "running dog" to the United Kingdom. Of course, I can at most be an "accomplice" where China is concerned, and it is improper to call me a "running dog" to China. However, I can technically be called a "running dog" to the United Kingdom. In any case, I will be able to serve as a "running dog" for just over three more years. The Governor's political reform package, put forth on 7 December 1993, sent a shock wave through the community in Hong Kong. It has been divisive to our community in many ways and has led to many sharp debates in this Council. Government officials, especially the Policy Secretaries — the more senior they are, the more likely it is the case — have had to wear "helmets" and indeed "bullet-proof vests" to protect themselves during the debates. This is unfair to everybody concerned.

The Governor came to Hong Kong as a self-styled democracy fighter. We must not lose sight of the fact that, where Hong Kong is concerned, the United Kingdom is an aggressor and a colonial power, not a defender of democracy. We must also realize that the United Kingdom has its own problems: the problem of Northern Ireland and the problem of the royal family. How just can the United Kingdom be? Is the fighter recruited by the United Kingdom able to promote full democracy? As politicians, we must keep our eyes open. We must not follow him blindly, thinking that he is a democracy fighter. If we do, we may, in the words of Mr Martin LEE, as quoted in the press, "get on the wrong bus, the bus of bandits". Mr LEE has now got off that bus; he is no longer "on the wrong bus, the bus of bandits".

We must understand that, if our present political system fails to converge smoothly with the arrangements as stipulated in the Basic Law in 1997, and if there is consequently to be no "through train", it will seriously undermine the basic spirit of the Sino-British Joint Declaration. Everybody appreciates that it is jointly agreed between the two Governments that the British Hong Kong Government is responsible for the administration of Hong Kong until 30 June 1997. We are now just over three years away from that date. Anything that is done now must be able to remain valid beyond 1997 in the interests of the people of Hong Kong.

Arriving in Hong Kong on 9 July 1992, the Governor, Mr Chris PATTEN, pledged that there would be peaceful transition for Hong Kong and that there would be convergence in 1997. Of course, he does not have to deliver absolute convergence. But what he has been doing is virtually to create political division in Hong Kong. While, luckily, our economic development has not been undermined, the political division has already brought on mental strains on us. This is why many uninformed members of the public are susceptible to some media reports. I dare say that the media have a very large

share of the blame. Why? Because the media pander to the tastes of their readers or their audience. They advance their own theories and these theories cause members of the public to form a not-quite-fair perception of the so-called democracy and freedom.

Hong Kong is a very unique place. During its rule of Hong Kong for more than a century, when did the British Government ever talk about democracy? When did they ever allow members of the public to be informed about things that closely affected them and make political decisions? But now so much pressure is being brought to bear on the people of Hong Kong and so much homework is being given to them to do. What the people of Hong Kong have gained are just those liberal democrats and the promise of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" which they are used to chanting. I want to tell you all from the bottom of my heart that Hong Kong, after all, will not become "an independent state". Because Hong Kong will not be "independent", it will always have to deal with the Central Government of China. True, the Central Government has made a commitment to Hong Kong people that they will be allowed to rule Hong Kong. But I am convinced that it will not allow Hong Kong to be governed by those people of Hong Kong who are opposed to the Central Government's policies. This is the ultimate truth that we all must appreciate.

About Hong Kong's district boards, the Governor, as everybody knows, promised at one time that he would give an ear to the views of all sectors of the community. Now, over 60% of all district board members have jointly signed an official letter asking the Governor to put a hold on the Bill before us today. Of course, everybody can read in the press what exactly happened.

We must appreciate that over 60% is not a small percentage. Most of those district board members were elected, though some, to be sure, were appointed. Whether elected or appointed, they form the majority in the district boards. The Governor must not turn a blind eye to their request. In a different part of his political reform package, the Governor proposed that the Election Committee should draw all its members from these same district board members. From this, one may assume that the Governor must consider them to be quite broadly based representatives. They have now put forth a strong demand. Why has Mr Governor, who promised full democracy, fairness and openness, failed to give an open response to their demand? He is ignoring the majority view of the grassroots, is he not? After all, district board members represent different social sectors and are, according to some, in the most direct contact with the electorate. The Governor agrees with such a view. This being so, their opinions should have been respected.

Of course, I am personally convinced that Mrs TU's purpose in seeking to adjourn today's debate on the Bill is to provide a chance to China and the United Kingdom to resume the 18th round of talks. Admittedly, there is little chance of that happening. Still, as we say, success stands a chance until the moment of final defeat.

I was once the leader of a soccer team. In every match, until it was finally over, I would never allow the players to give up. In one game, after losing 0 to four at first, we eventually reversed the situation and won five to four. This is a good reason why we should have faith. We said earlier that we hoped that China and the United Kingdom would value the views of the people of Hong Kong. If we support Mrs TU's motion today and see it carried (though the chance for this is slim), both China and the United Kingdom will, I hope, become fully aware of the frame of mind and the wishes of the people of Hong Kong.

No matter what happens and which side wins, we as Hong Kong people must fully understand this: We must try our best to fight for things that we want, but this must not be done through confrontation. Confrontation will never get anywhere and is totally unacceptable.

We also must appreciate that, if the amendment motion is carried and if China and the United Kingdom then do the right thing to resume the talks, this will be good for Hong Kong in many ways. At least, all the democratic arrangements as stipulated in the Basic Law will not go down the drain. It will be easier for the people of the United Kingdom to continue to enjoy the long Sino-British friendship. The friendship between the peoples of China and the United Kingdom will not be totally destroyed by the uncertainty surrounding the talks. I am convinced that if the people of the United Kingdom realize that the consequences can be so serious, they will never support their ruling political party in having such an indefinite and interminable confrontation with the Chinese Government.

It cannot be denied that the whole world is against communism. The fall of the communist regimes in East Europe and the disintegration of the Soviet Union provide very good illustrations. This, however, does not mean that the people of the United Kingdom have a special duty to oppose communism. Still less should the British Government make use of Hong Kong's present circumstances for the furtherance of its international moral obligations. It may criticize the Communist Party in other forums and over other issues. Yet it is improper for the British Government to make use of the Hong Kong issue to point a finger at the Chinese Communist Party. Nor should it use Hong Kong as a chip in provoking confrontation with China. Confrontation will produce consequences or create uncertainties with which ultimately the people of Hong Kong must live.

I am convinced that Mrs TU's motion will not win the support of the professional politicians who call themselves democrats. Still, the people of Hong Kong should appreciate her honourable intentions. I share her wishes and her views, most of all on constitutional issues. On other issues, as she said earlier, I do not necessarily share her political views. I absolutely support the underlying message and the spirit of her motion and I will vote for it.

Mr President, thank you for allowing me to speak out of my turn. These are my remarks.

MR NGAI SHIU-KIT (in Cantonese): Mr President, unlike Mr Martin LEE, I do not have a prepared speech. It is a speech made impromptu and I hope that it will hit the right note. There are many points in Mr Lee's speech that I wish to respond (it is a pity that he is not in this chamber at the moment). He said that he did not expect Mrs Elsie TU to move such a totally ill-conceived motion to shelve the political reform package. As a matter of fact, Mrs TU's love of Hong Kong is all too evident between the lines in her speech. She pointed out in earnest the likely outcome if the scrutiny of the Bill is to go ahead. No one can deny that Mrs TU, as a responsible Member of this Council, was speaking from the bottom of her heart. I would like to express my admiration for her.

Mr Martin LEE said that the Chinese side declined the request for the resumption of talks time and again, why then should we kowtow to it and make the request again? If we put aside this question and concentrate on what Mrs TU has put forward, we will note that she is merely reflecting the strong wish of most of the people of Hong Kong, that is, to work out a political package supported by both the Chinese and British Governments, which could ensure smooth transition. Our concern is not whether our request would be accepted or not. Mrs TU is merely voicing Hong Kong people's wish and aspirations. Furthermore, Mr Martin LEE said that a legislator should not duck his responsibility. Contrary to what described by Mr LEE, Mrs TU is fulfilling her responsibility as a legislator by telling the truth to the people of Hong Kong: Should Governor PATTEN's political package be passed, it will have a life span of less than two years. She is just trying to tell us that the Chinese side is going to get rid of the political package, if passed, at the end of the day. Mrs TU has made this point very clear in her speech. I think it is Mrs TU's intention that efforts should be made to ensure that the political arrangements will not be discontinued after 1997, thus causing havoc with the community and disrupting people's peaceful lives. There is another point I would like to respond to Mr LEE's speech. He expressed a worry that if the Chinese side does not agree to the agreement today, then it would request an amendment to be made; if it does not agree to another point tomorrow, it may want another amendment. He concluded that should this be the case, there would be amendment without end. I think that we have only one agreement at the moment and also one undertaking. The agreement is the Sino-British Joint Declaration and the undertaking is the seven signed diplomatic exchanges. Up to the present, I have not seen one agreement signed after another and one undertaking made after another. It is simply Mr LEE's imagination and does not mean any one side kowtowing to the other. I believe that Mr LEE's criticism bears witness to one side's criticism, that is, the other side makes some undertakings but only too often changes its mind afterwards.

Several Members have quoted the words of the British Foreign Secretary, Douglas HURD, just now. He had more than once said that it was unrealistic to ask China not to change the political arrangements after 1997. Against this background, I support Mrs TU's proposed shelving of the Bill for a specific period of time.

I support her motion.

MR LAU WAH-SUM (in Cantonese): Mr President, I only wish to say a few words. First of all, I admire Mrs TU for her courage to move such a motion at this juncture. Her speech is very touching because she has precisely echoed the sentiments of the silent majority in Hong Kong.

I was born in Hong Kong and I live in Hong Kong. My family and I are going to stay in Hong Kong beyond 1997. By the time when 1997 comes, there will be as many as 5 to 6 million people who make the same decision like my family. What do these 5 to 6 million people hope for? What do they want? They want only to live in peace and work in contentment, and a smooth transition. Now we have a chance, remote though it may be, at this moment to realize their wish. If we do not seize it and then strive for a smooth transition, we will be regarded as failing to discharge our duties as a legislator.

Some say that we do not have enough time. As a matter of fact, time or opportunity is created by men. If it is necessary for us to scrutinize the Bills in question day and night, we are obliged to do so. So long as we can create a chance for the Chinese and British sides to resume the talks and negotiations over a smooth transition, every Chinese in Hong Kong will appreciate our efforts. All in all, I would like to say that I support Mrs TU's motion.

MR EDWARD HO: Mr President, I had not intended to speak this afternoon. The reason was that I thought it was futile to debate on an electoral system that will not continue beyond the transfer of sovereignty in 1997. On the contents of the Electoral Bill today, members of my functional constituency have clearly expressed in an opinion poll conducted by me that more than 50% of those responded favoured supporting the Bill. With that clear indication, it was going to be a simple decision for me to vote in support of the Bill, and it is what I intend to do at the end of today's debate.

I spoke of the futility of supporting an electoral system that cannot survive 1997. It is also deeply disturbing. Ever since the Sino-British Joint Declaration has been signed in 1984, we, the people of Hong Kong, have been promised again and again that our social and political systems will continue beyond 1997 until at least the year 2047. That continuity is the very foundation upon which our confidence in the future is based. The spectre of a whole new system of elections after 1 July 1997 — a system that is unknown to us at present, a system that may not be familiar, or even acceptable to us — is a

spectre that is too depressing to contemplate. It is wholly disturbing to me, though I doubt whether many people in Hong Kong have come to realize these implications.

I understand that Mrs Elsie TU's motion to adjourn the Second Reading of the Bill was meant to apply pressure on the British Government and the Chinese Government to resume talks on the electoral arrangements so that an agreed system can emerge — a system that can continue after 1997. Mrs TU's intention is a noble one. Mr Martin LEE has done her much injustice in describing her motion as a shirking of responsibility. He deliberately distorted her intention which is a true reflection of what most of the people of Hong Kong have overwhelmingly supported in a recent opinion poll. At this eleventh hour, Mrs TU can be described as an incurable optimist. I have thought deep and hard on whether I should support Mrs TU's motion. My conclusion is that if there were any efforts that can bring together once again the two Governments to agree on an issue vital to our future, however slim the chance is, that effort has to be made.

I may be just as incurable an optimist as Mrs TU; but I owe it to members of my functional constituency, to the people of Hong Kong, and above all, to my conscience, that I should support any efforts that would give a clear message to the British Government and the Chinese Government that the people of Hong Kong desire their fulfilling of their commitments under the Sino-British Joint Declaration to co-operate on a smooth transfer of sovereignty, and to agree on a political system that can continue through 1997, based on a democratic development no less than what is given under the Basic Law.

I fully realize that time is running out for electoral arrangements to be finalized for the 1994 and 1995 elections. But I wish to correct what Mr Martin LEE has said because Standing Orders 7(2) and (3) do allow the President to change or add sitting days when such are necessary. As time is short, therefore in supporting Mrs TU's motion, I am not supporting an indefinite deferral: my condition is that the two Governments would come to an agreement within one month from today. If that fails, then resumption of the Second Reading of the Bill should take place and I shall have no alternative but to support it despite my disappointment and frustration that it may not survive the passage of 1997.

With these remarks, Mr President, I support Mrs TU's motion.

DR LEONG CHE-HUNG: Mr President, Mrs TU, whom I respect, has called for adjournment of this debate on the grounds that by adjourning the debate there will be a resumption of Sino-British talks and I would like to put forward a few points.

First of all, what guarantee do we have that this will happen and if so, how reliable is the so-called privileged information?

Secondly, Mrs TU implies that it is impractical to push through the Electoral Bill. But let us not forget that what is eroding the confidence of Hong Kong people at this point in time is all talks but no decision. And I am worried that by delaying the passage of this Bill, there will not even be talks, let alone decisions.

The Honourable Jimmy McGREGOR has said — and I think we all agree deep in our hearts if not openly — that it is the second part of the electoral reform that China is against, not the first part.

Mrs TU also referred to the so-called parent, which is China, and children, which is Hong Kong, and implied that we have to listen to China and to comply with her wish. If that be the case in every situation, I fail to see the function and the use of this Council.

I would also like to put forward one point, that is, even if this Council were to accept any so-called China formula, if any, some of us may still not be able to ride the through train. Not because we are prodigal sons but because some of us may not have the right of abode for having acquired a foreign passport and therefore would lose the right to seek re-election or to retain their seats.

As I have mentioned in my opening speech, it is high time for us, if we call ourselves to be Hong Kong people's representatives, to stand up and be counted. So I would oppose the amendment.

MR JIMMY McGREGOR: Mr President, I have to say again that I am completely opposed to any adjournment in discussion of this legislation. I do not suggest that Mrs TU deliberately ducks responsibility in making her proposal but I do think the effect is the same. There would be a ducking of responsibility by this Council of something which is now extremely late in the day.

I have to ask Members who are pressing for adjournment, where is the suggestion, where is the belief, and where is the evidence that China will do what they wish? Where on earth is the suggestion that the adjournment will give this Council — a Council which China regards as an advisory committee and no more — the opportunity of asking China, our future sovereign power, to get into discussions about this legislation, about these measures? How much work has been done by the people who now suggest this should be done? How much work has been done to ascertain whether China would or would not agree to such a deferral, after having spent the last 18 months arguing about every single proposal put forward? Where is the suggestion that China would agree to come up with proposals which are acceptable to China and Britain within a month? How ridiculous if we believe any such thing in this Council!

The first thing I would say, is that it is impossible to believe, on the present evidence that we have, that there is any intention whatsoever by China to respond to any agreement which we may come to, to delay matters for one month. We would simply be making the time element more crucial, more difficult for ourselves. And we would be presenting China with another opportunity, which she has taken advantage of during the last 18 months, to delay these matters further so that we will be in a dreadful situation in trying to bring about effective elections, campaigns and so forth and Mr HUI Yin-fat has referred to that particular point.

Mrs TU, incidentally, has been much admired for her contribution to the community over a long, long period of time and I would fully agree with that. I do not remember the people, who now support Mrs TU so strongly and express so much admiration for Mrs TU, having expressed in the years gone by the same admiration. In fact, as I recall, Mrs TU was a lone fighter for a very long time in Hong Kong and did not have much support at all from the business sector. I remember that very clearly during all my years in the Government. For Mrs TU, I think it is a very worthy situation to have arrived at when the business sector can so unhesitatingly offer its support to her.

These proposals I regard as petty, as very small indeed, and hardly a step forward in the democratic path. And as Dr LEONG Che-hung has said, they are a very minor hitch, if you like, as far as China is concerned. There is no reason whatsoever for China to disagree with any one of these proposals and in fact, all that China has done is, by taking a negative attitude towards these minor proposals, to delay consideration of the further two. The only two that really matter to China: the nine seats and the 10 seats; the system by which the nine will be elected and the 10 will be elected. We have known from the very beginning, from the first moment of Mr PATTEN's proposals put forward to this Council, that these would be the proposals that China would disagree with very strongly indeed and so it has proved. So in the meantime what we are facing is a long catalogue of discussions and delays, intended to bring pressure on Hong Kong and to modify these proposals for the nine seats and the 10 seats. Anybody who believes differently will be very foolish in my opinion indeed.

Mr CHIM has said that he cannot understand why the British left Hong Kong without democracy for a 150 years as a colonial territory and now is all fired fast about bringing democracy into Hong Kong before handing over to China. I would suggest there is one particular difficulty that the British Government — whether or not we laugh about democracy, in the form of democracy they have in Britain — is in fact an elected Government, elected through the people of Britain and which can be thrown out one way or another every four or five years. That is a Government which has to listen to the people, which has a range of human rights, most of which exist in Hong Kong, and to which the Hong Kong people have become used, over the many years.

I would have to say also that it is my belief, possibly wrong, that some of these human rights, at least, do not exist in China and the Chinese track record

in terms of democratic reform, in terms of the way they govern their people, seems to me to be very different to the track record of the Hong Kong Government in governing the people here. What I suggest is that the reason for Hong Kong people having to run Hong Kong with a high degree of autonomy is a recognition by China that the system here is very different to the system in China — and that the best possibility of success for Hong Kong people, and the capability of Hong Kong people to deliver the golden eggs to China for as far ahead as we can hope. That is a recognition by China. The agreements reached by China are a recognition. The system in Hong Kong is a very different one based on fundamental beliefs, operations and rights, some of which in fact do not exist in China.

Now the point is that the British Government, a democratically elected Government, which upholds all the human rights that are set out in the ICCPR and various other documents, is handing Hong Kong over to a Government, the rightful Government of this territory, which, however, has a very different political system and a very different track record.

I do believe, Mr President, that there is a responsibility for the British Government to try to ensure in the best possible way that the institutions they leave behind are sufficient to give Hong Kong the right which was granted to them under the Joint Declaration and enshrined in the Basic Law. The right to have a high degree of autonomy, that includes not just simply the operation of the economy, the development of the social system, but also the right to govern themselves insofar as that can be done within the charter granted to them. I therefore believe that we should not, under any circumstances, delay any longer consideration of this very minor legislation and I would hope that Councillors would agree that this is, if you like, the run-up to the main event. Thank you.

MR PETER WONG: Mr President, there is nothing worse than a family row. We have a foster parent, Britain, not on speaking terms with our natural parent, China which will resume full parental responsibilities after 1997.

My constituents, the accountants, have looked realistically at the situation and consider that both sides have painted themselves into their respective corners in a game of brinkmanship. We now are at that very brink and my accountant training tells me that the odds are against success. For the message from accountants and Hong Kong people is that we would all prefer both sides to come together and work out a solution that is acceptable to Hong Kong.

From talking to fellow Members and listening this afternoon, it would appear that this adjournment motion will be defeated. Even if it is, I do not wish to lose that last ditch chance of getting both sides to come together, to arrive at a solution, which will work now and last beyond the transition. By voting for this motion to adjourn, I wish to stress that I have no wish to delay proper arrangements for the electoral arrangements and if no concrete results

are forthcoming in a short time, say one month, then it must be brought back to this Council.

Mr President, I make the strongest possible plea to both Britain and China: if either of our parents are really sincere about the welfare of their child, Hong Kong, start talking now.

MR SZETO WAH (in Cantonese): Mr President, "As distance tests a horse's stamina, so time reveals a person's heart". There will still be tests as long as the road has not yet come to its end and days are still to pass. The test by history is after all harsh. And under the harsh test by history, masks have to be taken off, and cloaks as well. Then the truth will come out, and the innate characters exposed. Having had this opportunity to rub their eyes and see the real picture, Hong Kong people will have enhancement in their political wisdom which will help them grasp their fate better in the future.

MR FREDERICK FUNG (in Cantonese): Mr President, the Sino-British argument over Hong Kong's political system has lasted for more than 17 months. And both sides have held talks for over 12 months. During this period of a year or so, we have had opportunities of being unexpectedly rescued from a desperate situation. When the Governor, Mr Chris PATTEN, presented his political reform package to the Legislative Council in October 1992, we had thought the situation was anything but reassuring as China and Britain would have no chances of co-operating. But in March and April last year, the talks took a turn for the better. However, an impasse would appear to come every other several rounds of talks. Both sides always seemed difficult to come to agreeable terms. Then we came to the 15th round of talks during which we were informed of even the slightest movement. It appeared then that "every road leads to Rome", and Rome was right there ahead. However, when we came to the end of the road, we were at the edge of a cliff. And Rome was opposite the cliff. In fact, is this situation reflecting another possibility, that is, should the talks fail to yield any results or agreement, or even break down, it could possibly fit in exactly with one side's, or even both sides' wishes? It is because Britain may not wish to see anyone "kicked off the train midway" under any eventual agreement. China may also not wish to see a post-1997 system which it hopes not to see. Under such circumstances and background, how can a Legislative Council motion to adjourn the Second Reading debate turn the tide and alter this reality?

Mr President, of course I do not wish to speculate too much on the other people's motive. But basically, I feel that the debate on this Bill is something that Members must do under two conditions.

Firstly, the talks are, in my view, between China and Britain. The lead actor in these negotiations is very often the government. The government's assembly, be it Britain's Parliament or China's National People's Congress, can

only offer opinions during the course of negotiations. Finally, at worst the agreement coming out of the negotiations will be submitted to parliament for endorsement or otherwise. Therefore, I do not see we, as the Legislative Council of Hong Kong, can break away in these current talks from this parliamentary role within the democratic system. Given the confidentiality surrounding the talks, outsiders have no knowledge about the strategy and motive of the talks. How much can the Legislative Council do under such circumstances and faced with such a situation? As a Legislative Council Member, or indeed as a Legislative Council, we can do only two things: first, to express our attitude towards the talks, that is, satisfied or not, frustration or welcome; second, to vote on the Bill to be submitted by the Government in the future, that is, for, against, abstention or amendment.

As to the second condition, I entirely agree with the Honourable Martin LEE that it is already too late for the district board election. In fact, I raised this point in April last year and had it repeated in November. I think that if the Bill concerning district boards could not be submitted to Legislative Council by December 1993, the 1994 district board election would basically be an unfair election, for candidates would not know how many electors there are, how old they are and where they are. This election will, generally speaking, only help the incumbents to a second term. This election will only deal blows to new candidates running for the first time. We do not wish to see the 1994 district board election become an unfair and irrational election.

The Honourable Elsie TU moved a motion today to adjourn the debate of this Bill. She has a good motive. But I would like her to consider a question. All the time, the Chinese side has kept saying that the Governor, Mr Chris PATTEN, has made three violations. But Mr PATTEN has kept denying this. Recently, Chinese officials said talks could continue if only the British side could return to the three accords. But Mr PATTEN has also kept saying that he has been working in accordance with the three accords. How can we draw these violations and accords together, Mrs TU? However, my assessment of Mrs TU, as opposed to that of Mr Martin LEE or Mr SZETO Wah, is different. Many a time we have to nail a coffin in assessing a person. What one says and does on a long term reflects one's thinking and ideal. Some people may have moved a motion with a kind heart and a good goal. But the timing and the place of the motion may not be appropriate. I still think Mrs TU has a kind heart. She is working for Hong Kong people and in their interest. Unfortunately, time is not on her side! I have said before that until this day, Mrs Elsie TU is the one I respect most among all Councillors in Hong Kong, despite our different views about this question.

I oppose the motion.

MR MICHAEL HO (in Cantonese): Mr President, Mrs Elsie TU is a senior whom I hold in very high esteem. I remember the first time I saw her (I was very young then), it was on the television when she was participating in the

Urban Council election debate. (At that time, a candidate running for the Urban Council seat had to sit for an English test, and I cannot recall which year it was). During all these years, Mrs Elsie TU has done a lot for this colony. She has done a lot to uphold justice and to challenge endlessly the many injustices in this colony. Regrettably, though, Hong Kong has failed to build up a democratic system during all these decades.

We have failed in enabling Hong Kong people to fight against injustices by way of a system. We do not wish to see that people must always have to fight against injustices through other people or councillors. We hope to have a system in place.

With the return of Hong Kong to China in 1997, the Joint Declaration gives us an assurance of "Hong Kong people ruling Hong Kong and a high degree of autonomy". What we need is a fair and open electoral system.

As to the motion moved by Mrs TU today, I am in the opinion that adjourning the debate cannot solve the problem. We should not and cannot delay it indefinitely. Should we adjourn the debate, the voter registration would be hindered. It is perhaps also very unfair to people who are preparing for the election. Besides, I do not believe that the talks would be resumed if we adjourn this debate. Nor do I believe that any talks resumed could go on well, so well that an agreement on a political system for Hong Kong people ruling Hong Kong, which lives up to Hong Kong people's expectations, would be reached.

In her speech just now, Mrs TU pointed out that the majority of Hong Kong people want an agreement. However, Hong Kong people also want a good agreement, not just any agreement. Mrs TU has also mentioned that the Bill, no matter how we would have amended it, once passed, would make it impossible to re-open the Sino-British talks. The reality is, even if the talks were reopened and carried on further, then what would China and Britain talk about? Could we have a really good agreement coming out of the talks?

The Chinese side had been referring to the "three violations" and demanding that Mr PATTEN withdraws his proposals in full. I do not believe that the Chinese side would turn around so easily. Nor would it accept any changes and produce as a result of the re-opened talks, if any, an agreement that could truly realize the proposition of Hong Kong people ruling Hong Kong.

Actually, as far as I can observe, what the Chinese side obviously wants to achieve is to force the British hand in the talks over Hong Kong's political system, not just defence and foreign affairs as provided for by the Joint Declaration. I believe that what the Chinese side wants is our observing its instructions on all fours. And even if we kneel down to beg, the Chinese side may not even approve of it. Therefore, I find it impossible to support Mrs Elsie TU's motion.

I so submit.

DR HUANG CHEN-YA (in Cantonese): Mr President, Mrs Elsie TU wants to adjourn today's debate. Like some other colleagues, she thinks that this political reform package is simply not to be supported because the United Kingdom's motives are suspect and because China is against it. It is an undisputed fact that the British Government has maintained a colonial government in Hong Kong during the last 150 years and has been unwilling to let the people of Hong Kong run their own affairs. Those of us who have been fighting for democracy for the past 10 to 20 years know most clearly the British Government's antidemocracy position throughout the years. Just now, Mr TAM Yiu-chung and some other colleagues mentioned Sir Percy CRADOCK, who is opposed to the PATTEN package. Unfortunately, Sir Percy's opposition is not due to any respect he may have for the people of China or the people of Hong Kong. Colleagues, please do not read him wrong. He opposes the PATTEN package simply because of his utter lack of respect for us Hong Kong people and Chinese people. He thinks we do not have the qualities or the courage to uphold democracy.

Sir Percy's are out-and-out colonialist views. He is not any different from the racists I met in Australia during the past 10 years and more. He is merely using sophistry to speak in defence of British aggression in China and British colonialism in Hong Kong over the past 150 years. Therefore, it makes no sense at all for us to mention his name. But the United Kingdom's inglorious history is by no means a justification for us not to have democracy. Nor is our suspicion of the British (who have put forth a rather more democratic political reform package) any reason why we should not have democracy. Suppose we should firmly oppose anything our enemy favours, reject it and go as far as shooting at our foot, even if it is something that we want, something that is good for Hong Kong. Would it then not be easy for the British to trick us? Mrs TU has probably been exposed to contemporary Chinese history for so long that she knows how difficult it is for Chinese people to champion for democracy. She is therefore worried that the people of Hong Kong, with an overcast of extreme-leftist thinking over them, may have to make sacrifices in return for democracy. Her motive is completely different from that of those parties seeking to adjourn the debate because they oppose democracy or because they want to put on a good show to redeem themselves from poor past performance. But she is wrong, for she fails to understand that China will progress.

Mr TAM Yiu-chung of the DABHK confined himself to criticizing the British side only. But he has completely forgotten about the wishes of the people of Hong Kong, about their yearning for democracy. Where are the people of Hong Kong in his speech? I want to ask him one question. He said that he and the DABHK were disappointed for their hard work over the past year had come to nought. What had the DABHK been striving for during the past year? The DABHK merely wanted to place the people of Hong Kong like innocent animals at the mercy of the Sino-British talks. If the DABHK has any sense of national dignity, and if it takes a pro-democracy position for the people of Hong Kong, it should ask China to act with initiative and put forth a package that is more democratic than Mr PATTEN's, so that Hong Kong will have a

greater degree of democracy in the form of full direct elections in 1995. Hong Kong can then take a big step forward along the road of democracy, and China can then announce proudly to the world that China is not against democracy. If the DABHK really supports the idea of Hong Kong people ruling Hong Kong and wants Hong Kong to have true democracy, it should support a more advanced political reform package for Hong Kong.

Some colleagues said that to save its face, China will not allow a Britishmade political system to continue. These colleagues are in fact looking down on China, too. They similarly do not believe that China will progress and become more democratic. They believe that China will remain forever a feudal, dictatorial and anti-democratic society. I reject this kind of thesis. The people of Hong Kong also reject it. Feudal thinking may hold sway over China for the time being. Extreme-leftist thinking may prevail for the time. But neither feudal nor extreme-leftist thinking will control China forever. We should believe that China is rational and will head towards democracy. We must therefore have the courage to stand firm on our aspirations. We must have the resolve to keep our fate in our own hands. We must have the confidence to tell China that Hong Kong needs democracy. To support the adjournment of the debate is in fact to say that we the Chinese people and the Hong Kong people cannot be masters of our own house and that we are going to continue to behave like obedient and submissive colonial subjects even after 150 years of having done so. So doing will mean that we must refrain from expressing our wishes and pursuing our aspirations. It will also mean that we must remain submissive for ever more, letting the British and the Chinese Governments determine our fate and deprive us of our birth rights.

In the days when there were territorial concessions to foreign countries in Chinese cities, warning notices were erected saying, "No dogs or Chinese allowed." Had it not been for the many predecessors who told us about this, would we have resisted Western aggression? Did WANG Ching-wei not tell us during the 1930s that it would be futile for us to resist Japan because we would just be throwing away our lives for nothing? If every Chinese had been afraid to die, and if every Chinese had been spineless, China would have perished and the Chinese people would have become extinct. Chinese are not afraid to make sacrifices. Having driven the Western aggressors away, we later refused again to lower our heads and resign ourselves to our fate and fought and defeated Japan. Mr President, the time has come. Do we want to be masters or slaves? Do we want to hold our fate in our own hands or will we place ourselves like cattle and sheep at the mercy of butchers? These are the questions that we have to decide.

I am against being a slave. So I oppose adjourning the debate.

MR SIMON IP: Mr President, I shall try to say everything I want to say now, so that it will not be necessary for me to speak again, if and when the debate resumes.

The most recent opinion survey shows that most members of the Hong Kong public are fed up with the continual Sino-British row over political reform. One way or another they want to see the issue out of the way so that life can get back to normal, if, and as soon as, possible. At the same time they want to see an agreement between the two sides, so that the breakdown in relations over the last 16 months can be repaired and co-operation restored to pave the way for a smooth transition. They realize that much remains to be done in the next three years that cannot be done without goodwill and co-operation of all sides.

They have witnessed the airport talks stagnate. They have seen little or no progress in the work of the Joint Liaison Group. There has been no resolution of important issues, such as localization and adaptation of laws, multilateral and bilateral arrangements — essential for Hong Kong's future economic well-being — and simple issues, like who may retain or lose the right of abode in Hong Kong. All these vital issues are being used as pieces on a political chessboard. Their concern is that these issues will remain on the chessboard long after the political chess game is over. That is why they prefer to see a resolution by both sides, agreeing on the way forward and co-operating on all these issues in the interests of Hong Kong. Given goodwill, wisdom and forbearance, it ought to be possible to fulfill this wish without either side having to concede the game.

This first stage Bill essentially deals with matters which both sides have agreed upon during the 17 rounds of talks. This was reportedly confirmed by Ambassador MA Yuzhen in his recent letter to the Foreign Affairs Committee. These include agreement by the Chinese side to lowering the voting age, accepting the British proposal for using the "single seat, single vote" method in the municipal council and district board elections, and letting Hong Kong members of the National People's Congress sit on the Legislative Council.

There was also qualified agreement to the abolition of appointed seats in the district boards and municipal councils, subject to adjustments to be made by the Government of the Hong Kong Special Administrative Region, in the light of the relevant provisions of the Basic Law.

Agreement could not, however, be reached on the voting method for the Legislative Council elections in 1995. The British side, we are told, proposed the "single seat, single vote" method which was the method approved by this Council in a debate in 1992. I do not know which method, if any, was proposed by the Chinese side. In the absence of information, it is not possible for us to consider any other method. It seems to me logical, sensible and simple, to have a uniform method for all three tiers of elections.

There has been no indication from the Chinese side that they would be willing to resume talks with the British side, if this first stage Bill were deferred in whole or in part. In the circumstances, I cannot see that deferral can achieve the intended purpose.

There are genuine time constraints in respect of the district board and municipal council elections due in the autumn of this year, and we are told that unnecessary delay in enactment of this Bill will have an adverse impact on the essential preparations for those elections.

If there is any indication at all from the Chinese side that there is a possibility of restoring a dialogue, then deferral would deserve the most serious consideration. Unfortunately, that is not the case.

But I do make a sincere and genuine plea to both sides to put aside their differences, without forfeiting their dignity and resume a constructive dialogue and co-operation on the whole range of issues, including further political reforms, in the best interests of Hong Kong.

Mr President, I oppose the motion.

MISS EMILY LAU (in Cantonese): Mr President, I rise to speak against Mrs Elsie TU's motion. Many colleagues expressed a moment ago their respect for Mrs TU. Mr Allen LEE also mentioned that I had done so before. In fact, I have said so in this Council not once, but twice. Everybody is well aware of the things that Mrs TU has done for the people of Hong Kong. They are too numerous to name. I believe that the credits of all Members of this Council put together may not equal hers. It is therefore certain that she commands our respect.

