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PS/MR LUCE
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COPIES TO:
MR COLES, NO. 40 DOWNING ST
MR ROBERTS, NEWS DEPT
SIR PERCY CRADOCK

SECRET

DESKBY 131030Z

FROM PEKING 130915Z APR 84

IMMEDIATE



TO IMMEDIATE FCO

TELEGRAM NUMBER 739 OF 13/4/84

INFO IMMEDIATE HONG KONG

ADVANCE COPY

It seems as if the UK thinks we need more info on the judgement of the

VFUTURE OF HONG KONG: CALL ON ZHOU NAN ON 13 APRIL.

Chen

1. I CALLED ON ZHOU NAN AT THE MFA ON 13 APRIL, BOTH TO HAND OVER THE FURTHER ANNEXES AND TO HEAR THE CHINESE REACTION TO OUR DRAFT AGREEMENT. HE HAD TOLD ME THE NIGHT BEFORE THAT THE CHINESE HAD A COUNTER-DRAFT.

2. ZHOU SAID THAT, ALTHOUGH TIME HAD BEEN SHORT, THE CHINESE SIDE HAD MADE A SERIOUS AND EARNEST STUDY OF OUR DRAFT. TAKEN AS A WHOLE, IT WAS FUNDAMENTALLY UNACCEPTABLE. IT COULD NOT BE TAKEN AS A BASIS FOR NEGOTIATION. THE REASON FOR THIS WAS OBVIOUS. IT WAS A CLEAR ATTEMPT TO NEGATE AND LIMIT CHINESE SOVEREIGNTY OVER HONG KONG. THE CHINESE SIDE COULD NOT BUT FEEL THAT, THROUGH, BOTH THE FORM AND CONTENT OF THE DRAFT, THE UNITED KINGDOM WAS TRYING TO TURN THE FUTURE SAR INTO SOME SORT OF INDEPENDENT POLITICAL ENTITY.

3. THERE WERE FOUR SUBSTANTIVE ARTICLES TO THE DRAFT. THE FIRST TOUCHED ON THE QUESTION OF CHINA'S SOVEREIGNTY AND RIGHT OF ADMINISTRATION, BUT FAILED TO DEAL WITH IT SQUARELY. THE ARTICLE CONTAINED NOTHING ON THE RESTORATION OF HONG KONG BY THE UNITED KINGDOM TO CHINA, NOR ON THE RESUMPTION BY CHINA OF SOVEREIGNTY AND THE RIGHT OF ADMINISTRATION IN 1997. AN EXAMPLE OF THE ATTEMPT TO TURN HONG KONG INTO AN INDEPENDENT POLICAL ENTITY WAS CONTAINED IN THE FIRST CLAUSE OF ARTICLE 1 WHERE THE UNITED KINGDOM TRIED TO NAME THE FUTURE SAR "HONG KONG (CHINA)". IN SO DOING, WE WERE ATTEMPTING TO CHANGE THE TERRITORY'S FORMAL FUTURE NAME, WHICH WOULD BE THE "HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA". OTHER EXAMPLES WERE EXPRESSIONS

~~WHICH WOULD BE THE "HONG KONG SPECIAL ADMINISTRATIVE REGION~~
OF THE PEOPLE'S REPUBLIC OF CHINA". OTHER EXAMPLES WERE EXPRESSIONS
IN OTHER PARTS OF THE DRAFT SUCH AS "ALL RIGHTS AND POWERS
IN SUCH AND SUCH A FIELD WILL BE EXCLUSIUELY VESTED IN HONG KONG
(CHINA)" AND "THERE SHALL BE NO POWER OF DISALLOWANCE OUT-
SIDE HONG KONG(CHINA)". THE CHINESE SIDE HAD PREVIOUSLY
REPUDIATED SUCH EXPRESSIONS IN THE TALKS, BUT THEY WERE
STILL PRESENT IN THE DRAFT. THIS INDICATED A DELIBERATE
ATTEMPT TO CONFUSE THE DISTINCTION BETWEEN INDEPENDENCE AND
AUTONOMY.

4. ARTICLE 2 OF THE DRAFT WAS AN ATTEMPT TO TREAT THE CHINESE
12 GUIDELINES AS SOMETHING TO BE APPROVED BY THE UNITED KINGDOM .
THIS WAS INADMISSIBLE. FROM THE OUTSET THE SERIES
OF SPECIAL POLICIES WHICH CHINA WOULD ADOPT TOWARDS
HONG KONG HAD BEEN PURELY CHINA'S INTERNAL AFFAIR AND THEY
WERE NOT SUBJECT TO APPROVAL BY ANOTHER COUNTRY. IN THE
COURSE OF THE TALKS, THE CHINESE SIDE HAD MERELY ACQUANINTED
US WITH THEM. WHAT WAS EVEN MORE ABSURD WAS THAT ARTICLE 2
ALSO ATTEMPTED TO DRAW UP THE BASIC LAW ON BEHALF OF THE
CHINESE GOVERNMENT. THE DRAWING UP OF THE BASIC LAW WAS AN
INTERNAL CHINESE AFFAIR, NOT A BRITISH AFFAIR. THE DRAFT NEVER-
THELESS TRIED TO DEFINE THE FRAMEWORK OF THE BASIC LAW IN
THIS AND THAT WAY, SPREAD OVER A TOTAL OF NINE CLAUSES. WE HAD
EVEN SAID THAT THE ANNEXES WHICH SHOULD FORM PART OF THE
AGREEMENT SHOULD ALL BE INCLUDED IN THE BASIC LAW. THE UNITED
KINGDOM WAS NOT ONLY TRYING TO DEFINE THE FRAMEWORK OF THE
BASIC LAW, BUT ALSO THE DETAILS. NATURALLY CHINA COULD NOT
ACCEPT THIS.

