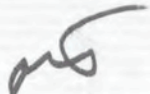



MR COLES29 May 1984 HONG KONG

1. Your minute of 24 May. (Attached).
2. The main safeguard is the provision in the Annex, (whether the British or the Chinese draft) that the present system of law will continue to apply in Hong Kong after 1997. This means no political arrests in the territory/and attempts to remove anyone from the territory to the mainland of China would require reference as now to a Magistrate and the Governor/head functionary of the SAR.
3. In addition there is a passage in the Annex on rights and freedoms of individuals (very full in our draft, much shorter in the Chinese draft). One of our main tasks now will be to make this Annex as detailed as possible.
4. It is also relevant that people who currently leave mainland China to escape the regime, ie the illegal immigrants, are not ill-treated when they return to China.
5. If we were to seek a specific provision promising no persecution of those who had left the mainland for Hong Kong, which would mean about half the present population of the territory, it is doubtful whether the Chinese would give such an assurance. They would be likely to argue that the high degree of Hong Kong autonomy, different legal systems etc, would make any such assurance necessary. If, however, we were to succeed in persuading them, the public effect would not be reassuring or good for confidence, since it would imply that the safeguards in the agreement were worthless and that Peking had in fact been contemplating such reprisals.
6. It could be argued that the safeguards in the agreement are in fact worth little. I myself do not agree; but if they were to prove valueless assurances about no reprisals would be no more dependable.
7. This is not to say that people in Hong Kong who are "patriots" in Peking's eyes will not do better after 1997 than others. But preferment is different from persecution.


PERCY CRADOCK