

INTERNATIONAL

A flutter of the jitters runs through Hongkong

FROM OUR HONGKONG CORRESPONDENT.

The sincerity of China's promise to keep Hongkong as it is for 50 years after Britain hands it over in 1997 is already coming under question. According to the agreement reached by China and Britain last September, Hongkong will have a new "basic law" when Britain leaves, designed to safeguard Hongkong's social and economic freedoms. The law is being drafted in Peking by Chinese experts helped by Hongkongers. But only Hongkongers known to be friendly to China seem to have been invited to help with the draft. Other prominent Hongkongers who might speak out of turn have not.

The friendly Hongkongers include Sir Y. K. Pao, who owns a shipping empire, Mr Li Ka-shing, a property magnate, and Mr David K. P. Li, a banker. All are celebrities with an enviable record of successful dealings with China. But Hongkong needs the strongest possible team of lawyers and community leaders at the drafting sessions. The draft law is supposed to be presented for comment to the Hongkong people in 1988, but at that stage it may be difficult to change.

Among those who might have been expected to be in the drafting team are Miss Maria Tam and Mr Allen Lee, who are the nearest thing Hongkong has to rising political stars. Both are members of the legislative council, and are likely to enhance their political reputations in the enlarged and mainly-elected council which comes into being next month as part of a plan to make Hongkong more democratic. Neither has been asked to join the drafting team.

Hongkongers have also been upset by a recent remark by Mr Peng Zhen, a member of the Chinese politburo and an expert on "socialist law". He said that in his personal view the final decision on any point of the basic law should rest with the national people's congress, China's acquiescent parliament. Under the China-Britain agreement, Hongkong's courts are supposed to have the final word.

The Hongkong government's own activities in the 11 weeks since the agreement was formally ratified on May 27th

have made some local people feel nervous about the future. The attorney-general, Mr Michael Thomas, proposed three major changes affecting civil and commercial freedoms. All have been attacked, and the attackers have had some success.

The first proposal was that a tribunal be set up to watch over "objectionable publications". Few people would mind curbs on pornography, but the local press, the

idea said that it would weaken Hongkong's legal system at a time when it should be shown to be strong. The bill, which would have brought in the new system has now been shelved.

Third, Mr Thomas proposed a "powers and privileges" bill, intended to outline the rights of members of the new legislative council. The most objectionable clause would have made it a legal offence to show "intentional disrespect" to councillors, a curb which, apart from anything else, would have produced some rather flat local reporting. This and 24 other clauses in the 28-clause bill have now been deleted or amended as a result of public criticism.

Mr Thomas said that all three proposals



Smiling through to 1997: Hu, Deng and Peng

freest in the Pacific region outside Japan, Australia and New Zealand, saw that such a tribunal could eventually be used by China to suppress politically "objectionable" publications. Mr Thomas's proposal was singularly ill-timed. It coincided with a warning to China's press by the Chinese Communist party leader, Mr Hu Yaobang, that "economic liberalisation did not necessarily mean political liberalisation. The tribunal idea is now being reconsidered.

The second Thomas proposal was for trials of complex commercial crimes to be heard by a judge and a panel of expert adjudicators, not by a jury. Objectors to

were made with the idea of moving Hongkong smoothly from colonial rule to eventual self-rule. His critics say that the proposals gave the impression of preparing Hongkong's 5m people for a docile future under China. Whatever Mr Thomas's intentions, he does seem to have been politically insensitive, to have been badly served by his drafting experts and to have been unlucky with his timing. In fairness, it should be added that, after the acrimonious reception of his "privileges" bill, he said that consultation of the public could have been better handled.

Yet another group of people is discussing Hongkong's future. This is the "joint

Handwritten notes:
Basic Law
Drafting Committee