5. NO PERIOD WAS SET ON THE PROPOSAL IN ARTICLE 3 (SEMI-COLN,) NOR DID IT CONTAIN ANY SPECIFIC CONTENT. IT WOULD LEAD TO THE IMPRESSION OF A SINO-BRITISH CONDOMINIUM IN HONG KONG AFTER 1997. WAS IT INDEED NOT AN ATTEMPT BY THE UNITED KINGDOM TO CREAT A LEGAL BASIS BY WHICH SHE COULD INTEREFERE IN THE SAR FOR A LONG TIME AFTER 1997?

6. THE FIRST SENTENCE OF ARTICLE 4 WAS AN ATTEMPT BY THE UNITED KINGDOM TO INTERNATIONALISE THE HONG KONG QUESTION, IN OTHER WORDS TO SEEK SO-CALLED INTERNATIONAL GUARANTEES FOR HONG KONG.

7. FINALLY , NOT ONLY DID MANY POINTS WHICH CHINA HAD ALREADY REPUDIATED IN THE COURSE OF THE TALKS REAPPEAR IN DIFFERENT FORMS IN THE BRITISH DRAFT, BUT WE HAD ALSO NOW MADE SOME NEW REQUESTS, FOR EXAMPLE WE HAD PROPOSED THAT THE HONG KONG SAR SHOULD HAVE THE RIGHT TO CONCLUDE AGREEMENTS WITH FOREIGN COUNTRIES IN THE (NEXT WORD UNDERLINED) LEGAL FIELD. IF THE FURTHER BRITISH ANNEXES WERE MORE OR LESS LIKE THE ONE ALREADY HANDED OVER, WOULD THIS NOT BE TANTAMOUNT TO THE INITIATION OF ANOTHER ROUND OF TALKS WITH THE BRITISH WORKING PAPERS PRESENTED IN A NEW FORM? THE ONLY EFFECT OF THAT WOULD BE TO PROLONG THE COURSE OF THE TALKS.

8. IN HANDING OVER THE BRITISH DRAFT, I HAD STRESSED HOW MUCH WORK HAD GONE INTO IT. I HAD SAID THAT IT WAS A FIRST SHOT AT AN AGREEMENT AND THAT I HOPED IT WOULD BE TAKEN AS A TOKEN

~~SHOT AT AN AGREEMENT AND THAT I HOPED IT WOULD BE TAKEN AS A TOKEN~~
OF OUR SINCERITY AND DESIRE TO MOVE THE TALKS FORWARD. HOWEVER,
AFTER STUDYING IT, THE CHINESE SIDE COULD NOT SEE
HOW IT EMBODIED AN EXPRESSION OF BRITISH SINCERITY,. IF THE DRAFT
WERE TO BE TAKEN AS A BASIS FOR THE TALKS IT WOULD
IN NO WAY EXPEDITE THEM. QUITE THE CONTRARY. IT CHALLENGED
CHINESE PRINCIPLES ON SOVEREIGNTY IN MANY PLACES.
IT WAS FUNDAMENTALLY UNACCEPTABLE AS A BASIS FOR NEGOTIATION
OF AN AGREEMENT. THIS WAS A SERIOUS REACTION BY THE CHINESE
SIDE TO OUR DRAFT.

9. ZHOU WENT ON TO INTRODUCE THE CHINESE DRAFT.

HE RECALLED HAVING INFORMALLY LET ME KNOW OF CHINA'S IDEAS
ABOUT THE FORM AND CONTENT OF AN AGREEMENT. ON FORM,
THE CHINESE SIDE THOUGHT IT APPROPRIATE THAT WE SHOULD
WORK FOR A JOINT COMMUNIQUE OR JOINT DECLARATION. HE HAD
EARLIER MENTIONED THAT THE SHANGHAI COMMUNIQUE COULD SERVE AS
A POINT OF REFERENCE. ON CONTENT, AN AGREEMENT MUST FIRST
AND FOREMOST SOLVE THE CENTRAL QUESTION OF SOVEREIGNTY IN EXPLICIT
AND UNEQUIVOCAL TERMS. SECONDLY, CHINA WAS PREPARED FORMALLY
TO DECLARE IN THE AGREEMENT HER BASIC POLICIES TOWARDS HONG KONG
AFTER 1997, IE THE 12 GUIDELINES. BUT IT WAS FOR THE CHINESE
GOVERNMENT TO FORMULATE AND DECLARE THESE POLICIES.
THEY COULD NOT BE EXPRESSED AS AGREED BETWEEN THE TWO
COUNTRIES. THESE 12 GUIDELINES WOULD BE REFLECTED IN THE
BASIC LAW. BUT AN AGREEMENT SHOULD IN NO WAY ATTEMPT TO
DEFINE THE BASIC LAW. THIRDLY, AN AGREEMENT SHOULD MAKE A
BRIEF REFERENCE TO BASIC PRINCIPLES FOR ARRANGEMENTS IN THE
TRANSITIONAL PERIOD. THE CHINESE SIDE HAD OFTEN
SAID THAT THIS JOINT COMMUNIQUE OR JOINT DECLARATION MUST
FOCUS ON MAJOR PRINCIPLES AND NOT BE A DOCUMENT CONTAINING DETAILS.
DETAILS SHOULD NOT BE DEALT WITH IN THE AGREEMENT. IN THE VIEW
OF THE CHINESE SIDE, THE 12 GUIDELINES WERE QUITE SUFFICIENT.

