二零一二年行政長官及立法會產生辦法公眾諮詢

重點

二零零九年十一月

引言

人大常委會於2007年12月的《決定》，明確了普選時間表：香港可於2017年普選行政長官，2020年普選立法會。《決定》亦訂明2012年的行政長官和立法會選舉，可作符合循序漸進原則的適當修改。

特區政府發表《諮詢文件》，就如何能使2012年兩個選舉進一步民主化諮詢公眾。為了方便公眾作聚焦討論，特區政府在《諮詢文件》就兩個選舉辦法的重要元素，提出了認為可考慮的方向。

原則

在考慮2012年行政長官和立法會的選舉辦法時，我們必須考慮以下原則：

- 符合人大常委會《決定》的有關規定；
- 符合《基本法》有關兼顧社會各階層利益、有利於資本主義經濟發展、循序漸進及適合香港實際情況的原則；
- 能回應社會對政制發展的訴求，提高選舉的民主成分，為達至2017年普選行政長官和2020年普選立法會鋪路；及
- 能有機會得到多數市民、立法會、行政長官及中央接受。

在《諮詢文件》中，我們嘗試就2012年行政長官和立法會選舉辦法，提出可考慮的方向。按照所提出的方向，我們歸納了相關的考慮議題：

2012年行政長官產生辦法

選舉委員會的人數

- 是否贊成人數增加至不超過1200人？

選舉委員會的組成

- 四個界別的人數比例應否維持均等？
- 是否贊成第四界別的新增議席，大部分分配給區議員？
- 增加區議員議席的幅度應該多大？是否贊成只由民選區議員參與互選？

選舉委員會的選民基礎

- 是否贊成不採取把「公司/團體票」轉為「董事/行政人員/屬會/個人票」的方式？
- 是否贊成應該以增加區議員在選舉委員會內的比例，來擴大選民基礎？

提名行政長官候選人的安排

- 是否贊成維持目前提名門檻，即選舉委員會人數的八分之一？
- 是否贊成維持不設立提名人數上限的安排？

行政長官政黨背景

- 是否贊成維持行政長官不屬任何政黨的規定？

2012年立法會產生辦法

立法會的議席數目

- 是否贊成把議席數目由60席增至70席？

功能界別的選民基礎

- 是否贊成不採取把「公司/團體票」轉為「董事/行政人員/屬會/個人票」的方式？
- 是否贊成新增的5個功能界別議席，加上原來的1個區議會議席，全數由民選區議員互選產生，以擴闊功能界別的選民基礎？

立法會議員的國籍規定

- 是否贊成維持現有的非中國籍和持有外國居留權的香港永久性居民在立法會可參選12個議席的安排？

注入新的民主元素

特區政府提出的可考慮方向，目的是為2012年行政長官和立法會選舉辦法注入新的民主元素：

- 我們已在2007年爭取到普選時間表。
- 我們恪守不增加「傳統」功能界別的原則。增加民選區議員互選產生的議席，能加強立法會的民主成分。
- 我們提出可考慮2012年只由民選區議員參與選舉委員會和立法會內區議會議席的互選，能進一步提升選舉的民主成分。屆時立法會將會有接近六成的議席是直接或間接由地區選舉產生。

不要讓政制再次原地踏步

2012年政制能向前發展，對香港的選舉制度能平穩地過渡至普選，將起積極作用。

特區政府抱著最大的誠意推動香港的民主邁向普選。我們會以開放的態度，聆聽市民、社會各界和立法會對2012年兩個產生辦法的意見。

你的意見

《諮詢文件》可於各區民政事務處索取，或從政制及內地事務局的政制發展網頁下載（網址：www.cmab-cd2012.gov.hk）。歡迎你在**2010年2月19日或以前**以郵寄、傳真或電郵方式遞交意見：

地址：　香港下亞厘畢道
中區政府合署中座319室
政制及內地事務局

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政制及內地事務局
2009年11月

香港特別行政區政府新聞處設計
政府物流服務署印

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第一章：背景及前言

1.01 《基本法》第四十五條及第六十八條，並通過《基本法》附件一和附件二，規定了行政長官和立法會的產生辦法，並且進一步規定根據香港特區的實際情況和循序漸進的原則，最終達至行政長官由一個有廣泛代表性的提名委員會按民主程序提名後普選產生、立法會全部議員普選產生的目標。

1.02 根據 2004 年 4 月 6 日公布的《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋》("《解釋》")，香港特別行政區行政長官的產生辦法和立法會的產生辦法是否需要進行修改，香港特別行政區行政長官應向全國人民代表大會常務委員會("人大常委會")提出報告，由人大常委會依照《中華人民共和國香港特別行政區基本法》第四十五條和第六十八條規定，根據香港特別行政區的實際情況和循序漸進的原則確定。修改行政長官產生辦法和立法會產生辦法及立法會法案、議案表決程序的法案及其修正案，應由香港特別行政區政府向立法會提出。

