

## **OFFICIAL RECORD OF PROCEEDINGS**

### **立法局會議過程正式紀錄**

**Thursday, 1 February 1996**

一九九六年二月一日星期四

**The Council met at half-past Two o'clock**

下午二時三十分會議開始

#### **MEMBERS PRESENT**

**出席議員：**

THE PRESIDENT

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

主席黃宏發議員，O.B.E., J.P.

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

李鵬飛議員，C.B.E., J.P.

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

周梁淑怡議員，O.B.E., J.P.

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

李柱銘議員，Q.C., J.P.

THE HONOURABLE SZETO WAH

司徒華議員

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

何承天議員，O.B.E., J.P.

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

劉健儀議員，O.B.E., J.P.

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

梁智鴻議員，O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

陳偉業議員

THE HONOURABLE CHEUNG MAN-KWONG

張文光議員

THE HONOURABLE CHIM PUI-CHUNG

詹培忠議員

THE HONOURABLE FREDERICK FUNG KIN-KEE

馮檢基議員

THE HONOURABLE EMILY LAU WAI-HING

劉慧卿議員

THE HONOURABLE LEE WING-TAT

李永達議員

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

李家祥議員，J.P.

THE HONOURABLE FRED LI WAH-MING

李華明議員

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

唐英年議員，J.P.

THE HONOURABLE JAMES TO KUN-SUN

涂謹申議員

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

黃秉槐議員，M.B.E., F.Eng., J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

楊孝華議員，J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

黃偉賢議員

THE HONOURABLE CHRISTINE LOH KUNG-WAI

陸恭蕙議員

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

田北俊議員，O.B.E., J.P.

THE HONOURABLE LEE CHEUK-YAN

李卓人議員

THE HONOURABLE CHAN KAM-LAM

陳鑑林議員

THE HONOURABLE CHAN WING-CHAN

陳榮燦議員

THE HONOURABLE CHAN YUEN-HAN

陳婉嫻議員

THE HONOURABLE ANDREW CHENG KAR-FOO

鄭家富議員

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

張炳良議員

THE HONOURABLE CHEUNG HON-CHUNG

張漢忠議員

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE IP KWOK-HIM

葉國謙議員

THE HONOURABLE LAU CHIN-SHEK

劉千石議員

THE HONOURABLE AMBROSE LAU HON-CHUEN, J.P.

劉漢銓議員，J.P.

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE MARGARET NG

吳靄儀議員

THE HONOURABLE NGAN KAM-CHUEN

顏錦全議員

THE HONOURABLE SIN CHUNG-KAI

單仲偕議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

THE HONOURABLE MRS ELIZABETH WONG CHIEN CHI-LIEN, C.B.E.,  
I.S.O., J.P.

黃錢其濂議員，C.B.E., I.S.O., J.P.

**MEMBERS ABSENT**

## 缺席議員：

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

李國寶議員，O.B.E., LL.D. (CANTAB), J.P.

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

倪少傑議員，O.B.E., J.P.

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

劉皇發議員，O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, O.B.E., J.P.

夏佳理議員，O.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

何敏嘉議員

DR THE HONOURABLE HUANG CHEN-YA, M.B.E.

黃震遐議員，M.B.E.

DR THE HONOURABLE PHILIP WONG YU-HONG

黃宜弘議員

DR THE HONOURABLE YEUNG SUM

楊森議員

THE HONOURABLE PAUL CHENG MING-FUN

鄭明訓議員

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

## **PUBLIC OFFICERS ATTENDING**

### **出席公職人員：**

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

CHIEF SECRETARY

行政局議員布政司陳方安生女士，C.B.E., J.P.

MR GORDON SIU KWING-CHUE, J.P.

FINANCIAL SECRETARY

行政局議員財政司蕭炯柱先生，J.P.

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

ATTORNEY GENERAL

行政局議員律政司馬富善先生，C.M.G., J.P.

## **CLERK IN ATTENDANCE**

### **列席秘書：**

MR RICKY FUNG CHOI-CHEUNG, SECRETARY GENERAL

秘書長馮載祥先生

PURSUANT TO STANDING ORDER 4AA, HIS EXCELLENCY THE GOVERNOR, THE RIGHT HONOURABLE CHRISTOPHER FRANCIS PATTEN, ATTENDED TO ADDRESS THE COUNCIL AND TO RECEIVE QUESTIONS.

總督彭定康先生根據《常規》第 4AA 條出席會議，向本局發表講話，並接受質詢。

**PRESIDENT:** Will Members please remain standing for the Governor?

**CLERK:** His Excellency the Governor.

**PRESIDENT:** The Governor will answer questions on working relationship with the Preparatory Committee and labour relations. These two topics have been notified to Members. A Member who has asked a question may ask a very short follow-up supplementary but only for the purpose of seeking elucidation. A show of hands please?

