

OFFICIAL RECORD OF PROCEEDINGS

立法局會議過程正式紀錄

Thursday, 30 May 1996

一九九六年五月三十日星期四

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

李柱銘議員，Q.C., J.P.

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 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 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 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

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

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

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 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.

THE HONOURABLE LAWRENCE YUM SIN-LING

任善寧議員

MEMBERS ABSENT

缺席議員：

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 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 CHEUNG MAN-KWONG
張文光議員

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.

THE HONOURABLE LEE WING-TAT
李永達議員

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.

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

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

張炳良議員

THE HONOURABLE CHEUNG HON-CHUNG

張漢忠議員

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 NGAN KAM-CHUEN

顏錦全議員

PUBLIC OFFICERS ATTENDING

出席公職人員：

MR MICHAEL SUEN MING-YEUNG, C.B.E., J.P.

CHIEF SECRETARY

布政司孫明揚先生，C.B.E., J.P.

MR RAFAEL HUI SI-YAN, J.P.

FINANCIAL SECRETARY

財政司許仕仁先生，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.

總督彭定康先生依據《會議常規》第 4AA 條的規定出席會議，向本局致辭，並接受質詢。

PRESIDENT: Members please remain standing for the Governor.

CLERK: His Excellency the Governor.

PRESIDENT: The Governor will address the Council on his visit to Canada and the United States and take questions on this and two other topics, namely, the fight against drugs and sewage charges.

GOVERNOR: Mr President, I should like to brief the Council on my official visit to Canada from 30 April to 3 May and to the United States from 3 to 10 May.

In Canada, I met the Prime Minister, the Minister of Foreign Affairs, the Minister of Citizenship and Immigration, the Minister for International Trade, the Secretary of State for Asia Pacific and other political figures. I addressed a number of large gatherings, including a lunch for about 1 200 people in Vancouver and a gala dinner for over 500 in Toronto.

My main purpose in Canada was to promote the case for visa-free access for Special Administrative Region passport holders. I am glad to say that the Canadian Government accepted this case in principle, though they made it clear that there were a number of detailed points which they wanted to have sorted out before they could reach a final view. These related principally to returnability, where we are in the process of providing reassurances to the Canadian Government, and to the question of right of abode, where we hope that expert talks with Chinese officials will provide the clarifications which Canada, together with other countries and the community here in Hong Kong, are seeking.

In the United States, I addressed large meetings in New York and then I went on to Washington where I made speeches to the National Press Club and the Heritage Foundation and had meetings with senior members of the United States Administration. I met the President, the Vice-President, the Secretary of State, the Secretary for the Treasury, the Secretary of Commerce, the Chairman of the National Security Council, the Chairman of the Economic Council, and other senior officials. On Capitol Hill, I had discussions with Senator DOLE and the

leadership of the Republican Party in the Senate; Senator DASCHLE, the Democratic Leader in the Senate; the majority leadership in the House of Representatives; the Senate Foreign Relations Committee; the House International Relations Committee; the House Ways and Means Committee; and many other Congressmen.

My main purpose in America was to lobby for the unconditional renewal of the Most Favoured Nation (MFN) trading status for China, not putting China's arguments, but making the case for Hong Kong. I think it is fair and accurate to say that as a result of my visit, the visit a week or so earlier by Mr Martin LEE and Dr YEUNG Sum and the visit on which the Chief Secretary has just embarked, the United States will be taking very careful note of Hong Kong's concerns and interests in any decision that is made on MFN. In particular, they will be acutely aware that Hong Kong's transition is at a very sensitive phase and that anything which damaged the economy, which a failure to renew MFN would do, would make a successful transition that much more difficult to achieve.

There was, understandably, huge interest in both Canada and the United States in the progress of the transition and in the prospects for Hong Kong's future. There was both a groundswell of goodwill towards Hong Kong, willing it to succeed; and at the same time growing expressions of scepticism about whether it would be able to do so. At meeting after meeting, I was pressed with questions about actions which had been taken by China and by the Preparatory Committee or by statements which had been made by them —questions about the future of democratic institutions in Hong Kong, the future of the Civil Service, the future of the rule of law, and the future of the Bill of Rights. Would all these survive? Would they be damaged? Given China's actions, on what basis could I be sanguine about the future, I was asked.

In response, I expressed my belief that the economy of Hong Kong would remain robust and would continue to grow; that Hong Kong people would continue to show the entrepreneurial skills and determination that had helped to make the territory the economic wonder that it had become; and that these same people would also demonstrate their determination to stand up for their autonomy after 1997, for the rule of law and for the freedoms they had been promised in the Joint Declaration.

I hope I was able to give some reassurance to the people who pressed me with their concerns and doubts. Many of them were businessmen, whose support and confidence Hong Kong will need in the future. Others were simply people who shared with Hong Kong a belief in the same values and civic freedoms and whose ardent hope was that these values and freedoms will remain and prosper here in the future. We cannot let their confidence falter. I hope that China and China's advisers will recognize the fragility of that confidence and seek to bolster it wherever possible through words and actions which underline their commitment to the Joint Declaration and everything it says. For our part, we in Hong Kong must continue to address the concerns of our friends overseas honestly and directly, and make clear that we are committed, fully and wholeheartedly, to Hong Kong's future autonomy and to the continuation of its way of life. I am sure that is something on which all of us here can agree.

