

# FOREWORD

---

## The Issue

On 1 July 1997, the sovereignty of Hong Kong is to be transferred from the United Kingdom to China. For Britain, it marks the end of the colonial era, the last significant act of British imperialism. It is unique in that the transfer of sovereignty is from one power to another, not to independence and self-government.<sup>1</sup> For China, the return of Hong Kong is the reclamation of a significant part of its territory.<sup>2</sup> For the people of Hong Kong, the change in the nature of the central power could not be greater; the certainties the British leave behind have offered them growth and prosperity and political stability, an orderly and an open society.

China and Hong Kong have a natural connection in geography, cultural heritage and language. The return of Hong Kong to China will create and encourage a very important synergy. But it raises some interesting questions. Will Hong Kong's dynamism exert a profound influence on Beijing, or will it be the other way round? To some extent the return is an opportunity to engage in the great economic developments that are taking place in China. It is caught up in a wave of patriotic fervour and rising Chinese nationalism. However, the people of Hong Kong were never specifically asked their views on the transfer and great uncertainties and anxieties arise out of this and the gulf in economic development and historical experience. Not only is Hong Kong much wealthier on a per capita basis than its neighbour but its flexible, outward-looking culture, the open, accountable systems, its commercially oriented, pluralistic press and media, its effective bureaucracy and its rule of law distinguish it from the mainland. Britain can take credit for the strength of administration and the rule of law in Hong Kong; the energy and entrepreneurship is no doubt a product of the hard work of Hong Kong people themselves. All of these elements make Hong Kong what it is. Destruction of part may unravel the whole.

Hong Kong's continued prosperity is important to the rest of the world. It has been open to the influence of the world and in turn has made a place in the world as an international city of cosmopolitan, sophisticated people. English is widely spoken as the language of business and government, giving Hong Kong easy access to a large number of developed economies. It is a centre of strategic importance, situated at the mouth of the Pearl River in the South China Sea. It has been a gateway to China for millions of people for 150 years: it is an entrepot port, a financial centre, an exit point and an escape route. Many of its people are refugees. Many have lived and studied in other countries.

For Australia, our interests in Hong Kong are substantial: they are pragmatic concerns for investments and trade; they are political concerns for regional stability; and they are humanitarian concerns for the continued well being of a neighbouring people and for the

- 
- 1 Eleven crown colonies survive: mostly microstates which need outside support. Bermuda decided by referendum in 1995 to retain the status of crown colony. Only Gibraltar and the Falkland Islands were remotely analogous to Hong Kong. Governor Patten compared the transfer to a 'docking in outer space.'
  - 2 Hong Kong's situation under the PRC will be of growing international interest, especially for its implications for Taiwan.

preservation of democratic and liberal values, something Australians consider of intrinsic worth. Hong Kong is familiar to many Australian travellers and to more businessmen and women. Currently there are over 30,000 Australians living and working in Hong Kong. A large number of Australian businesses operate in Hong Kong or from Hong Kong into China and the region. Total two way trade amounted to A\$4.0 billion in 1995-96, an 11 per cent increase on 1994-95 (A\$3.6 billion). In 1995, Hong Kong was Australia's tenth-largest trading partner, accounting for 2.6 per cent of Australia's total trade, while Australia was Hong Kong's fourteenth-largest (1.1 per cent of Hong Kong's total trade).<sup>3</sup> Hong Kong remains the sixth largest destination for Australian overseas investment, with major commitments in a number of sectors, including manufacturing, insurance, banking, business services, telecommunications, building materials and construction, and industrial processing. Hong Kong was also the fourth largest source of foreign investment in Australia in 1995. Approximately 90,000 Hong Kong people have migrated to Australia and, in the last seven years in particular, significant numbers of people have sought permanent residency as a hedge against the uncertainties of July 1997. While many have become welcome migrants to Australia, an even greater number are likely to activate their right to live in Australia should circumstances deteriorate in Hong Kong.

