

立法會  
*Legislative Council*

LC Paper No. CB(2)2209/00-01  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/CA

**Legislative Council  
Panel on Constitutional Affairs**

**Minutes of meeting  
held on Tuesday, 12 June 2001 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members Present** : Hon Andrew WONG Wang-fat, JP (Chairman)  
Hon Emily LAU Wai-hing, JP (Deputy Chairman)  
Hon James TIEN Pei-chun, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching  
Hon Jasper TSANG Yok-sing, JP  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung  
Hon SZETO Wah  
Hon Audrey EU Yuet-mee, SC, JP

**Members Attending** : Hon IP Kwok-him, JP  
Hon LEUNG Yiu-chung

**Public Officers Attending** : Item IV  
  
Mr Michael M Y SUEN  
Secretary for Constitutional Affairs  
  
Mr Robin IP  
Deputy Secretary for Constitutional Affairs  
  
Mr John CHAN  
Acting Chief Electoral Officer  
Registration and Election Office

Item V

Mr Michael M Y SUEN  
Secretary for Constitutional Affairs

Mr Clement MAK  
Deputy Secretary for Constitutional Affairs

Ms Mable CHAN  
Principal Assistant Secretary for Constitutional Affairs

Item VI

Mr Michael M Y SUEN  
Secretary for Constitutional Affairs

Mr Robin IP  
Deputy Secretary for Constitutional Affairs

**By Invitation** : Dr LO Shiu-hing  
Associate Professor  
Department of Politics and Public Administration  
The University of Hong Kong

Mr WAN Kwok-fai  
Teaching Assistant  
Department of Politics and Public Administration  
The University of Hong Kong

Mr CHOY Chi-keung  
Lecturer  
Division of Social Studies  
City University of Hong Kong

**Clerk in Attendance** : Mrs Percy MA  
Chief Assistant Secretary (2)3

**Staff in Attendance** : Mr Jimmy MA  
Legal Adviser

Miss Yvonne YU  
Senior Assistant Secretary (2)7

---

**I. Endorsement of draft report of the Panel on Constitutional Affairs to Legislative Council**

(LC Paper No. CB(2)1763/00-01(01))

The Panel endorsed the draft report of the Panel on Constitutional Affairs which would be presented to the Legislative Council (LegCo) on 4 July 2001. Members agreed to authorize the Clerk, in consultation with the Chairman, to revise the report to incorporate discussion on major issues after endorsement of the report by the Panel at this meeting.

**II. Items for discussion at the next meeting on 9 July 2001**

(LC Paper No. CB(2)1763/00-01(02))

2. Members agreed that the following items be discussed at the next meeting on 9 July 2001 -

- (a) Development of the HKSAR's political system ;
- (b) Issues relating to employees of subvented welfare organizations taking up public offices;
- (c) Restrictions on activities undertaken by a former Chief Executive; and
- (d) Mechanism for amending the Basic Law.

Meetings in August and September

3. On the item of system of accountability for principal officials, the Chairman said that the Chief Secretary for Administration had advised the House Committee on 18 May 2001 that the Chief Executive (CE) hoped to be able to provide a blueprint of a system of accountability for principal officials in his Policy Address to be delivered in October 2001. The Chairman added that he would lead a delegation to visit the United Kingdom, France and Germany to study their systems of executive accountability from 13 to 24 June 2001. The delegation would present its report to the Panel after the visit. After discussion, members agreed to schedule two meetings on 27 August 2001 and 3 September 2001 to follow up the matter. The Panel would make recommendations and submit a report to the House Committee and the Administration for consideration.