PRESIDENT: Members may now put questions on the three topics. I would like to remind Members that a Member who has asked a question may, for the purpose of seeking elucidation only, ask a short follow-up question. A show of hands please. Mr Henry TANG.

唐英年議員問：總督先生，飲食業和工商界一向贊成環保的重要性，同時我們也贊成“污染者自付”的原則，所以我們贊成繳交污水處理費用，以改善水質。不過，飲食業在排污費和工商業污水附加費所付出的費用佔總數的40%，而在工商業污水附加費方面，飲食業付出的費用達75%。申訴專員也承認，政府的計算方法是有錯誤的。請問總督先生，政府提出“污染者自付”原則，但卻不能提供證據，證明飲食業的污染量佔全港75%，這樣是否違反了“污染者自付”的精神呢？

GOVERNOR: I must be careful how I reply because as the honourable gentleman may be aware, some of my best friends are restaurants!

I am delighted that the Honourable gentleman has asserted once again his belief in the "polluter pays" principle and this Council has done the same on numerous occasions. In my experience, and I speak as a former Secretary of State for the Environment in Britain, it is not only in Hong Kong where people are happy to sign up to the "polluter pays" principle in principle, but are

sometimes a little less enthusiastic about it in practice. We all think that it is the next person who is the polluter and that our own habit is wonderfully benign.

But, of course, the Honourable Member raises an issue which is of concern to the business sector and, I daresay, to those who visit restaurants, particularly those who visit restaurants frequently and inevitably see the charges which restaurants have to pay whether for electricity or telephones or sewage reflected in their bills at the end of the meals they consume. Because there has been an argument about Trade Effluent Surcharge (TES), about the total bill which is paid by restaurants, about their share of the cost of dealing with pollution and about the extent to which they were consulted when the TES was brought in, we have agreed to get on with our review of the TES, an independent survey the conclusions of which we will want to share with the Council and with the community so that we can modify the TES if that is required. We have no interest whatsoever in sticking to a form of charge which may be scientifically flawed or unfair. We have to get things right and as soon as the survey is completed and properly and thoroughly done, we will want to share our conclusions with this Council and with the industry.

But can I just make a couple of other points, and I make them just so that we can keep these arguments in perspective. I think that the extra costs which restaurants would have to bear during the coming year represent somewhere between 0.1% and 0.2% of their overall costs and I very much doubt whether an increase of that proportion is going to topple a business from profit into insolvency. The costs are not, I think, as great as some of the others which the restaurant trade has to bear.

Secondly, of course, one of the things that one hopes will follow from the "polluter pays" principle is the introduction by individuals and by commercial interests of the technology or the practices which will limit the amount of pollution which they themselves produce. It is clearly easier to see then done when you are talking about a large firm or a large manufacturing plant, but there are also things which smaller polluters can do to limit the pollution and to limit the charge on them.

唐英年議員問：主席先生，我有一項很短的跟進質詢。我以前曾擔任勞工顧問委員會的委員九年，我知道政府深諳運用數字之道，來推銷一樣東西，即如果它想我們接受一件事，它就會運用數字，使我們覺得這樣做會很便宜或很容易接受。我希望總督先生在看0.1或0.2成本方面的增加時，能小心一點來看這些數字。請問總督先生，他所說的調查會於何時完成呢？

GOVERNOR: It will be completed later this year. As for the question of statistics, it is not only governments which understandably lean on the statistics which they regard as being more central to their case, put it that way. But I think the statistics, the figures that we have given on sewage and the costs of dealing with environmental pollution are accurate. I understand that there are concerns about, not necessarily this year's increase, but the increases which people see in future years if we are to fully recover the cost of the strategic plan within a reasonable time. I understand the concerns about that and I am sure those concerns will be expressed very vigorously to us during the course of the consultations that we will be having with the Legislative Council. But if one votes for the "polluter pays" principle, if one votes for the establishment of a Sewage Services Trading Fund, the objective of which is by and large to, if it is not an inappropriate expression in the circumstances, wash its own face financially within a given period of time, then one somehow has to make the figures add up. Those are the statistics which are really awkward in these circumstances, but those are the statistics that we are all left with at the end of the day.

PRESIDENT: Mr CHOY Kan-pui.