I am very much puzzled by Mrs TU moving such a motion today. If this were a joke, I would say that she was in favour of my earlier suggestion that colleagues should ad-lib, that they should speak without a prepared script, that they should just stand up and speak. In fact, colleagues' performance today has been marvellous! I hope that colleagues will have sufficient self-confidence to support my motion at Friday's House Committee meeting and henceforth speak without a prepared script. However, if we take the matter seriously, then we must ask: Why are colleagues not given sufficient time to prepare for such an important motion? During the last few weeks, I saw many reporters bombard Mrs TU with questions. And I noticed that she was very impatient as she answered them, "I have freedom of speech. I have my human rights. I don't have to tell you anything."

Mr President, of course she had the right to do what she did. It is permitted under Standing Orders. But why did she use such a way to move such an important motion (which may be one of the most important motions ever moved by Mrs TU in the Legislative Council)? I am not saying that she is sneakish. But I feel that such an important motion — no matter how many of us will be in favour of or against it — should have been announced long before now in an open and above board manner and with forthrightness. And she should have told the press and the whole world what motion she was going to move and why. If she had done so, all colleagues would have had ample time to

prepare themselves. (Still, of course, I would rather they ad-lib.) What actually happened this time was that when it was her turn to speak, she suddenly moved to adjourn the debate, thus we would have to start all over again. Some people can afford to waste their time. But we have already wasted 17 months on the talks on Hong Kong's political system.

Mrs TU appealed to us to be responsible to society. As an elected Member, I absolutely appreciate this responsibility. I hope to stand for the Legislative Council election in September next year. I certainly will discharge my responsibility towards the people of Hong Kong. What do the people want us to do now? Do they want to see another farce in the Legislative Council? Why then are we scared to make a decision on such an important issue?

I have no idea how Mrs TU feels the pulse of the people of Hong Kong. But as an elected Member, I pulse with them. I understand that members of the public are fed up with the talks on Hong Kong's political system. The talks have not come to fruition after 17 months and have covered very few areas. As quite a few colleagues noted a moment ago, time is running out fast. With the district board elections scheduled for September next year, where will candidates find the time to make preparations? What arrangements do we want the Administration make to enable a successful conduction of the September elections. I wonder if Mrs TU has given any thought to these questions.

Some colleagues supported her motion. They said that one month's time should be allowed for the talks to be resumed between the Chinese and British Governments. I feel that this is pure fantasy, a tale from the *Arabian Nights*, and simply inconceivable. Given that the Chinese Government does not even recognize the status of the Legislative Council, do you really believe that it will listen to us and hurry back to the negotiation table? Frankly, as we all know, China has stressed time and again that the talks can resume on condition that Mr Chris PATTEN withdraws his political reform package, rather than us shelving this trivial Bill. So I feel that those who tell us to adjourn the debate are misleading the Hong Kong public. If anybody has any evidence to prove to this Council and the public that the Sino-British talks will be resumed immediately upon the shelving of the Bill, I dare him or her to produce that evidence right now. If he or she cannot produce such evidence, then he or she should not mislead the people of Hong Kong. Unless we can ascertain that the Chinese Government has changed its mind and is prepared to resume the talks without this Bill or the political reform package being withdrawn, we should not make such a suggestion! I personally do not see the matter as simple as it appears. What will we get in return for shelving the Bill? I believe it will make the Legislative Council a laughing stock. People will then say that we are "more than adequate to botch a job than have it done". We would then be accused of failing to do the little that we have been given to do, and be labelled as spineless in matters of dire urgency. To me, this is absolutely unacceptable.

Mr President, lastly, many colleagues (including Mrs TU) have questioned the use of passing the present Bill or the remaining part, that is, the second part

of the political reform package (which I hope will be gazetted as soon as possible) when the package supposedly has a life span of only two to three years. This is a major difficulty that all of us in Hong Kong must face, especially those among us who have been singled out to be driven off the train in 1997, including those civil servants who claimed to have been driven off the train. The question is: What choice do we have? Is it true that there are some actions which, once taken, will enable both sides to arrive at a package acceptable to all? Mr President, I cannot see this happening.

During the last several months, I think the world has had a clear picture of China's tough and high-handed attitude. What the Chinese Government wants is full control over Hong Kong, politically, economically and so forth. Most of all, it wants full control over the elections of the various tiers of representative government. I cannot accept such a situation.

Of course, if we cannot accept it, then we have to face the question of how to make through with the transition. This is a difficult question. There may be a major upheaval in 1997. Recently, I came across a survey which found that many senior civil servants, about 70%, had already obtained foreign passports and that many government officials were getting ready to emigrate. I believe that many members of the public are feeling very terrified at an uncertain future. I wonder how many of my colleagues will still be in Hong Kong in 1997. We are all aware of this question. But I would like to ask Mrs TU: What other choice do we have? Are we to prostrate ourselves before the Chinese Government and do whatever it tells us to do? Has the Chinese Government ever put forth any package which we supporters of democracy and freedom find acceptable and which is in line with the provisions of the Sino-British Joint Declaration? If the answer is no, then what is the advantage of shelving the Bill as Mrs TU has so enthusiastically asked of us?

I welcome the Administration's decision to issue a White Paper to make known the full contents of the 17 rounds of talks. But I must warn the Administration that I do not wish to see any more secret talks. I hope that all talks from now on will be held with sufficient participation by the people of Hong Kong.

With these remarks, I oppose the motion.

DR CONRAD LAM (in Cantonese): Mr President, originally I did not intend to speak today but the heated verbal exchanges just now have prompted me to take part in the debate. Yet I would try to be low-key.

No matter how radical Members' remarks just now may sound, or they may give rise to a public impression that the Legislative Council is divided and is unable to bring anything fruitful, I believe that, as I have known them for years, they share a common goal and that is to work for the well-being of the

people of Hong Kong, though their ideals and the roads they choose to take are different.

Mr President, I must point out that United Democrats share the wishes of the Hong Kong people. We all hope that the Sino-British talks would not break down and that Hong Kong can have a smooth transition in 1997. However I wish to emphasize one point: What exactly caused the breakdown of the Sino-British talks? One thing is certain — it has nothing to do with the efforts made by Members of this Council. I just hope that the Chinese and British Governments would disclose the full details of the talks as early as possible so as to enable the public to know who should be held responsible for the breakdown of the talks.

Just now I heard some veteran legislators suggest that we should exert pressure on the Chinese and British Governments. I was somewhat surprised at this suggestion. I believe, as veteran legislators in this Council, they must be aware that at the outset of the Sino-British talks, the idea of a "three-legged stool" had already been ruled out. The general public are denied any role in the talks on the future of Hong Kong, to say nothing of this Council. I hope that as we are fighting for a better future for ourselves, we would bear in mind a Chinese idiom, this is, "one should know one's own limitations".

Mr President, a while ago Mrs Elsie TU likened the Chinese and British Governments to a feuding couple and Hong Kong to their son. It makes me think that if a couple's relationship has turned sour to the extent that divorce is inevitable, then does it imply that this is the end of the world to their children? Despite the breakdown of the Sino-British talks, we, the people of Hong Kong, should still stand up and strive for a better future on our own. We should not just fold our hands and sit there doing nothing simply because of the breakdown of the Sino-British talks.

Mr President, with these remarks, I oppose Mrs Elsie TU's motion.

MR FRED LI (in Cantonese): Mr President, unlike Mr Martin LEE, I have not prepared any speech because not until the very last moment, I still did not believe that such a motion would come up. It is really a test for our wittiness and on-the-spot performance this time.

I would not repeat the remarks just made by many colleagues. I just want to point out that after rounds of talks for a year and a half, the two sides were only able to agree on the lowering of the voting age to 18. As for other issues like the abolition of appointed seats and "single seat, single vote" system, the two sides were only willing to make limited concessions and China is still adamantly against the adoption of "single seat, single vote" system for Legislative Council elections.

A little later, during the resumption of the debate on the Second Reading of the Bill, Meeting Point, as a political party, would put forth its views on the "single seat, single vote" system and multi-seat, single-vote system (despite the fact that Mr Andrew WONG is an expert in this field).

On 27 December last year, the Hong Kong and Macau Affairs Office issued a statement clearly pointing out that after 1997, there would be a restructuring of all three tiers of government. According to them, on the basis of the Letters Patent and as a result of the failure to reach an agreement between the two Governments, the Chinese Government must restructure the three tiers of government, including district boards and the two municipal councils which do not have any muscle in the political sense. What does restructuring mean? We have no idea. Does it mean that most of the Members have to get off the "through train" or some of them may be able to get on the train again after successfully going through some affirmation procedure? We do not know that either. The Hong Kong and Macau Affairs Office did issue such a statement which was widely reported by the media. By deferring the debate on the Bill, are we really able to reverse the situation? Can China and Britain reach an agreement on issues like the transition of the three tiers of government and the "through train" arrangements within half a month or indeed a month? This is doubtful. To be honest, Meeting Point does not pin any hope on this since both Governments actually distrust each other. To the Chinese side, there is a conspiracy behind everything the British does. However, we are not on the British side, but whatever we say, we would be labelled as "pro-China" or "pro-Britain". From time to time, this labelling games does spark attacks and accusations among Members of this Council. I think this is totally undesirable.

We have to accept the fact that there is no hope for the Sino-British talks to be resumed. We should not deceive ourselves and hope that there would be a break-through. Rather, let us just make it loud and clear to the two sides to put aside the issues that they disagree and deal with them later after 1997. We must ensure that other issues would not fall victim to their dispute over the political reform. Regrettably, the Sino-British row has already affected British investments in China's infrastructural developments.

Turning to the new airport, what are the problems facing us now? Are the problems involved political ones or financial and technical ones? I believe the former is likely the case. For other matters like CT9, the localization of civil servants, the work of the Sino-British Joint Liaison Group, are they not all politicized? These issues are all of immediate concern to the people of Hong Kong. As Members of the Legislative Council, we should be more ready to condemn such trend.

Today, we should not waste our time to discuss whether we should defer the debate on the Bill as this is meaningless.

The district board elections would be held on 18 September this year, only half a year from now. It is now too late to urge both Governments to

resume the talks. Moreover, to us, the items under discussion today are only trivial matters. In the context of the political reform package as a whole, I think the first part of the reform package is only like an appetizer before a meal, but then still it has given rise to all these disputes. The main dish is yet to come. When it does, I wonder how long the Council sitting would last. Perhaps it would take us three days and three nights to hold the debate. I do not see why we should make a fuss about these, after all, minor issues.

I always believe that we should try to be brief with our speeches. I therefore do not intend to go any further. Members from Meeting Point oppose the proposal to defer the debate on the Bill.

DR YEUNG SUM (in Cantonese): Mr President, I have participated in social movement for so long that I have stopped to mind if people praise me or curse me. Rather, I try to find out who are praising me and who are cursing me. What we must not do is "to sadden our own people and gladden our enemies". Those who have today expressed disappointment with Mrs Elsie TU in their speeches are her usual admirers, but those who have praised her today are the ones who have never publicly admired her in the past. Indeed, one has the impression that friends have been saddened and enemies gladdened. I believe this is my first public criticism of Mrs TU. And because it is my first criticism of her, I will speak in a dispassionate tone. I do not want her heart, heavy as it already is, to become even heavier.

Mr President, I feel very disappointed and sorry to see that this motion of adjourning the debate should be moved by Mrs TU, an elder of social movement whom I have always respected. I have known her, then Ms Elsie ELLIOT, since the early 1970s. Having just graduated from the University of Hong Kong, I was then a social worker in Kwun Tong. I remember a meeting I attended with Ms ELLIOT in the hall of a social service organization in Kowloon. It was a political gathering. We were publicly calling for the direct election of Legislative Council Members. She impressed me then as a senior member of the social movement for democracy and against corruption. I have remained a great admirer of hers to this day. It hardly occurred to me that, today, 20 years later, she was to attack openly in speech and writing a relatively conservative (very mild I think) package of political reforms. Nor that she was to formally move a motion to adjourn the debate on it.

Mr President, any Member of this Council has the right to move a motion debate for discussion and decision by Members. I believe, moreover, that Mrs TU's intention of moving the motion is good. She hopes that this motion debate will enable China and the United Kingdom to resume their talks yet again on the question of Hong Kong's political system. Therefore, she must have taken great pains to make her good intention implicit in the motion that she moved. But, to my surprise, she is even more "Sinicized" than I am. What do I mean when I say that she is "Sinicized"? I am referring to her behaviour under the influence of Chinese culture. In traditional China culture, ordinary people

are very respectful, awed or even fearful in front of political authority. The Chinese Government now is undoubtedly the political authority on China-Hong Kong affairs. The British Government, as a colonial government, is an outside authority but gradually receding in the history of Hong Kong. In face of the Chinese Government's vigorous attacks on Mr PATTEN's political reform package, Mrs TU, under the influence of traditional Chinese culture, has not courageously stood firm on democratic principles to fight for democracy from the Chinese Government or to argue or press the case for a democratic political system in line with Hong Kong's wishes. Nor did she fight for the implementation of the principles of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy." I feel very disappointed and sorry for this.

Mr President, even though Mrs TU's intention is good, what result will she get? Will the Chinese Government resume its talks with the British Government just because we adjourn the debate on this Bill? Who can guarantee that it will do so? If the talks were resumed, would Mrs TU then go on to ask the British side to revise the PATTEN package drastically and even to withdraw it?

Mr President, here I should like to state publicly that I will strongly oppose these two demands should the scenarios mentioned above materialize. Moreover, if the Chinese and British Governments had really intended the talks to succeed, they would not have beaten round the bush and held 17 rounds of talks only to reach an agreement finally only on lowering the voting age to 18. That an agreement was reached only because 18 is also the voting age in China. And the so-called agreement in respect of the district board and municipal council elections is no agreement at all for the "single seat, single vote" system is already in use. There is virtually nothing new in this.

Mr President, even if the talks are resumed, who knows when they will come to an end? When can we start making preparations for the elections? When can we begin the voter registration if the voting age was lowered to 18? How are we to prepare for the elections of the district boards? Mr President, Mrs TU is exercising her basic right as a Legislative Council Member in moving to adjourn the debate. I respect her exercise of this right. But I have strong reservations about her attitude of submitting to the political authority of the Chinese Government. After all, we must not blindly support the Chinese Government's accusations simply because it is in strong opposition. We must find out whether the Chinese Government's accusations are justified. If the accusations are weakly founded, then we should stand on the side of truth and principle and argue for our case strongly in spite of the wrath of China.

Lastly, Mr President, the people of Hong Kong are no longer the infants of Mrs TU's eyes. They have weathered many storms and matured. In addition to this, Hong Kong's economic growth and the raised education standards have helped the people of Hong Kong build up their confidence gradually. It is doubtless unrealistic and naive of Mrs TU to say that the Chinese Government and the people of Hong Kong are all in the same family. I am a Chinese but I

have great reservations about the policies of the Chinese Government. I believe that Hong Kong people's view of the Chinese Government would change if only the Chinese Government could give due respect to the human rights and freedoms of the Chinese people and Hong Kong people's demand for democracy. How easy it is to talk about the Chinese Government and the people of Hong Kong being in the same family! The truth is that the Chinese Government has disregarded the human rights and freedoms of the Chinese people and has turned a deaf ear to Hong Kong people's demand for democracy. To say that the Chinese Government and the people of Hong Kong are in the same family is indeed obscurantism.

With these remarks, I oppose Mrs TU's motion.

MR HOWARD YOUNG (in Cantonese): Mr President, just now some Members criticized Mrs Elsie TU for moving this motion to have this Bill adjourned. They said that she was trying to dodge a legislator's responsibility. In my opinion, far from dodging a legislator's responsibility, she is taking it up. She has indeed great courage.

One Member just now said that, in moving her motion, Mrs TU was doing no more than exercising her power in this Council as a Legislative Councillor. I feel that the matter is not so simple as a matter of exercising power in the law-making procedure. Rather, I think Mrs TU did so because she had kept her finger on the pulse of the public and appreciated what most members of the public had on their minds. A moment ago, Miss Emily LAU asked a question: What did the people of Hong Kong want her to do? I, too, have asked some of Hong Kong people what they want us to do. As the representative of the tourism industry, I have asked members of the industry what they want me to do. Mrs TU works in the Urban Council and she is also a Member of this Council. So she represents many people at the grassroots and constituents. I dare not say that I represent them, but at least I have the responsibility to express the views of the tourism industry. That is why I have conducted more than three public opinion surveys at different levels in the tourism industry, to find out what position I should take on the political reform package. I find that the views of the members of the tourism industry are in fact identical to the views of the majority of the people at the grassroots. They all hope that China and the United Kingdom will reach an agreement and put an end to their row.

Just now, Mr Simon IP said that, in his opinion, many constituents in the legal profession were very fed up with the Sino-British row. In the public opinion surveys that I myself have conducted, I found that many in the tourism industry were similarly fed up with the Sino-British row.

In early December, when the Governor said that he would gazette the Bill on political reform, I immediately conducted a public opinion survey in the Tourism Functional Constituency. I asked my constituents if they wanted the

Bill to be brought up for discussion and if they thought that the Bill should not be gazetted and tabled at the Legislative Council or that it should be shelved. Among the returned questionnaires, most of the respondents indicated that the Bill should be shelved. Some respondents even said that it should not be gazetted. However, by the time their questionnaires were returned, the Bill had already been gazetted. In early January, after the Bill had been gazetted, I distributed a new set of questionnaires to members of the tourism industry, asking for their views on each item contained in the Bill: the voting age, the relaxation of disqualifications for election in the case of deputies to the National People's Congress and the Chinese People's Political Consultative Conference, the abolition of appointed seats and the election method. Each question was broken down into three questions, one for the district boards, one for the municipal councils and one for the Legislative Council. A total of 11 questions were asked. Among the returned questionnaires, most of the respondents were supportive and in the affirmative to each question except Question No. 11, which was: If the majority are in favour of the Bill, should we support the Bill or shelve it or take some parts out of it? Surprisingly, while three times as many respondents were in favour of the Bill as were those against it, more were in support of shelving it than were in favour of it generally. This was very strange indeed. Let me explain this by using an analogy. A banquet is about to begin. The menu shows what the appetizer will be, what the soup will be, what the main course will be, how the shark's fin soup will be prepared, how the seafood will be prepared, how the rice will be served and what the dessert will be. When asked, everybody at the table says that the menu is fine. Well then, should the banquet begin? At this moment, everybody says, "Not now." Why did such a thing happen? I feel that it is precisely the view of the people of Hong Kong. They want the Sino-British talks to be resumed and an agreement reached even if there is only a slim chance. Members of the community believe in different things and cherish different hopes. The same is true among Legislative Councillors as it is among members of the public. Some practise religions; some thirst for freedom; some crave for democracy; some want a prosperous Hong Kong. On political reform, what the people of Hong Kong want is that, if there is a chance, no matter how slim, we should not let it slip by. China or the United Kingdom may be looking for a way, a window or a final opportunity to back down with good grace. We must not give up on the talks until and unless they have broken down completely. Therefore, Mrs TU's motion to adjourn the Bill should be supported.

Just now, many Members put it very well when they said that nobody really knew, or raised the question whether shelving the Bill would serve any useful purpose. Certainly, neither China nor the United Kingdom has given any indication as to whether the talks would be resumed immediately and quickly come to fruition if the Bill is shelved. I believe that nobody has any idea about this. However, we will know the answer soon enough if the Bill is shelved, for, after all, the Bill cannot be shelved indefinitely.

Mr Allen LEE said just now that we would probably know the answer in one month. I think that, if both sides are sincere enough and really want to give

the talks a final chance, we simply will not have to wait one month. The Bill may be sent back to this Council as soon as two weeks from now. It will not take one month. I remember that Governor Chris PATTEN once said that, if necessary, an agreement could be reached in one morning, in a few hours, or in the time one would take to drink a cup of tea. Really, it may take less than a month, even less than two weeks. Will the talks come to fruition? I believe that we will know the answer soon enough. If the talks can be resumed soon, I will not rule out the possibility that all the issues already agreed upon during the past 17 rounds of talks will be passed by this Council in the time one takes to drink a cup of tea, as the Governor said. Then we can go on to debate the remaining parts of the package. That will not take too much time. Therefore, I think that we should not let our last chance slip by. If there is a chance, no matter how slim, we Legislative Councillors should seize it and make use of it in order to get for the people what they want. A failure to do so will be very regrettable.

Just now, some Members accused or implied that anybody in support of shelving the Bill must be "pro-China". Of course, nobody dares to put such a label on Mrs TU. I do not agree that there should be such classification as either "pro-China" or "anti-China" or that to support the shelving of the Bill would be a servile move. I think that there is still a last chance. Very slim though it may be, we should not fail to seize it.

Lastly, I want to say that Mrs TU's motion for an adjournment of the Bill is probably not going to be carried. Each side may continue to say that it wants to talk. But I believe that it will become clear which side really wants to talk, which side does not, which side is looking for a way to back down and which side is not. After that becomes clear, our remarks today will certainly send a very strong message to China and the United Kingdom even if the motion is not carried. Though this Council does not participate directly in the talks, Legislative Councillors, like the majority of people of Hong Kong, very much hope that China and the United Kingdom could keep their promises to us and ensure a smooth transition. To achieve this, the talks must be resumed to reach an agreement and there is no other alternative.

I support Mrs TU's motion to adjourn the debate.

MISS CHRISTINE LOH: Mr President, some Councillors today used the analogy of a family row to describe our current political situation. Hong Kong as the child, China and Britain are respectively, the parent and the foster parent.

This sort of analogy is wholly inappropriate. We are not talking about a family row. That analogy wrongly diverts us from reality. We are talking about nothing less than the political rights of Hong Kong people.

Mr President, I wish to repeat that again, we are talking about Hong Kong's political right, to a high degree of autonomy, now and beyond 1997, as we have been promised.

Some Councillors said that Peking may, or indeed will, do away with whatever reforms we put in place after 1997. Yes, Peking has threatened to liquidate Hong Kong's political institutions after 1997 if there is no Sino-British agreement over electoral reform. But surely it is not our job to make it easier for Peking to do so. It would be easy for Peking to dismantle Hong Kong's political institution, including this Council, if it only means shutting out a few democrats. But it would be much more politically difficult if this Council was wholly elected by universal suffrage. At this stage, the last thing we should do is back away from a Bill containing such minor reforms.

However well intended, I believe the Honourable Elsie TU's proposal to defer this debate is misguided. If her proposals were to succeed then it would have the effect of forcing Hong Kong into a position of immobility.

The electoral reforms originally announced in October 1992 for the 1994 and 1995 elections could have been put directly to this Council a year ago. Instead they were made the subject of prolonged and confidential diplomatic negotiations between Britain and China. Those negotiations have so far produced nothing except delay, abusive exchanges and confusion.

It is clear that Britain and China have difficulties talking to each other over electoral arrangements. There is no solution in sight. What we are witnessing is an example of the conflict between the values and the styles of the two systems. Since Hong Kong is the main interested party, if Britain and China cannot produce a satisfactory solution, Hong Kong itself must step in and fill in the gap. Let us get on with that job.

Mr President, I oppose Mrs Elsie TU's proposal.

MS ANNA WU: Mr President, to suggest that there should be a deferral of this Bill is a highly dangerous precedent to set. No debate on any Bill once gazetted, or introduced, should be deferred.

In the exercise of legislative autonomy the job is to vote for or against the Bill, to amend it, or to abstain from voting, but that vote must be taken. To compromise that right is to put us dangerously close to relinquishing the constitutional position of the legislature.

Much has been said about the silent majority of Hong Kong. Why are we only talking about the silent majority? Why are we speculating about what they think or how they feel? Why not ask the silent majority what they want? We are asked to legislate for a system that would better reflect the views of the majority. We should welcome that challenge and not shy away from it.

Mr President, I oppose the motion to adjourn, thank you.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, the Administration is firmly against the motion.

As rightly pointed out by a number of Members, the Bill now before this Council contains provisions which are time critical. There is an urgent need for their early enactment.

For the series of three elections in 1994 and 1995, we would need to get the various preparations immediately underway if these elections are to be held in a timely and orderly manner. But before such preparations can start, the necessary legal framework must first be put in place. If the Bill's enactment were delayed for whatever reasons, there would be serious consequences. Let me cite two examples:

First, the uncertainty created on the electoral arrangements would cause major difficulties and disruptions to the launching of the statutory voter registration exercise due to start in just about a month's time.

Secondly, the Boundary and Election Commission will not be able to submit to the Governor, by the end of April this year as required by law, recommendations on the demarcation of municipal councils constituencies boundaries. In consequence, it will not be possible to compile a proper voter register in time for the forthcoming elections to the two municipal councils.

Simply put, deferral of the Bill will be at the expense of timely and orderly arrangements for the 1994-95 elections. This is certainly not what the community would like to see.

Mrs TU and some other Members have suggested that deferring the Bill would provide one further opportunity for talks with the Chinese side to resume. I should like to stress that it has always been our preferred approach to legislate for the 1994 and 1995 electoral arrangements on the basis of an agreement with China. We have negotiated in good faith for over 160 hours in 17 rounds. But, alas, an agreement has proved out of reach.

That the two sides were unable to reach agreement on even the simpler issues were not because of the reasons described by Mrs TU. The fact is, discussions on the first stage issues floundered because, first, the Chinese side could not agree to include a "single seat, single vote" voting method for the Legislative Council in the package. They insisted that it should be discussed later with other more complicated Legislative Council issues.

The second key difficulty has been over the question of appointed membership to district boards and municipal councils. The British side wanted to abolish the remaining appointed members. The Chinese side had said it wanted to retain them. However, the Chinese side's proposal was hatched with conditions which we would not be able to accept without compromising the

autonomy of the future Special Administrative Region as promised in the Joint Declaration.

It was therefore only when it became absolutely clear, by last December, that the legislative process for the more immediate issues could not be further delayed, that we introduced the current Bill. When the Administration announced in last December that it was going ahead with that Bill, it had made clear that the British side were prepared to continue, in the limited time remaining, discussions with the Chinese side on the outstanding, more difficult issues relating to the 1995 Legislative Council elections.

In the past two and a half months we have continued to press the case for talks to continue. Regrettably the Chinese side have not taken up the offer. Meanwhile, that limited remaining time has continued to tick away. We have now come to the point where we simply have no other alternative but to get on with the legislative process. Given that all electoral legislation has to be enacted by coming July, and this is crucial if there is to be adequate time to prepare for the 1994-95 elections, legislation on remaining more complex issues will have to be introduced into this Council very soon.

Deferral of the current Bill, therefore, will not in reality buy us any more time. As pointed out by Miss Emily LAU, the Chinese side have made it known on numerous occasions that there will be no more talks unless we first withdraw the current Bill. Surely this is a demand which neither the community nor this Council will find acceptable. It is clear, therefore, deferral of the Bill will only raise false expectation within the community and disrupt all the preparations for the series of elections in 1994 and 1995.

People in Hong Kong have made it clear that no agreement is better than a bad agreement. Most of us in the Civil Service are part of the six million population who have a stake in Hong Kong and who will stay in Hong Kong. We want agreement with the Chinese but not at any price.

Mrs TU quoted the British Secretary of State for Foreign Commonwealth Affairs as saying that, "..... expecting China to accept whatever arrangements we put in place is out of touch with reality". The point here, of course, is that the arrangements which we now put forward are entirely consistent with the Joint Declaration, the Basic Law and the relevant past understandings and agreements reached between the two sides.

Some Members are concerned that what is happening on the electoral front will affect co-operation between Britain and China on other fronts. The Administration fully recognizes the importance of close co-operation between the two sides in the final years of transition. It has always been our firm belief that if the two sides are to disagree on something, which is of course regrettable, this is no reason why that should affect co-operation on other fronts. There is a whole range of practical issues where continued co-operation

is clearly in the interests of China and Hong Kong. We, on our part, stand ready to further our long-standing co-operation.

For the various reasons I have explained, the Administration opposes the motion and the three *ex officio* Members will vote against Mrs TU's motion.

At this point, Mr President, I would like to clarify the Administration's stand on Mrs TU's suggestion, also referred to earlier by Mr ARCULLI, that the three *ex officio* Members should abstain from voting in legislative proceedings dealing with the 1994-95 elections. A similar suggestion was put to the Governor during the Governor's question session in this Council on 2 December 1993. On that occasion the Governor made it very clear that the Administration took the Legislative Council as what it was.

It would be wrong to make distinctions between the different sorts of mandate of different Honourable Members, according to the backgrounds from which they came. If such a distinction were made, it would not be possible to resist the proposal that the votes of those who were appointed, rather than elected to this Council, should also somehow be devalued.

It is therefore the Administration's intention that the *ex officio* Members will exercise the same voting right as conferred on all Members of this Council.

Thank you, Mr President.

PRESIDENT: Mrs TU, do you wish to reply?

MRS ELSIE TU: Yes, Mr President, if you do not mind.

Mr President, I want to thank my colleagues who have spoken on the motion and given me some encouragement. And to those who are disappointed with what I said, I can only say that disappointment with me is a very small matter. The important thing is what is good for the future of the people of Hong Kong and I do not care if you are disappointed in me personally.

As to Miss LAU's remarks, I can only say that it is tongue lashings, such as she gave me, that make peaceful negotiations impossible in this world.

I have not said, as Dr YEUNG suggests, that I am not democratic. I am not talking about democracy today. I am talking about delaying this motion so that we can get talks on democracy. Nothing to do with giving up democracy, if that is what one imagines.

I agree with the remarks of Mr Simon IP, about the impasse of some issues that are waiting but I cannot see how passing this Bill today is going to solve that problem. It could make the matter worse.

Next I wish to respond to something Mr McGREGOR said. Mr McGREGOR said that the reforms are simple. I agree that they are very simple, and most of them I am sure we would all support but the problem is that they have been spoiled by the fact that the Governor has thrown in ideas for 1995 and ruined the whole movement. I am sure that these reforms would all pass, if prior agreement with China could be secured, as China was willing to do, as I understand.

About the proposed deadline, I think I am very much attracted to the idea of setting a deadline, but I do not think that it is possible for us in the Legislative Council to set a deadline to Sino-British talks. I do not think we are in a position to do that but I do agree that we should ask both sides to get on with it quickly. And I do not see any reason why the suggestions for the elections for the district boards cannot immediately go through and be agreed by both sides as they originally were in the 15th round of talks.

Mr McGREGOR seems to praise Britain's leaving a democratic system behind in other colonies. Well, I do not know why they did not start 30 years ago, leaving a democratic system here.

PRESIDENT: Yes, Mr McGREGOR.

MR JIMMY McGREGOR: I have to make a correction, Mr President, if she will listen to it.

MRS ELSIE TU: Yes, I will.

PRESIDENT: I am sorry. But under Standing Orders, you can ask whether Mrs TU will elucidate or you can, after she has finished, ask my leave to correct something which you feel has been misunderstood on your part.

MR McGREGOR: Indeed.

MRS ELSIE TU: Anyhow, whatever Mr McGREGOR did say, *(laughter)* I do not think we can say that Britain has a good record of leaving a good system in any of the colonies and Britain is one of the first to acknowledge that.

I like Mr Peter WONG's idea, that we should request the two countries to talk immediately but I do not think we have the right to pass any kind of motion to make them do so.

In casting our votes, I hope that Members will consider first and foremost the interests of the 6 million people of Hong Kong, that is, the stability of the livelihood of the workers and the prosperity of the businesses upon which the workers depend to earn a living. These, in my estimation, are far more important than talking about how we are going to arrange the elections.

I do not expect to win this motion but at least I thank those who have supported me and at least I have spoken what I believe is good for the Hong Kong people and what the grassroots people would like me to say.

Thank you, Mr President.

PRESIDENT: Would you wish to seek my leave to clarify something which you feel might have been misunderstood, Mr Jimmy McGREGOR?

MR JIMMY McGREGOR: Yes, Mr President, I would.

I was responding actually to Mr CHIM's comment about why Britain had left Hong Kong so long, if you like, undemocratic, and I was trying to point out that there was a substantial difference also between the British and Chinese Governments, in terms of democracy and democratic procedures. I was not suggesting for one moment that Britain had left all her previous colonial and empire territories with a government in place which was fully democratic. Far from it. I am not an apologist for the British Government. But I think in terms of Hong Kong, what I was saying was that the system which Britain leaves behind here is predicated upon very, very different circumstances in regard to China and Britain which have very different procedures and systems.

PRESIDENT: It remains for me now to put the question, which is, that the debate on the motion be adjourned.

Question on Mrs TU's motion to adjourn put.

Voice vote taken.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Are there any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Dr David LI, 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 Steven POON, Mr Henry TANG, Dr Philip WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr James TIEN and Mr Alfred TSO voted for the motion.

The Chief Secretary, 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 Marvin CHEUNG, 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 Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted against the motion.

THE PRESIDENT announced that there were 23 votes in favour of the proposed motion and 36 votes against it. He therefore declared that the "Noes" had it.

PRESIDENT: As the motion has been negatived, the debate will now continue.

PRESIDENT: Mrs TU, do you wish to speak on the Bill itself? Well, there is a question whether you can or cannot. Let me check that. But I will call on the next speaker.

MR PETER WONG: Mr President, so far as I am concerned, the way forward has been shown by an opinion poll conducted recently among members of the Hong Kong Society of Accountants.

I fully endorse the pragmatic view taken by my functional constituents that Hong Kong must move on in preparation for the change of sovereignty in 1997. Lest anyone is in any doubt, my constituents want to push ahead with those electoral arrangements. My support of the adjournment is entirely out of a deep wish on my own part to give the talks a very last chance and only if all avenues are exhausted, then we must move on.

Hong Kong's umbilical ties with China are such that we are greatly affected by the political, social and economic developments across the border. This influence is particularly felt by the accountancy profession, which is actively involved in the reforms of People's Republic of China accounting practices and tax laws, to reflect the true and fair view of the business operations there. Hong Kong people must get ready for the time, in the not too

distant future, when the economic border dividing the mainland and Hong Kong will disappear.

As a pragmatic professional, I am concerned about the long-term consequences and ramifications any policy decision may have on the local community. In the next few years, the need for Sino-British co-operation goes beyond the new airport, civil service pensions and security matters. Without China's goodwill and co-operation, the difficulties in carrying out our public works projects and the backlog of legal and administration work are but some of the real threats to the smooth transition. But the most ominous outcome of a deteriorating Sino-British relationship is the weakening of the bilateral commitments to the Joint Declaration that strikes at the root of people's confidence. The corollary of a communications breakdown is an inevitable economic doom, affecting the interests of all parties concerned.

Given such a realistic scenario, is it a sensible decision for Hong Kong to go it alone on political reform? Can we justifiably ignore the wishes of the Hong Kong people who have to pay the price?