**GOVERNOR:** I thought that I would allow more time for questions by not making a statement today.

**PRESIDENT:** Mr SZETO Wah.

司徒華議員問：總督先生，行政局實行集體負責制，籌委會也實行集體負責制。假如有一個人身兼行政局議員和籌委會委員，當行政局和籌委會有不同決定時，你認為他要向哪一個集體負責呢？你認為應該是“先入為大，先入為主”，還是“後入為大，後入為主”呢？

**GOVERNOR:** I congratulate the honourable gentleman on such a clever, thoughtful, intellectually provoking, constitutional question.

It is not for me to comment on the working practices of the Preparatory Committee, save to say that perhaps it is easier to have collective responsibility and confidentiality in a body as small as an Executive Council or a cabinet, and perhaps a little more difficult — and that is not meant as a criticism, it is a statement of my view on human nature — when you have got 150 people. But I wish those who are organizing the work of the Preparatory Committee the best of luck in that respect.

As for the dilemma which the Honourable Member mentioned, I would very much hope that were there such a dilemma in practice, the member of the Executive Council and Preparatory Committee would use his own judgement and apply his own integrity to decide what the honourable course of action was. I think it is difficult to answer the question in the abstract. I would only add that knowing who the Honourable Member has in mind, I have no doubt at all that the honourable gentleman concerned would, in that case, as in others, behave with complete integrity.

司徒華議員問：主席先生，行政局和籌委會都實行保密制。在這情<sup>♥</sup>下，你會向身兼兩職的人作出甚麼建議呢？他應該“好女兩頭瞞”；還是“綠蔭移作兩家春”？你認為他如何才可以發揮橋樑的作用？

**GOVERNOR:** I think he should apply his integrity and common sense in this particular instance as he has in others. Speaking for myself, I think it is wholly welcome that we have a distinguished businessman playing this bridging role, if it is possible. It may be that in due course the tensions become very difficult, in which case I am sure that the Honourable Member concerned would know how to resolve them. But for the time being, I think the arrangements work perfectly satisfactorily. I do not hide from the Legislative Council that the Member concerned raised these questions with me, raised his own concern about them and I urged him to remain a Member of my Executive Council because I am sure he will be able to play a valuable role. But if it proves too difficult, both for him and for the two institutions of which he is a member, then I am sure he will know what to do.

**PRESIDENT:** Mr CHAN Wing-chan.

陳榮燦議員問：總督先生，香港特別行政區籌備委員會最近已在北京成立，港方有九十多位委員，政府亦已表示會與籌委會合作。請問總督先生會否為了表示與籌委會合作的誠意，約見港方的籌委會委員，聽取他們對合作的意見？若然，會以甚麼形式與他們會晤？若否，原因為何？



**GOVERNOR:** I am sorry, the Honourable Member asked me to do what with the Hong Kong members of the Preparatory Committee?

**PRESIDENT:** To meet.

**GOVERNOR:** To meet?

陳榮燦議員問：就是與他們溝通，聽取他們的意見，也許他們希望向你提出意見，請問你會否主動約見他們，聽取他們的意見？

**GOVERNOR:** I would be delighted to meet them and listen to their views. And any time that they would like to come and see me, to see the Chief Secretary, to see other members of the Administration in Government House, we would be delighted to meet them. It has been my experience in the past that sometimes when I have asked people to come and meet me, they have had very full diaries. I would hope that, since we are talking about 94 people, there might be the odd space in one or two of those diaries over the next 17 months.

Let me go further. When the Vice Premier talked about the importance of the Preparatory Committee listening to people in Hong Kong and taking the views of people in Hong Kong; when, in the rules, I think, governing the conduct of the Committee it notes the importance of listening to all shades of opinion; I hope that that does not just include the Governor and members of the Administration, but members of Hong Kong's representative institutions as well.

陳榮燦議員問：總督先生，我的意思是，為了表示你與籌委會合作的誠意，你會否主動邀請或分批邀請這九十多位籌委會港方委員見面？請問你會否作出主動？

**GOVERNOR:** I think the Honourable Member has made a very sensible suggestion and I will be delighted to follow it up.

**PRESIDENT:** Miss Christine LOH.

**MISS CHRISTINE LOH:** *Mr Governor, I would like to ask you how you will put together your policy address, the final policy address later on this year, because you said in your last policy address that obviously you will have to perhaps do your next policy address in a completely different way? I believe the Team Designate, led by the future Chief Executive, of course, may actually not be in place during the time when you are drafting your policy address. So I wonder whether you intend to work with the Preparatory Committee on the drafting of your policy address or how you are going to put it together?*

**GOVERNOR:** I will put it together with my customary application and verve, with the help of the excellent team of staff in the Hong Kong Administration. But self-evidently, the Governor's policy address in the autumn of 1996 is going to be a very different creature to the policy addresses of the last decades. I daresay, it will be unique because I guess that no Chief Executive Designate will be facing the same challenging caesura in Hong Kong's history that we face in 1997. I think it would be extremely foolish if I were to try to map out the next five years in the same sort of way that I did when I made my first policy address in 1992. What I will want to do and I do not want to give away all my trade secrets at this stage, is to review progress in working through the five-year agenda that I set out in 1992. I will want to talk about the Joint Declaration and the progress we have made in trying to ensure that the Joint Declaration is a reality after 1997. I will want to talk about Hong Kong's role in the world and I will want to talk, without in any way being prescriptive about the future, about some of the challenges which I believe Hong Kong will face and perhaps suggest ways in which they could be addressed. But I certainly will not attempt to steal the thunder of my successor who will want to get out for him or herself the agenda for the Special Administrative Region Government.

