

Legislative Council Panel on Constitutional Affairs

Models, roadmap and timetable for electing the Chief Executive and for forming the Legislative Council by universal suffrage

The Commission on Strategic Development (CSD) organised another workshop on 10 May 2007 to study thoroughly and substantively the possible models for electing the Chief Executive (CE) and forming the Legislative Council (LegCo) by universal suffrage, with a view to further narrowing differences.

2. The secretariat of the CSD invited a number of organisations and individuals to attend the workshop, so as to present their submissions to the CSD members and exchange views. These organisations and individuals had recently put forth specific proposals to the CSD. They include:

- (i) Mrs Anson Chan and her Core Group;
- (ii) Professor Chang Chak-yan;
- (iii) Mr Chiu Kwok-wai of Kowloon Federation of Associations;
- (iv) Mr Shih Wing-ching;
- (v) Dr the Hon Yeung-sum and the Hon Eu Yuet-mee, Audrey;
- (vi) Mr Chan Tak-ming and Mr Chan Chi-fai of New Century Forum;
- (vii) Mr Hilton Cheong-Leen of Hong Kong Civic Association;
and
- (viii) Ms Carol Tsang of Hong Kong Policy Research Institute.

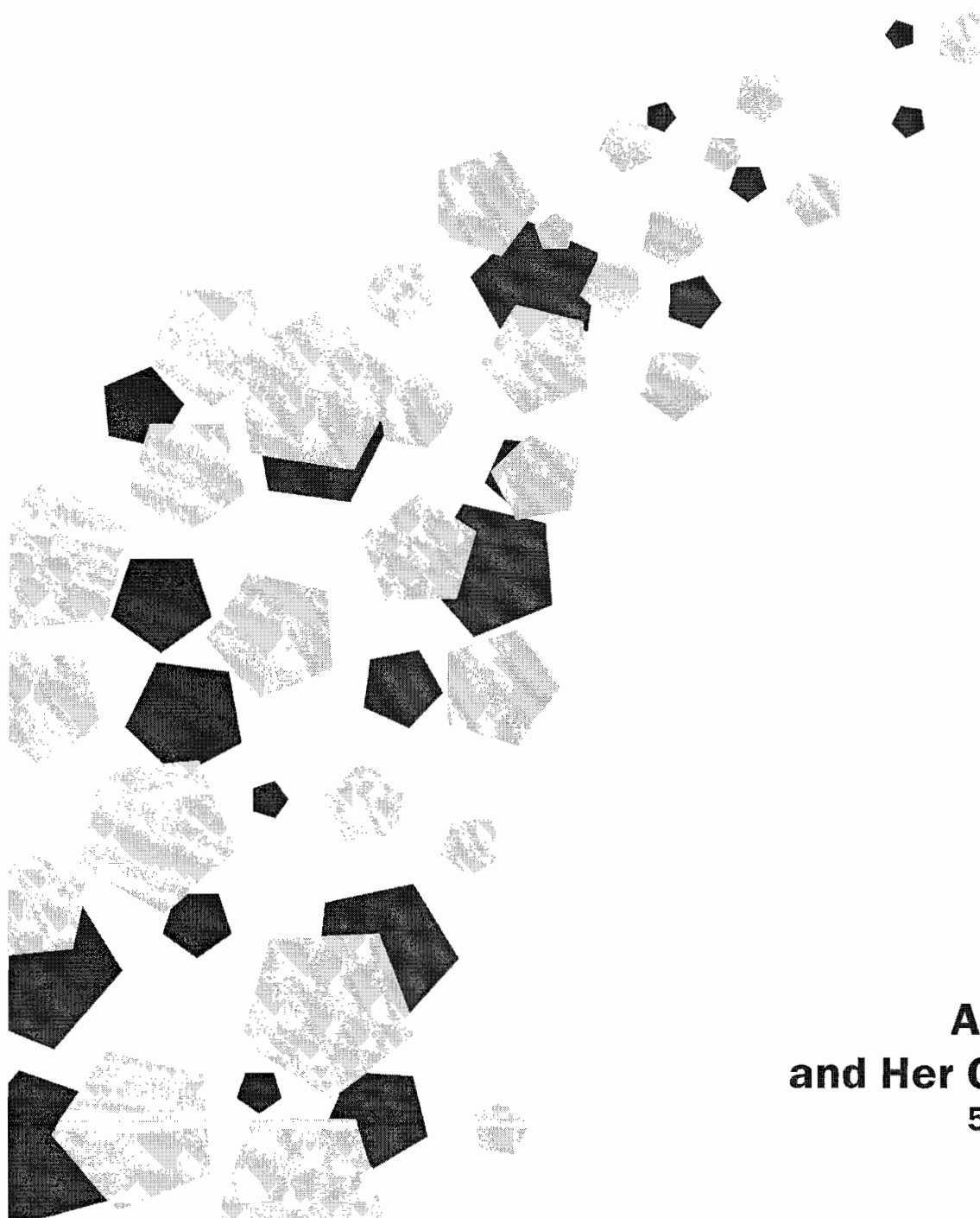
Submissions authorised by the guest speakers for public viewing are at Annex for Members' reference.

3. The CSD will summarize its previous discussions on possible models, roadmap and timetable for implementing universal suffrage at its final meeting on 21 June 2007. The HKSAR Government will consider this as the basis for preparing the green paper on constitutional development.

After the third term HKSAR Government has been formed in July, the Government will release the green paper in mid 2007 and consult the public.

Constitutional Affairs Bureau
May 2007

The Road to Universal Suffrage



**Anson Chan
and Her Core Group**
5 March 2007

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The Road to Universal Suffrage

A Proposed Roadmap and Timetable for Elections to the Post of Chief Executive and the Legislative Council on the Basis of Universal Suffrage

1. Introduction

- 1.1 This paper has been prepared with the benefit of advice from members of my Core Group. It sets down the results of our deliberations on a possible methodology and timetable for achieving full universal suffrage in respect of elections to the Legislative Council and to the post of Chief Executive.
- 1.2 This is the first in a series of papers; future papers will consider, amongst other things:
 - Enhancement of the structure of government including the working relationship between the Executive and the Legislature;
 - Building for the future by grooming political talent.
- 1.3 The objective of these papers is to stimulate discussion within the community, with the ultimate aim of reaching a broad consensus on a sustainable model of democratic good governance, based on universal suffrage, together with a roadmap and timetable for its achievement.
- 1.4 We are grateful to many individuals, including representatives of our local academic institutions, think tanks, political parties and business and professional groups, who have given time to share with us their views and the results of their own research. They have made an invaluable contribution to our work.

2. Background

- 2.1 The political structure of the Hong Kong Special Administrative Region is laid down in Chapter IV of the Basic Law. For the purposes of this paper the key provisions are:

Article 45 - *supplemented by Annex I of the Basic Law which prescribes the specific method for selecting the Chief Executive*

Article 68 – *supplemented by Annex II of the Basic Law which prescribes the specific method for forming the Legislative Council and its procedures for voting on bills*

These articles state that the ultimate aim is the selection of the Chief Executive and of all members of the Legislative Council by universal suffrage. They also state that the method of selecting the Chief Executive and of forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The text of these articles and annexes is reproduced in full at Annex A.

- 2.2 In April 2004 the Standing Committee of the National People's Congress (SCNPC) promulgated a decision to the effect that universal suffrage should not apply to the election of the Chief Executive in 2007, nor to the election of members of the Legislative Council in 2008. The decision also stated that the 50:50 split between members elected via functionally and geographically based constituencies must be retained in the 2008 Legislative Council elections and that the procedures for voting on bills and motions in the Legislative Council should remain unchanged.
- 2.3 Proposals by Government, emanating from the Fifth Report of the Constitutional Development Task Force, for expansion in size of the Chief Executive Election Committee and increases in the number of Geographical and Functional Constituencies were defeated in the Legislative Council in December 2005.

3. Over-arching Principles

3.1. Before setting out our proposals on the way forward we believe it is important to set down clearly the over-arching principles which have guided our thinking.

3.2. We have taken as our starting point the key provisions in the Basic Law referred to above, as well as Article 39 which provides that the terms of the International Convention on Civil and Political Rights (ICCPR) shall be applied in the Hong Kong Special Administrative Region.

3.3. Article 25 of the ICCPR states that:

Every citizen shall have the right and the opportunity... without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

3.4. In its General Comment No 25(57), the Human Rights Committee, the official body established under the ICCPR, has pointed out that Article 25 lies at the core of democratic government, based on the consent of the people and that the right may be subject only to reasonable restrictions that are based on objective and reasonable criteria, such as a minimum age requirement, but not physical disability or literacy, educational or property or party membership requirements.¹

3.5. It is our view that the meaning of the words '*genuine periodic elections which shall be by universal and equal suffrage....*' are unequivocal. As elaborated in the comments of the Human Rights Committee, the electoral system may take many different forms, but it must guarantee the free expression of the will of the voters. Although the Covenant does not impose any particular electoral system, **the principle of one person, one vote must apply and the vote of one elector should be equal to the vote of another.**

3.6. The current methods of election of the Chief Executive and the Legislative Council do not conform to the international obligations to which the Hong Kong Special Administrative Region is committed under Article 39 of the Basic Law, because certain sectors of the community enjoy rights to vote and to be elected which are not enjoyed equally by all registered voters.

1. Paras 4 & 10 of General Comment No 25(57), adopted by the Human Rights Committee at its 1510th meeting (57th session) on 12 July 1996 and reproduced in (1997) 7 HKPLR 739.

3.7 *We believe that proposals for political progress must satisfy the following principles:*

- *They must reflect the proper meaning of “universal suffrage” as defined in the international covenants applied to Hong Kong under the Basic Law;*
- *They must respond to the public aspirations for early progress to full democratic participation in selecting the men and women who govern the Hong Kong SAR;*
- *They must achieve greater openness, transparency and fairness of the electoral process in order to promote honest, efficient, representative and responsive Government;*
- *They must promote the accountability of those elected to office in order to ensure that they serve the people of Hong Kong without fear or favour.*

3.8 *In practice:*

- *They must comply with the terms of the Basic Law, including the requirement that the method of selecting the Chief Executive and of forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress;*
- *They must comply with the 2004 decision of the SCNPC.*

3.9 These are the principles and goals which we have kept firmly in mind in the process of assessing the options available to Hong Kong for elections to the Legislative Council and to the Chief Executive post.

4. General Considerations

4.1. In addition to the above over-arching principles and goals, the following considerations have guided our work:

4.1.1 *Historical*

- 25 years have already passed since the first tentative steps towards more representative government were taken with the introduction of direct elections to District Boards in 1982;
- there has been no substantive progress towards achievement of universal suffrage in the 10 years since the hand-over;
- rather, there have been some steps backwards on the path to establishing a more representative government: namely the abolition of the two Municipal Councils and the reinstatement of appointed members to District Boards.