1.03 換言之，根據《基本法》及人大常委會 2004 年 4 月的《解釋》，修改兩個產生辦法是要走「五部曲」：

第一部： 由行政長官向人大常委會提出報告，提請人大常委會決定兩個產生辦法是否需要進行修改；

第二部： 人大常委會決定可就兩個產生辦法進行修改；

第三部： 特區政府向立法會提出修改兩個產生辦法的議案，並經全體立法會議員三分之二多數通過；

第四部： 行政長官同意經立法會通過的議案；

第五部： 行政長官將有關法案報人大常委會，由人大常委會批准或備案。

1.04 為了按照《基本法》逐步推動香港民主發展邁向普選的最終目標，特區政府於 2004 年 1 月成立了政制發展專責小組，負責推動政制發展的工作，並決定按人大常委會 2004 年 4 月的《解釋》，首次啟動行政長官及立法會產生辦法的修改機制，希望能增強 2007 年行政長官和 2008 年立法會選舉的民主成分，使香港的民主制度向前邁進。

1.05 在經過多輪的公眾諮詢後，特區政府於 2005 年 10 月就修改 2007 年行政長官和 2008 年立法會產生辦法，提出了一套建議方案，透過將全體區議員納入選舉委員會，和讓他們互選產生更多的代表參與立法會，以及增加地區直選議席，來提高兩個選舉的民主成分。

1.06 與此同時，行政長官於 2005 年 11 月透過策略發展委員會(“策發會”)，為香港社會首次開展了有關普選模式、路線圖和時間表的討論。

1.07 在 2005 年 12 月於立法會的表決中，有關 2007/08 選舉方案雖然得到大部分市民及過半數立法會議員支持，但最終未能達到《基本法》附件一及附件二訂明須得到立法會全體議員三分之二多數通過的要求。當時，部分議員否決方案的主要原因，是因為中央及特區政府未能提供明確的普選時間表，以及政府的建議方案包含委任區議員參與選舉委員會和立法會區議會議席的互選。

1.08 根據人大常委會在 2004 年 4 月 6 日所作的《解釋》，《基本法》附件一及附件二規定的行政長官及立法會產生辦法如果不作修改，《基本法》附件一及附件二有關兩個產生辦法的規定仍然適用於 2007 年的行政長官及 2008 年的立法會選舉。

1.09 儘管如此，在 2005 年年底至 2007 年年中期間，特區政府繼續通過策發會推動社會各界對行政長官和立法會普選的原則、模式、路線圖以及時間表進行了廣泛的討論。

1.10 2007 年年初，在參選第三任行政長官選舉期間，行政長官已清楚表明希望在新一屆任期內，全力推動香港社會能達成共識，盡快實現普選。行政長官已履行競選承諾：第三屆特區政府在 7 月 11 日便發表了《政制發展綠皮書》，就行政長官及立法會普選方案、路線圖和時間表廣泛諮詢公眾。

1.11 行政長官於 2007 年 12 月 12 日向人大常委會提交報告，如實反映了在公眾諮詢期內從社會各方面收集到關於普選的意見，包括有過半數市民支持 2012 年實行雙普選，與此同時，在不遲於 2017 年先行落實普選行政長官，將有較大機會在香港社會獲得大多數人接納。

1.12 在審議行政長官提交的報告後，人大常委會於 2007 年 12 月 29 日通過《關於香港特別行政區 2012 年行政長官和立法會產生辦法及有關普選問題的決定》("《決定》")，明確了香港達至普選的時間表。根據《決定》：

"2017 年香港特別行政區第五任行政長官的選舉可以實行由普選產生的辦法；在行政長官由普選產生以後，香港特別行政區立法會的選舉可以實行全部議員由普選產生的辦法。"

1.13 與此同時，有關 2012 年行政長官和立法會的產生辦法，《決定》訂明：

"2012 年香港特別行政區第四任行政長官的選舉，不實行由普選產生的辦法。2012 年香港特別行政區第五屆立法會的選舉，不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議員各佔半數的比例維持不變，立法會對法案、議案的表決程序維持不變。在此前提下，2012 年香港特別行政區第四任行政長官的具體產生辦法和 2012 年香港特別行政區第五屆立法會的具體產生辦法，可按照《中華人民共和國香港特別行政區基本法》第四十五條、第六十八條的規定和附件一第七條、附件二第三條的規定作出符合循序漸進原則的適當修改。"

人大常委會 2007 年 12 月《決定》的全文見附件一。

1.14 換言之，人大常委會的《決定》明確了香港可於 2017 年普選行政長官，而在行政長官普選後，立法會全部議員可以由普選產生。《決定》亦訂明在 2012 年雖然不實行普選，但可按照《基本法》對兩個選舉辦法作出符合循序漸進原則的適當修改。

1.15 為落實普選，現屆特區政府的目標是要在人大常委會《決定》的框架下，使 2012 年的選舉制度可進一步民主化，為落實 2017 年普選行政長官和 2020 年普選立法會鋪路。

1.16 自 2004 年起，香港社會就如何修改現行行政長官和立法會產生辦法，已作過廣泛討論。政制發展專責小組於 2004 年 1 月成立後，先後發表了五份報告書，就 2007 年行政長官產生辦法和 2008 年立法會產生辦法諮詢公眾。

1.17 到人大常委會於 2007 年 12 月作出《決定》後，我們在策發會下成立了政制發展專題小組，透過策發會的工作推動社會討論 2012 年兩個產生辦法。

1.18 為了更廣泛收集社會各界對 2012 年兩個產生辦法的意見，政制及內地事務局擬備了《2012 年行政長官及立法會產生辦法諮詢文件》(“《諮詢文件》”)，並展開為期三個月的公眾諮詢。