**III. Application of certain provisions of the Prevention of Bribery Ordinance (POBO) (Cap. 201) to the Chief Executive (CE)**  
(LC Paper Nos. CB(2)1764/00-01(01) and CB(2)1764/00-01(02))

4. The Chairman referred members to the Background Paper prepared by the LegCo Secretariat which summarized previous discussions of the Panel on the issue of application of POBO to CE in the 1998-99, 1999-2000 and 2000-01 legislative sessions (LC Paper No. CB(2)1764/00-01(01)). He said that at the Panel meeting on 7 May 2001, members requested the Administration to introduce the legislative proposal to extend the applicability of POBO to CE before the CE election was held in March 2002. A similar concern was raised by the Bills Committee on CE Election Bill and the Administration had provided a response (LC Paper No. CB(2)1764/00-01(02)).

5. Noting that the issue was first discussed by the Panel in the 1998-99 legislative session, Ms Emily LAU asked what were the difficulties faced by the Administration in handling the issue.

6. At the invitation of the Chairman, the Legal Adviser (LA) said that although the issue had been discussed for a long time, it was only until the Panel meeting on 7 May 2001 that the Administration had come to a view that the proposal for codification of the common law offence of bribery might bring about more problems than it intended to resolve and that it was more appropriate to set out in separate legislative provisions the bribery offences for application to the CE. The Administration had advised in its latest reply dated 9 June 2001 that it was working on a viable option that sought to set out in separate legislative provisions a framework of control making reference to that being applied to government officers under the POBO for application to the CE.

7. Dr YEUNG Sum said that the Administration must be urged to expedite the legislative process so that the relevant legislation could be enacted by March 2002 when the election of the second term CE was held. Dr YEUNG suggested and members agreed that the Chairman of the House Committee be requested to raise the matter with the Chief Secretary for Administration (CS). As the Chairman would be on a duty visit to Europe from 13 to 24 June 2001, it was agreed that Ms Emily LAU, the Deputy Chairman, would make a report to the House Committee.

*(Post-meeting note: The Deputy Chairman made a verbal report to the House Committee on 15 June 2001. The Chairman of the House Committee raised the matter with the CS on 26 June 2001. The Administration's response which was set out in the Director of Administration's letter dated 11 July 2001 was circulated to members of the House Committee vide LC Paper No. CB(2)2093/00-01))*

Action  
Column

8. Referring to the Administration's letter dated 9 June 2001, Ms Emily LAU said that she could not agree with the Administration's view that CE was not above the law and would continue to be subject to the common law offence of bribery and the Elections (Corrupt and Illegal Practices) Ordinance in respect of corrupt act and illegal practices relating to the CE election. She pointed out that although the Independent Commission Against Corruption (ICAC) could conduct investigation on CE if he was subject to allegation of common law offence of bribery for public officers, some of ICAC's special powers of investigation under POBO could not be exercised in respect of the common law offence of bribery.

#### **IV. Electoral Affairs Commission Report on the 2000 LegCo By-election held on 10 December 2000**

(LC Paper Nos. CB(2)1571/00-01 and CB(2)1763/00-01(03))

9. Deputy Secretary for Constitutional Affairs (DSCA) briefed members on the paper (LC Paper No. CB(2)1763/00-01(03)). He said that the Administration generally agreed with the four recommendations of the Electoral Affairs Commission (EAC) Report (issued vide LC Paper No. CB(2)1571/00-01) and would take them into account in formulating the electoral arrangements for the next round of elections. The Administration welcomed members' views on the recommendations of the Report.

#### *Election mail*

10. Ms Audrey EU said that candidates were allowed to send two letters to each elector free of postage. Under the existing arrangement, all promotional mail items were sent to individual electors by post. For example, five family members living in the same flat would receive five sets of election mail. For the sake of environmental protection, reducing cost and minimizing nuisance caused to electors, she requested the Administration to consider the possibility of central sorting of electors by address with a view to producing one gum label for electors residing at the same residential address.

