

OFFICIAL RECORD OF PROCEEDINGS

立法局會議過程正式紀錄

Thursday, 3 October 1996

一九九六年十月三日星期四

The Council met at half-past Two o'clock

下午 2 時 30 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 CHEUNG MAN-KWONG
張文光議員

THE HONOURABLE CHIM PUI-CHUNG
詹培忠議員

THE HONOURABLE MICHAEL HO MUN-KA
何敏嘉議員

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, O.B.E., J.P.
李家祥議員，O.B.E., 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

THE HONOURABLE CHENG YIU-TONG

鄭耀棠議員

THE HONOURABLE CHEUNG HON-CHUNG

張漢忠議員

THE HONOURABLE CHOY KAN-PUI, J.P.

蔡根培議員，J.P.

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.

THE HONOURABLE LAW CHI-KWONG

羅致光議員

THE HONOURABLE LEUNG YIU-CHUNG

梁耀忠議員

THE HONOURABLE MOK YING-FAN

莫應帆議員

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 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 FREDERICK FUNG KIN-KEE

馮檢基議員

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

DR THE HONOURABLE ANTHONY CHEUNG BING-LEUNG

張炳良議員

THE HONOURABLE DAVID CHU YU-LIN

朱幼麟議員

THE HONOURABLE ALBERT HO CHUN-YAN

何俊仁議員

DR THE HONOURABLE LAW CHEUNG-KWOK

羅祥國議員

THE HONOURABLE LEE KAI-MING

李啟明議員

THE HONOURABLE BRUCE LIU SING-LEE

廖成利議員

THE HONOURABLE LO SUK-CHING

羅叔清議員

THE HONOURABLE TSANG KIN-SHING

曾健成議員

DR THE HONOURABLE JOHN TSE WING-LING

謝永齡議員

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 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。

主席：請各位議員繼續站立，等候總督進入會議廳。

秘書：香港總督。

主席：本局現在恢復會議。今日質詢時間限於總督施政報告內容。各位議員現在可向總督提出質詢，議員可就該答覆提出一項簡短的跟進質詢，但只限於要求闡明該答覆不明之處。請舉手示意。張漢忠議員。

張漢忠議員問：總督先生，在過去的施政報告中，你曾經許下相當多的諾言。有些諾言涉及許多重要的社會政策，其中包括承諾解決臨屋問題；承諾於九五年年底關閉所有難民營；承諾興建西北鐵路及其他鐵路的支綫，以及一些重要的房屋政策，但這些承諾直至現在仍未實現。請問總督先生，當時制訂這些承諾時，你是否沒有經過深思熟慮去研究這些措施的可行性；還是你在任內沒有盡最大的努力，去達到這些目標；抑或這些只是你增加政治資本的籌碼，以作為一種政治手段，以致這些承諾只是取悅市民的“空頭支票”？

GOVERNOR: Let me tell the Honourable Member what I actually promised, rather than what he says I promised. What I actually promised in 1993 is that we would make at least one rehousing offer to all those who were then living in temporary housing areas by 1997. So far, we have offered rehousing to 53 000 of those who were living in temporary housing areas, that is 85%, and I very much hope and expect that we will be able to make offers to all by the date that I mentioned.

In 1993, we also pledged to clear all the pre-1984 temporary housing areas by the end of 1996. Let me say a word more about that. When I visited some of the temporary housing areas, one of the points that was put to me fairly regularly, and it will have been put to Honourable Members as well, was that we were not clearing the older temporary housing areas, we were clearing housing areas according to our development needs rather than according to the social needs and according to the real problems faced by tenants in some of those temporary housing areas. So that is why I made that pledge, and now I think I am right in saying that 10 out of the 14 temporary housing areas created before 1984 have already been cleared, and the remaining four will be cleared by the year end. So, we will have kept our pledge.

There will, unfortunately, be some requirement for temporary housing provision, and the honourable gentleman knows as well as I do that a principal reason for that is that we have about 55 000 immigrants coming in legally from China each year, many of them requiring housing. In the last two temporary housing areas that I have been to, I have been struck by the number of tenants that I have spoken to who were recent immigrants from China.

There is one point I want to make in addition. We will be aiming to provide older rental blocks as mainstream interim housing and we want to improve the quality of the remaining temporary housing areas. We have got a pilot project on new design which will be ready by 1997.

I totally accept the priority which the honourable gentleman attaches to clearing the temporary housing areas. I would have wished to have cleared them all by 1997 or as soon thereafter as possible. We have kept the pledges we did make. In some respects, I think we will be able to say we more than kept those pledges. But the number of people still coming into Hong Kong makes it difficult to go farther than I have described.