1.19 《諮詢文件》是以人大常委會在 2007 年 12 月作出《決定》後，策發會的討論及不同黨派、社會人士和團體提供有關 2012 年兩個產生辦法的建議為基礎。我們亦參考了過去政制發展專責小組就 2007 年行政長官及 2008 年立法會產生辦法進行諮詢時所收集到的相關意見。不同黨派及社會人士和團體的相關意見全文，以及策發會的討論文件和意見摘要，分別載列於《諮詢文件》的附錄一及附錄二內，讓公眾參考。

1.20 我們在歸納過去所收集到社會各界意見的過程中，發現社會在如何修改兩個產生辦法的討論上雖然意見紛紜，但在某些相關議題上，已有一定共識。

1.21 我們另亦注意到特區政府過去就政制發展議題諮詢公眾時，有一些意見提出政府應列出具體方案諮詢市民意見。

1.22 鑒於香港社會在過去數年就如何修改現行行政長官和立法會的產生辦法，已作過廣泛討論，並提出了不少具體建議，我們在《諮詢文件》中，嘗試就兩個產生辦法的重要元素，提出認為可考慮的方向，目的是讓市民和各界人士能更聚焦討論，希望有助達成社會廣泛共識。

1.23 我們在《諮詢文件》中所提出 2012 年兩個產生辦法可考慮的方向，除參考了社會各界提出的意見外，亦考慮了以下的主要因素：

(i) 按照《基本法》和人大常委會的《決定》，在符合循序漸進的原則下，提升 2012 年兩個選舉的民主成分；

(ii) 2012 年的選舉方案能有機會得到多數市民、立法會、行政長官和中央支持；及

(iii) 2005 年部分立法會議員是因為在沒有普選時間表和政府的2007/08方案包含委任區議員的情況下否決方案。目前普選時間表已明確，2012 年的選舉方案應能收窄分歧，凝聚共識，推進香港政制的民主發展。

1.24 我們要強調，特區政府對於 2012 年的行政長官和立法會產生辦法，是持開放態度。我們的目標是透過公眾諮詢，先聽取市民、不同界別團體和人士，以及立法會就如何修改兩個產生辦法的意見，之後會與過去所收集到的建議作全盤考慮，才訂出政府的建議方案。

1.25 由於人大常委會作出《決定》明確了普選時間表，現屆特區政府決心按照人大常委會的《決定》，推動 2012 年政制向前發展，為落實未來的普選鋪路。

1.26 至於 2017 年普選行政長官的具體模式，要由第四任行政長官和第五屆立法會一起解決有關議題。2020 年立法會的普選方案，則要由在 2017 年經普選產生的行政長官與第六屆立法會合作，共同加以處理。

1.27 有意見要求 2012 年實行雙普選，但這是不符合人大常委會的《決定》，是不能落實的。

1.28 亦有意見要求同時處理 2012 年選舉及 2017/2020 年普選安排，但按照人大常委會的《決定》，特區只可就 2012 年兩個產生辦法建議修改。至於啟動行政長官及立法會產生辦法的修改以達至普選，根據《決定》，需要由行政長官按照《基本法》的有關規定和人大常委會關於《基本法》附件一第七條和附件二第三條的解釋，向人大常委會作出報告，由人大常委會確定。目前，我們顯然還沒有處在這一工作階段。

1.29 因此，現階段，特區政府只是獲人大常委會授權落實 2012 年行政長官和立法會的產生辦法。有關如何修改兩個產生辦法以達至普選，則並非現屆特區政府已獲授權處理的範圍。

1.30 儘管如此，我們注意到立法會一些黨派和社會上部分

人士和團體期望能盡早啟動有關普選模式的討論。為了回應這些訴求，如果在 2012 年兩個產生辦法的公眾諮詢期間收集到有關普選的意見，特區政府亦會作出歸納和總結。這些意見會為 2012 年及 2017 年產生的特區政府在處理行政長官和立法會普選時，提供參考。

第二章：關於 2012 年行政長官產生辦法所收集到的意見

重點考慮議題

2.01 有關 2012 年的行政長官選舉，雖然人大常委會 2007 年 12 月的《決定》已訂明不實行由普選產生的辦法，但仍留有足夠空間對選舉辦法作修改，提升民主成分，為邁向 2017 年普選鋪路。

2.02 在討論如何修改有關產生辦法時，應以《基本法》附件一的現行規定為基礎，包括行政長官須由一個具有廣泛代表性的選舉委員會選出，研究在選舉委員會的人數和組成及提名安排上作適當調整。在符合《基本法》及《決定》的前提下，我們可考慮以下五項重點議題：

(一) 選舉委員會的人數;

(二) 選舉委員會的組成；

(三) 選舉委員會的選民基礎；

(四) 提名行政長官候選人的安排；及

(五) 行政長官的政黨背景。

選舉委員會的現行組成

2.03 根據《基本法》附件一的規定，行政長官由一個具有廣泛代表性的選舉委員會根據《基本法》選出，由中央人民政府任命。選舉委員會共 800 人，循四大界別產生。詳情見附件二。

2.04 選舉委員會代表由下列四個界別人士組成：

工商、金融界	200 人
專業界	200 人
勞工、社會服務、宗教等界	200 人
立法會議員、區域性組織代表、香港地區全國人大代表、香港地區全國政協委員的代表	200 人

2.05 根據《基本法》附件一的規定，選舉委員會各個界別的劃分，以及每個界別中何種組織可以產生選舉委員的名額，由特區根據民主、開放的原則制定選舉法加以規定。各界別法定團體根據選舉法規定的分配名額和選舉辦法自行選出選舉委員會委員。