I believe that a sensible approach for us to take is to minimize the turbulence of political change affecting the stability and prosperity of our society and it is in this spirit that I look at the Bill before us.

I go along with my functional constituency in acknowledging that it is now time for action, but we must act with prudence and good sense. Two thirds of the surveyed accountants believe that legislative procedures should start within the next six months in order that effective electoral arrangements can be put in place. But the significant message carried by the survey is that we accountants want the revised proposals as outlined in the Governor's 1993 policy address to be tabled at the Legislative Council as soon as possible.

Behind this expressed view is the rational judgement that any political reform could be dismantled by China, which has the ultimate power of veto belonging to any sovereign state. Any attempt to gamble on an ephemeral political system only represents myopia that will cause interminable suffering for the people of Hong Kong.

A more constructive way to go about it is to work out a political reform package which can stand the test of time. We want a through train that will carry us beyond 1997.

Survey respondents pointed out that while the provisions of the existing Bill are acceptable, the remaining proposals can still be improved upon. Indeed it is still possible to work out some practical electoral arrangements acceptable to China, Britain and the people of Hong Kong.

Mr President, in cognizance of our intertwining economic relationship with China, the task in hand is to constitute a political system that complements the Sino-British Joint Declaration and the Basic Law and at the same time retains Hong Kong's unique experience and values. A Hong Kong-China political model will be able to continue right into the 21st century, unspoiled by any temerity or misjudgment that ignores the reality. Such a model will offer us some hope for future stability and prosperity. This I hope, and I believe, is an important mission that calls for our responsible decision today.

MR CHIM PUI-CHUNG (in Cantonese): Mr President, after this speech, I may deliver two more.

As I said earlier, since Mr Chris PATTEN assumed the governorship in 1992, his political reform package had already divided Hong Kong's nearly 6 million people. (Hong Kong's population may be 6.5 million, considering that there may be several hundred thousand people not shown in the census statistics.)

The Chinese Government has long made it clear that Hong Kong will keep its capitalist system after 1997 under a "one country, two systems" formula. If we accept the Sino-British Joint Declaration, the Basic Law and the "one country, two systems" concept, then we should unite together and each of us should do his different share. Regardless of one's social background, regardless of whether one is an employer or a worker, one should work towards a better tomorrow. It is all the more necessary for politicians to do their best to serve the public.

China and the United Kingdom have held 17 rounds of talks on the arrangements for Hong Kong's 1994 and 1995 elections but have failed to reach any agreement in the end. I believe that, if the British side is truly sincere, as the Governor says that it is, then even the problem of the new airport can be resolved. But how sincere is the British side really? As a politician, PATTEN of course does not want to see his political reform package rejected. If it is rejected, he will have to go back to the United Kingdom before his time. Therefore, he must try to employ every possible means to ensure that his political reform package would be endorsed. He is not likely to help the United Kingdom reach any kind of agreement with the Chinese side.

Post-1997 political arrangements must be made according to the Basic Law. If the terms of the Basic Law are violated, I am sure that the Chinese side will not tolerate it. This is an undisputed fact. Therefore, I want to take this opportunity to advise those Members who want full direct elections in 1995, or the "fighters", to bear this in mind. Some people may have to get off the "through train" when the time comes. But they may have a chance to get back on the train at the next stop. Those who are interested in participating in post-1997 politics had better think about this.

Some of the things that we are discussing today in the context of political reform are very insignificant matters. The Government proposes that the voting age should be lowered to 18 (the voting age in China is also 18) and says that this proposal is no big deal. If so, why was such a proposal not made in the past? Why now? Does the Government hope that, with the passage of the Bill, many 18-year-old students, who have been indoctrinated by colonial education, will support them? But students, even if granted such a right, may not be interested in going out to vote. In the United Kingdom, there reportedly have been calls to lower the voting age to 16. But the United Kingdom is different from Hong Kong in many ways. They are simply not in the same category.

Turning to the "single vote, single seat" voting system. That was the system used in the 1991 Legislative Council elections, was it not? China never said that it was adamantly opposed to the use of such a system in the Legislative Council elections. All it wanted was to defer this issue until a later round of talks. It insisted that this issue should be discussed separately from the 1994 and 1995 elections. The Chinese, to be sure, probably had some special purpose in mind. But bargaining is nothing unusual in any talks. The Chinese side agreed that the single vote, single seat system might be used in the district board elections in 1994 and in the two municipal council elections in 1995. Clearly, the Chinese side had already made a relatively big concession. In fact, when two countries are engaged in talks, it is bound to have give-and-take. Why, then, did the Governor insist on tabling his political reform package? Evidently, he was concerned that the talks might succeed. though he has kept saying that the interests of the people of Hong Kong are paramount, I think, as a politician, he is worried all the time that his political reform package may be challenged. To him, such challenge will be very painful. He cannot forget the shame of his defeat sustained in his constituency of only between 70 000 and 80 000 people in the United Kingdom. On top of this, the Conservative Party's popularity has been on the decline. He will have no future if he goes back to the United Kingdom now.

Let us now look at the proposal to abolish the appointed seats in the district boards and in the two municipal councils. We must realize that the appointed members of these boards and councils have played useful roles at the local level. They have kept the interests of all sides in balance. They have made up for the shortcomings of the election system. Members of the business and industrial sector are busy making money. They have no time for taking part in elections. It will be a very painful challenge to them to take part in elections if they wish to serve the community. Frankly, if all seats are directly elected, social workers and teachers stand a very good chance to win. They have got the right training; they are smooth talkers. Also, they have more time to spend with the electorate. But if the Government insists on abolishing the appointed seats, so be it! The Chinese side said that, after 1997, the Special Administrative Region (SAR) Government would exercise its power to reinstate the appointed seats. This being the case, the two sides really should have been able to reach some agreement. I am very suspicious of Mr Governor's motive. What is he really after? Has he really done any thinking for the people of Hong Kong? He

said at one time that Hong Kong should have a more democratic system after 1997. But I venture to say one thing. After 1997, the United Kingdom will have neither the obligation nor the right to concern itself about anything in Hong Kong. He has a responsibility to make the people understand that Hong Kong can never be turned into an independent state. I have said four or five times already that political parties must work within such a framework if they want to create a better tomorrow. They must not provoke confrontation with the Central Government of China. Confrontation will get the people of Hong Kong nowhere. I hope that politicians will not mislead the public; I hope that they will take my words. Mr Martin LEE said a moment ago that the district board elections, the municipal council elections and the Legislative Council elections are inseparable. He was absolutely wrong. We used different methods for the different elections in 1991, did we not? We may certainly pass a Bill on the 1994 district board elections now and come to the 1995 Legislative Council elections later. We are still a long way from 1995. Why can the different elections not be dealt with separately?

I believe that Mr SZETO Wah's remarks just now were not directed against me. Nor am I a worthy enough subject for his criticism, I think. However, listening to what he said, one had the impression of a tramp mouthing abuses in a public street. I am of course not saying that he made personal attacks. Still, a Legislative Councillor who finds that somebody else does not share his political views should simply accept this as a case of different people having different minds. How can advocates of democracy and freedom use abusive language against others? Of course, it is also wrong of me to criticize him now. So we are both imperfect.

Dr LEONG Che-hung said that there was no role for the Central Government in a democratic system. This kind of thinking, too, is very dangerous. It is likely to mislead the public. It leads the public into a "political pit" (not a pit of fire). If he were right, then we undoubtedly must pursue a confrontational course with the Central Government. We can do this in only one way: to start a revolution. We must not forget that our National Father Dr SUN Yat-sen paid a high price for this. Is Dr LEONG prepared to pay a similarly high price? This question is best left to him to answer.

Dr YEUNG Sum said just now that it would be very difficult for China and Hong Kong to become one family. Such a thesis, as well as any inference from it, is also very dangerous. China and Hong Kong should become one family; that is indisputable. China is unique in that, though led by the Communist Party, it will allow the people of Hong Kong to keep capitalism under a "one country, two systems" formula. Dr YEUNG said just now that China and Hong Kong are unlikely to become one family. This worries me. He is a lecturer; if he imputes such thinking to his students, there would be some negative effects. As his students graduate and land a job, they are likely to become a cause of discord in the community. Dr YEUNG, being a lecturer who is supposed to set good examples for his students, should be careful about his remarks and behaviour. I do not have his kind of influence. Nor am I qualified

to teach. However, I hope that our younger generation will be taught to analyze things objectively.

Mr President, to some Hong Kong people, it may be wrong for the Chinese Government to start a "new kitchen" in Hong Kong after 1997. But we must appreciate China's position. What is wrong with China to recover territories that belong to it? For more than a hundred years, China was frequently subject to foreign aggression. National development was thwarted. We, the Chinese in Hong Kong and Macau or the overseas Chinese, should work together to make China richer and stronger. Why not? Why provoke confrontation? The Bill before this Council will probably be passed. (Judging from the voting result just now, the chances that it will be passed are very high.) Nevertheless, I hope that members of the public will fully realize that its passage will not amount to anything. We should set our mind at ease and continue to make Hong Kong our home! Thank you.

PRESIDENT: Dr Samuel WONG, I understand that you wish to speak out of turn because you have another commitment.

DR SAMUEL WONG (in Cantonese): Mr President, I will vote for the lowering of the voting age to 18, the adoption of the "single seat, single vote" voting method and the relaxation of disqualifications for nomination or election in the case of members of the central or local legislative organs of the People's Republic of China.

As for Mr Martin LEE's motion of abolishing the *ex officio* seats in the Regional Council and district boards in the New Territories, I find it difficult to give my support unless there are other more convincing arguments, say, he would propose to abolish the indirectly elected seats in all district boards and the two municipal councils as well.

Mr Allen LEE is well-intentioned to move that the debate on the clauses of the Bill involving the "single seat, single vote" voting method be deferred. However, as the two sovereign states still fail to reach any consensus after 17 rounds of talks and over 100 hours of discussions, can a small action taken by this Council bring the two sovereign states back to the negotiation table again? This is indeed somewhat naive. Furthermore, the "single seat, single vote" voting method is the result of a marathon debate in this Council. In this connection, whenever a Bill which contains such voting method is submitted to this Council, it should have our unreserved support. A year ago, from over 10 000 survey questionnaires received by the Engineering Functional Constituency, it was clearly indicated that a majority of the respondents gave their support to such a voting method. For this reason, although I appreciate very much that Mr Allen LEE has taken pains to strive for the well-being of Hong Kong people by making such a proposal, I am sorry that I cannot support him.

As regards the proposed abolition of appointed seats in the two municipal councils and all district boards, the questionnaire survey conducted among the Engineering Functional Constituency indicated a general support for the abolition of all appointed seats. Yet, it should be noted that the minority of senior members of the Hong Kong Institution of Engineers still tend to support the retention of appointed seats, whereas most of the younger members support this proposal in the political reform package. Last week I conducted a survey among members of the Institution's council and chairmen of various divisions. It was indicated in the returned questionnaire that some members were more in favour of phasing out the appointed seats in the next few years. In fact, the abolition of all appointed seats is a result of the proposed establishment of an elected Election Committee as stated in the political package put forward in October 1992. This is indeed shooting at a pigeon but killing a crow, as it were. In an Urban Council debate held on 3 November 1992, I said that the two municipal councils, though not part of the legislature, were responsible for the allocation and management of rates amounting to billions of dollars each year in the provision of urban services in the area of public health, recreation, culture and so forth, as well as the management of, among others, a host of recreational facilities and multi-storey markets. The appointed members have certainly made remarkable contribution over the decades. Although an appointed member for over 11 years, I, amidst the call for democratic election, have not the slightest intention to insist on retaining appointed seats. During the Urban Council debate, I also proposed to replace the appointed seats with seats returned by functional constituencies. Functional constituencies should be set up according to the various functions of the Urban Council and the one man, one vote voting method should be adopted. This proposal should be feasible, especially given the fact that there will be still in the foreseeable future a considerable number of Members returned by functional constituencies in the Legislative Council. Why can the Urban Council not follow suit? Unfortunately, the central government has never taken the Urban Council seriously. In today's voting, I will very reluctantly support the abolition of the appointed seats on the district boards and municipal councils.

Mr President, with these remarks, I support the original motion.

MR FREDERICK FUNG (in Cantonese): Mr President, in June and July 1992, this Council held many debates on constitutional and democratic issues. At the Constitutional Development Panel, too, we discussed such issues as the "single seat, single vote" voting system and the functional constituencies. I spoke and voted in all those debates. Subsequently, the Association for Democracy and People's Livelihood (ADPL), a political group to which I belong, held many discussions. Could ADPL be regarded a political group in the liberal camp simply because Frederick FUNG, as a legislator, could speak and cast his vote in the Legislative Council? Could it be said that we were discharging our obligations as a democratic party and striving for democracy simply because we could vote and make speeches? The answer, we concluded, was no. We felt that, as a political group in the liberal camp, we had to fight with those in power

for the interests of the public. Of course, some of our goals could be infinite and some could be finite. We have two different sovereign powers before and after 1997. And we should strive to win a democratic political system from the Government of Hong Kong before 1997 and from China after 1997.

We strive to win it from the Government of Hong Kong before 1997. This is because we feel that our system is not yet evolving into the best possible one as it should be according to the relevant constitutional documents. We think that we could seek a greater degree of democracy within the framework of these documents. There are three such constitutional documents: the Sino-British Joint Declaration, the Bill of Rights Ordinance and the Basic Law.

ADPL, in putting forth its proposals, does not intend to revise the Basic Law before 1997. Why? Article 159 of the Basic Law stipulates that the power to revise the Basic Law is vested in the Standing Committee of the National People's Congress of China. This article states, "The power to propose Bills for amendments to the Basic Law shall be vested in the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment Bills from the Hong Kong Special Administrative Region shall be submitted to the National People's Congress by the delegation of the Region to the National People's Congress after obtaining the consent of two-thirds of the deputies of the Region to the National People's Congress, two-thirds of all the members of the Legislative Council of the Region, and the Chief Executive of the Region." Why then did ADPL not want to see the Standing Committee of the National People's Congress or the State Council table a Bill to amend the Basic Law before the Hong Kong SAR came into existence? The reason was that such a course of action, if taken, would deal a heavy blow, in theory and in practice, to the idea of "Hong Kong people ruling Hong Kong". This being so, we thought at the time that there were only three viable options to secure a more democratic political system, particularly in 1993.

Option No. 1 was to strive for a satisfactory democratic election system to be established in 1995 regardless of the stipulations of the constitutional documents. No consideration would be given to whether such a system would survive beyond 1997. However, we thought that, as we and our political group hoped to remain in Hong Kong beyond 1997 to share the same lot shine or rain with the people of Hong Kong, such an option would not be viable.

Option No. 2 was to strive for a satisfactory democratic system, namely, full direct elections in 1995 regardless of the stipulations of the constitutional documents, and then to have the Basic Law amended by the Standing Committee of the National People's Congress or the State Council before 1997 to enable the said system to straddle 1997 under the amended Basic Law. But we were very concerned that any amendment of Article 159 of the Basic Law would create a precedent, whereby the power to table a Bill to amend the Basic Law would be handed over to the Standing Committee of the National People's Congress or the State Council. Such a precedent would practically invite the Central

Government of China to have a hand in the Hong Kong affairs, particularly in Hong Kong's constitutional affairs. We thought that this could be very dangerous.

In 1988, the Joint Committee on the Promotion of Democratic Government, the business and industrial sector and the centrists spent a lot of time and efforts to reach an agreement. According to the agreement, only the SAR Government could initiate any Bill to amend the Basic Law. In our opinion, Option No. 2 would invalidate this agreement. It would also throw all the efforts that had gone into making this agreement an appendix to the Basic Law down the drain. As a matter of fact, we felt that Article 159 of the Basic Law would be a sufficient reflection of the spirit of "Hong Kong people ruling Hong Kong".

Option No. 3 was to design the most democratic package possible in the context of the three constitutional documents available and then to have the SAR Government initiate amendments to the Basic Law as soon as possible after 1997. In consideration of the above points, it became clear to ADPL that, the only viable option was Option No. 3.

8.00 pm

PRESIDENT: Mr FUNG, could you wait just one second. It is now eight o'clock and under Standing Order 8(2) the Council should adjourn.

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

Question proposed, put and agreed to.

PRESIDENT: Mr FUNG, please continue.

MR FREDERICK FUNG (in Cantonese): Therefore, ADPL at the time put forth a proposal on constitutional reform within the framework of the three constitutional documents. We would urge the Hong Kong Government to amend the existing Ordinances before 1991 and, after 1997, to urge the Chinese side to announce a timetable for the quicker democracy development and speed up the pace of democratization so that the second Chief Executive shall be returned and the second legislature of the SAR formed through general elections.

In putting forth such a proposal, ADPL's main purpose was to have a relatively democratic system put in place in Hong Kong before 1997 so that we

would be able to proceed at full speed after 1997 to hold general elections to elect the legislature and the Chief Executive. This proposal was passed in 1992 by a general meeting of ADPL in late August and announced in early September. ADPL's proposal preceded Governor Chris PATTEN's constitutional package by one month. In October of that same year, we travelled to China to lobby Director LU Ping of the Hong Kong and Macau Affairs Office to accept the proposal. We then came back to Hong Kong to lobby Governor PATTEN. In May 1993, we went to the United Kingdom to lobby Foreign Secretary Douglas HURD.

About constitutional development plans for 1995, we made eight suggestions as follows:

First, the voting age should be lowered from 21 to 18.

Second, appointed and *ex officio* seats in the district boards, the municipal councils and this Legislative Council should be abolished.

Third, until there are full direct elections, the "single seat, single vote" system should be employed when it comes to the election of directly elected legislators.

Fourth, deputies to China's National People's Congress and members of other Chinese legislative bodies should be allowed to take part in elections in Hong Kong.

Fifth, the functional constituency system should be reformed to increase the size of functional constituents to 1 million, and individual voting should replace corporate voting.

Sixth, the 4 million eligible voters in Hong Kong should be divided into four groups according to the Basic Law and they should elect a total of 400 electors, who then should, on a "one man, one vote" basis, return 10 Members to the Legislative Council.

Seventh, in accordance with the Bill of Rights Ordinance, which provides for equal political rights for everyone, each voter should be allowed to use his preferred method of voting to elect Members to the Legislative Council.

Eighth, local administration should be reformed with the re-organization of the two municipal councils and the 19 district boards into six regional councils to handle local administration and advise the Central Government of Hong Kong on policy matters.

ADPL's proposal on constitutional reform was made public in August 1992. Since then, we have been lobbying China and the United Kingdom to accept it. We have not changed our position and our views. We support those

parts of Government's proposed electoral legislation which agree with ADPL's position. We seek to amend those parts which do not agree with our position. The Bill on election arrangements tabled by the Government at this Council today basically agrees with ADPL's proposal, the only exception being the Bill's clauses about keeping the *ex officio* seats in the district boards and the Regional Council. Therefore, I will vote for the relevant parts. The amendments proposed by Mr Martin LEE and Mr Andrew WONG are in agreement with ADPL's proposal. I will vote for their amendments as well. But I will vote against all other amendments.

With these remarks, I support the motion.

MISS EMILY LAU (in Cantonese): Mr President, I am in favour of resuming the debate on the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993. As I said earlier, the Sino-British row over the constitutional reform has already dragged on for 17 months. I think the Government of Hong Kong is to blame in that it allowed itself will concede that members of the public are fed that even the Government itself will concede that members of the public are fed up. This is why I am in favour of resuming the debate on the Bill. I call on the Government to table the second part of the constitutional package at this Council as early as possible, so that it may be passed soon. With regard to the amendments proposed by the four colleagues, I support the amendments proposed by Mr Andrew WONG and Mr Martin LEE and oppose the amendments proposed by Mr Allen LEE and Mr Eric LI.

I support Mr Martin LEE's amendment because I do not think that it is appropriate for the rural committees to retain their 27 *ex officio* seats in the 9 district boards in the New Territories. Since the Government has proposed to abolish the appointment system, why should some appointed seats still be retained? Isn't such a move contradictory? The Administration, when responding later on, should explain to the public clearly why it proposes to do so. Like many members of the public, I think that the Government is being partial to the rural forces, creating a small politically privileged class and letting people of this class enjoy political free lunch.

I oppose Mr Allen LEE's amendment because it seeks to lift from the Bill the part relating to the adoption of the "single seat, single vote" system in the Legislative Council elections. In his opinion, the system was the cause of the breakdown of the Sino-British talks. We all know well that the cause of the breakdown of the talks is not as simple as that. Everybody, I believe, knows that the Chinese Government's bottom line is that Governor Chris PATTEN must withdraw his constitutional package. To think otherwise is to indulge in wishful thinking and to be ridiculous. I was glad to hear Mr Allen LEE say that he hoped that people would have a grand vision and would have the courage to create history. I now call on all members of the Liberal Party to join our "Full Democracy in '95" and strive for a democratic and liberal future for Hong Kong.

Mr President, I also oppose Mr Eric LI's amendment, which seeks the retention of the appointed seats in the two municipal councils and the district boards. Appointed seats will be abolished even in this Council in 1995. Why, then, should we insist on keeping them in the district boards and the municipal councils? Some say that the idea came from pro-China political groups and from vested interests in the existing systems (I hope that Mr Eric LI does not belong to these groups). But I hope that he will agree that his thinking does not have the wide support of the community. I would also like to point out that even the Basic Law does not seek to restrict the pace of democratization of the district boards and the municipal councils. Why, then, should we take such a destructive step on our own?

Lastly, Mr President, I oppose the Bill's provision which lifts the restriction on deputies to the China's People's Congresses from becoming members of the Legislative Council, the municipal councils and the district boards in Hong Kong. The rationale behind is that there may be conflicts of interests. It is also doubtful whether they could have enough time to perform these two roles competently. When a conflict arises between the interests of the central government and the interests of Hong Kong, on which side should they stand? Mr HUI Yin-fat said a moment ago that they were "mouthpieces" and "hand-raising machines." I could not agree more. Why do we need so many "mouthpieces" and "hand-raising machines" in this Council?

The people of Hong Kong also express great concern about the time that these people could spare if they play dual roles. I am strongly in favour of Members' holding their seats on a full-time basis. That should be their only job and their only source of income. If a Member wants to play a full role as a deputy to the People's Congress and is prepared to spend a lot of time on playing that role, where will he find the time for attending to the affairs of Hong Kong, which is much smaller in terms of area and scope? For this reason, I oppose this proposal of the Government.

With these remarks, I support the resumption of the debate on the Bill.

MR ERIC LI (in Cantonese): Mr President, in Hong Kong's constitutional reform, there has not been any real revolution with bloodshed. But fightings have been intense on paper, in councils and "on the air" that is, on television. Still, however winding is this path of political reform, we have arrived at a historic juncture today when all the Legislative Council Members have to pragmatically take up this unavoidable responsibility.

My speech today will focus on my proposed amendment seeking to keep the appointed seats. But in accordance with this Council's Standing Orders, I will wait until the Committee stage to set forth my views in detail. However, I should like to use this opportunity to give an immediate response to Miss Emily LAU's earlier speech. The Legislative Council is vastly different from the two municipal councils. As Dr Samuel WONG has in fact explained it quite

unequivocally. Unlike the Legislative Council, the two municipal councils are vested with practical tasks. Some of their members are returned by functional constituencies, and some are elected by electoral committees. In other words, not all of their members are directly elected.

Do I take a "pro-China" position? Miss Emily LAU knows very well what a "pro-China" position is. It is not to take part in any scrutiny work of this Council, but to veto everything. However, am I a man of this kind of word and deed? Everybody can see for himself today.

When Dr YEUNG Sum moved a motion debate on the question of whether or not the appointed seats should be retained in June 1992, the district boards and the two municipal councils had already made their positions very clear. I, too, expressed very clear views. I believe that the Chinese side has adapted its position to our views and not us to theirs on this particular issue.

In the meantime, I intend to give a clear account of the opinion polls to Miss Emily LAU when I present my arguments later on. However, I can confirm that while the findings of some independent public opinion surveys do not indicate support for my position, they do not indicate very clear or overwhelming support for any position neither. Still, my present speech will focus briefly on the other parts of the Bill.

As Chairman of the Commission on Youth, I am very glad that the voting age will be lowered to 18. Since becoming a Legislative Council Member, I have tried many times to have such a change effected. I hope my wish will be fulfilled today. If this political reform Bill is not passed today, I will certainly introduce a private bill to have this particular provision of the original reform Bill tabled at this Council again. If the political reform Bill is passed, our priority task will be to urge the Government to move at once to make up for the lost time. The Government should co-operate with non-governmental institutions to expedite the registration of young voters, so that they may exercise their right, thus shattering Mr CHIM Pui-chung's disparaging remarks about them.

As regards the Bill's provision concerning the "single seat, single vote" system, this Council held a motion debate on the same subject on 16 July 1992. During that debate, I expressed the view that a democratic political system should tolerate a wide variety of voting methods to suit the political realities of a given place at a given time. Therefore, "While accepting the "single seat, single vote" system now, they should remain open-minded and pragmatic as they consider accepting other alternatives under actual circumstances that continue to change." Concluding my speech with that remark, I then abstained on that occasion.

Today, the elections are coming to us with a rush. There is no time for members of the public to analyze the new system coolly and compare it with the other systems objectively. In my opinion, the "single seat, single vote" system

can be understood by the public most easily and is extensively accepted by politicians (including myself). I think that it is really worth a try in the Legislative Council elections of 1995. There are many kinds of voting methods. Different people favour different kinds. The adoption of a particular voting method does not mean a radical change to the system at all. We tried the "double seat, double vote" system in 1991. We felt that it had not worked satisfactorily. So we agreed to make a slight change. This is no big deal. I think that we should try the "single seat, single vote" system in the 1995 Legislative Council election and then review how well it has worked in practice. If we find it to be fair, we should keep it. If we find it to be unsatisfactory, we should discard it. We should take a pragmatic approach to this.

I am somewhat disappointed at the reaction to my proposed amendment seeking to keep the appointed seats on the district boards and municipal councils because many colleagues have already stated their opposition even before listening to my arguments. This method of promoting democracy is "undemocratic" in itself. Mr Allen LEE's speech gave me a pleasant surprise, but only for less than a minute. It seemed to me that he was saying the Liberal Party would support a convergence of the political systems during the transition. But he quickly added that he would not support my proposed amendment. I want to make one thing clear. The Chinese side has stated that it would appoint members to the Urban Council and the Regional Council after 1997 if the appointed seats are abolished now. Therefore, it seems that my proposed amendment should be supported as it will give convergence a chance in 1997. In any case, I hope that colleagues from the Liberal Party (wise as many of them are) will give me a chance, that is, deciding on how to vote only after listening to my arguments at the Committee stage.

Lastly, though I have already formed my basic positions regarding all the questions, I will wait until the debate is over before deciding how to vote.

MR FRED LI (in Cantonese): Mr President, I am not going to waste time on covering each point raised in today's Second Reading debate because later some Members will put forward their amendments and Members from Meeting Point will then comment on each amendment.

As regards relaxing disqualification for election in the case of deputies to the National People's Congress, no Member has put forward any amendment or raised any objection. Meeting Point would like to take this opportunity to express our views on this matter. Meeting Point, in fact, does not hold any particular views on this point. We would, however, like to talk about the "single seat, single vote" system and the proportional representation system.

It is learned that the Preliminary Working Committee (PWC) prefers the proportional representation system but I do not know which type is in their mind. At present there are 60 seats in this Council and there is no way to increase the directly elected seats at least until the 1999 election. Up to 2002,

there will be only 30 directly elected seats because half of the seats will be returned by functional constituencies. Proportional representation system is practically a disguised functional constituency system, as both of them serving the same purpose of reflecting in this Council the interests of various social strata. In fact, there is nothing wrong with the proportional representation system itself but it is very improper to propose the system at this moment and on this occasion as it would arouse people's suspicion about the motive behind such a move. Why should we safeguard the interests of the minority political parties and ensure that they will have the upper hand in elections while the popular political parties are straitjacketed by certain voting system so that they cannot secure more seats?

Later Mr Allen LEE will move an amendment to split the "single seat, single vote" voting method for Legislative Council elections off the Bill. Mr Allen LEE is of the view that splitting the "single seat, single vote" voting system off the Bill would be conducive to the resumption of the Sino-British talks. For the same reason of objecting to adjourning the debate on the Bill, we think the proposal is infeasible. Proportional representation system tends to be favourable to political parties. If the system is adopted, independent Members, or the "Breakfast Sect" as they are generally known, will surely have to form a "Breakfast Party". If not, how can they stand any chance in the elections?

The Chinese side has never consulted Hong Kong people in respect of the voting method. The PWC just held discussions behind closed doors and then announced that they were in favour of a proportional representation system. In view of the aforesaid political consideration, I cannot support splitting the part concerning the "single seat, single vote" voting system off the Bill. Even if we abandon the "single seat, single vote" voting system, chances are remote that the Sino-British talks can be re-opened. In addition, the "single seat, single vote" voting system has been in use ever since the district board election was introduced in 1982. This system is adopted in the Urban Council elections as well as most of the district boards. Given the huge disparity between this system and the proportional representation system, I will not support scrapping the "single seat, single vote" voting system.

For the aforesaid points, Meeting Point cannot support Mr Allen LEE's proposed amendment. These are my remarks.

DR YEUNG SUM (in Cantonese): Mr President, I rise to speak this time to express some personal views on the resumption of the Second Reading of the Bill on the political reform package. The United Democrats of Hong Kong (UDHK) support the resumption of the Second Reading of the Bill. Some people say that Sino-British relations have turned sour in the wake of Governor Chris PATTEN's introduction of his political reform package and no one knows whether it is a blessing to, or a curse on, Hong Kong. They say that, in an attempt to gain some minor democratic gains, we have now infuriated China, with predictable disastrous consequences for Hong Kong. So they hold that

legislators, if they care about the well-being of the people of Hong Kong, certainly should not support the package.

Mr President, now I wish to respond to the above points. First of all, UDHK have considered the PATTEN package to be rather conservative and still some way from UDHK's position, which is that at least half of the seats in the Legislative Council should be returned by direct elections. Still, the package is undoubtedly much more liberal than anything before on the issues of the functional constituencies and the Election Committee. Therefore, UDHK accept the package to be its bottom line, though reluctantly. Regrettably, however, what is a very moderate package to UDHK is a very radical anti-Basic Law package to others. Mr President, it is an undisputed fact that the Chinese Government is strongly against the political reform package. But should we blindly submit to the Chinese Government simply because of its strong opposition? Let us now make some cool-headed analysis. Are the Chinese Government's charges against the political reform package reasonable? The Chinese Government has been insisting that the package is contrary to three things and is, above all, contrary to the Basic Law in terms of the constitutional arrangement. The Chinese Government has maintained that the political reform package is not in line with the Basic Law. Yet I wonder in what way the package is not in line with the Basic Law. I still cannot find the answer. In fact, the Basic Law contains no clear provisions on the formation of the functional constituencies or on the method of returning the members of the first Election Committee. Therefore, we can hardly accept the charge that the package is contrary to the Basic Law.

Mr President, the Chinese Government insists that the package is contrary to three things, yet it has held 17 rounds of talks with the British side on this very package. What does this signify? I am still at a loss for an answer. The Chinese Government has probably forced itself to hold these talks with the British side for the benefit of Sino-British relations and the well-being of the people of Hong Kong. Probably, if the British side had fully abided by the Basic Law, the Chinese side would have accepted the outcome of the talks and let friendly relations be restored with the United Kingdom.

Mr President, if the above-mentioned supposition is correct, then I am at an even greater loss. There presumably will be give-and-take in talks. How can one expect any party to a talk to abandon its own position completely and accept the position of the other side? Any sensible person can tell that a talk in which there is no give-and-take is not a real talk at all; it is an occasion to bring the opponent to knees. Suppose that the British side fully abides by the Basic Law, will it make any difference? As I have noted earlier, the Basic Law contains no clear provisions concerning the functional constituencies or the first Election Committee. Therefore, telling the British side to abide by the Basic Law is actually telling it to scrap the political reform package. Clearly, if the British side had done so, that would have been against the wishes of the people of Hong Kong. I believe that the people of Hong Kong will support even modest pace of democratic development. Most Hong Kong people understand that, if a high

degree of autonomy is to be attained under the "one country, two systems" formula, any modest political reform will be better than the maintenance of a conservative political system. Therefore, I have always opposed the view that the British side should, to come to an agreement with the Chinese Government, drastically revise or even scrap the political reform package. In fact, if the Governor scraps his constitutional package and thereby enables a so-called "agreement" to be signed by the representatives of the two sides in the Great Hall of the People and sends the stock market in Hong Kong up sharply, dark days will come upon Hong Kong and such power politics would become a way of life where China-Hong Kong affairs are concerned.

Mr President, the people of Hong Kong have strived for democracy and for the materialization of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy". They also hope to be able to live in undisturbed tranquillity before 1997. We fully appreciate such a frame of mind. But few things in the world are perfect. If the people of Hong Kong can understand the political culture of the Chinese Government, they should deeply appreciate that striving for democracy in Hong Kong is important but difficult. In any case, a price has to be paid.

Mr President, despite the entanglements in frequent political disputes, Hong Kong has continued to make economic and social progress of which we can be proud. Hong Kong's economy is expected to grow by 5%, compared with Japan's expected growth rate of no more than 2%. Despite the long drawn-out Sino-British political row, our budget surplus in this fiscal year is likely to set a new record. In this connection, I hope that the Government will expeditiously table the remaining parts of the political reform package at this Council, which will then be able to take a decision on an early date. I believe that the Chinese Government, to reiterate its position, will continue to make harsh public attack against this Council and the Hong Kong Government. But the concussional effect on Hong Kong, I believe, will be marginal if the Chinese Government takes a pragmatic approach to all other matters. I hope that the people of Hong Kong will remain cool-headed and stick to their pro-democracy position and, by being prepared to press their case, win a reasonable political system for Hong Kong.

Mr President, these are my remarks. My colleagues from UDHK support the resumption of the Second Reading of the Bill on the political reform package.

DR TANG SIU-TONG (in Cantonese): Mr President, I consider it irresponsible for the Government to table the political reform proposal to this Council today. Last year, we hoped to see the Chinese and British sides break the deadlock over the debate on the political reform package and reach a consensus through negotiation. However, the Administration insists on tabling this Bill to this Council without making public the content of the talks, without giving an explanation on the outcome of the talks nor disclosing what are at issue. It is

really regrettable that Members are dragged into this controversy by the Government. How could we make any meaningful deliberation on the Bill with no sufficient information and briefing of the entire event? It certainly behoves the Legislative Council to scrutinize the Bill. But we also deserve the right to know the truth of the entire event. We should not make decision blindly; neither do we want the Governor to drag us into the controversy.