蔡根培議員問：主席先生，自《污水處理服務條例》在去年實施以來，飲食業怨聲載道，認為政府當時的化驗及釐定含污量的指標有問題，對各行業徵收的排污費偏高。根據目前各行業不少商戶上訴的結果顯示，他們的成功率甚高，充分證明當初政府為各行業所訂定的排污量指標過分偏高。總督先生可否告知本局，政府有否考慮重新制訂各行業的污水含量指標及排污量收費，以便公平合理反映實際情況？同時，近日政府計劃在三年內大幅增加排污費，使排污費營運基金在三年後可自負盈虧。政府為何必須令排污費營運基金在三年內達到收支平衡，而不考慮延長至十年？這樣排污費便可在十年逐步遞增，而不必在三年內每年暴增。

GOVERNOR: On the first question, I do not think I can add very much to what I said earlier. We have undertaken, indeed we undertook some time ago, to review the TES. I hope that as a result of that review, the number of people feeling obliged to appeal for variations of their TES rate will fall. The Secretary, I think, answered a question on this subject yesterday, giving all the latest figures. But clearly, the more confidence there is in the basis for the TES, the fewer people, I guess, will in due course apply for a variation in the charge on them.

Secondly, the Honourable gentleman asks about the period by which the Sewage Services Trading Fund should be covering its full costs. Let me say, first of all, that covering full costs is, in the case of the Sewage Services Trading Fund, a slight misnomer. We are not requiring the Fund, as would be the case in other circumstances, to cope with depreciation. We are not requiring it to show a return on capital investment, and indeed the Fund itself is not covering capital spending; that is being dealt with through the normal public sector programme and that makes it different from, I think, most other trading funds or from the principle of trading funds. In addition, the surplus made in the last year is being rolled over into this year in order to abate the charges that would otherwise be required. So we have limited the application of trading fund principles in order to try to reduce the overall costs.

We are proposing not a three-year period to cover costs, but a four-year period. If there is pressure to extend the period beyond that, then obviously the consequence will be, rather higher charges than might have been necessary later on and to some extent, later charge-payers subsidizing earlier bills. But it may be that there are those who would think that was a fairer way of doing things. Clearly, judging by the enthusiasm with which these proposals have been greeted by the Council and others, we are going to find ourselves in quite a lengthy discussion about this. But I think all of us are looking for a sensible solution which enables us to clean up the environment without departing from the "polluter pays" principle, or on the other hand, without loading excessive charges on the customer.

PRESIDENT: Mr CHOY Kan-pui, do you wish to follow up?

MR CHOY KAN-PUI: *No.*

PRESIDENT: Mrs Miriam LAU.

劉健儀議員問：主席先生，根據環境保護署九六年年報，在過去五年，本港海灘的水質持續惡化，在全港56個海灘中，水質欠佳和極差的由五年前的十個，增加至去年的19個。政府在污水控制方面的工作其實已推行了十多年，亦花去納稅人不少金錢。去年開始，市民又要支付排污費，日後排污費還會大幅增加，但我們看不到香港的水質有任何改善。在這情況下，總督先生可否告知我們，政府如何令市民信服這一套昂貴的排污計劃具有成效而又物有所值？

GOVERNOR: I think as the honourable lady knows, we have only been trying to put this sewage strategy into place since 1992-93 and we have invested a considerable amount of cash in it. The objective is that by 1997, we should have reduced the pollution load in Victoria Harbour by about 70%, and that we should have reduced the pollution elsewhere, for example, off some of the beaches in the south of the Island, significantly as well as a result of bringing the scheme on-stream. So I think at the moment that the most we could say is that we have stopped the problem getting worse and that we will see the real benefits when we have the opening of the treatment facilities on Stonecutters. We will see the real benefits with a reduction of about 70% in pollution in 1997.

I do not think that people who are concerned about charges think that we are marking time in trying to introduce this important scheme. I think their greater concern is the level of the charge which they are not necessarily paying now but think they will be paying in the future. But I can assure the honourable lady that we will get on with the scheme as rapidly as we can. I have visited the construction site on Stonecutters — we would warmly welcome honourable Members visiting it if they would like, it is a very remarkable piece of civil engineering.

劉健儀議員問：主席先生，我想提出簡短的跟進質詢。除了總督先生剛才提出希望在九七年將維多利亞港的污染減低70%外，政府是否也擬定其他指標，例如有否針對那19個現時不能使用的海灘，訂定在未來多少年可以逐步恢復開放給市民享用，使市民能早些享受陽光海灘，也令市民覺得他們現時所付出的排污費是有價值的？

GOVERNOR: The honourable lady is right. It is very important to be able to demonstrate to people that additional costs that they may have to bear are bringing them a cleaner environment. And as the sewage strategy becomes comprehensive, or more or less comprehensive for the territory, I am sure we will want to point out the impact on individual beaches around the territory. And then I hope that people can enjoy them in fine weather, we all hope, shark-free.

PRESIDENT: Mr Fred LI.