張漢忠議員問：總督先生，根據民意調查，香港市民對你的支持不斷下降，其中不少市民抱怨總督先生花了太多時間在政治爭拗方面，而未有盡全力改善民生。總督先生，在你任期餘下的日子內，請問你會否改變這種做法，多花些時間在民生工作方面，而盡量避免政治的爭拗呢？

GOVERNOR: Well, that is an interesting make-up question, but the premise on which it is based is rather far from the truth. I do not know whether the honourable gentleman goes to bed early, but if he had stayed up last night to see a programme in which the Honourable Member, Mr SZETO Wah, starred on TVB he would have seen an opinion poll which showed that the Governor's approval rating had gone up by 5% since last year. I am sure that would have given the Honourable Member as much unrestrained pleasure as it gave the Governor!

I would also like to point out to the Honourable Member that when the transition projects survey of public opinion was produced the other day, it

showed a 67% approval rating for the Government. Now, that is obviously because of the talents and qualities of my senior colleagues in the Administration, rather than because of the Governor. But it is the sort of record on the whole which governments elsewhere in the world would be rather pleased with, and it of course reflects the fact that we have done a great deal over the last four and a half years on livelihood issues, so much in fact that some of the Honourable Member's friends accuse us of welfarism and socialism and other terrible sins.

主席：吳靄儀議員。

MISS MARGARET NG: *Mr President, on the administration of justice, one of the Policy Commitments is the use of Chinese at all levels of courts up to the High Court in criminal and civil proceedings by March 1997. However, little is said about preparation of the transition, such as training of lawyers to use Chinese or the translation of the law reports and the learned texts and authorities. Does the Governor agree that the emphasis on the use of Chinese rather than bilingualism, resulting in non-Chinese speaking lawyers and judges being rapidly excluded, among other matters, will damage the international confidence in Hong Kong's legal system and indeed the quality of justice in our courts when we are so ill-prepared for the plunge into Chinese?*

GOVERNOR: I think the honourable lady has asked an extremely important question which, I think, though it raises a large number of difficulties, in a way misses what I have always thought is one of the most difficult problems of all, which is the translation of some of the concepts of the English common law into Chinese in a way which will be easily justiciable.

Now, I want to stress to the honourable lady that I believe that the point she has raised about the use of language in not just the proceedings of our courts but in the translation of the most important documents for the English common law into the translation of learned journals, is a subject which should receive priority. And I also believe that she is right to put as much stress as she does on the training of lawyers in Cantonese where they do not already have that language.

I think if she was not such a fair-minded person, she might criticize me and previous administrations for not having moved more rapidly in these areas, and particularly perhaps in the localization programme in the past, though we have been trying to catch up on that as rapidly as possible. All I would like to say at this stage is that I think she has raised issues of real priority and I will respond to her as soon as possible, as thoroughly as possible, having consulted the Acting Chief Justice, the Judiciary Administrator and the Attorney General's Chambers.

主席：蔡根培議員。

蔡根培議員問：總督先生，你在施政報告中多次引用外國革命思想家和民主鬥士的格言，包括法國的托克維爾、緬甸的昂山素姬和南非的曼德拉等。你是否想鼓勵香港市民在九七年後大攪抗爭和運動呢？

GOVERNOR: Well, the Honourable Member has mentioned three individuals whom I think are among the most admirable representatives of decency and liberal values in the history of the globe; so, if I was encouraging to take their example to heart, I am sure that there are few examples which would be better. I mean, he could have mentioned as well great religious figures, but as far as political figures are concerned, he seems to me to have mentioned three whom everybody decent should admire.

I have never regarded myself as a revolutionary. The Honourable Member should hear what my political opponents in the United Kingdom used to say about me. I am a dyed-in-the-wool Tory. No revolutionary here. But I do very much admire the Burmese Nobel Laureate, who seems to me to have worked with extraordinary restraint and decency for the values which I believe in and I hope the Honourable Member believes in. I regard de TOCQUEVILLE, as I said yesterday, as one of the greatest political philosophers and I do not think many people could regard him as a revolutionary, rather less revolutionary than Karl MARX, for example. And as for Nelson MANDELA, I think that he has given the whole world one of the most important lessons in magnanimity over

the last few years, and indeed much of the prospect for rebuilding society in South Africa rests with his quite astonishing generosity of spirit.

So, if we could have the generosity of spirit of MANDELA, the political wisdom and liberal insights of Alexis de TOCQUEVILLE and the courage and restraint of AUNG SANG Suu Kyi as our bywords, as our guides for the next few years, we would do jolly well and we would be an extremely civilized place in which to live.