11. Acting Chief Electoral Officer of the Registration and Electoral Office (CEO/REO) said that electors residing at the same address were not necessarily related to each other, e.g. people living in bedspace apartments. Moreover, the question of the right of individual electors to receive election mail from candidates would also need to be taken into account in considering the matter. The existing arrangement was to provide to a candidate gum labels of all electors' addresses in his constituency, in the order published in the final register of electors. He agreed that the possibility of grouping gum labels of electors with the same residential address could be explored. This could facilitate individual candidates to decide how they would like to send out the election mail.

Adm

Adm

12. Ms Emily LAU said that electors residing at the same address should be given a choice as to whether they would like to receive election mail addressed to them individually or as a group. In the case of the latter, the Administration should consider issuing one address label which contained the names of all electors.

Adm

13. The Chairman asked whether electors could refuse election mail from candidates altogether. He also asked the Administration to consider whether any proposed new arrangement would also apply to promotional mail items sent by the Government. He pointed out that at present, each elector would receive a leaflet from REO on candidates' particulars etc. Ms Audrey EU said that she recalled that in the last functional constituency (FC) LegCo election, the number of addresses of registered electors for the Legal FC provided to candidates was one short of the number of registered electors. The explanation given at the time was that the elector concerned had chosen not to receive any election mail from candidates. DSCA agreed to consider members' views.

14. Mr Howard YOUNG said that some electors received election mail addressed to previous flat owners/tenants who had not notified the REO of their new addresses, and asked the Administration how the situation could be improved. CEO/REO said that election mail from candidates could be returned to the REO. The REO would strike out the name of the elector from the register after ascertaining that he no longer resided at the registered residential address.

15. DSCA said that large scale of publicity drive would be launched by the Administration before each election to encourage voters to cast their votes. During the publicity drive, the Administration would stress to electors that they must notify the REO if they had changed address. In further response to Mr YOUNG, DSCA said that under the existing practice, members of the public had to notify different government departments of their change of address for different purposes. For election-related purpose, REO should be notified. The Chairman added that the Administration was studying the feasibility of implementing automatic voter registration which might solve the problem under discussion.

*Unauthorized display of election advertisements*

16. Ms Audrey EU said that candidates sometimes failed to comply with electoral regulations on unauthorized display of election advertisements despite the best of their efforts. It was very difficult for a candidate to be fully responsible for the behaviour and action of his/her campaigning team. She asked the Administration to understand the pressure faced by candidates and

Action  
Column

exercise flexibility in dealing with situations which were beyond the control of candidates.

17. DSCA noted Ms EU's view and added that all candidates were required to observe and comply with electoral regulations and guidelines concerning display of election advertisements.

*Complaint of noise nuisance*

18. Ms Audrey EU said that the number of complaints related to noise nuisance was the highest amongst all types of complaint. She asked how one could decide whether a complaint was genuine, but not lodged for other reasons, and whether electors' choice in casting their votes would be affected as a result of any noise nuisance caused by candidates. For the sake of fairness, she asked whether the Administration had any objective criteria in determining whether the volume of noise emitted e.g. from a loudspeaker amounted to a nuisance.

19. CEO/REO said that complainants were advised to report complaints of noise nuisance to the Police immediately. The Police could decide whether the noise level was acceptable under the relevant provisions of the Noise Control Ordinance. He agreed that it was difficult to ascertain whether a complaint was genuine. Nevertheless, he opined that it was unlikely that such complaints would affect the choice of electors, other than the complainants themselves, in casting their votes as all complaints were handled in strict confidence and the names of the candidates under complaint would not be disclosed.

*Electioneering on the election day*

20. In view of the problems associated with noise nuisance on polling day, Dr YEUNG Sum said that the Administration should reconsider the proposal of setting a "cooling off period" in the election. Ms Emily LAU expressed support to the proposal. She said that the Administration should at least consider whether the "no canvassing zone" could be enlarged.

21. DSCA said that there were divided views on the issues of "cooling off period" and "no canvassing zone". Nevertheless, the Administration would take into account members' views in considering the electoral arrangements for future elections.