10. OF COURSE, THE BRITISH SIDE HAD SAID THAT IT WAS
NECESSARY TO INCLUDE DETAILS DISCUSSED IN THE TALKS.
TO SOLVE THIS QUESTION, THE CHINESE SIDE CONTEMPLATED AN
ANNEX, WHICH COULD TAKE THE FORM OF AN EXCHANGE OF NOTES.
IT WOULD AMPLIFY THE IMPLICATIONS OF THE 12 GUIDELINES IN THE LIGHT
OF THE TALKS. BUT IT WOULD BE FOR THE CHINESE GOVERNMENT TO SET
OUT THESE IMPLICATIONS AND ONLY MAJOR QUESTIONS OF PRINCIPLE,
NOT DETAILS COVERED IN THE TALKS, COULD BE INCLUDED. MANY
DETAILED POINTS SHOULD BE LEFT TO THE SINO-BRITISH JOINT
GROUP WHICH WOULD BE SET UP IN THE TRANSITIONAL PERIOD.

11. AT THE TIME THE AGREEMENT WAS SIGNED, IT WOULD BE
NECESSARY TO SIGN A PROTOCOL ON ARRANGEMENTS FOR THE TRANSITION-
AL PERIOD. THIS NEED NOT BE LONG. IT WOULD DESCRIBE THE WORK OF THE
SINO-BRITISH JOINT GROUP AND THE PRINCIPLES WHICH WOULD ENSURE
AN ORDERLY TRANSFER OF GOVERNMENT DURING THIS PERIOD.

A14. ZHOU THEN HANDED ME SOPIES OF A DRAFT JOINT DECLARATION,
DRAFT NOTES, AND A DRAFT PROTOCOL (SEE TEXTS IN MY
THREE IFTS)

13. I THANKED ZHOU FOR THE SPEED OF HIS REACTION. I HAD TO
SAY THAT I WAS VERY DISAPPOINTED BY IT AND WAS SURE THAT HMG WOULD
BE SO TOO. IT WAS PARTICULARLY DISAPPOINTING THAT THE CHINESE

~~SAY THAT I WAS VERY DISAPPOINTED BY IT AND WAS SURE THAT HMG WOULD~~
BE SO TOO. IT WAS PARTICULARLY DISAPPOINTING THAT THE CHINESE
SIDE CONSIDERED OUR DRAFT UNACCEPTABLE AS A BASIS FOR
NEGOTIATION. YOU WOULD CERTAINLY WISH TO DISCUSS IT
FURTHER WITH CHINESE LEADERS AND TO ARGUE ITS MERITS.
MEANWHILE, I WANTED TO REPLY IMMEDIATELY TO A NUMBER OF ZHOU'S
COMMENTS:

(A) ZHOU HAD SAID THAT AFTER 1997 WE WERE ATTEMPTING TO
TURN HONG KONG INTO AN INDEPENDENT POLITICAL ENTITY,
OR THAT WE WERE TRYING TO MAKE IT A CONDOMINIUM.
THIS WAS COMPLETELY GROUNDLESS.

(B) WE BELIEVED THAT WE HAD DEALT SQUARELY WITH THE
QUESTION OF SOVEREIGNTY IN ARTICLE 1 AND THAT OUR
FORMULATION MET THE ESSENTIAL CHINESE POINT THAT
HONG KONG SHOULD BECOME AN SAR OF THE PEOPLE'S
REPUBLIC OF CHINA.

(C) IT WAS NOT WE WHO HAD INVENTED THE NAME "HONG KONG
(CHINA)". THIS LOCUTION WAS FAVOURED BY THE CHINESE
GOVERNMENT: WE HAD HEARD IT OFTEN IN THE TALKS.

(D) ON THE QUESTION OF DEVOLUTION OF POWERS TO THE
FUTURE SAR, WE HAD TRIED IN OUR DRAFT TO GIVE AS PRE-
A DEFINITION AS POSSIBLE OF THE HIGH DEGREE OF
AUTONOMY WHICH THE SAR WOULD ENJOY. THIS WAS VITAL
IF CONFIDENCE WAS TO BE RETAINED.

(E) IN DRAFTING ARTICLE 2, WE HAD DRAWN ON THE 12
POINTS OUTLINED BY THE CHINESE SIDE, ON OUR WORKING
PAPERS AND ON THE DIALOGUE IN THE TALKS. AGAIN WE
BELIEVED THAT THE ARRANGEMENTS AFTER 1997 IN THE
SAR HAD TO BE SPELLED OUT CLEARLY AND WITH PRECISION
IF CONFIDENCE IN THE TERRITORY WAS TO BE
MAINTAINED.

(F) ON ZHOU'S POINT THAT IT WAS INADMISSIBLE FOR ANY
COUNTRY SAVE CHINA TO PREPARE THE BASIC LAW, I SAID
THAT WE WERE NOT DRAFTING THE BASIC LAWS BUT A CLEAR
AND PRECISE AGREEMENT ON FUTURE ARRANGEMENTS WHICH
WOULD BE REFLECTED IN THE BASIC LAW.

(G) I WAS ASTONISHED AT THE CHINESE REACTION TO ARTICLE 3.
IT ENCAPSULATED AN EXPRESSION OF OUR WILLINGNESS TO
COOPERATE WITH CHINA IN ADDITION TO OUR MEETING
CHINA'S REQUIREMENT ON SOVEREIGNTY. I SHOULD HAVE
EXPECTED IT TO BE WELCOMED.