主席：蔡根培議員，你是否想跟進？

蔡根培議員問：請問總督先生會否擔心你的講法會引起社會不安和動盪？

GOVERNOR: I do not think many people in Hong Kong would find the prospect of taking Nelson MANDELA or AUNG SANG Suu Kyi as a mentor a worrying or destabilizing prospect. I think they would regard them as being inspiring people. So, I think perhaps the Honourable Member and I have a different view of recent world history. But I really would be surprised, particularly if he had read either of the biographies of Nelson MANDELA or AUNG SAN Suu Kyi, if he still regarded them as dangerous radical revolutionaries.

主席：李柱銘議員。

MR MARTIN LEE: *Mr President, Mr Governor, I am looking at paragraph 96 of your speech where you have quoted Jack LONDON. I do not know whether you have the present Legislative Council in mind, which may expire sooner than you think, but if I change the wordings a little, does it apply to your view of the provisional legislature? "I would rather that it be stifled in dry rot", but if it is not, then" I would rather that its glow be not longer than that of a meteor. But as every atom of me feels sleepy I'll just watch and do nothing."*

GOVERNOR: I would like to congratulate the honourable gentleman on his literary output! We will look forward to his versions of *The Call of the Wild* and indeed *White Fang*, and I know that his colleague, the Honourable SZETO Wah, will be able to help him in reading Jack LONDON.

I spent a good deal of yesterday setting out my views on the provisional legislature and reminding people of the views of the British Government. I still find it curious that we have to deal with these united-front efforts to pretend that there is some difference of view between myself and the Prime Minister and the Foreign Secretary and the British Government about the provisional legislature. Anybody who actually thought that I could pronounce on an issue as important as that without being wholly in tune, wholly in line with the British Government would know precious little about British politics or relationships in British politics.

But, putting that on one side, I say simply to the Honourable Member once again that the British Government believes that a provisional legislature cannot be found in the Joint Declaration and the Basic Law. We think that the proposal to dismantle this legislature and to establish a provisional legislature is, to quote the Foreign Secretary using words far stronger than any that I have used, "reprehensible and unjustifiable". And we think that the establishment of a provisional legislature before 30 June 1997 makes a bad job and makes a bad idea even worse. And British ministers' view is that if that were to happen it would call into question China's compliance with the Joint Declaration.

Now, I may have met only a limited sort of lawyer in my time, and I confess that I did once have a solicitor who was called "Mr Maybe", but in my recollection, lawyers are reluctant to comment on the legality of this or that action before it actually happens. I think that a lot of lawyers as well take the view that it is a good idea to encourage people not to do things which you think may be foolish or unwise rather than to assume that they have done them.

I still recall that Mr QIAN Qichen assured the British Foreign Secretary in the Hague in the Spring that there would only be one Legislative Council, just as there would only be one Governor, and just as there would only be one Privy Council dealing with appeals, before 30 June 1997. I remember the assurance that a provisional legislature, which we think is undesirable, would not assume its functions before 30 June 1997. So I am bound to say to the honourable gentleman that one of my first priorities, one of the British Government's first

priorities, is to try to ensure that Chinese officials do as Mr QIAN Qichen said they would do. And beyond that, it remains our unshakeable position that the dismantling of this legislature would be a profoundly unwise thing to do and we would continue to oppose it.

MR MARTIN LEE: *Very briefly, Mr President. But if that day should ever come, would you do nothing or would you do something which you are not prepared to tell us yet?*

GOVERNOR: Well, the honourable gentleman, with or without literary flourishes, always encourages me to answer hypothetical questions. What I would refer him to is what the Prime Minister said when he was in Hong Kong in March, which I think most people regarded as an extremely robust defence of the British Government's and the Hong Kong Government's, and the Hong Kong community's position. Everybody would prefer Well, I say "everybody", most people would prefer to see this Legislative Council allowed to serve out its full four-year term. And it is very difficult, I have to say, to imagine that when those who drafted the Joint Declaration talked about a legislature constituted by elections, they could have had in mind one chosen by 400 people who themselves had been chosen for a variety of reasons. I do not even think that former British Ambassadors in Beijing would think that was what an election meant.

主席：李家祥議員。

李家祥議員問：總督先生，你在這份施政報告中鉅細無遺地把你在任內的功績作出詳細的描述，並為你將來的接班人作出不少提示，甚至訂立了一些評審標準。請問總督先生是否很希望香港人，甚至國際傳媒，將你和現時政府的工作成績跟未來的特區首長和特區政府來作比較呢？

GOVERNOR: To be honest with the honourable gentleman, no, that is not my particular wish though I would hope and expect that the position in five years' time would be even more successful than the position today. That is my hope, though I think it is reasonable of me to point out from time to time the conditions which would make that hope likelier to be attained rather than less likely to be attained.

