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Transcript of Secretary of State's media session

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Following is the transcript of the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Malcolm Rifkind's media session after visiting Eastern District today (Monday):

Question: (inaudible)

Mr Rifkind: Linda Chaulker (phonetic) raised that subject last September when the issue first came up. Naturally, people are concerned about the latest reports and it is likely the subject will indeed be mentioned.

Question: (inaudible)

Mr Rifkind: Well, it's important to hear the Chinese Government's point of view. They have expressed their opinion and I understand journalists are going to be visiting the orphanage today. It will be very important to see what the assessment is as a result of that.

Question: (inaudible)

Mr Rifkind: No, I don't think it is relevant to the central purpose of my own visit to Peking. The Chinese Government and the British Government believe that there are very important issues to be addressed with regard to Hong Kong, with regard to our bilateral relations. There are other matters, such as the ones you've mentioned, which people are interested in, but I don't believe it is directly relevant to the visit itself in that sense.

Question: Mr Rifkind, what impact will the airing of the Channel Four documentary have on your visit?

Mr Rifkind: Well, I've just been responding to that particular point. I don't think it is relevant to the central purpose of my visit but it is a subject which we have raised in the past and I'm sure it will be mentioned when I am in Peking.

Question: Do you see any reason why it shouldn't be aired?

Mr Rifkind: I don't see any reason at all, no. I think there is a natural interest. The Chinese Government, I understand, have themselves invited journalists to visit the orphanage. It will be very important to know what the assessment of those who visit the orphanage may be as a result of that visit.

Question: China is saying that it might affect bilateral relations. Do you think that that is necessarily the case?

Mr Rifkind: I think that is a reference to a remark made by a gentleman in the embassy in London. I don't believe it is likely to have any material impact on the wider issues. We are not responsible for a television programme. Naturally, there is concern in many parts of the world when there are reports of that kind, but I don't believe it is going to have a material impact with regard to British-Chinese relations.

Question: Mr Rifkind, will you mention the helpless journalist Xi Yang, who have been imprisoned in Beijing for over a year?

Mr Rifkind: When I last met the Chinese Foreign Minister I gave him a list of persons whom we were concerned about and I have no doubt that that kind of issue will also come up in the discussions.

Question:concern about Wei Jingsheng, prominent dissident of China....

Mr Rifkind: Representations have already been made with regard to him, both by the United Kingdom and at the European Union level. That happened some time ago when the sentence was originally announced.

Question: ..(inaudible)

Mr Rifkind: I think one of the main benefits of my presence in Hong Kong at the present time and my meeting with LegCo later on this afternoon, is hearing at first-hand the concerns that are being expressed at this moment in time, both the good developments over the last couple of years, but also some of the worries that still exist and which are very understandable. I see it as part of my obligation to ensure that the Chinese Government are aware of the feelings of the people of Hong Kong, both their hopes for the future and their concerns for the future. It is right and proper that both of these should be taken into account. I believe that the Chinese Government themselves will benefit if they fully understand the views, concerns, wishes of the people of Hong Kong, because only in that way can we ensure the success of the transition which is something we wish to do all within our power to bring about.

Question: What would you say are the priorities for the people of Hong Kong?

Mr Rifkind: I think the priorities for the people of Hong Kong are twofold and they are both connected, is to build on this extraordinary economic prosperity and vitality that has been achieved, but also to protect the way of life, the rule of law and the values that go up to making a good quality of life. These two are connected because unless people feel comfortable and confident with regard to the quality of life and the nature of their lifestyle and the rule of law, then that will have its implications to the wider economic issues as well. So it is right and proper that that should be understood by China, and I believe it is part of my task, as well as the task of many others to help bring that about.

Question: (inaudible)

Mr Rifkind: This is a gradual process. We have had a very good meeting in London a few months ago with the Chinese Foreign Minister. I believe there will be an opportunity for me to meet the Foreign Minister and other Chinese leaders and compare these views and I will certainly not hesitate to do so. There are very many areas on which there is agreement. There are some areas where there are differences of view. It is important that both should be dealt with, both should be listened to and considered at this particular time.

Question: Mr Rifkind, you have expressed your concern about the membership list of the the SAR Government, saying it is non-representative....

Mr Rifkind: Of course. Of course. It is in everyone's interest, including China's interest, that the Preparatory Committee should be as representative as possible of the views of the people of Hong Kong because that is part of the process of working for a successful transition which is what we are all trying to achieve.

Question: What message do you expect.....

Mr Rifkind: Well, I think there is a range of issues that we can discuss and do so in a courteous way and in a very constructive way, and I believe being an advocate for the views of the people of Hong Kong, which I have discussed with the Governor, which I shall be discussing with LegCo this afternoon, I think we are all working as a team, all with the same objective in mind. The Governor, the British Government, LegCo, and the people of Hong Kong, are all desiring the same objective and I believe that is an objective which is also in the interests of China. And therefore there should be the basis for the kind of progress that we wish to see.

Question: Would Governor Patten....passports for Hong Kong people.... Do you have any good reason....

Mr Rifkind: I believe that on the question of passports this is an issue which has been very fully considered by the United Kingdom Parliament. That is something which is well understood and we are very conscious of the sensitivity of the issue. Thank you very much indeed.

End

Transcript of Secretary of State's LegCo Q&A session

Following is the transcript of the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Malcolm Rifkind's question-and-answer session in the Legislative Council today (Monday):

Dr Leong Che-hung: Welcome you and your team to Hong Kong and in particular thank you for spending time with members of the Legislative Council. We understand that you are on your way to Beijing and as you probably know we only have about 18 months to go before the transfer of sovereignty and yet there are many areas between Hong Kong, Britain and China, which are not quite dealt with yet and we thought this would be a good opportunity to be able to share our thoughts and clarify things with you and therefore we bear a lot of importance to your visit this time. On the basis of the fact that you have a very busy schedule, we thought that because we have such a long list of topics we would like to discuss with you, I would like you to extend, if possible, a little bit longer time for us and I'm very glad to say and inform members that the Foreign Secretary has agreed to play it by ear, and extend a little bit of his time with us.

Now as we have already forwarded a list of topics for you to discuss with us, and yet we know that you have a sort of statement you would like to make to us - - -

Mr Rifkind: Very brief.

Dr Leong Che-hung: - - - and to the people of Hong Kong, perhaps without wasting time could I just pass over to you to make your statement before members start asking questions on their topics.

Mr Rifkind: Thank you very much indeed. May I say that I only intend to speak briefly so we can allow maximum time for the questions that you would like to put to me. It is very privileged to have this opportunity to meet the members of LegCo and I understand that this is the first time such a meeting has been held in quite this open format and I hope we can have a very good and very viable exchange of views.

Can I just say briefly, two or three points, if I may. The first point is that I see my responsibility and the responsibility of Her Majesty's Government working for the successful transition that will take place next year as amongst our most important priorities as the British Government. The future of Hong Kong is something of crucial importance and it's something which will quite properly, not only take up your time in a very obvious way, but also be a very important obligation for the British Government in future, as it has been in the past.

May I secondly say that when I talk about a successful transition, I do not mean a transition whose success will be able to be measured on the 30th of June of next year. The real test of course is what happens thereafter and it is part of our common objective to ensure that anything we say, we do, we seek to achieve at this time and over the next 18 months will contribute towards the continuation of Hong Kong's prosperity and its way of life and the rule of law, for many generations to come. The United Kingdom's commitment to the well-being of Hong Kong stems primarily from our obligation on ethical grounds, on moral grounds, to do what we can to assist Hong Kong at the present time, but there is also a strong economic interest as well, because the suggestion that one sometimes hears that the United Kingdom has no likely interests in Hong Kong after next year could not be further from the truth. Only this morning I presided at a ceremony concerned with the new Consulate General. It is going to be the largest Consulate General that we have anywhere in the world, larger than many embassies that we have in many countries and its size has not been determined on symbolic grounds, but because of the breadth of common interest that we will be sharing with the people of Hong Kong in the years to come. I shall be going to China tomorrow. People occasionally comment on our economic interests with China and it is true we have economic interests with China, but they are and they are likely to remain far less than our economic interests in Hong Kong. Let me explain what I mean by that. Our exports to China last year were some 800 million pounds. Our exports to Hong Kong were over 2.7 billion pounds. We have a lot of investment in China. We are Europe's largest investor in China with investments of some 4 billion pounds, but our investments in Hong Kong are some 70 billion pounds. So in terms of the relative importance, Hong Kong remains a major economic interest of the United Kingdom and its stability and its progress and the maintenance of its way of life is therefore not just a moral obligation, an ethical obligation that we recognise to do what we can to assist, but it also is an economic interest as well.

And may I make just one final point, before we come to questions. When I go to Peking tomorrow I do not see my role as purely being to listen to what I hear from our Chinese colleagues, important though that will be. It will also be to communicate and to represent the views, the aspirations, the concerns, the worries, the problems, of the people of Hong Kong that have been communicated to me and to the Governor and to my Government in recent times. We recognise that much has been achieved over the last few years but I am also aware that there is still significant concerns, genuine problems of confidence, unquestionable uncertainties, some of which could be clarified in the short-term and we hope they will be, others which may require a little longer and I see our role as being doing what we can to ensure that we can influence those events in a way that is consistent with the well-being of the people of Hong Kong for very many years to come.

Thank you very much.

May we now turn to questions.

Dr Leong Che-hung: Thank you Foreign Secretary, your words are very encouraging indeed, I must say. Now we have a list of topics which I have sent to you. I would like to start off with a topic concerning British nationality and British citizenship. What I will do is to ask one of our members to lead a question and after that I will open it to the floor and as there will be a time limit, or in the interests of time, I will ask members to bear with me that I will put a stop at a certain number of questions so, as I mentioned, in the interests of time.

Now to kick the ball off, as I say, with the British nationality and the British citizenship, can I call upon Ms Emily Lau to start off with some questions please.

Ms Emily Lau: Chairman, I want to welcome the Foreign Secretary to this Council and to congratulate him for having the courage to have this open meeting with us which none of your predecessors have ever dared to do, although of course the Governor does it regularly. And as the Chairman said, Foreign Secretary, my question is on citizenship. During your very brief stay here, I am sure you have talked to a lot of people and I think there is one issue on which this community is united. If you talk about democracy and others you may hear different views. And even on the representation on the Preparatory Committee of which the pro-democracy lobby has been completely excluded, you will hear different views. But on the question of British citizenship this whole council, the Hong Kong Government and the Governor, we are completely, solidly united. We want your Government to reconsider offering full British citizenship to the three-and-a-half million Hong Kong British subjects. Not all of them will take it. Some of them will want to be Chinese citizens. Good luck to them. But there are those who don't want to.