22. Mr LEUNG Yiu-chung said that he had conducted a questionnaire survey on the issue of "cooling off period" in the last District Council election and the result showed that electors were generally in support of the proposal. Instead of reiterating that Members had different views on the matter, he said that the Administration should adopt some objective criteria in assessing the

Action  
Column

Adm

desirability of implementing the proposal. He requested the Administration to conduct an opinion survey to ascertain the views of electors on the proposal. DSCA agreed to consider the request.

23. Mr TSANG Yok-shing said that many electioneering activities would likewise cause inconvenience to the public. The proposed opinion survey, if conducted by the Administration, should not be restricted to "cooling off period", but should cover a whole range of electioneering activities.

*Telephone canvassing*

24. Dr YEUNG Sum said that the EAC Report recommended that candidates and their agents should avoid using telephone canvassing as a means to promote their candidature as such act was not welcomed by many members of the public. He held a different view. He pointed out that some candidates and their agents could not obtain permission from certain Owners' Corporations to enter the buildings to promote their candidature. This proposal would pose further difficulties to these candidates in their canvassing activities. Mr IP Kwok-him concurred with the view of Dr YEUNG and said that the proposal was neither practical nor feasible.

Adm

25. CEO/REO said that it was not the intention of EAC to prohibit telephone canvassing by candidates. The EAC would clarify this point in its future Guidelines on Election-related Activities.

*Use of vans for canvassing activities*

26. Dr YEUNG Sum said that one of Ms Audrey EU's voluntary workers was charged for standing up in the broadcasting van when conducting canvassing activities. As this type of campaigning activity had taken place for over ten years and no one had ever been charged before, he asked about the Administration's stance and how it would handle similar cases in future.

27. DSCA said that it was not appropriate for him to give any comment on the specific case which was still under investigation by the Police. He stressed that candidates should comply with the relevant traffic regulations for safety reasons in carrying out campaigning activities.

Adm

28. Mr IP Kwok-him and Ms Audrey EU requested the Administration to consider introducing alternative measures to protect the safety of the candidates and their agents without impeding campaigning activities on broadcasting vans. DSCA agreed to consider members' views.

Action  
Column

*Others*

Adm 29. In response to the Chairman's suggestion, CEO/REO agreed to consider providing a separate breakdown of complaint cases received on the polling day in future EAC reports.

**V. Mechanism for amending the Basic Law**  
(LC Paper No. CB(2)1763/00-01(04))

30. DSCA briefed members on the discussions held by the Panel on the issue of the mechanism for amending the Basic Law in the 1998-1999, 1999-2000 and 2000-2001 legislative sessions, as summarized in the Background Paper prepared by the LegCo Secretariat. He said that the Administration understood certain members' wish that the mechanism for amending the Basic Law be established by the HKSAR Government as early as possible. The Administration was in the process of consulting the Central Government. It was necessary to discuss the matter with the Central Government as the issues involved could not be unilaterally resolved by the HKSAR. DSCA said that at a meeting with the Central Government to discuss certain issues in February 2001, the HKSAR Government raised the matter again at the margins of the meeting. The Central Government did not indicate any progress at that time. The Administration would follow up the matter and would report to the Panel when there was further progress. At the request of the Chairman, DSCA agreed to provide a copy of his speaking note for members' reference. (issued to the Panel vide LC Paper No. CB(2)2047/00-01 on 6 July 2001)

31. Ms Margaret NG said that under Article 159 of the Basic Law, the HKSAR had the power to propose bills for amendment to the Basic Law. The Administration should consider making recommendations on the procedure to give effect to this provision.

