

Academics lash out at dumping of bill

Warning of constitutional crisis if Legco is ignored, writes **Mary Luk**

Constitutional legal experts yesterday lashed out at the Government's unprecedented withdrawal of an employment bill, saying it was wrong and disrespectful to the Legislative Council.

They warned that if a trend developed, Hong Kong could face a constitutional crisis.

The problem seldom arose in democratic countries because, unlike Hong Kong, most governments controlled the legislature, they said.

On Wednesday the legisla-

tor Lau Chin-shek resigned in protest at the Government's withdrawal of the Employment (Amendment) Bill, despite a majority of 25 legislators voting in favour of the amendment.

A City University law lecturer, Lin Feng, said: "When talking about real democracy in the territory, they agree that it is a joke for the Hong Kong government."

The University of Hong Kong senior law lecturer Nihal Jayawickrama said the supremacy of Legco could not be overridden by the Govern-

ment or the Labour Advisory Board.

"The Government's withdrawal of the bill is in accordance with the Standing Order, [but] the move shows little respect to the Legislative Council which is empowered to enact laws," Jayawickrama said.

"The Government has to accept its decision. The withdrawal of the bill has set bad precedence. If the Government is to boycott the Legco often, the Government will find it difficult to conduct its own business.

"Government officials still regard Legco members as old rubber stamps. But the real situation has developed beyond that. Government must get used to the idea by now that it no longer has a majority of support in Legco."

Lin described the move as "peculiar". He said the Royal Instructions empowered the Governor to take back the bill, but believes the Government withdrew the bill to avoid Chris Patten having to take the "dirty" action.

He said the move had tarnished the Government's image, affected legislators' morale and eroded Hong Kong's confidence in the Government.

"Unlike governments in other countries, the Hong Kong government is not elected by people. So it thinks it can do

whatever it wants," Lin said.

The University of Hong Kong's dean of the faculty of law, Peter Wesley-Smith, said he was sympathetic with the move but added that it was also important for the Government to be accountable to the elected legislators.

"But legislators have no responsibility to the Government. They are not struck by the task," he said.

He added that without a majority of Legco support, it was inevitable that problems would develop.

If Legco refused to pass any government bills, there could be a "constitutional crisis", he said.

There was no legal provision to dismiss the Governor, he said, in which case the British government should appoint a new one.

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