4.1.2 *Socio-political*

- Hong Kong is a stable, cosmopolitan city with a sophisticated, well-educated and socially aware population;
- Hong Kong people are proud of the Motherland: they have made and continue to make a significant contribution to China's growing prosperity and greatly value the benefits of closer economic partnership with the Mainland;
- Although some in the community have expressed the fear that further moves towards democratic government will lead to instability, or radical welfare-driven policies which harm the economy, there is no reason to believe this will be the case;
- The Hong Kong community has, in the face of some considerable economic and social challenges, invariably shown itself to be sensible, pragmatic and politically moderate.

4.1.3 *Constitutional*

- The Basic Law sets out clear principles underpinning the concept of 'one country two systems', including explicit provision for implementation of universal suffrage;
- ***It is time that HONG KONG people's aspirations for a clear roadmap and timetable for universal suffrage are fulfilled.***

5. Legislative Council Elections

5.1 Guiding Principles

5.1.1 The requirement of universal suffrage means that every adult member of the Hong Kong community must have the right to vote and be elected *to every seat in the Council* on fair and equal terms. At present, 30 seats, or half of the Council, can be said to be elected on fair and equal terms on the basis of ‘one man one vote’ in 5 geographically based constituencies. The remaining 30 seats are elected from 28 ‘functional’ constituencies, each with a limited and selective franchise which places both electors and those elected in a privileged position vis-à-vis other registered voters.

5.1.2 Voters in Functional Constituencies enjoy the privilege of having a second opportunity to vote a candidate into the Legislative Council, over and above the exercise of their vote in a Geographical Constituency. Further, in those constituencies with predominantly ‘corporate’ voting – that is, where votes are exercised by companies rather than individuals – it is possible for powerful commercial interests to influence the pattern or even the outcome of voting through groups of associated companies. This problem is exacerbated in those constituencies which have a very small number of electors. Apart from its obvious inequity, the Functional Constituency system is vulnerable to manipulation and abuse.

5.1.3 To achieve the ultimate aim of universal suffrage we consider that the following basic principles must apply:

- every qualified elector must enjoy fair and equal rights to vote and be elected;
- electoral constituencies must be substantial and roughly equal in size;
- electoral arrangements must be fair, open and transparent, with minimal opportunities for manipulation or control by sectoral interests.

5.1.4 The present system of Functional Constituency elections is fundamentally incompatible with the above principles and with the ultimate aim of election of the Legislative Council, as envisaged by Article 68 of the Basic Law. In order to achieve full universal suffrage it must be replaced. The challenge facing us is how to move forward and what specifically can be achieved in 2008 that would be regarded as positive steps forward in moving closer to the ultimate objective of universal suffrage.

5.2 Strategies for Achieving Full Universal Suffrage

5.2.1 In the past few years a wide range of options for moving forward to universal suffrage have been explored – often in great detail – within

our academic institutions, think-tanks and political parties as well as in reports of the Government's Constitutional Development Taskforce. These deliberations have yielded the following three main strategies for achieving universal suffrage:

- a gradual phasing out of Functional Constituencies with a parallel expansion in the number of Geographical Constituencies;
- retaining the current 30 Functional Constituency seats, but opening up voting for their nominated candidates to the whole electorate;
- grouping legislators elected by Functional Constituencies into a second chamber, in other words introducing a bicameral Legislature.

5.2.2 In considering these and other options we have found it useful to look at models of democratic good governance in other parts of the world. Around the world, there are many models of democratically based government. Variations in these models and the government structures they produce are typically a product of some or all of the following factors:

- history;
- political ideologies;
- social, ethnic, religious and other diversity;
- size of the nation and/or differences in regional characteristics.

5.2.3 While reference can usefully be made to models elsewhere, we consider it crucial that, as a community, we in Hong Kong devise a model that is the most appropriate to our needs and circumstances. Such a model must reflect Hong Kong's status as a Special Administrative Region of China; it must also fulfil the aspirations of Hong Kong people to exercise fully the rights guaranteed to them under the Basic Law.

5.3 Consideration of Options

5.3.1 In reviewing various options we have placed a high priority on identifying a long term model of democratic government which is simple, efficient, flexible, equitable and transparent. We have also placed priority on finding options which enable gradual and orderly progress to be made for the 2008 elections, which are consistent with the 2004 SCNPC decision and which will lead to a smooth transition to the ultimate destination of universal suffrage:

5.3.2 An application of these considerations to the options described above suggests that:

- a progressive phasing out of Functional Constituencies is, in principle, a feasible option **provided it can be achieved equitably and within a reasonable timeframe.**

- retaining the current 30 Functional Constituencies – but opening the voting to the entire registered electorate – would *prima facie* come closer to universal suffrage, but it would also place a great burden on voters who would be asked to make choices from dozens of candidates. In practice, **it would seem very difficult for ordinary registered voters to make an informed choice of candidates in each constituency.**
- the establishment of a bicameral system, by introducing a lower chamber of members returned by universal suffrage and an upper chamber that could accommodate some of the interests of the present Functional Constituency system, could help to ensure that a range of expertise and skills is retained in the law-making process. Many overseas models of democratically based government include a bicameral legislature. Whilst it may be an option in the longer term, at this stage it would constitute a radical change to Hong Kong's constitutional structure and be likely to require amendment to the Basic Law.

5.3.3 In sum, all of the above strategies raise important issues which have yet to be resolved. At the same time, they collectively provide important sign posts to a possible way forward.

5.4 Future of Functional Constituencies

5.4.1 Functional Constituencies were first introduced as a method of indirect election to the Legislative Council in 1985. They were conceived as a transitional arrangement in the process of progressing from the traditional system of appointment of Legislative Council members, by former British colonial Governors, to direct election of members on the basis of universal suffrage. Accordingly, the first group of Functional Constituencies was designed to reflect the objective of the appointment system, namely to admit to the Legislative Council prominent members of the business and professional community who would not only be able to make expert and informed contribution to the task of law-making, but would also be able to speak with the authority of their respective business and professional groupings.

5.4.2 To some extent the system has achieved this desired result and a number of able and highly effective legislators have made their way into the Legislative Council by this route. However, there is a wide public perception that, as presently constituted, Functional Constituencies are:

- too narrowly based;
- designed to promote vested interests;
- enabling unfair influence by specific business, professional and sectoral interest groups.

5.4.3 No matter how competent or dedicated, Functional Constituency representatives lack the necessary popular mandate to give them true

political legitimacy. Perhaps for this reason, a number of members originally selected to the Council, via the Functional Constituency route, have gone on to contest and win seats in directly elected Geographical Constituencies. In our view, this clearly demonstrates that, as our election system has matured over the last twenty years, many representatives of the professional and business sectors have made their way into the Legislative Council by means of direct election, without having to rely on a separate and privileged system of election.

- 5.4.4 For all these reasons we believe that the Hong Kong community should now set its sights firmly on phasing out the Functional Constituency method of election, as soon as possible and replacing it by a progressive expansion in the number of seats elected directly from geographically based constituencies, by one man one vote.

5.5 Preferred Approach

- 5.5.1 As discussed above, there is no doubt in our minds that *the Hong Kong community is politically mature enough for election of all members of the Legislative Council, on the basis of universal suffrage, to be introduced smoothly in 2012*. This is our preferred approach. We believe that a commitment to such a course on the part of Government, with the necessary support of two-thirds of the Legislature, would:

- boost Hong Kong people's confidence, by signifying that both their own government and the Central People's Government have trust in the political maturity of the Hong Kong community;
- encourage further strengthening of the role of political parties, which we see as crucial to the on-going development of robust and truly representative democratic systems; and most importantly,
- pave the way for achievement of a sustainable long term model of good governance.

- 5.5.2 The only impediment we can see to achieving this goal is a possible perception that phasing out all 30 Functional Constituencies, in one go in 2012, is not consistent with the principle of 'gradual and orderly progress'.

- 5.5.3 If, for whatever reason, it is decided that universal suffrage will not be introduced in 2012 then we consider that Hong Kong people must be given an assurance, at the earliest opportunity, that it will be achieved *no later than the following round of Legislative Council elections in 2016*. Possible roadmaps to achievement of universal suffrage in either 2012 or 2016 are discussed below and illustrated at Annex B.

5.6 Opportunities to Move Forward in 2008

- 5.6.1 Whether it is ultimately decided to introduce universal suffrage in 2012 or 2016, it is important *to make some gradual and orderly progress* in

the next round of elections in 2008. We believe that there is room within the terms of the Basic Law and the SCNPC decision to do so. Progress on this front will be regarded as a positive step forward in meeting the public concerns over Functional Constituencies described above. Consistent with our recommended roadmaps, we consider this progress should take the form of steps which broaden the representation of the existing Functional Constituencies and enhance their electoral mandate.

5.6.2 Mindful that any changes for the 2008 elections must comply with the 2004 decision by SCNPC that equal numbers of functional and Geographical Constituencies be maintained in the 2008 Legislature, **we propose the following changes be made for the 2008 elections:**

- Enhancing representation in those Functional Constituencies where some or all candidates are currently elected by means of a system of corporate voting;
- Broadening the electoral mandate by grouping certain Functional Constituencies together by sector and providing for election of their representatives by all voters in the sector.

5.6.3 The longstanding objections to corporate voting are that:

- The vote is given to a company rather than an individual;
- Certain business interests can control many votes;
- The system is inherently unfair as it tends to favour specific interests;
- The system encourages legislators to put their sectoral interests above the public interest.

The measures recommended below are designed to address these concerns whilst staying within the Basic Law and the SCNPC decision.

5.6.4 To enhance representation we recommend that the concept of corporate voting be redefined to encompass all members of the Boards of Directors, Executive and/or Management Committees of those companies, associations and organizations which currently exercise a single corporate vote. If this measure is implemented, we estimate that the overall number of eligible voters for Functional Constituencies will increase from the current 215,551 to approximately 450,000. This is illustrated in Table 1 below.

Table 1

Number of Functional Constituency Electors in 2006 ²	215,551
Percentage of Corporate Votes in 2004 ³	7.4%
Estimated Number of Corporate Votes in 2006	16,000
Average Number of Members on a Board of Directors, Executive or Management Committee ⁴	15
Projected Increase in Functional Constituency Electorate after Redefining Corporate Votes	240,000
Projected Number of Electors in 2008	440,000 – 450,000

5.6.5 To meet concerns relating to a small franchise with a narrow sectoral interest, we recommend that the existing 30 Functional Constituencies be organized into 10 groups for the purpose of electing members to the Legislative Council as shown in Table 2 below. This will strengthen the mandate and representativeness of those elected, as they will have been elected by a larger pool of more diverse voters.