2.06 《行政長官選舉條例》(第 569 章)按照《基本法》附件一的規定，就行政長官選舉，包括選舉委員會的組成，訂定詳細的法例規定和程序。選舉委員會的四個界別，由共 38 個界別分組組成，詳情見附件三。

關於2012年行政長官產生辦法所收集到的意見

2.07 下文就策發會委員及社會人士和團體在人大常委會在2007年12月作出《決定》後，提出有關2012年行政長官產生辦法的意見作陳述和歸納，以便公眾討論。

(一) 選舉委員會的人數

2.08 在人大常委會作出《決定》明確可於2017年普選行政長官後，在策發會的討論中提出了一種意見，就是由於2017年可以實行行政長官普選，2012年的選舉委員會只運作一次，應維持800人[1]，不應作大改動。

2.09 在策發會的討論及社會人士和團體提出的相關建議中，亦有意見認為選舉委員會人數應維持800人[2]，理據包括：

(i) 目前的選舉委員會已具廣泛代表性；及

(ii) 若委員人數太多會令委員會運作困難。

2.10 與此同時，有意見認為應增加選舉委員會人數[3]，主要原因包括：

(i) 政府在2005年就2007/08建議方案諮詢公眾時，大部分市民支持增加選舉委員會的人數；

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1 例如，自由黨提出了有關意見；詳情見附錄一(CDA 033)。

2 例如，香港工商專業聯會提出了有關建議；詳情見附錄一(CDA 001、CDA 052及CDA 100)。

3 例如，梁美芬議員及西九新動力及香港專業及資深行政人員協會提出了有關建議；詳情分別見附錄一(CDA 104及CDA 042)。

(ii) 選舉委員會人數需要因應社會發展而作出調整；及

(iii) 增加社會各界人士的參與，可提升選舉委員會的代表性和民主成份，讓市民大眾有更多空間及機會參與行政長官選舉，體現民主進步和發展。

2.11 至於具體人數，在策發會的討論及社會人士和團體提出的相關建議中，有意見認為應把選舉委員會人數增至 1000、1200[4]、1600 及 1800 人[5]。

2.12 亦有意見認為選舉委員會的人數並非最關鍵，反而是應擴大選民基礎，以加強委員的認受性[6]。

(二) 選舉委員會的組成

2.13 按照人大常委會的《決定》，在實行行政長官普選時，提名委員會可參照《基本法》附件一有關選舉委員會的現行規定組成。

2.14 有意見認為選舉委員會應維持現有四個界別的組成[7]，主要理據是要體現均衡參與的原則和平衡各方利益。

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4 例如，策發會委員李大壯先生、民主發展網絡和香港專業及資深行政人員協會提出了有關建議；詳情分別見附錄一(CDA 053、CDA 039 及 CDA 042)。

5 例如，策發會委員葉劉淑儀議員提出了有關建議；詳情見附錄一(CDA 035)。

6 例如，陳方安生女士及其核心小組(核心小組)提出了有關意見；詳情見附錄一(CDA 049)。

7 例如，策發會委員譚惠珠女士及自由黨提出了有關建議；詳情分別見附錄一(CDA 032 及 CDA 033)。

2.15 至於如何在不同界別分配議席，具體意見包括：

(i) 維持現有四大界別的席位數目均等，四個界別的議席數目應平均地增加，以符合均衡參與的原則[8]；

(ii) 調整四個界別席位數目的比例，例如：

(a) 加入全體區議員(即包括民選和委任區議員)[9]；

(b) 加入全部民選區議員[10]；及

(iii) 加入新增界別分組[11]。

(三) 選舉委員會的選民基礎

2.16 關於選舉委員會的選民基礎，有意見認為應擴大選民基礎，具體建議包括：

(i) 把「公司/團體票」轉為「董事/行政人員票」[12]；及

(ii) 增加區議員在選舉委員會內的比例，透過有民意

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8 例如，策發會委員譚惠珠女士提出了有關建議；詳情見附錄一(CDA 032)。

9 例如，策發會委員李大壯先生及香港專業及資深行政人員協會提出了有關建議；詳情分別見附錄一(CDA 053 及 CDA 042)。

10 例如，策發會委員葉劉淑儀議員(附錄一 CDA 035)、民主發展網絡(附錄一 CDA 039)及公民黨(附錄一 CDA 121 及 CDA 145)提出了有關建議。

11 例如，自由黨提出了有關建議；詳情見附錄一(CDA 130)。

12 例如，自由黨提出了有關建議；詳情見附錄一(CDA 033)。

基礎的區議員來增強選舉委員會的代表性和民主成分[13]。

2.17 不過，在策發會的討論中，有意見認為把「公司/團體票」轉為「董事/行政人員/個人票」，會使這些界別分組議席的競爭性提升，而另外一些界別分組的選民基礎將維持不變，這將會導致選舉委員會不同界別的競爭性不平衡，可能引致不公。亦有意見認為由於社會未有足夠時間討論如何對選民基礎作出調整，維持目前選民基礎不變會較為合適。

2.18 亦有意見認為目前800人的選舉委員會已具廣泛的選民基礎，可賴以選出有廣泛支持的候選人，故毋須作出調整[14]。

(四) 提名行政長官候選人的安排

2.19 現時《基本法》附件一規定不少於100名選舉委員（即選舉委員會總人數的八分之一）可聯合提名行政長官候選人。

2.20 有意見認為提名門檻應維持選舉委員會總人數的八分之一[15]，主要原因包括：

(i) 目前的規定已容許足夠競爭性，並能確保候選人有足夠支持；及

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[13] 例如，香港專業及資深行政人員協會提出了有關建議；詳情見附錄一(CDA 042)。