And, Foreign Secretary, earlier this afternoon when you spoke to the two chambers of commerce, you said that during your six months as Foreign Secretary it only increased your admiration for the courage and the clarity of vision with which Governor Patten has led this community. Well, Governor Patten is solidly behind us! Is nationality a blind-spot of the Governor? Or you think the Governor has been very seriously misguided? And also, Foreign Secretary, finally, you said in your speech you will discharge Britain's responsibilities towards Hong Kong fully and honourably. How can you do that if you abandon Britain's citizens to Chinese communist rule? No independence. No self-rule. No autonomy. No guarantee for participation in the political affairs, for the rule of law, for human rights. How can you do it Foreign Secretary?

Mr Rifkind: First of all, may I say that just as you yourself indicated that there are issues on which everyone agrees in Hong Kong and issues on which you disagree, so too there can be such differences of view that can also exist in the United Kingdom. This is not a phenomenon peculiar to Hong Kong. Can I also say that I thank you for your initial comments. I read your article this morning in the newspaper, in the South China Morning Post, a very interesting, a very provocative article and I'm sure it represents very real, genuine feeling on the range of issues that you commented on.

Can I come to the particular point that you have raised. It is a sensitive issue. As you and other colleagues will be aware, it was an issue fully debated in the British Parliament some years ago. The policy that was adopted, referring to the 50,000 heads of household, was not just the policy of the government party. As you're aware, the main opposition party shared that view. There is an overwhelming majority, I have to say, in the House of Commons, combining both Conservative and Labour members, that have supported the policy that your question refers to and I do not see that opinion having changed. I do not see any movement of opinion on either side of the House of Commons that would be likely to lead to a different conclusion. And this was an issue, I know, which was looked at very, very carefully. I want to be frank with you. I do not see the basis on which that policy is going to be reopened. There is no pressure in the House of Commons from either government or opposition parties to do so, and therefore I do not believe it is going to happen.

Ms Emily Lau: Chairman, my question is not on the British Nationality Selection Scheme. I'm sorry, Foreign Secretary, you are wrong. I am talking about full British citizenship for the three-and-a-half million Hong Kong citizens.

Mr Rifkind: Yes, that is what I am talking about.

Ms Emily Lau: The scheme, the BNSS, is woefully inadequate. And of course if you would want to broaden that, I mean that is a step in the right direction. But I am talking about your government, your country's responsibility for the citizens that you are going to hand over to Chinese communist rule. Do you not have a conscience? Do you not think it's disgraceful to hand these frightened people over to a regime from which they fled? - and to which the British have given them shelter for so many decades?

Mr Rifkind: Well, we all have consciences and we are all seeking to do the best we can in what are very difficult circumstances. And it is very easy to make accusations across the Chamber - it happens in the House of Commons and I'm sure it happens here even when I am not present - and therefore that is not a new phenomenon. What I do recognise is that yes, we have many obligations. What your question refers to, and I very much understood your question when it was first asked, was whether a right of citizenship which has not existed in the past should now be provided. And that is an issue that I explained to you, as you well knew, was subject to very full debate and there is an overwhelming majority, a vast majority in the House of Commons, that will not contemplate, on either side, a change of the kind that you have suggested. And I would be misleading you and your colleagues if I tried to use words which implied otherwise. That is the simple unvarnished truth.

Mrs Selina Chow (in Chinese): Mr Foreign Secretary, actually Mr Foreign Secretary, actually I intended to ask a question in relation to the British Nationality Selection Scheme, but since you have already covered that point and you have been very definite in your reply, I would like to go on to another point and probably you will be able to give us an answer that is more palatable.

Last week we had three tour groups going to Bali and three fatalities and eight casualties because of an accident and the British Embassy in Bali, or in Indonesia rather, did not give any assistance. So it goes to show that your people overseas have failed to take up its responsibility in assisting BDTC and BNO passport holders and today we have learn that the British Government and Hong Kong Government have failed to promote the consulate services that are available to BNO and BDTC passport holders and the safeguards. So the question is, will the UK Government rectify the position immediately and also inform Hong Kong officials overseas to take up their responsibilities in the same way they provide services for UK citizens? And then before and after 1997, what is the attitude of the UK Government towards the BNO passport holders? Will there be any differences? If there are not to be any differences, how are you going to ensure that this is so?

Mr Rifkind: I am very concerned to hear of the particular incidents in Indonesia that the questioner refers to. I am not familiar with the details of these incidents. So far as British passport holders are concerned, who live in Hong Kong, in so far as we have a consular obligation to any person with a British passport who may be in another country in the world, then if that person has a problem and a difficulty that justifies consular protection, then it is the responsibility of our embassies to give that consular protection as they would to a British citizen from the United Kingdom and so I would certainly want to investigate the problem that you have referred to me and if there has been a mistake on this occasion, then we would wish to ensure that that does not happen again. Many people in Hong Kong are and will be entitled in future to consular protection in countries around the world. If they are entitled to that protection then we must ensure that they receive it and we will take whatever steps are necessary to ensure that that is what happens.

Mrs Selina Chow (in Chinese): Mr Foreign Secretary, can you tell us categorically that the UK Government and the Hong Kong Government will provide guidelines for procedures so as to implement what you have undertaken?

Mr Rifkind: I shall be very happy to examine in a very positive way whether it would be helpful to have guidelines issued to our embassies and consulates in various countries around the world to ensure that whenever there is a problem being experienced by someone from Hong Kong who is entitled to British Consular protection, to ensure that they receive that protection. Yes, if there is a problem at the moment we need to resolve that problem and I will initiate steps to ensure that these problems do not occur in future.

Mrs Selina Chow (in Chinese): Does that apply to those before and after 1997?

Mr Rifkind: Applied either before or after to anyone who by virtue of their passport is entitled to consular protection in countries around the world, both before and after 1997.

Ms Christine Loh: Foreign Secretary, there is a particular problem with the ethnic minorities, as you well know. We are told by that community that there are perhaps no more than three to four thousand Eurasians and people mainly from the Indian sub-continent who will be stateless. It will be difficult, and indeed they do not want to apply for Chinese citizenship as such. In view of the fact that this number is really now a very small number, is there really nothing that the British Government is going to do? You did say just now, Sir, that there are ethical and moral grounds for Britain to continue to take an interest in Hong Kong. I mean surely, like with the question from Ms Emily Lau, the honourable way is to ensure that these people do not have to in any way doubt that they have a nationality after 1997?

Mr Rifkind: The advice that I have received on this subject is very clear that the people to whom you refer will have a right of abode in Hong Kong after 1997. That is what the advice says and I at the moment have no reason to doubt that. But can I add to that and say that if, after 1997, there developed evidence which suggested that that advice was inaccurate or wrong, then clearly we would want to consider sympathetically and constructively any approach from such a person. We recognise that the concept of statelessness, if that indeed was the case, without a right of abode in Hong Kong, would be a very serious problem. My advice at the moment is that that should not be a problem. If that advice turned out to be inaccurate, then I repeat, we would want to look very sympathetically at anyone in such a situation to ensure that the problem was resolved in a humane and acceptable way.

Ms Christine Loh: Foreign Secretary, you are a distinguished lawyer. I'm sure you know that there is a vast world of difference between having the right of abode somewhere and full citizenship. So do you acknowledge that the ethnic minorities will not have full citizenship and if not, why do you want to make them wait until after 1997 to see if there is a problem in order to solve really what is now a very minor problem in human terms?

Mr Rifkind: Their position with regard to British citizenship is the same as many other people in Hong Kong. You have drawn to my attention, indeed I was already aware, that there are concerns that despite their presence and residence in Hong Kong, it is suggested by some people that they may not have a right of abode. I can only respond to that on the basis of the best legal advice, the best professional advice that we have received and that suggests that these fears are ill conceived, that they are not correct. And if that is the case, then their position is no different in substance to that of very many other people. But I wanted to acknowledge that sometimes even the best of advice turns out not to be as soundly based as one would like and therefore I don't want to rest purely on the advice and that is why I am saying, if the advice turned out to be incorrect, then I am saying right now that such persons need not fear that their position would be hopeless. We have said we would sympathetically consider approaches by such persons if these circumstances arose. Now that seems to me an entirely humane and reasonable position that should reassure people that whatever happens their position is not one which will be without serious hope as regards their security.

Dr Leong Che-hung: Foreign Secretary, what is Britain's position on the War Widows? As you probably realised when you came in, you received a letter from Mr Edwards who has been fighting for this for quite some time.

Mr Rifkind: The War Widows have already been informed that they have an absolute right of abode in the United Kingdom. I understand that each of them received a personal letter from the Home Secretary indicating this situation. I know that there is interest again in the question of citizenship, that would not be possible under Britain's existing nationality law, it would require primary legislation. If they choose to exercise that right of abode and settle in the United Kingdom, then in due course, like any other person who resides in the United Kingdom, they would be able to apply for citizenship in the normal way. So they have total security with regard to their own personal circumstances and that has been very fully explained.

Dr Leong Che-hung: I think that we have to move on and the next topic that we have to discuss with the Foreign Secretary is on United Kingdom and Sino and Hong Kong relationship. I think Ms Christine Loh will start the questions off please.

Ms Christine Loh: Foreign Secretary, I'm glad to have so many times that I can address you today.

You did say today, at I believe a luncheon, to the British Chamber of Commerce that a successful transition means much more than a smooth transition and that you said the objective of a successful transition is served by Britain's unwavering determination to do whatever we believe to be in the best interests of Hong Kong. And then, rightly, I think you go on to mention that you felt that there's no reason for this particular legislature to be liquidated after 1997. I think this council was quite disappointed with you when Qian Qichen was in London, where he made some comments about the possibility of again liquidating this council, that you seemed to have just stood by and not respond. But in any case, you do have a chance now to go to China. How are you going to demonstrate this unwavering determination? What we don't want is for you to go to China and then, if it is inconvenient to bring the subject up, then you don't bring it up. How do you think you can represent, as you said, you said you would go to China and you would communicate and to represent the views of Hong Kong and I think the views of Hong Kong is that we do not want to see this legislature replaced by an appointed provisional body?