Table 2

Group	Functional Constituencies Included	No. of Seats
1	Commercial (First), Commercial (Second), Import & Export and Wholesale & Retail	4
2	Agriculture & Fisheries, Industrial (First), Industrial (Second) and Textiles & Garment	4
3	Catering, Tourism and Transport	3
4	Insurance, Finance, Financial Services and Information Technology	4
5	Accountancy and Legal	2
6	Architectural, Surveying & Planning, Engineering and Real Estate & Construction	3
7	Education	1
8	Labour	3
9	Health Services, Medical and Social Welfare	3
10	District Council, Heung Yee Kuk and Sports, Performing Arts, Culture & Publication	3
	Total	30

5.6.6 In practice, members of each constituency will, as now, be able to stand for election, but voting for the collective number of candidates would be extended to the combined electorate of the grouping, thus enhancing the legitimacy of the members finally elected.

5.6.7 In recommending the above groupings we have endeavoured, as far as possible, to group together Functional Constituencies from broadly

² Voter registration statistics as cited in the Registration and Electoral Office website, www.voterregistration.gov.hk/eng/statistic20063.html, as at 4th March 2007.

³ Calculated according to the data from the Appendix IV of Electoral Affairs Commission's "Report on the 2004 Legislative Council Election".

⁴ Calculated by studying the composition of 60 trade bodies, trade unions, cooperatives, associations, SMEs and corporations, which are the electors of the Functional Constituency.

related commercial or professional sectors to create electorates which are substantial in both size and representative range. Inevitably, it has not been possible to come up with a perfectly balanced formula. For example, having regard to the wide professional ambit and large numerical size of the Education Constituency, we have concluded that this should remain a separate constituency. For similar reasons and given its broad trade union mandate, we propose that the Labour Constituency remains, as now, a single constituency electing three Legislative Council seats.

5.7 Alternative Approach

- 5.7.1 As stated above, our preferred approach is that full universal suffrage for election of members of the Legislative Council be achieved in 2012. If it is decided not to introduce universal suffrage in 2012, we would propose that the 10 electoral groupings, introduced in 2008, be further combined in 2012 to form **no more than three large groups for voting purposes** and that the total number of Functional Constituency seats be reduced by 50% to 15.
- 5.7.2 In the interests of fostering compatibility with the process of election of the Chief Executive we see merit in these three groups being consistent with those specified for the future Chief Executive Nominating Committee. Thus, if the electoral groupings for the current Election Committee were maintained, the three Functional Constituency groupings in 2012 might be as follows:
- Industrial, commercial and financial sectors [5 seats]
 - The professions [5 seats]
 - Labour, social services, religious and other sectors [5 seats]
- 5.7.3 The balance of 15 seats, vacated by Functional Constituency members would be converted into directly elected geographical seats thus paving the way for the complete phasing out of Functional Constituencies in 2016.
- 5.7.4 We do not attempt, in this paper, to make recommendations on whether these additional seats should be provided by means of creating new Geographical Constituencies, or by adding seats in the existing 5 constituencies; nor do we discuss the merits and demerits of different voting arrangements. These are very complex issues which will require full and separate consideration.

6. Election of the Chief Executive

6.1 Guiding Principles

6.1.1 Article 45 of the Basic Law provides that the ultimate aim is for the selection of the Chief Executive to be by means of universal suffrage, *upon nomination by a broadly representative Nominating Committee in accordance with democratic principles*. In order to realize the aim of selection of the Chief Executive by universal suffrage it is essential not just that every registered voter have a fair and equal opportunity to elect the Chief Executive, but that he or she also have a fair and equal opportunity to be nominated for election. It follows from this that the fundamental role of the Nominating Committee must be to support achievement of election outcomes which give true expression to the popular will and that it must not be a tool for placing excessive hurdles in the way of the nomination process.

6.1.2 In order for the Nominating Committee to be able to fulfil this role it must be *truly representative* of the Hong Kong community. Anything less will only sow the seeds of future dissatisfaction with the system and lead to growing public pressure for more radical change.

6.2 Composition of the Nomination Committee

6.2.1 Under the present provisions in Annex 1 of the Basic Law, the Chief Executive is both nominated and elected by an 800 member Election Committee composed of the following broad groupings:

- Industrial, commercial and financial sectors 200
- The professions 200
- Labour, social services, religious and other sectors 200
- Members of the Legislative Council, representatives of district-based organisations, Hong Kong deputies to the NPC, and representatives of Hong Kong members of the National Committee of the CPPCC 200

6.2.2 Discussion so far within the community suggests that a measure of consensus is emerging in favour of converting the Election Committee into the Nominating Committee specified in Article 45 of the Basic Law. Options for expanding the size of the Election Committee to 1600 – or even 3200 – members have also been raised, with the ostensible aim of making the Committee more representative.

6.2.3 It is our view that increasing the size of the Nominating Committee will not, in itself, help to make the Nominating Committee more *truly representative* of the Hong Kong community. This is because the

broad groupings of voters in the existing Election Committee are made up of sub-sectors which are similar in structure and electoral arrangements to the Functional Constituencies which currently elect members to 30 seats in the Legislative Council. In short, the same concerns which apply to the legitimacy of the Functional Constituency method of election [see Section 5.4 above] apply also to the means of selecting members of the current Chief Executive Election Committee.

- 6.2.4 If the option of converting the present Election Committee into the Nominating Committee is to be selected – and we see merit in this approach – then it will be necessary to take steps to broaden the franchise of the sub-sectors which enjoy the privilege of electing members of the Nominating Committee, as well as to consider the addition of further sub-sectors to ensure that, as far as possible, the members of the Nominating Committee can legitimately claim to represent the wishes of the community as a whole. A possible model is the one we have suggested above in respect of the broadening of the electorate of the Legislative Council Functional Constituencies. If meaningful expansion of the electorate to the sub-sectors of the Nominating Committee is attained we see no particular benefit in expanding the overall size of the Nominating Committee, although this course can also be implemented if desired.

6.3 Nomination Process

- 6.3.1 The granting to Hong Kong people of the right to elect their own Chief Executive, by means of universal suffrage, will have little meaning unless they are offered the opportunity to choose between the policies and qualities of different candidates and to participate in open discussion and debate on the competing policy platforms. For these reasons we consider it is vital that the nomination process be first and foremost *inclusive and supportive of a dynamic electoral process*. The Nominating Committee must not be used as a means for collective vetting and possible exclusion of prospective candidates.
- 6.3.2 To enhance prospects for the genuinely contested elections which the public clearly wish to see, we recommend the adoption of a simple, transparent and straightforward system under which potential candidates for the post of Chief Executive are required to receive nominations from no more than 10% of Nominating Committee members. If the size of the Nominating Committee is kept at 800 members this would mean that prospective candidates require a minimum of 80 nominations i.e. 10% of the Committee members, as compared to the current 100 or 12.5% of Election Committee members.

6.4 Preferred Approach

- 6.4.1 Implementation of universal suffrage for the election of the Chief Executive raises far fewer issues to be resolved than in the case of implementation of universal suffrage for elections to the Legislative

Council. Given the wide measure of consensus which already exists within the community, in relation to the principle of converting the current Election Committee into the future Nominating Committee, ***there seems to be no fundamental reason why universal suffrage for the Chief Executive election should not be introduced at the first permissible date, namely in 2012.*** This is our preferred approach.

- 6.4.2 This timetable would provide ample time to review and expand the franchise of the various electoral sub-sectors and to enact the necessary changes to local legislation.

7. Conclusion

7.1 *It is our firm belief that:*

- *Hong Kong people are ready for universal suffrage;*
- *Universal suffrage can be implemented smoothly, building on our existing strong constitutional framework and social stability;*
- *It is crucial to move forward in the context of the 2008 Legislative Council elections.*

7.2 The recommendations we are making for a possible methodology and timetable for achievement of full universal suffrage in respect of elections to the Legislative Council and to the post of Chief Executive are guided by fundamental principles laid down in international conventions and embodied in the Basic Law. At the same time, we have taken full account of the need to adhere to the principle of *gradual and orderly progress*, which is set down in Article 68 of the Basic Law. We are also mindful of the need to stay within the Basic Law and to comply with the 2004 SCNPC decision.

7.3 We are satisfied that our recommendations are consistent with these principles and, most importantly, that they are *capable of practical implementation* in accordance with the timetable we propose. We commend them earnestly to members of the Government's Commission on Strategic Development and to the wider Hong Kong community. We sincerely hope that they will be beneficial in forging a general consensus on the way forward in meeting *Hong Kong people's aspirations for a clear roadmap and timetable for universal suffrage as soon as possible.*

7.4 *We realize that any constitutional proposals are by nature complex and not easily understood. Nevertheless, we hope that the public and interested groups will take time to read and digest our paper. We look forward to public feedback which will enable us to give further consideration to these complex issues with the aim of putting forward further proposals in the near future.*

7.5 A copy of this paper will be placed on our website at www.ansonchan.hk. Written comments may be addressed to:

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Hong Kong.

Anson Chan and Her Core Group
5th March 2007

Annex A – Extracts from The Basic Law

Article 45

The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government.

The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

The specific method for selecting the Chief Executive is prescribed in Annex I: "Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region".

Article 68

The Legislative Council of the Hong Kong Special Administrative Region shall be constituted by election.

The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage.

The specific method for forming the Legislative Council and its procedures for voting on bills and motions are prescribed in Annex II: "Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures".

Annex I: Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region

1. The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government.
2. The Election Committee shall be composed of 800 members from the following sectors:

Industrial, commercial and financial sectors	200
The professions	200
Labour, social services, religious and other sectors	200
Members of the Legislative Council, representatives of district-based organizations, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	200

The term of office of the Election Committee shall be five years.

3. The delimitation of the various sectors, the organizations in each sector eligible to return Election Committee members and the number of such members returned by each of these organizations shall be prescribed by an electoral law enacted by the Hong Kong Special Administrative Region in accordance with the principles of democracy and openness.

Corporate bodies in various sectors shall, on their own, elect members to the Election Committee, in accordance with the number of seats allocated and the election method as prescribed by the electoral law.

Members of the Election Committee shall vote in their individual capacities.

4. Candidates for the office of Chief Executive may be nominated jointly by not less than 100 members of the Election Committee. Each member may nominate only one candidate.
5. The Election Committee shall, on the basis of the list of nominees, elect the Chief Executive designate by secret ballot on a one-person-one-vote basis. The specific election method shall be prescribed by the electoral law.
6. The first Chief Executive shall be selected in accordance with the "Decision of the National People's Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region".
7. If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative

Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval.