I promise the honourable lady that I will be shorter than I was last year, but I hope that there will still be enough of interest to keep the honourable lady's attention.

**MISS CHRISTINE LOH:** *Mr Governor, as you know, I have always, in the last two years at least, taken a particular interest in your policy address. I am obviously interested in what you might do in the future. But, from what you are saying, when you are putting together your final address, as you said, since you cannot map out in the same way as you have in the past, what role will this Council have? Because, of course, in the past, your officers have also taken the trouble to sound out the feelings of this Council. Do you expect the future Chief Executive Designate to be putting forward his or her policy address before the transfer of sovereignty in 1997?*

**GOVERNOR:** First of all, can I say that I am sure that there will be enough in my own policy address to warrant the preparation. It has become one of the more pleasant rituals of Hong Kong politics — the preparation of a shadow address by the honourable lady. I am sure that the community will look forward to that as much as it always does.

It is the case that my officials, and indeed I have done it myself, have discussed before my policy address with Honourable Members what they want to see in it and what they think our priorities will be. I will still want to consult Honourable Members as much as possible but as I said, we are moving into a situation where I imagine the Chief Executive Designate will be wanting to consult the community about what he is going to say and he is going to do for the future, or she.

I do not think that anybody can reasonably expect the policy address this year to be exactly the same sort of animal that it has been in the past. But I hope that there will still be plenty to discuss and I hope that it will at least in a general way point ahead to a number of the important challenges which Hong Kong still has to face.

**PRESIDENT:** Mr James TIEN.

**MR JAMES TIEN:** *Thank you, Mr President. Mr Governor, the business community has always been very supportive of an executive-led Government, especially in areas dealing with labour policy. As we all well know that on*

*labour policy, businessmen always will voice their concern: it is tough to make a living, rents are high and so forth, difficult to get people; and on the employees' side, they will always be complaining about unscrupulous employers not paying their wages, skipping town and everything. So all along, all these years with the Labour Advisory Board (LAB) advising the Government and with the good management of the Secretary for Education and Manpower, the Government has been able to strike a right balance between the interests of the employer and the employee for the long-term benefit of Hong Kong.*

*However, under the new legislature formed by you, Mr Governor, the balance seems to have tilted a little in favour of the labour side, together with the Democrats in this Council. Will the Governor shed some light on how the business community should tackle this problem? Shall we just decide to give our hands up, let the union leaders do whatever they want? Or does the Governor have some bright ideas for us?*

**GOVERNOR:** The honourable gentleman raises an important question and perhaps I can respond at reasonable length.

First of all, it seems to me that when one looks at Hong Kong's success in the area of labour relations, it is due less to the lead given by the Government than by the co-operation that there has been, institutionalized through the LAB, between employers and employees. The Government has been there to hold the ring, but by and large we have had exceptionally successful labour relations in Hong Kong because we have had a consensual approach to labour matters and because, as in so many other areas of Hong Kong's life, people have looked for co-operation rather than confrontation.

I happen to believe myself that there is no reason at all why the development of democracy in Hong Kong should threaten that and after all, we are only part of the way along the road. The Basic Law promises us, if that is what Hong Kong wants, a completely directly elected Legislative Council. It also suggests, in due course, the election by universal suffrage of the Chief Executive. So the process of democratization which has begun in Hong Kong is not suddenly going to end. It is going to continue and we have to learn to live with it and make it work in the best possible ways to underpin Hong Kong's strengths rather than to corrode them.

I think that the whole community would be very surprised indeed if any actions taken by this Legislative Council put at risk the consensual approach to labour matters and in particular, put at risk the LAB and its work. What are those who give their time and energy and commitment to the LAB to make of it, if after having reached a deal they find that deal chucked out by others. I quite understand the arguments about trying to ensure that the LAB has a better and closer working relationship with this Council. That is not in dispute. Our excellent Secretary for Education and Manpower is talking, I think to the Honourable Member among others, about how we can best achieve that. But I do not myself see how it is in anybody's interest to overturn a system of trying to deal with labour market problems which has worked extremely well, and I do not think people in the community would understand that.