李華明議員問：主席先生，我的質詢不是關於排污費，而是想跟進總督美加之行。總督先生來港數年，據我觀察，他每逢到外國訪問，不論是甚麼國家，他的言論都較為大膽和“出位”，事後往往會引來中方官員和親中人士批評，他最近的言論甚至令香港的商會群起而攻之。請問總督先生，為何你到外國後，便會自由一些，或說話“出位”一些呢？為何在香港的發言沒有那麼精采呢？

PRESIDENT: Well, I thought you were always brilliant. *(Laughter)*

GOVERNOR: That is what I like to hear from the President of the Legislative Council. *(Laughter)* I think that it is perhaps surprising, maybe even pleasing, to discover that I say things sometimes elsewhere which are exactly the same as the things I say in Hong Kong, but I get attention from them when I say them elsewhere, which I do not get when I say them in Hong Kong, invariably, even, from Hong Kong newspapers. *(Laughter)*

My favourite comment on my trip to the United States was the newspaper correspondent of one of the leading world newspapers reporting from Hong Kong — and he quoted one or two Members of the Council in his article — but his main point was that the controversy in Hong Kong seems to be about things I had not said which, had I said them, would not have been regarded as controversial by anyone — if the Honourable Member can follow that contorted logic.

The truth of the matter is that the American newspapers were rather enthusiastic about the messages I gave. I thought a question like this might come up and I came, as they say, prepared — prepared with some of the headlines from speeches I made in the United States:

"Hong Kong to Lobby US on China. Governor — Don't Use Trade Status as a Weapon" (*USA Today*)

"Hong Kong Governor Due in US is Warily Bullish" (*New York Times*)

"China's Quest for US Trade Gets Unlikely Aid from Hong Kong's Patten" (*Wall Street Journal*)

"Confident Note Struck by Patten of Hong Kong. Chris Patten says Hong Kong Shouldn't Fear Future with China" (*Asian Wall Street Journal*);

and so on. I can offer several more along similar lines. I am afraid though, that as I said in my earlier remarks, the headlines that people were most concerned about, the headlines which had shaped some of the questions that I found myself answering, were the headlines which had appeared in March and April and had not, frankly, conveyed a very reassuring picture about Hong Kong. I am sure that recent American television interviews will have created a rather more reassuring impression. But I do think that people should be aware of the consequences of their actions and of the consequences of things that they say. And to borrow a phrase, a colloquial phrase: it is a bit rich to criticize those who have to deal with the consequences of those things rather than to criticize those who have said the difficult and awkward and damaging things for Hong Kong in the first place.

李華明議員問：我不知總督先生日後會否同樣向香港傳媒發表言論，因為這始終是我們的觀察所得，即總督先生在外國發表的言論較為大膽。我希望總督先生不是告訴我們，外國的傳媒較本港的傳媒更關心香港，並希望你在香港接受傳媒訪問時，能夠坦誠地表達你的意見。

GOVERNOR: I think that parts of the Hong Kong media, and I include in the list *Ta Kung Pao* and *Wen Wei Po*, have occasionally had reason to criticize me, but I hope they have never criticized me because I am catatonically boring. There may be other reasons for criticism, although that may be vanity on my part. And I do not seek to criticize the press. It is the last thing that one should do. "Never complain, never explain", a very wise political leader once said. I do not seek to criticize the press for the way they report me or do not report me. If you say the same thing frequently, perhaps people stop writing it down and putting it in headlines. If others find what I say more interesting when I am away from Hong Kong, or even when I am in Hong Kong, then so be it.

PRESIDENT: Mr CHIM Pui-chung.

詹培忠議員問：主席先生，我們都是普通人，不是聖人，我們經常都會做錯事。總督先生，上次我曾稱讚你（眾笑），但記得你在四月十八日回答議員的質詢時曾說，英國甚至你本人對九七年後的香港沒有興趣，但今次你在美國卻說英國在九七年後仍會關注香港50年。請問你可否藉此機會清楚說明，會關注50年的是哪一方面的事情；而沒有興趣的又是哪一方面的事情，好讓市民較為清楚？

GOVERNOR: I do not recall ever saying on 28 April that after 30 June 1997, I would not be interested in Hong Kong and the United Kingdom Government would not be interested in Hong Kong. That is the opposite of the situation and I hope the Honourable gentleman will not regard that as a provocation because I am very keen that our warm relationship should continue through another year of these question sessions.

Let me say what the situation is and to express my surprise that it should ever be regarded as controversial. The Joint Declaration is a guarantee of Hong Kong's way of life for 50 years after 1997. It is a guarantee which is embodied in a treaty signed by China and signed by the United Kingdom. If you sign a treaty giving a guarantee for 50 years, that places on your shoulders a moral obligation to take an interest in that treaty operating as it was supposed to operate for 50 years. And since the treaty is all about guarantees for Hong Kong's way

of life, then it follows that that must remain a matter of substantial interest to the United Kingdom during the period of the treaty. Now I am not quite sure why the New China News Agency and others regard that as a provocative observation. Nobody is suggesting that British sovereignty does not come to an end on 30 June 1997. Nobody is suggesting that because the treaty shows a continuing interest on Britain's part, that Britain is somehow trying to extend its influence in Hong Kong beyond 30 June 1997. That is not the case either. But there is, has always been, and will continue to be a strong moral obligation on the United Kingdom and all those who have been associated with the United Kingdom's policy on Hong Kong so far as Hong Kong's maintenance of its values and freedoms are concerned for 50 years beyond 1997. Now the Prime Minister reasserted that extremely clearly when he was in Hong Kong a few months ago. It has been reasserted by the main spokesman on foreign affairs of the main opposition party in the United Kingdom. It is British policy, if you like, across the board. It is a British commitment, not just a partisan commitment, and I am sure that Britain will want to live up to it and I am sure that there will be those in Hong Kong who will want to make certain themselves that Britain lives up to it.