32. Ms Emily LAU was disappointed at the static position. She said that four years had already lapsed since the establishment of the HKSAR. It was unacceptable that the Administration would only be prepared to proceed further after completing the consultation with the Central Government. Pointing out that the steps and procedures that were entirely within the ambit of the HKSAR would take about 15 to 22 months, she said that the Administration should initiate some action on its own such as commencing discussion with the Hong Kong deputies to the NPC or making some proposals for consideration of the relevant parties. Mr CHEUNG Man-kwong was of the view that both the Administration and the Central Government did not want to provide a mechanism for amending the Basic Law.

33. DSCA reiterated that the Administration was taking positive follow up action. It had already conveyed to the Central Government the concerns

Action  
Column

Adm

expressed by members of the Panel over the limited progress. As the matters raised were relating to the Standing Committee of the National People's Congress, the State Council and the Committee for the Basic Law, the Administration had to discuss these issues with the Central Government. He undertook that the Administration would follow up the matter and would report to the Panel when there was further progress.

34. The Chairman said that members could continue discussion at the next meeting.

## **VI. Development of the HKSAR's political system**

(LC Paper Nos. CB(2)1767/00-01(01), CB(2)1763/00-01(05) and CB(2)1772/00-01(01))

35. The Chairman welcomed the academics to the meeting and invited them to present their views on the development of the HKSAR's political system.

Dr LO Shiu-hing, Associate Professor and Mr WAN Kwok-fai, Teaching Assistant, Department of Politics and Public Administration, The University of Hong Kong  
(LC Paper No. CB(2)1776/00-01(01))

36. Referring to the written submission, Dr LO Shiu-hing and Mr WAN Kwok-fai presented their views on the system of accountability for principal officials.

Mr CHOY Chi-keung, Lecturer, Division of Social Studies, City University of Hong Kong

37. Mr CHOY Chi-keung made a verbal presentation to members. A verbatim transcript of his speech is at **Appendix**.

### Proposed system of accountability

38. Some members sought clarifications from Dr LO Shiu-hing on his proposal. Dr LO said that under the proposed system, there were ten principal officials who would be members of the Executive Council. With the exception of the offices of the Chief Secretary for Administration (CS), the Financial Secretary and the Secretary for Justice, the 10 existing bureaux were proposed to merge into five bureaux, known as "司". The Security Bureau and the Education and Manpower Bureau would remain unchanged and known as "局". He explained that principal officials in charge of "司" were higher in rank than those in charge of "局". And these posts could be filled by politicians. In addition, CE should not be exempt from the proposed

accountability system as LegCo could charge CE with serious breach of law or dereliction of duty under the Basic Law.

39. In respect of the post of CS, Dr LO proposed three options. In response to members on the option to delete the post, Dr LO said that it was expected that the power of the post would gradually diminish under the proposed system. He personally felt that the post could be deleted because the coordination role undertaken by CS could be taken over by other principal officials. On the option to combine the post with the post of the Secretary for Security, Dr LO said that this was only considered as a possibility.

#### Review on constitutional development

40. Ms Emily LAU said that members were concerned about the review on constitutional development. According to the Administration, it would decide on the way forward in the light of experience of the two milestones in constitutional development, namely, the 2002 CE election and the 2004 LegCo election. Given the timetable of 2007 as stipulated in the Basic Law, she sought the view of the academics on when and how should a review on constitutional development be conducted.

41. Mr CHOY Chi-keung said that a review of the constitutional development of the HKSAR was a very important matter and needed not be conducted after the 2002 CE Election and the 2004 LegCo election were held. As regards the format of public consultation, he said that the Administration could make reference to the consultation exercise conducted on the development of representative government in Hong Kong in 1980's during which a green paper and a white paper were published. Dr LO Shiu-hing said that the review should be conducted earlier to facilitate discussions within the community. He was of the view that the format of review should be given careful consideration as it would affect the enthusiasm of the public to participate in the consultation process.

42. The Chairman informed the academics that the Panel delegation would visit Europe from 13 to 24 June 2001 to study their systems of executive accountability in the United Kingdom, France and Germany. The Panel would prepare a report on the system of accountability for principal officials and welcome any further views from academics.