(H) THE PURPOSE OF ARTICLE 4 WAS TO SEEK TO ENSURE
THAT THE SAR WOULD CONTINUE TO ENJOY THOSE RIGHTS
AND PRIVILEGES WHICH IT NOW ENJOYED, AND WHICH IT
MIGHT COME TO ENJOY BY 1997, FLOWING FROM HONG KONG'S
PARTICIPATION IN MANY INTERNATIONAL AGREEMENTS AND
INTERNATIONAL ORGANISATIONS.

INTERNATIONAL ORGANISATIONS.

14. I CONCLUDED WITH TWO GENERAL POINTS. FIRST, WE BELIEVED THAT OUR DRAFT GAVE THE CHINESE SIDE THEIR ESSENTIAL REQUIREMENT IN RELATION TO SOVEREIGNTY AND THE RIGHT OF ADMINISTRATION. SECONDLY, WE BELIEVED THAT AN AGREEMENT BETWEEN US MUST BE PRECISE ABOUT THE ARRANGEMENTS WHICH WOULD OBTAIN AFTER 1997 IN THE SAR.

15. TURNING TO THE THREE CHINESE DRAFTS, I SAID THAT WE WOULD GIVE THEM THE STUDY WHICH THEY DESERVED. CHINESE IDEAS APPEARED TO BE FAR FROM OURS. I RESERVED YOUR RIGHT TO COMMENT ON THE DRAFTS DURING YOUR VISIT.

16. I HANDED THE FURTHER ANNEXES TO ZHOU NAN, SPEAKING ON THE LINES OF YOUR TEL NO 373 AND PARAGRAPH 2 OF YOUR TEL NO 664 TO HONG KONG.

17. ZHOU SAID THAT HE HAD LISTENED CAREFULLY TO MY REMARKS. HE THANKED ME FOR THE ANNEXES WHICH THE CHINESE SIDE WOULD STUDY AND REACT TO IN DUE COURSE. HE REPEATED THAT STUDY OF THE BRITISH DRAFT HAD NOT CONVINCED THE CHINESE THAT IT WAS AN EXPRESSION OF OUR GOOD INTENTIONS. NOR DID MY EXPLANATIONS CONVINCED HIM. HIS COMMENTS STOOD. THE BRITISH DRAFT WAS INCONSISTENT WITH CHINA'S PRINCIPLE OF SOVEREIGNTY. IT WAS FUNDAMENTALLY UNACCEPTABLE AND COULD NOT BE USED AS A BASIS FOR NEGOTIATION. I HAD SAID THAT IN THE DRAFT ONE OF OUR OBJECTIVES HAD BEEN PRECISION. CHINA ALSO THOUGHT THAT THERE SHOULD BE PRECISION. BUT THE CONTENTS OF THE BRITISH DRAFT WERE INCONSISTENT WITH CHINA'S VIEWS. THERE WAS THEREFORE NO QUESTION OF PRECISION IN THE BRITISH DRAFT. PRECISION ON THE QUESTION OF SOVEREIGNTY COULD BE FOUND IN THE CHINESE DRAFT. IT WAS IMPERMISSIBLE UNDER THE PRETEXT OF CLARITY FOR THE BRITISH TO SEEK TO APPROVE CHINESE POLICIES OR TO FORMULATE THE BASIC LAW FOR THE CHINESE GOVERNMENT.

18. I REPEATED THAT WE WERE NOT SEEKING TO DRAFT THE BASIC LAW, BUT AN AGREEMENT BETWEEN US. WE SOUGHT IN SUCH AN AGREEMENT A CLEAR AND PRECISE EXPRESSION OF THE MAIN PRINCIPLES AND ARRANGEMENTS WHICH WOULD OBTAIN AFTER 1997 IN HONG KONG. YOU WOULD CERTAINLY BE URGING THE MERITS OF OUR DRAFT ON CHINESE LEADERS DURING YOUR VISIT.

19 FOR COMMENT SEE MY FOURTH IFT.

EVANS

NNNN

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File

18

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cc: Sir P. Craddock

16 April 1984

FUTURE OF HONG KONG

The Prime Minister saw over the weekend Peking telegram number 739 describing our Ambassador's call on Zhou Nan on 13 April.

Mrs. Thatcher has minuted:

"It seems that the Unofficials were right in their judgement of the Chinese".

A. J. COLES

Roger Bone, Esq.,
Foreign and Commonwealth Office.

MR

SECRET

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DESBKY 131130Z

FROM PEKING 131000Z APR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 740 OF 13/4/84

INFO IMMEDIATE HONG KONG

MIPT: CALL ON ZHOU NAN ON 13 APRIL:

JOINT DECLARATION.