Let me just add one other point. We have heard a lot about the importance of consensus and co-operation and I welcome what we have heard. Perhaps the best example we have seen of consensus and co-operation was the work led by the Secretary for Education and Manpower to find a way of dealing with the problems associated with labour importation which could have the support, however reluctant, of employers and employees. We had summits. We had meetings after meetings. We worked and talked and eventually we came up with proposals which got the endorsement of unions; which got the endorsement, whatever their reservations, of employers; which got the support, I think, of the majority of the community for dealing with labour importation. What is to be said for simply ignoring that, for driving a coach and horses through for nothing. I do not think that is an approach which the community would welcome and I very much hope that people will think again, just as I hope they will think again about issues like fees and charges.

This is, I repeat what I have said a thousand times before, an incredibly moderate community. It wants a more responsive Government, it wants a more accountable Government, but it does not want the Government turned on its head and it does not want, with great respect, confrontation day after day. So I hope that we will actually respond to the sort of community which Hong Kong has been and wishes to be in the way we develop all of our institutions.

**MR JAMES TIEN:** *Mr Governor, for once I fully agree with what you have said about your views on labour relations. But unfortunately the union leaders in this Legislature plus the Democrats do not seem to agree with you. I fully agree with you that the hard work of the LAB members on both the employer and employee sides should be well respected. But based on what happened yesterday, you can see that this is not happening.*

*So would the Governor agree that on labour issues, since the Government cannot be executive-led, it is time to dissolve the LAB and let the Manpower Panel of this Legislature decide everything?*

**GOVERNOR:** I certainly do not think that there is a case for dissolving the LAB, but I do very much agree with what the Secretary has been arguing for, that is, ways in which we can associate the work of the LAB more with the work of this Legislative Council. I think that yesterday's vote was most unfortunate. I think that it will have made a lot of employers, actually quite a lot of employee representatives as well, think: "What on earth is the point? What is the point of us making these commitments at meetings, if we are going to see people simply walk away from them?". I think it is a way in which Hong Kong would start to import some of the worrying labour practices which have done so much damage elsewhere; which is not to say that everything which has been done for the last 45 years has been perfect; which is not to say there are not abuses, some of them were brought to our attention recently by the unions, in the importation of labour schemes. Let us be honest about it. There are problems on both sides, but the people of Hong Kong do not want those problems addressed in a confrontational way.

It goes wider than labour relations. It touches on some of the issues that Members introduce private legislation on. We have got a Housing Authority which probably manages the biggest public housing agency in the world which has probably the biggest public housing building programme. There are problems which need to be addressed in the way it works. Nobody disputes that. But I do not think anyone seriously supposes that it makes sense, without any public discussion, without the sort of involvement of the community in the outcome, to simply overturn it overnight without adequate public discussion and debate.

So it is an issue which touches on other matters as well. But I am sure that good sense will prevail and I am sure that people in Hong Kong will continue to expect our affairs to be conducted in as co-operative a way as possible with as much public and shared trust as possible, and as I say, it covers the issues I have mentioned. It also covers, I think, the very strong feeling of people in Hong Kong that there is not such a thing as a free lunch whatever may be done from time to time about fees and charges.

**PRESIDENT:** Mr CHAN Kam-lam.

陳鑑林議員問：總督先生，相信你也很清楚我們昨晚在立法局舉行了一次非常精彩的辯論，由劉慧卿議員動議議案，表示恐怕九七年前香港會有第二個權力中心和影子政府，並促請中國政府以一人一票方式，選出未來的行政長官。投票結果是 26 票對 26 票，當時主席先生用了十九世紀的一個案例投票。如果當時總督先生在場又可以投票的話，你會如何投票呢？可以告訴我們嗎？

**GOVERNOR:** If I had been in the Chamber it would have been, I imagine, as President, which is what the Governor of Hong Kong always used to be, and it is one of the real pleasures which other Governors enjoyed which I have denied myself: (*Laughter*) the ability to sit for hour after hour in this Chamber and listen to the speeches made by Honourable Members. Had I been here, I would therefore have cast my vote in exactly the same way as the President did because he was following the constitutional proprieties in what he did.

Can I just add one other point. The Basic Law points the way, eventually, to the election by universal suffrage of the Chief Executive of the SAR of Hong Kong. And I am sure that like most, if not all, Members of this Legislative Council, I hope that that day comes sooner rather than later. I am democratic to the core of my being and feel very strongly that in any society the greatest legitimacy in credibility is provided through the process of election, and that goes for me as well as it goes for everyone else. Plainly, the business of election, the process of election, provides credibility and legitimacy in the way that appointment does not and cannot.

In the shorter term, there will not be election by universal suffrage, but the process of election which is now being discussed by the Preparatory Committee will, we all hope, be as open and transparent and fair as possible. And I am sure that the 14 Members of this Council, who arrived here by a process themselves that was transparent, open and fair, will ensure that those criteria are met in the selection of my fortunate successor.