We, the elected Members, have the responsibility to see to it that the Administration's policies would not adversely affect people's livelihood. We hope to preserve Hong Kong's stability and prosperity in the coming three years and we also pray that there will not be serious disturbances in the run-up to 1997. yet the present development suggests otherwise; I am afraid that we may not achieve political convergence and a smooth transition. Moreover, even if the political reform package is passed by this Council, it will merely have a life-span of two-odd years. Is it really worth all the troubles? I hope that colleagues, with their long community experience in Hong Kong, will be guided by their own conscience to make a decision which is in the long-term interests of Hong Kong people. To do so, they must vote against it so that the Chinese and British sides may go back to the negotiation table. The Bill which is an embodiment of the political reform package should be vetoed not because its provisions are not good enough but because it does not comply with the rule of the game. We do not have to care about Mr PATTEN's personal honour. What concern us are Hong Kong people's future living standard and well-being. I trust that it is Hong Kong people's wish that talks could be resumed and a reasonable outcome achieved. An opinion poll conducted recently evinces that Hong Kong people are anxious to see compromise, not confrontation. No matter whether this Bill is passed or not; no matter how adverse the future may be, we should remain cool-headed and stick together in all weathers. After all, dawn will surely come after the night and the future of Hong Kong is going to be bright.

Mr President, I oppose the motion.

MISS CHRISTINE LOH: Mr President, I am glad that we are able to proceed with this debate. In order to save time I will state my position on the various amendments now and not speak again later.

I will, of course, support the amendments to be moved by the Honourable Andrew WONG. As regards the others, I support the amendments to be moved by the Honourable Martin LEE because his amendments to scrap the *ex officio* seats allocated to the rural interests on the Regional Council and the New Territories district boards aim to remove a form of institutionalized favouritism.

I will not support the Honourable Allen LEE's proposed amendment to extract the 1995 Legislative Council election from the Bill. The hope of such an amendment, it appears, is to find some lesser quantum of reform which the

Chinese Government might find less offensive and might then agree to return to the negotiating table with Britain. Again, however well intended, I cannot see the rationale behind such an approach. China has already stated that it wants to see all the electoral proposals withdrawn and even if one were to choose to believe that China would ultimately show some flexibility, it is scarcely sensible for Hong Kong itself to guess what sort of amendments would better please Peking.

And lastly, I will oppose the Honourable Eric LI's amendments. If there are people who would like to serve on district bodies, the fact that they would need to stand for election should not deter them. I cannot see why people, who might find the election process inconvenient, should be given another path to bypass the process, even if it is only for a few years.

Thank you.

DR PHILIP WONG (in Cantonese): Mr President, the Chinese and British Governments have yet to reach an agreement in respect of the 1994-95 elections. But the Hong Kong Government has unilaterally introduced part of the political reform package in the form of a Bill for enactment by this Council. Such an act is actually bypassing the sovereign power over Hong Kong and putting this Council above the sovereign state. This indicates the British side's lack of sincerity towards the negotiations. And it is also unacceptable in terms of procedures. Therefore, I will vote against this misleading Bill as a whole and abstain from voting on all the connected amendments.

I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): Mr President, I would like to respond to the comments made by several colleagues. According to Mr Allen LEE, to put the "single seat, single vote" system for Legislative Council elections to the vote by this Council will provide an excuse for the breakdown of the Sino-British talks; and so to deny the Chinese and the British sides such an excuse, the best method is to separate this issue from the political reform Bill. Mr President, will such a separation solve the problem? Will there be a gleam of hope or is this sheer fantasy? China and the United Kingdom held 17 long rounds of talks. As the talks entered their last phase, the Chinese side put forth the principle of "resolving the less complicated issues before the complicated ones" and proposed to separate the Electoral Committee and the functional constituency elections from the rest of the package for consideration. Even that drew flak from the general public in Hong Kong. Perhaps we can put it this way. The political reform Bill as it presently stands is already the so-called "less complicated" part as a result of the separation proposed by the Chinese side. Still, in the end, the Chinese side opposed it and wanted the "single seat, single vote" system taken out from it as well. Mr President, we simply cannot afford to keep taking things out of the package as the saying goes: "We have just

one melon field. We cannot take melons out of it indefinitely." A complete political reform package which has relatively more support from the public is mutilated. What is it for? For fear of China's opposition? Is it for the Chinese side's fear that the "single seat, single vote" system, being relatively more democratic, might make it easier for the democrats to run for in elections and win? Is it because of the Chinese side's intention to use the opportunity offered by the talks to put forth a system of proportional representation, which is opposed by the Hong Kong public but which will make sure that candidates taking orders from China will stand a winning chance, though lacking public support? Is it the Chinese side's intention to let the talks die and then revive them by animating the corpse with the spirit of the system of proportional representation? It is all very clear that the Chinese side has set out to achieve its end whether by hook or by crook. Therefore, the Liberal Party's proposal for a separation of the package today is not, as Mr Allen LEE has put it, "to strive to do something even though one knows that it is unlikely to succeed", or to give the talks a chance. The truth is that somebody knows the Chinese side's intention and tries to give a chance to the system of proportional representation favoured by the Chinese side. However, Mr President, as a political party rooted in Hong Kong, has the Liberal Party considered for the people of Hong Kong giving democracy and a high degree of autonomy a chance? Has it considered giving fair and just democratic elections a chance? While "to strive to do something even though one knows that it is unlikely to succeed" is indeed a virtue, it must be based on fairness and justice rather than on capitulation or fantasy. It must not be based on currying favour or holding a candle to the devil. Should that be the case, the Honourable Member would have quoted the ancients out of context and insulted the wisdom of the sages, thus losing sight of the morality, courage and commitment expected by ordinary Chinese people from Chinese political figures. He would thus lose the support of the people of Hong Kong.

Mr President, I am not at all surprised that Mr TAM Yiu-chung should oppose democratic reform in his debate speech for it has always been the Chinese side's position. But I am really surprised at the bitterness and anger with which he accused the British side of going back on its words. Mr President, is Mr TAM so naive as to believe that a colonial government which they have always opposed would keep faith with its subjects? The so-called "faith" on the part of the British towards the people of Hong Kong in the past was nothing more than collaborating with the Chinese side or the vested interests to suppress democracy and stifle public opinion.

A consummate piece of evidence was the collusion between China and the United Kingdom in putting down direct elections in 1988. The people of Hong Kong have had to wage a 10-year struggle to win democracy and a high degree of autonomy. Historically speaking, the political reform Bill before us today has not been given us gratuitously by the British. It bears an inseparable relationship with the Hong Kong people's long-standing struggle for democracy. Why do Mr TAM and the Democratic Alliance for the Betterment of Hong Kong he represents not side courageously and independently with the democratic forces among Hong Kong people, instead of keeping in with the anti-democratic

forces today? Why can they try to demonstrate their ambition in matters concerning the people's livelihood on the one hand, but remain ever so weak in the cause of democracy on the other? Do they find it painful to have to serve two "bosses" — China and the people of Hong Kong — respectively on the questions of democracy and people's livelihood?

Mr President, according to Mr TAM, though their struggle will be bitter, its fruit will be sweet. I would like to make a little twist of these words. To the people of Hong Kong, it is a very painful thing that any political party should have to struggle independently and contend with pressure from both China and the United Kingdom. It is painful to have to struggle independently, but the fruit will be sweet for the people of Hong Kong, for we will win democracy and a high degree of autonomy. Even though we do not know when this day will come, hope will always be held out among those who struggle independently.

The vote to be cast today in fact carries a very significant meaning. It will test the true independence or otherwise of every political party and every Member of this Council. It will test whether they really have the courage to stand up against power and position, to struggle independently, to speak in the true voice of the people and to strive for a democratic political system for the people. Or perhaps they are simply helping China continue to pursue colonialism in Hong Kong without a colonial government. This is the historic choice that we must make, guided by our conscience.

Finally, Mr President, I would like to respond to Dr TANG Siu-tong. It is really quite simple. During the debate, Dr TANG said time and again that the Administration had put him in the limelight, that is, dragging him into the controversy, and forced him to make a decision on the political reform package. Mr President, one of the responsibilities of the Legislative Council Members is to sit here and make decisions. When a person runs for a seat in the Legislative Council, he is himself drawing the limelight. Dr TANG has done so three times already. Why, then, is he avoiding political decisions now that he has drawn the limelight? In fact, a person is responsible for his own decisions, be them right or wrong. But there is no way that he should shirk his responsibilities and blame the others for putting him in the limelight. If he should do so, then he should not stand for election in 1995. Nor should he put himself in the limelight for it would be the fourth time!

MRS SELINA CHOW (in Cantonese): Mr President, I feel that I must praise Uncle Wah yet once more. Last time, I said that Uncle Wah deserved to be called "the most outstanding political animal" in this Council. In response, he very modestly declined the adjective "the most outstanding". Then he talked a lot about how it was not shameful to be a "political animal". I never said that it was shameful to be a political animal. However, if one confounds right and wrong, gives out labels wantonly and abuses his prerogative as a legislator to hurl veiled abuses at, and slander, his political rivals, then we must make a judgment as to whether such conduct is shameful. Uncle Wah was wrong when

he said that Members from the Co-operative Resources Centre during the July 1992 debate were in favour of the "multi-seat, single vote system" and that that was their position. I am not sure if that was an inadvertent mistake or a deliberate attempt to mislead legislators, the media and the public. No one can read his mind. But it is undeniable that he made a mistake. Therefore, the inference drawn from this mistake, that our position is the same as that of the Chinese side on the issue of the "multi-seat, single vote system" is absolutely groundless. Just now, I heard Mr CHEUNG Man-kwong use such an inference to argue that Mr Allen LEE's proposed amendment showed that our thinking was similar to that of the Chinese side. Mr CHEUNG's argument, too, is groundless.

Actually, Uncle Wah was not totally wrong in some of his remarks. He said that we could perhaps see if the Chinese side (likewise the British side) could do anything more, having reached such an impasse. Some people may be laughing at us and saying that we are indulging in wishful thinking. Still, Mr Allen LEE told everybody in all earnestness that our hope was that those less controversial in the eyes of both sides but urgent legislative issues could be resolved first. The more controversial issues should be taken out for subsequent consideration along with the other issues concerning the Legislative Council elections to which they are logically akin, such as the establishment of the Election Committee and the composition of the functional constituencies. This is a reasonable arrangement and it will put pressure on both the Chinese and the British sides to give the resumption of talks a chance. Of course, we are not members of the Chinese team or the British team and we cannot help in the making of any of their decisions. Still, as Legislative Councillors and representatives of the people of Hong Kong, we do hope that the talks will be resumed. We must seize every possible opportunity to work towards the future of the people of Hong Kong and to ensure the continuity of Hong Kong's political system.

It is said that Uncle Wah is the party whip of the United Democrats of Hong Kong. But it appears from his two latest speeches that he has become the party whip of the Liberal Party. He seems to have given himself the task of whipping the Liberal Party and to be doing his utmost in such a capacity. As a member of the Liberal Party, I cannot sit idly by while he attacks us with sophistry. I regret that I have neither Uncle Wah's eloquence nor his ferocity. Nor can I make vicious attacks with such self-righteous indignation. The bat is born with the natural skill to suck blood and keep it in its mouth before spitting it out. Was Uncle Wah perhaps giving a description of himself when he so vividly described the beast just now? However, he may be a dove instead of a bat. A dove, too, is some kind of "qinshou" (birds and beasts). Of course, those who listened to his speech knew that he was making oblique attacks. He is obliquely slandering the Liberal Party. Such a course of action is neither candid nor above board; yet it answers the description of the nature of a bat.

Mr President, a political animal, be it outstanding or not, cares nothing about ethics. Nor does it care about honour. However, as a Member of this Council and a leader of a party, one should not consider that his first and foremost duty is to curse his political rivals. He must be objective. He must make an utmost effort to enable this Council to play a positive role in the best interests of Hong Kong. I very much hope that, when Uncle Wah next feels an urge to attack the Liberal Party, he will remember that no member of any political party should let his party loyalty go before the party's ultimate political goal, that is, to conduct cool-headed and rational discussions and debates before coming to decisions. The interests of the Hong Kong people will be served only by a respect for the spirit of democracy, namely, to respect different views.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr President, the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993 is to put in place the more immediate electoral arrangements in 1994 and 1995 for the three tiers of representative bodies.

During the earlier debate on Mrs Elsie TU's motion to defer debate of the Bill, I have already explained the urgency of this piece of legislation. I would merely point out, once again, that if we are to be able to make timely and orderly arrangements for the forthcoming series of elections, enactment of the Bill must not, and cannot, be delayed. I am encouraged that, as is plain from the voting results on Mrs TU's motion, a clear majority in this Council also agree to the practical need to press ahead with the Bill.

I should also like to clarify one important point here. The constitutional package is not, as some Members imply, Governor Chris PATTEN's package. It is a Hong Kong Government package. The proposals are the results of extensive and careful deliberations between Her Majesty's Government and Hong Kong Government, following consultations within the community and with the endorsement of the Executive Council. They have received consistent support within most sections of the community. I need hardly add that the various proposals in the present Bill have all been endorsed by this Council in previous debates.

Many Members of this Council have already spoken on the various amendments which will be moved at the Committee stage. I should therefore like to use this opportunity to set out the Administration's position on these amendments.

Mr Andrew WONG will be moving a set of amendments which will clarify certain provisions of the Bill. These amendments have already been thoroughly discussed and agreed by the Bills Committee. The Administration will support them.

The Administration is, however, against the amendments to be moved by Mr Allen LEE, Mr Eric LI and Mr Martin LEE. I will explain the reasons in turn.

First, the "single seat, single vote" voting method for Legislative Council geographical constituencies elections. This proposed voting system is simple and well understood. It is also fair and open, providing a level playing field for all candidates. It is already being used in our municipal councils' elections and most of the district board elections. By adopting this proposal we will have achieved consistency in a voting method for geographical constituency elections in all three tiers of our representative institutions. The proposal has widespread support in the community as consistently reflected by independent opinion surveys. Indeed, this Council itself gave firm support to this proposal during the debate in July 1992 on a select committee's report on Legislative Council elections. At a subsequent debate in November 1992 this Council also voted in support of the Government's constitutional proposals, including the voting method for the Legislative Council elections.

Mr Allen LEE and some other Members have suggested that taking out the Legislative Council voting method from the Bill would give one further opportunity for talks with the Chinese side to resume. During the earlier debate on Mrs Elsie TU's motion to defer consideration of the Bill, I have already set out at length the Administration's view on why deferral of the Bill, either in whole or in part, will not in reality buy us much more time for talks. I do not propose to rehearse those arguments. Suffice to say that however much the British side would have preferred to propose legislation on the basis of an agreement with the Chinese side, practical timetable constraints mean that we need to get on with the legislative process despite the absence of such an agreement.

For these reasons, Mr President, the three *ex officio* Members will vote against Mr Allen LEE's amendment to take out the Legislative Council voting method from the Bill.

Secondly, appointed membership in the municipal councils and the district boards. The proposals in the Bill to abolish appointed municipal council and district board membership are to enable the people of Hong Kong to have more opportunities to participate in the work of the two councils, which provide important services and facilities for the community, and 18 district boards which advise the Government on the whole range of district issues affecting our daily lives. These changes are fully in line with the motion passed by this Council in July 1992, urging the Administration to strengthen the representation and accountability of these bodies.

The abolition of appointed municipal council and district board seats is not, as some Members suggest, a radical change. Rather, it represents the culmination of a gradual process of changes in the composition of these bodies over the years. The Urban Council was set up in the 1930s, the district boards

in the early 1980s and the Regional Council in 1986. By any yardstick, fully elected membership for these bodies in 1994 and 1995 can hardly be described as a development of undue haste. Nor, therefore, should it cause any disruption to the operations of these bodies. Indeed, it is a logical step to take as this Council will, itself, also become fully elected in 1995.

There are concerns that after the appointed members have gone their expertise cannot be readily replaced. It is recognized, and one can hardly overemphasize this, that over the years appointed members have made significant contributions. But at the same time one must equally recognize the need for our system of representative institutions evolving to meet the aspirations of the community. In any case, there are already legal provisions for the municipal councils and the district boards to co-opt experts onto their committees if such a need arises.

The stand of the Administration is clear. We firmly believe that it is both timely and appropriate to abolish appointed membership in municipal councils and district boards. The three *ex officio* Members will therefore vote against Mr Eric LI's amendment to retain such membership.

Finally, there is the question of *ex officio* membership in the Regional Council and the nine New Territories district boards. These *ex officio* seats were established in recognition of the special interests of the indigenous population of the New Territories. Over the years the *ex officio* members, who are themselves elected, have contributed much to the preservation of the link between the bodies they sit on and the indigenous population in that part of Hong Kong. In particular, they have made important input in the planning of services and facilities to improve the general well-being of inhabitants in rural areas. In the immediate years ahead, the *ex officio* members will, we believe, continue to have a useful role to perform in this respect.

It has been argued that rural elections are discriminatory. There is nothing in the constitutions of the rural committees or the Heung Yee Kuk which allow for discrimination on the basis of sex or social origin in respect of the elections of the rural committees chairman and the chairman and vice-chairman of the Heung Yee Kuk.

As for the elections of village representatives, which form the lowest tier of elections in the rural electoral system, each head of household is, at present, given one vote in these elections. Over 95% of the villagers already allow female heads of households to vote. About 50% of the villagers also allow heads of households who are non-indigenous villagers to vote. So the overall picture is not as restrictive as portrayed by some Members of this Council.

For these reasons, the three *ex officio* Members will vote against Mr Martin LEE's amendment to abolish the *ex officio* seats in the Regional Council and the district boards.

Mr President, it is the earnest hope of the Administration that, subject to the amendments to be moved by Mr Andrew WONG, this Council will pass the Bill which is now before it so that we can immediately get on with the preparation for the 1994 and 1995 elections.

Thank you, Mr President.

Question on the Second Reading of the Bill put.

Voice vote taken.

The President said he thought the "Ayes" had it.

MR LEE WING-TAT: I claim a division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Are there any queries? If not, the results will now be displayed.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Miriam LAU, Mr LAU Wah-sum, Dr LEONG Che-hung, Mr Jimmy McGREGOR, Mr Peter WONG, Mr Albert CHAN, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, 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 LAM Kui-chun, 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 Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK, Ms Anna WU and Mr Alfred TSO voted for the motion.

Mr TAM Yiu-chung, Mrs Peggy LAM, Mrs Elsie TU, Dr Philip WONG and Dr TANG Siu-tong voted against the motion.

Mr CHIM Pui-chung and Mr James TIEN abstained.

THE PRESIDENT announced that there were 48 votes in favour of the motion and five votes against it. He therefore declared that the "Ayes" had it.

Question on the Second Reading of the Bill agreed to.

Bill read the Second time.

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

PRESIDENT: I will suspend the sitting for 15 minutes before we go to the Committee stage.

Council suspended from 8.56 pm to 9.26 pm.

Committee stage of Bill

Council went into Committee.

CHAIRMAN: I believe that at the last meeting of the House Committee, the question was raised whether Standing Order 27(5) which puts a limit of 15 minutes on speeches applies to speeches at the Committee stage. Having considered this matter, as a result of the queries raised in the House Committee, my ruling is that that time limit does not apply to speeches at the Committee stage. I make that ruling because as was pointed out at the House Committee, paragraph 5 of Standing Order 27 refers simply to the President whereas in the other paragraphs of Standing Order 27, reference is made to the President or Chairman. Other factors which have led to my coming to this view are that under Standing Orders, that is to say, under Standing Order 28(1), a Member may speak more than once on a question in Committee. And indeed the practice in the British House of Commons is that there is this latitude permitted to enable detailed examination of the clauses of a Bill in Committee. Finally, I have been led to this ruling by reference to the fact that paragraph 5 of Standing Order 27 was added by amendment in 1991. I have looked at the speech made in support of this amendment and that speech was directed towards length of speeches during Council debate. For all these reasons, I rule that the 15 minute time limit will not apply at the Committee stage. Although the clock will start running, there will be no buzz. I am sure Members will, of course, be aware of those rules of Standing Orders which require that speeches be relevant and that there shall be no tedious repetition. (*Laughter*) The question is: That the following clauses stand part of the Bill.

**ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL
1993**

Clauses 3, 4, 7, 8, 11, 12, 15, 24, 25, 28, 38, 39, 43 and 50 were agreed to.

CHAIRMAN: At the request of a Member, I shall be separating the consideration of clauses 1 and 9.

Clause 1

MR ANDREW WONG: Mr Chairman, I move that clause 1 be amended as set out in the paper circulated to Members.

The proposed amendment to clause 1 alters the short title of the Ordinance to read "Electoral Provisions (Miscellaneous Amendments) Ordinance 1994".

Mr Chairman, I beg to move.

Proposed amendment

Clause 1

That clause 1(1) be amended, by deleting "(No. 2) Ordinance 1993" and substituting "Ordinance 1994".

Question on the amendment proposed, put and agreed to.

Question on clause 1, as amended, proposed, put and agreed to.

Clauses 2 and 5

MR ALLEN LEE: (in Cantonese) Mr Chairman, having heard what you have just said, I respect your decision and I shall be brief.

Mr Chairman, I move that clauses 2 and 5 of the Bill be amended. Actually, I had stated my reasons clearly during the Second Reading debate. However, I must point out that I move this amendment merely because I think there is no need to decide at this stage the method of election for the 1995 Legislative Council. It is by no means a scenario as described by Mr CHUENG Man-kwong who had forcibly put a label on me out of his own conjecture. I feel his act has been most regrettable.

Mr Chairman, I beg to move.

*Proposed amendments***Clause 2**

That clause 2 be amended, by deleting paragraph (a) and substituting —

"(a) in subsection (1) (d), by repealing "(a), (b) or (c),";".

That clause 2(b) be amended, in the proposed section 3(5), by deleting "(aa),".

Clause 5

That clause 5 be amended, in the proposed section 6(3), by adding "of persons to act as members of the Urban Council, the Regional Council or a District Board" after "election".

Question on the amendments proposed.

MR MARTIN LEE (in Cantonese): Mr Chairman, the position of the United Democrats of Hong Kong (UDHK) towards the political reform package is very clear. We have been asking the Government to immediately put forward the entire package to the Legislative Council, and we are against any form of cutting up the package for separate handling.

In early December last year, the Government divided the reform package into two parts, namely, "the less complicated part" and "the more complicated part". The UDHK found it a most regrettable act. Even if this Council passes this so-called "less complicated part" of the package today, we shall have to "protract our necks" and wait for the Government to put forward the rest of the package. I have more than once condemned the Government for indulging in such irresponsible stalling measures. It would only be naive of the Government if it should wishfully think that by dividing the proposals China could be ingratiated with and coaxed back to the negotiation table and into making concessions. It has been more than two months since then, and it is very clear that Hong Kong's participation is viewed by China as a kind of "three-legged stool" trick. No matter what the Legislative Council does, China will never appreciate it.

Despite these circumstances, our Liberal Party colleagues still want to separate even further the already divided proposals by lifting the "single seat, single vote" system from the electoral arrangements for the 1995 Legislative Council election, hoping that the talks could be re-opened. If the Liberal Party's eye making is not meant to be signalling love to Beijing but a genuine intention to help bring about the re-opening of the talks, then I must say it is utterly lunatic ravings under the circumstances.

I sincerely hope that the Liberal Party, having vacillated between positions over the last several months, could finally come to realize the fundamental principles that Members of this Council should insist upon. History has entrusted Members of this Council today with a very heavy task. The future of Hong Kong is in our hands. Members of the Legislative Council must stand firm to defend the Joint Declaration and to realize the concept of Hong Kong people ruling Hong Kong as soon as possible through democracy reforms. If for only a little northerly wind Members of the Legislative Council would contract severe invertebracy, that is, lack of resolve to stand up against intervention, then "Hong Kong people ruling Hong Kong" and "high degree of autonomy" would of course become wild dreams.

Mr Chairman, there is only one thoroughfare before the Legislative Council, that is, to set into motion the legislative wheel for the 1994-95 electoral arrangements as soon as possible. Should the talks be re-opened, they could proceed at the same time with the consideration of the Bill. If both China and Britain are willing to abide by the Joint Declaration and respect the intentions of the people of Hong Kong, the bickering over the political system is really not a great problem. If there is no intention to abide by the Joint Declaration or to deem participation by Hong Kong people as a "three-legged stool" trick, then no matter how the people of Hong Kong try to bow low and humiliate ourselves, it is impossible for us to achieve any material outcome. It is beyond my understanding why the business elite of the Liberal Party should fail to understand such simple logic. It has been declared time and time again by China that the prerequisite to re-open the talks is a withdrawal of the entire package proposed by Mr PATTEN. To separate the "single seat, single vote" system for the Legislative Council from the other electoral arrangements or to shelve the debate will similarly come to no avail. I hope that all Members of the Legislative Council will wake up (though it is late in the night now) to the reality and stay firm on our principle from now on.

With these remarks, Mr Chairman, UDHK opposes the amendments moved by Mr Allen LEE.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, this is my third speech today. Maybe there will be two more.

When Governor Chris PATTEN published his political reform package on 7 October 1992, the Chinese Government responded by saying that it is contrary to three things. As far as I understand, "contrary to three things" means: (1) contrary to the Sino-British Joint Declaration; (2) contrary to the Basic Law; and (3) contrary to the seven letters exchanged between the Foreign Secretary of Britain and the Foreign Minister of China.

In February 1993, China and Britain began diplomatic contacts on the issue. After a whole month's preliminary discussions, talks were held between the two Governments. They held their first round of formal talks, which was

about the confidentiality of diplomatic talks, on 22 to 24 April 1993. Logically, the talks, being a diplomatic event between China and Britain, should be kept confidential from Hong Kong, which merely offered ideas and advice. On 1 October 1993, after the 12th round of talks, the Foreign Secretary of Britain and the Foreign Minister of China met in New York, the United States. The Chinese side suggested to its British counterpart that the talks should proceed in such a way as to "resolve the easy issues before the tough ones." The Chinese side explained that this meant separating the 1994 elections from the 1995 elections. It went on to specify that the 1994 elections meant the district board elections while the 1995 elections meant the municipal council and the Legislative Council elections. However, this proposal was rejected by the British side. On 10 November 1993, after the 15th round of talks, the British cabinet decided at a special meeting to accept the Chinese side's formula of resolving the easy issues before the tough ones and, if possible, to come to an agreement with China on the first part of the electorate arrangements. The 16th round of talks then began on 19 November 1993. Mr Chairman, the British cabinet agreed to separate the 1994 elections from the 1995 elections, there must be a reason for making such a move, and I presume, it has taken the wishes of the people of Hong Kong into account. However, the British side, as represented by the Governor, insisted that the Chinese Government must accept the "single seat, single vote" voting method for the 1995 Legislative Council election before talks could be resumed. Clearly, the two sides had agreed, or the Chinese side had desired, that the 1994 elections should be separated from the 1995 elections. If the British side had not understood this point clearly, why, then, had it agreed to the Chinese side's "resolving the easy issues before the tough ones" formula? So the British side must tell us what it understood by "easy issues" and "tough issues." If it cannot, then one would say that it has acted inconsistently. Therefore, Mr Allen LEE's proposal to separate the adoption of the "single seat, single vote" voting method for the 1995 Legislative Council election from the 1994 election is a very accurate reflection of what the Chinese side wanted. Of course, it is not a full reflection of what the British side wanted. But a proposal reflecting what the British side wanted may not lead to a successful conclusion. The British Government responded that it was willing to resume the talks in a 16th round. But the Hong Kong Government, on the other hand, stressed that time was running out. I cannot help but ask: If we pass the part of the Bill on the 1994 district board elections (including the use of the single seat, single vote system) and so forth, and defer the 1995 elections for later discussion, will we be really running out of time? We understand that the holding of the 1995 Legislative Council election may be put off until as late as September 1995. We are still a long way from that date. How can it be said that we will be running out of time? The proven fact is that somebody says so with an ulterior motive and with intent to prevent the talks from coming to fruition or succeeding. This truth should be made clearly known to the people of Hong Kong. Therefore, judging from the facts and from the chronology, it is absolutely not true to say that the Chinese side did not want an agreement on the first part because it opposed the "single seat, single vote" system. The Chinese Government never said that it was opposed to the use of the "single seat, single vote" system in the 1995 elections. What is clear is that it wanted all

issues related to the municipal council and the Legislative Council elections to be deferred until the so-called "tough issues" were discussed. Regrettably, the Governor let the talks break down because of such a trivial matter, a matter which did not sound very controversial to the public and the Members of this Council. The breakdown of the talks will absolutely do no good to China or Britain nor the people of Hong Kong. Although the motions and amendments will probably not be carried, we should look at the issue from a factual and objective point of view.

Mr Chairman, I would like to take this opportunity to remind Members that, even the Bill was passed without any change, the term of a district board member, by my reckoning, will be 32 months at the most and the term of a Legislative Council Member, elected in September 1995, will be just 20 months. However, the passage of the Bill will mislead the public into believing that the terms of offices of these bodies will be four years. Being Members of this Council, we have an obligation to remind prospective candidates what may happen.

Mr Chairman, with these remarks, I support Mr Allen LEE's amendment.

MRS SELINA CHOW (in Cantonese): Mr Martin LEE's remarks just now touched on why the Liberal Party moved this amendment motion. He advanced in his remarks many motives and reasons behind the amendment. Mr LEE must have rich imagination. I wonder how he is going to prove that the motives and reasons he put forward are not fabricated. However, he seemed to regard what he said were from the Scripture and I wonder whether or not this is in line with the spirit of democracy. On second thought, I find his remarks specious. I really would like to ask the United Democrats or Mr Martin LEE one question. What have they done to facilitate the talks since Governor PATTEN put forward his proposal on 7 October 1992 so that the talks could commence, continue and be resumed? The fact is that members of the Liberal Party did take the troubles to travel to Beijing and London in a bid to persuade the two sovereign states to heed Hong Kong people's aspirations. It was also hoped that they could reach certain consensus through peaceful negotiations so that Hong Kong people may have a smooth transition and a stable continuity which is the common wish of the Hong Kong people who are now living in Hong Kong and have decided to stay here after 1997. But it seems that members of the United Democrats and their leader are of the view that they could do whatever they please and the talks are not important. I find such a view totally unacceptable and I know that the majority of Hong Kong people also will not accept it. On the question of separating the political reform package, he said just now that what should be discussed, be discussed and what should be kept confidential, be kept confidential. I trust that this is the technique that a Queen's Counsel understandably employs to make his remarks look more convincing. Yet this is by no means a fair play.

As for taking out the less controversial items to deal with them first and the more difficult one later, the Governor did not accept it when we first made this proposal to him. I recollect that Mr Henry TANG put forward this proposal in May during the Governor's question time but was rejected by the Governor then. We repeatedly pointed out that it seemed that the talks had run into difficulties and we should deal with the less controversial parts first, so that a consensus on the less controversial and less urgent issues could be reached to improve the atmosphere of the talks and hence bring the talks forward, should we not? On top of our relatively sensible appeal, Governor PATTEN also heard the United Democrats and Mr Martin LEE repeatedly saying, "Table the Bill; there is nothing to worry." I regard such a view as being desperate and reckless of the consequences. He forgot that although we could not talk the United Democrats and Mr Martin LEE over on the issue, we were once successful in convincing the Governor to accept our point. He accepted our advice in October and the talks then resumed successfully. He did not make this known. Although the resumption of the talks was not plain sailing, we did hear at one point that an agreement was just around the corner. Unfortunately, the talks hit a snag over the parts of the Bill concerning the Legislative Council. As a matter of fact, Mr Allen LEE moves the amendment on behalf of the Liberal Party and our colleagues simply on the ground that we find it necessary to look at the issue from a sensible point of view. We support the Government to handle, first of all, those urgent matters which the people of Hong Kong accept as reasonable. As for the less urgent issues which do not require immediate decision, we do not think that a decision must be made at this stage. Nevertheless, we hold that the parts which deal with the Legislative Council should be considered jointly with other matters relating to this Council. If we are capable of applying some pressure on the Chinese and British sides by so doing, I think that we should do it. I, therefore, hope that the United Democrats will not mislead the Hong Kong people again nor repeatedly try to sabotage the resumption of talks.

Thank you, Mr Chairman.

MR JIMMY McGREGOR: Mr Chairman, I would like to point out that quite a long time ago I had a discussion in Beijing also with Mr LU Ping who advised me very specifically that any agreement between two sovereign governments, as far as the Chinese Government was concerned, was sacrosanct. It was not subject to agreement or approval by this Council nor amendment by this Council. So the question of going to Beijing to press the Chinese Government to do one thing or another and to recognize in one form or another this Council's authority in Hong Kong, I think, is a rather negative position.

My understanding is that the Chinese Government does not recognize the Legislative Council as an authoritative body in Hong Kong, certainly not with regard to the sovereign rights of China. So I would point out that the question also of the voting procedure — in regard to Legislative Council elections — was discussed fully, quite extensively and in some rather ill tempered debate, if

I remember correctly, in July 1992 and this Council came to a vote, very considerably in favour, of the single vote, single seat constituency proposal.

That has already been agreed by this Council so what now has to be changed? What now? Is there something that has happened in the meantime, perhaps that China does not particularly like this system? Does that change people's minds here in this Council? If so, how has China come to that conclusion? Have we been made aware of some position that China has taken in favour of proportional representation which, as far as I am aware, does not operate in China? The system of election in China is really, I think, quite different. The word "election" means something quite different to that in Hong Kong.

I would point out finally that there is no agreement between the two sides. That is why we are sitting in this Council trying to determine how best to take this legislation forward, having reached a point almost 18 months after the thing first began, and 12 months of very, very detailed discussions and negotiations, which have come to virtually nothing. So the time open to us is really quite short.

There seems no reason to me whatsoever, from everything that has been said in this Council today, that we should delay any further the question of the voting procedure as well. There is no need to separate it because we have already agreed it. We have supported it. And I have not heard the Liberal Party say anything along the lines that they do not support it, that they are seeking a different system, but simply that they wish to separate the system and keep the Legislative Council issues for debate later on, when China, no doubt, may have very considerable disagreement with some of the proposals that have yet to come. That we know already. I do not see why the issue of the electoral system for the Legislative Council should be added to these two very contentious and difficult issues later on.

Thank you.

MR SZETO WAH (in Cantonese): Mr Chairman, several hours ago I talked about coffee, tea, soft drink and bats. So the year is the year of the dog, so I am now going to tell a story about a dog. In this story, there is a Buddhist fable.