Mr Rifkind: Well, I unreservedly agree with you. I very much regret that during the meeting in London there was some ambiguity as a result of both what was said and what was not said. The remarks of Qian Qichen were actually made at the very end of a press conference and there wasn't an opportunity to comment on them at that time and I much regret that. But that point has already been clarified. I have since in two or three speeches both in the United Kingdom and here in Hong Kong and in contacts with the Chinese Ambassador in London, made clear our view, which has always been our view, that we believe and it would be astonishing if it wasn't our view given the very strong measures that we have taken which have led to the establishment of a properly elected LegCo. I will not wait for the matter to be raised in Peking. I shall certainly indicate our view, which is the view I assume of those in this council, that we believe that LegCo having been properly elected, it is entirely appropriate that it should continue for its full term of office, that is not only in the interests of the people of Hong Kong, but I believe it would be in the interests of China as well because it would symbolise and demonstrate in a clear and unequivocal way the continuity that is sought by all who have Hong Kong's best interests at heart.

Ms Christine Loh: Yes, Foreign Secretary, the point was clarified in London but the opportunity I think was missed. But this unwavering determination, I mean what can the British Government do? Is there anything that the British Government can do or are you just going to standby in 1997, and see us liquidated?

Mr Rifkind: Well, I'm not quite clear what your suggestion is, as to the kind of action that you think would be most likely to produce the desired result. We have made our views very clear, we will continue to make our views very clear. If you have a specific proposal that you think would enhance the prospects of that policy indeed being accepted, then I am very willing to hear it.

Mr David Li: Sir, will you advise us regarding the progress of the agreement reached between you and the Chinese Foreign Minister in October, in London - what progress you have made?

Mr Rifkind: There were a number of areas that we discussed in London. And part of the meeting that I will have with Qian Qichen tomorrow afternoon in Peking, will be to review these areas, so it is difficult at this stage to give you a full answer on matters of that kind. We have had, for example, meetings between some of the Hong Kong officials and their Chinese colleagues, some contacts of a kind that had not taken place in the past and which were desired by the civil service here. That has begun to happen and we have had some discussions on the outstanding problems regarding the container terminal CT9. That may be slowly moving towards a resolution. There have been discussions on a number of other items of that kind. But I will need to hear clearly from my Chinese colleague tomorrow the precise degree of progress. It was relatively recently that we had the meeting in London, it's only, literally, a few weeks ago, about two months ago, but the movement has been of a helpful kind and this is something I welcome.

Mr David Li: Sir, did you discuss about the co-operation the British Government and the Hong Kong Government is going to give to the Preparatory Committee?

Mr Rifkind: Yes, we have always made it clear that even if we have considerable sense of disappointment about the membership of the Preparatory Committee, that it is highly desirable for there to be co-operation. That is in Hong Kong's interest. I believe that is what the people of Hong Kong would expect and we indeed stand ready to give maximum co-operation of that kind.

Mr Martin Lee: Mr Foreign Secretary, I had to leave early from the opening of the legal year this afternoon in order to ask a question of you. So lawyer to lawyer, or QC to QC, can I ask you what you would actually do to - using your own words at lunch - 'ensure that Hong Kong people's fundamental rights and freedoms are properly safeguarded', if your counterparts in China were not to listen to your eloquent entreaties in relation to the scrapping of this LegCo and then to replace it with an appointed provisional one, and the emasculation of the Bill of Rights Ordinance? Now just confining to these two important matters, what will your government actually do, not say - no matter how eloquently you may say it - if they were to refuse to listen?

Mr Rifkind: We know and we are, I don't think, in disagreement that the transition will take place June 30th of next year. That is a legal obligation. That is something which is unavoidable, not simply in political terms but in legal terms as well. We have to ensure that the Chinese Government are in no doubt that the success of Hong Kong, to which they also attach great importance, will best be safeguarded by the clearest demonstration by the Chinese Government that they wish to respect the autonomy of Hong Kong and to allow the continuation of its way of life. It will always be a matter of judgment whether certain changes that they may wish or not wish to implement, what impact that would have on confidence, what impact that would have on Hong Kong's unique identity.

With a relatively short period to go between now and the transition, the British Government can make both its own views and the views of the people of Hong Kong known very clearly, very frankly, albeit very courteously to the Chinese Government. We cannot impose solutions upon them. I cannot suggest to you, nor would I wish to, that we have a physical power which is not available to us given the constitutional situation. And therefore our duty is to represent these matters, to warn of the implications of unwise action, and together with you and your colleagues and the people of Hong Kong, to try to persuade the Chinese authorities as to which steps by them would help confidence in Hong Kong and which would damage confidence in Hong Kong.

Mr Martin Lee: Now, if they were really to go ahead and scrap this LegCo and replace it with an appointed one, that is a clear breach of the Joint Declaration which is an international agreement. Surely there is something your government can do - by taking the other party to the World Court for example. Has that ever occurred to you? And you don't have to sit back and lament over us or even pray for us.

Mr Rifkind: I am very willing to look at any legal or other avenues that would be available if there was any proposal to breach the Joint Declaration or the Basic Law. Of course if there are opportunities available to us, if such an eventuality was to arise, then it would be a duty upon us not to exclude these possibilities and if they seemed likely to be fruitful, to pursue them. And if you wish to draw to our attention avenues of that kind, please do so. Of course we hope that these are hypothetical questions, that they will not be required to be considered. But certainly those matters that are within our power to ensure respect for the Joint Declaration and the Basic Law, of course you are correct to say it would be proper for us to respond positively if there were means available to us to achieve what is the desired result, and indeed the result already agreed between the two sovereign states.

Mr Howard Young: Secretary, I am interested to know to what extent the United Kingdom Government will advise the Hong Kong Government, encouraged the Hong Kong Government, in respect to co-operation with the Preparatory Committee which is about to be set up. Now looking back about two years ago when the Preparatory Working Committee was set up, it appears to us in Hong Kong that it started off firstly with a stand of non-recognition, non-co-operation and non-meeting, and then at the behest of many in the community it developed into actual contact and briefings but short of full co-operation. Of course the Governor has made quite clear that the Preparatory Committee is within the terms of the Basic Law and the Joint Declaration and therefore there will be co-operation and there will be a Liaison Committee set up. But Liaison Committee could mean a very simple thing of just passing messages back and forth or it could mean something more than that pointing to a full-fledged co-operation and I would like to know to what extent this co-operation is to be fulfilled and implemented?

Mr Rifkind: My instinct would be to say - and indeed more than my instinct - my assumption would be that we would wish to have the maximum possible co-operation with the Preparatory Committee. It's a very important organisation, its views are bound to carry considerable weight with the Chinese Government. It is intended that we should be working to the maximum extent possible to achieve successful transition. I would certainly look to the Governor and to his colleagues for advice on the modalities of that co-operation, how that can best be achieved, but I do not see the co-operation as symbolic or simply formal, we wish it to be as substantive as can be achieved because that is the best way we can jointly have of influencing the Preparatory Committee and trying to ensure that the recommendations that it makes are the most sensible ones and the ones most likely to be beneficial to Hong Kong.

Mr Howard Young: I would like to add that I speak also as a member about to receive appointment on the Preparatory Committee. Does the Secretary recognise that because of the fears of Hong Kong people that there might be created a second power centre which could theoretically undermine the effect of the Hong Kong Government, and despite that the Chinese Government in Director Lu Ping's statement that it would not be a second power centre, that if the Preparatory Committee feels that it is not getting sufficient co-operation, say, and then tries to go on its own to set up a huge secretariat, then that is probably what will transpire.

So therefore does the Secretary agree that in fact the more resources and manpower that the Hong Kong Government is able to put in to help the Preparatory Committee in its work will in fact achieve the result of having less need for the Preparatory Committee to go out and do its own show, which I think nobody, including people who are on the Preparatory Committee, want to do?

Mr Rifkind: I think all the arguments in a sense point in the same direction, that it is highly beneficial for the Preparatory Committee's links with Hong Kong, at this stage and from now on, to be as substantive as we can achieve. There can be no question of the authority of the Hong Kong Government being diluted in any way before 30th June of next year, and we do not see any acceptability in, as it were two systems of government or administration for any period of time. For that reason and for the other reasons, including those that you have referred to, that does point towards the kind of co-operation with the Preparatory Committee that we would indeed seek to encourage.

Mrs Elizabeth Wong: Mr Foreign Secretary, I seek to ask a question which is neither interesting nor provocative nor hypothetical but actually factual and relevant to the fundamental well-being of Hong Kong and smooth transition of sovereign powers. Now just to remind us of two testaments: this is the Sino-British Declaration, this is the Basic Law. Under section 3(2) of the Sino-British Joint Declaration and section 2 of the Basic Law both the British Government and the Chinese Government have promised us, Hong Kong people, a high degree of autonomy. Yet, nowhere, even in your beautiful introductory remark, has the phrase "high degree of autonomy" crept in. Indeed, up to now, there is very little evidence - which is conspicuous - regarding the attention we are paying to this attainment of high degree of autonomy.

So my question is a very factual one. It is whether you regard this - as it is your duty and your business to ensure - that there is this high degree of autonomy, and if so what exactly are you doing about it?

Mr Rifkind: The high degree of autonomy is not an option, it's not incidental, it is crucial, it is fundamental to the Joint Declaration and to the Basic Law. It is what two systems and one country is all about. And therefore, it is not as if it were an optional extra. Unless Hong Kong receives the high degree of autonomy to which you refer, then we have not seen the implementation of the Joint Declaration and the Basic Law. So your question goes to the very heart of the relationship between Britain and China and the commitments that have been given with regard to Hong Kong. And everything that we have done and will continue to do in the future are centred on the objective of high degree of autonomy. Because that, translated into the real world, means the way of life, the rule of law, the separate economic structure, all the things that make Hong Kong unique and make it different from China. And that is essentially what this whole arrangement is about and therefore it is, as I say, fundamental.

Mrs Elizabeth Wong: Sir, I don't think you have quite answered my question. My question is, what are the factual evidences of the pursuit of high degree of autonomy? Everything we see does not point to the high degree of autonomy. I mean, you know, there are sort of gives and takes and compromises here and there and everywhere, including the point just raised before regarding the Provisional Legislature. People are threatening to dismantle this legislature. I know you have said that you disapprove of that, and yet there is no evidence that something is done about it. And what, indeed, can be done about it? And it's a whole series of things. I see no evidence. And not only I, many people agree with me that there is no evidence that we will be in fact guaranteed the high degree of autonomy. It looks pretty on paper. It is too beautiful to be trusted in fact. So what I am saying is that, what are the factual bits of evidence that we can get that we will be in fact getting it?