## **The Conduct of the Inquiry**

The Minister for Foreign Affairs, the Hon Alexander Downer, MP, referred the current inquiry into the transfer of Hong Kong's sovereignty to the Joint Standing Committee on Foreign Affairs, Defence and Trade on 20 August 1996. It was subsequently referred to the Human Rights Sub-Committee, which I chair, for inquiry and report. The time has long past when there was any question of the actual decision to go ahead with the transfer of sovereignty and the inquiry was in no way canvassing that question. In a climate where there has been much discussion and a certain amount of anxiety generated about what is a complex, legal process, the intention of the inquiry was to examine the arrangements that have been made and the agreements reached between the British and the Chinese Governments to ensure a smooth transition of Hong Kong with a view to informing the Australian Parliament of the details of those agreements and outlining the implications of the transfer for Australia's interests.

Two or three submissions to the inquiry took exception to the conduct of the inquiry at all, suggesting that the inquiry was either unnecessary since the decision for the transfer had been made or an impertinence.<sup>4</sup> These submissions misunderstand both the specific intention of this inquiry and the broader democratic process underlying the work of parliamentary committees. The arguments also go to the heart of the conflict that has emerged over the place of human rights and democracy in regional affairs.

At no time was the inquiry directed at the decision on the transfer of sovereignty itself. That was a matter for China and Britain and Hong Kong itself. The inquiry was directed at the process of transition, at informing the members of the Australian Parliament about a highly significant event in this region with possible implications for vital Australian interests. Free flowing and accurate information is essential to the democratic process and it is the role of parliamentary committees to collect and examine information in specified policy areas. For this Committee, its resolution of appointment requires it to cover matters related to Australia's

---

3 DFAT, Parliamentary Background Brief, *Hong Kong*, 11 September 1996, p. 1.

4 See Submission Nos 2, 3 and 36 .

policy in foreign affairs, defence and trade. Clearly a full understanding of an issue comes from the most thorough examination and the widest canvassing of options through debate.

One comment made in Submission 36 is worthy of comment. It questioned the reaction of Australians should similar inquiries be held in China. Far from the Australian Parliament feeling 'righteous indignation'<sup>5</sup> should a committee of the National People's Congress choose to examine Australian policy on any matter, it would be welcomed as an opportunity for dialogue. The Committee believes that the thorough and open examination of practices and procedures in other countries can only be beneficial. The Australian Government and members of this Committee have visited China on two occasions, in 1991 and 1992, for dialogue on human rights issues and have extended an invitation to China to reciprocate by sending a Chinese delegation to Australia. It is an invitation which the Chinese have not as yet taken up.

The inquiry was advertised on 7 September 1996. It received 36 submissions from both Australia and Hong Kong and a large number of exhibits.<sup>6</sup> A series of public hearings was held in Canberra, Sydney and Melbourne beginning on 13 November 1996. Six Members of the Committee visited Hong Kong between 19 and 25 January 1997 where they were able to hold extensive discussions with the Governor, senior government officials, politicians from all political parties, the legal fraternity, religious leaders, business people and representatives from a variety of non government organisations. The Committee was able to inspect the border between Hong Kong and Shenzhen and had valuable discussions with Hong Kong Immigration officials. Further inspections of the new airport project were provided by the project management and the Harbour authorities. The visit was an invaluable part of the inquiry and the Committee is most grateful to the Australian Government officials who worked on its organisation and most appreciative of the hospitality and time given by all the people who briefed the Committee.

## **The Report**

The first two chapters of this report are largely descriptive, in line with the intention of the inquiry to inform the Parliament about the details of agreements and arrangements. They contain no recommendations. Chapter One outlines the historical context of the sovereignty of Hong Kong and Chapter Two covers the negotiations for and the documents produced as a framework for the transfer. Chapter Two also highlights some of the discrepancies between the Joint Declaration and the Basic Law, matters of vagueness or ambiguity or contradiction which have caused concern. Chapters Three and Four address these areas of concern in some detail. These are mainly in the area of political development and in the protection of human rights, the most serious being the creation of a Provisional Legislature for which there is no legal foundation and the proposals to wind back legislation which seeks to protect the rights and liberties of Hong Kong citizens and, ultimately, the overall autonomy of the Territory.