PRESIDENT: Mr LEE Cheuk-yan.

李卓人議員問：主席先生，剛才總督先生在回答詹培忠議員的質詢時提到《聯合聲明》保證香港的生活方式50年不變。香港的其中一種生活方式是市民會在六月四日晚上，去維多利亞公園參加燭光集會，紀念六四。下星期二是六四事件七周年，之前的星期日會有民主大遊行。如果九七之後，未來的特區政府根據透過臨時立法會所立的法例禁止這類活動，總督先生覺得會否對香港的安定繁榮構成很大影響？

GOVERNOR: The practice that I have followed is to try not to answer hypothetical questions, arguing always that real life is difficult enough without imagining problems for oneself in the future. But having said that, let me offer the Honourable gentleman a couple of personal reflections on what is an important issue.

At the moment, the holding of peaceful political rallies, the holding of dignified vigils is clearly wholly within our law and our law reflects the Bill of

Rights which reflects the application of the international covenants in Hong Kong. If the international covenants are to continue to apply to Hong Kong and our laws are to reflect that, then I cannot see that there should be substantial changes in the way that people go about expressing their beliefs and expressing their own value systems.

Let me say something which is related to that. I read this morning and yesterday the transcript of Director LU's remarks on an American television programme and I say straightaway, without any qualification, that reassuring remarks from Chinese officials are a lot more welcome to the community and to the international community than the opposite. But there were two or three points, and one of them is very relevant to what the honourable gentleman is saying, which caused me to have further thoughts when I read very carefully that text. First of all, if Chinese officials are keen on the development of democracy, what is wrong with the development of democracy represented by this Legislative Council today? I think that many members of the American audience as well as many members of the Hong Kong audience will puzzle a little about that. And if it is the case that democrats, or all parties, as the New China News Agency reminded us Director LU had said, can play a part in Hong Kong after 1997, when is some sort of dialogue going to begin with those who will be part, apparently, of the political debate after 1997, because sooner or later everybody knows that that dialogue will have to start?

But directly relevant to what the Honourable gentleman said is this, I noticed that Director LU said democrats and other parties could take part in elections and the electoral process within the laws of Hong Kong. Well, what laws are we talking about? The Basic Law is perfectly clear, the laws today are perfectly clear. There are no laws today which stop democrats, whether democrats just one word or the Democratic Alliance for the Betterment of Hong Kong, taking part in the electoral political life of Hong Kong.

So if we are to have the same freedoms and the same opportunities in the future, freedoms and opportunities guaranteed in the Joint Declaration that we have today, I see no reason why one should think in terms of constraints on the sort of activity which many democrats will be involved in over coming days.

李卓人議員問：主席先生，剛才總督先生最後提到魯平先生談及法律的問題，而總督先生只是說《聯合聲明》應該保障我們繼續享有所有自由。但我想提醒總督先生，沈國放先生的解釋卻說明要以“愛國愛港、擁護《基本法》”作為條件。因此，《基本法》和《聯合聲明》在這方面會否有一個差距，即《聯合聲明》沒有這一項條件，但《基本法》卻有一項條件，指明只有“愛國愛港、擁護《基本法》”的人才可以參加選舉？

GOVERNOR: I do not doubt the importance of an aspiration for patriotism on the part of those who seek a place in public service and in a sense, that is reflected in the sort of oaths or declarations that men and women make when they enter a parliamentary assembly or when they become a judge. But legislating precisely for degrees of patriotism, particularly if you insist on being able to define that patriotism yourself, can lead one into a situation in which one is applying to legislators and others not an objective test but a subjective test. And that, the Honourable gentleman may recall, is one of the, perhaps, principal issues on which our discussions about electoral arrangements broke down in 1993. I have never been able to see any reason against an objective test for, for example, legislators carrying through on the train beyond 1997. But a subjective test is a very different matter and I think it is difficult to reconcile a subjective test with the rule of law. Conceivably, you can accommodate a subjective test within rules and within laws, but you cannot accommodate a subjective test within the rule of law.

PRESIDENT: Mr SIN Chung-kai.

單仲偕議員問：總督先生，剛才李卓人議員問到關於六四晚上的活動。如果籌委會要求你預留維多利亞公園內的地方舉行慶祝活動，而支聯會又要求在九七年六四晚上舉行燭光晚會，請問你會如何處理？

GOVERNOR: Well, it is an interesting hypothetical question. There is a board game which some people play at Christmas called Moral Dilemma, and I think there is a limit to the amount that I am prepared to play that game in public with the Legislative Council.