One day during the Chinese New Year holiday, a friend, who is endowed with wisdom and has read many Buddhist literature, and I went to the countryside. When we were walking in an alley in a desolate village, a vicious dog suddenly jumped out and stood in our way. Baring its fangs and brandishing claws, it barked fiercely at us. I was a little bit scared because of the recent incident of a vicious dog biting a child to death. But my friend was very composed. He took out from his pocket a big "lai see" package and threw it on the ground. Seeing it, the dog came forward, sniffed at it, and then quickly picked it up with its mouth. Becoming already very tamed by then, the

dog wagged its tail three times to the left and three times to the right, and then kept on repeating such a pattern of tail wagging.

My friend then asked me whether it was the tail or the dog that was moving. Seeing that I was perplexed and at a loss, he said that I probably did not know the story of Hui Neng the Sixth Patriarch of the Zen Sect about the debate over the pennant and the wind. Let me now slowly tell you the story. "There is no Bodhi-tree, nor stand of a mirror bright. Since all is void, where can the dust alight?" Having said this immortally famous stanza, Hui Neng inherited from the Fifth Patriarch his robe and begging bowl and became the Sixth Patriarch of the Zen Sect. However, he was persecuted by his fellow disciples and had no alternative but to flee from the temple. Later, he wandered to Fat Shing Temple in Canton where it happened that Yen Chung, Master of the Dharma, was lecturing on the Maha Parinirvana Sutra. At that time, a pennant erected outside the temple was blown about by the wind. When monk asked Master Yen Chung whether it was the pennant or the wind that was in motion, a fierce debate over which of the two was in motion then ensued. Some said it was the pennant and some said the wind, and the debate seemed endless. At this moment, Hui Neng said, "It was neither. What actually moved was your own mind." These words containing unfathomable wisdom had not only convinced those present but also won their deep admiration.

My friend continued to say that inferring in accordance with Hui Neng's logic it was neither the dog nor its tail that was moving, it was the dog's mentality that was moving. I still could not make head or tail of it, but in front of us the dog was still wagging its tail. My friend made a Buddhist sign to the dog and said, "That is good, but you should not have behaved like that." Upon hearing these words, the dog stopped wagging its tail and left us quietly.

Mr Chairman, please excuse me for digressing miles away from the subject, but I have to make it clear, "I do not welcome anybody taking his seat automatically according to the number of his ticket."

MR CHEUNG MAN-KWONG (in Cantonese): Mr Chairman, Mrs Selina CHOW of the Liberal Party has just now asked the United Democrats of Hong Kong (UDHK) what we have done to encourage the Sino-British talks over the question of a democratic political system. In fact, the talks have ended long ago. The talks most important and well-known to everyone are the talks that led to the Sino-British Joint Declaration. There is a clear conclusion in the Joint Declaration, namely, that the legislature shall be constituted by elections.

Also, the people of Hong Kong will handle and be responsible for the affairs of Hong Kong except those relating to foreign affairs and defence. These are the most important talks and this is the most important conclusion. Some people may ask what we have subsequently done to encourage the Sino-British talks on Hong Kong's future political system. From today's point of view, such kind of question indicates that these people have already forgotten

the conclusion of the Joint Declaration. They have forgotten that the political system is within the choice and decision of the people of Hong Kong. However, there are now people who always ask the Chinese and British Governments to decide for us. In these circumstances, the UDHK has to ask these people in return: What have you done to safeguard democracy and the high degree of autonomy for the people of Hong Kong? What have you done to encourage the public to make a strong demand for democracy to the Chinese and British Governments? Have you endeavoured to uphold this public opinion so that it can be realized, implemented and followed? Why can the people of Hong Kong not determine for themselves in a democratic manner or even by a referendum on this question of a democratic political system? In fact, when the Governor's reform package was proposed, the Liberal Party had said that should dispute arise between the Chinese and British sides over this question, it could be resolved by means of a referendum whereby the people of Hong Kong could choose between a democratic political system and a convergence or smooth transition. Has the Liberal Party now changed its position? Will it break away from the authority of the Chinese and British Governments, work towards the referendum mechanism, and insist on it? If it has not done so and simply blames us for not continuing to support the endless Sino-British talks or talks which nobody knows when will commence, is such blame apportioning reasonable? Is this what an independent local political party that does not cling to any political power must do? Is this what a political party with expectations from the public should do? Unlike what Mrs Selina CHOW said, UDHK is not misleading the people of Hong Kong into hindering the re-opening of the talks. This is not our intention. As I said earlier, the talks have already been concluded, with an outcome to the effect that the legislature shall be constituted by elections, and the people of Hong Kong will have the right to determine their own destiny, while military and defence matters shall be handled by the Chinese Government.

What effort has the Liberal Party actually made to uphold Hong Kong people's decision — the decision to determine their destiny? Will it confront the Chinese and British Governments with resolve in order to safeguard Hong Kong people's right to decide their own destiny? I think it does not matter much if you casually give up this right to the two Governments, because you are only giving up your own right. But please do not be complacent and expect others to do likewise, lest it will be an unreasonable demand. I think that each political party has its own objective. If your eyes are set only on power and high position, then it is your choice. But please do not expect everyone to make the same choice because my choice represents our political orientation which has its foundation among the people. So we will of course set our ultimate objective according to the choice of the people and their yearning for democracy.

Thank you, Mr Chairman.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, I will now speak on Mr Allen LEE's proposed amendment. My speech will be divided into three parts.

First, I will analyze why I prefer the "single seat, single vote" system to other systems;

Secondly, I will analyze the effect of Mr Allen LEE's proposed amendment;

Thirdly, I will make some comments on the future of the "single seat, single vote" system.

First of all, concerning the "single seat, single vote" system, I feel that we should go back to the time when the Basic Law Drafting Committee (BLDC) was set up in 1984-85. The BLDC and the Basic Law Advisory Committee met to discuss together how the system of representative government should evolve. They came up with an answer to how elections should be held after 1997. There were to be three kinds of elections for returning representatives to the legislature: elections by geographical constituencies, elections by functional constituencies and elections by an election committee. In so doing, it was hoped that each kind of election would return a specific type of legislators so that the legislature would continue to have this type of members after 1997. It was also hoped that the geographical constituencies, which would be direct directions, would return local representatives to the legislature, who would speak and vote for the interests of their geographical constituencies. The functional constituencies would return legislators who would represent the interests of different sectors. The election committee would, in a sense, be an improved appointment system. To a very large extent, these modalities were designed to make it impossible for any single political party to control more than half of the seats in the post-1997 legislature. It can be seen that the representatives returned by the functional constituencies will, to a very large extent, represent the different interests of different groups of people, including minority groups. Such then was the rationale for the election modalities that were designed. If I remember correctly, it was also the rationale for writing these election modalities into the draft Basic Law.

Now, let us look at how the 20 directly elected Legislative Council seats should be returned in 1995 if the above purpose of reform is to be served. Both the "single seat, single vote" system and the proportional representation system (as proposed by some Members) are being used in some democratic countries. It cannot be said that either of them is undemocratic. Evidently, each system plays a useful role in its own way. They enable members of small political parties and minority groups to become members of the legislature through the election process. If the effects of these two systems are the same, and we use both of them in the direct elections, it will duplicate the functional constituency elections as proposed in the Basic Law. This may be completely contrary to the intent of the direct elections, which should be elections held in geographical

constituencies on the basis of universal suffrage. It will render the legislature less representative of the interests of local communities. In short, I feel that it will be contrary to the intent of the direct elections and contrary to the spirit in which the Basic Law was drafted. Therefore, I find the multi-seats, single-vote system, or the proportional representation system under discussion, to be totally unacceptable. Well then, when should we consider using the proportional representation system? The right time will be when we already have 30 directly elected seats and are prepared to consider abolishing the functional constituencies. The proportional representation system can then be used to return another 30 directly elected legislators to replace the 30 legislators representing the functional constituencies. Now, therefore, is not the time to consider any system other than the "single seat, single vote" system.

Having expressed my position (on the "single seat, single vote" system), I will, in the third part of my speech, explain how this voting system will evolve into the cornerstone of democracy in the days to come.

I will now go to the second part of my speech. I would like to analyze Mr Allen LEE's proposed amendment. I hope that, in so doing, I will not be perceived as speculating about his motive. I will, from a purely objective angle, examine the possible effects of his proposed amendment. I feel that two questions may be asked. Firstly, will it be practical for us simply to remove the provisions about the "single seat, single vote" system now and put them back later? Secondly, Mr Allen LEE said that his proposed amendment, if passed, would give China and Britain a chance to sit down and talk. Would this happen?

The first question, in my opinion, is no longer open to discussion. During the Council's debate on 15 July 1992, we already approved the "single seat, single vote" system as the system to be used in the 1995 Legislative Council elections. Since the system has not yet in use, why do we not wait until the 1994-95 elections, especially the 1995 Legislative Council elections, are over? We can then review the system and see if there is anything wrong with it. If there is, we can change it in 1997 or in 1999. If there is nothing wrong, we should continue to use the system. I feel that, before the system has been tried, it is premature to conclude that there is something wrong with it.

The second question is whether an adjournment of the "single seat, single vote" system will give China and Britain a chance to resume their talks. Just now, during the debate on Mrs Elsie TU's motion, I already made some comments on a similar issue. I do not want to repeat. But I want to re-emphasize one of the points which I made earlier. Officials of the Xinhua News Agency and the Chinese Government have made it very clear that, if the talks are to be resumed, the British side must return to the basis of "three consistencies" and Governor Chris PATTEN must withdraw his 1992 package and even his 1993 package. On the other hand, we have clearly heard the British Government say that it strongly backs the Governor's 1992 constitutional package. There was no mention that the Governor would consider withdrawing any of his constitutional packages. The signals are so

clear that I no longer have any illusion. I do not fantasize that putting a hold on any of the provisions of the Bill will make it possible for the two sides to sit down and talk. The Chinese side has already emphasized that deleting one or two provisions of the Bill is not the way to make them sit down and talk; the entire Bill must be withdrawn. Therefore, if Mr Allen LEE's intention is to try to enable the two sides to sit down and talk, then Mrs TU has already tried before him. With Mrs TU's motion already having been moved, Mr Allen LEE's motion is superfluous in a way. Even if his motion was passed today, it will not cause China and Britain to sit down and talk.

I think that the "single seat, single vote" system is the cornerstone for the evolution of democracy. This is because it lets every citizen of Hong Kong cast a vote in the area where he lives and choose his own local representative. It is the most basic, simple and direct way in which one can choose one's representative. I cannot see any other system that can replace this system. We, the people of Hong Kong, have become accustomed to this system over the past 10 years and more. This is why I call it the cornerstone.

Well, now that there is no longer any chance for Sino-British talks, now that the talks may at any time be officially pronounced dead, what useful things can we do? I perfectly appreciated what Mrs Selina CHOW meant a moment ago when she talked about trying. The Association for Democracy and People's Livelihood (ADPL), to which I belong, has tried no less hard. We went to China to talk to LU Ping. We went to see Governor PATTEN and Mr Douglas HURD. We prayed that China and Britain would really sit down and talk and let their talks come to fruition, to a successful conclusion. We have tried for a year. China and Britain have held 17 rounds of talks. Yet, they have quarrelled for 17 months. Is there any chance left?

I hope that we will be more practical and realistic and stop deceiving ourselves. I do not see a chance of this happening. After we pass the Bill today, Governor PATTEN will probably table the second part of his political reform package at this Council and make a public disclosure of what happened during the 17 rounds of talks. If someone try to blame this Council for this or for the breakdown of the Sino-British talks, we would categorically refuse to accept such blame.

Both China and Britain should indeed be held responsible for the situation we are in today. This Council is not the cause. The cause is China and Britain. What this Council does is the effect.

Lastly, I would like to say that China and Britain are in arrears in keeping their promise to the people of Hong Kong (including this Council). It is the promise contained in the Sino-British Joint Declaration. They promised that they would co-operate closely to make transition smooth for Hong Kong. Whichever side may be responsible, both sides have broken faith with the people of Hong Kong. They are in arrears in keeping their promise to the people of Hong Kong.

On the basis of the above, I feel that the "single seat, single vote" system is a direct, simple system easy for the people of Hong Kong to accept. I feel that it is the best system and that it should continue to be used until we have more than 30 directly-elected members in the legislature and until its use begins to affect the representation of minorities and interest groups in the legislature. I hope that we will give it a try. We hope that China and Britain will let us give it a try. If we find anything wrong with it, we will change it after 1995. Thank you, Mr Chairman.

DR CONRAD LAM (in Cantonese): Mr Chairman, I am not prepared to speak originally. However, just now I heard the Honourable Selina CHOW say that the Liberal Party has made a lot of effort (to bring the Chinese and the British Governments back to the negotiation table) and queried the work done by the United Democrats of Hong Kong (UDHK) in this regard. The Honourable CHEUNG Man-kwong has already responded by giving a clear account of the work done by the UDHK.

The point made by Mrs Selina CHOW is that the Liberal Party has seen the Governor and made a trip to Beijing, so they had played a great part in ending the Sino-British rows. Such an argument is open to question. If their argument does have grounds, would it mean that seeing the Governor and going to Beijing more often, one would have succeeded in bringing about a reconciliation between the two Governments? I recall that when I was studying at the university, one of my good friends quarrelled with his girlfriend. Then someone, motivated by good intentions, volunteered to mediate between the two parties. Not only were his efforts in vain, but the relationship between the two parties went from bad to worse. The reason is that he gossiped about the girl when he went to talk with my friend and vice versa. I dare not say the Liberal Party is committing the same mistake again. Yet, this incident reminds me of the fact that going between two contending parties may not necessarily help to reach a settlement.

Thank you, Mr Chairman.

DR YEUNG SUM (in Cantonese): Thank you, Mr Chairman. A while ago, Mrs Selina CHOW asked what the United Democrats of Hong Kong (UDHK) have done to facilitate the Sino-British talks. UDHK, basically, have all along been asking both Governments to respect the wishes of the people of Hong Kong. If they can respect the people of Hong Kong's quest for democracy, I would think that the Sino-British talks would not be like what it is today. Here I would also like to clarify that UDHK have never opposed China and Britain having talks. The crux of the matter is what the attitudes both sides assumed towards the talks are. Now talking about the attitudes both sides assumed towards the talks, I wish to point out that, as a matter of fact, the Liberal Party's attitude towards the current constitutional reform package has undergone some changes on three main aspects.

Mr Chairman, firstly, the Liberal Party changed its attitude towards the "single seat, single vote" system for the Legislative Council elections. In his Beijing visit in October 1993, Mr Allen LEE expressed his hope that Mr LU Ping could appreciate that this Council had endorsed the "single seat, single vote" system. However after an internal consultation among its members later, the party requested that the issue on the voting system for the Legislative Council be dealt with separately. It also supported shelving the relevant part contained in the Bill. But it also added that if things did not work out in that way, the Liberal Party would, after all, support the "single seat, single vote" system. Though the Liberal Party claimed that it would eventually support the "single seat, single vote" system (I believe in the end they would support it and Mr Allen LEE has also said so just now), this certainly gives an impression that the Liberal Party was not too sure about what stance it should take. If the party really supports the "single seat, single vote" system, there is no reason why it has to set so many "obstacles" and only when all these "obstacles" are proved to be insurmountable, it would then support the "single seat, single vote" system. This inevitably would make people feel that the party wavers in its stance.

Secondly, on the separation of the political reform package, that is to say, whether the first part of the political reform package should include the "single seat, single vote" system for the Legislative Council elections. In response to a survey conducted by *Wah Kiu Yat Po* on 3 December 1993, the Liberal Party stated in no uncertain terms that it agreed that the first part of the political reform package should include the adoption of the "single seat, single vote" system for the three tiers of government. However, following an internal consultation, the Party again decided to call for a separation. I really do not understand why they were negating themselves.

Thirdly, on the deferment of the scrutiny of the Bill, the Liberal Party again wavered. In December last year, in response to Mr TAM Yiu-chung's motion to shelve the political reform package, the Liberal Party decided not to support a deferment. A while ago, Mr TAM had also expressed his heartfelt view that if at the time the Liberal Party chose to support him, he thought we might already have seen some progress in our constitutional development. In a report carried in the *Hong Kong Economic Journal* on 7 December 1993, Mr ARCULLI was quoted as saying: "The Liberal Party can do nothing now even with the best of intention." Mrs Selina CHOW also said, "A deferment may not guarantee that the two Governments would return to the negotiation table, thus there is no point so doing." However, to one's surprise, only two and a half months later, the Liberal Party changed its stance again and considered that the Bill should be deferred. We are really dazzled by its changes in stance. The Liberal Party first stated that the political reform package should not be separated, then it said otherwise; it stated that the Bill should not be shelved, then it said otherwise; at first, it supported the "single seat, single vote" system, then it stated that it could only support it on a number of conditions.

Mr Chairman, lastly I, on behalf of UDHK, wish to state a few simple reasons against Mr LEE's motion to take the "single seat, single vote" system

for the 1995 Legislative Council elections out of the Bill. There are three main reasons. Firstly, the elections of the three tiers of government are inter-related. For instance, Members of the Legislative Council may be returned by an election committee comprising of elected members. If the voting age is lowered from 21 to 18, then the voting age for all the three tiers of government would also be 18. If "single seat, single vote" system is adopted for the district board and municipal council elections, I do not see why the same voting system cannot be applied in the 1995 Legislative Council elections. Secondly, during the debate on the report on the review of the 1991 election, this Council basically endorsed the adoption of "single seat, single vote" system for the Legislative Council elections. As this Council had reached such an agreement after lengthy deliberation, I do not see why we have to deal with the part on the 1995 Legislative Council elections separately from the current Bill. Thirdly, and this is also the last reason. The Liberal Party said it proposed the separation because it hoped that this would facilitate the resumption of the Sino-British talks over Hong Kong's constitutional development. But, rightly as many Members just now queried, who can guarantee this? Though a while ago I said Mrs Elsie TU was well intentioned in moving the motion to defer the debate on the Bill, and now the Liberal Party mentioned again that she was well intentioned, yet who can guarantee that the two Governments would definitely resume the talks?

Mr Chairman, on the basis of the above, I, on behalf of UDHK, oppose the motion moved by Mr LEE.

MR RONALD ARCULLI: Thank you, Mr Chairman. I just want to make a few remarks apropos what was said by Mr CHEUNG Man-kwong and Dr YEUNG Sum.

I think if I were listening to this debate on the radio, I would wonder whether this was a serious debate about Hong Kong's future, Hong Kong's constitutional development or whether this is a private battle initiated by the United Democrats on the Liberal Party.

But that being said, I must say that I was a bit surprised to hear Mr CHEUNG Man-kwong saying that discussions were no longer necessary after the Joint Declaration was concluded. As far as he is concerned, everything is contained in that document. Other than two matters, namely, foreign affairs and defence matters, Hong Kong has every say in its own future. That may well be so if we do not wish to have a political system that will transcend 1997.

Perhaps he has missed the point that all these discussions, all these rounds of talks, all the toil of both sides, though having not been able to come to any conclusion or agreement despite their efforts, were really with a view of putting in place the through train. Maybe it is for selfish reasons, as rumour has it, that some members of the United Democrats might have to get off the train. Maybe that is why they want to derail it. I do not know.

And then, to add to the confusion, Dr YEUNG Sum just stated 30 seconds ago that United Democrats have always been in favour of talks between Britain and China. I really do not know what to make of it.

I think the amendment put forward by the Honourable Allen LEE is very clear. It has got nothing to do with the Liberal Party changing its position or not. We wish to give talks every possible chance. If this is the last chance, then we ask Members of this Council to vote in favour of that amendment.

Thank you, Mr Chairman.

MR HOWARD YOUNG (in Cantonese): Mr Chairman, just now the Honourable Member said that discussions were no longer necessary because the talks were already over when the Sino-British Joint Declaration was signed. I do not agree. By making such remarks, the Member is in fact misleading the public and twisting the efforts the Liberal Party has put into trying to bring about co-operation between China and Britain.

In the Sino-British Joint Declaration signed in 1984, there is an Annex II which deals with the Sino-British Joint Liaison Group. Paragraph 5 of this Annex provides that "there will be need for closer co-operation" between the two Governments in the latter half of the transition period before 1 July 1997. Moreover, it is also provided that during this second half of the period, discussions will be necessary to solve two issues: firstly, the procedures to be adopted for the smooth transition in 1997; and secondly, actions necessary to maintain and develop Hong Kong's international economic and cultural relations.

As such, I do not think discussions are no longer necessary once we have the Sino-British Joint Declaration. Over the past year or so, members of the Liberal Party made trips to London and Beijing to reflect the views of the people of Hong Kong and lobby for support for the same. All of these lobbying efforts have been financed by ourselves rather than public funds. We did so for no other purpose than upholding the Sino-British Joint Declaration because it was stated in the Joint Declaration that there is need for co-operation between the two Governments. How can the problem of smooth transition be resolved without going through the process of talks? We believe that it is also the wish of Hong Kong people to see a smooth transition. This represents the public opinion of Hong Kong in general. We do not wish to see the two Governments going on separate ways. Should this really be the case, each of the Governments will feel it is doing the right thing and insist on its principles. At the end of the day, it may be the people of Hong Kong who suffer. Therefore, I think we should recognize that the public opinion in Hong Kong wishes to see a last chance for talks to be resumed between China and Britain, even though there is only a very small possibility for this to happen.

Apart from being liberal, the Liberal Party is also a democratic party. Therefore, with regard to the above issues, the Liberal Party has conducted a questionnaire survey among its members, asking them what actions the Party should take with respect to the political reform package submitted to this Council. Should the Party approve of, veto, amend, separate, or shelve the package? The returned questionnaires indicated that the majority wish within the Party was to make a last-ditch attempt to separate the package in order to make possible the resumption of talks between China and Britain. I feel that in doing so, the Liberal Party is actually pursuing its long-term policy of safeguarding the interests of Hong Kong people and honestly reflecting their wishes to both China and Britain.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Chairman, thank you for allowing me to make my response concerning this question. Why must a proposal for a political system be subject to approval by China and Britain if Hong Kong people can make their choice by way of a referendum? Why can Britain and China not respect the right of Hong Kong people to make a decision for democracy when such a decision, once made by means of a referendum, will allow the train to get through? Why must decisions by the Hong Kong people, even a decision concerning their political system made within the scope of autonomy, have to be endorsed by both China and Britain all the time before they are allowed to get through? This indicates a fundamental problem, and that is, what makes up a country and a government? What is the main body or who is the master of a country and a government?

From our point of view, the people are the masters of their country. In other words, it is impossible to resist the choice made by the people. Any government or political party which truly supports the wishes of the people will not surrender, as a matter of course, such a right of making decisions to the Chinese and British Governments who would then decide our fate. We should instead actively strive for the right to decide our own political system within our scope of autonomy and by means of a referendum. We should also demand and fight for the acceptance by the Chinese and British Governments of our decision made by way of a referendum.

I have put forward in very lucid terms an idea which is also the idea of the United Democrats of Hong Kong all along. Will anyone object to the people deciding their own fate through a referendum? It is not always necessary to follow what the Chinese and British Governments say. Has there been room for public opinion in the Sino-British talks? Never. If we are forced to accept such a decision, is it fair to the people of Hong Kong?

Thank you, Mr Chairman.

MR STEVEN POON (in Cantonese): Mr Chairman, although quite a number of Members want me to speak, I originally did not intend to do so. However, I must make a few comments after listening to Mr CHEUNG Man-kwong who has said so much, and in view of the fact that he is a teacher. He has talked about referendum, the people and so on in such a way as if we were asking for independence for Hong Kong, so that it could deal with its own matters like an independent state does. If we should talk about referendum, and the people of a country, then we must be talking about the 1.2 billion people in China. If we were to conduct a referendum to let the 1.2 billion people decide what powers Hong Kong should have and what to elect, then I do not believe that is a scenario which Mr CHEUNG could accept. If a referendum was to be conducted now to decide what kind of political system Hong Kong should have, then we should conduct the referendum in the United Kingdom style. But there are 60 million people in the United Kingdom, will their decisions be definitely beneficial to Hong Kong? There is no guarantee, too. So I think today we should concentrate on discussing the amendment moved by Mr Allen LEE instead of digressing to other subjects such as referendum, the people's interests and how a state should be like and so on. I think Mr CHEUNG Man-kwong's point is that the people of Hong Kong can decide on things which Hong Kong, as a colony now and as a Special Administrative Region in the future, can decide. However, there are many things on which we cannot make a decision simply because Hong Kong is not an independent state. We therefore must respect the wishes of the two sovereign powers. So I think that the question before us centres around issues which must be discussed by the two Governments in accordance with the Sino-British Joint Declaration. We must respect this reality such that we can influence, by way of persuasion and our expressed views, the two sovereign powers' discussions in respect of the political system of the Hong Kong Special Administrative Region. This is what we should do, rather than taking Hong Kong as an independent and autonomous state or region.

Thank you, Mr Chairman.

DR HUANG CHEN-YA (in Cantonese): Mr Chairman, the Liberal Party has explained that the purpose of separating the "single seat, single vote" system of the Legislative Council from the Bill is to avoid a complete breakdown of the Sino-British talks. Mr Chairman, the people of Hong Kong should have a 100% directly elected Legislative Council, and they are fully capable of directly electing their Chief Executive. Today, although we are only debating in a colonial assembly some petty democratic advancement, we seem to consider ourselves to be carrying out some astoundingly sweeping reforms and are even shaking with fright when doing so. In fact, subject to the stifling restriction of the Basic Law, we cannot enjoy a sufficient degree of democracy in our motherland even by the year 2007. This is a humiliation to the people of Hong Kong. We may have no alternative but to tolerate it, but we cannot accept it. We can choose not to resign ourselves to these humiliations. We can continue to fight for democracy in Hong Kong.

The Liberal Party's thinking is that we should timidly submit our destiny to the decision made by the Chinese and British Governments in the negotiations between them, behave like the children in feudal times who had no say whatsoever in their own marriage, and not struggle or utter any grievance or stop the "grown-ups" from determining our destiny. The Chinese and British sides have had 10 odd rounds of talks in the last year or so, but have they ever consulted the people of Hong Kong? If their talks are only based upon their own views, how can it be guaranteed that the continuation of the Sino-British talks can achieve an outcome within the expectations of the people of Hong Kong?

Mr Chairman, the "single seat, single vote" system is a fair and reasonable voting method. It is agreed by this Council and supported by the majority of the people of Hong Kong. A proportional multi-seat single vote system will only mutilate our existing political system, making it impossible for the people to effectively monitor the operation of the Administration. Ultimately, it will surely enable the Administration to act tyrannically without regard to public opinion, and hence social unrest and turmoil will ensue.

If the Liberal Party and the Democratic Alliance for the Betterment of Hong Kong (DABHK) really care about the future, stability and people's livelihood of Hong Kong, why do they not strive for genuine democracy in Hong Kong and a Legislative Council fully and directly elected by Hong Kong people? Why does the DABHK not demand that Hong Kong deputies to in the National People's Congress be directly elected by the people of Hong Kong, but keep going round and round in pursuing such a proportional representation system? As Members of the Legislative Council, we should formulate for Hong Kong a healthy political system. If the Chinese and British Governments share this objective of establishing a good political system for Hong Kong, then they will also agree to our decision during their talks on Hong Kong's political system, and will not fall out with each other because of our decision. But if the two Governments were only scheming for their own interests, then even if the talks could continue, the result might still be a nondescript package that is unacceptable to the people of Hong Kong. Should that be the case, would the Liberal Party then ask the people of Hong Kong, with various vague justifications, to compromise for the sake of the interest of the whole? Would they have the courage to stand out and oppose to such a result? Would the DABHK then tell the people of Hong Kong that democracy is in fact unimportant and that it would be wise of Hong Kong people to be the obedient subjects of the Communist Party? It might perhaps cause pain in the back if we stand up straight as a human being out of conscience and for democracy in a dignified manner. But according to the logic expressed today by some Members, it appears one had better not to stand up but lie prostrate with the face down before the authority. In this manner, there is no need to have a backbone, and one can even save the trouble of being some kind of "qinshou" (birds and beasts). One can simply be an amoeba.

Mr Chairman, Mr Steven POON has asked whether we would accept a referendum by the 1.2 billion people in China to determine if Hong Kong should have democracy. I will welcome the day when the 1.2 billion people in China can directly elect their own government. I will welcome the day when the 1.2 billion people in China can really determine the policies in China by vote. I will welcome the day when the 1.2 billion people in China can determine in a democratic manner whether Hong Kong should have democracy.

To implement the idea of Hong Kong people ruling Hong Kong, we need to be our own master. To voice our wishes to Britain and China is the first step towards such a goal. An amoeba without a backbone is not qualified to talk about the idea of Hong Kong people ruling Hong Kong.

MR LEE WING-TAT (in Cantonese): Mr Chairman, the debate that we have been holding has in fact only one theme, namely, how do we look at the Sino-British Joint Declaration, which was signed in 1984? To be sure, any matter affecting Hong Kong's international agreements or external affairs during the transitional period should be discussed between the two sovereign powers and resolved by them with other countries concerned. However, we must not forget that the Joint Declaration promised Hong Kong an elected legislature and a high degree of autonomy in the run up to 1997 and beyond. The people of Hong Kong supported the Joint Declaration in 1984 on the assumption that all the promises made therein would be kept. However, when we look at the things that have been happening in recent years, we found that the promises made in the Joint Declaration have been broken one after another. The Governments of the two signatory countries have failed to flesh out with specific details the principles promised to Hong Kong in the Joint Declaration of 1984. If they had, there would not have been all these recent arguments. I feel that all the problems raised in today's debate are problems due to the two Governments' failure to flesh out with specific details the principles promised by the Joint Declaration.

A Member said a moment ago that, because Hong Kong was not going to be an independent country, we should not hold a referendum. The same kind of reasoning has shown up in other forums: Because Hong Kong will not be an independent country, we do not have the right to decide on our own future. Because Hong Kong will not be an independent country, we cannot have a popularly elected Chief Executive. Because Hong Kong will not be an independent country, we must take orders from our sovereign power. Our freedom, democracy and rights are subject to the power held in the hands of the central Government.

We must not forget that we, in fact, have a moral contract with both the British and the Chinese Governments. Our rights and obligations in relation to the Chinese Government are defined by the Joint Declaration. We know that, under the Joint Declaration, the people of Hong Kong will not decide on the Special Administrative Region's diplomatic or defence policy. However,

through making the Basic Law, the Chinese Government has specified that we will have a high degree of autonomy and full autonomy over local affairs. Are these not the rights given to us by the Chinese Government? Is this not a promise made to us by the Chinese Government?

We have been aware of one phenomenon in recent years. Everything that we did, big or small, required the approval of the Chinese Government. The situation has been getting worse. In 1984, 1985 and the subsequent years, the people of Hong Kong went to Beijing to reflect to the Chinese Government their views concerning Hong Kong's constitutional development. Now, let us look at the private organizations and political groups of Hong Kong which sent delegations to visit Beijing in recent years. What did these delegations tell the Chinese Government? They reflect their views not only on matters related to transition but also on Hong Kong's transport and traffic policy, housing policy, health policy and education policy. They even consulted Beijing on matters like whether some non-governmental institutions could continue to exist in Hong Kong after 1997. Why do we have to consult Beijing on these things? We should not forget that these are things within our right given to us by the Joint Declaration of 1984. Why do we deny our own legitimate rights promised by the Joint Declaration?

With regard to the referendum issue, I am not a scholar. Still, I know that referenda are often held by provinces and cities in other countries during the elections of governors, mayors or provincial legislators. They are held to find out which issues are important to the electorate. According to what I have heard, the State of California in the United States holds a referendum during each election of a mayor, a governor or state legislators. The referendum is held to find out voters' views on issues and priorities. A referendum can be held by a local community to help solve community problems. I do not see why only an independent country can hold referenda. Even if only an independent country can hold referenda, what is the big deal about letting the people of Hong Kong hold a non-binding referendum on constitutional issues, just to find out their views. But why are the British Government, the Hong Kong Government, the Chinese Government and even the Liberal Party so afraid of holding a referendum? Are they afraid that a referendum will reveal a powerful current of public opinion that they will not be able to resist, and that they cannot resist it openly, in broad daylight. This is why they argue against the holding of a referendum, sometimes with fallacious reasoning.

I personally feel that referendum is a way of revealing the public's choice on major political issues. It is used in many countries. It is resisted only by some communist and autocratic countries and by those groups that opposed the popular forces.

Thank you, Mr Chairman.

CHAIRMAN: Mr CHEUNG, do you wish to speak for the third time?

MR CHEUNG MAN-KWONG: Yes.

CHAIRMAN: I would remind Members that the right to speak more than once at the Committee stage is to enable the details of the Bill to be examined, I will very strictly apply the rule as to relevance of speeches and as to tedious repetition of the speeches of that Member or other Members if a Member wishes to speak for the third time. Now do proceed.

MR CHEUNG MAN-KWONG (in Cantonese): Mr Chairman, please stop me if you think my speech goes beyond the limits you set or permit. Since some Members' remarks made just now touched upon my position, I must make use of my speaking time to offer some clarification and Mr Chairman, I ask your indulgence.

Just now Mr Steven POON equated or interpreted the referendum I put forward as an attempt to turn Hong Kong into an independent state. This is, of course, not our thinking nor the stand of the United Democrats of Hong Kong. For 20 years I have been fighting against the colonial rule in Hong Kong and striving for Hong Kong's reunification with China. If my action is regarded as a call for independence, it will be obviously contrary to the cause for which my friends and I have been fighting and striving. However, what I strive for, such as the referendum which Hong Kong should conduct, are justifiable under the concept of a high degree of autonomy which China has promised us. We should have the right to design our political system precisely according to the concept of a high degree of autonomy, and it is also endorsed in the Sino-British Joint Declaration. How can one be so rash as to equate the call for a referendum as a move to fight for independence?

If the points raised and queried by Mr POON just now miss the target or show that he misread my mind, I think all his arguments founded on this base indeed do not hold water. Right, I am a school teacher. I think one of the essential spirits of education is that a good example is the best sermon. I will teach my students that an intellectual should stand by certain righteous beliefs and not back off readily; they should have confidence that truth will win over might. As I said just now, hope is found in those who fight for their belief by themselves and hope is also found in those who hold fast to their belief. We would do so even though one day we, because of our belief and independent thinking, may be dragged down from the "through train" and denied certain political roles.

CHAIRMAN: You are being irrelevant. Do not wander to something else.

CHAIRMAN: Mr CHIM, do you wish to speak for the second time? Please bear in mind the restriction as to relevance.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, the purpose of Mr Allen LEE's proposed amendment to delete the part on the single vote, single seat voting method for the 1995 Legislative Council elections is to allow more time for China and the United Kingdom to discuss this issue. Meanwhile, China has indicated that it would, in its dealing with the political reform package, deal with the straightforward matters first and then the controversial ones. Now both sides have come to a consensus on the arrangements for the 1994 district board elections. Where the 1995 Legislative Council elections are concerned, China has never indicated that the single vote, single seat voting method cannot be adopted.