Chapter Five examines the economy of Hong Kong and the possible relationship between the current level of economic prosperity and the political system which has operated in the Territory. It also considers the arguments put forward on the likely impact of political controls on confidence and economic growth in Hong Kong. This is a pivotal question for

---

5 Chan, Submission, p. S801.

6 The appendices to the report contain lists of submissions, witnesses, exhibits and the program for the visit to Hong Kong.

Hong Kong and for the report and, while there can be no definitive answer to the question, it would appear to the Committee that it would be better to err on the side of caution, especially where changes to the political system are unnecessary, outside the agreements and unwanted by the majority of Hong Kong people.

Chapter Six assesses the importance of Hong Kong to Australia and the possible impact of changes on Australia's interests.

I wish to thank the members of the Committee for their assistance and participation in the inquiry and the secretariat staff, especially Margaret Swieringa, Jon Merrill and Peter Ratas, for their contributions to the running of the inquiry and the drafting of the report.

Peter Nugent, MP  
Chairman  
Human Rights Sub-Committee

## CONCLUSIONS

---

Britain's failure to create representative and responsible government in Hong Kong and to create a democratic ethos, including respect for human rights, well before any negotiations for handing the territory back to the People's Republic of China, has left the prospects for human rights and democratic institutions vulnerable.<sup>7</sup> Negotiations for the return of Hong Kong, Kowloon and the New Territories, to the People's Republic of China began in 1982, were completed in 1984 and ratified in 1985. It was too late then to make the changes necessary to ensure fully autonomous government in Hong Kong at a time when China and Britain were negotiating the handover and, therefore the shape of Hong Kong.<sup>8</sup> Hong Kong has been left with no experience of political democracy, little familiarity with its processes and conventions and has developed few structures or organisations which can operate effectively in the interests of their own preservation or development. Finally, China can point to the letter, if not the spirit, of the colonial arrangements and structures in Hong Kong, which have been largely unchanged up to 1984<sup>9</sup> and claim to be offering in the Basic Law a more democratic system than the British had offered.<sup>10</sup>

Deng Xiaoping appeared to recognise the importance of the place of human rights in modern and developed societies when he coined the phrase and enunciated the principle 'one country, two systems' as the policy to govern the transfer of Hong Kong. The slogan 'one country, two systems' was optimistically viewed as an indication that Hong Kong might be able to enjoy a degree of political, cultural and economic autonomy; nobody in Beijing would wish to kill the golden goose.

However, this optimism was challenged by the Chinese reaction to the pro-democracy movement in 1989. The Tiananmen Square massacre of pro-democracy demonstrators, Beijing 3-4 June 1989, led to massive protests in Hong Kong itself and proved to be a turning point in Hong Kong's political development. In July 1992, Rt Hon Christopher Patten, former senior Minister and Chairman of the Conservative Party, became the last British Governor of Hong Kong. His political reforms were drafted in 1992 in response to the economic decline and loss of confidence in Hong Kong as a result of the massacre in Tiananmen Square and the resultant clamour for greater democracy as a defence against the return of sovereignty to China.

This Committee concludes that the reforms Governor Patten proposed fitted within both the spirit and the strict letter of the agreements made between China and Britain and that they were important reforms in line with the promise of autonomy, stability and prosperity for Hong Kong. The reforms were not only legal, but moderate and accompanied by extensive

---

7 Britain occupied the island of Hong Kong in January 1841 during the first Opium War and, in the Treaty of Nanjing, 1842, the first of the 'unequal treaties', the island was ceded to Britain in perpetuity. In October 1860, in the First Convention of Beijing, at the end of the Taiping Rebellion, Kowloon was ceded to Britain. In June 1898, in the Second Convention of Beijing, a further 'unequal treaty', Britain took a 99 year lease on the New Territories and 234 outlying islands.