Mr Rifkind: Autonomy is expressed both in form and in substance. In form it is expressed in terms of a separate executive, a separate legislature, a separate legal framework; the whole administrative structure, the whole SAR is the form of autonomy. But of course it is not sufficient just to have the form, the substance is what goes to the very heart of what we are all concerned about and for that substance to be genuine, then the decisions relevant to the future workings of government within Hong Kong need to be taken by Hong Kong, and need to be taken by Hong Kong with reference to the interests of Hong Kong. And it will be the greatest test to identify the substance as well as the form of autonomy, and the best protection for that is that - in my judgment and I suspect in yours - unless there is both form and substance then Hong Kong's unique ability to provide wealth, to provide trade, to provide economic activity as well as the quality of life of its people, will not be able to be sustained. And if China wishes, which I believe it does, to see Hong Kong continue to have that identity, then China must accept as must everybody else, that that cannot be done without a recognition that both the form and substance of autonomy need to be respected as both the Joint Declaration and the Basic Law envisage.

Mr Paul Cheng: Mr Foreign Minister, I apologise first of all for the duplication of some of these questions, but let me try it from a different angle in terms of the overall relationship between the three parties so to speak, Britain, China and Hong Kong. On the one hand it's very good to have so many different channels of communication. It gives us flexibility. On the other hand it does create some confusion and that's why I'm asking for your understanding of the respective roles of all these different sort of foreign office, the Chinese Government, the Hong Kong Government, the Preparatory Committee, the JLG and so forth, because first of all we are delighted to hear that you had a successful meeting with the Chinese Foreign Minister. The Hong Kong relationship with Beijing is not very good because top management, so to speak on both sides, has not met. JLG's performance is mixed at best. The Preparatory Committee is something in the future, we don't know too much about it. So I would like to see if you can give us some specific examples of what you talked to the Chinese Prime Minister about and what your agreements were during his visit to UK and then also specifically what you intend to follow-up in this area when you go to Beijing, in more specific terms, if possible?

Mr Rifkind: The meetings I will have, the programme that has been arranged for my visit to China, will be a very substantive programme and I will be able to speak directly to very senior Chinese leaders and that will be a very important opportunity to share with them our thoughts about the situation as it currently exists with regard to Hong Kong and what can best ensure the successful transition that we are all working for.

The issues that we will be discussing will be the whole range that you would expect. The issues on which there either is as yet an unresolved policy or in which there is disagreement. In both areas we will cover these matters because otherwise these talks would be of little benefit to either side and so we will be concentrating on those issues where there have not yet been decisions, where there is discussion continuing, and also I will wish to raise those issues where there is a difference of view. Where we believe that current policy or what may be current policy may be unwise and unhelpful. So it will be across the whole spectrum and I shall be in Peking for over two days and there will be very good opportunity, with several people whom I will be meeting at a very senior level, to ensure that these views are heard and hopefully we can discuss them in a very constructive way.

Mr David Chu: Mr Foreign Secretary, in your speech this afternoon you still seem to treat Hong Kong as a cause for confrontation rather than co-operation with China. With just over 17 months left, isn't it time for Britain to help Hong Kong reconcile with China?

Mr Rifkind: Absolutely agree. I very much endorse the view that it is through a constructive dialogue and a joint set of objectives that we can best ensure the success for Hong Kong that we seek. Over a vast range of issues there is agreement. Over a number of issues, which are important, there are either not yet decisions which have been reached or there are slight differences of view. Inevitably in a discussion of this kind the exchanges focus on those areas where there are differences of view. Otherwise there would be little benefit in such exchanges. And that also goes for my meetings with my Chinese colleagues. We don't spend our time discussing the whole range of issues where we have reached agreement, the huge progress that has been achieved in many areas. In order to make the best use of these exchanges, as today, we concentrate on unresolved matters or on difficulties and that is not a policy of confrontation with the Chinese Government any more than I would wish to have a policy of confrontation with LegCo or with those who have asked me some difficult questions. It is the stuff of dialogue that hopefully will gradually lead to a common position that you and we and they can all endorse as being in the best interests of Hong Kong. None of us can be certain that that will be able to be achieved in every area. I don't want to go in for mindless optimism, but there is a huge amount that has been achieved. Nobody will benefit, neither the Chinese nor the British, nor of course the people of Hong Kong, if issues are unresolved or are resolved unsatisfactorily and therefore we will use every means available to minimise areas of disagreement and hopefully resolve them completely. That is the objective.

Mr Albert Ho (in Chinese): After 1997, we talk about protection of human rights after that and LegCo has two points. First, according to the Joint Declaration the Chinese Government has reporting obligations in relation to the two international covenants on human rights and they will also have to attend hearings. And then secondly, in Hong Kong we should continue to have the BORO, the Bill of Rights Ordinance and existing legislation should be amended to comply with the Bill of Rights Ordinance. And yet the Chinese Government is strongly against these two points and it is pointed out by them that the Chinese Government will not report on Hong Kong's behalf and after 1997, the BORO will be diluted and amended legislation will be reverted to its original version and it will target Hong Kong's press freedom, freedom of assembly etc.

And so, our question is, first, what is the UK Government's stance? In other words, in relation to the attitude of the Chinese Government, is this against the Joint Declaration?

And secondly, if it is not in line with the Joint Declaration, what can you do?

Now today you seem to be putting the ball in our court all the time asking us for views but today we are asking you whether you will take the following specific steps. First, in March this year in Geneva there will be a meeting of the Human Rights Commission and our request is that the UK Government should move a resolution asking the Human Rights Commission to pay attention to the human rights situation in Hong Kong and also to ask that the Chinese Government take up it's reporting obligation and report our human rights.

Dr Leong Che-hung: To urge the United Kingdom Government to move a resolution in the forthcoming sessions to the Commission of Human Rights and the framework of the resolution, I think we have sent it to Britain and also a copy to your office. I wonder whether you can have a quick response to that at this point in time.

Mr Rifkind: Right. The starting point of course is that the Joint Declaration itself commits China to accepting that the international convention on political rights and the other convention will apply, will continue to apply to Hong Kong after 1997, that is accepted in the Joint Declaration and it is because the Bill of Rights Ordinance simply seeks to implement in Hong Kong Law the international convention, that we believe that the recommendation of the sub-committee of the PWC was unnecessary and inappropriate. We already have made this point clear to our Chinese colleagues but I will certainly be returning to this point in Peking, that we hope that this recommendation of the PWC, and at this stage it is only a recommendation, it is not a policy of the Chinese Government to interfere with the Bill of Rights Ordinance. We very much hope that the Chinese Government will decide not to implement this recommendation from the sub-committee and will recognise that the BORO is simply implementing the covenants which they themselves have agreed should continue to apply to Hong Kong after 1997.

On the two specific points that you raised in your question. First of all, with regard to the reporting obligation. Yes I agree with you, it is indeed desirable and we will indicate our view that the reporting, in terms of the international convention, should be agreed to. It is our judgement and I believe it's the judgement of others that this follows from the endorsement of the international convention and I shall be very happy to endorse that.

With regard to the question of a resolution. That is something which is an interesting proposal. I have not yet come to a conclusion on that. I would like to consider that to see whether that is appropriate, whether it is desirable. I certainly do not rule it out but at this moment in time I cannot say specifically whether we will wish to do that but I can promise you we will wish to consider it given that LegCo have themselves raised this proposal.

Mr Albert Ho (in Chinese): I hope that the Foreign Secretary can be more specific. First, in relation to the first point. That is the stance, whether the stance, the existing stance of the Chinese Government is against the Joint Declaration?

Second point. I hope that you will be able to achieve something in China this time and you don't have to bring the whole matter up at the Human Rights Commission. But if we fail to get a satisfactory reply we will become very worried. Are there any reasons why you would refrain from taking this to the Human Rights Commission? In other words, what are the reasons if you were to reject our suggestion?

Mr Rifkind: I indicated, and I thought I'd indicated clearly, but I'm happy to try and improve, that we believe that any proposal to dilute the Bill of Rights Ordinance is not only undesirable but unreasonable. The Bill of Rights Ordinance merely implements the international convention, the international convention is accepted under the Joint Declaration and therefore we believe that that should be the end of the discussion. I note that all we have at the moment is a recommendation from a sub-committee which the Chinese Government have not yet endorsed and I welcome the fact that they have not yet endorsed that. It doesn't mean that they won't, but they have not done so and I hope that that means that they are giving very careful consideration to the various representations that have been received, both from Hong Kong and from the United Kingdom Government, and I will certainly be using my visit to Peking to explore further with them their thinking on this issue. I hope very much that they will accept the views that have been expressed, both by yourselves and by others in Hong Kong and by the British Government. If that proved not to be the case then we would obviously want to consider what could be done. I can assure you that our decision will be based on what will best help Hong Kong, that will be the criteria we will apply and I will be willing to consider either the question of a resolution or other possibilities and will consider them against the criteria of will they help the human rights situation in Hong Kong, will they help us to advance the objective which we all agree is the one we are trying to achieve and that is the basis on which I would consider the suggestion that LegCo has made.

Ms Emily Lau: Chairman, I want to ask the Foreign Secretary a question on violations of human rights after 1997. I hope he appreciates that is one of the biggest fears of Hong Kong people, that the Chinese Government should want to come and settle accounts with its enemies. Maybe there are quite a number in this council and that's why we are all going to be thrown out. So I think there is real concern. And even amongst journalists they are worried, and that's why they practise self-censorship. So after '97, if people should be persecuted by the SAR Government or by the Chinese Government directly, and some may want to seek refuge abroad - some may want to stay here and go to prison and be martyrs - but some may want shelter, what do you think is your government's obligation regarding helping these people? Do you have a special obligation or will you be just another member of the international community who may pay lip service to it and do nothing?

Mr Rifkind: We have a special obligation, is the answer to your question. We have ourselves raised human rights violations when they have happened in China itself and therefore we would hardly be likely to ignore any human rights violations that might at some future date take place in Hong Kong. But of course the historical connection, our own current relationship with Hong Kong, inevitably would give us a very special obligation, much more than any other country in the world, to take up any abuses of human rights that might appear in Hong Kong and do what would be within our power to try to end them, mitigate them or take account of the consequences of them. So the answer is, a special obligation for the reasons that I've mentioned.

Ms Emily Lau: Chairman, I did ask the Foreign Secretary about offering refuge. I mean that is if they can get out! If they've been locked-up already then I hope you will do what you can to seek their early release - like the release of Wei Jingsheng. But for those who may have a chance of fleeing, do you think Britain - or can you say right now in 1996 and say: Yes, Britain is prepared to take all these political or whatever other refugees who may be fleeing the Hong Kong SAR?

Mr Rifkind: A person who was genuinely requiring asylum in the United Kingdom and who had these links with the United Kingdom because of the Hong Kong connection, it is a matter for the Home Secretary but I would imagine such a case would be a very, very powerful case for the Home Secretary to consider. That has to be the situation, given the very close links between Hong Kong and the United Kingdom.

Ms Emily Lau: So, Chairman, the Foreign Secretary is saying he can't give us a categorical assurance.