1. FOLLOWING IS THE TEXT OF THE DRAFT JOINT DECLARATION
PROPOSED BY CHINA:

JOINT DECLARATION OF THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF
THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND ON THE QUESTION OF HONG KONG

(DRAFT)

1. THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
HAVE REVIEWED WITH SATISFACTION THE FRIENDLY RELATIONS EXISTING
BETWEEN THE TWO GOVERNMENTS AND PEOPLES IN RECENT YEARS AND
AGREED THAT A PROPER NEGOTIATED SETTLEMENT OF THE QUESTION OF
HONG KONG, WHICH IS LEFT OVER FROM THE PAST, IS CONDUCTIVE TO THE
FURTHER STRENGTHENING AND DEVELOPMENT OF THE RELATIONS BETWEEN
THE TWO COUNTRIES ON A NEW BASIS. AFTER TALKS BETWEEN THE DE-
LEGATIONS OF THE TWO GOVERNMENTS, IT IS AGREED THAT THE UNITED KING-
DOM GOVERNMENT WILL RESTORE THE HONG KONG AREA (INCLUDING HONGKONG
ISLAND, KOWLOON AND THE NEW TERRITORIES, THE SAME BELOW)
TO THE PEOPLE'S REPUBLIC OF CHINA ON 1 JULY 1997 AND

~~TO THE PEOPLE'S REPUBLIC OF CHINA ON 1 JULY 1997 AND~~
WITHDRAW ALL ITS ARMED FORCES FROM THE HONG KONG AREA.
THE PEOPLE'S REPUBLIC OF CHINA WILL RESUME THE EXERCISE OF
ITS SOVEREIGNTY OVER THE HONG KONG AREAS AS FROM 1 JULY
1997. THE TIME BETWEEN NOW AND 30 JUNE 1997 IS THE TRANSITION PERIOD
FOR THE SETTLEMENT OF THE HONG KONG QUESTION.

2. THE CHINESE GOVERNMENT DECLARES THAT THE
GUIDELINES OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE SETTLEMENT
OF THE HONG KONG QUESTION ARE AS FOLLOWS:

(1) THE HONG KONG AREA HAS BEEN PART OF CHINA'S SACRED
TERRITORY SINCE ANCIENT TIMES. THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA DOES NOT RECOGNIZE THE THREE
UNEQUAL TREATIES CONCERNING THE HONG KONG AREA WHICH
BRITAIN IMPOSED ON CHINA IN THE 19TH CENTURY. TO RECOVER
THE HONG KONG AREA AND RESUME THE EXERCISE OF SOVEREIGNTY
IS THE COMMON ASPIRATION OF THE ENTIRE CHINESE
PEOPLE, INCLUDING THE COMPATRIOTS IN HONG KONG. IN ORDER
TO UPHOLD THE UNITY AND TERRITORIAL INTEGRITY OF THE
COUNTRY AND OUT OF CONSIDERATION FOR THE HISTORICAL
AND PRESENT CONDITIONS IN THE HONG KONG AREA, THE PEOPLE'S
REPUBLIC OF CHINA HAS DECIDED TO ESTABLISH, IN ACCORDANCE
WITH THE PROVISIONS OF ARTICLE 31 OF THE CONSTITUTION OF THE PEOPLES
REPUBLIC OF CHINA, A HONG KONG SPECIAL ADMINISTRATIVE REGION
UPON RESUMING EXERCISE OF ITS SOVEREIGNTY OVER THE HONG KONG AREA.

(2) THE HONG KONG SPECIAL ADMINISTRATIVE REGION
WILL BE DIRECTLY UNDER THE AUTHORITY OF THE CENTRAL PEOPLE'S
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA. THE HONG KONG
SPECIAL ADMINISTRATIVE REGION WILL ENJOY A HIGH
DEGREE OF AUTONOMY,
EXCEPT IN FOREIGN AND DEFENCE AFFAIRS WHICH
ARE THE RESPONSIBILITIES OF THE CENTRAL PEOPLE'S GOVERNMENT.

(3) THE HONG KONG SPECIAL ADMINISTRATIVE REGION
WILL BE VESTED WITH THE POWER OF LEGISLATION AND INDEPENDENT
JUDICIAL POWER, INCLUDING THAT OF FINAL ADJUDICATION.
THE LAWS, DECREES AND ORDINANCES CURRENTLY IN
FORCE WILL REMAIN BASICALLY UNCHANGED.

(4) THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION WILL BE CONSTITUTED BY LOCAL INHABITANTS. THE CHIEF
EXECUTIVE WILL BE APPOINTED BY THE CENTRAL PEOPLE'S GOVERNMENT
ON THE BASIS OF THE RESULTS OF ELECTIONS OR CONSULTATIONS TO
BE HELD LOCALLY. THE PRINCIPAL OFFICIALS WILL BE NOMINATED
BY THE GOVERNMENT OF THE SPECIAL ADMINISTRATIVE REGION FOR APP-
OINTMENT BY THE CENTRAL PEOPLE'S GOVERNMENT. THE CHINESE
AND FOREIGN NATIONALS WORKING IN THE PUBLIC AND POLICE
SERVICES IN THE DEPARTMENTS OF THE BRITISH AUTHORITIES
IN HONG KONG MAY REMAIN IN EMPLOYMENT. BRITISH
AND OTHER FOREIGN NATIONALS MAY ALSO BE EMPLOYED
TO SERVE AS ADVISERS IN ORGANS AT VARIOUS LEVELS IN THE
HONG KONG SPECIAL ADMINISTRATIVE REGION.

(5) THE CURRENT SOCIAL AND ECONOMIC SYSTEMS IN
THE HONG KONG AREA WILL REMAIN UNCHANGED, SO WILL THE

~~THE HONG KONG AREA WILL REMAIN UNCHANGED, SO WILL THE~~
LIFE-STYLE. FREEDOMS OF SPEECH, OF THE PRESS,
OF ASSEMBLY, OF ASSOCIATION, OF TRAVEL, OF MOVEMENT, OF CORRES-
PONDENCE, OF STRIKE, OF CHOICE OF OCCUPATION, OF ACADEMIC
RESEARCH AND OF RELIGIOUS BELIEF WILL BE ENSURED BY
LAW IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION. PRIVATE
PROPERTY, OWNERSHIP OF ENTERPRISES, LEGITIMATE RIGHT
OF INHERITANCE AND FOREIGN INVESTMENT WILL BE
PROTECTED BY LAW.