8 There was widespread cynicism, especially in the judiciary and media to whom the members of the Committee spoke during their visit about Britain's late espousal of democratic reforms.

9 See paragraph 1.11.

10 This claim has little validity since the Chinese instituted the Provisional Legislature.

consultation,<sup>11</sup> both within Hong Kong and with China.<sup>12</sup> In the light of this, it appears that the Chinese response was and continues to be an unfortunate over-reaction, unnecessary in its specific approach and damaging in its consequences for Hong Kong.<sup>13</sup> More significantly, it has led China to break the treaty agreements<sup>14</sup> covering the transfer and to undermine its credibility and good faith, both in Hong Kong and in the wider international community.

The 'through train' was a phrase often used in the Committee's discussions in Hong Kong; a graphic description of continuity in politics, the judicial system, administration and commerce. This meant that systems which had been established before the 1 July handover would be allowed to continue under the rule of the People's Republic of China. The political 'through train' was derailed when Beijing set up a second Legco, meeting in Shenzhen, at a time when the elected Legco ostensibly still had authority. This was described sourly as 'one country, two legislatures'. The judicial, administrative and economic 'through trains' stayed on track.

The express protections of human rights, applicable under the International Covenant on Civil and Political Rights (ICCPR), embodied in the Joint Declaration and the Basic Law and further applied by the Bill of Rights Ordinance, are significant. The letter of the Joint Declaration and the Basic Law, in those articles dealing with freedoms and rights, appears to give good protection to human rights and democratic freedoms; however, many of the people who spoke to the members of the Committee who visited Hong Kong in January 1997 remarked that the institutional arrangements for the preservation of those rights exhibit considerable weaknesses. Should the Government of the People's Republic choose, and in opposition to the intention of the 'one country, two systems' policy, these contradictions and discrepancies allow for considerable control of Hong Kong by the Central People's Government. The Chinese have expressed strong support for the pre-Patten model of colonial rule - police permission being needed for demonstrations and harsh police handling of demonstrators - and for the British Official Secrets Act. Rather than Hong Kong people governing Hong Kong, what happens in China will determine what happens in Hong Kong. Therefore, the attitude of the Chinese Government, its good will and its adherence to the obligations promised in the treaty, will be pivotal to any long term protection of rights in Hong Kong.<sup>15</sup>

- 
- 11 The Legislative Council accepted the proposals, albeit with reservations on the part of the majority party, the Democrats that they did not go far enough. The Frontier, Submission, p. S207 and Democratic Party, Submission, p. S659. Consensus with the Chinese proved not to be possible. After 17 rounds of negotiation agreement had been reached only on lowering the voting age. DFAT, Submission, p. S368.
  - 12 Various exhibits supplied to the Committee give considerable detail of the negotiations on this matter. Chinese responses on the whole did not address or substantially contradict the view that every means of consultation and compromise was attempted. Claims of secret understandings given by the British would not appear to have much standing in the face of contradictory public statements and treaty agreements. If such secret assurances were made by the British, they were in no position to make them in so far as they contradict the treaty agreements.
  - 13 The Chinese have selected an alternative Provisional Legislature and stated an intention to abolish the Municipal and District Councils elected in 1994 and 1995 under the new arrangements. DFAT, Submission, p. S369.
  - 14 In the establishment of the Provisional Legislature and the threatened roll back of the legislation dealing with free speech and assembly.
  - 15 It should be noted, however, that China is successfully developing several special economic zones without the political and human rights structure now in Hong Kong.

Having considered the legal and institutional assurances provided by the Chinese Government through the Basic Law, the robust state of the territory's economy and trade relations, and perhaps most importantly, its increasingly lucrative role as a trade intermediary to China, it is difficult not to approach the central question of Hong Kong's economic future from a confident perspective. However, in the light of the civil, legal and political issues that have occupied much of this Report, and which continue to loom over July 1997, it is equally difficult not to be cautious about the economic implications of Chinese political control over Hong Kong. Ultimately, the question of Hong Kong's future prosperity cannot be divorced from that of the nature of its political authority; its ability and willingness to defend the Basic Law and all its constituent elements, political, civil, legal and economic, and thereby retain confidence, public and business, in the viability of the 'one country, two systems' policy.

