

About-face led to breakdown

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Debate turned sour on appointed seats issue

By LOUIS NG

CHINA'S about-face on an agreement to abolish appointed seats on district and municipal bodies led to the breakdown of the Sino-British talks, according to the White Paper released yesterday.

But the British account of the marathon talks also confirmed Britain had insisted on adding the Legislative Council voting system to an interim agreement proposed by China.

In late October, the talks were close to compromise on the abolition of appointed seats in the district boards and the two municipal councils — the main obstacle to an interim agreement, the paper said.

But things turned sour weeks later when China said it would restore appointed membership after 1997, regardless of the views of the future Special Administrative Region (SAR) government, it said.

That was unacceptable because it failed to retain autonomy for the SAR as guaranteed in the Joint Declaration and the Basic Law.

"It did not mean that the SAR government would in the future determine on its own whether to retain or abolish appointed seats," the paper said.

"The Chinese proposal represented an erosion of the autonomy promised to the Hong Kong SAR under

the Joint Declaration and the Basic Law.

"It should be for the SAR authorities on their own to determine by law the composition of the 'district organisations', including the question of what [if any] should be the number of appointed district board and municipal council members," the paper said.

According to the paper, the Chinese side had proposed in October that the two sides record an interim understanding on uncontroversial issues.

While China disagreed with abolishing all appointed seats, it said the SAR government should be left to determine "on its own" whether to restore the appointment system after 1997.

The British side then asked China just before round 15 if that meant Britain would be free to abolish appointed membership in 1994 and 1995 elections, and that the future SAR government would be free in 1997 to decide whether or not to reinstate appointed membership.

"The Chinese side made no attempt either on November 3 or November 5 or at any point prior to round 16 to contest this understanding."

The paper revealed added that the Chinese side then reversed its stance in round 16 and said the British side

could not abolish the appointed seats.

Instead, the Chinese suggested the SAR government would determine the number of appointed seats on district boards and municipal councils in accordance with the provisions of Article 98 of the Basic Law.

The Chinese side also made clear that China would in the future establish an appropriate proportion of appointed seats.

But the White Paper also confirmed Britain asked to add to the interim agreement the issue of the voting method for Legco elections.

China has repeatedly said it was this British move which led to the breakdown of talks.

While the British side insisted that a single-seat, single-vote system should be employed in Legco elections, the Chinese side said the multi-seat, single-vote system should be used.

The possibility of an interim agreement was further eroded when the Chinese said it would be willing to reach agreement only if the British undertook not to take unilateral action on the remaining issues.

The 17 negotiating rounds were in four phases.

On the first three rounds of talks held between April and May last year, the British side urged China to put forward specific proposals and then move to practical electoral arrangements

The Chinese side spent the first three rounds insisting that before discussion could move on to matters of substance, it was necessary for the two sides to reach agreement on a list of principles.

"They claimed that these reflected earlier agreements and understandings.

"In fact, these 'principles' would have had the effect of prejudicing the sub-

sequent discussion of substance," the paper said.

It was at the end of the third round that the Chinese side dropped its precondition about an agreement on principles, and accepted that the talks should move to matters of substance.

During the second phase of the next four rounds of talks, held between May and June, the Chinese side began

to spell out its position on the issues of the appointed system in district and municipal bodies; formation of new functional constituencies and the election committee; and also proposals to allow Chinese legislators to sit in Legco elections.

This was followed by two rounds of talks in the third phase, held between July and August, when Britain proposed to water down its

proposals on the formation of the election committee and the nine new functional constituencies.

Then the British side watered down Mr Patten's package in October again after another meeting between Mr Hurd and Mr Qian in New York.

Pro-China legislator Tam Yiu-chung said that according to the White Paper

account, the British side was to blame for "overturning the negotiating table" during the 17th round.

"Tracing back the talks' development, I find that gap between the two sides was getting narrower and narrower. So I cannot understand why it went wrong in the last round. Certainly I am not convinced by the British argument about time constraints."