[14] 例如，香港工商專業聯會提出了有關建議；詳情見附錄一(CDA 001)。

[15] 例如，自由黨(附錄一 CDA 033)、香港工商專業聯會(附錄一 CDA 001、CDA 052、CDA 100)和香港專業及資深行政人員協會(附錄一 CDA 042)提出了有關建議。

(ii) 目前的提名門檻恰當，能避免出現過多候選人，浪費社會資源。

2.21 亦有意見建議降低提名門檻[16]，令選舉有更多競爭。

2.22 在策發會的討論中，有意見提出規定候選人須在每個界別都取得一定數目的提名[17]，以確保候選人在不同界別和階層都有一定支持，而候選人不只代表某一界別的利益，符合兼顧社會各階層利益的原則。然而，有意見認為此建議會令某些界別有否決權，增加參選的難度，並引起很大爭議。

2.23 另有意見建議設立提名上限[18]，以容許更多有意參選的人士有機會獲得提名。不過，亦有意見認為毋須設立上限[19]。

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16 例如，公共專業聯盟提出了有關建議；詳情見附錄一(CDA 043、CDA 044 及 CDA 070)。

17 例如，策發會委員譚惠珠女士(附錄一 CDA 032)及香港工商專業聯會(附錄一 CDA 001、CDA 052 及 CDA 100)提出了有關建議。

18 例如，策發會委員葉劉淑儀議員建議選舉委員會由 1,800 人組成，每名候選人的提名上限為 450 名；詳情見附錄一(CDA 035)。公共專業聯盟建議選舉委員會由 800 人組成，每名候選人的提名下限為 50 名及上限為 100 名；詳情見附錄一 (CDA 043、CDA 044、CDA 070 及 CDA 125)。

19 例如，自由黨提出了有關建議；詳情見附錄一(CDA 033)。

(五) 行政長官的政黨背景

2.24 目前《行政長官選舉條例》(第 569 章)容許政黨成員競逐行政長官,惟他們須在獲提名時聲明他們是以個人身份參選。倘若有政黨成員當選,必須在當選後七個工作日內,公開作出法定聲明,表明不再是任何政黨的成員,並書面承諾,不會在任期內加入任何政黨,也不會受任何政黨的黨紀所規限。

2.25 有意見認為應取消有關規定,以促進政黨的發展[20]。不過,在我們過去所收集到的意見中,亦有意見提出應維持有關規定,以確保行政長官在施政時保持中立和維持公正[21]。

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[20] 例如,公民黨提出了有關建議;詳情見附錄一(CDA 121、CDA 122 及 CDA 145)。

[21] 根據政制發展專責小組於 2005 年 9 月進行有關 2007 年行政長官及 2008 年立法會產生辦法的民意調查結果,有七成三受訪市民表示同意應該維持行政長官不可以屬於任何政黨的規定。

第三章：關於 2012 年立法會產生辦法所收集到的意見

重點考慮議題

3.01 有關 2012 年立法會選舉，雖然人大常委會 2007 年 12 月的《決定》已訂明不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議員各佔半數的比例維持不變，以及立法會對法案、議案的表決程序維持不變，但仍有足夠空間對選舉辦法作修改，提升民主成分。

3.02 在符合《基本法》及《決定》的前提下，我們可考慮以下三項重點議題：

(一) 立法會議席數目；

(二) 功能界別的選民基礎；及

(三) 應否調整目前有關可由非中國籍和持有外國居留權的香港永久性居民出任立法會議員的安排。

立法會的現行組成

3.03 根據《基本法》附件二的規定，立法會議員每屆 60 人。附件二訂明首三屆立法會的組成，而就第三屆立法會的組成而言，分區直選和功能界別選舉產生的議席數目各為 30 席。

3.04 至於 2008 年第四屆立法會，根據人大常委會 2004 年 4 月 6 日的《解釋》，《基本法》附件二中規定的立法會產生辦法如果不作修改，《基本法》附件二關於第三屆立法會產生辦法的規定和附件二關於法案、議案

的表決程序的規定仍然適用。由於特區政府在 2005 年提出修改 2008 年立法會選舉的建議方案，未能達到《基本法》要求獲立法會全體議員三分之二多數通過，第四屆的立法會產生辦法及法案、議案的表決程序維持不變。

3.05 《立法會條例》(第 542 章)按照《基本法》附件二的規定，就地方選區的劃界、分區直選的選舉方法、功能界別的劃分、其議席分配和選舉方法等訂出詳細規定。

3.06 分區直選方面，《立法會條例》規定地方選區數目為五個。30 個分區直選產生的議席大致上按選區的人口比例分佈，詳情如下：

地方選區	**議席數目**
香港島	6
九龍東	4
九龍西	5
新界東	7
新界西	8

3.07 地方選區選舉採用比例代表制下的名單投票制，並以最大餘額方法計算選舉結果。候選人以名單形式參選，每份名單的候選人人數最多可達有關選區所設的議席數目。每名選民可投一票，支持一份參選名單。議席按照各份名單獲得的票數分配。