Annex II: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures

I. Method for the formation of the Legislative Council

1. The Legislative Council of the Hong Kong Special Administrative Region shall be composed of 60 members in each term. In the first term, the Legislative Council shall be formed in accordance with the "Decision of the National People's Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region". The composition of the Legislative Council in the second and third terms shall be as follows:

Second term

Members returned by Functional Constituencies	30
Members returned by the Election Committee	6
Members returned by Geographical Constituencies through direct elections	24

Third term

Members returned by Functional Constituencies	30
Members returned by Geographical Constituencies through direct elections	30

2. Except in the case of the first Legislative Council, the above-mentioned Election Committee refers to the one provided for in Annex I of this Law. The division of Geographical Constituencies and the voting method for direct elections therein; the delimitation of functional sectors and corporate bodies, their seat allocation and election methods; and the method for electing members of the Legislative Council by the Election Committee shall be specified by an electoral law introduced by the Government of the Hong Kong Special Administrative Region and passed by the Legislative Council.

II. Procedures for voting on bills and motions in the Legislative Council

Unless otherwise provided for in this Law, the Legislative Council shall adopt the following procedures for voting on bills and motions:

The passage of bills introduced by the government shall require at least a simple majority vote of the members of the Legislative Council present.

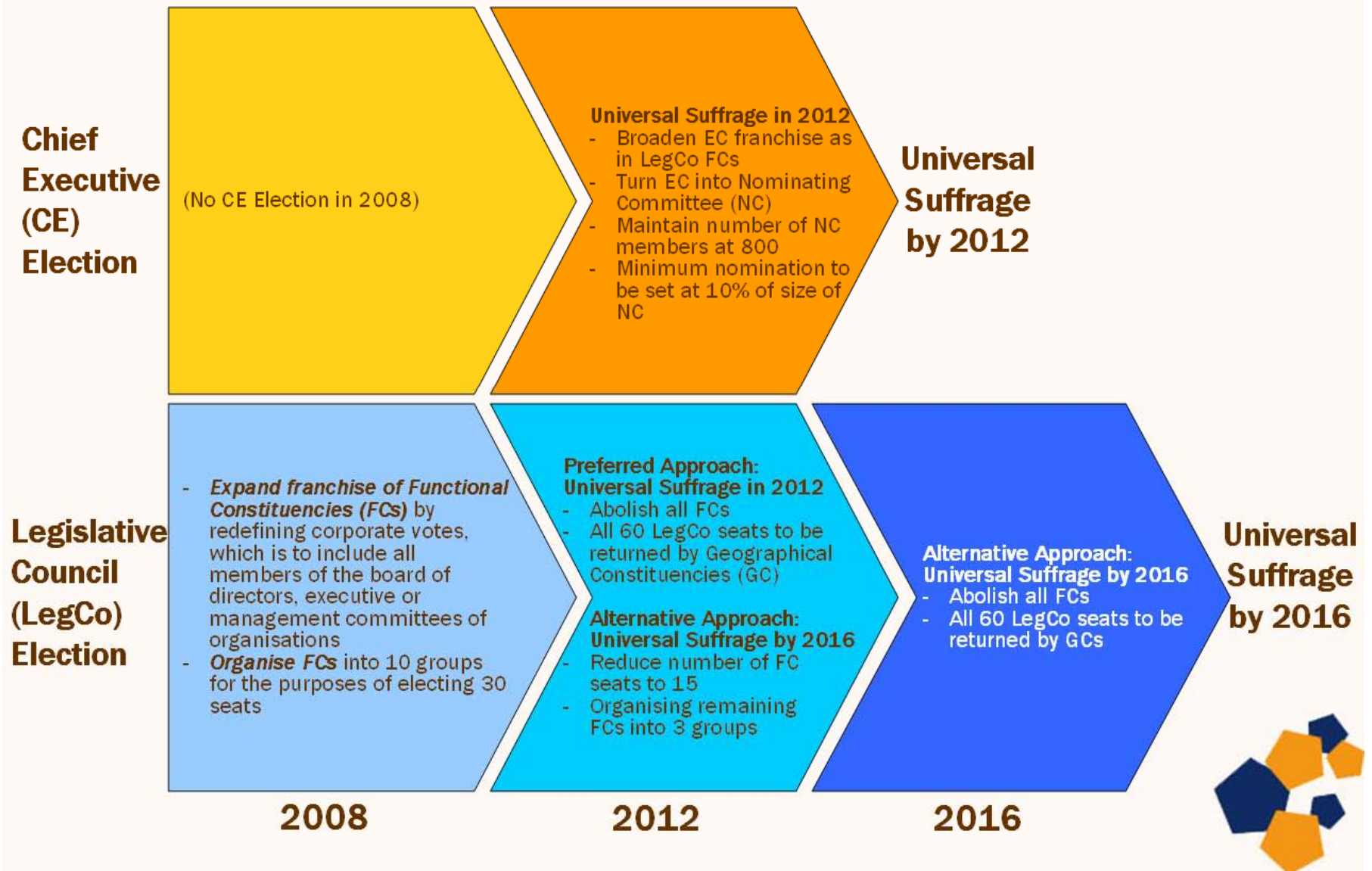
The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority vote

of each of the two groups of members present: members returned by Functional Constituencies and those returned by Geographical Constituencies through direct elections and by the Election Committee.

III. Method for the formation of the Legislative Council and its voting procedures subsequent to the year 2007

With regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record.

The Road to Universal Suffrage



九龍社團聯會 對行政長官及立法會普選的意見

香港擁有今時今日的繁榮，是建基於穩定的社會環境。一國兩制的成功實施，正正是香港社會穩定的重要基石。為此，本會積極支持在《基本法》的框架下，在本港實施循序漸進的民主進程，實行溫和有序的普選路線。事實上，維持香港社會穩定，保持資本主義社會特色不變，是香港未來持續發展的重要因素。為保持香港未來平穩發展，政府必須小心平衡社會各界對普選的意見，廣泛收集社會人士對普選的聲音。有見及此，本會對政府就政制發展路線圖，有以下意見：

對行政長官及立法會普選堅持的兩大原則：

1. 優先處理行政長官普選

由於立法會普選爭議性較大，要各黨派短時間內達成一致共識是困難的。立法會議席有 60 個，特首就只有一個，自然是普選特首的路綫圖，更容易劃出來。事實上，普選立法會的討論，現時還夾雜幾個複雜的問題，包括：西方上下議會（俗稱兩院制）是否適用於香港？功能組別存留與民主普選的關係等，仍有待詳細論證。因此，不宜將立法會及行政長官普選事項綑綁在一起。反之，我們應從爭議性較少的行政長官普選事項著手，採取「先易後難」的務實作風，以便加快處理這個富爭議性的政治議題。有見及此，本會支持由策略發展委員會提出的集中優先處理普選行政長官議題，通過行政長官普選，吸取有益經驗和啟示，再處理立法會普選事項，才是實事求是的穩健做法。

2. 實行先圖後表的策略

普選是《基本法》訂明最終會實現的香港政治發展方向，但各黨派對如何及何時走向雙普選的方向，意見紛紜。當中尤以時間表的問題，很難在短時間內取得社會的共識。有見及此，本會認為普選時間表及路線圖的制訂次序，應遵從「先易後難」的務實態度，優先制訂普選路線，勾畫出未來普選的方向及詳細內容，尋求社會各界達成路線圖的共識，最後才根據路線圖的規劃方針，就時間表的問題提出切實而合理的建議，避免社會上因時間表的爭議，令香港的普選路再次被迫「原地踏步」。

A. 行政長官普選建議

i. 行政長官選舉必須依循《基本法》的規定

普選行政長官是香港政治制度的重要環節，政治制度要有利於民主進程，也

要確保香港社會的繁榮穩定，更不能損害中央與特區政府的關係。因此普選行政長官必須符合《基本法》的有關規定，依據實際情況和循序漸進的步伐推進香港的政治制度，不可一蹴而就的要求立即在香港實施全面普選。事實上以符合均衡參與的原則及務實的態度來發展香港的政治制度，認識及遵守《基本法》對香港普選的規定，盡力創造有利實現普選的穩定政治環境，是香港社會必須認識的基本普選條件。

ii. 增加行政長官選舉委員會的組成人數

本會建議於行政長官選舉辦法上，將選舉委員會委員人數增加一倍，至 1600 人，這既可增加選舉委員會的代表性，又可體驗《基本法》規定的循序漸進原則，加強在行政長官選舉中的民主成份。這個大方向早已獲得大部份社會人士的共識，所以本會支持政府朝著擴大選舉委員會的方向，增加民主代表性，穩步發展香港的普選路。

iii. 建議將行政長官選舉委員會直接轉為提名委員會

本會建議將行政長官選舉委員會，直接轉為提名委員會，即是將行政長官選舉委員會選舉行政長官的權力，轉為提名行政長官候選人，再交由全港市民以普選方式行政長官。這無疑是最直接而可行的方式，盡快組成行政長官提名委員會及實現行政長官普選的方法。

iv. 行政長官候選人需至少獲得 100 位提名委員會委員的提名

由於行政長官是管治香港的領導人物，需要獲得香港不同界別的廣泛認可，才能平衡香港各界的利益，因此，負責推舉行政長官正式候選人的提名委員會委員肩負的任務重大。本會認為不能草率將行政長官參選人需要獲得提名委員會委員提名的界別，定在較狹窄水平。相反提名總人數可以定在較低水平，以免障礙有志參選者的意欲。所以本會建議行政長官參選人須獲得提名委員會 1600 名委員中最少 100 票(十六份之一)的總提名數目，同時需要在提名委員會中四個不同的組成界別裡(包括：工商、金融界；專業界；勞工、社會服務、宗教等界；區域性組織代表、港區全國政協委員的代表)，獲得各組最少 10 票的支持，而當中則必須包括最少 5 位立法會議員及 5 位港區全國人大代表之提名，才能正式成為行政長官候選人。此舉既可確保候選人有廣泛支持和足夠認受性，令中央政府、特區政府、全國人民及香港市民放心，充分體現「一國」和「兩制」，又能讓提名委員會委員更審慎運用自己手上的權力，保證有質素的有志之士有機會被提名，符合社會大眾的期望。

v. 行政長官候選人需要取得超過總有效票數 50%以上選民支持

行政長官參選人在取得候選人資格後，將交由全港合資格的選民以一人一票方式選出行政長官。當選的行政長官候選人得票需超過總有效票數 50%，如無一位候選人在選舉時得票超過總有效票數 50%，將由得票最高兩名候選人進行多一輪選舉分出勝負，勝出者會由中央政府作出任命，成為下一任香港特別行政區行政長官。