I think I made clear yesterday my optimism and I was therefore surprised by what one or two Legislative Council Members said, including I think some who were colleagues of the honourable gentleman, and one or two of the newspapers were rather surprising as well. In one of our major newspapers this morning, there was a column on the front page saying that I had expressed more anxiety than certainty for the future, and an article on the front page of a supplement saying that academics interviewed all thought I painted too rosy a picture of Hong Kong. Most of the international press, for example, the *Financial Times*, took the view that I had struck a largely optimistic tone about Hong Kong's prospects. The *Asian Wall Street Journal* said that I had eulogized Hong Kong's economic success during the uncertain years leading up to Chinese rule.

It is certainly my view that, provided Hong Kong sticks to a winning formula, Hong Kong will be even more successful in the future than it is today. And those academics who think that is too rosy a picture are not the people I would agree with. But, as I said, there is a condition precedent and that is that we should continue to enjoy the rule of law and all the freedoms which are set out in some detail in the Joint Declaration.

李家祥議員問：多謝總督先生的澄清。事實上，總督先生來港時，放棄了殖民地的傳統，是十分為人稱道的。事實上，很多人都感到你的作風和處事方式與以往的總督不大相同。究竟你對未來特區首長的想法，特別是你花了那麼多篇幅寫下你現在所做的和希望他會做的，你認為他是一個有創新意見的人好些，還是跟隨你的意見觀念去辦事的人會更好呢？哪方面的意義會更大呢？你已花了許多篇幅去寫下你的想法。

GOVERNOR: I do not think I have. Indeed, some people say I did not spend enough time talking about the Chief Executive. What I did was underlining in two or three pellucid paragraphs ways in which in general we would wish to assist the Chief Executive and to sketch out some of the issues which, as it were, will still be in the "In" tray when the Chief Executive arrives in Government House or wherever he or she chooses to live and to take as a base.

I think it is difficult for people to have it both ways, though I know they

are keen to try. Some people have criticized us for not setting out a detailed programme for the future. If I had done that, people would have rightly accused me of being presumptuous and rightly accused me of trying to seize the ground which was rightly the ground of the Chief Executive. So I did not do that. On the other hand, I thought it was reasonable to sketch out some of the problem areas that did remain for the future, and some of them which people will doubtless say I should have tackled more energetically myself.

I do not seek, however, to hobble the Chief Executive. I do not seek to constrain intellectually any of the choices that he will face, or she will face. The Chief Executive (Designate) will be his own man or her own woman, and I am sure that they will do the job according to their own lights and their own instincts and their own principles as I have tried to do. I think that it always shows when people in public life behave in a way which is unnatural or is not in line with what they are really like. If people do not like the way I do the job, they are not liking me not just on the surface but right the way down.

主席：田北俊議員。

MR JAMES TIEN: *Mr Governor, the policy address has not mentioned a word about the huge workload this Council must shoulder in its final nine months of existence. Yet the Chief Secretary says that the Government intends to submit about 80 to 90 bills to this Council along with more than 30 left over from last year. That is incredible. During the whole of the last Council Session, we only dealt with 65 such items. It is likely that we are now to tackle double that number of bills between now and 30 June 1997.*

Some of these bills are vital to the transition and must be thoroughly scrutinized. They should not be casually passed without forming a Bills Committee. In such a rushed schedule, how are we to ensure that those bills related to the transfer of sovereignty are properly dealt with before 1 July 1997? I also find it ironic that in order to get the legislative business done in haste this Council may become a rubber stamp, which is what you are against in principle.

GOVERNOR: Oh, I do not think there is any danger of this Council becoming a rubber stamp. *(Laughter)* I mean, if the honourable gentleman is making any

offers, I am quite prepared, I am quite prepared to do a deal! But I would anticipate that we might have a bit of argument from time to time about some of the programme that we were putting forward.

It is our job to put forward the legislation which we think is in Hong Kong's best interests, and I hope that we can get a high proportion of it through the Legislative Council. It would be a very poor business if we told the honourable gentleman that we were going on a sort of permanent vacation for the next few months. We will put legislation forward and we will hope that it will be properly processed by the Legislative Council. The honourable gentleman would be amazed if I did not add that of course there would be more time for the Government's legislation if there were slightly fewer Member's Bills, but that is an old argument and the honourable gentleman has heard me saying it before.

There is an issue which is relevant to all this, and I am sure that in view of the honourable gentleman's position, it is something he will have been interested in himself. I always find one of the most interesting things to read each week is the Asian Executives Poll which appears in the *Far Eastern Economic Review*, probably the foremost economic journal in this part of the world. And they have done a review, a series of questions this week with their sample right across the region, asking executives about the relationship between good government and a strong opposition. And here are Asian executives asked, for example, would a country's economic progress be hindered by a strong opposition to its government? Across the region, 64.5% say "no, it would not be hindered", 35.5% think it would be. In Hong Kong, apparently, 79.3% said that they did not think a strong opposition to government would hinder economic progress. And I imagine, given the comprehensive ubiquity of the honourable gentleman's organization, at least some of that 79.3% must be members of the Hong Kong General Chamber of Commerce.