We are merely holding academic discussions as to whether the single vote, single seat voting method is better than the double vote, double seat voting method. Anyway, we should note that both sides to the talks have agreed to handle the straightforward matters first and then the controversial ones and that China has not stated any objection to the adoption of the single vote, single seat voting method for the 1995 Legislative Council elections. I do not see anything wrong to adjourn the debate. We may deal with the 1994 district board elections first

CHAIRMAN: That point has been made time and again. It is tedious repetition. Please move on to something else.

MR CHIM PUI-CHUNG (in Cantonese): Just now quite a number of Members rose to speak and their intention was nothing more than soliciting votes for their political parties. Their remarks were very pleasant to the ears. I do not know how many people are listening to the live broadcast of our debate but I must tell the listeners that these political parties are making use of this opportunity to solicit votes. Mr Chairman, I think it is quite unnecessary for them to do so. Thank you.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I would like to reiterate that the Administration is against Mr LEE's amendment.

The proposed "single seat, single vote" voting system for Legislative Council geographical constituency elections has widespread support in the community. This Council itself has also given firm support to this proposal during two previous debates in July and November 1992. We just cannot see any good, logical reasons not to proceed with the legislation on this proposal.

Mr Chairman I have said earlier that our door has been open all along for discussion with the Chinese side but however much we would have preferred to legislate on the basis of an agreement with the Chinese side, practical time constraints mean that we need to get on with the legislative process even in the absence of such an agreement.

For these reasons, the three *ex officio* Members will vote against Mr LEE's amendment.

MR ALLEN LEE (in Cantonese): Mr Chairman, I do not know how to narrate an animal tale which is full of innuendos, nor do I command the techniques to make oblique accusations. I would only like to say that I propose my amendment out of one single motive: I hope that China and the United Kingdom can have the chance and room to resume talks and work out the political arrangements.

During the debate on this simple hope, it became clear to me that some Members distorted my intention and seemed to turn the debate into a political struggle between the Liberal Party and the United Democrats of Hong Kong (UDHK). Talking about political struggle, I must say that I had such experience when I was young. In the years 1952 and 1953, the Communist Party in Shanghai launched campaigns against the "three evils" and the "five evils". The tone and the methods used during the campaigns look similar to the tactful techniques employed by some Members in this Council. I think Hong Kong people are very sick of such attacks. The Liberal Party, as I believe, would not like to see any political wrangle. We hope that Hong Kong can have a smooth transition and that the Chinese and British Governments will have full co-operation. According to the spirit and wording of the Joint Declaration, both China and the United Kingdom have an obligation to Hong Kong people. Where the obligation is concerned, it is stated in the Joint Declaration that both countries would step up co-operation to ensure a smooth transition in Hong Kong. This is the promise and the commitment made by the two sovereign states to Hong Kong people. I am not going to bring up the matter as to what UDHK have actually done. I trust Hong Kong people are perceptive enough to judge whether they are supporting or opposing the Sino-British talks. They have seen who took the troubles to travel far and wide, hoping to bring the two countries together to settle the problems on electoral arrangements through negotiation. During the years 1983 and 1984, for the success of the Sino-British Joint Declaration, I, as a Member of the Legislative Council, had shuttled between Beijing and London many times. I, therefore, trust that Hong Kong people know very well what is going on: Who hope that the talks would be successful? And who simply talk in empty words about supporting the talks or not opposing the talks? But are they doing what they preach? Do they really hope that the talks can be successful? This is clear to the Hong Kong people.

I think it is very likely that my proposal will not be endorsed by this Council. Yet, even though it may not be endorsed, I would like to state the Liberal Party's position in respect of the electoral method. During this Council's debate held in July 1992, we expressed the view that the double seat, single vote method was suitable for Hong Kong and it was also a feasible voting method. However, we accepted the Legislative Council's decision at that time to adopt the single vote, single seat method for Legislative Council elections. If my amendment is not endorsed, the Liberal Party will still support this Council's decision. We are not what Dr YUENG Sum described as wavering in our support of a certain system. We are very clear about our standpoint.

I would like to reiterate, Mr Chairman, that I believe political wrangle is not suitable to Hong Kong nor will Hong Kong people welcome it. Rational discussion and debate are, in my view, what Hong Kong people would like to see and what a legislature should do. I proposed my amendment merely out of one single motive. Although China and the United Kingdom may not agree, I have already explained in the Second Reading debate that we still have to make our last effort.

Thank you, Mr Chairman.

CHAIRMAN: Dr YEUNG, do you have a point of elucidation?

DR YEUNG SUM (in Cantonese): Mr Chairman, I just want to make a simple elucidation. I consider myself very cautious in my speech. I know that the Liberal Party is going to support the "single seat, single vote" system at the end of the day but it puts forward the motion after having passed several checkpoints. Therefore, I said that it is beating around the bush. I did not say that it does not support the system.

Question on Mr Allen LEE's proposed amendments put.

Voice vote take.

The Chairman said he thought that the "Noes" had it.

MRS MIRIAM LAU: Mr Chairman, I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Members please proceed to vote.

CHAIRMAN: Do Members have any queries? If not, the results will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr LAU Wong-fat, Mr Ronald ARCULLI, Mrs Miriam LAU, Mr LAU Wah-sum, Mr Moses CHENG, Mr CHIM Pui-chung, Dr LAM Kui-chun, Mr Steven POON, Mr Henry TANG, Mr Howard YOUNG, Mr James TIEN and Mr Alfred TSO voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, 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 Marvin CHEUNG, 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 Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Mr Roger LUK and Ms Anna WU voted against the amendments.

Mr TAM Yiu-chung, Mr Edward HO, Mrs Peggy LAM, Mrs Elsie TU, Mr Peter WONG, Dr Philip WONG and Dr TANG Siu-tong abstained.

THE CHAIRMAN announced that there were 15 votes in favour of the amendments and 35 votes against them. He therefore declared that the amendments proposed by Mr Allen LEE were negated.

Question on the original clauses 2 and 5 proposed, put and agreed to.

Clause 6

MR ANDREW WONG: Mr Chairman, I move that clause 6 be amended as set out in the paper circulated to Members.

The purpose of the proposed amendment is to spell out expressly in the principal Ordinance the requirement for a poll to be conducted when an election is contested.

Mr Chairman, I beg to move.

*Proposed amendment***Clause 6**

That clause 6 be amended, by deleting the proposed section 6A(1) and substituting —

"(1) At every election which is contested -

- (a) a poll shall be taken in each constituency or constituencies in which the election is held;
- (b) the voting at that poll shall be by secret ballot; and
- (c) the election shall be conducted in accordance with regulations made under section 28, and section 7 of the Boundary and Election Commission Ordinance (40 of 1993)."

Question on the amendment proposed, put and agreed to.

MR ALLEN LEE: Mr Chairman, I move that clause 6 be amended as set out in the paper. I have nothing further to add to what I spoke on in the Second Reading debate.

*Proposed amendment***Clause 6**

That clause 6 be amended, in the proposed section 6A(2), by deleting "The" and substituting "At every contested election of persons to act as members of the Urban Council, the Regional Council or a District Board the".

Question on the amendment proposed, put and negatived.

Question on clause 6, as amended by Mr Andrew WONG, proposed, put and agreed to.

Clause 9

MR ANDREW WONG: Mr Chairman, I move that clause 9 be amended as set out in the paper circulated to Members.

The proposed amendment to clause 9, together with the two further amendments I will be moving a bit later on, is a minor textual one making clear that the disqualification in respect of "a member of any parliament, assembly or

council, central or local", is whether central or local, by adding the word "whether" in it.

Mr Chairman, I beg to move.

Proposed amendment

Clause 9

That clause 9 be amended, in the proposed section 19(1)(e), by adding "whether" before "central".

CHAIRMAN: Miss LAU, do you wish to speak?

MISS EMILY LAU (in Cantonese): Mr Chairman, since I have mentioned just now that I am against the provision in relation to the National People's Congress deputies, I am also against clauses 9, 31 and 44. Thank you.

Question on the amendment proposed, put and agreed to.

Question on clause 9, as amended, proposed, put and agreed to.

Clauses 10, 13, 14, 16 to 23, 30 and 32 to 36

MR ERIC LI (in Cantonese): I move that the clauses specified be amended as set out under my name in the paper circulated to Members.

At the first glance, the present debate appears to be a revisit to a past debate. On 3 June 1992, Dr YEUNG Sum moved a motion debate on the same issue, which was passed by 29 to 21 votes (including the three official Members) with an amendment moved by Mr Andrew WONG calling for doing some study before making any change. Reading between the lines, I was absolutely confident that Members who spoke at that time did not mean to support the Government's position. Meanwhile, the two municipal councils and 19 district boards also made their positions known. All of them (except one district board) raised strong objections to the abolition of appointed seats. Yet, on 6 October, the Government went ahead and announced that all appointed seats would be abolished, allegedly on the basis of some informal oral surveys with the respondents' names withheld.

The debate on this particular issue has dragged on for a long time. To sum up, those in favour of abolishing the appointed seats had this their main argument that the abolition is an answer to the strong appeals for democracy. Those against based their position on the consideration of realities and argued that the two municipal councils and the district boards, in view of their nature,

ought to be bodies concerned with the implementation of policies on the local community level. They added that it would be inadvisable to over-politicize the local boards and councils in the fledgling democratic movement, lest this should affect their operations and their efficiency. They argued that, if any major personnel changes were made on top of this, operational continuity would be disrupted and the boards and councils would then probably decline in the esteem of members of the public. Some Members argued that appointed members could complement elected members in terms of management experience and professional knowledge and that the appointed seats, being very valuable in even-handedly looking after the minority interests, should be kept at this stage.

Members have commented on the issue of the appointed seats from different angles. On one side, there is a genuine quest for democracy (and I absolutely respect their views).

On the other side, objective analysis is made on the basis of thorough consideration given to the realities. This situation is an accurate reflection of the conflicting mentality of the people of Hong Kong with regard to constitutional reform. They uphold ideals; they also want to be pragmatic. Very clearly, the wish of the vast majority of the people of Hong Kong is that the Government and the Legislative Council could, in view of this apparently conflicting mentality, find a balanced package that is "both progressive and feasible" for them.

But one is extremely disappointed to see what the Government has done. The public clearly desired a decision that would please everybody. But the Government hastily made up its mind and, without conducting any serious public consultation, announced its decision like an edict four months later. The chairmen of many district boards called this constitutional reform process neither open nor fair. Such an accusation is not unfounded. The Government only "made use of" the views that it collected from one side and was bent on promoting a policy that showed no regard to the realities. It turned a blind eye to the specific concerns and objections raised by the two municipal councils, the 18 district boards and many members of the public. It did not even bother to respond to these concerns and objections.

Least of all can it be said that this political reform is "widely accepted by the people of Hong Kong". Mr Robert CHUNG Ting-yiu of the University of Hong Kong, from December 1992 to December 1993, published the results of six public opinion surveys on the subject. These surveys found that only between 35% and 38% of the respondents supported the abolition of the appointed seats. (Those who have read *The Oriental Daily News* today may be aware that the recently conducted seventh survey found that only 38% of the respondents were in favour of my amendment while 37% were opposed.) This means that those in favour of abolishing the appointed seats are about equal in number with, or slightly fewer than, those opposed. During the survey conducted on 23-24 September 1993, the proportion of those opposed to abolishing the appointed seats was as high as 44.8%. Mr CHUNG made an

independent analysis of the survey results and formed the views that there were always over 60% of the members of the public who said that they did not understand the political reform package. In this connection, the Government really must carry out some public consultation on a wider scale. Very clearly, this political reform package was induced by the Government and some political activists who jointly made "a top-down decision" without the firm support of the public or of the Legislative Council at the time.

In fact, there is not much controversy over this particular item in the political reform package. The Government indeed could make a lot of compromise. However, during the motion debate of June 1992, other than making some hardly conceivable symbolic reform in response to Members' unanimous request for a review on the real powers of the local boards and councils, the Government proceeded to do the opposite of the prevalent public views. It announced that the appointed seats would be abolished. It also added a political dimension to district board seats in the form of the indirect election of Legislative Council Members among district board members. The purpose was to induce competition among political parties interested in winning control in the legislature. This further politicized the three tiers of government. The Government is well aware that the election of legislators by and from among district board members in the 1985 and 1988 elections was the cause of enduring discord in the district boards among their members affiliated to different parties, and has been much criticized. The Government knew that but did it anyway. Why?

This particular "abnormal" political decision of the Government, I believe, is not hard for the discerning to see that there is only one reason behind it. The package of October 1992 was put forth as part of the British side's strategy for talks with China. The British side adhered to an overriding principle that all members of the Election Committee should be returned through fair and open elections. As I see it, that was, however, just the bottom line of the British side's strategy. From the Governor's amended package announced in 1993, it can be seen that, at any rate, the Election Committee can in fact be constituted in other ways and there is simply no need to abolish all appointed seats. More recently, rumours had it that concessions were possible on the issue of appointed seats. Soon afterwards, however, China and the United Kingdom announced that their talks had broken down. Looking back, one can be certain that the rumours of making concessions were but part of a strategy and they are now no longer in circulation. What is regrettable is that the many people who have done thankless work for the communities in Hong Kong for years are now regarded as having out-lived their useful purpose and as expendable political chips.

The Government may controvert that appointed seats are conceptually unreasonable and should be abolished as soon as possible. But there are lots of things in this world which are unreasonable and yet they actually exist. The appointed seats were created by the Government itself. Whether they are reasonable or not, if we must change them, we should make reasonable changes.

We in this Council must not act like some armchair thinkers and disregard the following realities in Hong Kong:

(1) The development of political parties has just begun. No political party in Hong Kong has yet a strong popular base. Their political programme and political track records are not highly visible to the public, nor can they secure safe seats in district boards and councils. Summarily raising the number of elected seats in local boards and councils significantly will create chaos as well as very worrying uncertainties in the operations of the boards and councils. Another thing is that China has made it known that it is looking for district affairs advisers and that it will restore appointed seats after 1997. The Government claims that abolishing the appointed seats is not a radical change. But changing back and forth in a short period of three years will have adverse effects. The change is rapid, is it not? The Government allowed the consultation process just four months. For something that the Government does not like, such as the proposed Human Rights Commission, the consultation process may last as long as two years. What is the Government's standard?

The consequences are predictable if the Government goes ahead and pushes through the abolition of the appointed seats. The district boards, after the so-called review and the subsequent abolition of the appointed seats, will remain to be forums where people make empty talk. The agenda of the district boards is bound to become more and more political as their members are all affiliated with political parties. The district boards will then become another arena where political parties apply pressure on government policies but expect no response. In the absence of the appointed members who quietly slogged away, the district boards' roles in community services will be further weakened. Let us look at the local boards and councils in foreign countries, for instance, in the United Kingdom. There, senior members of political parties are Members of Parliament, while junior members are members of local boards and councils. Just by looking at a party members' being a Member of Parliament or a member of a local board or council, one can tell his status in the party. Members of local boards and councils, in fact, can do no more than making some political outcry. If this situation in Hong Kong is not ratified, by and by, it is likely that local boards and councils will degenerate into some foils for the Legislative Council and become things that are there simply because they are better than nothing. To borrow a quote from an Honourable Member, Dr Conrad LAM, who said, "The district boards will remain valuable as places for the grooming of aspiring politicians." If past experience in foreign countries is anything to go by, such "residual value will be all the value that the district boards, or even the municipal councils, will have." I have worked at the local community level ever since the early days when local administration was established. Over the years, I, in different capacities, did everything I could to help in promoting the district boards. how can I not feel anguish to see the district boards embark on such a course? How can I see that it is done in the interests of the district boards and the public?

This Council should consider the above. Members should look at the issue dispassionately from the eyes of a member of the public and make a balanced decision in the interests of the public. This is the spirit of my proposed amendment.

1. I respect the public's desire for a democratic system. So I do not seek, in my proposed amendment, a cut in the number of elected seats. This is to allow any possible increase in the number of elected seats as planned.

2. The people of Hong Kong have become more mature in political matters by the day. But the 1994 elections are just around the corner. While the number of directly elected seats is increased sharply, there will still be ample room for keeping, at least at this stage, some well-known and experienced personalities as appointed members to keep the interests of all sides in balance and to maintain a degree of continuity in the district boards. During the transition period, these personalities may help train future politicians, thus easing the impacts brought about by drastic changes and preserving the district boards in the esteem of members of the public.

3. The Chinese side has announced that appointed seats will be reinstated after 1997. In any case, reform should be carried out in an orderly and well-planned manner. If the appointed seats are kept in the district boards elected in 1994, and the Government does make a serious review of their real powers to make sure that they will not degenerate into third-rate bodies, this will be good for transition in 1997. And I will accept, and may even throw my weight behind, the abolition of all appointed seats in 1999.

4. Mr James TO suggested to me that the Government should be censured for treating appointed members as people who have out-lived their useful purpose. I am doing so now. I hope that Members will query the Government on its use of such undemocratic tactics. Please do not ignore the comments of the members of the municipal councils and the district boards simply because the Government's proposals sound good to you and agree with your own interests. Please do not turn a blind eye to the injustice done to the municipal councils and the district boards. If we do, the spirit of a representative government in this Council will be dampened, will not it? If we do, what is the point, then, in this Council's endeavour to make the Government more accountable?

The people of Hong Kong are caught between the fires of the Sino-British row over the issue of Hong Kong's constitutional system. We should stand on our own feet and look after our own interests. We should tread cautiously and act pragmatically. We should not accept the Government's ploy regardless of cost. We should not unquestioningly buy the "dream world" offered for sale by the Government to the people of Hong Kong who yearn for democracy. The Legislative Council should face up to the realities and seek a course of political reform that is the safest and the surest though it may not be the shortest.

Members of this Council now witness that some municipal councillors and district board members have been put on the negotiation table as political chips. The wrongs done to them wait to be undone. I hope that today's debate will at least succeed in clearing their names. If democracy is rigid and allows for no compromise, it is no different from dogmatism which is very irritating. It will lose its vitality and its meaning as the art of compromise. Flexibility is the mature way to work for the good of the public. The Government has pursued the political reform along a winding course. Still, we are in a position to work out some reasonable solution. Members of this Council should think again and support my proposed amendment.

Proposed amendments

Clause 10

That clause 10 be amended, by deleting the clause.

Clause 13

That clause 13 be amended, by deleting the clause.

Clause 14

That clause 14 be amended, in the proposed section 6 —

- (a) in paragraph (a), by deleting "and" at the end;
- (b) in paragraph (b), by deleting the full stop and substituting "; and";
- (c) by adding -
"(c) 13 members appointed by the Governor."

Clause 16

That clause 16 be amended, by deleting paragraph (a) and substituting -

- "(a) in subsection (3), by repealing "Subject to subsection (7), an" and substituting "An";".

Clause 17

That clause 17 be amended, by deleting the clause.

Clause 18

That clause 18 be amended, by deleting the clause and substituting —

"18. Disqualification from appointment, etc.

Section 10(1)(e) is repealed and the following substituted -

"(e) is a salaried functionary of a government of any place outside Hong Kong;

(ea) is a member of any parliament, assembly or council, whether central or local, of any place (other than the People's Republic of China) outside Hong Kong;".

Clause 19

That clause 19 be amended, by deleting the clause.

Clause 20

That clause 20 be amended, by deleting the clause.

Clause 21

That clause 21 be amended, by deleting the clause.

Clause 22

That clause 22 be amended, by deleting the clause.

Clause 23

That clause 23(b) be amended, by deleting "paragraphs (b), (ga) and (gb)" and substituting "paragraph (ga)".

Clause 30

That clause 30 be amended, by deleting the clause.

Clause 32

That clause 32 be amended, by deleting the clause.

Clause 33

That clause 33 be amended, by deleting the clause.

Clause 34

That clause 34 be amended, by deleting the clause.

Clause 35

That clause 35 be amended, by deleting the clause.

Clause 36

That clause 36 be amended, by deleting the clause.

Question on the amendments proposed.

MRS ELSIE TU: Mr Chairman, as I believe that putting this Bill before the Council does a great disservice to our community, I therefore oppose the Bill in favour of resumption of the talks. However, as a representative of the Urban Council, I feel that I should say that Mr Eric LI's amendment concerning appointed seats is supported in principle by both municipal councils and by 58% of the 416 district board members and they are mostly elected.

The Government has treated the views of the district boards very shabbily, in spite of the Secretary's claim that the Government listens to their advice. Apparently the Government listens to their advice only when they want to hear it.

When I talked to the Governor, as far back as July 1992 soon after his arrival, he made it clear to me then that he had already decided to abolish the district board appointed members. It is therefore entirely his own idea, which he has carried out to the letter.

In principle, I support Mr Eric LI's amendment but as I am opposing the Bill, I shall abstain from voting.

MR MARTIN LEE (in Cantonese): Mr Chairman, Mr Eric LI's amendment seeks to retain the appointed seats in the municipal councils and the district boards. His wants to slow down the pace of democratization in district administration, so that appointed members can retain their existing privileged position. This kind of thinking is not only conservative, but also out-dated.

The appointment system was taken as an interim measure when representative government was first introduced in Hong Kong. It runs counter to the principle of democracy. Over the past 10 years or so, the Government has appointed local leaders to sit in these district organizations in order to secure the support of the local community. Worse still, it has appointed some conservative figures to counter balance the democratic and liberal members who are returned by direct election. However, these appointed members have neither public mandate nor do they need to be accountable to the public. They have hindered the democratic development of Hong Kong. Time is moving on. Even Members of this Council will all be elected in 1995, how can the municipal councils and the district boards go against the tide of democracy?

The United Democrats of Hong Kong (UDHK) totally agree that appointed members did render great service to the territory in the past. If they really want to serve the community through the representative system, why do they not participate in the fair and democratic direct election instead of sticking to the inglorious political free lunch?

The freezing of time or going back to the past can only happen in fiction or movies. I hope that appointed members can adopt a democratic and liberal attitude, and support the abolition of appointed seats and the further development of representative government.

Mr Chairman, with these remarks, the UDHK oppose Mr LI's amendment which is against the tide of democratization.

MR CHIM PUI CHUNG (in Cantonese): Mr Chairman, first of all, I support Mr Eric LI's proposed amendment. We now have 441 district board members, of which 274 are directly elected while the remaining 167 are appointed. The ratio of appointed members is 38%. With regard to the Urban Council, there are 40 members, 15 of them, or 37.5%, are appointed. With regard to the Regional Council, there are 36 members, 12 of them, or 33%, are appointed. The duty of district board members, Urban Councillors and Regional Councillors is to advise the Government on issue related to public order, traffic, culture and recreation, housing and so forth at the district level. The boards and councils are empowered to make decisions on certain matters but they are mostly advisory bodies. The appointed members complement the elected members by playing a balancing role in these bodies so that the interests of different sectors of the community are taken care of.

When putting forth his political reform package on 7 October 1992, the Governor stressed time and again that his package was supported by the majority of the public. He could, in truth, only say that it was supported by the majority of the Members of this Council and the respondents in public opinion surveys. No referendum was held. How could he prove that his constitutional package was supported by the majority of the public? His statement was arbitrary. He also said that elections should be fair, open and acceptable to the public. In the subsequent debates on his constitutional package, we knew that 18 of the 19 district boards in Hong Kong supported the retention of the appointment system. Among the 16 Councillors who had spoken on the subject in the Urban Council, 11 supported the retention of the system. (Mrs Elsie TU, the Urban Council's representative in this Council, said just now that appointed seats were supported by 58% of the Urban Councillors.) This is a fact, not fiction. It is more convincing than the Governor's claim that his political reform package had the support of the majority of the people in Hong Kong. Well then, with so many district board members and Urban Councillors in favour of keeping the appointed seats, how can the Governor substantiate his claim?

Just now, a Member said that those in favour of keeping the appointed seats were the vested interests who wanted to maintain the *status quo*, which was good for them. But people should not indulge in deception and self-deception. Even if the appointed seats are to be retained, the Government is not bound to re-appoint the incumbents. How can they order the Government to re-appoint them? This is an undisputed fact. The Governor has stated time and again that he respects public opinion. But his attitude to the appointed seats shows just the opposite. Mr Governor himself is appointed, is he not? Why, then, does he single out the appointment system for his attack. Why is he so hostile to the appointed members in these boards and councils? If he had been so sure of himself, he should not come to Hong Kong to become its Governor. Had he refused to do so, his words would have been more convincing.

Mr Chairman, in fact, in the structure of the Government, there are many advisory composing committees entirely of appointed members. Their appointed members include members of democratic parties. Such being the case, we should not wantonly criticize the appointment system. We should be fair. We should study the problem and conduct a review. Only then can we hold a useful debate.

During the 15th and 16th rounds of the Sino-British talks, the Chinese side already made it clear to the British side that, if the latter insisted on abolishing the appointed seats in the district boards and the two municipal councils, the Chinese side would reserve the right to reinstate them after 1997, with the numbers depending on the circumstances at that time. Actually, the appointment system is not contrary to the Basic Law. Appointed members are by no means less broadly based than elected members. We must understand that, in Hong Kong's social structure, not only does the working class need

representatives, but so does the class of employers. Hong Kong's economy can be successful only if all classes work together.

Mr Chairman, no matter how we may argue, Members already know in their minds what they want. I believe that I cannot make them change their minds. Still, I always think that anything that we do should serve the purpose of reassuring members of the public and making them more confident in the future of Hong Kong. Such is our duty as Legislative Councillors. Just now, Mr Allen LEE's proposed amendment won the support of 15 votes. I believe that Mr Eric LI's amendment should win the support of probably fewer votes. Whatever may happen, we have to understand that appointed members represent some sectors and play a useful role. We should not ignore the balancing role that they play.

Mr Chairman, with these remarks, I support Mr Eric LI's amendment.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, the Association for Democracy and People's Livelihood (ADPL) and I think that keeping the appointed seats in the two municipal councils and the district boards is like keeping a colonial feature which is against the principle of democracy. This will deal a blow to the further democratization of the three tiers of representative bodies. In view of the gradual development of these bodies, it will be ironical if we still keep the appointment system in 1995. Now let us look at the Legislative Council first.

In 1985, the Legislative Council started cutting down the number of Official Members. In 1988, the number of Appointed Members was also reduced. The numbers of Official Members and Appointed Members were further reduced in 1991 when direct election was first introduced to this Council. This was done as the first of a series of steps to comply with the provisions of the Basic Law stipulating that all legislators of the SAR in due course should be elected. By 1995, this Council will have basically got rid of all official seats and appointed seats. Now, even the Legislative Council does not need appointed seats, why should the district boards and municipal councils need the Governor to appoint someone to represent the local interest?

Now, let us look at the district boards and the municipal councils. In 1986, two-thirds of the members of the district boards were returned by direct elections, compared with only one-third in 1983. Since 1986, however, the ratio has remained unchanged. In the two municipal councils, so far, only fewer than half of the seats are filled by direct elections. It is therefore clear that the composition of the district boards and the municipal councils has not changed since 1986. Why has there been no change for so long? Eight years have elapsed, why has there been no change at all? Since all Legislative Council Members are going to be returned by direct elections in 1995, I do not understand why the district boards and the municipal councils need the

Governor to appoint someone to speak for the local residents? This is intolerable.

Mr Eric LI just now gave an example. In Britain, according to him, members of local boards and councils are usually returned by elections in which only junior members of political parties run. He says that members of local boards and councils play only a noise-making role in support of more senior members of the same parties, who are members of Parliament. He feels that this is unhealthy and should not happen. By his logic, it seems that we should keep the appointment system for ever. Long live the appointment system! But I want to tell Mr Eric LI that many local boards and councils in Britain, Europe and Japan have substantive powers. It is not true to say, as some Members have said, that only appointed members have the needed expertise to make decisions at the district level. Take Urban Council for instance. I know nothing about the performing arts. I am neither an actor nor a director. Nor am I a choreographer. But I can tell you that I have been the Chairman of the Urban Council's subcommittee on performing arts for eight years. I am responsible for dealing with three groups of performing artists. How is it that I have this capability? I do not really need any expertise, because we have many experts to advise us in the subcommittee. We can appoint advisers or even hire professional experts to advise us and write reports for us. We study the options prepared by the experts and then make a good decision. As a directly elected Urban Councillor, I do not have to be an expert. I feel that I have not done poorly (at least, nobody has asked me to step down over the past eight years). This is how members of boards and councils in Western countries do their work. So I do not understand why the Governor must be given the power to appoint people to speak in these boards or councils.

Still less should the appointment system be used at the district board level. What kind of a body is a district board? It is an advisory body. It is annually funded by the Government with between \$2 million and \$3 million, with which it promotes cultural, recreational and sports activities. One of its duties is to offer comments on territory-wide policies and on things which it is invited to comment. Therefore, a district board is purely and advisory body. I would like to ask Mr Eric LI: Who are more familiar with the constituencies and local affairs than the representatives elected there? Are outsiders more familiar? Are the experts more familiar? Many of them do not live and work locally. How can they understand the feelings, difficulties or wishes of the local people? As a matter of fact, when the political process becomes more open, it is unavoidable that there should be political parties. Mr Eric LI says that the abolition of appointed seats should be held back for a few years. In that case, the issue is not one of principle but rather one of timing. But, as I have already pointed out, the appointment system has not been changed in any way for eight years. Might it not have become rusty?

Lastly, the issue of appointed seats is a source-of-power issue. I feel that, with an appoint system like the present one, all power is in the hands of the Chief Executive or the Governor. The appointed members are not accountable

to the electorate or the general public. They are accountable only to the person who appoints them. Of course, it is possible that the appointing authority, if it finds that an appointed member has done well, will re-appoint him. The appointed member will not be re-appointed if he has not done well (in the eyes of the appointing authority). Still, as a hindrance to democratic development, I think that the appointment system should be abolished and that now is the time to do so. As all Members in this Council are going to be returned by elections in 1995, I see no reason for keeping the appointed seats in the district boards, which are advisory bodies, or in the two municipal councils, which are responsible for promoting cultural, recreational and sports activities. I would like to reiterate that the kind of professional expertise, as mentioned by Mr Eric LI, can be obtained from hired advisers. These advisers can be paid or voluntary. I feel that such way of handling things is far more practical.

With these remarks, I oppose Mr Eric LI's proposed amendment.

MR FRED LI (in Cantonese): Mr Chairman, I would not repeat the points which have been touched upon by other Members. What I would like to say, first of all, is to clarify the date mentioned by Mr Frederick FUNG. The district boards started to have two-thirds of their members being elected in 1985, that is, nine years ago. 1986 was the year when the Urban Council election was held. I have taken part in the three tiers of elections and became an elected district board member as early as 1985. This is my third term of office as a district board member. My participation in the three tiers of representative bodies enables me to gain some first-hand experience. Maybe I can talk about this issue in the light of my experience.

Just now Mr Eric LI mentioned that the increase of elected members and the abolition of appointed seats might politicize the district boards and the municipal councils and would bring about a drastic change. I would not follow in his footsteps by drawing a comparison between the district boards (in Hong Kong) and the councils at various levels in Britain. However, I would like to point out that, like some elected members, appointed members also play with politics. They compete for power with some elected members. The competition is so keen that there are always clashes between the two sides and I am often a victim in these power struggles. Hence, it is absolutely wrong to say that appointed members will not play with politics. On no account should they be regarded as such.

Secondly, it was suggested by Mr LI that it would bring radical changes to the district boards if the appointed seats were to be abolished. Nine years have elapsed since direct election was first introduced in the district boards in 1985. So such a change can hardly be described as radical. If we take a look at this Council, we will find that it has undergone far greater changes during these years. We had indirect election in 1985 and direct election in 1991. By 1995, all Members of this Council will be directly elected. Furthermore, district boards are only consultative bodies without any substantive power. I think it is

preferable to let local residents elect someone who can really represent their interest.

We all know that the political parties (in Hong Kong) have a very short history. So they may not be able to win many seats in the district board elections. I do not understand what Mr LI meant when he said there was no "safe seat". I think there will be stronger competition among the candidates in the coming district board elections than the one held in 1991. In fact, the Liberal Party and the Democratic Alliance for the Betterment of Hong Kong have already jumped on the bandwagon of other political parties and prepare to field as many candidates as they can to run in this year's district board elections. The political parties have gathered momentum because the 1995 elections are approaching and they all want to make preparation for them. In order to win the public's support, it is envisaged that there will be tough competition among the candidates. I think this is the best civic education we can provide to the public. On behalf of Meeting Point, I do not support Mr LI's motion of retaining appointed seats. Ever since 1985, Meeting Point has been striving for the abolition of appointed seats.

With these remarks, I oppose the amendment moved by Mr Eric LI.

MR HOWARD YOUNG (in Cantonese): Mr Chairman, democracy is important and freedom is even more precious. I think what the Liberal Party has done this time to gauge public opinion on the political reform is both democratic and liberal. It is democratic because we have conducted a party-wide opinion poll among our members to seek their views before deciding on how the party is going to vote. It is also liberal in the following sense. We have members representing various functional constituencies within the party and they have carried out surveys in their own respective constituencies. If it turns out that the views of their constituencies are different from that of the party, the Members concerned from the party in this Council may ask for an exemption not to toe the party line in this particular voting.

As the representative of the tourism industry in the Council, I conducted a sample survey among 40% of my constituents, using the same questionnaire the Liberal Party concurrently sent to party members in the opinion poll on the political reform. The response rate was over 30%. The outcome showed that the views and perception of the tourism industry were identical with those of the Liberal Party in respect of the political reform package. In fact, I had also conducted an industry-wide survey among the travel agents before the Liberal Party carried out the survey. At that time, I made a detailed survey on the so-called less controversial issues *vis-a-vis* the three tiers of government, among others, the voting age, the abolition of appointed membership, the participation in the elections by local deputies to the National People's Congress (NPC) and the voting methods. I also asked the respondents to indicate whether they were going to vote for or against or abstain should they be required to cast a vote on each of these issues. The response was not so good. It may bear witness to what

Mr Simon IP has said earlier on that people were already fed up with the debate on the political reform. They feel that since you are their representative, you have the discretion to deal with the issues so long as you act sensibly and work towards the stability and prosperity of the community; they have faith in you and give you a free hand.