B. 立法會普選建議

i. 立法會選舉必須體現《基本法》中均衡參與及循序漸進的原則

立法會普選是體現民意及監察政府的重要政治機制，因此《基本法》已規定立法會最終要以普選的模式產生。然而，大前提是普選要確保香港社會的繁榮穩定，更不能損害中央與特區政府的關係。因此普選立法會必須符合《基本法》規定的原則，依據實際情況和循序漸進的步伐推進香港的議事制度，不可強行要求立即在立法會實施全面普選。事實上，以符合均衡參與的原則及務實的態度來推進立法會普選是最快捷的路線，只懂得堅持立即普選立法會的不妥協態度，只會破壞中央政府對特區政府的信任，最終導致普選立法會的目標遙遙無期。因此，只有認識及遵守《基本法》對香港立法會普選的規定，盡力創造有利實現普選的穩定政治環境，才是香港社會必須認識的基本普選條件。

ii. 擴大立法會功能組別中各界別的選民基礎

本會建議將功能組別中專業界別的公司、團體票，逐步擴展至個人票，從而增強功能組別中的普選成份，作為日後循序漸進、全面普選立法會的重要起步。

iii. 建議將立法會功能組別逐步合併為 10 多個大界別

本會建議首先合併功能界別為 10 多個大的功能界別，並以性質相近、選民人數相近的界別為組合原則。經過一段時間觀察界別的重組及融合情況後，如融合情況理想，可考慮再進一步將功能組別重組成幾個大的界別，讓功能組別中的界別選民基數繼續擴大，作為將來過渡至立法會最終普選的目標，有利功能界別的選民及議員順利過渡至普選模式，符合循序漸進及平衡各界利益的根本原則。

iv. 以比例代表制的模式進行功能組別選舉

為顧及重組的功能組別內不同團體及專業組織的代表性，確保均衡參與的原則，本會建議在功能組別中實行比例代表制的選舉模式，一來既可充分體現均衡

參與的原則，二來可消除一些選民人數較多的專業團體，壟斷整個重組界別中所有議席的情況。

v. 維持立法會議席數目不變

立法會是香港重要的議事機關，特區政府的法案需要得到其通過才能生效，審議法例的時間往往決定政府推行政策的速度。因此維持立法會議席數目於合理水平，能維持立法會的議事效率。再加上現時歐美國家每一個眾議院議席與國民人數的比例，均高於 11 萬人(如美國眾議院 1 議席：70 萬人、法國國民議會 1 議席：11 萬、德國聯邦議院 1 議席：14 萬人；香港立法會 1 議席：11 萬)，反映現時香港的立法會議員數目足以代表香港 700 萬市民，因此本會建議維持香港立法會 60 個議席不變，以便維持立法會的議事效率於高水平。

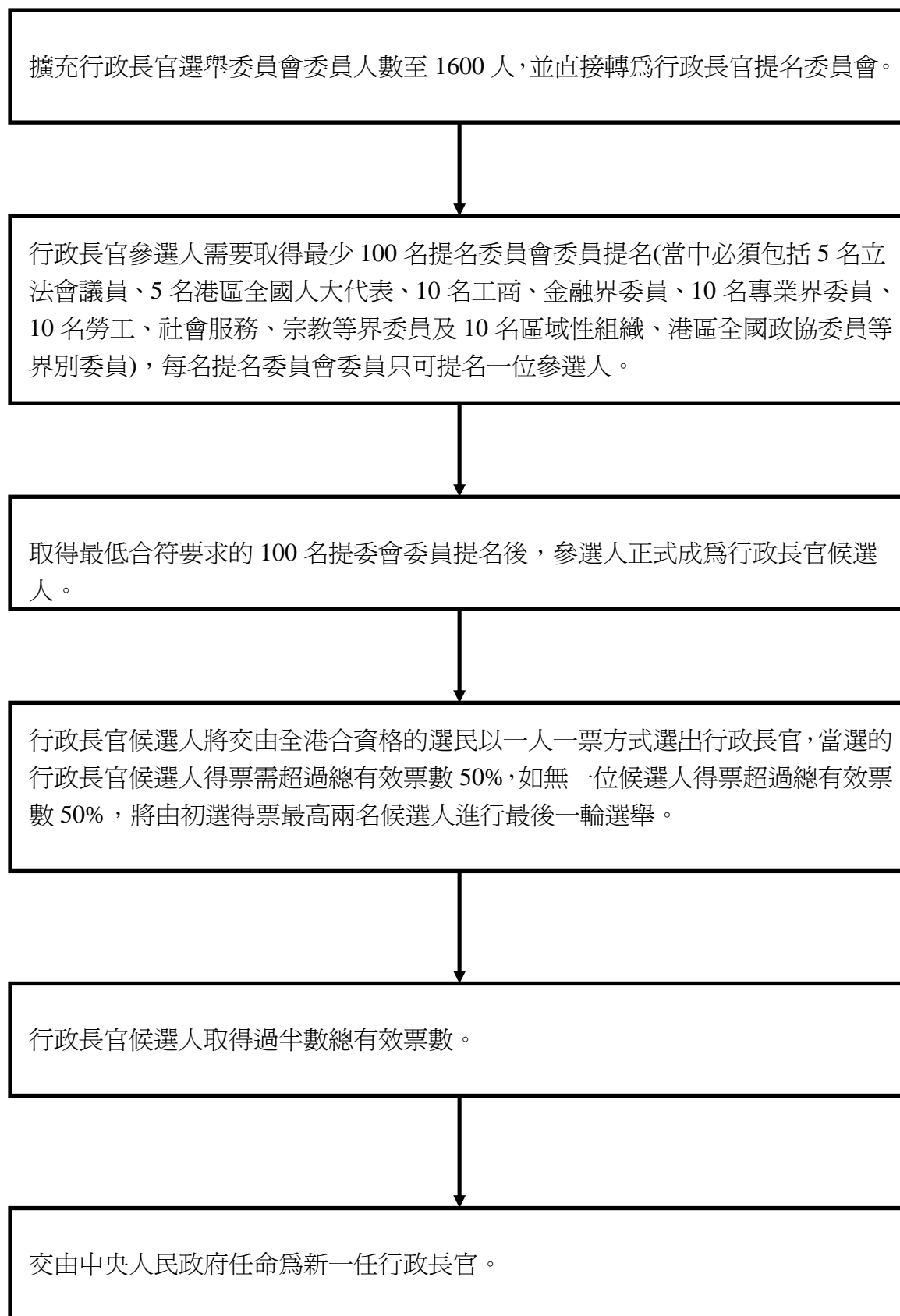
結語

政府期望以穩步發展行政長官及立法會的全面普選，為香港的民主進程注入新的動力，以配合香港的政治及社會持續發展。本會將抱著積極參與的態度，從務實的角度支持政府全面而有序的，推動行政長官及立法會雙普選的最終全面落實。本會深信，只要政府能小心考慮各方的意見，遵循基本法規定香港政治發展需以循序漸進的模式向前邁進，保持香港資本主義社會的現有特色，相信在可見的將來，香港的政治及社會發展將越趨民主及成熟。

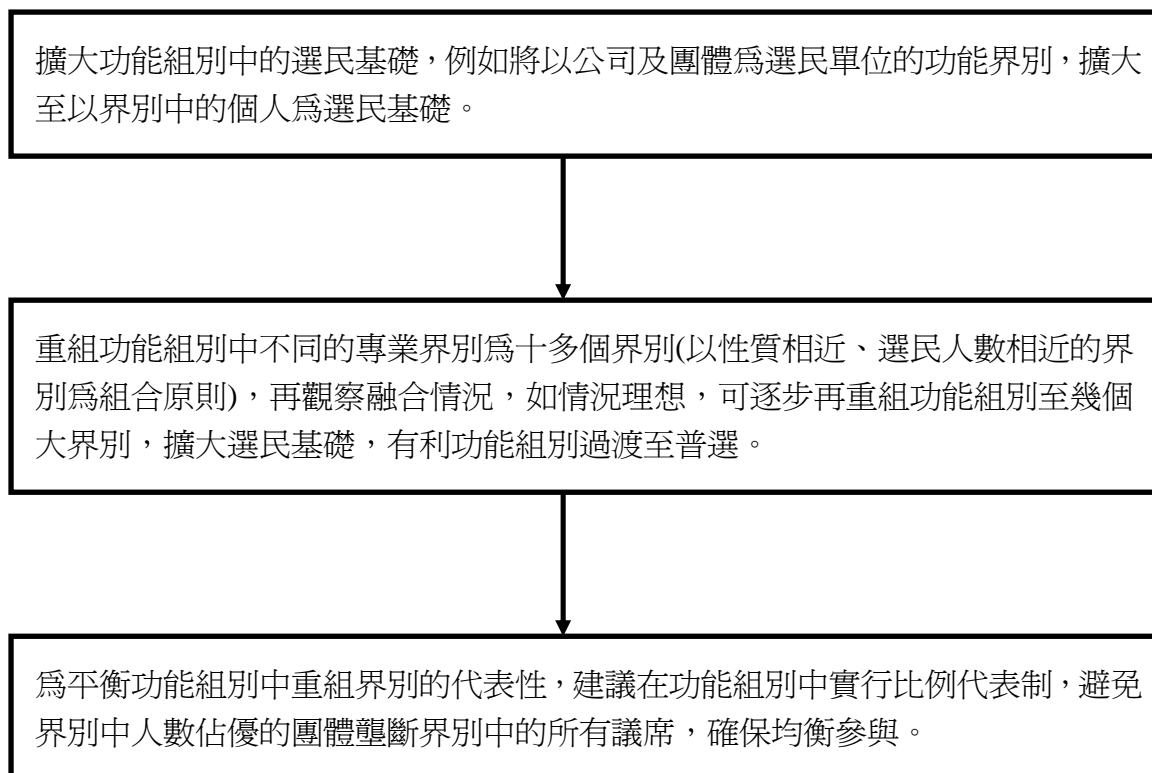
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2007 年 5 月 10 日

圖表：九龍社團聯會建議的行政長官普選路線圖



圖表：九龍社團聯會建議的立法會普選路線圖



民主派常批評曾特首沒有把港人對普選特首的要求向北京提出。我覺得這並非問題的關鍵。香港的傳媒每天都在談普選問題，民主派每年都搞要求普選的遊行，最多一次有50萬人參加，北京不可能不知道。因此，問題不在於特首肯不肯代港人向北京提出要求，而在於提出一個怎樣的方案，才有機會獲北京接受。

民主派常認為，香港的民主是屬於香港人的事，應由香港人來決定如何進行，如果要摸索北京的意願，就是出賣港人的利益，所以只肯按民主的大原則，提出最完美的方案，不肯因北京取態而作絲毫的妥協，結果這十幾年來，爭取普選的努力都未有一點成效。

我從事地產代理的工作，十分明白買賣要達成協議，不能只照顧一方的要求，必須促使雙方都作讓步，交易才有機會達成。政治問題要得到解決，其實一樣離不開妥協，我是實際派，所以我贊成在某種程度上遷就一下北京的意願，以換取比目前更多一點的民主成份，而不去斤斤計較這多一點的民主，其實只是半民主，甚至是假民主。梁家傑不是已參與假民主的小圈子選舉，為何不可接受圈子大一些，假的成份少一些的選舉制度？