I also think it is worth noting in that Asian Executives Poll that in Hong Kong 72.4% thought that the opposition to the Government was too weak! Now, I want you to know that Secretaries and the Governor are not going to be quoting that figure as we try to get our legislation through in the coming weeks. But it does actually suggest that the view of most executives, of most businessmen, to some of the arguments that we have had, to the discussion that we are having now, is far more sophisticated than is customarily suggested by some of the newspaper headlines.

MR JAMES TIEN: *Mr Governor, thank you very much for your answer, and now to my real question! (Laughter) In the very likely event that most, a substantial part, of these bills or ordinances might not be passed before 1 July 1997, would your Administration be willing to have your civil servants co-operate with and persuade the provisional legislature after 1 July, so that some of the work that is left over, that is not passed before next year, could be passed as soon as possible, or is it your feeling that this should actually be awaited until the first Special Administrative Region (SAR) legislature is elected, all the way in 1998, before all this good work that you had started be finalized?*

GOVERNOR: I think the answer I give is one that the honourable gentleman might anticipate, and my view is that the best way of completing any legislation which is not completed during the second annual Session of this Legislative Council would be to complete it in the third annual Session of this Legislative Council after 1 July 1997. It is a very good argument for continuity provided, of course, that legislators go through some objective tests such as taking an oath to the Basic Law and the SAR. But that would be the best way through that particular conundrum and if we can have the honourable gentleman's support for that solution I think we will all be jolly grateful and surprised! *(Laughter)*

主席：屆時，總督先生不再是公務員隊伍的老闆了。

GOVERNOR: It is perfectly true. By the time that happens, the Governor will have taken up gardening as his career! *(Laughter)*

主席：莫應帆議員。

莫應帆議員問：總督先生，你昨天的施政報告曾提到現時香港政府有很多盈餘，外匯儲備正不斷滾存，而人均收入也不斷上升，但不知你有否留意到，與此同時，香港的失業率卻不斷攀升，而近年收入的差距也不斷擴大，市民

的工資下降。更嚴重的是，不知你有否忘記，去年冬天有些老人因此而冷死。請問總督先生如何理解現時香港市民的生活水平因這些龐大的盈餘而獲得改善呢？

GOVERNOR: It will be for the Chief Executive and his team in discussion, I am sure, with this Legislative Council to decide how best to use the spectacular reserves which will belong to Hong Kong in the interests of the further development of the Hong Kong economy. I would only add that I think that the iron rule that we have followed in the last few years of not allowing public spending to grow more rapidly than the trend growth rate in the economy, whatever the scale of the reserves, is a very sensible principle to follow, though I totally accept that there is a serious argument and a serious debate to be had within the community about that proposition. And the right place to have that debate is in this Legislative Council Chamber where I think that quite a few Honourable Members who would disagree about other subjects would find themselves on the same side on that basic issue of political economy.

Let me touch on the other two points that the Honourable Member made. First of all, employment. The unemployed rate has come down since it peaked last November. It has come down from 3.6% to 2.8%. It is at its lowest level for 15 months and we have seen a fall in the absolute numbers of unemployed from 110 000 to 90 000. That is no room for complacency. It reflects the fact that once again the number of people joining our workforce has been more or less in line with the extra number of jobs that we are creating, rather than the number of jobs we are creating, lagging slightly behind the increase in the workforce.

I think that it is fair to say that the concerns about unemployment last year sharpened up our determination in the Government to improve our own local employment services and our labour market mechanisms. In the first half of this year, more than 12 000 people were helped into work by our local employment services. 80% of the 4 000 registered applicants under the job matching programme were offered jobs in the first half of 1996. So, I think that the Labour Department's machinery is working better and more effectively. But we must do even better than that and obviously the present reviews that we are undertaking of the work of vocational training and the work being done in retraining are very important to the future employment pattern in Hong Kong.

On the elderly, the Honourable Member will, I am sure, recall what the

Director of Health said about the cold snap and the elderly last year. I would add that since 1992 we have increased spending on the elderly (housing, health, welfare) by 55% in real terms. We have increased Comprehensive Social Security Assistance payments to single, elderly people by 32% in real terms. Those are the sort of figures which have led some to accuse me of welfarism. I do not think that is a fair charge. I do think we owe a particular responsibility to the elderly, just as we owe a particular responsibility to try to help anyone who wants to work to do so.