If this is so, then the legal reform movement in China is of vital importance to Hong Kong. It is the only way in which there can develop in China some understanding of and sympathy for the importance of the rule of law to Hong Kong. Given the slowness of the process in China, a more pessimistic conclusion of the nature of the meshing of the systems was reached by most people who spoke to the Committee: in particular the argument that Article 158 of the Basic Law will be the means by which Hong Kong law will be drawn into the politically dominant, centrally controlled legal system of China.

The process is already evident. The Committee deplores the decision of the National People's Congress to replace the properly elected legislature of Hong Kong with an appointed one and believes that the stated intention to overturn the laws governing future elections and human rights is a matter of grave concern.

The preservation of Hong Kong's way of life lies in the promised autonomy of the Basic Law. There are widespread concerns about whether 'one country, two systems' can accommodate the prospect of a democratic, multi-party system and an authoritarian, one-party system under the one flag.<sup>16</sup> China has a prime responsibility to keep faith with its own principles and promises in this respect. But the preservation of their liberties is also the responsibility of Hong Kong people themselves, the Chief Executive, the electorate, the press and especially the judiciary, insisting on their independence and on the letter and the spirit of the constitution.<sup>17</sup>

The transfer of Hong Kong has raised again the debate on human rights in this region. Particularly in the arguments between Britain and China, the transfer has highlighted a gulf in understanding of human rights, attributed variously to differences in culture, or stages of development, or historical experience. It is a debate about whether human rights are universal or culturally specific, about whether individual or collective rights have greater importance, about whether there is an Asian way in relation to the application of rights, or

---

16 The Chinese adage, 'Kill the chicken and warn the monkey' was put to the Committee on its visit as characteristic of the Chinese approach to political dissent.

17 This argument was put to the Committee in many conversations in Hong Kong and argued most eloquently in Exhibit No. 7(e), Wesley-Smith, P., 'Law in Hong Kong and China - The Meshing of Systems' in *ANNALS, AAPSS*, 547, September 1996, pp. 116-117.

whether a lack of economic development is a sufficient reason to delay civil and political rights.<sup>18</sup>

Hong Kong crosses the boundaries of this debate. It is an Asian city which has prospered with an open system of administration, and, in the last few years, with successful and peaceful, if embryonic, democratic processes. The British colonial government delayed the introduction of democracy on the argument of Hong Kong's lack of readiness for representative institutions and a similar argument is often put forward by the Chinese<sup>19</sup> to overturn belated gains. As an international city, a city of diverse experience and sophisticated people and a highly developed economy, the claim to concessions or delay in relation to the application of civil and political rights has little validity. If anything, Hong Kong's political development is already lagging well behind the demands of its economic system. The advocates of increased rights in Hong Kong, and they are many if the elections and surveys are to be believed, do so from a stand point of genuine commitment to ideals which they espouse as part of the natural outcome of their legal training and their political experience. The Committee believes that the experience of Hong Kong to date belies the view that Asia is different when it comes to democratic aspirations or an appreciation of the importance of human rights to the achievement of human dignity or social cohesion and harmony.

Finally, it is essential to recognise that China is the new sovereign power and that Hong Kong will be affected and its fate governed by the changing political and economic landscape of China. Australia's interests in Hong Kong, therefore, will be influenced by developments in China and our relationship with China. China's record on human rights needs to be faced as an impediment to confidence in Hong Kong. However, while history might suggest that the Chinese may be more driven by the political imperative, there is no doubt that many of the senior political leadership in China do recognise the importance of Hong Kong's autonomy post 1997 and they have publicly avowed their determination to make Hong Kong a success.<sup>20</sup> The principle of 'one country, two systems' was an innovative decision of the Chinese leadership. It recognises a wealth of practical and philosophical questions which need to be accommodated for the successful transfer of sovereignty. Recent decisions in relation to Hong Kong have undermined confidence in that principle and what it offered Hong Kong. The Committee hopes that China will reassess its position and reaffirm Deng Xiaoping's vision for Hong Kong. Furthermore, it is hoped that Hong Kong's economy will continue to strengthen for the benefit of the people of Hong Kong and China, an objective of importance to Australia and the region.