Mr Rifkind: Ms Lau, you know perfectly well - you've been in politics long enough - you know perfectly well --

Ms Emily Lau: Not as long as you.

Mr Rifkind: You know perfectly well that Foreign Secretaries cannot give categoric assurances about hypothetical individual cases of political asylum. And you would be astonished if I was able to give any different answer to that question, so please don't misrepresent what you know is the only answer that can be given in the kind of circumstances we are discussing.

Dr Leong Che-hung: We hope you are going to be a slightly different type of Foreign Secretary.

Mr Lee Wing-tat (in Chinese): Chairman, I would like to follow up on what Mr Albert Ho has said. About the PWC's recommendations, the Foreign Secretary said that they may not be the Chinese policies. But the Vice-Directors of the Hong Kong and Macau Affairs Office actually said that this represents the Chinese stand. Now, Mr Foreign Secretary, when you meet the Chinese leaders will you make this point to Mr Qian Qichen?

Mr Rifkind: Is your question with regard to the BORO?

Mr Lee Wing-tat (in Chinese): It's about after 1997 and whether the Chinese Government has the obligation to submit reports to the UN; and about the PWC recommendations and whether they are representing the Chinese policies. Now for these two points, will you put these across to Mr Qian Qichen? And after your visit to China will you announce the results of the discussion to the Hong Kong people?

Mr Rifkind: The question of reporting, I have already indicated to your colleague I believe is appropriate and that's the view that we shall express. With regard to the BORO and the Chinese Government's position, we have been in communication with the Chinese Government on this question and I am quite clear in my own mind from the communications that we have received that the Chinese Government have not reached any conclusion on the recommendation of the sub-committee of the PWC. If they have reached a conclusion, it is not one that they have informed us about or that they have made any public statement in that connection. So I believe it is important to recognise that fact. I very much hope that they will reach the right conclusion. And we will do what is within our power to encourage them to do that.

Mr Lee Wing-tat (in Chinese): Mr Foreign Secretary, you have repeated that you'll consider that when the Chinese formally express their stance. It seems that you are just mentioning opinions today. What can the British Government do? Now, Mr Albert Ho has mentioned the views of our council. Apart from making a resolution at the Commission of Human Rights, now what alternatives do we have to tackle this problem? Not simply voicing opinions but to tackle this problem.

Mr Rifkind: I think the important point that we would all recognise is that decisions of the Chinese Government on matters such as the Bill of Rights Ordinance are not just important in themselves - though they are important in themselves - but they are also important as evidence of the wider attitude of the Chinese Government to the obligations of the Joint Declaration and of the Basic Law. And therefore it will be important to emphasise that if the Chinese Government feel able to recognise the BORO follows directly from the International Covenant on Political Rights which has been accepted by the Joint Declaration, that will be a matter of very considerable reassurance to Hong Kong as well as to the British Government that we are all working towards the same objective. So that is an important point to get across in the kind of exchanges that we will be having and which I hope will be both constructive and fruitful.

Mr Chan Kam-lam (in Chinese): Mr Foreign Secretary, I am sure you will understand one thing, say for a passport holder if he can get visa-free entries in other countries it will facilitate his travel, his studies overseas or his businesses overseas. For the Hong Kong citizens, starting from July 1st, 1997, they will hold SAR passports. Now you are visiting China, will you mention this to the Chinese leaders so that they can understand that when they say our passport holders go to the UK after 1997, they can get visa-free entry? So can you say here something about the actual situation?

Mr Rifkind: I understand the importance attached to this subject. We in the British Cabinet have not yet addressed this issue, for a very good reason, that we have been waiting for proper and full information from the Chinese Government with regard to the SAR passport, how it will operate, the way in which it will apply, what privileges it will convey. Some of that information has now been provided, but not all of it, but I would hope that it will be provided very soon and I would expect that the Cabinet in the United Kingdom will address the question of visa-free access in the relatively near future. I don't want to see this delayed very long because I understand that people would like to have a very clear position on this, so I would hope that it can be addressed in the early part of this year and that we can get a clear and definite policy. I don't want to anticipate what that will be. I have to discuss it with my colleagues, but I do recognise that it's desirable to get a position that is clear and straightforward on this matter in the near future and I would hope to be able to do that.

Mr Chan Kam-lam (in Chinese): Now the Hong Kong citizens have a wish. If the UK Government wants to show its moral obligation towards Hong Kong, then this kind of issue should be declared expeditiously. Now for this kind of visa-free entry issue, the Hong Kong people do not want this to become a bargaining chip in negotiations with China.

Mr Rifkind: I don't see any reason why it should be a bargaining chip. Clearly until the, the SAR passport hardly exists at the moment except in general form, so we haven't been able to address this question because it is quite an important one, until the information from China was forthcoming. That is now beginning to happen and that's why I say I would anticipate that we will be able to address this in the pretty near future. It will not be a bargaining matter. It will be addressed on its merits and hopefully we can reach a clear and straightforward conclusion.

Mr Sin Chung-kai (in Chinese): Even though it has not been taken up by the Cabinet, I can't really see any reason why the UK Government should refuse to give us visa-free entry. Can you now specifically say that you will recommend to the Cabinet that Hong Kong SAR passport holders should be able to get visa-free entry?

Mr Rifkind: Any recommendations I make to my Cabinet colleagues are made privately, they are not made by public statements. We have collective responsibility as you would expect in Government and therefore we will have our discussion which will certainly include my own proposals on the matter and then we will reach a collective judgement and then that judgement will be announced. That is the proper way for all matters that are the responsibilities of Government to be determined.

Mr Martin Lee: Yes, Foreign Secretary, you talk about the Cabinet soon addressing this point. I can make a wager with you, five hundred pounds to your fifty pounds, that the Cabinet will say no and, you see what worries me is this is another proposal coming from our Governor. When he last visited the United Kingdom he took up another matter, that is the three and a half million passports for the people born in Hong Kong. Apart from admiring him for his courage and clarity of vision, are you going to actually back him up or are you going to ignore him just as he is being ignored up in Beijing?

Mr Rifkind: Well, can I say this to you Mr Lee, I noticed the odds that you were offering. Maybe we will want to come back to this discussion at some future stage. Far be it for me to anticipate what the financial implications might be, but please do not jump to conclusions. I think it would be very unwise and inaccurate to jump to conclusions. Of course on the other matter to which you referred, there was a difference of view and we expressed that difference of view. We didn't equivocate about it. We didn't imply that there was other matters of that kind. So far as the particular question I am being asked about at the moment, there needs to be a discussion and that discussion has not yet taken place for the reasons I mentioned earlier - - -

Mr Martin Lee: Why don't you back-up the Governor by accepting my wager?

Mr Rifkind: Time will tell. Time will tell and then we might have a further conversation.

Mr Allen Lee: Foreign Secretary, before I ask you a question on boat people, I just hope - and I'm sure members of this council will join me - when you say "time will tell", I would like to invite you back to this council in Hong Kong in January next year and perhaps you will answer not so hypothetical questions about provisional LegCo. And certainly, I hope your Party stays in power and you continue to be the Foreign Secretary so you can answer those questions directly. By then I'm sure they will be not so hypothetical questions.

My question is with regard to the Vietnamese boat people. This is a long-standing problem that Hong Kong has shouldered and there is a British undertaking about resolving this boat people problem by 1997; perhaps repatriation. But so far, still there are 20,000 boat people left in Hong Kong and no visible solutions. Only this morning we saw the newspaper reporting there will be a meeting in Bangkok in the middle of this month. Now, what is the British responsibility towards these boat people if - if - even though you say it may be hypothetical it might become visible - if they are left over in Hong Kong by 1997? Can you say that there will be no boat people left over in Hong Kong, as a statement to the people of Hong Kong? I'm sure we would welcome that.

Mr Rifkind: So far as the Vietnamese boat people are concerned, that obviously requires the co-operation of the Vietnamese Government. What we have seen is, I think originally there were about some 60,000 of such persons, that's now down to about 21,000 - 22,000. The Vietnamese Government have undertaken to allow the repatriation of a certain number each month and if they comply with that undertaking then that will resolve the problem within the time scale to which you have referred, and that is what we are working to, that is what we very much hope will happen. It is not easy. It is not straightforward. There are sometimes assurances given which are not fully complied with or are complied with over a longer time scale. But if the assurances that have been given by the Vietnamese authorities are accepted, then we can be confident that the problem will have been fully resolved by June of next year, indeed before June of next year. But that does depend on their co-operation and that is what we will be using all the power at our disposal to ensure is delivered, but it has to take into account that fact.

Mr Allen Lee: But will they do it? My question is, if they don't do it....

Mr Rifkind: It has come down from 60,000 to 22,000, so there has been a huge amount of progress, a lot has been achieved. There is no fundamental problem of principle to overcome. The Vietnamese Government do not refuse to contemplate the completion of this task, it has already been largely completed. They have given certain assurances to allow further numbers to be returned, repatriated to Vietnam, so that ought to be encouraging. But we will have to keep the pressure up and will indeed do so, to seek to get them to implement, as has happened in the past, the remaining problem that still requires to be addressed.

Mr James To (in Chinese): Chairman, a question for the Foreign Secretary. As you have just said, you need the co-operation of the Vietnamese authorities. Now I believe that the UK and the EU, both politically and economically can make Vietnam co-operate. Now I am sure you understand what I am saying, that you have different ways to make them co-operate. Now for instance, previously there was financial support and the EU, also through trade agreements, also managed to get co-operation. So can you and the European Union do anything there? I am now talking about 2,000 not 20,000; 2,000 who have been given Vietnamese refugee status and yet they have not been taken up by any third country. So I would like to ask a question in relation to humanitarian treatment and moral obligation: would you be willing to take the 2,000?

Mr Rifkind: We'd need to establish whether there was a consensus within the European Union for a linkage of that kind and whether such a linkage was acceptable in terms of international treaty obligations and the way in which one deals with persons in the position of the Vietnamese to whom we are referring. Of course if there are ways in which we can improve the prospects for their early repatriation and do so in a lawful way and in a way which is consistent with our obligations, we will be very happy to do so. We share with you the objective of seeing this policy fully implemented within the appropriate time. That is our objective and you can assume that any lawful and proper way which would help achieve that objective we will be happy to support.

Mr James To (in Chinese): In relation to the 2,000 awarded refugee status, the latter part of my question?

Mr Rifkind: On that specific problem, if they have already been granted refugee status then obviously their circumstances are different to the remainder and that ought to be easier to resolve.

Dr Leong Che-hung: Perhaps you could come back to us in writing on that?

Mr Rifkind: Sure.