主席：顏錦全議員。

顏錦全議員問：總督先生，港府本承諾於二零零一年完成西北鐵路，但按現時情況，如期完工的可能性是有問題的。但昨天公布的施政報告卻沒有就西鐵未能如期完工作出交代，或對其未來發展提交建議。這樣實在令廣大的西北部居民極之失望。

總督先生，你不斷說為了紓緩新界西北交通的擠塞情況，鼓勵屯門居民多使用渡輪服務，以減輕對交通所造成的壓力，這似乎是避重就輕，並將責任推在居民身上。試問這是否負責任的態度呢？昨天你在演講中提到有一件遺憾的事，請問應否加上這件事，作為你的憾事之一呢？

GOVERNOR: Well, speaking for myself, I am delighted that the pressure on the Administration now is to get on with the Western Corridor Railway and related infrastructure developments rather than not to get on with it until we have talked endlessly about it with other people. It does seem to me that the argument seems to have shifted somewhat in recent months.

What we are doing is conducting, as expeditiously as we possibly can, the surveys which need to be carried out in order to allow us to reach a conclusion about the Western Corridor Railway, about alignment, about engineering problems, about financing and so on. I hope that we will be in a position by the end of the year or soon after to arrive at some decisions. And when we do, we will obviously have to share our views with the Chief Executive (Designate) and with the Chinese members of the Joint Liaison Group (JLG) and others.

This is going to be one of the biggest capital programmes undertaken by the SAR Government after 1997. I want to do everything we can as rapidly as possible to get on with that project, but obviously it is going to be one — and I am not shuffling off responsibility, I am stating what is an obvious fact — which is largely built during the early years of the SAR Government rather than started or built before.

I want to underline my agreement with the Honourable Member about the importance of this project to the communities who live in the Northwest New Territories. It was for precisely that reason that I pressed myself very energetically for the extension of the Western Corridor Railway from Tuen Mun North to Tuen Mun Central. And I do recognize that those Honourable Members who represent the Northwest New Territories, who live in the Northwest New Territories, will continue properly to press the Government to get on with this project as soon as possible.

主席：司徒華議員。

司徒華議員問：總督先生，在你的任期內，不論是公屋或私人樓宇，興建的數量都遠遠落後於指標。與此同時，私人樓宇的價格卻上漲了三倍。你認為你對地產商財富的增加是否有所貢獻呢？

GOVERNOR: A contribution to the wealth of property developers, is the honourable gentleman saying?

PRESIDENT: Correct.

GOVERNOR: I am not sure that is their view! *(Laughter)* We undertook to complete over 100 flats a day and we have been doing that. But as I said yesterday, I think housing is an area which the community is going to have to address imaginatively and perhaps radically in the next few years. And I am sure that the Long Term Housing Strategy Review, which should be completed very shortly and published, will provide a very good basis for that debate and that

discussion.

I do not want to go into the figures, though I can mention those if the honourable gentleman would like, but I think all of us know that there are two real problems. The first is that while we commit a very substantial amount of resources to our Housing Authority, which is superbly led and does an excellent job, we still have too many people living in bad housing conditions for too long and paying a higher proportion of their household income for bad accommodation in the private sector than is paid by sometimes better-off tenants living in the public sector. So, the first problem we have is that we commit a lot of resources to public housing, but we still have not got the Waiting List down much below six and a half years on the way to our aim of five years. And five years, we should all think, is anyway too long.

Secondly, while we are committing all those resources to public housing and some resources to encouraging people to become home owners, we have also got a community which is better and better off but where it is still all too difficult for many people to become home owners. So, there does seem to me to be something of a mis-match which we have got to address. It is not going to be an easy problem to address, and I am sure that some property developers will have views on some of the argument and debate that comes out of the Long Term Housing Strategy Review.

I would only add this, when we were faced two, three years back by the explosion in property prices and took measures to deal with it, we were strongly criticized for those measures but they did prove in the event to be pretty successful. We damped down the inflation in the housing market, without knocking the pins from under it. It was a difficult exercise to carry through but one which I think we managed pretty successfully. But the honourable gentleman has posed very eloquently the dilemma which I think we are going to face, or my successor is going to face in the housing field over the next few years.

司徒華議員問：總督先生，要解決居住問題，一項重要的措施是加快公屋的

興建。在數天前，你剛才所盛讚的房屋委員會的英明領導曾向我訴苦，說政府沒有撥地給他們，並叫我向你施加壓力！（眾笑）你在未來的九個月中，會否大幅增加興建公屋的撥地呢？

GOVERNOR: Well, I am delighted that the honourable gentleman has responded to the suggestion from the Housing Authority so rapidly. I am sure that the community will want to look at future decisions about land allocation very seriously in the light of the housing strategy review. I do not think it would be sensible to make decisions before that is published. From all that I hear, it is going to be the focus of a great deal of lively debate.