我估計，即使到2012年，北京仍未敢完全放手讓香港人自行普選特首，他們必須保留某種模式的操控權。按《基本法》，特首的任命權在北京，這已是一種操控。但北京不想出現憲制危機——港人選出來的特首竟得不到北京任命。

現時，北京解決這個問題的方法，是透過一個懂得體會北京意願的選舉委員會，以保證選出來的特首可得到北京任命，但這始終不算普選，不符合《基本法》提出的最終要在香港實行特首普選的目的。

我有一個折衷方案，既可讓北京保持一定的影響力，又可以增加選舉的民主成份，可行性應比民主派提出的方案高，社會可進一步討論。

我的方案很簡單，先是改變選委會的功能，由直接選特首改為選特首的候選人，然後把候選人交給港人全民普選。只要北京能保持對選委會有一定的影響力，就可以確保特首候選人乃北京可以接受的人選，這樣，北京只控制候選人的範圍，而不直接欽點個別候選人。

由於獲提名後仍要經選委會選舉才能成為正式候選人，提名的要求可以降低，有30名選委提名已足夠，以讓更多的人參加。再由選委會投票選出三個正式的候選人，交港人普選。A這樣的普選一定會比現時熱鬧，可進一步引導市民關心自己的政治前途，同時又可令選出來的特首有更大的認受性，要推行強政勵治也會比今天容易。

昨文指出：若要在2012年就可普選特首，必須在一定的程度上照顧北京的意願，減少北京對香港形勢失控的擔心，否則香港邁向普選的道路一定阻力重重，再過十多年也不一定有機會。

我的建議，是讓北京保持對選委會有一定的影響力，譬如讓人大、政協等成員可以成為當然委員，而其他的成員也主要來自功能組別的代表，現階段不宜過急地去設法沖淡中方的影響力，以讓中方安心，去換取其他方面的讓步。

在這種情況下，可要求中方改變選委會的功能，由直接選特首改為只選特首的候選人。能獲30名選委支持的，就可以參與成為正式候選人的競爭。由於門檻低了，有意參選的人必然增加，那就需要作首輪篩選，以決定誰可以作正式候選人，這項工作就交予選委會，由他們選出三名正式的候選人，再交港人全面普選。由於這批候選人已先經選委會替北京間接篩選，不愁將來當選特首後不獲中央任命。

民主派一定會認為這種先讓北京預選的普選並非真正民主，不符合他們的理想。然而，全世界的民主國家，其民主發展都是有進程的；我建議的方案，起碼可以為香港帶來第一次形式上的全民普選，其突破性絕不亞於梁家傑帶來有競爭的特首選舉。

梁家傑全力以赴的特首競選答問大會，何嘗不是一場假民主的鬧劇？電視機前看答問大會的觀眾，何嘗有資格投票？民主派不是一樣假戲真做，並把它視作自己為爭取香港民主的一項重大貢獻。因此，民主派亦不宜因我的方案得間接經北京預選而否定我的建議，這其實已是一個不小的進步，要爭取北京首肯並不是一項容易的事。

我從事地產代理行業，經常要進行討價還價的工作，深明在談判中很難一步到位，不先爭取小的讓步，很難達到大的進展。業主開價800萬，買家還價700萬，若果認為距離太大拉唔埋，生意就只好拉倒。但若果肯逐步展開談判，促使雙方移位，最後仍有成交機會。能促使業主由800萬減至795萬，也可以視作移位的開始，不應因移動的距離小，而不肯商談下去。

政治談判亦離不開這個過程，若果民主派能在一開始時，就肯接受一些即使不太理想，但已有移位的方案，今天雙方的距離就不會這麼大，香港市民的民主空間也可能比現時更多。

在政治談判中，最緊要知道對方想要甚麼，然後才能以對方所要的東西去換取自己所要的東西。北京怕失控，我們可以讓他操控選委會來換取普選形式，選委會的改革可留待時機成熟時再談。這根本不是甚麼讓步，因為選委會現在仍是由北京操控；而非以自己手裡的東西，去換取自己尚未有的東西，有何損失？

Progress towards Universal Suffrage

2012 Political Reform Proposal for Public Consultation



March 2007

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1. Background of the political reform

- 1.1 Since 1980s, pan-democratic political organizations have a common belief – striving for a democratic political system. It was suggested that all Legislative Councillors shall be constituted fully by direct election in 1988. While it has been already 20 years now from 1988, half of the seats in today’s Legislative Council (Leg Co) are still returned by functional constituency elections, in which some constituencies are extreme ‘small circles’. Voters in functional constituencies can cast two, or even three votes. The extra vote they have is not equal in weight or value to the only one vote the general public each has. An election like this certainly violates the principle of universality and equality.
- 1.2 Before the handover, we already proposed that not only the Leg Co but also the Chief Executive shall be selected by the people under a one-man-one-vote direct election.
- 1.3 Both before and after the handover, Hong Kong people have persistently demanded elections by universal suffrage. In 2003, the July 1 mass rally of 500 thousand people was held to fight for universal suffrage of the Chief Executive and the Leg Co in 2007 and 2008 respectively.
- 1.4 On the 26th of April, 2004, the 10th National People’s Congress Standing Committee (NPCSC) adopted a decision ruling out the possibility of universal suffrage of the Chief Executive and the Leg Co in 2007 and 2008. Under the decision, the Chief Executive shall not be returned by universal suffrage in 2007; half of the Leg Co shall be constituted by functional constituency elections, and the other half by general election. The decision has procrastinated Hong Kong’s progress towards a fully democratic political system.
- 1.5 In 2005, in accordance with the decision by the NPCSC, the Hong Kong SAR government issued “The Fifth Report of the Constitutional Development Task Force” and suggested the method for the selection of the Chief Executive and the Leg Co in 2007 and 2008. The pan-democrats opposed to the government’s proposal for the reasons that it was not a proposal for universal suffrage, nor it contains a timetable and a roadmap towards universal suffrage. Also, the

pan-democrats could not accept the increase of Leg Co seats returned by functional constituency, as well as the preservation of District Council seats by appointment. The government's proposal could not win support of two-third of all Legislative Councillors and was turned down.

- 1.6 Even though the method for the selection of the Chief Executive and the Leg Co in 2007 and 2008 is decided, we have never stopped striving for universal suffrage in the 2012 Chief Executive election as well as the Leg Co election.
- 1.7 Our political reform proposal differs from the government's 2005 proposal being turned down by the Leg Co in that we clearly propose that 2012 shall be the year the Chief Executive and the Leg Co be elected by universal suffrage; the nomination shall be made by a nominating committee of approximately 1200 members, whose responsibility shall be limited to nominating only. The nominated candidate shall be elected by the general public by universal suffrage. The government's proposal, different from ours, proposes that an Election Committee with the number of members increased to 1600 shall elect the Chief Executive. Our proposed nominating committee of approximately 1200 members consists of 400 directly elected district councillors and the existing Election Committee, without including the appointed district councillors who were included in the government's 2005 proposal. Our proposal will widen the electorate base while deny the appointment system of district councillors. In our proposal, we lowered the existing threshold required for nominating candidates to a more reasonable level to allow participation by different social dynamics, and hence encourage competition. In our proposed method for the formation of the Leg Co, not only the merits of geographical direct election are preserved, but also that the small-scale political parties, professional bodies and individuals are accommodated through the "proportional representation system" whereby the whole of Hong Kong will form a single constituency. This will ensure that the Leg Co is constituted into diverse dynamics but not dominated by one single political party. This proposal fulfills the stipulations in the Basic Law and satisfies the demand of the general public for a democratic universal suffrage.

2. Factors considered in the formulation of the proposal

2.1 Hong Kong is a city of freedom and rule of law with well educated citizens. Here, people enjoy freedom of speech and obey to the laws. As an international city, Hong Kong has reconciled with various cultures and values. Unfortunately, these advantages come with a political system that persistently deprives the people of their political right to elect their Chief Executive and the Leg Co. This is extremely unfair and unreasonable.

2.2 In the past years, academic organizations have been surveying the people regarding the appropriate time for universal suffrage. The survey statistics from after 2003 indicates that more than a half of the interviewees agree that the Leg Co and the Chief Executive should be returned by universal suffrage, and this percentage stays at a range of 55% to 80% from time to time¹. The people's demand of a universal suffrage is crystal-clear.

2.3 The Chief Executive deficient in the public's authorization under a one-man-one-vote electoral system may not win support of the Leg Co and the citizens, and this has always caused the tense relationship between the legislature and the executive. Instability emerges when the people lack a channel to express their dissatisfaction by vote whenever the Chief Executive errs on its administration. We trust that electing the Chief Executive under a one-man-one-vote system is an effective solution to the government's difficulties in its governance.

2.4 Hong Kong's functional constituency elections have long been criticized. Since the constituency delimitation lacks an equal and objective basis, it fails to equalize the political rights of every citizen. The existence of functional constituency elections is a clear denotation that not only the political rights of

¹ Web site for such surveys: HKUPOP "People's Support for General Election of the Chief Executive in 2007" (http://hkupop.hku.hk/chinese/popexpress/public_ele/ce1/chart/poll1.gif); "People's Support for General Election of All LC Members in 2008" (http://hkupop.hku.hk/chinese/popexpress/public_ele/lc1/chart/poll1.gif); Lingnan University (<http://www.ln.edu.hk/pgp/level2/pgp-sur-f.htm>); Hong Kong Baptist University (<http://www.hkbu.edu.hk/~hktp/>)

the people but also the value of a vote is not equal - a class of people in the society are privileged to have two, or even three votes, while the general public each has only one vote. Besides, the electorate base in functional constituency elections is narrow, and this has limited its own representativeness and acceptability. Nevertheless, the current system confers equal voting rights to those returned by functional constituency of only tens and hundreds of voters, and to those returned by direct election with a constituency of up to 100 thousand voters.

2.5 Early in 1995, the Human Right Committee of the United Nation has pointed out that the Leg Co functional constituency election does not conform to article 2(1), 25 and 26 of the International Covenant on Civil and Political Rights (ICCPR)². We believe that the Leg Co functional constituency election should be abolished and fully replaced by a universal suffrage system.

2.6 One reason for the government's difficulties in its governance and for the strained executive-legislative relationship is that the Chief Executive is not elected by universal suffrage. Not being backed up by the Leg Co which is elected by the general public, the Chief Executive falls into a plight whenever controversial policies are introduced. We suggest that the formation of the Leg Co should embody political diversity to avoid domination by one single political party, so that the government is still under scrutiny by diverse dynamics even one political party wins both the office of the Chief Executive and majority of Leg Co seats. Where the Chief Executive and the major party are from different political parties, they will be both driven to yield to the will of the citizenry under a system in which the citizenry can hold the government accountable.