Mrs Selina Chow: Foreign Secretary, I'd just like to state that as far as this council is concerned, and there has been two motion debates on this subject, and the support is overwhelming for Britain to take on the responsibility should the repatriation programme fail by 1997. In other words we are not just talking about the 2,000 refugees, we are talking about the entire Vietnamese boat people problem, in terms of both financial as well as the burden of these boat people. Now I know that the Governor is shaking his head, I know that he has repeatedly said that we should not in fact be asking for it, I'm sure that this is the view of the British Government, but as far as Hong Kong is concerned this is certainly not the sentiment of Hong Kong. Hong Kong feels very strongly that it is a responsibility that should be taken on by the British Government and I'd very much like to hear your views Foreign Secretary on this.

Mr Rifkind: Well, I note in your remarks you didn't actually provide any explanation as to why it should be seen as the direct responsibility of the British Government. The policy on Vietnamese boat people has been a policy pursued with considerable success but not total achievement yet by the Hong Kong Government. It is a Hong Kong problem, if I may say so it comes within the concept of autonomy and this is a problem of Hong Kong. We are very willing to play our part in assisting the Hong Kong Government, as we have done and as we continue to do, but to suggest that this is primarily the responsibility of the British Government, I'm afraid is to be reconciled neither with constitutional principle nor practice over the last few years.

Mrs Selina Chow: I'm afraid I have to remind you, Foreign Secretary, that the dealings with Vietnam is undertaken by the British Government, not the Hong Kong Government direct because this is on an international level.

Mr Rifkind: Of course, if there are representations that need to be made, we make representations on behalf of the Hong Kong Government. That does not mean that Britain has the responsibility to solve the problem. It does mean that if there are international representations that need to be made up to the 30th of June of next year, of course, we have the obligation and will fulfil that obligation, as we have done in the past. But, please I'm sure you know perfectly well that it is incorrect to interpret that obligation as an obligation to solve the problem. It is an issue which comes under the responsibility of the Hong Kong Government, that has been true since the beginning of this problem and no one has seriously suggested that the constitutional arrangements imply otherwise.

Mr Allen Lee: Chairman, I'm sorry I disagree with you Foreign Secretary because at the time, in 1979, I was a member of LegCo. The decision of taking those people, the three thousand who came on "Huey Fong" was under the direction of the British Government and the British Government, go back to your Foreign Office files, the British Government had ordered the Hong Kong Government to take those boat people and to declare that this is the first port of asylum and I was there.

Mr Rifkind: Well, no doubt that is the view which you hold. It's not what I understand to be the historical situation but I shall happily go back to the files.

Mr Martin Lee: Constitutionally, foreign relations is never within the autonomy of a colony.

Mr Rifkind: I'm not questioning that. That's exactly the point that I made to your colleague. That if representations are required, and this doesn't just apply to Hong Kong, it applies to a number of other dependant territories that we have, that if representations are being made to a foreign government, then as long as we have that constitutional responsibility, we will make the representations. That does not mean that the obligation to solve a problem within Hong Kong that does involve another country is the responsibility of the British Government. The Hong Kong Government has that responsibility, it has had that responsibility since the problem arose. We all are working together to resolve that problem. I think there is good prospect that it will be resolved but please do not expect us to introduce some new constitutional principle with regard to certain problems if, hypothetically, they were not resolved by 30th of June of next year.

Dr Leong Che-hung: Well, I think the Foreign Secretary has been kind enough to have given more time than expected. There are still two other problems that we would like him to solve for us. Perhaps you would like to answer us in writing on these concerns.

Mr Rifkind: Certainly.

Dr Leong Che-hung: These concern two Hong Kong citizens detained in the Philippines and one detained in China. We do hope that we can look forward to you replying to us in writing.

Mr Rifkind: Well, can I perhaps on both of these matters at this time. With regard to the Philippines my understanding is that we have indeed made representations at both ambassadorial level and at ministerial level and will continue to do so until this matter is I hope satisfactorily resolved.

With regard to Hong Kong citizens in China, when the Chinese Foreign Minister was in London we raised that matter with him at that time and I would certainly expect to continue seeking to influence these matters when I am in Peking.

Dr Leong Che-hung: So with that, could I on behalf of all of you thank the Foreign Secretary and his team for spending his time with us. We wish him a successful trip to Beijing and hope that he will reflect our views to his counterparts in China. Thank you very much.

End

Transcript of Secretary of State's Q&A session at luncheon

Following is the transcript of the question-and-answer session after the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Malcolm Rifkind's speech to a joint luncheon of the Hong Kong General Chamber of Commerce and the British Chambers of Commerce today (Monday):

Question: Foreign Secretary, I wonder if you are aware of the widespread concern amongst British business interests in Hong Kong regarding the question of visa-free access to the United Kingdom by SAR passport holders after 1997; and if you are aware of this, will you be relaying this to your cabinet colleagues upon your return and convincing them that it is in British self-interest that these people should be able to visit the United Kingdom without a visa?

Mr Rifkind: Yes, I do recognise the importance of this subject. Of course at the moment there are many in Hong Kong who have visa-free access, there are many who do not, and one of the issues that needs to be addressed, both in relation to the United Kingdom but also, of course, in relation to many other countries that people might wish to visit, will be this question of visa-free access. At the moment we are waiting for some further information from the Chinese authorities with regard to the SAR passport, a number of matters that are relevant to this question, but I would expect discussions to take place within the British Government in the very near future over this matter. I appreciate it is an issue on which it would be helpful to clarify the conclusions we will want to reach at an early date, and I recognise that from the point of view in particular of the Hong Kong business community who have to do so much travelling around the world, that this is a matter of considerable priority.

So I will be reporting to my cabinet colleagues when I return to London some of the views that have been expressed. Do forgive me if I do not seek to anticipate, today, what the outcome will be. I have, of course, to discuss the views that I've heard, the representations that I've received, the issues at stake, with my cabinet colleagues, but I would hope that we would then be able to move towards a conclusion of this so that any uncertainty can be resolved at an early date.

Question: Mr Foreign Secretary, people older than you, like I myself, have seen many British colonies getting independence in a very smooth way. For instance in the case of Singapore, Lee Kuan Yew even encouraged British people to stay. I don't know why the relationship between the British Government, Hong Kong and China is far from being satisfactory. We would like your comments in this respect. Thank you.

Mr Rifkind: I think the factors that make Hong Kong unique are very clear. Clearly we are not in this case talking about independence which has been the consequence of the withdrawal of the United Kingdom in most of the former Empire, and that poses particular problems. But in relation to China there is also the different political system, the different cultural values, and all the factors that you are very familiar with. So it was always going to be by far one of the most complicated and difficult challenges. We have now been working on this challenge over a good number of years and I think the fact that today, only 18 months before the transition, the fact that the Hong Kong economy and that the atmosphere of Hong Kong remains in such a healthy form is, I believe, a tribute to all who have been involved in this.

I am very conscious of the fact that one should not make assumptions that because today matters may seem reasonably healthy that that could not change. Of course it could change in either direction. That is always a possibility and we all have to work with every sinew at our disposal to ensure that the confidence and the health of the economy which we see today continues up to and beyond June of next year. But I think that the fact that we have reached this stage in the form that we now see is no mean achievement and something which therefore enables us to look to the future with both resolution but also significant confidence.

Question (follow up): The previous governors maintained a much better relationship.

Mr Rifkind: Well, I'm not sure why you say that. I've certainly been with the present Governor over the last 48 hours and I have seen a degree of warmth, affection and enthusiasm which I wish I received in my constituency.

Question: Minister, having lived in Hong Kong for 20 years and running a business which represents several British companies, I am very confident that I can continue to do business here and that my principals will have visa-free entry into Hong Kong to visit me as they normally do for their suits and for their business. However, I'm less sanguine about my own position. Will I continue to have a right of residence and to come and go as I please, or just the right to land?

Mr Rifkind: In Hong Kong, you mean?

Question: In Hong Kong. There are many British people for whom this is unclear and I would like to know what your views are on that.

Mr Rifkind: Right. Well, I wouldn't like to try and give some sort of legal statement at this moment in time. In so far as there is any continuing uncertainty, then that clearly has to be a priority to resolve in the very near future. Any uncertainty, including the area you've referred to, is bad for confidence. And therefore any of these unresolved issues must be high on the agenda of the work of the Joint Liaison Group if it comes within their area of competence, or the responsibility of the British Government if it's our own direct area of decision making. So I think on each of these matters I take your point. I can't say I can give you a detailed answer because I'm not familiar with your personal circumstances. But what I would say is that so far as the right of residence, the right of entry, insofar as that requires to be clarified, that must be an important priority over the next few months.

Question: David Bottomley, Asian Commercial Research. Mr Chairman, the evidence for my question I handed in at the desk on the way in. I trust it reached our speaker. It's based on nine years of surveys, over 10,000 people questioned. My question is, how does our distinguished speaker's conscience sit - easily or with difficulty - and that of the British Cabinet, with the fact that two-thirds of people in Hong Kong would prefer any other solution than becoming part of China next year?

Mr Rifkind: Well, I can understand the anxiety that people have. Of course if the political system, the political framework within which you live is going to be changed in a fundamental way it would be unnatural for people not to be concerned and not to prefer the status quo to continue. The status quo has been incredibly successful and it's a great tribute both to the British authorities and to the people of Hong Kong what the history of Hong Kong has achieved over those years. So it does not surprise me that the majority -- in a sense I'm surprised it's only 74% and not 100% because the status quo has been so successful.

But we all know that under the original treaty 92% of Hong Kong legally had to revert to China in 1997, and that is a legal, inescapable fact. And therefore what we have all been working on is how to, within that framework, ensure the best possible future for Hong Kong, for its economy and for its people. And I think when history comes to be written, I hope it will be seen as a period of enormous difficulty and challenge but one in which the people of Britain and the people of Hong Kong, and the people of China, saw that there was an interest that to a large extent coincided, in terms of the quality of life and in terms of the economic prosperity, and have sought valiantly to find a framework and a solution through the Joint Declaration and the Basic Law - two systems in one country - that will help us preserve what makes Hong Kong so successful. That is the common endeavour.

Question: Foreign Secretary, Ian Christie, Hong Kong General Chamber of Commerce. On the assumption that Her Majesty's Government subscribes fully to endorsing the principle of executive-led government in accordance with the Letters Patent and the Basic Law, I wonder if I could ask you how you view recent attempts in the Legislative Council by some members, to usurp that executive authority and to limit the freedom of action of the Hong Kong Government? I refer in particular, by the publication in the legal supplement to the LegCo Gazette, of an Immigration Amendment Bill attempting to give LegCo a veto over the importation of labour.