43. The meeting ended at 12:50 pm.

# 立法會 政制事務委員會會議

## 逐字紀錄本節錄

---

---

日期： 2001年6月12日(星期二)

時間： 上午10時45分

地點： 立法會大樓會議室A

---

---

### 議程第VI項 香港特別行政區的政制發展

\* \* \* \* \*

**主席：**多謝盧博士和尹先生。我們現在請蔡子強先生提出他的意見，之後我們才一併提出問題。蔡先生。

**香港城市大學社會科學學部講師蔡子強先生：**對不起，我在星期五才獲邀出席這次事務委員會會議，所以未能提供書面意見。

我曾在互聯網上參閱政制事務委員會發表的報告書，題目是香港的長遠政治發展。盧兆興博士剛才也談及很多有關政治問責制的問題。我細閱整份報告書後，覺得有數個層面是報告書內未有檢討的，我認為可以提出來討論。

第一，是關於政黨政治在香港未來的政治發展及政治制度內扮演甚麼角色的問題。我覺得香港的政黨政治發展並不成熟，相信很多人也知道這點。我舉一個簡單的例子和數據來證明。以歐洲的主要國家為例，其政黨成員大約佔投票選民人數的3%至22-23%不等，平均為10%。從人數來看，可見這些國家的政黨發展已相當蓬勃，但相比之下，香港的政黨成員佔整體投票選民人數只有0.3%。以這方面的數字作比

較，外國的平均數字是10%，而我們則只有0.3%。從這個角度來看，可見香港的政黨發展仍處於相當初始的階段。

當然，有人會認為這最主要是由於香港沒有執政黨的出現，以及與《基本法》的憲制設計有一脈相承的關係，因為依照《基本法》行政長官由“小圈子選舉”產生，這已不利政黨的出現，而立法會也被分割為數個不相關連的部分，例如直選、選舉委員會及功能界別等，這也不利政黨在選舉中進行動員，因為要競爭的場合基本上是多元化的，所以一個單一的政黨要發展得比較強大，會遇到較大的困難。

除了與整個憲制設計有關之外，我們發覺政府現時在很多具體的安排上也相當不利政黨的發展。近期最熱門的當然是《行政長官選舉條例草案》內其中一項規定，就是政黨成員在當選為行政長官後須退黨。很多人(包括我在內)也曾批評這是不太合理的規定，基本上會影響政黨的長遠發展，這點我略過不談。其實，在很多環節上也看到政府對政黨發展採取了比較負面的態度。

另一個很簡單的例子。香港現時是採用比例代表制的，但對很多歐洲國家來說，比例代表制基本上是政黨發展至某一程度後，為配合政黨政治發展而出現的一個產物。舉例說在歐洲很多國家，任何人如要參加比例代表制的選舉，必須登記為政黨成員最少半年，但香港並沒有這項規定，所以香港的比例代表制變得不倫不類。很多人批評這制度變成多議席單票制，其中一個很重要的原因是很多獨立人士或很多臨時才決定參選的人也可以參加比例代表制的選舉，結果令其變成多議席單票制。如果香港像外國般，規定任何人須登記為政黨成員最少半年後才可以參選，便不會有分拆名單參選這些現象出現，因為在制度上是不容許的。

再舉另一個簡單的例子，就是選管會一些平等時間的原則。很多人曾批評這種做法相當滑稽，甚至荒謬。外國也有平等時間原則，但我認為整個脈絡是很不同的。我曾與一位挪威學者討論，挪威是用比

例代表制的，當地也參考了BBC的經驗，採用平等時間的原則，但平等時間原則只能引伸而適用於在議會中有代表的政黨，所以平等時間的原則基本上與香港的很不同。現時在香港一個二十二、三歲的大學畢業生出席選舉論壇時，可用的時間可能與黨魁的相同。我認為追求絕對公平的原則基本上沒有甚麼意義，反而限制了政黨的發展。