**PRESIDENT:** Mr CHAN Kam-lam, I should have ruled your first question out of order for being hypothetical.

陳鑑林議員問：謝謝主席先生。總督先生，在上一次中英雙方 17 輪談判失敗後，中方曾說會“另起爐灶”。直至今日為止，請問總督先生是否仍然大力抨擊這“另起爐灶”的做法？

**GOVERNOR:** First of all, can I just make the point that if hypothetical questions were always ruled out of order in this Chamber, I would have a much easier time, which is no criticism, Mr President, of your own rulings. But hypothetical questions are not unknown in this Chamber. *(Laughter)*

**PRESIDENT:** There would be less showtime then. *(Laughter)*

**GOVERNOR:** We might indeed have shorter question periods. *(Laughter)* We did have 17 rounds of discussions with Chinese officials in order to try to agree on arrangements for elections to this Council and, alas, we did not succeed. I think that it is generally agreed, whatever people may think about the Chinese criticisms of our proposals, that the proposals themselves, in the event, were fair and open, commanded confidence here in Hong Kong, and produced a balanced and representative Legislative Council.

Now I ask myself why in those circumstances, particularly given all the checks and balances which exist in the Basic Law, which perhaps does not exist today, would anybody want to change those arrangements. Would people like to change those arrangements in order to make the arrangements for a Legislative



Council election more fair, more free, more open? Is that what the argument is all about? Are we going to have an even more democratically elected Legislative Council if this one is, as a matter of ill-judgment, dismantled in 1997?

There is no need, there is no reason for dismantling this Legislative Council. I remind Honourable Members of something that I said earlier: Hong Kong is promised a steady and increasing pace of democratization. We have only just started along the road. Either that process is genuine or it is not, and that I think is what the argument in 1992 and 1993 was largely about.

**PRESIDENT:** Mr CHAN Kam-lam, you have had your follow-up already. Are you seeking a second follow-up? Or are you claiming that your question has not been answered?

陳鑑林議員問：謝謝主席先生。我剛才的提問並非假設性問題，而是一個現實。事實上，總督先生曾說過不希望見到“另起爐灶”的情♥出現，但現在籌委會做的正是按照中方一直以來的計劃，即“另起爐灶”。剛才總督先生說他會充分與籌委會合作，但我卻感到很奇怪，因為如果心裏想的是一回事，而實際做的卻是另一回事，又怎能衷誠合作呢？這是一個很大的疑問。當然，我希望總督先生和現有的“政府班子”能衷誠地按照現實，與籌委會真正合作。昨天的另一個議案辯論便出現同樣情♥，就是在談判仍未取得共識前便把事情提交立法局，透過立法局做了一些事。我覺得兩者十分相似，我不希望以後再有同樣情♥出現。

**GOVERNOR:** Well, I think we are perhaps suffering from the "stove" metaphor. As I understand it, a "second stove" was a phrase coined for the Preliminary Working Committee and meant — whether this was the intention or not — the attempt to have a rival centre of power in Hong Kong, another place where you could cook the dinner. I do not think that that is what the argument about the Legislative Council is about because we are talking, as I understand it, about a future stove rather than a second stove.

Answering in that context, let me remind the Honourable Member of what I have always said. I have always said that we would want the maximum

co-operation with the Preparatory Committee provided — and these were the reasonable parameters I spelled out, I think, first of all, in 1994 — that it is in line with the Joint Declaration, provided it is in interests of Hong Kong and the people of Hong Kong and so on. We gave some perfectly reasonable conditions.

I do not think that it would be in the interests of the people of Hong Kong to shut this Legislative Council out or to try to turn the clock back on the process of democratization in Hong Kong. I do not think it would be in the interests of the people of Hong Kong to try to go back on the promises that were made about elections in the Joint Declaration and subsequently. So I see no reason at all why the Government should collaborate in the destruction of this Legislative Council to which it is accountable.

**PRESIDENT:** Mr TSANG Kin-shing.

曾健成議員問：總督先生，不知是好運還是不好運，平時你很喜歡四處出巡，但在上星期五你沒有經過厚德，否則，你可能會被天橋壓死。我為何這樣說呢？我也不知你是好運還是不好運，但問題是已經有人不好運。我覺得整體而言，香港政府在工業安全方面仍未盡責，例如沒有為建築工人設立發牌制度，除了部分水喉匠、電燈技工之外，.....

**PRESIDENT:** Mr TSANG Kin-shing, the topics are labour relations and the Preparatory Committee.

曾健成議員問：好的，我現在會就勞工問題發問。我現在不是說籌委會或其他事情。即使我提出有關籌委會的質詢，他也回答不了。有關赤角新機場，其大小與九龍半島相若，但並無設立急症室服務.....