But, let me just repeat something I said earlier. So long as I am the Governor, I shall want to ensure that issues like freedom of speech and freedom of assembly are exercised within the law, a law which reflects the international covenants which apply in Hong Kong and I hope, very much, that my successor will take exactly the same point of view. I think it would be difficult to explain were my successor to take a different point of view, but that is, I think, to look a long way down the barrel to 1998.

單仲偕議員問：總督先生，你是否可以確保在一九九七年六月四日晚上，支聯會可以繼續在維多利亞公園內舉行燭光晚會？

GOVERNOR: I am not sure whether the application has yet been framed. What I can tell the Honourable gentleman, and I hope that this is not a point which anybody is likely to dispute, is that so long as I am the Governor, the law will be applied in the way I described.

Can I add one other point. When I was answering questions, I think it was either the last time or the time before, I mentioned the figures for the number of public meetings that had taken place in Happy Valley. Not outside the Royal Hong Kong Jockey Club, but outside another prestigious building, the New China News Agency Headquarters. And I mentioned the number of marches there had been to the New China News Agency Headquarters. I think the figures were 139 public meetings in two years and nine marches. And I said that in all that time, there had only been one arrest. Now it is inconceivable, I think, that you could find figures like that. In other communities, I think the number of arrests would probably have been far higher. In other words, I think it is unlikely that many other communities would have exercised their rights to assemble and their rights to march in such a peaceful and orderly way as happens in Hong Kong. In such a tranquil community, I do not think we should be too exercised about the law on assembly.

PRESIDENT: Mr David CHU.

MR DAVID CHU: *Mr Governor, can you comment on your relationship with the Hong Kong business community before and after your North America trip? And also what are you planning to do in the remaining 13 months of your office to improve the relationship with, and repair the international image of, the Hong Kong business community?*

GOVERNOR: Well, I think as far as repairing the image of, not the whole of the business community, but repairing that of Hong Kong is concerned, the Honourable gentleman could play a part. The Honourable gentleman was one of those members of the Preparatory Committee who was quoted, extensively, in the article which led to such excitement in other parts of the business community. I am sure if the Honourable gentleman had spoken rather differently about his enthusiasm for Hong Kong's autonomy, democracy and civil liberties, the article would have turned out a little differently. So if the Honourable gentleman will join me in speaking up for those things which have made Hong Kong such a special and decent place, I am sure that between us, we will be able to make an impact on international public opinion.

As for my relationships with the business community, I guess they are the same today as they were a month or six weeks ago. I doubt whether anybody has spoken up for the values which have made Hong Kong so economically prosperous. I doubt whether anybody has spoken up for those as much as I have or, if I may say so, got as much attention in the media for those speeches. I am at the centre, or near the centre, of quite a lively controversy in Britain and Europe because of my advocacy of some of the business philosophy and economic philosophy here in Hong Kong. And I will continue to point that out.

But let me just add a point to the Honourable gentleman. I am sure the Honourable gentleman would agree that the *Wall Street Journal* is a newspaper which thoroughly endorses Hong Kong's approach to economic life, which warmly endorses the successes of the business community in Hong Kong. The *Wall Street Journal*, not the *Asian Wall Street Journal*, on 15 May, had this to say in an interesting editorial, and it may well be misguided, but this is an intelligent newspaper editorializing in Hong Kong: "As the people of Hong Kong

find themselves facing seemingly impossible odds in a struggle to maintain liberties they have come to enjoy, it is getting harder to believe in happy endings after China takes over in 1997". That said, they went on: "We are not ready to give up on the territory and its determined citizens". Now why are they editorializing like that? Because of a list of things which they then set out, many of which have been said or done by Chinese officials and Chinese advisors in the last two or three months, they conclude by saying that what they hope will happen is that more people will speak up for Hong Kong and speak up for Hong Kong's liberties and values. And that is something which I am sure all of us would say Amen to.

PRESIDENT: Mr CHU?

MR DAVID CHU: *I do not have any follow-up question, because if I do ask one the Governor may ask me to join him on his trip on the Britannia. (Laughter)*

PRESIDENT: It is a supplementary, Mr Governor. You may wish to respond to it.

GOVERNOR: Were I to take a trip on the Britannia, it would conceivably be with even more aristocratic, royal figures than the Honourable gentleman — a trip on the Britannia conceivably, a round-the-world cruise — I think perhaps the Honourable gentleman and I would both find that a bit too much.

PRESIDENT: Mr CHU might invite you to ride on one of his Harley Davidsons which will have ups and downs. *(Laughter)*

PRESIDENT: Miss CHAN Yuen-han.