Mr Rifkind: I think it is an inevitable feature of legislatures that they coexist with a degree of tension with the executive. Anyone who disputes that only has to consult President Clinton to know that even in the United States such tensions have been known to exist. And therefore, of course the individual legislators, sometimes the legislature as a whole, will try to extend its activity and its power, and that can often only be at the expense of the executive. In each territory, in each country, you have a Constitution which defines that relationship. There will always be a certain tension, as I have said, to try and alter that. That is the stuff of the world in which we live.

Question: Mr Foreign Secretary, since we are still living in a democracy here I hope that you'll allow me to express my feelings that I am not entirely satisfied with your reply to my British friend about the right of abode or permanent residency in Hong Kong. I hope you'll allow me to expand a little bit more. I'm not British, I'm Dutch. I've been here for more than 30 years. I think I have contributed to the well-being not only of myself, my family, but also of Hong Kong. And I was given the assurance by Lord Wilson when he was Governor of Hong Kong - I think about five years ago already - that the matter of permanent residency for people like me who had never done anything wrong - from a lawful point of view - I was given the assurance by Lord Wilson - I think about five years ago - that it had the highest priority. That's five years ago. We only have less than one-and-a-half years to go and lots of people like me are leaving Hong Kong because they don't have that - I'm not leaving, I will stay, thank you - because they don't have that guarantee that after the 1st July 1997 they can stay here, be here and go about their normal way of business. The promise was made five years ago. You tell us today, again, that it has the highest priority. I think, sir, in all fairness, it's quite time that you come back from Beijing, stop over in Hong Kong next week, and tell us that we do have the right of abode. Thank you.

Mr Rifkind: Of course I hear what you say and you are referring to your desire to continue living in Hong Kong. You will know that is not in the gift of the United Kingdom Government to make some unilateral statement and therefore these are matters which can be discussed and have to be resolved with those who will have the power after '97 to determine the situation. We can seek to carry out all the obligations, all the commitments that we have ourselves undertaken and which we have the power to implement. On other matters we can make representations on behalf of people like yourself to ensure that we get the clarity and the consistency and the outcome that you wish to see. But we can only give guarantees for matters for which we ourselves have the ultimate decision making power. It would be unreasonable for you to expect us to do more than that. It would be impossible for us to deliver more than that.

End

Effective and efficient judicial system to be maintained: CJ

The Judiciary is committed to maintaining an effective and efficient judicial system capable of upholding the rule of law and safeguarding the freedom of the individual, the Chief Justice, Sir Ti Liang Yang, said today (Monday) at the Ceremonial Opening of the 1996 Legal Year.

"In order to ensure the judicial process and procedures are as effective and efficient as possible, the Judiciary has been conscious of the need for court reform," he said.

Sir Ti Liang highlighted the major court reform initiatives.

"A bill is being prepared which seeks first to raise the District Court's civil jurisdiction from \$120,000 to \$300,000; second, to raise its jurisdiction of recovery of land from a rateable value of \$100,000 to \$500,000; third, to introduce a definition of actions of personal injury and set the jurisdiction at \$600,000; and fourth, to streamline its procedures," he said.

On the Family Court, Sir Ti Liang said the review conducted by a working group on the court's practices and procedures was completed last November and a report would be published in early 1996.

"Recommendations made by the working group, including changes to the procedure in respect of uncontested divorce cases, will soon be implemented. Such changes should increase the efficiency of the Family Court and benefit court users," he said.

Furthermore, a review on the operations of the Labour Tribunal was completed in early 1995. "Various measures, including the setting up of an additional court last September, have been introduced since to streamline the tribunal's procedure and improve its efficiency," the Chief Justice said.

On the Small Claims Tribunal, Sir Ti Liang said, "We now propose to raise its jurisdiction from the present level of \$15,000 set in 1988 to \$30,000. To overcome the accommodation problem and better utilise the court, we have introduced a 'staggered hour system'. As a result, productivity in terms of the number of cases processed has increased by one-third and waiting time has shortened from 60 days to about 35 days."

Legislative amendments to the District Court Ordinance, the Labour Tribunal Ordinance, the Small Claims Tribunal Ordinance and the Coroners Ordinance will be introduced into the Legislative Council this year.

On human rights protection, Sir Ti Liang said special listing arrangements would be made later this year at the High Court, the District Court and the Labour Tribunal so that these cases could be expeditiously and efficiently dealt with.

"Similar arrangements will be made in respect of sex and disability discrimination cases," he said. "To ensure that there is an efficient and accessible avenue for those who feel aggrieved, there will be special listing arrangements made at the District Court and the High Court this year to deal with the listing of sex and disability discrimination cases."

On the Court of Final Appeal (CFA), rules and the operational framework of the CFA are being drawn up. "We shall shortly be seeking the profession's views on the draft rules and hope to finalise the rules later this year," said Sir Ti Liang.

On court waiting time, the Chief Justice was pleased to announce that the Judiciary had succeeded in tackling the problem mainly through more flexible listing and tighter case management and the overall situation had improved considerably last year.

He noted that the most remarkable improvement was found in the Labour Tribunal where the waiting time had come down from the record high of 335 days to about 180 days by end- 1995 with straightforward cases being heard and concluded within 100 days.

"With a view to improving court waiting time and case management, particularly the assessment of the length of hearing, we have been examining the need for a new approach to expedite the hearing of criminal appeals in the Court of Appeal," Sir Ti Liang said. "In late 1995, a requirement that written arguments be filed 10 days prior to the hearing date and that there be fixed times for oral argument was introduced on a trial basis. We shall fully assess these new procedures at the end of the six-month trial period."

The Chief Justice added that the Civil Court Users Committee had also been actively examining how cases should be managed and would soon submit its recommendations. "I hope to issue in a few months' time a Practice Direction in respect of long cases which should help give guidance to both judges and the legal profession," he said.

Sir Ti Liang stressed that "while continuous efforts will be made to ensure that court waiting times are kept within reasonable limits, these efforts will not compromise, or be made at the expense of, the fairness of a trial."

"The administration of justice is a co-operative venture between the Judiciary and members of the legal profession. Exploring what further improvements could be made to expedite the wheels of justice is not the preserve of the Judiciary. We look forward to suggestions from the two branches of the legal profession, and the Government's legal services group of departments," added Sir Ti Liang.

On the use of Chinese in courts, Sir Ti Liang said, "The Judiciary is committed to furthering the use of Chinese in higher courts and putting in place a truly bilingual system before July 1, 1997. Restriction on the use of Chinese at different levels of courts will gradually be removed over the next 18 months."

A mock scheme was conducted two months ago to assess the feasibility of using simultaneous interpretation in the courts. However, the Chief Justice cautioned that simultaneous interpretation should not be regarded as a quick solution to the bilingual court system.

"We need to steer the course very carefully, taking into account the cost-effectiveness and the practicability of using simultaneous interpretation in courts. Under no circumstances should the fairness of a trial be compromised," he explained.

Noting that a civil case tried by a High Court Judge in Chinese had made history last December, the Chief Justice said, "We are encouraged by the positive feedback and reactions. We will be actively identifying suitable cases to be heard in Chinese where we believe that this will facilitate the just and expeditious disposal of those cases."

On the localisation of the Bench, Sir Ti Liang is confident that by July 1997, the Judiciary will be able to achieve a 50 per cent localisation across the board. Nevertheless, he stressed that in pursuing localisation, "we are very conscious of the need to maintain the high standards of the Judiciary, and appointments to the Bench will continue to be based on merits."

"The Judiciary will continue to make every effort to ensure that the courts are well maintained and are operated in an efficient manner. The Judiciary will preserve its fine tradition and seek further improvements within its existing framework to ensure that justice is always administered in a fair and speedy manner," the Chief Justice concluded.

End

Legal Department working on continuity of legal system: AG

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The Attorney General, Mr Jeremy Mathews, speaking at the Opening of the Legal Year this (Monday) evening, gave an account of the work done by the Legal Department to ensure continuity of the legal system with the transfer of sovereignty over Hong Kong.

He pointed out that this work fell under four categories: production of bilingual laws, international rights and obligations, localisation of laws, and adaptation of laws.

On bilingual laws, he noted that by the end of 1995, a total of 132 bilingual principal ordinances as well as 50 bilingual amending ordinances had been enacted, and hundreds of pieces of bilingual subsidiary legislation had been made.

As for the law translation programme, by the end of last year, Chinese texts of 190 ordinances had been declared authentic, drafts of 85 other items had been examined by the Bilingual Laws Advisory Committee, and drafts had been prepared of all other ordinances and subsidiary legislation that were to remain in force.

"I am confident that, on the transfer of sovereignty, we will have a fully bilingual statute book," Mr Mathews said. He added that the next issue of the English-Chinese Glossary of Legal Terms, a bi-product of the bilingual laws programme, would appear this summer.

In the area of international rights and obligations, Mr Mathews pointed out that over the years, the United Kingdom had extended more than 200 multilateral international agreements to Hong Kong. These agreements would cease to apply in 1997 unless agreement was reached with the Chinese side on their continued application.

He noted that so far, the two sides of the Joint Liaison Group (JLG) Sub-group on International Rights and Obligations had reached agreement, in principle, on the continued application of some 170 treaties, including 23 agreements establishing international organisations in which Hong Kong participates. There are about 20 treaties left for discussion, he added.

At the same time, Mr Mathews said, the large network of bilateral agreements extended to Hong Kong by the United Kingdom over the years in a variety of practical areas would have to be re-negotiated to continue beyond 1997.

Agreement had been reached in the JLG for Hong Kong to negotiate and conclude bilateral agreements in areas such as Investment Promotion and Protection, Surrender of Fugitive Offenders, Mutual Legal Assistance, and Transfer of Sentenced Persons, he explained.

A number of bilateral agreements had already been signed, further agreements had been initialled and were awaiting clearance in the JLG before signature, and negotiations are continuing as quickly as possible with additional partners in order that a reasonably comprehensive framework of bilateral agreements could be in place by July 1, 1997, the Attorney General said.

Turning to localisation of laws, Mr Mathews noted that there were about 300 British enactments that had been applied to Hong Kong which would have to be replaced where necessary by local enactments before 1997.

It was considered that about half of these should continue to apply to Hong Kong after June 30, 1997 and the plan was to achieve this through about 32 localisation ordinances, he said.

He was glad that significant progress had been made. So far, 15 localisation ordinances have been enacted, and six other Bills are scheduled for introduction into the Legislative Council soon. Currently about 10 localisation items are yet to be agreed with the Chinese side.

"We hope we can obtain JLG agreement soon, in time for us to introduce the localising bills before the end of this year.