3.08 功能界別選舉方面，《立法會條例》規定設立 28 個功能界別，詳見附件四。除勞工界功能界別佔三個議席外，其他所有功能界別各佔一個議席。

關於 2012 年立法會產生辦法所收集的意見

3.09 下文就策發會委員及社會人士和團體在人大常委會在 2007 年 12 月作出《決定》後，提出有關 2012 年立法會產生辦法的意見作陳述和歸納，以便公眾討論。

(一) 立法會議席數目

3.10 在策發會的討論及社會人士和團體的相關建議中，有較多意見認為應增加立法會的議席數目，主要理據包括：

(i) 隨著人口增長，立法會的工作日益繁重。增加立法會議席可配合立法會的實際工作需要；

(ii) 擴闊參政渠道，容許更多不同背景、經驗和意見的人士參政，有利培養政治人才；

(iii) 與外國的議會比較，香港人口相對議席的比例較高；及

(iv) 加強立法會反映各方面民意的功能，增加民主成分和市民的參與。

3.11 至於具體議席數目，有意見認為應增至 70 席[22]或 80 席[23]。

3.12 不過，亦有意見認為應維持立法會議席為 60 席[24]，主要原因包括：

(i) 在未來立法會普選的有關安排未有定案前，不宜增加議席數目，以免在如何分配新增議席上引起社會爭拗；及

(ii) 增加議席會拖慢議事效率，影響立法會的工作。

(二) 功能界別的選民基礎

3.13 若立法會的議席數目增至 70 或 80 席，按照人大常委會的《決定》，分區直選及功能界別所產生的議席，應各增加 5 或 10 席。

3.14 根據 2009 年正式登記冊的數字，功能界別共有約 226,000 名已登記選民，包括約 16,000 個團體及約 210,000 名個別人士。詳情見附件五。

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[22] 例如，策發會委員譚惠珠女士(附錄一 CDA 034 及 CDA 041)和李家祥先生(附錄一 CDA 037)、民主發展網絡(附錄一 CDA 039)、香港專業及資深行政人員協會(附錄一 CDA 042)提出了有關建議。

[23] 例如，策發會委員葉劉淑儀議員提出了有關建議；詳情見附錄一(CDA 035)。

[24] 例如，策發會委員石禮謙議員提出了有關建議；詳情見附錄一(CDA 046)。

3.15 在我們過去所收集到的意見，有較多意見認為應擴闊功能界別的選民基礎[25]，主要理據包括：

(i) 增强功能界別選舉的代表性、涵蓋不同界別及兼顧不同階層的利益；

(ii) 增加選舉的認受性；及

(iii) 可作為邁向普選的過渡安排。

3.16 若功能界別議席數目有所增加，對於應如何處理新增的功能界別議席，以擴闊功能界別的選民基礎，有不同的意見。

3.17 在策發會的討論及社會人士和團體的相關建議中，有意見認為應加入新增界別[26]，這有助於香港發展資本主義制度和兼顧各階層利益。不過，有意見反對增加新的界別，認為選擇性地加入一些新的界別會引起社會爭議，難以達成社會共識。

3.18 亦有意見提出增加現時區議會在功能界別的議席數目[27]，主要原因包括：

(i) 區議員的選民基礎較廣，能增強功能界別的民主

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25 例如，香港工商專業聯會(附錄一 CDA 052 及 CDA 100)、公共專業聯盟(附錄一 CDA 043、CDA 044、CDA 070、CDA 125)、梁美芬議員及西九新動力(附錄一 CDA 104)提出了有關建議。

26 例如，自由黨建議增加地產代理界別；詳情見附錄一(CDA 130)。策發會委員譚惠珠女士建議增加中資企業、基層團體、婦女和青年團體、中小企、文化創意產業和中醫藥等；詳情見附錄一(CDA 034 及 CDA 041)。匯賢智庫建議增加公務員、中小企和安老服務業界別；詳情見附錄一(CDA 050)。

27 例如，策發會委員李大壯先生和香港專業及資深行政人員協會提出了有關建議；詳情分別見附錄一(CDA 053 及 CDA 042)。

成分及代表性，對香港的民主發展有利；

(ii) 區議員亦有其重要的社會功能，若增加他們在立法會的議席數目，將有助培育區議員中的政治人才；及

(iii) 增加區議會議員在立法會的議席數目，有助社會達成共識。

3.19 對於增加現時區議會在功能界別的議席數目，有意見認為應由委任和民選區議員透過互選產生[28]，亦有意見認為應只由民選區議員參與有關選舉。

3.20 不過，亦有意見反對增加區議會在功能界別的議席數目[29]，原因包括：

(i) 區議會缺乏有關的功能性和行業性；

(ii) 增加區議會在功能界別的議席數目，選民基礎會與新增的地區直選議席的選民基礎重覆；及

(iii) 僅增加區議會議席並不完全符合均衡參與的原則。

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[28] 例如，香港專業及資深行政人員協會提出了有關建議；詳情見附錄一(CDA 042)。

[29] 例如，香港工商專業聯會(附錄一 CDA 052)及核心小組(附錄一 CDA 049)提出了有關意見。

3.21 亦有意見認為應取消「公司/團體票」[30] 或把「公司/團體票」轉為「董事票」[31]，或重組某些現有功能界別[32]。

3.22 不過，另有意見認為不必改變現有功能界別的選民基礎，毋須把「公司/團體票」轉為「董事/個人票」[33]。

(三) 應否調整目前有關可由非中國籍和持有外國居留權的香港永久性居民出任立法會議員的安排

3.23 根據《基本法》第六十七條，非中國籍的香港特別行政區永久性居民和在外國有居留權的香港特別行政區永久性居民也可以當選為立法會議員，其所佔比例不得超過立法會全體議員的百分之二十[34]。