陳婉嫻議員問：主席先生，我想提出有關排污費的質詢。請問總督先生有否關注到，當政府的政策被公眾認同時，實際上政策內的一些細則會影響民生？例如在排污費方面，當討論“污染者自付”原則時，社會上已有人提出為何要向住戶收取排污費的問題，而當時也得到普羅市民的支持。請問當政府的政策受到大眾認同時，政府會否疏忽了一些普羅大眾的利益；甚至一些個別人士會否因為政府計算錯誤或估計錯誤而大受影響？請問政府有否考慮這些因素呢？

GOVERNOR: I agree with the Honourable lady that we have to be very careful about the impact of a principle like "polluter pays", which is fine in theory, on the household budgets of individual families. As the Honourable lady knows, we have tried to ensure that those in the greatest need do not pay these charges or pay much less. And I think I am right in saying that about 60% of households will only have, as a result of the proposed increases, to pay about between \$1 and \$2.50 per month extra, and that 16% of domestic households will still pay nothing. So that is well over three quarters who are paying a pretty limited amount.

But I do realize, not least because people have said it to me when I have gone out on district visits, that what people are concerned about, in a sense, is less the small figure for this year than the figures which they see for future years which they think are more substantial and which give them the impression that they are never going to get to the end of the road with this issue. So we have to explain to people and we have to discuss with the Honourable lady and other representatives of the community in this Council how we can stick to principles which I think the community by and large accepts, without hitting individual families too hard.

陳婉嫻議員問：主席先生，我想補充。去年十月政府開始收取排污費時，居民已經向我們提出他們的擔心；而去年十月計算出來的數字，並不如政府官員所說的“食一個飽”那麼簡單，即不只支付一個飽的價錢，實際上，一般家庭須多付十多二十元。以一些平時每季支付一百數十元水費的基層市民來說，這已是一個負擔。因此，請問政府，在市民提到反對排污費時，是否有可能是政府的計算出現錯誤；又或整個營運基金有一些錯誤，以致最後的收

費不是剛才總督先生所說的多付一角幾毫那麼少？

GOVERNOR: No, I do not think it is fair to say that we have got the figures wrong, because the increase for this year which has been proposed, if one also allows for inflation, is about what we were saying it would be 14 to 16 months ago. But I would just like to remind the Honourable lady that 77% of domestic households pay less than \$15 of sewage charges per month. The Honourable lady may think I am wrong, but my hunch is that people are less concerned about that figure than they are about what the figure may be next year or the year after or the year after that, and it is in that area that I think we actually have to discuss with Members of the Council how to accommodate our principles to what is going to be acceptable in the community.

I do not wish to be too tough in defending these principles. I do understand what the Honourable lady is saying and I can assure the Honourable lady that the points that she has made this afternoon, the points which other Honourable Members have made, are all points that have been made to me personally on the street, in people's flats, and most recently in a Well-Woman Clinic.

PRESIDENT: Mr CHAN Wing-chan.

陳榮燦議員問：我也想提出有關排污費的質詢。總督先生曾先後召開兩次就業高峰會議，但是成效不大，最近港府公布的失業率數字依然上升，失業人數近9萬人。自從去年政府向市民和飲食業徵收排污費和附加費以來，飲食業人士大叫“救命”，如今又向他們大幅徵收排污費和工商污水附加費，加重他們的成本負擔，飲食業“必死無疑”，現在已有很多食肆因此而倒閉，致令更多工人失業。請問總督先生會否考慮注資渠務署的營運基金，並撤回增加排污費和附加費的建議，以減輕市民和飲食業人士的負擔？若否，是否意味總督先生對市民的要求和苦況漠不關心？

GOVERNOR: I am sure that were I to propose injecting a large amount of taxpayers' money into the Sewage Services Trading Fund, some of those whom the Honourable gentleman might sometimes call political allies and friends

would be accusing me of welfarism. So I would have to be pretty careful about that.

I repeat what I said earlier. We have treated this Trading Fund in a completely different way from others. We have not made it take account of net depreciation. We have not been meeting capital requirements from the Fund. We have not been insisting that the Fund should allow for a return on capital investment. We have used some of the surplus that was built up in the last year to keep charges in the coming year lower than they would otherwise have been. These are all, in a way, departures from the normal principles of running a trading fund. I find it difficult to believe that the charges that have been proposed in the TES, for example, are going to lead to the death of restaurants right across Hong Kong. And I suspect the Honourable gentleman would think that was, on reflection, a trifle hyperbolic. But, of course, any increase in charges is unwelcome to a businessman, particularly one, perhaps, running a small business, and we must do everything we can in the way we manage the services for which businessmen pay to make them as cost-effective as possible and therefore as cheap as possible to those who use their services.

陳榮燦議員問：總督先生說這項成本不會導致食肆倒閉，但應該是百上加斤。剛才總督先生又說不應用納稅人的錢來支付排污費。我的想法是，現時市民已經支付排污費，我們是支持環保的，只不過現時市民的經濟負擔較為困難，所以希望政府分擔一些排污的營運費，一同弄好環保的工作。我相信大家都希望總督先生他日舊地重遊時，我們的海港會更清潔美麗。我希望總督先生重新考慮我的意見，就是政府注資入營運基金，大家一同弄好環保工作，海港就會更美麗的。

PRESIDENT: Do you wish to respond to that statement?