² Article 2(1) "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"; Article 26 "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

3. Principles of the political reform

3.1 We are of the view that the principles of ‘universality’ and ‘equality’ must be conformed to as we progress towards universal suffrage. In other words, Hong Kong citizens should have the rights to vote or be voted in a fair, just and open election in the course of selecting our government. This principle is clearly manifested in article 25 the ICCPR³.

3.2 Therefore, we emphasize the following principles as we work out the 2012 political reform proposal:

- a. Members of the public must be able to exercise a real choice and elect the Chief Executive and all members of Leg Co by universal suffrage;
- b. Fight for amending the Basic Law to abolish the nominating committee so that the nomination procedure will be also equal and universal;
- c. The wishes of the public shall decide which model of political reform should be adopted.

³ Article 25 “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.”

4. Our political reform proposal for 2012

4.1 Having considered the above factors and principles, we have come to the 2012 political reform proposal as follows:

Model for selecting the Chief Executive by universal suffrage

In 2012, before the nominating committee can be abolished by amending the Basic Law, 400 directly elected district councillors shall be added to the existing 800-member Election Committee, adding up to a total of approximately 1200 committee members⁴. The number of subscribers required shall be 50 regardless of the sector they belong to. The Chief Executive shall be elected by universal suffrage.

Model for forming the Leg Co by universal suffrage

A mixed election model shall be adopted in 2012, whereby half of the seats shall be returned through geographical constituency elections by the “single seat single vote” simple majority system. Under this system, the whole of Hong Kong will be divided into a certain number of constituencies. The other half of the seats shall be returned through elections by the “proportional representation system”, whereby the whole of Hong Kong will form a single constituency. Under this system, each voter shall cast two votes.

⁴ This proposal suggests abolishing 42 District Council members in the existing Election Committee. Therefore, the number of the nominating committee members is approximately 1,160.

5. Features of the political reform

5.1 The Chief Executive shall be elected by the existing Election Committee of 800 members, and also by 400 district councillors who are directly elected by all citizens through a one-man-one-vote system. Our proposal will significantly widen the electorate base of the nominating committee. This conforms to Article 45 of the Basic Law that “the method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

5.2 At the nomination stage of the Chief Executive election, only 50 subscribers are required before a person can be nominated as a candidate. The lowered threshold will encourage participation by representatives from different social backgrounds, classes, with different social and political values. This guarantees that the Chief Executive election is a genuine competition and that the general public is able to exercise a real choice. A Chief Executive returned by universal suffrage will have the authorization given by the people to govern Hong Kong.

5.3 Features of the proposal for forming the Leg Co

- a. It conforms to Hong Kong people’s demand for universal suffrage; citizens will enjoy a fair and equal right to elect;
- b. It conforms to Article 68 of the Basic Law that all legislative councillors shall be elected by universal suffrage;
- c. It simplifies the electoral system for public participation;
- d. It enhances the acceptability and representativeness of the Leg Co;
- e. The geographical “single seat, single vote” direct election produces a closer link between councillors and the electorate, views of the electorate will be

reflected more effectively.

- f. The “proportional representation system” with the whole of Hong Kong forming a single constituency will be more advantageous to individuals, small-scale political parties, the commercial and industrial sector, professionals or even minority groups, so that the interests of different social sectors will be considered.

5.4 A Leg Co constituted by the “single seat, single vote” system and the “proportional representation” system ensures developments of individuals or political parties regardless of its scale. This encourages political diversity and reflects different social values.

5.5 Our political reform proposal for 2012 can be implemented by local legislation without amending the Basic Law.

6. Conclusion

6.1 Our 2012 political reform proposal is a transitional arrangement. In the long-run, the Basic Law may need to be amended to abolish the nominating committee for the purpose of reducing the limitation of nominating candidates in the Chief Executive election.

6.2 We believe that in a modern and civilized society, civil rights must keep abreast with political rights. Through a fair, just and open electoral system, citizens can form an accountable government and enjoy equal rights to select the Chief Executive and all legislative councillors.

21 Pan-democratic Legislative Councillors:

Albert Ho Chun-yan, Martin Lee Chu-ming, Lee Wing-tat, Fred Li Wah-ming, Lee Cheuk-yan, Joseph Lee Kok-long, Audrey Eu Yuet-mee, Margaret Ng, Alan Leong Kah-kit, James To Kun-sun, Kwok Ka-ki, Frederick Fung Kin-kee, Sin Chung-kai, Cheung Man-kwong, Fernando Cheung Chiu-hung, Ronny Tong Ka-wah, Lau Chin-shek, Yeung Sum, Andrew Cheng Kar-foo, Albert Jinghan Cheng, Tam Heung-man

March, 2007

新論壇對行政長官選舉及 立法會選舉方案之意見

2007年4月12日

要讓香港的政制發展向前邁進，首要條件是方案能同時得到三分之二立法會議、行政長官，以及中央政府的同意。故此，在擬定任何具可行性的政制改革方案時，我們必須考慮如何爭取三者的支持，所以，在設計方案時，我們必須考慮以下原則：

主要原則

1. 方案應符合均衡參與及循序漸進的原則，以爭取不同階層及功能組別議員對方案的支持。
2. 各持分者必須了解中央政府在香港澳政發展中的決定性影響，方案亦必須避免香港普選產生的行政長官不獲中央任命而出現的憲政危機。
3. 方案必須兼顧民主的質素，有助政治人才的培養，提升特區的管治質素。
4. 方案必須貫徹港人治港的方針，主要公職，包括提名委員會、立法會及行政會成員必須由中國籍香港永久性居民擔任。

2012年行政長官選舉

主要原則

1. 提名制度不宜太嚴，但同時亦不宜太寬。我們認為，提名制度能讓三至四名候選人出選，是較適中的做法。
2. 提名委員會的組成和提名制度，須符合均衡參與的原則。
3. 擔任提名委員會的成員，應全部由中國籍香港永久性居民擔任。

具體方案

- 提名委員會：將現有的選舉委員會職能改為提名委員會，提名委員會的選舉方法、界別分組及數目與目前的選舉委員會相同。
- 提名門檻：候選人需取得不少於160名選委的提名，而在該等提名內，候選人必須在四個界別內(即工商金融界、勞工社會服務宗教界、專業界、政界)，分別取得不少於20%(即40名)及不多於25%(即50名)的界別內委員提名。

新世紀論壇
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- 選舉辦法：提名獲確認後，由選民一人一票選出行政長官，獲得超過一半有效選票之候選人當選。如在首輪投票未有候選人取得過半數有效選，則需舉行第二輪投票，直至有候選人獲得過半數有效選票為止。
- 只有一名候選人：如只得一名候選人獲得提名，仍需進行信任投票，如該候選人未能獲得過半數有效票，則須重新啟動提名程序，直至有候選人獲得過半數有效票為止。

立法會選舉方案

主要原則

1. 建議需有助培養政治人才，提升立法會議員的質素，提高立法會議員的議政水平。
2. 須按客觀現實情況，按基本法以循序漸進的方式，逐步取消功能組別議席。我們建議在八年內，將功能組別取消。
3. 立法會議員應全部由中國籍香港永久性居民擔任。

具體方案

2008年 (60 + 10)

- 立法會議席增至 70 席，地區直選及功能組別各增加 5 席。
- 新增的 5 個功能組別全歸區議員功能組別，即區議會功能組別增至 6 席。

2012年 (70 + 10)

- 立法會議席增至 80 席，地區直選及功能組別各增加 5 席。
- 新增的 5 個功能組別全歸區議員功能組別，即區議會功能組別增至 11 席。
- 取消立法會分組投票的安排。

2016年 (80)

- 取消所有功能組別議席。
- 立法會議席維持在 80 席，全部由分區直選產生。

-- 完 --

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香港公民協會
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By fax 2537 9083 and by mail

10 April 2007

The Chairman
Committee on Governance and
Political Development of the Strategic
Development Commission.
c/o Central Policy Unit,
13/F., West Wing, Central Government Offices,
Central, Hong Kong.

Dear Sir:

On 12 January 2004, our association suggested to government to consider developing for the HKSAR a bicameral legislature consisting of a House of Representatives (Lower House) and a Senate (Upper House).

We now understand that the Committee on Governance and Political Development of the Strategic Development Commission has thought it fit to put aside for the time being any further discussions on a bicameral system, primarily because it would involve changes to the Basic Law.

Like many other organizations in Hong Kong, our association does not want to see amendments to the Basic Law if such can be avoided; therefore we accept the Committee's view as being in the overall interest of the HKSAR.

At this point, we have several suggestions on changing the HKSAR legislature, between now and 2016, for consideration by your Committee at its next meeting.

2008 Legislative Council Election

There is a ground swell of public opinion in favour of government negotiating with the corporate sector to redefine the functional constituency corporate vote from that of being a single corporate vote to be expanded to include members of Boards of Directors, of governing committees, and committee members at executive/management levels. Should government take this suggestion on board and achieve a successful result, it would be a clear signal to the community of government's resolve to reform and broaden the voting base of the functional constituency system.

2012 Legislative Council Election

1. Functional constituencies with small electorates could be combined into group constituencies which would bring about an enlarged and more representative voting base. The number of functional group constituencies should be reduced to under 15 if possible.



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2. A large functional group constituency could make use of a nominating committee system in preparing a slate of qualified election contestants who would be directly elected by voters on the voting register.
3. The District Councils in each of the five Legislative Council regions should have a Legislative Council seat to be elected by the District Councillors in each of the five regions respectively.
4. Five new Legislative Council seats should be allotted to each of the five Legislative Council regions respectively. A nominating committee with balanced representation would be set up in each region to prepare a slate of participating candidates. Voting will be by direct election.
5. Equal parity between the geographic directly elected seats and the functional constituency seats should be retained for the 2012 Legislative Council period so as to ensure a smooth transition.
6. The split voting system should also be retained during the 2012 Legislature Council period so as to continue reflecting a working balance of community interests within the Council.
7. Each Legislative Council voter would be given two votes, one for the direct election geographic constituency seat and one for the functional group constituency seat.

2016 Legislative Council Election

At the present time of writing, our association is as yet unable to suggest whether 2016 will have a legislature that will be fully elected by universal suffrage, as defined and applied in the HKSAR political context.

We will first have to see what can be agreed upon and what can be implemented for the 2012 legislature. All things being equal, 2016 is a preferred date for most Hong Kong residents for universal suffrage in the HKSAR Legislative Council.



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Conclusion

Our association supports the gathering momentum towards having the 2012 Chief Executive elected preferably by an 800 person nominating committee and by a universal suffrage process.

We also support government's efforts to prepare a roadmap and a timetable, with or without pre-conditions, aimed at forming a legislature by 2016 to be elected by universal franchise, and conforming with the terms and spirit of the Basic Law.

Sincerely,

Hilton Cheong-Leen
President

cc Chief Executive, HKSAR
By fax 2509 0580 & by mail



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ADDENDUM to HKCA 10 April 2007 letter to Committee on Governance of Political Development of the Strategic Development Commission.