(6) THE HONG KONG SPECIAL ADMINISTRATIVE REGION WILL
RETAIN THE STATUS OF A FREE PORT AND A SEPARATE TARIFF AREA.

(7) THE HONG KONG SPECIAL ADMINISTRATIVE REGION WILL RETAIN
THE STATUS OF AN INTERNATIONAL FINANCIAL CENTRE, AND ITS
MARKETS FOR FOREIGN EXCHANGE, GOLD, SECURITIES
AND FUTURES WILL REMAIN OPEN. THERE WILL BE FREE
FLOW OF CAPITAL. THE HONG KONG DOLLAR WILL CIRCULATE AND
BE CONVERTIBLE AS USUAL.

(8) THE HONG KONG SPECIAL ADMINISTRATIVE REGION
WILL HAVE INDEPENDENT FINANCES.

(9) THE HONG KONG SPECIAL ADMINISTRATIVE REGION
MAY ESTABLISH MUTUALLY PREFERENTIAL ECONOMIC RELATIONS WITH THE
UNITED KINGDOM. BRITISH ECONOMIC INTERESTS IN THE
HONG KONG AREA WILL BE TAKEN CARE OF.

(10) USING THE NAME OF "HONG KONG, CHINA", THE HONG KONG
SPECIAL ADMINISTRATIVE REGION MAY ON ITS OWN MAINTAIN
AND DEVELOP ECONOMIC AND CULTURAL RELATIONS AND
SIGN AGREEMENTS ON THESE MATTERS WITH FOREIGN
COUNTRIES AND REGIONS AND RELEVANT INTERNATIONAL ORGANIZATIONS.

THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
MAY ISSUE ON ITS OWN TRAVEL DOCUMENTS FOR ENTRY
INTO AND EXIT FROM HONG KONG.

(11) THE MAINTENANCE OF PUBLIC ORDER IN THE
HONG KONG SPECIAL ADMINISTRATIVE REGION WILL BE THE
RESPONSIBILITY OF THE GOVERNMENT OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION.

(12) THE ABOVE-STATED GUIDELINES ON THE HONG KONG SPECIAL
ADMINISTRATIVE REGION WILL BE STIPULATED IN A BASIC LAW
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA TO BE PROBULGATED BY
THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S
REPUBLIC OF CHINA, AND THEY WILL REMAIN UNCHANGED FOR FIFTY YEARS.

THE GOVERNMENT OF THE UNITED KINGDOM EXPRESSES ITS
APPRECIATION OF THE ABOVE POLICIES DECLARED BY THE CHINESE GOVERN-
MENT.

~~THE UNITED KINGDOM GOVERNMENT DECLARES THAT DURING~~
THE TRANSITION PERIOD BETWEEN NOW AND 30 JUNE 1997,
THE UNITED KINGDOM GOVERNMENT WILL BE RESPONSIBLE FOR
MAINTAINING AND PRESERVING THE ECONOMIC
PROSPERITY AND SOCIAL STABILITY OF THE HONG KONG
AREA.

4. THE TWO SIDES HAVE AGREED THAT WITH () MONTHS AFTER
THE SIGNING OF THIS JOINT DECLARATION, A SINO-BRITISH JOINT
GROUP (JOINT COMMITTEE) COMPOSED OF AN EQUAL NUMBER
OF PERSONS FROM EACH SIDE HEADED BY
OFFICIALS OF AMBASSADORIAL RANK WILL BE SET UP TO
CONDUCT CONSULTATIONS WHENEVER NECESSARY DURING
THE TRANSITION PERIOD ON THE IMPLEMENTATION OF THIS
JOINT DECLARATION, THE SMOOTH TRANSFER OF GOVERNMENT AND
OTHER RELATED MATTERS.

5. THIS JOINT DECLARATION SHALL ENTER INTO FORCE ON THE
DATE OF SIGNING.

ONE IN DUPLICATE AT ON DAY OF
1984, IN THE CHINESE AND ENGLISH LANGUAGES, BOTH TEXTS
BEING EQUALLY AUTHENTIC.

(SIGNED)

(SIGNED)

PLENIPOTENTIARY OF THE
GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA

PLENIPOTENTIARY OF THE
GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND.

EVANS

REF PARA ONE LINE TWO END OF LINE
SHOULD READ

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GREAT BRITAIN AND NRO NORTHERN IRELAND HAVE RECEIVED WITH ETC K

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~~RESIDENT CLERK~~

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DESBKY 131130Z

FROM PEKING 131048Z APR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 743 OF 13/4/84

INFO IMMEDIATE HONG KONG

MY 4 IPTS: CALL ON ZHOU NAN ON 13 APRIL:

COMMENT

SECRET

GRS 330

SECRET

DESKBY 131130Z

FROM PEKING 131030Z APR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 741 OF 13/4/84

INFO IMMEDIATE ONG KONG

859 (360)

MY 2 IPTS: CALL ON ZHOU NAN ON 13 APRIL:

EXCHANGE OF NOTE'

HKK040A		
RECEIVED IN REGISTRY		
6 APR 1984		
INDEX	FILE NO	REGISTRY
	PA	Action Taken

1. FOLLOWING ARE THE TEXTS OF THE DRAFT NOTES PROPOSED BY CHINA:

EXCHANGE OF NOTES

(1) CHINA'S NOTE

DATE 1984

HIS EXCELLENCY.....,

.....OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

SECRET

EXCELLENCY,

SECRET

EXCELLENCY,

I HAVE THE HONOUR TO ELABORATE FURTHER ON THE POLICIES THE PEOPLE'S REPUBLIC OF CHINA WILL PURSUE AFTER IT RESUMES THE EXERCISE OF ITS SOVEREIGNTY OVER THE HONG KONG AREA, AS SET FORTH IN ARTICLE OF THE JOINT DECLARATION OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE QUESTION OF HONG KONG WHICH HAS BEEN SIGNED BY OUR TWO SIDES TODAY:

1.