**PRESIDENT:** Mr TSANG?

曾健成議員問：那是直接的勞工問題。不過，好的，我提出另一項質詢。在近數個月，有關外勞被剋扣工資事件，請問高峰會議解決了甚麼問題？在舉

行了高峰會議後，外勞跟着被解僱，政府可以做到些甚麼呢？政府是否承認在監察方面人手不足或監察不力呢？

**GOVERNOR:** First of all, can I offer my sympathy to those who suffered as a result of the bridge collapse.

Can I also say that I agree with the concern which the Honourable Member has about Hong Kong's record of industrial safety and in particular, of safety in the construction industry. We have, partly at the prompting of the Honourable Member and some of his colleagues, taken over the last couple of years a number of steps in the area of industrial safety which I hope will lead to a considerable improvement in our record, not just in the construction industry but in the manufacturing industry as a whole. There have been some improvements in the figures, but we have still got a long way to go to meet the sort of goals which a society as prosperous and successful as this should set for itself.

On the question of abuses of the labour importation scheme, particularly in relation to the Airport Core Programme (ACP), I think the Honourable Member is aware of the considerable efforts the Government has made over the last few months — first of all, to tighten regulations; secondly, to root out abuses; and thirdly, to provide more information to those who come into Hong Kong to work about their rights in general and their entitlements under their contracts in particular. Many of the proposals that we have put forward have been at the prompting of representatives of employees, and I am grateful for that. There are further proposals that we are acting on, which I hope will mean that we see no abuse in the future. We do need the importation of some labour in order to complete the ACP but, of course, priority has got to be given to local employees, not least local employees in the construction industry. And the Honourable Member will know we have set up an office to try to ensure that we get more local employment to match local vacancies in ACP projects.

We will continue to pursue any instances where our labour law or our immigration law is abused by contractors or subcontractors. It is absolutely essential that any importation of labour is pursued with the maximum integrity and that those who come and help in the building of Hong Kong enjoy the protection of our labour laws.

曾健成議員問：主席先生，首先，總督先生並沒有回答我的質詢，即會否在赤鱗角機場設立急症室服務，供機場工人使用，因為那裏的對外交通是隔絕的。此外，由於工會和勞工處施以壓力，所以近期揭發了多宗外勞被剋扣工資事件，但那些工人事後被無理解僱，事實上是“秋後算帳”，總督先生是否承認，勞工處，包括有關部門，在九一至九五年期間有失職的情<sup>心</sup>呢？

**GOVERNOR:** First of all, on the question of accidents and emergencies and the provision of proper facilities, perhaps I can look into that question which has not been raised with me before and get in touch with the Honourable Member when I have had an opportunity of talking to the Department of Health and the Hospital Authority and the Airport Authority as well. I will let the Honourable Member know our views on that.

Secondly, I hope that the Honourable Member will accept that the new measures that we have brought in will ensure, or will come as close to ensuring as we can, that people do not have their wages docked, their wages cut for phoney purposes, large amounts taken away for allegedly the cost of meals or whatever. We know some of the things that have been done in the past and we want to stop them happening in the future. I do not think that it is fair to say that the Government has been guilty of dereliction of duty. I do think that any other sensible government, when it finds abuse in the system, has worked as rapidly as possible and as openly as possible to deal with it as, and that is what I hope, we have been doing.

**PRESIDENT:** I am sorry, Mr TSANG Kin-shing, you have asked your follow-up. Dr LAW Cheung-kwok.

羅祥國議員問：對於成立未來特別行政區政府的問題，香港不少市民均感到非常關心，並擔心籌委會不會參考和接受我們的意見。請問在這情<sup>心</sup>下，總督先生可以為我們做些甚麼呢？

**GOVERNOR:** I hope the Governor can continue to hope that the Preparatory Committee will do what its Director, the Vice Premier, suggested, which is to listen to the views of Hong Kong and listen to as wide a cross-section of the views of Hong Kong as possible. As I was saying a few moments ago, 14 Members of this Legislative Council have the honour and the responsibility of also being members of the Preparatory Committee and I am sure that they will know how important it is for the credibility of themselves and of the Preparatory Committee that it is seen to take the greatest possible account of local opinions and that it is seen to respond as openly and comprehensively as possible to local concerns. It is not provocative to say that. It is a statement of the blindingly obvious.

羅祥國議員問：總督先生，你的答覆好像表示沒有甚麼可做。我在此提出一個具體建議，就是請問政府會否考慮就成立特別行政區的各方面問題，主動直接進行大規模的民意調查？

**GOVERNOR:** Well, the Honourable Member will know that I am not myself a member of the Preparatory Committee and that I am not responsible for its operations and I think were I to take the sort of action which the Honourable Member has suggested, it would be regarded by People's Republic of China officials and by members of the Preparatory Committee as a shade beyond my real responsibilities. I am looking at one or two members of the Preparatory Committee to see if that observation is rejected consumedly, but I get the impression from the body language around the Legislative Council that were I to propose taking surveys, public opinion surveys on the Preparatory Committee's work, it might be thought to be a fourth violation, to add to the three non-violations of which I am sometimes unfairly, ill advisedly accused. *(Laughter)*

But I assume that the Preparatory Committee will take account of public opinion, that it will be aware of the fact that there were surveys undertaken on the work and credibility of its predecessor body which told a certain message and a message which I am sure members of the Preparatory Committee would wish to be different when we are thinking about its own work.