I would only add that we do, at present, have in the pipeline plans for building 141 000 new rental flats between now and 2001, and again between now and 2001 we are helping over 175 000 families to buy subsidized flats. That is a pretty substantial building programme, but the honourable gentleman is entirely right to say that it still is not meeting demand.

主席：劉慧卿議員。

MISS EMILY LAU: *Thank you, Mr President. Mr Governor, as you yourself admitted just then, you spent some time yesterday sketching up problems facing Hong Kong and one of them, of course, is the question of civil liberties and you placed a lot of importance on press freedom. Do you not recall that when you first came to Hong Kong in 1992 you promised us that you would launch a programme to reform laws, especially those that relate to the Bill of Rights? Those that are in breach of the Bill of Rights, you would amend them. You have done quite a bit, but you know there is one big piece that is left, and that is relating to offences involving Article 23 of the Basic Law, succession, subversion, sedition, treason and the theft of state secrets.*

But in the Legislative Programme that you published yesterday, that is not anywhere to be found. There is only a passing reference in the introduction that you may introduce further changes to this programme. But, Mr Governor, you know your time is running out. That programme lists out your intentions. The fact that Article 23 offences are not in the programme sends a very strong

signal to me and to many people in the Hong Kong community that you have no desire to tackle that problem, which is right now with the JLG. So, will you please use this occasion to clarify for all of us in this Council, who are very concerned, and for the journalists who are watching you, what the hell are you going to do about it?

GOVERNOR: I am grateful for the direct and demotic way the honourable lady has asked the question. Can I just first of all clarify one thing? The way in which we have dealt with this issue in the Legislative Programme document, the highlights document, is exactly in line with the way we have in the past dealt with laws that were being discussed by the JLG but had not yet been agreed through the JLG. So, there is absolutely no difference. There is no attempt at artifice in the way that we have covered the question of Article 23 matters in this Legislative Programme.

It is not just, of course, a question of Basic Law Article 23. There is also the question of the Official Secrets Act which the honourable lady could have mentioned as well. We have passed both those pieces of legislation, difficult pieces of legislation, to Chinese officials. They have had them for some time. I hope that they will give us their views speedily so we can proceed to legislate and add those bills to those which the honourable gentleman to my right thinks will be burdening the Council in the coming months.

I know how important the Council thinks those matters are. I know that the Council is aware of the fact that I have committed myself again and again to bringing Hong Kong's statutes into line with the Bill of Rights. The honourable lady is right to say that we have dealt with the bulk of those issues — about 80% of the provisions have been dealt with, but there are some that still need to be done and I have not changed my intentions.

MISS EMILY LAU: *Mr President, the Governor knows time is running out. I do not know how much longer you are going to leave these issues with the JLG. Can you not give us a more categoric answer this afternoon? Because the Secretary for Security told us a few months ago that if they cannot reach an agreement with the Chinese, they will unilaterally reveal the proposals to the whole world. But I do not think that is enough. We need to legislate. Are you going to legislate unilaterally or are you saying that if there is no agreement with China you will leave all these things to the post-1997 administration?*

GOVERNOR: Well, I am going to say what I have said about every previous piece of legislation which has fallen into this category. I am going to say that I very much hope that we can proceed on the basis of an agreement through the JLG with the Chinese side. The honourable lady will know what my record and the Administration's record is on these matters and she will have to decide for herself whether to believe in our good faith or not.

I would only add one point by way of clarification, and that is that the proposals that we have put on Basic Law Article 23 offences and on the Official Secrets Act are, in our judgment, completely in line with the Bill of Rights and that is an argument for getting them on the statute book as soon as we reasonably can, although there will obviously be the occasion for some debate.

They are not, I would just like to add, the only things that we have to do in order to complete the job of aligning our statute book with the Bill of Rights. There are one or two other pieces of legislation as well which are also contentious.

主席：楊孝華議員。

MR HOWARD YOUNG: *Mr Governor, I do not want to go through worn-out arguments on the legality or otherwise of the provisional legislature or whether it is a good idea, bad idea or is necessary, but I notice you used the phrase "dismantle the current Legislative Council" a while ago. I was wondering whether you were using it in the constitutional and legal sense or in a more general sense, because I believe that this Council in its present form ends anyway with the end of British rule. Can you confirm whether there are any moves in Parliament to change or amend the Royal Instructions or Letters Patent to allow the current legislature to straddle beyond 1997?*

If there are not, then do you not think that the argument really should focus on allowing Members to continue to serve the legislature of the day, which by the way, is a different legislature and different nomenclature in Chinese? Really, the argument should be focused on allowing all, or if not all then as many

as possible, who are willing to serve the legislature of the day after 1997.