2.

.....

IF OUR EXCELLENCY WOULD KINDLY CONFIRM THE RECEIPT OF HIS NOTE IN A NOTE OF REPLY, THIS NOTE AND YOUR EXCELLENCY'S NOTE OF REPLY WILL CONSTITUTE ANNEXES TO THE JOINT DECLARATION OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORHTERN IRELAND ON THE QUESTION OF HONG KONG.

I AVAIL MYSELF OF THIS OPPORTUNITY TO RENEW TO YOU EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

(SIGNED).....

.....OF THE PEOPLE'S REPUBLIC OF CHINA

(2) BRITAIN'S NOTE OF REPLY

DATE 1984

HIS EXCELLENCY.....

.....OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

SECRET

/ EXCELLENCY:

SECRET

EXCELLENCY,

I HAVE THE HONOUR TO ACKNOWLEDGE THE RECEIPT OF YOUR EXCELLENCY'S NOTE OF TODAY, WHOSE CONTENTS ARE AS FOLLOWS:

".....
1.....
2....."

YOUR EXCELLENCY'S NOTE AND THIS NOTE OF REPLY WILL CONSTITUTE ANNEXES TO THE JOINT DECLARATION OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE QUESTION OF HONG KONG.

I AVAIL MYSELF OF THIS OPPORTUNITY TO RENEW TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

(SIGNED).....

..... OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

EVANS

FUTURE OF HONG KONG

LIMITED

ED/EDD

ED/FED

ED/PLANNING STAFF

ED/FUSD

D/ED/FUSD

PES.B. (MR WALKER)

LEGAL ADVISER (MR FREELAND).

PS

PS/LADY YOUNG

PS/ME LUCE

PS/FUS

SIR J BULLARD

SIR W HARDING

MR WILSON

MR WRIGHT

SIR C TUCKELL

COPIES TO:

BUCKINGHAM PALACE

PS/LORD PRESIDENT OF THE COUNCIL

PS/HOME SECRETARY

PS/CHANCELLOR OF THE EXCHEQUER

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MR COLES NO 10 DOWNING ST.

MR MARTIN ASSESSMENT STAFF CABINET OFFICE

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3
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DESKBY 131130Z

FROM PEKING 131040Z APR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 742 OF 13/4/84

INFO IMMEDIATE HONG KONG

HKK040/4		
RECEIVED IN		
16 APR 1984		
CLASSIFIED BY		
INDEX	PA	EXEMPT FROM

359 360 361

MY 3 IPTS: CALL ON ZHOU NAN ON 13 APRIL: PROTOCOL ON ARRANGEMENTS FOR THE TRANSITIONAL PERIOD.

1. FOLLOWING IS THE TEXT OF THE DRAFT PROTOCOL PROPOSED BY CHINA:

DRAFT PROTOCOL ON THE ARRANGEMENTS FOR THE TRANSITION PERIOD BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

IN ACCORDANCE WITH THE JOINT DECLARATION THE QUESTION OF HONG KONG SIGNED BY THE TWO GOVERNMENTS ON 1984, THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND HAVE SIGNED THIS PROTOCOL.

ARTICLE 1

...

ARTICLE 2

...

ARTICLE...

.....

THIS PROTOCOL IS AN ANNEX TO THE JOINT DECLARATION OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE QUESTION OF HONG KONG.

SECRET

/DONG

SECRET

DONE IN DUPLICATE INON1984, IN
THE CHINESE AND ENGLISH LANGUAGES, BOTH TEXTS
BEING EQUALLY AUTHENTIC

(SIGNED).....

(SIGNED).....

PLENIPOTENTIARY OF THE
GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF CHINA

PLENIPOTENTIARY OF THE
GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

EVANS

FUTURE OF HONG KONG
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SECRET

SECRET

DESBKY 131130Z

FROMPEKING 131048Z APR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 743 OF 13/4/84

INFO IMMEDIATE HONG KONG

RECEIVED	
16 APR 1984	

359 360 361 362

MY 4 IPTS: CALL ON ZHOU NAN ON 13 APRIL:

COMMENT

1. I AM NOT SURPRISED THAT ZHOU REJECTED OUR DRAFT AGREEMENT AS A BASIS FOR NEGOTIATION. HE SAID THAT THE REACTION WHICH HE WAS CONVEYING TO ME HAD BEEN CAREFULLY CONSIDERED. BUT HE DID NOT MAKE ANY ATTEMPT TO ARGUE WHEN I SAID, BOTH AT THE BEGINNING AND THE END OF MY RESPONSE, THAT I WAS SURE YOU WOULD WISH TO ARGUE THE MERITS OF OUR DRAFT WITH WU XUEQIAN AND OTHER CHINESE LEADERS WHEN YOU MET THEM NEXT WEEK. NOR DID HE REFUSE TO STUDY OUR DRAFT ANNEXES.