The Civic Association letter of 10 April 2007 to the Committee on Governance and Political Development outlined a number of suggestions for the Legislative Council election in 2012.

We believe our proposals are in accordance with the Basic Law "in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress". (Basic Law Article 45).

While Article 45 has to do with the method for selecting the Chief Executive, we are at the same time convinced that this same principle of gradual and orderly progress equally applies to electing the Legislative Council within the context of the Basic Law.

2012 CHIEF EXECUTIVE ELECTION

Our association's views on the nomination and election of the Chief Executive are generally in line with the proposals of the Business and Professionals Federation of Hong Kong.

Should there clearly be an insufficient consensus on electing the Chief Executive by universal suffrage one-man-one vote in 2012, another option plan would be:

2012 – (a) Set up a Nominating Committee of 800;

(b) The same election franchise that selected the Nominating Committee of 800, could elect the Chief Executive on a one-man-one-vote basis.

2017 – (a) Set up a Nomination Committee of 800;

(b) From among the candidates nominated by the Nomination Committee to elect the Chief Executive by universal franchise, one-man-one-vote.

2012 LEGISLATIVE COUNCIL ELECTION

Our association broadly shares similar views as the Business and Professionals Federation of Hong Kong regarding the bicameral legislature model as being suitable for enhancing sustainable economic and social progress for the HKSAR. Therefore the bicameral legislature system should not be ruled out as a viable option for the future.



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In our letter of 10 April 2007, we proposed:

- a) Setting up a representative Nominating Committee (not exceeding 100 members) for smaller compatible functional constituencies which have been combined into a larger group functional constituency. This would enlarge the electorate base of the regrouped smaller functional constituencies.
- b) Giving each Legislative Council voter two votes, one for the geographic constituency and another vote for his/her selected functional constituency. This would be a unique way to enlarge the voter's interest and participatory role in community affairs.

A voter could have direct access to his/her own geographically elected Legislative Councillor, and additionally to be able to seek access to:

- (1) the functional constituency Councillor who he/she voted for; and
- (2) any other functional constituency Councillor regarding issues of a public nature falling within the responsibility of that functional constituency Councillor.

Time and again, the argument has been put forward that functional constituency Councillors are limited by too narrow sectional interests and cannot speak up effectively for the wider public good.

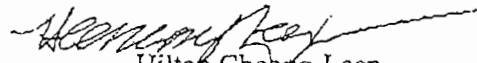
If in 2012, smaller functional constituencies can be integrated into larger functional group constituencies, could that not create more synergy and interaction towards further economic growth and social progress?

To sum up, our association looks forward to having by:

- 2012 – a) implementation of changes to the Legislative Council as proposed in our letter of 10 April 2007, and
- 2016/2020 – b) a Green Paper outline on achieving by 2016/2020 voting by universal franchise.

Political reform is a never ending process: you keep on reviewing, you keep on planning, you take action, and hopefully there is progress.

2 May 2007


Hilton Cheong-Leen
President

HONG KONG CIVIC ASSOCIATION
HONG KONG

UNIVERSAL SUFFRAGE ROAD MAP / TIME-TABLE 2008-2020

	<u>2008</u>	<u>2012</u>	<u>2016-2020</u>
CHIEF EXECUTIVE ELECTION	-	Universal Suffrage (using Business & Professionals Federation proposal as reference model)	-
LEGCO ELECTION	Redefine Corporate Voting (Anson Chan's proposal refers)	<p>(1) Increase LegCo seats by 10:</p> <p>5 geographic constituency seats, one each for 5 LegCo regions</p> <p>5 functional constituency seats for all District Councillors in each of the 5 LegCo regions respectively</p> <p>(2) Reduce Functional Constituencies number to not more than 15, by regrouping compatible smaller FCs. into a larger group FC so as to enlarge the voting base; voting by one-man-one-vote.</p> <p>(3) Set up a Nominating Committee of each enlarged group FC to prepare list of election candidates.</p> <p>(4) Give each LegCo voter two votes, one Geographic Constituency vote and one Functional Constituency vote for constituency already registered in.</p>	<p>Introduce Bicameral Legislature (using Business Professionals Federation proposal as reference model)</p> <p>OR</p> <p>Review existing Legislative Council to see what further progressive changes can be made towards eliminating Functional Constituencies as such.</p>

香港政策研究所政制發展研究小組

政制發展建議書

2007年4月

1. 背景

- (1) 因特首選舉的關係，近期各方關心政治的組織拋出政改方案，再度把沈寂一時的政改問題聚焦。
- (2) 由於泛民的主流方案所顯示的立場，比以前較有鬆動，故社會達致共識的機會有所增大。
- (3) 策發會正在收集政改方案，六月會出台政制發展綠皮書，全面諮詢市民意見，再向中央反映。

2. 大局考慮

- (1) 「北京共識」的形成與影響¹：中國正在成爲世界上最大的不對稱超級大國，一個有史以來最少依賴顯示實力的傳統手段的國家，並在指引世界其他一些國家在有一個強大重心的世界上保護自己的生活方式和政治選擇。因此，國家將更堅持包括香港在內的自己發展的模式。
- (2) 2012年，中共將召開十八次全國代表大會，胡溫體制將達至領導權力影響的頂峰。他們會否以其威信及自信，強力推行國家體制改革的既定軌道，同時容許香港更大的民主步伐，仍是未知之數。
- (3) 2012年，北京主辦的奧運、上海主辦的世博已舉行。因此，中央對香港政治事件引起的國際反應，不再考慮那麼多，可能對香港政制有更多處理的空間。
- (4) 2012年，是台灣又一個總統選舉年，估計兩岸及中美因台獨問題而起的互動會增加，變數較多。中央應會採取措施，以防兩岸關係的惡化對香港造成衝擊。或中央會以對台硬、對港柔，並協調與美日英的關係，讓香港有更大的彈性空間；當然亦有可能對台港皆硬，將視乎屆時國內外局勢。
- (5) 2012年，中國整體國力進一步加強，經濟進一步發展，香港與內地各方面進一步融合。情勢對香港市民、政治勢力，以及中央如何處理香港政制的發展，有一定的影響。
- (6) 綜合而言，展望未來局勢的發展，估計中央仍然以穩定香港經濟、政治、社

¹ 高盛公司高級顧問和清華大學教授 Prof. Joshua Cooper Ramo 於 2004 年 5 月在英國著名思想庫 The Foreign Policy Centre (外交政策中心)發表題爲「北京共識」“The Beijing Consensus”的論文，對中國過去二十多年的發展經驗作了一些總結，認爲中國的經驗在於漸進式的創新和實驗。

會局面，減少意識形態衝突為主要考慮，並相信有條件可以穩定局面。因此，中央可能傾向對香港政制的發展，採取較保守的態度。

- (7) 由於認為香港社會對推行普選已具備相當的條件，及希望透過發展民主，使政通人和，達致長治久安，並跟國內的整體發展與和諧社會的理念相配合，因此，我們建議一穩定中前行的政改方案。

3. 原則考慮

- (1) 符合《基本法》“根據香港實際情況和循序漸進的原則”及全國人大常委於2004年4月26日的決定及有關規定“2007年行政長官選舉與2008年立法會選舉不會以普選形式進行；2008年立法會選舉須保留功能界別及地區直選議員各佔一半的比例”。
- (2) 有關《公民權利和政治權利國際公約》適用於《基本法》第三十九條部份“真正、定期之選舉中投票及被選、選舉權必須普及而平等……”，被認為是指一人一票，但公約並沒有強加任何選舉制度。
- (3) 普選不是終極目標，人民的福祉與生活的提高才是。採取的選舉制度，應達至此目標。
- (4) 任何方案必須為中央、行政長官、立法會及社會各界所接受。
- (5) 香港是中國的一部份，故考慮政改時，必須考慮香港與中央的憲政關係。鼓吹對行政長官沒有實質委任權及主要官員不由中央委任，會影響中央對香港的信心。若政改引起憲政危機之後，才作補救，危害更大，故現在就須謹慎。
- (6) 普選是個系統工程，其實行要多方條件的配合。條件包括：對國家的認同；互信的建立；雙方訊息落差的縮小；法律、文化、教育、人口與稅收等政策的支持。

4. 行政長官選舉

- (1) 2012年的行政長官產生辦法，應根據《基本法》第四十五條的規定，由一個具廣泛代表性的提名委員會提名，由全港選民普選產生。
- (2) 可以大致沿用現行選舉委員會的界別分類，即如果提名委員會有800人，成員中200名來自工商、金融界，200名來自專業界別，200名來自政界，及200名來自社會各界。
- (3) 提名委員會各界別的成員應儘量以該界別內民主選舉方式產生，以增加提名委員會的代表性及公信力。
- (4) 設定提名門檻為提名委員會總人數的10%。

5. 立法會選舉

- (1) 2008年的立法會選舉仍依上一屆的辦法舉行，即30個議席由地區直選產生，另30個議席由功能界別產生。理由是社會共識仍未建立，及立法程序可能來不及完成。
- (2) 《基本法》第六十八條列明，立法會選舉最終要達至全部議員由普選產生的目標，因此，功能團體選舉祇是過度性質的安排。
- (3) 2012年，取消所有30個功能界別，推行普選。為達至普選，特區政府務必落實普選系統工程——推行有效以國家認同為主的公民教育、制定政黨法、改動稅制予以配合等。
- (4) 若在2012年因任何理由，不能推行立法會普選，我們建議以下方案：
 - (a) 30名議員由比例代表制產生，跟現時安排一樣；
 - (b) 30名議員來自指定的功能界別，但部份界別如批發及零售、資訊科技界、體育、演藝、文化及出版界、飲食界等，應擴大選民基礎，讓從業員具投票資格；及
 - (c) 在此方案下，若有資格在功能組別選舉中投票的個人，選擇投票選出功能組別議員的話，便要放棄在地區直選的投票機會。原則是，無人可在立法會議員選舉中有多過一個投票權。

6. 相關建議

- (1) 發展政黨政治：這有利於培養政治領袖和管治人才，建立管治團隊，提高公民政治參與、連結政府與公民社會、提高跟中央溝通和互動的誘因、整合民意、和協調行政與立法機關等。所以建議在香港未來的憲制規劃中，應該肯定政黨的地位，提供各種制度的誘因，令政黨更理性、健康及成熟地發展。
- (2) 特區政府應考慮以下方面的改革：
 - (a) 提供執政機會：逐步開放地方政府的管治權力；
 - (b) 財政資助：包括按選舉得票津貼選舉經費、資助政黨政策研究、給予政治捐款免稅等；
 - (c) 選舉規定：向政黨傾斜，長遠只容許註冊政黨參選；及
 - (d) 訂立政黨法：一方面確認政黨地位，另一方面保護政黨與維護國家安全。

— 全文完 —