我們可看到很多憲制上的設計對政黨發展相當不利。政府現正研究政黨法，可能會進行諮詢工作。既然政黨現時並不是在一個很健康的環境下發展，如果政黨法能對整個環境作全面的規劃和檢討，目標是為了促進一個比較健康的環境讓政黨發展，我認為會是一件好事。不過，如果倒過來純粹是為了限制政黨的發展，我覺得不太理想。德國有政黨法——世界上有政黨法的國家並不太多——以德國的政黨法為例，如果我沒有記錯，是有6個章節的。當然，有些章節是限制了政黨的發展。第一章是有關政黨的總則和政黨的界定；第二章是對政黨內部民主運作的規定；第三章比較次要；第四章是有關如何在進行選舉時向政黨提供選舉經費的援助。數年前，政黨法規定如果在選舉中每得一票，便可得到政府資助5馬克。鑒於德國有納粹黨的歷史，當然最後也會有些章節是禁止極端政黨在德國出現。整體來說，無論在扶助政黨發展或限制政黨發展兩方面，政黨法也會提供一些有關的條文，希望能令政黨政治有比較健康的發展，以及嘗試為政黨政治在德國政治系統內的角色定位。

現時香港的情況是負面的相對較多，正面的比較少。如果我們要為香港特區政治制度作長遠的規劃時，我覺得可以深刻反省一下，想想究竟我們應如何看政黨政治，以至獨立候選人和政黨政治在香港政治架構內應如何平衡，這是第一點。就香港政黨政治的角色而言，我認為現時負面的情況較多，而且欠缺全面的規劃。

第二點我想提出來的問題是，我們在談論2007年的政制長遠發展檢討時，輿論似乎很容易便集中在香港的議會應否全面直選，或香港的行政長官何時才應該全面直選的問題上。當然，《基本法》內一些

條文似乎或多或少 —— 因為香港的最終目標是由有廣泛代表性的選舉委員會提名，經直選產生行政長官，我們似乎已假設香港應該走一條這樣的路。但是，我覺得如果要解決政制事務委員會報告書內提到的行政、立法關係的矛盾，似乎不能着眼於一些太狹窄的事宜上，例如純粹談論行政長官是否由直選產生，或者立法會議員是否由全面直選產生的問題。

舉一個很簡單的例子。近20年，歐洲或拉丁美洲很多國家進行民主改革時，最後也傾向採用總統制，但採用總統制的經驗也未必是太正面的。我經常說一些學者提到的以一人一票方式選出行政長官或總統，是一種自我感覺良好的機制，多於可以真正解決行政、立法關係的問題。這種說法在這場合可能不中聽，但問題是如果真的要研究歐洲的經驗，似乎以一人一票方式選出行政首長，可能會助長民粹主義式的領袖，甚至對政黨政治也不是一種有利的發展。例如菲律賓的埃斯達拉達未必需要有很強的政黨背景，但他有一定的“人氣”或一定的民望，反而能超越政黨政治而成為菲律賓總統。其實，現時歐洲很多學者也在檢討國會式制度即“parliamentary system”，也就是行政長官由立法機關選舉產生的制度，會否較易令行政機關和立法機關採取和衷共濟、互相合作的態度，以減少很多相關的衝突，因為該體制本身是要促進兩方面的合作，這對直選或總統制反而未必有正面的影響。我看過整份報告書後，發覺當中似乎純粹假設了現時很多問題是基於行政長官或立法機關並非由直選產生而起，但我覺得如果我們未來的政制檢討……當然這可能牽涉要修改《基本法》等問題；我們的眼光其實可否放遠一點，就是我們如何長遠地看香港行政機關和立法機關的關係，當中可否有多一些空間、多一些檢討和多一些改善，而非純粹着眼於兩者是否由直選產生呢？我對體制的看法便是這樣。