I have noted one phenomenon from the returned questionnaires. Respondents in support of the voting method and the participation in the elections by local deputies to the NPC in respect of all three tiers of government far outnumber those against the proposals to the extent of four to five folds. The support is very obvious. As for the voting age, the number of supporters are just about double that of those who thought otherwise. At any rate, the support is absolutely overwhelming. This may explain why today no Member is going to move amendments on the proposed voting age. On the contrary, where the abolition of appointed seats is concerned, I found that the number of supporters and the number of objectors are more or less the same, in particular when it comes to the Urban Council. Of course, the supporters still slightly outnumber those who indicated otherwise. One may say that travel agents are indifferent to political matters or that they do not care how their representative votes and therefore he may support the proposals if he feels like it. However, if one examines each item sensibly, one would note that the number of supporters are overwhelmingly more than that of the objectors. But on the issue of appointed membership, the opinion I gathered among my constituents reflects that they have strong reservations about the abolition of appointed membership, although the number of respondents holding such view is in effect not large enough to form the majority.

I also tried to ask some of the respondents why they had come to such a view. The reasons given were varied. Some preferred a more progressive approach instead of a once-for-all abolition. Some felt that, unlike the Legislative Council, there is no functional constituencies in the Regional Council and Urban Council. Not every sector, therefore, may have its views heard in the three tiers of government. They hoped to achieve a balance. This is probably a feature of the tourism industry of which I represent. Against this background, I feel that in view of the general support for the abolition of appointed membership, I see neither a reason to support Mr Eric LI's proposal nor any point to oppose the abolition. On the other hand, there are still a considerable number of people who have second thought about the immediate abolition of all the appointed seats. Furthermore, I find it difficult to support the conclusion of the Liberal Party's survey among its members and vote against Mr Eric LI's amendment. For these reasons, I consider the easiest and most conscientious way to echo the sentiments of the tourism industry (although its views are quite different from those of the Liberal Party) is to abstain from voting on this motion.

MR ANDREW WONG (in Cantonese): Mr Chairman, first of all, I have to declare interest. I am an appointed district board member. However, it does not mean that I am having political free lunches. Actually, I am self-subsidizing my service to the community. I believe that many appointed members are doing the same thing and have been working quietly for the community for years. But even so, I cannot support Mr Eric LI's amendment. I feel that the present stage of our democratic development warrants more than a fully elected Legislative Council with a relatively large number of appointed members (even though it is one fourth) retained in the two lower tiers of representative government. When the district boards were first established in 1981, the seats were all appointed. But it was only a temporary measure with the first elections planned for 1982. In 1982, one third of the seats were appointed. As for the Urban Council, after the complete reorganization in 1983, half of the members were still appointed. When the Regional Council was established in 1986, one third of its members were also appointed. The Legislative Council was fully appointed before 1985. But the pace of progress dictates now that perhaps it is time all the appointed seats should be replaced by elected seats. I recall that my amendment to Dr YEUNG Sum's motion was supported by this Council at that time. I requested for a review before deciding whether or not to abolish these appointed seats. Nevertheless, I basically supported the abolition of appointed seats. Regrettably, as far as I know, the Government did not conduct any review before making the present decision. I remember that I said back then, for the smooth operation of these district boards, consideration should be given to retaining some seats for those more experienced ex-members, apart from having directly elected members and abolishing the appointed seats. These ex-members can be indirectly elected into the district boards by the directly elected members. This measure will bring experience back into the district boards and will not lead to a completely new membership composition of the district boards as a result of the bizarre election results.

I also suggested that there should be a thorough review of Hong Kong's three-tier structure. The review should be tailored to amalgamating the two lower tiers into one. The current reform will give more power to district boards, but only in name, for in fact they are still "houses of empty talk". In this connection, I totally agree with Mr Eric LI's argument. The ultimate goal of our reform should be turning the overlapping structure of the two lower tiers into eight or 10 local organizations with real powers (just like the Urban Council which holds real power). I should like to take this opportunity to remind the Government again that after this constitutional reform, it should continue to work hard and take stock in order to make the constructional system closer to perfection.

With these remarks, Mr Chairman, I object to Mr Eric LI's amendment.

MRS ELSIE TU: Mr Chairman, I am not objecting to anything. May I speak just for a moment?

MR CHAIRMAN: Yes.

MRS ELSIE TU: Mr Chairman, I said before that I would abstain. But having thought over the matter, I think I am not doing my constituency justice by abstaining because I know they wish to eliminate the seats five at a time, until the whole 15 are eliminated. I have therefore decided that I shall support Mr Eric LI's motion.

MR JAMES TIEN: Mr Chairman, being an appointed member of the Kwai Tsing District Board from 1985 to 1991, I would like my honourable colleagues to share my views on the merits of the appointment system in the district boards and to take a rational vote in support of the Honourable Eric LI's amendment to the original Bill.

I support this amendment because my personal participation in district affairs has given me a chance to appreciate the value and merits of the appointment system in the district boards.

Firstly, let us recapitulate what the functions of the district boards are. According to the Hong Kong Annual Report published by the Government, the functions of the district boards are "basically to advise the Government on a wide range of matters affecting the well-being of the people living and *working* in the districts". I emphasize the word "working". The report adds that "through the advice, the district boards make important contributions to the management of district affairs". This being the case, the questions we may ask ourselves are: How could we ensure that advice given to the Government by the district boards truly reflects the views and needs of the people living and *working* in the districts? And again I emphasize the word "working". How could we discuss and compromise on the different views on district affairs amongst these people?

Notwithstanding the different answers we might have, the fact remains that we have many districts which are conglomerates of commercial, industrial and residential areas. People who live in one district may work in another district. Many, if not all, district affairs take place in the daytime. It is understandable that people who do not work and live in the same district may only encounter less than half of the district's problems. If we allocate all the district board seats by direct elections, the result is that only those living there have the votes. How could we be confident and satisfied that the district boards could provide the Government with a balanced view of the people who only work there in the daytime but do not have a vote?

We must not forget that the role of the district boards is to advise the Government on all district matters. We must set the priorities straight in our minds that there must be an effective and efficient mechanism to gather these wide ranges of views. Obviously industrialists who work in industrial areas,

such as Kwai Chung, Kwun Tong, San Po Kong and so on, can contribute and offer valuable advice to these industrial districts. Similarly, bankers, hotel managers and so on can offer advice in the Central or other commercial districts. I feel that every district has a unique working population and that the most representative of those working people should be appointed to the district boards to give their views and advice. Since their number in total is small, they can never out-vote the directly elected members anyway. Their role is simply to offer different views and seek consensus for a wide range of subjects.

The most often encountered criticism to the points I have just made is simply: Why do these people not run for election if they want to protect their interests?

Mr Chairman, having spent six years as an appointed member on the Kwai Tsing District Board, my answers are as follows:

First, I do not feel that my contribution to the district board is only to protect industrial interests in Kwai Tsing. It is more of a role to explain to other directly elected members on issues which will affect the district but we have first-hand information or projections, such as in an industrial district whether the sales of particular toys, garments and so on, are strong in our major export markets, and that would affect residents' employment opportunities in that area.

Secondly, most businessmen or industrialists only see their role in district boards as giving supporting advice. Their main job is to be in business, not in politics. They simply cannot spare so much time to participate in elections.

Thirdly, even if they do contest in elections, what are their chances of getting elected? Bearing in mind they mostly do not live in the districts, they are not involved with many issues on that the residents of the areas place high priorities.

Many of my honourable colleagues here will feel that my three reasons are invalid. But unfortunately they are facts. Simply by looking at all the elected members in all the district boards confirms my point.

At the present stage of political development, even this Council allows different voices to be represented by way of a functional constituency. Certainly, I agree that it is not workable to develop a functional constituency election for 18 district boards. That is why I feel a simple appointment system is the best option to have a fairer representation on the district levels.

In supporting the Honourable Eric LI's amendment, I urge the Government to continue appointing people who have demonstrated their devotion to the districts and have established a working link with the districts as district board members. They are the people who spend hours in the districts

during the daytime. They are the people who might be able to tell you where zebra crossings should be added and where traffic lights should be removed. They might be shop owners or managers in a restaurant. No matter what their professions are, their views are most valuable to the local community. Only by merging the elected and appointed members into one task force can we alleviate discrepancies of views between the living and working population of a district. I have tried to speak for the people who have commitments to a district but who do not want to run for elections or be elected because of one reason or another. And by appointing them to district boards, we can have a district administration that represents and serves the total community well.

Mr Chairman, being a representative of the Federation of Hong Kong Industries in this Council, I would like to make known the views of my constituency on this particular issue. I have conducted a survey among my fellow members on the proposed Bill last month and the results indicated that more than 70% of the respondents were opposed to the abolition of appointed seats in the district boards and the municipal councils. Therefore I would vote in accordance with the wishes of my constituencies which differ from that of the Liberal Party.

With these remarks, Mr Chairman, I support the Honourable Eric LI's amendment.

MR LEE WING-TAT (in Cantonese): Mr Chairman, I am sorry that I indicate my wish to speak at such a late stage. I would merely like to make a brief reply with regard to the appointment system.

Mr Eric LI just now put forward several arguments to oppose the abolition of appointed members. He said that district boards wholly formed by elected members would politicize the district boards, whereas the retention of appointed members in district boards could ensure continuity and facilitate the securement of balanced and professional views.

I totally disagree to the above-mentioned arguments. I just want to voice my personal views here. Apart from Mrs Peggy LAM, Mr Eric LI, Mr Andrew WONG and Mr LAU Wong-fat, I am also one of the Members who have long been engaged in district work. It is understandable why Mr Eric LI holds these four arguments because they are precisely the reasons the Government put forward to justify its retention of the appointment system. The Government insisted on retaining the appointment system in 1988 by saying that with appointed seats, we could ensure continuity by having balanced representation and professionals' participation. In a sense, it is the Government's erroneous perception that has misled Mr Eric LI to come to such views which form the basis of his opposition against the abolition of the appointment system.

Be it Mr Eric LI's views or the Government's, I do not agree to them either. Take for an example, the politicization of the district boards. One must realize that it is bound to have the involvement of party politics on district level. The question is how we are going to ensure that these political parties or politicians would work for the people. We cannot shy away from this question because it is unrealistic to do so.

On the appointment of people with balanced views to the district boards, how can we be so sure that the Governor will appoint unbiased people to serve in the district boards? How many of us, Mr CHIM Pui-chung in particular, actually believe that the Governor will act in such a way? Should the Governor appoint some liberals or people who are in support of greater measure of democracy to the district boards when members in this Council endorse the retention of the appointment system, it will mean that members are supporting the Governor to appoint people who hold different views with Mr CHIM Pui-chung or Mr Eric LI. Besides, how are we going to judge whether an individual is balanced in views or not? This is very hard to judge. Does an unbiased person refer to someone weighing 140 lbs or 150 lbs? Does an unbiased person refer to someone voting for the motion this time and voting against another motion next time? No one can be sure about it.

On professionals' participation, Mr James TIEN said just now that the industrial and business sector are not well represented on the district boards. It seems to be a misconception and I hope that the Secretary for Constitutional Affairs or Mr Michael SUEN, the Secretary for Home Affairs, will later on provide us a written reply on the proportion of elected members in terms of professional classification. As I understand, there is a certain proportion of people from the industrial and business sector and professionals who have won their district board seats through elections. I trust that the percentage would not be too low. It seems to me that 30% or more people from the industrial and business sector won their district boards seats through elections. Given that these people can win in the elections, why does one think that other people from the industrial and business sector and professional people cannot win the district board seats through elections?

As for continuity, the appointed seats to be abolished in 1994 represent a mere one third of the total district board seats. Moreover, serving members stand a better chance of being re-elected and thus continuity is not a problem at all. The Legislative Council is going to have no appointed seats in 1995. Why is it that the same problem would not come to this Council? As for elections in other tiers of government, there is no problem in continuity at all. Then what makes one think that the proposed change will disrupt the district boards' continuity? We had elected members in the district boards in 1982 and the number of elected seats was increased in 1988. We did not see any continuity problem, did we?

Lastly, I would like to respond to what Mr TIEN has said that some professionals or people who are willing to serve the public may not be able to

do so because of the abolition of the appointment system. As a matter of fact, Mr TIEN and I have been serving as district board members for years. We know that the district boards have provided various channels, such as working groups and standing committees, for such people to make a contribution to the public. Should local professionals or people from the industrial and business sector wish to serve the community, there are many channels open to them. On the basis of their past contribution, they may run in district board elections and continue to serve the community.

Thank you, Mr Chairman.

MR JAMES TIEN (in Cantonese): Mr Chairman, with regard to the appointed membership in the district boards, Mr LEE Wing-tat pointed out just now that there were members who represented the interests of the industrial and business sector and the professionals. He held that about 30% of the elected members fell under this category. I just would like to make one point. Take Mr LEE Kin-sang of the United Democrats serving in the Kwai Tsing District Board as an example. He is working with a butcher shop (I hasten to add that I have no prejudice against the trade), and he would naturally inform the authorities concerned that he is a businessman. I hold that in a large industrial district, people who claim themselves as businessmen in their *curriculum vitae* may not necessarily be able to represent the real interests of the industrial and business sector. Nor are people necessarily professionals in my eyes though they may claim themselves as professionals.

Mr LEE also mentioned that at the district board level, individuals may be invited to serve in the standing committees. As I see it, someone who is not serving in the district board may accept the invitation, but I may not necessarily do so if that is me.

Mr Frederick FUNG mentioned that we might engage experts or people from the industrial and commercial sector to provide professional opinions where necessary. I am not sure whether I have misunderstood his point or not. If I have got it right, are the district boards able to afford the costs?

CHAIRMAN: What is your point, Mr FUNG?

MR FREDERICK FUNG (in Cantonese): Mr President, under the existing systems, the Urban Council and the district boards can afford hiring these people.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: It is both timely and appropriate to abolish appointed district board and municipal council membership in 1994 and 1995. Let me just briefly restate our reasons.

First, abolition of the appointed seats in these bodies will allow more people to participate in the management of their own affairs.

Secondly, the proposal is not a radical change. Rather, it is a logical step in the gradual evolution of these bodies over the years.

Thirdly, whilst one would want to pay tribute to the contributions of appointed members, it is also important that our system of representative government should evolve to meet the rising aspirations of the community.

For the above reasons, Mr Chairman, the three *ex officio* Members will vote against Mr LI's amendment.

MR ERIC LI (in Cantonese): Mr Chairman, I would like to respond first to Mr Martin LEE's remark that my intention is to slow down the pace of democratization. I feel that he has misunderstood me. I have no intention to slow down the pace of democratization. What I want is to have the political system evolved gradually before it picks up speed. Some Members said that a tide of democracy had come in and I was running away from this reality. As I have already pointed out in this debate, the Chinese Government made it clear that they will reinstate the appointed seats in the municipal councils and the district boards after 1997. This is indeed a more important reality than the tide of democracy. I do not want to see the so-called "democratic political reform" slow down after 1997, or proceed at a slower pace which is the result of desiring a faster pace. I am not afraid to "go against the tide of democracy", to use Mr Martin LEE's words. I am more afraid to do something which goes against the wishes of the people. I am probably not be the kind of person described by Mr Martin LEE, the kind of person who says, "I will represent you if you are for democracy; I will probably not stand for your views if you are not for democracy." I do not consider myself to be a Member who is well conversant with the meaning of representative government. But I do know that representative government cannot choose to represent only disinterested groups. I believe that even groups with avowed interests should be represented. I wonder if the United Democrats of Hong Kong (UDHK) prescreen individuals and will then decide to represent them only if they are found to be totally disinterested.

Mr Chairman, we owe our good luck to Mr LEE Wing-tat, who, among all our elected Members, questioned the Government on two things that it did wrong. My criticism of the Government might have been found unrepresentative by our elected Members, who have labelled me as an Appointed Member who is pro-government and sides with the Governor. Of course, I have never done anything to curry favour with the Governor. Nor has he told me what to do as a Legislative Councillor. Anyway, the media in Hong Kong ring me up at home more than 10 times a day. I believe that my availability to the media and my accountability to the public compare favourably with those of elected Members. Mr LEE Wing-tat asks who can judge whether

an Appointed Member's views are fair. He probably forgets that the public and the media pass such judgments. Why don't our elected Members remember that such judgments can be left to the public and the media?

Mr Frederick FUNG is even more like a player of war games. He says that the district boards, the municipal councils and this Council are quite similar. He says time and again that the district boards are just advisory bodies. I remember him saying so three or four times. I wonder how the Government feels after listening to him. The Government has tried very hard to tell us in several debates, including this one, that it wants very much to give substantive powers to the district boards, as requested by Members. Also according to Mr FUNG, the district boards take care of environmental issues, appoint community developers and make decisions on transport and traffic matters. I do not know for how long Mr FUNG has been a participant in district board affairs, but I am sure that some members of the Association for Democracy and People's Livelihood (ADPL) must have served as elected district board members for many years. If, the ADPL members only regard the district boards as advisory bodies which just make comments but do nothing, I wonder how members of the public will feel?

CHAIRMAN: A question, Mr FUNG?

MR FREDERICK FUNG (in Cantonese): I hope Mr Eric LI can give an explanation on the powers of the district boards as specified in the White Paper.

MR ERIC LI (in Cantonese): Mr Chairman, I would like very much to give an explanation on the powers of the district boards. It is no longer necessary for me to do so because Mr James TIEN has done this for me just now. Under the District Boards Ordinance, the district board's terms of reference is to advise the Government on matters related to community development, transport and traffic and environment. But, certainly, this does not mean that the district board's function is simply to advise. I would like to thank Mr TIEN. I also wonder why Mr FUNG entertains the idea of paying the appointed members and hiring them in the capacity of experts. As Mr Andrew WONG puts it well, many of us are willing to serve as appointed members even if we receive negative payment. But Mr FUNG insists on paying us, I wonder how his constituents will feel after listening to him. I also would like to respond to the points made by several Members

CHAIRMAN: Do you wish to give ground, Mr LI, or do you wish to continue?

MR ERIC LI (in Cantonese): It is now very late in the evening. Members can in fact look it up in the records, and I do not want to make any digression. So I will not reply.

MR ERIC LI (in Cantonese): Several members queried why no change has been made in the district boards from 1985 to 1994. They wonder why I am hindering the political reform. I have already explained this in my speech. What do they mean by no change having been made? We are adding nearly 100 directly elected seats (to the district boards). Moreover, they are empowered to elect among themselves 10 members to sit in this Council as Legislative Councillors. As I said earlier, 38% of the people in Hong Kong had expressed their concern that the abolition of appointed seats would affect the stability of the district boards and they were worried. But our elected Members do not see or feel the worry. I also would like to say something about Mr Fred LI's remark that there is already a sound footing for the development of political parties. We should not forget that the Liberal Party was set up just in 1994 while the Democratic Alliance for the Betterment of Hong Kong was set up at about the same time. Before them, we had only the UDHK, Meeting Point and the ADPL. I wonder if members of the public feel that those three parties really give them enough options. The other two parties have been set up for just a year. I believe that not many people will disagree with me if I say, on the basis of the facts, that Hong Kong is still in a toddling stage insofar as the development of political parties is concerned. Am I right? Thank you, Mr Chairman.

Question on Mr Eric LI's proposed amendments put.

Voice vote taken.

The Chairman said he thought the "Noes" had it.

MR ERIC LI: Mr Chairman, I claim a division.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Would Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr LAU Wong-fat, Mrs Elsie TU, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Mr Eric LI, Dr TANG Siu-tong, Mr James TIEN and Mr Alfred TSO voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Mr PANG Chun-hoi, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mr Ronald ARCULLI, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Jimmy McGREGOR, Mr Peter WONG, Mr Albert CHAN, Mr Vincent CHENG, Mr Moses CHENG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Mr Simon IP, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr Steven POON, Mr Henry TANG, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr WONG Wai-yin, Miss Christine LOH, Ms Anna WU voted against the amendments.

Mr TAM Yiu-chung, Mr Martin BARROW, Mrs Peggy LAM, Dr Philip WONG, Mr Howard YOUNG and Mr Roger LUK abstained.

THE CHAIRMAN announced that there were 8 votes in favour of the amendments and 41 votes against them. He therefore declared that the amendments proposed by Mr Eric LI were negatived.

Question on the original clauses 10, 13, 14, 16 to 23, 30 and 32 to 36, proposed, put and agreed to.

CHAIRMAN: Mr Eric LI has also given notice to move amendments to clauses 26, 27, 29, 31 and 37 in connection with municipal council election arrangements. These proposed amendments are related to those amendments which have now been negatived by the Committee and are inconsistent with decisions already taken by the Committee, I will not therefore call upon Mr Eric LI to move these amendments.

Clauses 26, 27, 29 and 37

MR MARTIN LEE (in Cantonese): Good morning, Mr Chairman and colleagues. I move that Clauses 26, 27, 29(a) and 37 be amended as set out under my name in the paper circulated to Members. To make things easier, I also propose to amend Clauses 31, 40, 41 and 44 and to add Clauses 34A and 35A. I will make a single speech to cover all these amendments, which are inter-related.

Mr overall objective in moving the amendments is to scrap the *ex officio* seats of the Heung Yee Kuk's Chairman and two Vice-chairmen in the Regional Council and to abolish the *ex officio* seats of the chairmen of 27 rural committees in the New Territories district boards, so that all members of the Regional Council and the New Territories district boards will be returned by fair and democratic popular elections, just as their counterparts in the urban areas.

If the Electoral Provisions (Miscellaneous Amendments) (No.2) Bill 1993 is passed, appointed seats in the municipal councils and district boards in the territory will no longer exist in the next round of elections. Hong Kong's representative government will enter into a new phase. But the Government still plans to retain the dregs of the colonial rule in the New Territories.

Mr Chairman, the municipal councils and district boards are part of the pillars upon which the representative government rests. They must be constituted and elected entirely according to democratic and fair principles. This ensures that their members are directly accountable to the voters. At present, the *ex officio* seats in the Regional Council and the New Territories district boards are filled by people returned in a variety of ways. Voters cannot effectively and directly monitor their performance. Besides, the methods used for returning village representatives contain elements that are discriminatory against women. This may be in violation of the voting principles and voting rights provisions under Article 21 (b) of the Bill of Rights Ordinance. However, it is possible for these village representatives, through assuming *ex officio* seats, to take part indirectly in the discussions and the decision-making process of the district boards, the Regional Council and even the Legislative Council. Elements in violation of human rights are thus introduced into Hong Kong's political structure, where they hinder democratic development.

Mr Chairman, the rural faction often draws attention to the various differences between the New Territories and the urban areas. The fact that the indigenous villagers are in a privileged position in terms of law can be traced back to the unequal treaties signed during the Ching Dynasty. It is a problem left behind by history, a problem that should be solved with the return to China of the sovereignty over Hong Kong. However, to facilitate its rule in the New Territories, the British Government in Hong Kong during the 1980s, in the promotion of representative government, not only admitted a large number of the Heung Yee Kuk and rural committee members into the Regional Council and the New Territories district boards but also created *ex officio* seats there to ensure that the country squires would have more say than others in the administration of the New Territories.

The Heung Yee Kuk published a statement in the press yesterday, quoting passages from the Green Paper on A Pattern of District Administration in Hong Kong, which was published in 1980, to underscore the importance of *ex officio* seats. But 1980 is a world apart from 1994. The Sino-British Joint Declaration was not yet signed in 1980. Now, about 10 years after the signing of the Joint

Declaration, even all the appointed seats in this Council are to be replaced with elected seats. Why must the Heung Yee Kuk stick to an outmoded political system which was introduced in 1980?

Mr Chairman, it is not appropriate to give special privileges to the rural faction in the light of Hong Kong's present-day life-style. The development of new towns in the New Territories has been going on for several decades. People have moved massively into these new towns. There is practically no longer any difference between the "rural population" and "the urban population." In fact, it may jar on your ears to hear such terms as "rural population" and "urban population," because they no longer exist under separate headings in our everyday vocabulary. Let us take a look at our Members. Mr CHIM Pui-chung is an urban dweller and he rides in a Rolls Royce. Mr LAU Wong-fat, who is an indigenous villager of the New Territories, also rides in a Rolls Royce. Is there any difference?

The wheel of history has rolled from "the era of ox carts" into "the era of Rolls Royce" Accordingly, political development in the New Territories should keep abreast of the times. Since the Heung Yee Kuk's press statement recognizes a need to respond to the march of democracy and to reform the elections of rural representatives, why does it not simply support the idea that all the boards and councils must be fully elected. The new towns are continuing to grow while the rural population is getting relatively smaller. This is all the more convincing why rural organizations should take the initiative in giving up their special privileges of the past. Since Hong Kong is home to everybody, the disparity between the urban and the rural areas, which is the legacy of history, should be resolved through the principles of equality. It is the rural representatives who, by insisting on the preservation of these special privileges, divide the people of Hong Kong.

Mr Chairman, the United Democrats of Hong Kong (UDHK) have never forgotten the contributions made by the rural representatives in the past. If they support and promote the democratization of the district boards and the municipal councils and give up their *ex officio* seats, the Heung Yee Kuk will still be a statutory advisory body and the rural committees will continue to keep their status as lawful societies. The rural representatives will continue to be able to participate in local administration, to "reflect their opinions" and to "perform their unique role of co-ordinating various interests in the local community." If the rural representatives wish to participate in the political process by way of rendering service to society, they will be able, like the community leaders in the urban areas, to run for office in fair elections. There is really no need for them to keep their inglorious *ex officio* seats. In fact, by running in elections, they will be able to serve the rural people better. In doing so they will receive the mandate from their electorates which in turn will enhance their credibility. By the way, I feel that I must praise Dr TANG Siu-tong. He has a rural background. But that is not the point. The point is that he had the courage to run for a Legislative Council seat in direct elections and he actually defeated his rival, a candidate of the UDHK. I hope that other

rural representatives will learn from Dr TANG's good example. However, I hope that they will not beat all their rival candidates of the UDHK.

The Secretary for Constitutional Affairs remarked a moment ago that the New Territories rural election system was actually not as discriminatory against women as some Members had made it out to be. In other words, there is discrimination against women, even if not in a serious degree. The Secretary also remarked that women in many villages have already been given the right to vote and the right to be elected. In other words, women in some villages still do not have these civil rights. I am very disappointed at this kind of remarks. In fact, I am shocked. As Secretary for Constitutional Affairs, he should know that it is his duty to eliminate election systems that are discriminatory against women. If there is but one village that refuses to give these rights to its female villagers, he must find that totally unacceptable under the Bill of Rights Ordinance. I therefore hope that our three official Members, in particular Mrs Anson CHAN, will reconsider my motion (she is the only Official Member who is still in the Chamber). I know that, deep inside, she does not want to vote with her "male chauvinist colleagues" to oppose my proposed amendments.

Meanwhile, I hope that all female Members and some male Members, apart from declaring their intention to defend the rights of women, will do something concrete to support equality between the sexes. I hope that they will vote for my amendments.

Mr Chairman, in order to ensure that all members of the district boards and the municipal councils will be returned by fair and democratic elections, I, on behalf of the 13 Members from the UDHK, move that the *ex officio* seats in the Regional Council and the New Territories district boards be abolished.

Proposed amendments

Clause 26

That clause 26 be amended, by adding —

"(aa) by repealing the definition of "ex officio member";

(ab) by repealing the definition of "Heung Yee Kuk";"

Clause 27

That clause 27 be amended —

(a) by deleting paragraph (a) and substituting -

"(a) in paragraph (a) -

- (i) by repealing "12" and substituting "27";
 - (ii) by adding "and" at the end;"
- (b) in paragraph (b) -
- (i) by deleting "and (c)" and substituting ", (c) and (d)";
 - (ii) in the proposed paragraph (b), by deleting "; and" and substituting a full stop.

Clause 29

That clause 29(a) be amended, by deleting subparagraph (i) and substituting —

- "(i) in paragraph (c), by repealing "subject to subsection (1A), a person who is an appointed, an elected or an ex officio" and substituting "a person who is an elected";".

Clause 37

That clause 37 be amended, by deleting the clause and substituting —

"37. Publication of notice of vacancy

Section 20 is amended -

- (a) by repealing "other than an ex officio member";
- (b) by repealing paragraph (c)."

Question on the amendments proposed.

MR LAU WONG-FAT (in Cantonese): Mr Chairman, as I pointed out earlier, the introduction of *ex officio* membership to the New Territories district boards is out of practical needs. It is a pragmatic and responsible arrangement.

Our pursuit of democracy seeks to create an environment for better social development and improve the overall living standard of the people. Political reform, if promoted without having regard to reality, will only bring out short-lived political benefits to certain people. But it will certainly be detrimental to the long-term democratic development in Hong Kong.

Mr Martin LEE proposes the abolition of the *ex officio* seats in the New Territories district boards. He is ignorant of the actual situation and the needs of Hong Kong and the New Territories. I wonder whether he is moving the amendment really for the sake of democracy or out of any ulterior motives. It is understandable that the United Democrats are trying to solicit votes. However, is it necessary for the party to employ the techniques of "divide and rule" to secure more votes?

Mr Chairman, I oppose Mr Martin LEE's amendment and earnestly urge all Members to do so.

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, this debate which commenced yesterday may seem a bit lengthy, but there is one encouraging aspect, that is, all the 60 Members were present during the debate of the first motion and all participated in the voting as well. This is after all a historic moment, though the result of the voting may not necessarily be very satisfactory.

On Mr Martin LEE's amendment motion, we all realize that it is an undisputable fact that the status of indigenous villagers in the New Territories have all along been recognized by the Hong Kong Government. Similar cases can be found in other countries. Malaysia set up a bank specifically for its natives to take care of their financial needs. Even civilized nations such as the United States and Canada acknowledge that the American Indians are their ancestors and give them special attention where possible. Likewise, the Aborigines in Australia and New Zealand are also receiving special treatment by their governments. In this connection, we cannot say that this is unfair or creating a privileged class. It is but a fact handed down from history. The Chinese Government has adopted a similar policy towards the ethnical minorities. Such a practice certainly has not affected the so-called "progress of democracy". No privilege, of course, is irrevocable; but let no one forget that history is going to hand down its judgement if this matter is not handled properly.

We consider that *ex officio* seats have their *raison d'être*. We should bear in mind that the United Kingdom, though regarded as a civilized state, today still preserves the hereditary system in the form of the monarchy. Members of the House of Lords are all appointed. These evince that the social institutions in the United Kingdom have not undergone a radical change over the years. At the moment, Hong Kong is still under British rule. Therefore, privileges enjoyed by the New Territories indigenous villagers should not be revoked in a radical manner.

Take for an example, the Legislative Council. We have *ex officio* Members serving in this Council. The three official Members are the *ex officio* representatives of the Government. The *ex officio* seats are certainly to be abolished after the 1995 elections. Yet it should be borne in mind that we have

an executive-led government. The appointment system will still be retained when it comes to the Executive Council even after 1995 and the Governor is going to appoint members of the public to the Executive Council. (The United Democrats have expressed their dissatisfaction on this but no actions have yet been taken by the Government.) Meanwhile, the taipans of the Hong Kong Bank, Jardine Matheson Limited and Swire Pacific Limited are all appointed.

Mr Martin LEE claims that he is a democracy fighter. Why does he not move a motion to overhaul the inequitable appointment system of the Executive Council? Instead, he has directed his efforts towards the abolition of those insignificant rural seats. Is it because he failed in the New Territories elections and now wants to settle old scores? My advice to Mr Martin LEE is that it would be better for him, in the interests of Hong Kong, to move an amendment to do away with the appointed seats in the Executive Council than turning on the New Territories indigenous villagers. Should Mr LEE's party fail in the district board elections this year, the municipal council elections next year and the Legislative Council election next September, they have only themselves to blame. Mr LEE should also bear part of the responsibility.

Mr Chairman, with these remarks, I oppose the amendment motion.

REV FUNG CHI-WOOD (in Cantonese): Mr Chairman, I am an elected legislator representing a New Territories geographical constituency. I would like to speak on the abolition of the *ex officio* seats.

First of all, I have to point out that we welcome the contribution made by rural organizations and their representatives over the years. Yet, making contribution does not mean that they can retain some undemocratic institutions and privileges. We all want to see a fair and democratic district administration. For this reason, we support that, where the district boards and the two municipal councils are concerned, elections should be carried out in a fair and direct manner so as to elect members who will speak and fight for the interests of the people. I see no reason for the rural organizations to retain a number of *ex officio* seats. Their *ex officio* seats now constitute 17% of the total seats in the New Territories district boards and as high as 47%, or nearly half of the total seats, of those in the Islands District Board.

I have to point out that there are already elected district board members and elected Regional Council members in the New Territories, especially in the rural areas, to take care of the rural population's interests. For this reason, it is unfair to retain *ex officio* seats in these areas, for this would mean that the indigenous villagers' interests in these districts will be better represented in the district boards or the Regional Council than those of the non-indigenous people. Recently the Heung Yee Kuk endorsed a resolution to adopt the one man, one vote method in the election of village representatives in all villages and to specify that there should not be any discrimination against women. I welcome

this new proposal but such measures still fall short of rectifying the undesirable effects stemming from the *ex officio* seats in district administration.

The first defect of the *ex officio* seats is that they have provided the rural population with some privileges which are not made available to other citizens and organizations. Such unfairness is basically still yet to be rectified. It is indeed unfair to other Hong Kong people in terms of their political rights.

Secondly, the election of the *ex officio* members is conducted in a very indirect manner and hence there is no direct representation and accountability whatsoever between the members elected and the villagers. According to the existing electoral arrangement, the villagers first elect their village representatives and the village representatives in turn elect the rural committee chairmen to serve in the district boards as *ex officio* members. It must also be pointed out that only indigenous villagers have the right to vote and non-indigenous villagers have no right to vote. The election of the chairman and vice-chairman of the Heung Yee Kuk is carried out in an even more indirect manner. As all members in the district boards and the municipal councils will be directly elected, why should we retain such kind of indirectly elected seats?

Thirdly, I very much welcome the resolution passed by the Heung Yee Kuk but unfortunately I have some doubt as to whether the resolution would be adhered to in each and every village. Villagers in some of the villages in Sai Kung, Yuen Long and Fanling have already indicated their refusal to accept the newly proposed arrangements.

Mr Chairman, I would like to point out that there are over 10 000 Hok Lo fishermen who are non-indigenous villagers in Tai Po. If it is necessary that the interests of the indigenous villagers in the New Territories are represented by *ex officio* members in the district boards or the Regional Council, then these fishermen living in the New Territories are even in greater need of having some members representing them to stand up for their interests. It is because the fishermen speak their own dialect and they have their special traditions and customs which stand them apart from the ordinary Cantonese (people speaking the dialect of Cantonese). They used to live in fishing villages but now many of them are living in public housing estates. They have their own habits and customs and it is difficult for them to live harmoniously with other residents. They can merely rely on members elected by themselves to speak for them in the district boards or the Regional Council. How come the indigenous villagers alone can have *ex officio* members, on top of the elected members representing them, to take care of their interests while the non-indigenous villagers and the fishermen I mentioned just now have no *ex officio* members to speak for them? Mr Chairman, the *ex officio* seats must be abolished as early as possible to eliminate such unfairness.