**PRESIDENT:** Mr LAU Chin-shek.

劉千石議員問：剛才總督先生回答田議員有關勞資關係的質詢時，似乎覺得政府的角色是模稜兩可的。我覺得在勞資關係問題上其實是三方有責，即政府、勞方和資方三方面。勞工事務，例如就業、失業、工業安全、職業安全或外勞等的問題愈來愈多，但香港政府一直被人指摘沒有一個長遠的勞工政策。現時政府其實並沒有一個獨立的決策科專責處理勞工事務，只是由教育統籌科負責。我認為有時候教育和人力兩者是風馬牛不相及的。政府有否考慮將勞工事務從該決策科獨立出來，由另一個決策科專責處理？如果總督先生沒有考慮這問題，請問你會否作出考慮？如果不考慮的話，原因為何？

**GOVERNOR:** First of all, I am not sure that what I said on labour issues was vague. I think a lot of people will be saying, tomorrow, that it was all too clear. I do wholly endorse what the Honourable Member said about the importance of tripartite policy in this field. I know that on a number of occasions, the Honourable Member has himself stressed the importance of trying to deal with some of these very difficult problems, some of which have been on Hong Kong's agenda for years, by as co-operative an approach as possible. So I totally endorse tripartitism and hope that we can retain it.

I do not believe that criticisms of the Labour Department are fair. I think we have seen, not least in recent disputes, the Labour Department providing conciliation services in an exceptionally effective way and I would like to commend those who have done this difficult work for what they have achieved. I do not think one can entirely overlook, when one considers the work of the Labour Department, the astonishing record in the labour field of Hong Kong over recent years and the extraordinary low number of days lost through disputes, which is, above all, a tribute to the common sense and decency of Hong Kong's workforce, but also a tribute as well to employee representatives and to employer representatives as well. I suppose one should also say that you are more likely to have decent labour relations when you are having the sort of economic growth that Hong Kong has enjoyed than if your economy is stagnating.

The question of institutional arrangements should therefore, I think, be seen against that backdrop and I do not, though it is not a question for me of principle and it is not a question on which I have got an entirely closed mind, see the advantage in separating education from manpower. Indeed, in some other countries, we have seen in recent years them moving in the direction of Hong Kong and previously separated departments of labour and education have been brought together. That has happened recently in the United Kingdom. But I think it has happened in a number of other OECD countries as well. Why? Well, one reason is because of the growing recognition that education and skill-training are the most important elements in any labour market policy. Another reason is because of the overlap between academic learning and vocational training.

I think it is deplorable that for many years, developed countries — and I hope this would not ever happen in Hong Kong — took the view that these different forms of education and training should be put into completely separate boxes, when in fact there are a number of overlaps between them. So I do not actually agree with the honourable gentleman on that institutional matter, but as I say, it is not a matter on which I have got a closed mind and if he ever wants to talk to me further about it, my door is open.

劉千石議員問：主席先生，我剛才在提問時並沒有批評勞工處。事實上，我也知道勞工處是執行工作的部門，而該處員工最近辛勞工作，我表示欣賞。我的質詢主要是有關決策科方面，而非關執行問題。決策科問題是有關教育統籌司和教育統籌科。剛才總督先生說教育似乎與人力有關，不過，如果勞工問題能與教育問題分開處理，我們就可清楚見到勞工政策，例如在就業或以後發展等各方面。我認為在處理現時或未來更繁重的勞工事務工作時，是有需要這樣做的。我希望總督先生能重新考慮這建議。

**GOVERNOR:** As I said, I do not rule out thinking about that as a matter of principle, but I do think that there are practical advantages in relating education and labour market policies, and skill-training is only one aspect of that.

I acknowledge what the Honourable Member said in the first part of his second question when he paid, with his typical courtesy, a deserved tribute to the officials who work in the Labour Department and related areas.

**PRESIDENT:** Mrs Elizabeth WONG.

**MRS ELIZABETH WONG:** *Thank you, Mr President. Mr Governor, I shall not ask a hypothetical question, I would like to return to the question on working relations with the Preparatory Committee. I read in the papers — and I always believe what I read in the papers — that several thousand crack members of the Chinese Garrison will be posted to Hong Kong. And also, according to the papers, each soldier will be paid a miserable wage of between HK\$800 to HK\$1,100 per month, which is in fact less than Hong Kong's Comprehensive Social Security Assistance. Now some Hong Kong people feel very concerned about this as it is not fair to these soldiers; the cost of living in Hong Kong is very high compared with that in China.*

*If you ever get to exchange views with members of the Preparatory Committee, would you consider suggesting that the Chinese Garrison posted to Hong Kong should get a Hong Kong cost of living allowance additional to the salary, payable by the Chinese Central Government since defence and foreign affairs are strictly matters for the Chinese Government?*

**GOVERNOR:** I think the honourable lady's question will have made her even more popular in the People's Liberation Army (PLA) than she doubtless is already. *(Laughter)* I think the fact that the honourable lady has raised the question will ensure that it gets public attention. I do not think it would be proper for me to comment on the pay and conditions of service of members of the PLA. But obviously the honourable lady raises a realistic issue.