---

18 This is not the place to examine this question in detail. It is a complex debate and one which this Committee has addressed in part in its 1994 report, *A Review of Australia's Efforts to Promote and Protect Human Rights*, and expects to examine in a further inquiry later in this year.

19 China argues in its White Paper on human rights, *Human Rights in China*, that 'the evolution of the situation in regard to human rights is circumscribed by the historical, social, economic and cultural conditions of various nations and involves a process of historical development'. The paper puts the view that the right to development must take precedence over the civil and political rights. In seeking to reduce the rights of Hong Kong citizens, it would appear that China is trying to keep Hong Kong in line with China's standards on human rights regardless of Hong Kong's 'state of development'.

20 The Chairman of the Sub-Committee, Mr Nugent, MP, held further discussions in Beijing on the issues raised by the submissions during his visit in April 1997.



## LIST OF RECOMMENDATIONS

---

The Committee recommends that:

1. **the Australian Government urge the Government of the HKSAR not to implement the decision of the Preparatory Committee to dissolve the three tiers of representative government elected throughout 1994-95, the Municipal Councils, the District Boards and the Legislative Council. (Para 3.31)**
2. **the Australian Government urge the Government of the HKSAR:**
  - a. **to present for public comment, at the earliest possible date, an electoral law, based on the widest possible franchise, for a properly constituted, elected legislative council; and**
  - b. **hold elections according to that law, as soon as possible after 1 July 1997. (Para 3.39)**
3. **Australian ministers and officials, through representations to the Chief Executive of the HKSAR, urge the continuation of Hong Kong's open way of life, the maintenance of the Bill of Rights and the rapid introduction of a fully and freely elected legislature. (Para 3.53)**
4. **the Australian Government maintain direct links between Australian authorities and the HKSAR Civil Service to promote its continued independence as guaranteed under the principle of 'one country, two systems' and defined in the Joint Declaration and the Basic Law. (Para 3.58)**
5. **the Attorney-General:**
  - a. **having in mind concerns expressed to the Committee by Justice Dowd on behalf of the International Commission of Jurists, investigate the means by which serving judges in Australia might be included in the lists for panels of judges to serve in Hong Kong;**
  - b. **write to the Courts in Australia asking them to consider favourably their response to a request from the Hong Kong Judicial Commission to participate in panels for the Court of Final Appeal, should that occur; and**
  - c. **urge the legal profession in Australia to maintain its links with the legal profession in Hong Kong after 1 July 1997 through as many formal and informal channels as possible, including the exchange of judges. (Para 3.64)**

6. **the Australian Government urge the Government of the HKSAR to:**
  - a. **adhere to the promise of judicial independence in the fullest sense as defined in Articles 2 and 85 of the Basic Law;**
  - b. **amend Section 4 (2) of the Court of Final Appeal Ordinance in order to confine the meaning of 'an act of state' to defence and foreign affairs; and**
  - c. **provide clarification on how Articles 19 (limitation of HKSAR judicial power over acts of state such as defence and foreign affairs) and 158 (the power of interpretation of the Standing Committee of the National People's Congress) might work in practice. (Para 3.68)**
7. **the Australian Government urge:**
  - a. **the Government of the PRC to ratify the International Covenant on Civil and Political Rights (ICCPR);<sup>21</sup> and**
  - b. **the Government of the HKSAR and the Government of the People's Republic of China to continue to meet the reporting obligations of the former under Article 40 of the ICCPR. (Para 4.19)**
8. **the Australian Government support, in the appropriate UN forums, the continued consideration of the application of the ICCPR in Hong Kong through either reports from the HKSAR or, in the absence of such reports, from relevant non government organisations. (Para 4.19)**
9. **the Australian Government express to the Government of the HKSAR its concerns with the proposed changes to the Bill of Rights Ordinance, the Boundary and Election Commission Ordinance, the Electoral Provisions Ordinance, the Societies Ordinance and the Public Order Ordinance. (Para 4.40)**
10. **the Australian Government urge the Government of the HKSAR to establish a Human Rights Commission and offer the technical assistance of the Australian Human Rights and Equal Opportunity Commission to that end. (Para 4.44)**
11. **the Australian Government:**
  - a. **promote with the Government of the HKSAR the value of retaining freedom of expression and association;**
  - b. **express its concern over the vague and broad nature of Article 23 (regarding subversion); and**