2. QUITE A LOT OF ZHOU'S CRITICISMS OF OUR DRAFT ARE FAR FETCHED. SOME OF THEM WILL BE EASY TO DEMOLISH. MANY MORE OF HIS CRITICISMS CONCERN FORM THAN SUBSTANCE.

3. GIVEN ALL THAT I HAVE SAID TO ZHOU NAN IN CNFORMAL DISCUSSIONS WITH HIM DURING THE PAST SIX WEEKS, HE AT LEAST CANNOT SERIOUSLY EXPECT US TO ACCEPT THE CHINESE DRAFT.

SECRET

14.

SECRET

4. THE WAY IS OPEN FOR YOU TO ARGUE THE MERITS OF OUR DRAFT WITH WU AND OTHERS YOU MEET. YOU WILL, I IMAGINE, WISH TO DO THIS VIGOROUSLY, EVENIN IF YOU DECIDE TO CONCEDE A FEW POINTS WHICH ARE UNIMPORTANT TO US (E.G. TO AGREE TO AMEND THE REFERENCE TO 'HONG KONG(CHINA)'' IN ARTICLE 1)

EVANS

FUTURE OF HONG KONG

LIMITED

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SIR PERCY CRADOCK

~~RESIDENT CLERK~~

GRS 610

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DESKBY 131130Z

ADVANCE COPY

FROM PEKING 131050Z APR 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 745 OF 13/4/84
INFO IMMEDIATE HONG KONG

FUTURE OF HONG KONG: ROUND 12: DINNER

1. THERE WAS NO MUCH SUBSTANTIVE DISCUSSION OVER DINNER. DISCUSSION OF THE AGREEMENT HAS NOW BEEN OVERTAKEN (MY TEL NO 739).

ITEM 2

2. ZHOU SAID THAT HE HAD BEEN VERY DISAPPOINTED AT MY REACTION TO HIS PROPOSALS FOR THE TRANSITIONAL PERIOD. HE HAD DARED TO HOPE THAT WE WOULD SEE NO DIFFICULTIES IN THEM. HE WAS SURPRISED THAT WE SHOULD OBJECT TO DESCRIBING THE PERIOD BETWEEN NOW AND 1997 AS THE TRANSITIONAL PERIOD, AS THE CHINESE HAD USED THIS DESCRIPTION REPEATEDLY IN THE PAST. I ASKED ZHOU TO IMAGINE THE NEGATIVE EFFECT THAT SUCH A DESCRIPTION WOULD HAVE UPON OPION IN HONG KONG. ZHOU COUNTER-CLAIMED THAT IT WOULD HAVE A POSITIVE EFFECT.

BRITISH REPRESENTATION

3. I SAID THAT WE HAD BEEN DISAPPOINTED AT THE CHINESE REACTION. IT SEEMED THAT THE CHINESE WANT TO EQUATE US WITH ALL OTHER COUNTRIES POST-1997. ZHOU ARGUED THAT WE SHOULD HAVE A GREATER ROLE TO PLAY BECAUSE OF THE EXTENT OF OUR ECONOMIC

~~A GREATER ROLE TO PLAY BECAUSE OF THE EXTENT OF OUR ECONOMIC~~
AND OTHER INTERESTS. I REMINDED ZHOU OF WU XUEQIAN'S COMMENT TO YOU
IN NEW YORK IN SEPTEMBER THAT BRITISH EXPERIENCE IN
RUNNING A CAPITALIST ECONOMY WOULD BE VERY HELPFUL
AND BRITAIN COULD PLAY A GREAT ROLE (UKMIS NEW YORK 1983
TEL NO 6 TO HONG KONG.) I SAID THAT THIS DID NOT SEEM TO
US TO EQUATE WITH THE CHINESE POSITION ON BRITISH REPRESENTATION.
I POINTED OUT THAT OTHER COUNTRIES (EG JAPAN AND THE US)
COULD WELL HAVE MORE INVESTMENT IN HONG KONG. ZHOU
COUNTERED THAT WE WOULD HAVE NOTE-ISSUING BANKS AND
ADDED THAT WU'S REMARK TO YOU HAD BEEN RATHER A "JOKING ONE".

TIMETABLE

4. ZHOU AGAIN ENQUIRED WHETHER I HAD BEEN INSTRUCTED TO OFFER
CLARIFICATION ON THE THREE POINTS HE HAD EARLIER RAISED WITH ME
(PARAGRAPH 5 OF MY TELNO 688). I SAID I HAD NOT.

FUTURE ROUNDS

5. ZHOU ASKED IF WE COULD AGREE TO TWO FURTHER ROUNDS IN
MAY. I SAID THAT DECISION ON THIS WOULD HAVE TO WAIT
UNTIL AFTER YOUR VISIT. (THE GOVERNOR TELLS ME THAT
HIS TIMETABLE WOULD PERMIT ROUNDS ON 9/10 AND 30/31 MAY)

GENERAL

6. ZHOU ASKED IF YOU WOULD HAVE A MESSAGE TO CONVEY FROM
THE PRIME MINISTER. I SAID THAT I HAD NOT HEARD OF ONE.
IN RESPONSE TO ZHOU'S QUESTION, I SAID THAT THE SUBJECTS WHICH
YOU WOULD WISH TO DISCUSS WOULD BE THE FORM
AND CONTENT OF AN AGREEMENT, THE TIMETABLE AND SUBJECTS ON WHICH
WE WERE STILL NOT AGREED, SUCH AS NATIONALITY AND
THE PUBLIC SERVICE.

EVANS

NNNN