GOVERNOR: The Legislative Council has voted not only for the "polluter pays" principle, but also for the Sewage Services Trading Fund which is the way that we apply that principle. Now I am sure I have said enough for most honourable Members today to make the point that I am not trying to apply this principle in a dogmatic way which is careless of the impact on people's

livelihoods. I cannot make that much clearer than I have already.

I, too, hope that when I return frequently in the future that I will be able to see a clean harbour, but it will not be a clean harbour at no cost, somebody will have paid for it.

PRESIDENT: Is it not true that there is a rule that if you wish to come back to Hong Kong post-1997, you need to seek the permission of the future Chief Executive? (*Laughter*) And you might be feted by him, and by all kinds of restaurant owners.

GOVERNOR: As I have said earlier, that would be a great pity, but conceivably better for my figure.

PRESIDENT: Mr James TO.

涂謹申議員問：上星期四總督舉行第二次禁毒高峰會議，我並不在港，所以我不是杯葛該會議；但事實上，香港有八個主要的福音戒毒機構杯葛該會議，我回港後得知這消息覺得很遺憾。我最近與他們傾談時，知道問題在於他們其實在過往很多年來已不斷要求政府給予資助，但這幾年我自己不論在保安事務委員會抑或禁毒常務委員會內，都看到政府在這方面的工作真的做得很緩慢、很官僚，甚至對一些服務和要求提高服務的標準，完全置若罔聞。這不能夠歸咎於一個或半個人，而是與整個制度內的財政科、社會福利署和禁毒署有關。我希望總督先生不要說他們以往與保安科商談得很好，其實那完全是一個假象。請問總督先生會否深入了解情況，為何這些團體被迫至要進行杯葛行動？他們是否正如你所說，其實一直與政府好好地舉行會議，而今次只不過是擺出一種姿勢呢？事實上，他們不是政客，無須像其他人一樣去玩任何遊戲。他們是真正在前綫工作，被市民公認為做得很好的戒毒機構。我希望總先生看清楚這件事，不要等到明年十月所謂評估之後，才資助這些服務，好讓更多人可以即時獲得這些服務。

GOVERNOR: I think it was a pity that these organizations did not take part in what was another extremely successful summit. I have seen some of their work for myself. I have taken an interest in their work myself and I think it was a pity that they thought this was the best way of drawing attention to their arguments. We had not had a particularly good meeting with them beforehand. We had a very long meeting. I think my officials spent over three hours at a meeting with them trying to match their demands, but at last were unable to do so.

Just let me though explain to the Honourable gentleman what the position is and put it in context. First of all, we are not arguing that treatment has to be a monopoly of one or two providers. We have just announced that we will be subventing two substantial projects by Caritas and by the Hong Kong Christian Service to provide residential treatment for drug abusers and to provide a counselling service for psychotropic drug abusers. We have also been providing more assistance for the groups who decided, I think regrettably, to boycott that particular summit meeting. What are we doing? Well, we have clarified the arrangements on Comprehensive Social Security Assistance for them. After I had been to one of the centres that they run and heard from them first-hand about their difficulties in funding education for young abusers, we have now made available a block grant which, I think, in the last few months of last year cost us about just over \$2 million for funding education and I think in a full year will cost about \$7.5 million. We also offered them, at the meeting we held with them the other day, just over \$3 million to develop their counselling services to employ more social workers, and we said beyond that, that we would like in a genuine way, in a positive way, to consider the case for subvention, but we could not do that without a proper assessment. If we were to provide subvention without assessment, I am pretty sure myself that sooner or later the Finance Committee of this Council would have a word or two to say about it. What we explained to them was that an assessment was not a way of putting off helping them, that we would carry through an assessment as rapidly as we possibly could, but that we wanted to have a proper job done. So I think the sooner we can get on with that the better. I want to see our relationship with them develop and broaden over the coming years. I think they have an extremely important part to play in the rehabilitation and treatment of drug abusers. As the Honourable gentleman will know, after an increase of about 250% in the number of young drug abusers from 1990-94, we saw last year, for the first time in a long period, an actual fall in the number of young drug abusers and in particular a 27% decline in the number of newly reported drug abusers.

So we have started. It is no reason for complacency. We have started to see some slightly better figures and we have got to make the figures even better and those Christian organizations can play a very substantial role in that work and I hope will do so.

涂謹申議員問：請問總督先生可否考慮加快進行評估？因為事實上這件事已經拖延了很多年。如果要等到明年十月，我不知道有否能力說服他們，不要再杯葛這項評估，甚至不要再杯葛政府會撥出的一些微少資助。

GOVERNOR: Well, I hope the Honourable gentleman will be able to persuade them to get into a helpful dialogue with us. It is in everybody's interests, not least theirs, that we work together. We are genuine in wanting to do so. But I think we are sensible to believe that there has to be a proper assessment for them as non-governmental organizations just as there would have to be for anybody else.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 5 June 1996.

Adjourned accordingly at nineteen minutes to Four o'clock.