With these remarks, I support the proposed amendments.

MR FREDERICK FUNG (in Cantonese): Mr Chairman, the motion which seeks to abolish the *ex officio* seats for the rural communities or the abolition of appointed seats proposed and agreed to earlier has no intention of denying whatsoever these people's contribution to the community. The abolition of such a system is merely an effort to delineate a change in the political system — a change which turns our system of appointed and *ex officio* seats into history. People from the rural communities should not regard the abolition of this system as a complete denial of their contribution. The Hong Kong Association For Democracy and People's Livelihood and I support Mr Martin LEE's amendments. The system of having *ex officio* members is in fact creating a privileged class whereby certain people are guaranteed to enter the councils and district boards to participate in the formulation of policies. I do not think this is necessary at our times.

Recently, the Heung Yee Kuk decided to reform the system of rural elections by adopting the "one man, one vote" system and to define clearly the actual tenure of office of village representatives. However, details concerning the electoral system have not yet been drawn up and are subject to further consideration by the Heung Yee Kuk. It is necessary to study the system in greater details before we can conclude whether the system is in line with the principle that elections must be fair and open. In any case, it can be seen as a good start that the rural community has adopted a self-improvement attitude to dovetail with the social trend. This incident also exemplifies that with the increasingly high level of educational standard of the public and the continuous development of society, we need an equal and open society before we can create a rational environment in which everyone is allowed to develop his potentials. This is the way to protect our lawful rights and interests. But the existence of *ex officio* seats exactly runs counter to the principle of fairness and openness. Under the protection of the system, members of the rural community can participate in the discussion and formulation of policies, exerting an influence on the inhabitants of their own districts and those of other districts. However, none of these people has entered the councils or district boards by way of a fair and competitive electoral system or on power of the voters' mandate. This is unfair to the other voters and candidates. To the voters, this is stark deprivation of their right to choose their representatives. Therefore, I hope that members of the rural community will recognize that in order to protect the interests of their villages or sectors, they need not rely on preserving the traditions and heritage of the New Territories by means of a system of grace seats. If they survive on an undemocratic system, I believe such survival will not last. Therefore, if the rural inhabitants think that it is worthwhile to preserve the tradition, then they should, like the other candidates, take part in elections under a fair and open electoral system.

Actually, if non-rural candidates are elected in rural area, I believe they will look after the interests of the rural areas because these areas are their constituencies from where their votes come. I therefore appeal to the rural inhabitants that if they really intend to serve their communities, they should work hard at representing their constituencies. On the one hand, they can

safeguard their rights and interests, while on the other, they can assimilate the rural areas into the town proper to build up a "common home in Hong Kong, be it rural or urban".

With these remarks, I support Mr Martin LEE's amendments.

MR JAMES TIEN (in Cantonese): Mr Chairman, speaking in support of the Honourable Eric LI's amendment earlier, I pointed out clearly that appointed members do perform some specific functions in looking after the special circumstances of some districts, while these special circumstances may not find their way into the district boards by way of the ordinary "one man, one vote" direct elections for full reflection and consideration in the decision-making process. As to the Honourable Martin LEE's proposed amendment to abolish the *ex officio* seats in the Regional Council and in the district boards of the New Territories, given that I am of the view that *ex officio* members, like the appointed members, still perform specific functions, I oppose Mr LEE's proposed amendments. My objection is based upon a realistic consideration of the practical use of the *ex officio* seats and the practical interests of the community. Some may say that with the appointed seats abolished, if we could progress further by abolishing the *ex officio* seats on the Regional Council and the New Territories district boards, then we could break up completely the privileged arrangements so that all members of these boards and council are returned by direct elections, hence a realization of democracy. But have they forgotten that the *ex officio* members of district boards in the New Territories are in fact elected by villagers?

Mr Chairman, is democracy a means or an end? Is the spirit of democracy to protect the well-being of citizens? Or is the essence of democracy to muffle the weak minority voices returned by election? If one thinks that democracy should seek only the direct election of all members of boards and councils, then I would say that one's understanding of democracy is only skindeep.

Among the 9 district boards in the New Territories, the 27 *ex officio* seats account for only 12% of the total of 211 seats. The three *ex officio* seats account for but 8% of the total of 36 seats in the Regional Council. Will these minority *ex officio* seats hinder the operation of the district boards and the Regional Council? Of course, if these *ex officio* seats serve no useful purpose, then they should be abolished though few as they are. In fact, villages still exist in the New Territories where traditional customs are observed and lifestyles continue. Outsiders may not be able to understand their problems. So why can we not give them a little opportunity for their views to be heard in district boards and the Regional Council? If one thinks that the 12% minority seats on the district boards and the 8% in the Regional Council will hinder the wheel of democracy, I would say that one is overestimating the obstructive capability of these minorities. In fact, as the urbanization of the rural areas continues, these *ex officio* seats will become obsolete sooner or later. Why can we not allow

them to become obsolete in the natural course of things? Why must we rack our brains to find ways to abolish them in one stroke and at an inappropriate time? How can such a radical approach to pursue the trappings of democracy at the expense of the people's well-being deserve support from colleagues or political parties if they really care for Hong Kong and its people?

Let us talk about principles. The so-called democrats who seek the abolition of the *ex officio* seats have always thought that all seats except those filled by direct elections are against the principles of democracy and must be abolished completely. However, having taken a closer look at their so-called principles, I find that in fact there are double standards with their principles. I find that grounds can be conceded in matters of principle. Why do I say so? Let us look at the legislature. The United Democrats of Hong Kong, a so-called democratic party, also sends candidates to run in the indirect elections held for the health and education functional constituencies. Why can they allow their party members to contravene the principle of direct elections and run for office in indirect elections but not at the same time tolerate the minority *ex officio* members in district boards and the Regional Council returned by indirect elections?

Mr Chairman, I think that the UDHK is also vacillating between its double standards. Much in the same way as described by Mr SZETO Wah in his earlier speech, the UDHK also sometimes acts as the "fowl" and sometimes the "beast", vacillating between both. But are they some kind of "political qinshou" or bats which fear light and hang themselves upside down? Perhaps some politicians are "political qinshou" but at the same time they are like bats. Besides the characteristics mentioned by Mr SZETO Wah, bats have one more characteristic. They sometimes do not see quite clearly. Since their vision is blurred, so when they vacillate between one thing and the other, they might have the impression that everybody around them are moving, forgetting completely that it is in fact they who do not have a firm foothold.

Mr Chairman, if the UDHK wants to be neither a "political qinshou" or a political bat, and if it does not want to vacillate between its double standards, I call on it to refrain from running for any of the non-directly elected seats in the 1995 Legislative Council election.

With these remarks, Mr Chairman, I oppose Mr Martin LEE's proposed amendments.

DR YEUNG SUM (in Cantonese): Mr Chairman, Mr James TIEN must be very happy to have the chance at last to put forward his views through the debate on the *ex officio* seats in the Heung Yee Kuk and the Regional Council. Although he tried to employ Mr SZETO Wah's debate tactics, I find that he is hardly in the same class with Mr SZETO.

It seems to me that Mr CHIM Pui-chung just now was trying to champion the privileges enjoyed by the New Territories indigenous people. But I found him practically rendering futile help. Strangely enough, he treated the indigenous villagers as some aboriginal people and compared them to the American Indians, to the slight embarrassment of Mr LAU. I feel that Mr LAU has all along been consistent in his position on the course of development with regard to the New Territories indigenous people. He is basically a supporter of "the compromising school", and considers that democracy can be compromised and human rights can also be compromised. However, I tend to accept his views as he indicated that the Heung Yee Kuk would support any moves to bring its development forward. He has always been of the view that tradition can be changed but it must be done gradually. This is also some sort of compromise. But to the United Democrats, human rights cannot be compromised. Mr LAU just now asked us why we did not pay attention to the realities facing Hong Kong. I would like to say a few words on the realities facing Hong Kong, which are: Firstly, as a matter of fact, there is little distinction between the urban and the rural areas in present-day Hong Kong. Admittedly there were indigenous villagers in the New Territories before the British colonial rule; they were indeed indigenous residents. But at a time when China is going to resume sovereignty over Hong Kong, how can one draw a line between indigenous residents and non-indigenous residents? With the development of urbanization, the distinction between cities and villages has become blurred. Secondly, the passage of the Bill of Rights Bill has reinforced our quest for equality between the sexes. Ms Anna WU is going to table a private bill on anti-discrimination. If passed, it will be a shot in the arm in our fight for equality between the sexes. However, it seems that up to the present, there is no full equality between the sexes in respect of election rights in the New Territories. Now the Bill of Rights Bill has been passed and the private bill on anti-discrimination is going to be tabled. I believe that the issue of equality between the sexes would certainly be placed on the agenda. Thirdly, should the New Territories people want to run in elections, the door is indeed open to them. Hong Kong is on the road to democratization. Why do those who genuinely wish to serve the public not run in elections? Why must they serve as *ex officio* members?

Mr James TIEN just now seemed to equate functional constituency seats with *ex officio* seats. I would like to tell him that functional constituency election are, after all, open elections conducted under the law. On the contrary, *ex officio* members are in essence not returned in the same way as those through functional constituency elections. They are not in the same category.

With these remarks, I support Mr Martin LEE's amendment motion.

MR ANDREW WONG (in Cantonese): Mr Chairman, it is very irritating to my ear to listen to the speeches of Members from the United Democrats of Hong Kong. My thinking may often be similar to Mr LAU Wong fat's. Therefore, if he is labelled as a member of the "compromising school", then so am I. I am not an indigenous resident of the New Territories. But I can be called one of

the country gentry, for I am a Justice of Peace in the New Territories. I do not know whether I was among those whom Mr LEE described in his speech just now?

I believe that my relationship with the Heung Yee Kuk is the result of my having lived and worked in the New Territories for a long time. In many cases, I listened readily to the Heung Yee Kuk people as they told me their problems. Therefore, I do share their feelings. My view is that not all of their problems left behind by the unequal treaties concluded during the Qing Dynasty or left over from the past can now be solved through urbanization. Many people have moved from the urban areas to live in the New Territories; the problems can be solved sooner or later. The problems of the indigenous residents are different because the New Territories was leased to the United Kingdom in 1898 for 99 years. Before then, all the land there was free hold land as opposed to lease hold land with a 99-year term. After the New Territories was ceded to the British, they turned all the land there into lease hold land by confiscating the original title deeds. Later, with the conclusion of the Sino-British Joint Declaration, the land was then turned into a new type of lease hold land. As a consequence, the Government of the Special Administrative Region (SAR) will have to bear the burden of, and inherit, such unjust legacies from the British Government. This is point one.

Point two is the problem of construction, a problem in the development of the land in the New Territories. I think that the compensation the Government made to the indigenous residents of the New Territories is unfair. The rate of compensation is computed without any regard for the development potential of land. Very often, the Government would rather buy back a piece of land at a ridiculously low price and then re-sell it to outside bidders. Actually, there is an alternative. After a development plan is made for a specific part of the New Territories, the indigenous residents should be allowed to raise fund and buy the land there themselves. They could certainly do so if the high premium is affordable to them. At any rate, one wonders if the premium should be so high. I do not oppose urbanization, but I think that there should be comprehensive plans for the development of new towns in the New Territories.

Behind these problems one can see what is the usual tactic the Government has employed to deal with the problems in the New Territories. The Government tried to appease the indigenous residents in all cases. (The indigenous residents appear to be privileged persons, but in fact they are the victims.) Yet the Government has still failed to resolve the problems.

I think there must be reasons for such appeasement. To provide channels for the indigenous residents to air their views, they should be represented in all three tiers of government, including the Legislative Council, the Regional Council, the nine New Territories district boards and all organizations having to do with the New Territories. Rev FUNG just now cited a lot of statistics, but they are not meaningful. If a person is re-appointed, this may be because of his special aptitude. If he is elected, it has to do with his own efforts. It cannot be

said that the indigenous residents already have many seats. The statistics are totally misleading.

I hope that we will all understand that we should not overplay the multitude of differences or special privileges of the rural faction. It is not a matter of special privileges. It is difficult to determine who are in the right, after all. We have seen over the years that the Heung Yee Kuk has been making progress all the time, not sticking to traditional customs rigidly. If the progress so far is not satisfactory to everybody, maybe it should take another step forward. Meanwhile, how should a major political party in the liberal camp treat the minority? (It is true that Mr LAU Wong-fat rides in a Rolls Royce. But not everybody can ride in a Rolls Royce. Some New Territories people perhaps cannot even afford to ride in ox carts.) How should we look at the traditional villages and the relatively traditional Heung Yee Kuk? Should we have a bull-dozer mentality and remove them all? Or should we have the mentality of a gardener and try to help them to grow? In the 1985 Legislative Council elections, my campaign slogan is: "Removing mutual discrimination between city and countryside". I have not succeeded to this day. I have been successful only in certain things in Sha Tin. However, it is heartrending to see that, in this Council, mutual discrimination between city and countryside has intensified instead of abating.

There is a big difference between appointed seats and *ex officio* seats. *Ex officio* seats are to be filled by people returned through one kind of election or another. They represent the groups that have elected them. Mr LEE is a clever speaker. He said that all appointed seats should be abolished as he lumped *ex officio* seats with appointed seats, as if they were the same. That is not really the case at all. He said that both appointed seats and *ex officio* seats are the remnants of colonial rule and that we should not keep them. I believe that, if Mr LEE had been the decision-maker with the Government at the time, he would probably have followed the same policy for dealing with the problems in the New Territories. I do not know if Mr LAU Wong-fat is of the "compromising school". I myself am not. I do not compromise on democracy or human rights. But we must be realistic that we cannot expect to accomplish our goal in one move. Mr CHIM Pui chung seemed to have slapped the indigenous residents in their face by saying that they are "uncivilized natives" with "feet covered with cow dung". However, from this angle, we can say that the indigenous residents are the descendants of the original inhabitants of Hong Kong. They differ in status from the residents of ceded territories. They have been subject to unfair treatment in many aspects. For this reason, some seats in the boards and councils should be reserved for their democratically elected village representatives, who then elect the chairmen of rural committees among themselves

MR CHIM PUI-CHUNG (in Cantonese): Mr Chairman, I wish to seek elucidation from Mr Andrew WONG. I have no intention whatsoever of insulting the indigenous residents in the New Territories by using the term

"natives". I do not accept Mr WONG's interpretation of the term, though he might be looking at it from an academic point of view. I would be obliged if the chairman of the Heung Yee Kuk could unveil the views of the New Territories residents on their behalf. I tried to help them; yet I was accused of slapping them in their face. I really cannot accept that interpretation.

MR ANDREW WONG (in Cantonese): I thank Mr CHIM for correcting me. I was not referring to what you had said, but to Dr YEUNG quoting what you had said.

CHAIRMAN: Mr WONG, do you wish to elucidate something you already said?

MR ANDREW WONG: I was explaining that I was not referring to what Mr CHIM had said, but referring to Dr YEUNG quoting what Mr CHIM had said.

MR ANDREW WONG (in Cantonese): Of course, I will not make compromise. But we must know that we cannot accomplish our goal in one move. If we want to accomplish a goal, we should head in the right direction and give some thought and make some efforts to the matter. If we want to make Hong Kong a paradise of democracy, we should sow some seeds of democracy. I hope that we will succeed sooner, but how soon? I must stress that as long as there are functional constituency seats in the district boards in the New Territories, in the Regional Council and indeed in the Legislative Council, there should be seats for the Heung Yee Kuk's elected representatives. That will be the most reasonable arrangement.

Mr Chairman, with these remarks, I oppose Mr Martin LEE's proposed amendment.

MR SZETO WAH (in Cantonese): Mr Chairman, though Mr James TIEN comes from the functional constituency, he was elected uncontested. Maybe this is the reason why he thinks that all functional constituencies are the same as his. The United Democrats of Hong Kong have two Members coming from the functional constituencies, one from the Education Constituency and the other from the Health Care Constituency. Both of them are not returned by indirect election but by the "one man, one vote" system. The above functional constituencies have the greatest numbers of constituents among all the functional constituencies. He told us not to run in the functional constituency election in 1995. We will not be so stupid. This is because if we do not run in the coming election, then all the candidates (from the Liberal Party) will be elected uncontested.

SECRETARY FOR CONSTITUTIONAL AFFAIRS: Mr Chairman, I have explained earlier that the *ex officio* seats on the Regional Council and the nine New Territories district boards were established in recognition of the special interests of the indigenous population of the New Territories.

These *ex officio* members who are themselves elected have made significant contributions in preserving the link between these bodies and the rural community. In the years ahead, they will continue to have a useful role to play.

Mr Chairman, the three *ex officio* Members will vote against Mr LEE's amendment.

MR MARTIN LEE (in Cantonese): Mr Chairman, Mr LAU Wong-fat said that my purpose of proposing the amendment is to enable us to win more votes. Mr CHIM Pui-chung, probably without intending it, then came to my rescue. He said, "Martin, what you are doing will hurt your party members in the New Territories. They may consequently lose votes." As soon as Mr CHIM had finished speaking, the Rev FUNG Chi-wood stood up to say that he was a member of the United Democrats of Hong Kong (UDHK) and that he was returned by direct elections from the New Territories. Clearly, despite what others think, the UDHK do not look at votes alone. In fact, we work for our principles. So I hope that Mr LAU will not speculate about our motives. He said that I disregarded the overall interests of Hong Kong. In fact, it was he himself who did so. If we are to look at the overall interests of Hong Kong, we should not focus on the interests of the indigenous residents of the New Territories, who are in the minority. We should focus on the interests of Hong Kong's population as a whole. The overall trend is that the so-called rural population is getting smaller and smaller. What good will it do to emphasize the difference of the rural population?

Mr Andrew WONG said that some villages still did not have mains water supply. I do not know what this has to do with my proposed amendment. If there is a connection, its mention will be in my favour. Why? Because, despite the *ex officio* seats, there is still no mains water supply in so many villages. Shouldn't thought be given to replacing the *ex officio* seats with directly elected seats? I believe that, if this is done, those villages will soon have mains water supply.

Mr CHIM Pui-chung talked about aboriginal people of the United States, Canada, Australia and New Zealand. But he made the mistake of calling them the ancestors of the people in those countries. It is an indisputable fact that these countries have laws for the protection of aborigines. But the purpose of these laws is to prevent discrimination against the aborigines, not to give them suprallegal privileges. Talking about traditions and customs, we know that some traditions and customs are good and some are bad. The good ones deserve to be retained, but the bad ones should be abolished. For instance, many traditions

are discriminatory against women, such as polygamy and the requirement for little girls to have their feet bound. We have already abolished those traditions in the march of times. Though they were called Chinese traditions, they were really Manchu traditions.

Mr Andrew WONG talked about political free lunch a moment ago. He said that though he was an appointed member, he received negative payment for his pains. Though I am a directly elected Member, I, too, receive negative payment. The issue is not positive or negative payment. The issue is why somebody who can run in direct elections (Mr WONG is a directly elected Member in this Council) does not do so in the district board elections. Why must he insist on retaining the *ex officio* seats? He mentioned several reasons

CHAIRMAN: Do you have a point, Mr WONG?

MR MARTIN LEE (in Cantonese): Mr Chairman, I do not want to answer. I believe that answering Mr WONG's question still will not cause him to give me his vote. On the other hand, by not answering his question, I enable more than 50 people to go home and go to bed sooner.

CHAIRMAN: Is it a point of elucidation or a point of order, Mr WONG?

MR ANDREW WONG: I will explain it afterwards.

CHAIRMAN: Sorry to interrupt you, Mr LEE.

MR MARTIN LEE (in Cantonese): He said that the New Territories was leased to Britain in 1898 and he raised the issue of free-hold land. He went on to say that the Government did not pay enough compensation for the land to the indigenous villagers, so it adopted a special policy to pacify them. A voice is thus guaranteed for the indigenous villagers. But the issue today is not simply one voice but several voices. Don't they need directly elected members to represent their interest? Who are in fact the beneficiaries? Who stand to gain from the special privileges? Has any good come to the rural poor? No. Good has come to the country squires. Where else did the Rolls Royce come from? Why then continue to oppress the women? Why not give them their civil rights? These are the issues. Very regrettably, not many female Members have spoken. Mr WONG went on to say that we could not ask for the moon. We are in fact not asking for the moon. The crux of the matter is that the Government has decided to abolish all appointed seats. If the Government can take this step, why can it not standardize everything having to do with the political system?

Why must the Government leave some dregs behind? They are dregs of the colonial rule; worse still, they are dregs which bring discrimination against women. I really hope that Mrs Anson CHAN will turn around and talk with me, so that I can persuade her to deliver the three votes of the Official Members to support my proposed amendment. Just now, the Secretary for Constitutional Affairs has only said a few words in respect of my proposed amendment. Why did he give such a short reply to my amendment? Maybe he did not have the answers to my questions. He said the *ex officio* members had made significant contributions. Mr James TIEN and Mr Eric LI said that appointed members, too, had made contributions. If such was the case, why do the Government propose to abolish them? How can these contradictory things be reconciled?

Thank you, Mr Chairman. I hope that everybody will be able to go to bed soon.

MR ANDREW WONG (in Cantonese): Mr President, I rise to speak according to Standing Orders Nos. 28(1), (1)(b), or rather (2). I think Mr Martin LEE has misunderstood many parts of my speech. I do say that I am an appointed district board member, but where in my speech have I said that I am in support of Mr Eric LI's motion?

CHAIRMAN: What is your point, Mr WONG?

MR ANDREW WONG (in Cantonese): Mr Martin LEE said that I had said in my speech that I supported Mr Eric LI in retaining the appointed seats. But that clearly was not my intended meaning; I believe that Members will remember.

MR MARTIN LEE (in Cantonese): Mr Chairman, with your permission, I would like to make a reply.

CHAIRMAN: Yes, you have to elucidate something you have said already, Mr LEE.

MR MARTIN LEE (in Cantonese): Mr Chairman, I have not said that Mr Andrew WONG supports Mr Eric LI's motion. When have I said so? I have only made my speech five minutes ago, and I do not think that Members will forget so quickly. I have said very carefully that although he has said that he is an appointed district board member, he does not take any political free lunch, because he will be in a losing position after all. I am only repeating what he said.

MR ANDREW WONG (in Cantonese): And after that?

MR MARTIN LEE (in Cantonese): After that, I have not said that you, Mr Andrew WONG, are in support of Mr Eric LI's motion. Perhaps

CHAIRMAN: Mr LAU, do you wish to speak again?

MR LAU WONG-FAT (in Cantonese): Excuse me, Mr Chairman. Just now Mr CHIM Pui-chung wanted me to clarify a point. I do not mind Mr CHIM saying that we are aborigines, nor do I mind our honourable Queen's Counsel Mr Martin LEE's satirizing the inhabitants of the New Territories as "country cousins". I remember there is a Chinese saying, "the stomach of a prime minister is large enough to scull a boat". I think that we politicians should serve Hong Kong with magnanimity.

MR MARTIN LEE (in Cantonese): Mr Chairman, I cannot understand why I should be "involved" in Mr LAU's clarification concerning Mr CHIM's remark. *(Laughter)*

CHAIRMAN: On the point of order, as Members do have the right to speak more than once in Committee, although I have tried to set the parameters for that right, I will not rule on the point of order for that obvious reason, Mr LEE.

Question on Mr Martin LEE's proposed amendments put.

Voice vote taken.

CHAIRMAN: Council will proceed to a division.

CHAIRMAN: Would Members please proceed to vote?

CHAIRMAN: Are there any queries? If not, the results will now be displayed.

Mr HUI Yin-fat, Mr Martin LEE, Mr SZETO Wah, Dr LEONG Che-hung, Mr Jimmy McGREGOR, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, 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 Ms Anna WU voted for the amendments.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr PANG Chun-hoi, Mr TAM Yiu-chung, Mr Andrew WONG, Mr LAU Wong-fat, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Peggy LAM, Mrs Miriam LAU, Mr Peter WONG, Mr Vincent CHENG, Mr Moses CHENG, Mr Marvin CHEUNG, Mr CHIM Pui-chung, Mr Timothy HA, Mr Simon IP, Dr LAM Kui-chun, Mr Eric LI, Mr Steven POON, Mr Henry TANG, Dr Samuel WONG, Mr Howard YOUNG, Dr TANG Siu-tong, Mr Roger LUK, Mr James TIEN and Mr Alfred TSO voted against the amendments.

Dr David LI, Mrs Elsie TU and Dr Philip WONG abstained.

THE CHAIRMAN announced that there were 23 votes in favour of the amendments and 31 votes against them. He therefore declared that the amendments proposed by Mr Martin LEE were negatived.

Question on the original clauses 26, 27, 29 and 37 proposed, put and agreed to.

Clause 31

CHAIRMAN: Mr Martin LEE and Mr Andrew WONG have given notices to move an amendment to clause 31 in connection with Regional Council election arrangements. As the amendment proposed by Mr LEE is related to those amendments which have now been negatived by the Committee and is inconsistent with decisions already taken, I will not call upon him to move his amendment.

MR ANDREW WONG: Mr Chairman, I move that clause 31 be amended as set out in the paper circulated to Members.

This minor textual amendment is similar to that for clause 9 which applies to all three levels of election but the current one has to do with *ex officio* membership on Regional Council.

Mr Chairman, I beg to move.

*Proposed amendment***Clause 31**

That clause 31(a)(iv) be amended, in the proposed section 11(1)(ea), by adding "whether" before "central".

Question on the amendment proposed, put and agreed to.

Question on clause 31, as amended, proposed, put and agreed to.

Clauses 42 and 45 to 49

MR ERIC LI (in Cantonese): Mr Chairman, I move that clauses 45 to 49 be amended as set out in the paper circulated to Members.

Since I have presented similar arguments in moving my previous amendments, I do not intend to bore Members again. Although my amendments concerning the two municipal councils have been negated I still hope that Members who supported my previous amendments will continue to do so, especially Mrs Elsie TU. I hope that she, having listened to my arguments, will vote in my favour taking account of the overall situation. In my mind, she is still an open and democratic councillor. Thank you.

*Proposed amendments***Clause 42**

That clause 42 be amended, by deleting the clause and substituting —

**"42. Declaration of numbers of
appointed and elected members**

Section 7 is amended by adding -

"(1B) The Governor in declaring the number of appointed members under subsection (1) shall ensure that for each Board that number (rounded down to the nearest whole number) is equivalent to one third of the total number of elected members of the Board."."

Clause 45

That clause 45 be amended, by deleting the clause.

Clause 46

That clause 46 be amended, by deleting the clause.

Clause 47

That clause 47 be amended, by deleting the clause.

Clause 48

That clause 48 be amended, by deleting the clause.

Clause 49

That clause 49 be amended, by deleting the clause.

Question on the amendments proposed, put and negatived.

Question on the original clauses 42 and 45 to 49 proposed, put and agreed to.

Clauses 40 and 41

CHAIRMAN: Mr Eric LI and Mr Martin LEE have given notices to move amendments to these clauses as well as clause 44. As Mr Eric LI's proposed amendments are related to those amendments which have now been negatived by the Committee and are therefore inconsistent with decisions already taken, I will not call upon him to move his amendments.

MR MARTIN LEE: Mr Chairman, I move that clauses 40 and 41 be amended as set out in the paper circulated to Members. As it is getting late, or rather early, I shall not repeat myself, nor do I seek to have any reply.

Proposed amendments

Clause 40

That clause 40 be amended, by deleting the clause and substituting —

"40. Interpretation

Section 2 of the District Boards Ordinance (Cap. 366) is amended by repealing the definition of "appointed member".

Clause 41

That clause 41 be amended, by deleting the clause and substituting —

"41. Composition of Board

Section 6(1)(b) and (c) is repealed."

Question on the amendments proposed, put and negatived.

Question on the original clauses 40 and 41 proposed, put and agreed to.

Clause 44

CHAIRMAN: Mr Andrew WONG and Mr Martin LEE have given notices to move an amendment to this clause. As Mr LEE's proposed amendment is related to those amendments which have now been negatived by the Committee and are inconsistent with decisions already taken, I will not call upon him to move his amendment.

MR ANDREW WONG: Mr Chairman, I move that clause 44 be amended as set out in the paper circulated to Members.

The proposed amendment is of a nature similar to that for clauses 9 and 31, also having to do with *ex officio* membership but on district boards this time.

Mr Chairman, I beg to move.

Proposed amendment

Clause 44

That clause 44 be amended, in the proposed section 9(4)(da), by adding "whether" before "central".

Question on the amendment proposed, put and agreed to.

Question on clause 44, as amended, proposed, put and agreed to.

CHAIRMAN: Mr Martin LEE has given notice to move two new clauses 34A and 35A in connection with Regional Council election arrangements. As these new clauses are related to those amendments which have now been negatived by the Committee, I will not call upon Mr LEE to move the addition of these clauses. We have now completed the Committee stage proceedings on this Bill.

Council then resumed.

Third Reading of Bill

THE ATTORNEY GENERAL reported that the

ELECTORAL PROVISIONS (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL 1993

had passed through Committee with amendments. He moved the Third Reading of the Bill.

Question on the Third Reading of the Bill proposed.

PRESIDENT: Mr Eric LI, do you wish to speak at this stage?

MR ERIC LI (in Cantonese): Mr President, my proposed amendments to the Bill were not endorsed. I thank you for giving me this opportunity to briefly explain how I would vote when the Bill comes to the Third Reading. When I proposed the amendments at the Committee stage, I said that appointed membership seemed to be reminiscent of the past. Although we may still have a fresh memory, the outcome of the voting will certainly not be the same. The people are still the same but history is not going to repeat itself in this case. There are two reasons for such a change. The first reason relates to the Sino-British talks. If the Sino-British talks had not created so much tension, obviously many Members might have spoken to support the amendments and the Members who had abstained from voting would have voted for the amendments. The second reason relates to the fact that the Co-operative Resources Centre (CRC) has developed into a political party. Most of the Members from the now dissolved CRC might think that the abolition of the appointed seats would be more in line with the interests of their party and, as a result, they changed their mind and voted against the amendments.

According to press reports, there was, in fact, a divergence of views within the Liberal Party and only after some exchange of ideas could its members come to a consensus to vote against the amendments. If they had been allowed to vote out of their free will, the result might have been different. Without the working of these two factors, it is very likely that the voting result might have been different. Anyway, I will accept the voting result. But I would like to take this opportunity to earnestly remind the Government and the political parties to give real support to the district boards so that the function and status of the district boards will not be undermined. I concur with what Mr Andrew WONG said just now, that is, we must conduct a review with a view to increasing the real power of the district boards. We should not merely pay lip service and claim that reform has been carried out, yet actually at the expense of

the interests of some appointed members who are in fact of assistance, rather than causing troubles, to the district boards.

The district boards, just as what Dr Samuel WONG described, have fallen victim to the Sino-British talks. The development of local political parties should never, despite the keen political tug-of-war, undermine the well-being of the public, depriving them of the precious and highly efficient services provided by the district boards. Though not flawless, it is expected that the Bill now before us will be endorsed under dubious circumstances. Meanwhile, my understanding of democracy may be different from some Members; yet it does not mean that I am against democracy. What I find regrettable is that, after such a thorough debate, we still cannot work out the best arrangements for the Hong Kong people. Yet, as the public have been long in waiting, I will still support the Third Reading of the Bill.

PRESIDENT: Mr CHIM, do you wish to speak before the Third Reading?

MR CHIM PUI-CHUNG (in Cantonese): Mr President, I will be very brief. In respect of the Bill tabled in this Council today, I hope very much that the Government would not misread the outcome of the voting because the most important thing is that the Chinese Government has already declared that it would start a new "kitchen" after 1997. Although the Bill is going to be endorsed today, I hope the British Hong Kong Government will still make the best efforts to come to an agreement with the Chinese Government so that Hong Kong can enjoy a smooth transition and convergence. This is the wish of the Hong Kong people.

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

Bill read the Third time and passed.

Member's motion

HONG KONG ROYAL INSTRUCTIONS 1917 TO 1993

MRS ELSIE TU moved the following motion:

"That with effect from 1 March 1994 the Standing Orders of the Legislative Council of Hong Kong be amended -

(1) in Standing Order No. 3 -

(a) in paragraph (1), by adding "and able, in his opinion, to act" after "the whole Council";

- (b) in paragraph (2), by adding "or when, in his opinion, he is unable to act" after "the whole Council";
 - (c) by repealing paragraph (2)(b) and substituting -
 - "(b) in the absence of the President's deputy from that sitting or when, in his opinion, he is unable to act, the Member present (other than an ex officio Member) who has held office as a Member for the longest continuous period of time.";
 - (d) by adding -
 - "(2A) For the purposes of paragraph (2)(b) where 2 or more Members have held office as Members for an equal continuous period of time (being the longest continuous period of time for which any Member has held office) the one of them who first made or subscribed the oath or affirmation in accordance with the Oaths and Declarations Ordinance (Cap. 11) under Standing Order No. 1 shall be deemed to have held office for the longest continuous period of time.";
 - (e) in paragraph (4), by repealing "senior ex officio Member" and substituting "other Member presiding";
- (2) in Standing Order No. 3A -
- (a) in the heading by repealing "and President's deputy";
 - (b) by repealing paragraphs (3), (4) and (5);
- (3) by adding -

"3B. President's deputy

(1) The chairman of the House Committee elected as such under Standing Order No. 60C(2) shall be the President's deputy.

(2) In the absence of the chairman of the House Committee or when, in his opinion, he is unable to act, the deputy chairman of the House Committee elected as such under Standing Order No. 60C(2) shall act as President's deputy.

(3) The reference to the "chairman of the House Committee" in paragraphs (1) and (2) shall not include a person elected to act as chairman during the temporary absence of the chairman and deputy chairman."."

MRS ELSIE TU: Mr President, I move the motion standing in my name on the Order Paper. The purpose of the motion is to provide in the Standing Orders stand-in arrangements for the President when he is absent or unable to preside over the Council.

Ever since this Council decided to elect our President, much thought has been given to devise a simple procedure in the event that a stand-in for the President is called for.

After careful consideration, the House Committee has agreed that: (a) the Chairman of the House Committee, and failing that, the Deputy Chairman of the House Committee, will act as a President's deputy; and (b) when both the President and the President's deputy are absent or unable to preside over the Council, the longest serving non *ex officio* Member will take the Chair as the presiding Member.

I am grateful for the assistance of the Law Draftsman in translating Members' wishes into the Standing Orders. I trust that the new provisions will be sufficient to cater for all circumstances under which a stand-in for the President will be required.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

Adjournment and next sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm.

Adjourned accordingly at nineteen minutes past One o'clock on the morning of 24 February 1994.

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