---

21 This recommendation, extended to include the ICESCR is repeated in Chapter 6. It is placed here as well as it is relevant to and a possible solution for the difficulties relating to the reporting obligation.



- d. support a role for UNHCR in monitoring the residual screened out population. (Para 4.107)
- 17. the Australian Government:**
- a. urge the Government of the United Kingdom to accept responsibility for the residual screened-in refugees and determine resettlement places for them prior to the transfer;
  - b. urge the Government of the HKSAR to assume responsibility for some of the residual refugees;
  - c. urge UNHCR to play an active role in monitoring the welfare of these people should they remain in the territory; and
  - d. reconsider any cases who have links to Australia that have previously been rejected for resettlement. (Para 4.111)
- 18. the Australian Government include in its annual report on Hong Kong to the Parliament (recommendation 24) comment on the continued effective operation of the ICAC. (Para 5.80)**
- 19. the Australian Government continue to support, both multilaterally and bilaterally, the accession of the People's Republic of China to the World Trade Organisation (WTO) as a means to encourage the development of a consistent, transparent framework of rules and procedures for trade and commercial activity within the sovereign territory of China. (Para 5.82)**
- 20. the Australian Government:**
- a. maintain the presence in Hong Kong of its broadcast and broadband media, Australian Television and Radio Australia - in short wave and via satellite with services in Mandarin and Cantonese, as an available source of independent news, analysis and information on political, social and economic developments in the region; and
  - b. encourage private media concerns, including newsprint, radio and television broadcasters, to maintain their presence in Hong Kong as a means of encouraging continued international scrutiny of China's implementation of and adherence to the provisions and requirements of the Basic Law. (Para 5.91)

- 21. the Australian Government:**
  - a. maintain direct links with the Government of the HKSAR to reinforce the status of the territory as largely autonomous, with executive, legislative and independent judicial authority as provided for under the Basic Law;**
  - b. support, multilaterally and bilaterally, the continuing participation of the HKSAR as a separate entity in international trade agreements such as the WTO and APEC, further reinforcing its status as a largely autonomous territory.**  
(Para 5.94)
- 22. on the establishment of an elected legislature in Hong Kong, the Joint Committee on Foreign Affairs, Defence and Trade seek to establish links with a counterpart committee in that legislature. (Para 5.94)**
- 23. in the light of the importance of the education and training market in Hong Kong to Australia, the Australian Government urge the Government of the HKSAR to maintain its current visa arrangements for students from Hong Kong wishing to study in Australia. (Para 6.29)**
- 24. on an annual basis, for at least the next five years, the Australian Government provide a report to the Parliament, having in mind the terms of the Joint Declaration and the Basic Law, on the political, economic and human rights developments in the HKSAR. (Para 6.58)**
- 25. the Australian Government encourage the Government of the United Kingdom and the Government of the People's Republic of China to observe their treaty obligations in respect of Hong Kong under the Joint Declaration for the stipulated period of 50 years. (Para 6.58)**
- 26. the Australian Government encourage the Government of the People's Republic of China to ratify the two major human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. (Para 6.63)**