"Enactment of the bills will depend thereafter on the normal legislative process. I am therefor reasonably confident that the localisation of laws programme will be completed before July 1, 1997," he said.

On the subject of adaptation of laws, for compatibility with the Basic Law, Mr Mathews noted that most adaptation amendments only involved straightforward changes to nomenclature.

There were other aspects which involved more complicated policy considerations, such as the implementation of the provisions in Article 24 of the Basic Law relating to the right of abode but this type of more complicated adaptation was the exception rather than the rule, he said.

Proposals for the adaptation of nearly 300 ordinances have been handed over to the Chinese side in more than 60 papers. The aim is to hand over proposals for the remaining ordinances this year.

"As most of these are uncontroversial, it should not be difficult for agreement to be reached on the substance of these proposals," Mr Mathews said.

He also said the use of "midnight legislation" for the adaptation ? that is to say the adapted legislation should enter into force at the last moment of June 30, 1997 ? had been proposed to the Chinese side. "We believe that this is the best solution, as it will remove any doubt as to what the laws will be on July 1, 1997, leaving no gaps or any shred of legal uncertainty," he said.

He said the Chinese side had not accepted this approach and it was understood that the Preliminary Working Committee (PWC) Legal Sub-group had suggested that the Preparatory Committee for the Special Administrative Region should recommend to the National People's Congress that it should make a decision before July 1, 1997 in accordance with Article 160 of the Basic Law.

This decision would declare that ordinances and subsidiary legislation which contravene the Basic Law shall not be adopted as laws of Hong Kong, and would set out the principles for applying and interpreting the other laws which are to be adopted as the laws of the Special Administrative Region.

Mr Mathews further noted that the PWC had not published the details of its proposals that certain legislation should not be adopted as laws of the Hong Kong SAR.

"However, I can readily confirm that most of our laws should continue to apply beyond the transfer of sovereignty. This is because in drafting our laws, we have taken fully into account the Joint Declaration and the Basic Law.

"There should therefore be no ground for suggesting that any of our laws should be repealed on the basis of incompatibility with the Basic Law, except for those which carry colonial connotations and the purpose of which will be spent following the transfer of sovereignty," he said.

He added that it was essential that the modalities for the adaptation of laws were made known at an early date, so that the local and international communities could be satisfied that they were acceptable, and that the necessary amendments to individual ordinances would be achieved in a proper and timely manner.

"We are therefore seeking clarification from the Chinese side through the Joint Liaison Group as regards their latest thinking on the modalities for the adaptation of laws and on how the continued application of Hong Kong laws is to be achieved," he said.

End

CPA meeting in Bangkok

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A government spokesman confirmed today (Monday) that a meeting of members of the Steering Committee of the International Conference on Indo-Chinese Refugees would be held in Bangkok on January 14 and 15.

The principal purpose of the meeting is to assess the current situation and to consider the way forward with the Comprehensive Plan of Action (CPA).

The Hong Kong Government will be represented at the meeting by the Secretary for Security, Mr Peter Lai, and the Refugee Co-ordinator, Mr Brian Bresnihan.

End

Appointments to civil service salaries commission

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The Government announced today (Monday) that the Governor has appointed Mr Simon Ip and Mr Tam Yiu-chung as members of the Standing Commission on Civil Service Salaries and Conditions of Service. The appointments are for a term of two years with effect from February 1, 1996.

The Governor has also re-appointed Dr Wilfred Chan and Professor Robert Ian Tricker as members of the Commission with effect from January 1, 1996.

The Government further announced that Mr Tang Kwai-nang, Mr Alexander Au Siu-kee and Mr Lo King-man are retiring as members of the standing commission on the expiry of their current appointments.

Chaired by Sir Sidney Gordon, the standing commission advises the Government on principles and practices governing the pay and conditions of service of the non-directorate civil service other than the disciplined services.

Other members on the commission include Mr Nicholas Chiu Sai-chuen, Mr David A Morris, Mr David W Gairns and Mrs Janie Kaung Lai-chun.

End

Report of Working Party on Kindergarten Education released

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The Working Party on Kindergarten Education has released its report setting out 25 recommendations aimed at harmonising pre-primary services.

The report has been submitted to the Secretary for Education and Manpower and the Secretary for Health and Welfare and released to relevant advisory boards and bodies for comments. It stated that the unification of pre-primary services in Hong Kong should be pursued within a practicable administrative and resource availability context and on the understanding that not all aspects of kindergarten and child care centre operations should be identical.

Some of the key recommendations of the working party such as a harmonised pay scale and an unified minimum entry qualification for kindergarten teachers and child care workers have already been implemented.

Among the recommendations in the report, the working party proposed that all kindergarten teachers and child-care workers should complete a common basic training programme before they are qualified for registration, and the acquired qualification should be recognised by both the Education Department and Social Welfare Department so that graduates may work in either kindergartens or child care centres. The working party also recommended a common curriculum guide for kindergartens and child care centres.

The working party re-affirmed that measures to enhance the standards of kindergarten education should not be delayed by attempts to unify pre-primary services. It noted that priority for improvement in kindergartens should be to raise the percentage of qualified kindergarten teachers to 40 per cent by September 1997.

With a view to bringing the service standards of kindergartens and child care centres closer, the working party recommended that a set of improved floor space requirements should apply to new kindergartens from the 1999-2000 school year. However, the permitted accommodation of existing kindergartens will not be affected.

End

Pro-active traffic management to keep safety in HK waters

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The Marine Department has moved from a reactive stance of passive monitoring to that of pro-active intervention in vessel traffic management in order to maintain safety in Hong Kong waters.

At a meeting of the Legislative Council Panel on Economic Services this (Monday) afternoon, the acting General Manager (Vessel Traffic Services) of the Marine Department, Mr Francis Liu, said that from 1984 to 1994 there were marked challenges to the harbour.

Mr Liu said there had been a major growth in vessel movements through the port of Hong Kong together with the economic growth in the Pearl River Delta.

Ocean-going vessel movements grew at a compound rate of 12 per cent per annum, river-trade cargo vessels and river-trade ferries at 20 per cent and 13 per cent respectively. Vessel design has changed towards larger capacity and deeper draft cargo ships and high speed, high capacity ferries.

Mr Liu said: "To cope with this growth in vessel number and size, the port has had to shift its hub to the deeper, more open waters in the west.

"This is illustrated by the Kwai Chung container port, west Tsing Yi tanker terminals and ship repair activities now centred at north Lantau."

In response to these changes, six proactive initiatives in marine traffic management have been focused upon. They are -

- * The Marine Department regularly surveys vessel activities to assess overall traffic pattern trends. In addition, all proposals to build new port facilities or undertake marine works are subject to a detailed Marine Impact Assessment to determine the effect on marine safety at that locality during the construction period and after completion;
- * New provisions, such as new fairways and traffic separation schemes, have been introduced to enable improved control of vessel traffic flows. Similarly, anchorages have been re-organised to reduce vessel movements through busy traffic lanes and for better management of the mid-stream cargo operations areas;

- * A sophisticated Vessel Traffic Service established in 1989 provides real-time information on ocean going vessel movements necessary to advise marine pilots and masters of potential dangers.
- * Compulsory pilotage introduced in 1985 to ensure ocean-going vessels are provided, on the navigation bridges, with adequate local advice, has been progressively extended to cover all vessel over 3,000 gross registered tons and all tankers over 1,000 gross registered tons.
- * Additional launches have been deployed by the Marine Department in the busy fairways to assist in the control of river-trade and local traffic and to marshal traffic. Their operating hours have been extended. In addition, dedicated launches have been stationed in areas where marine works temporarily affect fairway alignments and widths; and
- * Local Marine Traffic Control Centres have been established in recognised conflict vicinities such as the Ma Wan Channel to provide greater control over small ship movements. The centres ensure the risk of small vessel conflicts with ocean-going vessels is minimised.

Mr Liu predicted that growth in the marine traffic would continue with total movements in 2001 estimated to be 578,000 from 384,000 in 1994. Of these movements, higher percentage will be in larger cargo vessels and faster ferries.

He also expected the port hub would expand further to the west with the construction of the Lantau Port and the river-trade terminal at Tuen Mun and plans for further marine works within the inner harbour.

He said pro-action was a continuing requirement and the proposed programmes to meet the future challenges included -

- * Planning to identify future traffic patterns, transport modes and linkages and conflict vicinities under a related consultancy, the Marine Activities, Associated Risk Assessment and Development of a Future Strategy for the Optimum Usage of Hong Kong Waters Study, scheduled to be completed by the end of 1996. This will provide options for a strategic blueprint for optimum waterway alignments and will ensure that vessel traffic management resources are located and employed in the most efficient and cost-effective manner;

- * Upgrading the capacity of the Vessel Traffic System coverage. The programme aims to introduce an additional manned workstation at the Vessel Traffic Centre by mid-1997 to cater for the increase in traffic from the Pearl River Delta; radio direction-finding capacities for western approaches by the end of 1997; and a dedicated radar for the Mirs Bay area for commissioning in late 1998.
- * Extending pilotage coverage to the southern limits of the East Lamma Channel by establishing a pilot station at Round Island in late 1996; and
- * Augmenting patrol functions to monitor small vessel movements by a phased extension of operating hours from 1996 to 1998 and through the establishment of additional local marine traffic control centres at conflict areas such as the entrance to the Kwai Chung container port in 1998 and Green Island in 1999. Older patrol craft will be replaced.

Mr Liu estimated the overall cost of the programme at some \$200 million over five years.

End

Water storage figure

Storage in Hong Kong's reservoirs at 9 am today (Monday) stood at 81.7 per cent of capacity or 478.546 million cubic metres.

This time last year the reservoirs contained 420.642 million cubic metres of water, representing 71.8 per cent of capacity.

End

Hong Kong Monetary Authority money market operations
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	\$ million	Time (hours)	Cumulative change (\$million)
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Opening balance in the account	1,107	0930	+893
Closing balance in the account	2,190	1000	+893
Change attributable to :		1100	+893
Money market activity	+883	1200	+893
LAF today	+200	1500	+893
		1600	+883

LAF rate 4.25% bid/6.25% offer TWI 123.2 *+0.0* 8.1.96

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.36	2 years	2711	5.60	100.46	5.40
1 month	5.36	3 years	3810	6.15	101.60	5.60
3 months	5.36	5 years	5012	6.38	101.90	6.02
6 months	5.36	7 years	7211	6.82	103.33	6.31
12 months	5.36	5 years	M502	7.30	104.24	6.37

Total turnover of EF bills and notes - \$11,982 million

Closed January 8, 1996

End