GOVERNOR: I appreciate the point the honourable gentleman is making and, even though as he knows I do not entirely agree with him, I recognize that he tries to approach these issues in a constructive way. He is, of course, right to say that there is a change of sovereignty on 30 June 1997, and there was never any way in which this Council could proceed to the end of its term without something happening which took account of that fact, of that changeover.

In the discussions that we had in 1992-1993, we were proposing to Chinese officials that the trigger which could be pulled on 30 June, or rather perhaps I can make it sound less dangerous, the gear change which should take place on 30 June, could be in the form of some sort of oath which Honourable Members would take, recognizing the change that had taken place in sovereignty. I think it is an open secret that Chinese officials wanted to apply a subjective test as well as an objective test, and that was not something which we could accept.

But the honourable gentleman is right constitutionally in what he says. No British act of Parliament could deal with matters post-30 June 1997. On the other hand, good sense and the interests of Hong Kong should, in my judgment, have made it possible for this Legislative Council, should still make it possible for this Legislative Council to complete its four-year term.

MR HOWARD YOUNG: *Mr Governor, will your difference in view regarding the provisional legislature prevent you from fully co-operating with the Chief Executive (Designate), which you have pledged, or will it water down that co-operation?*

GOVERNOR: I hope the Chief Executive (Designate) will be operating in the sort of way which implicitly was described by Vice-Premier QIAN Qichen when he saw Mr RIFKIND in the Hague in April. That is, a Chief Executive (Designate) will not have any quasi-legislative body working alongside him because such an organization, such an institution would be unconstitutional and

would have no basis, would be built on very questionable foundations. So I very much hope that a Chief Executive (Designate), though he or she will need to do a great deal of preparation for 30 June 1997, will be able to do so without Chinese officials seeking to oblige him or her to work alongside a body which would inevitably post-1997 raise question marks about appointments and laws.

主席：陸恭蕙議員。

MISS CHRISTINE LOH: *Thank you, Mr President. Mr Governor, I would like to ask you a question about what you said in relation to the JLG. You mentioned in Paragraph 50 that a significant amount of work still needs to be done in the short time. Then you go through some of these issues, which includes transfer of government, legal matters, localization of laws, and so on. And then you say that, "With determination and energy on both sides I am sure we can finish most of this work", and that it would be inconvenient and worse if that were not done. Does it seem to indicate that you are not confident that all the work can be finished? Which are the sort of categories of work that you think may not have a chance of being finished? And what consequences would that cause for Hong Kong?*

GOVERNOR: Let me clarify. I hope that all the things that are really important for Hong Kong can be sorted out by 30 June. The JLG, of course, continues after 30 June, but most of the issues I talk about here, and those I talked about yesterday, need to be sorted out in advance. It is possible to cope if, for example, not all the air service agreements are sorted out. It is possible to work out interim arrangements, but it is far from ideal.

I think that we have made — and I pay a tribute to the not-often thanked members of both teams — we have made a lot more progress in the last year or so on JLG subjects. Some are mundane and prosaic, some extremely important. If they can keep up that striking rate, I am sure they will be able to get through all the important jobs by 1997.

I think the community is becoming a little anxious, understandably, about one or two issues, for example, the whole annexes of right of abode and immigration issues, and I very much hope that recent helpful discussions we have had on those subjects could conclude with an acceptable solution as soon as

possible.

MISS CHRISTINE LOH: *I think precisely on this issue of rights of residency are you able to give us any indication at all as to when we might have further news; and when we do have some further news, is it likely to be fairly substantial in terms of explaining the various positions and expanding upon Article 24 of the Basic Law?*

GOVERNOR: I hope that recent discussions between experts will enable us reasonably soon to make the sort of comprehensive announcement that the honourable lady quite rightly says is required. All of us know — I know from my visit earlier this year to Canada, the Chief Secretary knows from her recent visit to Australia — that these are questions which greatly concern people from Hong Kong who are now living elsewhere. But they are also questions which concern people who are living in Hong Kong and people are jumping to conclusions about what is going to be required of them which are not always, I think, justified. So the sooner we can have a comprehensive announcement the better, and I am sure that is a point which is put to Chinese officials by members of the Preparatory Committee.

ADJOURNMENT AND NEXT SITTING

休會及下次會議

主席：按照《會議常規》，本席現在宣布休會，並宣布於一九九六年十月九日星期三下午二時三十分續會。

Adjourned accordingly at half past Three o'clock.

會議遂於下午 3 時 30 分休會。