I have to say in passing that though they are paid rather more, I think, than some members of the British Garrison who in recent years have found the cost of living, not least the cost of beer, in Hong Kong rather more than they think their wages allow for.

But I hope that the PLA Garrison will behave with the same discipline and



courtesy and restraint which has been shown, by and large, over the years by the British Garrison. And I very much hope that my successor, the Chief Executive, will find, as I have found, that there is no need for anybody ever to question me or question him or her about the role of the garrison. I am in a rather different position to the Chief Executive because I am Commander in Chief as well as Governor. But I hope that the relationship between the Chief Executive and the distinguished General who is commanding the Chinese Garrison will be so close that the constitutional difference will not matter.

**PRESIDENT:** Mr LEUNG Yiu-chung.

梁耀忠議員問：主席先生，近期很多人都說新一屆立法局內有很多勞工界議員和民主派議員不斷為基層市民爭取很多權益，特別是為勞工爭取權益，導致很多投資者作出一些言論，說可能放手不會再在香港投資。昨晚的辯論和今天很多同事都這樣說。這些意見事實上已在中國政府內獲得反映，所以我們見到在整個籌委會中，佔了絕大部分的是工商界人士，令香港市民，特別是基層市民和勞工感到很擔心，將來的政府會否好像把香港的一些法例還原一樣，把勞工的權益和利益還原過來，令香港的工人得不到應有的權利。他們這憂慮正不斷加強。請問總督先生如何為工人和基層市民解決這個他們所憂慮的問題？

**GOVERNOR:** I do not want to sound ideologically hostile to Marxist or Leninist ideology, but one of the reasons for Hong Kong's success over the years is that it has never been subjected to a class war; it has never had to endure class war politics. As I said earlier, politics have been incredibly moderate and people have proceeded on the basis of co-operation and consensus wherever possible.

I do not think that it is only union members or representatives who care about the well-being of workers. There would be no centre-right government in the world if that was the case. And we all know of employers who have played leading roles in improving not only the conditions of work but the social conditions beyond of their workforce.

Above all, of course, what employees want is a job. And in order to have a job, they need an employer who can run a business in a competitive way and

make enough profit to invest in the future. And that is a factor that we need to bear in mind when considering developments of labour policy and labour market policy here in Hong Kong.

Coming to the Honourable Member's specific question, we are, as members of the LAB know, reviewing a broad range of labour market issues, some of which have been on the agenda in Hong Kong for very many years, some of which have probably been on the agenda for too long, for too many years. But we are trying to find ways of dealing with them in that tripartite way commended earlier by Mr LAU Chin-shek, and, certainly, commended by the Governor and the Administration of Hong Kong. I do not think that it helps to see these issues in them versus us terms. I hope we can see them in a more co-operative spirit.

梁耀忠議員問：總督先生，你這個想法是一廂情願的想法，事實是否如此，很多人都懷疑。從昨天的例子我們已看到，工人只想爭取多一些他們應有的法律上的補償，也受到很多工商界人士的指摘。這個憂慮是切實存在的。請問總督先生會否在九七年前的這段期間內，為了確保不會有更多走回頭路的情<sup>心</sup>，確立勞工的地位，特別是立法保障工會的地位，使工會可以保障工人的權益，例如，像其他國家一樣，建立集體談判權，又或制訂不公平解僱法案，讓工人有多些權力與資方討價還價，將地位平衡，不會一面重、一面輕？

**GOVERNOR:** A moment or two ago, the Honourable Member may have inadvertently missed my reply. We are reviewing a range of labour market issues at the moment, including some of those touched on by the Honourable Member, and I hope that we can find ways of addressing them which enjoy the support of employees and employers in the LAB, however its relationship with this Legislative Council develops.

I say this to the Honourable Member. Unless we do find ways of tackling these issues co-operatively, those ways would not survive. If we want serious improvements in people's working conditions; if we want serious improvements in their terms of employment and so on, then those changes have to be made with support across the community, otherwise they are not going to survive into the indefinite future. That would make any efforts in the next year or so entirely

nugatory, entirely abortive. So, I hope that we can proceed in a way which maximizes co-operation rather than maximizes confrontation.

#### **ADJOURNMENT AND NEXT SITTING**

**PRESIDENT:** In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday 7 February 1996.

*Adjourned accordingly at twenty-four minutes to Four o'clock.*