3.24 在策發會的討論及社會人士和團體的相關建議中，普遍認為應維持現有規定[35]，理據包括：

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30 例如，公共專業聯盟提出了有關建議；詳情見附錄一(CDA 043 及 CDA 044)。

31 例如，核心小組提出了有關建議；詳情見附錄一(CDA 049)。

32 例如，公民黨建議合併性質相近或選民人數較少的功能界別；詳情見附錄一(CDA 121 及 CDA 145)。公共專業聯盟提出把現有的功能界別合併成為數個大功能界別，詳情見附錄一(CDA 043、CDA 044、CDA 070 及 CDA 125)。

33 例如，策發會委員譚惠珠女士和石禮謙議員提出了有關建議，詳情分別見附錄一(CDA 034 及 CDA 046)。

34 《立法會條例》訂明非中國籍的香港永久性居民和在外國有居留權的香港永久性居民可循以下 12 個功能界別（相等於百分之二十的立法會議席）參加立法會選舉：(1)法律界、(2)會計界、(3)工程界、(4)建築、測量及都市規劃界、(5)地產及建造界、(6)旅遊界、(7)商界(第一)、(8)工業界(第一)、(9)金融界、(10)金融服務界、(11)進出口界及(12)保險界。

35 例如，策發會委員譚惠珠女士和李家祥先生，以及香港專業及資深行政人員協會提出了有關建議，詳情分別見附錄一(CDA 034、CDA 037 及 CDA 042)。

(i) 有關安排是「一國兩制」下容許立法會吸納不同人才的特別安排，反映香港的包容性和多元化；

(ii) 這個安排多年來運作暢順，而目前非中國籍和持有外國居留權人士的立法會議員實際上不多，毋須改變現有安排；及

(iii) 有關安排可繼續只適用於功能界別議席。

3.25 但亦有意見認為應逐步減少有關比例或長遠完全取消這個安排，理據包括：

(i) 有關安排只屬過渡性質，應分階段減少有關比例，並最終取消這個安排；及

(ii) 外國議會很少有類似的安排。

第四章：2012 年行政長官產生辦法 — 可考慮的方向

4.01 在考慮 2012 年行政長官產生辦法時，我們應顧及下列的原則：

(i) 須符合人大常委會 2007 年 12 月 29 日所作出《決定》的有關規定，包括 2012 年行政長官產生辦法，可作出符合循序漸進原則的適當修改；

(ii) 須符合《基本法》有關兼顧社會各階層利益、有利於資本主義經濟的發展、循序漸進和適合香港實際情況的原則；

(iii) 能顧及過去以及這次公眾諮詢期間所收集到的社會各界意見，回應社會對政制發展的訴求，提高選舉的民主成分；

(iv) 能有助於增加社會各界人士的參與，提高選舉的代表性和民主成分，體現民主進步和發展，為在 2017 年達至行政長官普選鋪路；及

(v) 能有機會得到多數市民、立法會、行政長官及中央接受。

4.02 有關 2012 年行政長官產生辦法，有以下五項重點考慮議題：

(一) 選舉委員會的人數；

(二) 選舉委員會的組成；

(三) 選舉委員會的選民基礎；

(四) 提名行政長官候選人的安排；及

(五) 行政長官的政黨背景。

4.03 下文就 2012 年行政長官產生辦法的重要元素，提出特區政府認為可考慮的方向。

(一) 選舉委員會的人數

4.04 在人大常委會於 2007 年 12 月作出《決定》，明確 2017 年可以普選行政長官後，我們注意到有一種意見，就是由於 2017 年可以普選行政長官，2012 年的選舉委員會只運作一次，不應作大改動，因此，選舉委員會應維持 800 人。

4.05 與此同時，有意見認為應增加選舉委員會人數至 1000、1200、1600 及 1800 人。

4.06 基於上文第 4.01 段所述的原則，並考慮到在過去對於選舉委員會人數的各方面意見，特區政府認為可考慮增加選舉委員會的人數，但增幅不宜太大。

4.07 就此，特區政府認為可考慮把選舉委員會人數增加至不超過 1200 人。這個增幅符合循序漸進的要求，亦能提供更多空間和機會予社會人士參與行政長官選舉，進一步提高選舉委員會的代表性，並可為 2017 年普選行政長官時把選舉委員會轉化為提名委員會提供一個基礎。

4.08 人大常委會的《決定》已表明 2017 年普選行政長官時，提名委員會可參照《基本法》附件一有關選舉委

員會的現行規定組成[36]。因此，若能妥善處理 2012 年選舉委員會的組成，將有助於以這一選舉委員會為基礎轉化為 2017 年實行普選時的提名委員會。

(二) 選舉委員會的組成

4.09 現行的選舉委員會是由四個界別各由 200 名不同界別人士組成，而四個界別的人數比例均等。

4.10 在我們過去所收集到的意見，有建議應維持四個界別的委員人數均等，以符合均衡參與的原則。

4.11 亦有意見認為應調節四個界別內現有界別分組的委員人數。

4.12 亦有建議應配合社會發展作調節，增加某些現有界別委員人數的比例，或加入新的界別分組(例如，婦女、青年、中小企)。

4.13 特區政府認為現行的選舉委員會中的四個界別均有廣泛代表性，為維持均衡參與的原則，可考慮在 2012 年的選舉委員會中，四大界別同比例增加選舉委員會委員名額。其中第四界別的新增議席，可將其中的大部分分配給區議員，以透過有民意基礎的區議員來增強市民在選舉委員會的參與。

4.14 至於增加區議員議席的幅度應該多大，我們希望聽取社會各界的意見。

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[36] 人大常委會的《決定》亦訂明，提名委員會在按照民主程序提名產生若干名行政長官候選人後，由香港全體合資格選民普選產生行政長官。

4.15 有關區議會在選舉委員會的代表，特區政府認為可考慮全數由民選區議員互選產生，即委任區議員不參與互選，這可回應部分立法會議員和社會人士的關注，應有助收窄分歧，促使社會凝聚共識。

(三) 選舉委員會的選民基礎

4.16 在我們過去所收集到的意見，有建議選舉委員會的選民基礎應予以擴大，以增強選舉委員會的代表性。具體建議包括：

(i) 把「公司/團體票」轉為「董事/行政人員/屬會/個人票」；及

(ii) 增加區議員在選舉委員會內的比例，透過有民意基礎的區議員的參與來增強選舉委員會的代表性。

4.17 特區政府傾向不採取把「公司/團體票」轉為「董事/行政人員/屬會/個人票」的方式。由於過程太過複雜，涉及很多不同界別和人士的利益，社會要達成共識並不容易。而且 2012 年的選舉委員會只運作一次，我們認為不宜作太大改動。

4.18 我們認為增加區議員在選舉委員會內的比例，可以更有效地擴大選民基礎，增加選舉委員會選舉的民主成分。

(四)　提名行政長官候選人的安排

4.19　在我們過去所收集到的意見，有建議應維持目前選舉委員會總人數八分之一的提名門檻，以保證候選人有一定支持基礎。

4.20　亦有意見認為應降低提名門檻，以便有更多人士能取得足夠提名參選。

4.21　特區政府認為可考慮維持目前提名門檻，即選舉委員會人數的八分之一，原因是我們認為目前的規定已有足夠競爭性，亦能確保候選人有足夠支持。

4.22　至於提名人數上限的問題，我們注意到《基本法》附件一並無此項規定，亦認為不應限制選舉委員會委員依其意願自由行使提名權。在我們過去所收集到的意見，對於應否設立提名人數上限意見不多。特區政府認為可考慮現階段不設立這項限制。

(五)　行政長官的政黨背景

4.23　在我們過去所收集到的意見，對於應否改變行政長官不屬任何政黨的規定未有清晰主流意見。特區政府認為可考慮現階段不改變這項規定。

第五章：2012 年立法會產生辦法 — 可考慮的方向

5.01 在考慮 2012 年立法會產生辦法時，我們應顧及下列原則：

(i) 須符合人大常委會 2007 年 12 月 29 日所作《決定》的有關規定，包括 2012 年立法會產生辦法，可作出符合循序漸進原則的適當修改，功能團體和分區直選產生的議員各佔半數的比例，以及法案、議案的表決程序維持不變；

(ii) 須符合《基本法》有關兼顧社會各階層利益、有利於資本主義經濟的發展、循序漸進和適合香港實際情況的原則；

(iii) 能顧及過去以及這次公眾諮詢期間所收集到的社會各界意見，回應社會對政制發展的訴求，提高選舉的民主成分，為在 2020 年達至立法會普選鋪路；及

(iv) 能有機會得到多數市民、立法會、行政長官及中央接受。

5.02 有關 2012 年立法會產生辦法，有以下三項重點考慮議題：

(一) 立法會議席數目；

(二) 功能界別的選民基礎；及

(三) 應否調整目前有關可由非中國籍和持有外國居留權的香港永久性居民出任立法會議員的安排。

5.03 下文就 2012 年立法會產生辦法的重要元素，提出特區政府認為可考慮的方向。

(一) 立法會議席數目

5.04 目前，立法會有 60 個議席，按 2008 年的人口數目為約 700 萬人，每個議席相對人口比例為 1 比約 116,800 人，相對外國議會的一般每個議席相對人口比例為高。

5.05 在我們過去所收集到的意見，普遍認為應增加立法會的議席數目，例如，增至 70 或 80 席，原因包括：

(i) 擴闊參政渠道，容許更多不同背景、經驗和意見的人士參政；及

(ii) 配合立法會的實際工作需要。

5.06 特區政府認為可考慮把立法會議席數目由 60 席增加至 70 席。按此，根據人大常委會 2007 年 12 月的《決定》，立法會將有分區直選議席 35 席，功能團體議席 35 席。

5.07 這安排可拓闊社會人士的參政空間，亦可有更多議員分擔立法會日益繁重的工作。按照 2012 年人口推算數字為約 720 萬人，若把議席數目增至 70 席，每個議席相對人口比例將降低至 1 比約 103,000 人。

(二) 功能界別的選民基礎

5.08 在我們過去所收集到的意見中，有較多意見認為應擴闊功能界別的選民基礎，以增強功能界別選舉的代表性和認受性。

5.09 有意見提出，若功能界別議席數目有所增加，可考慮加入一些新增界別，例如，婦女、青年、中醫中藥、中小企等。

5.10 亦有意見認為應增加現時區議會在功能界別的議席數目，主要因為區議員的選民基礎較廣，能增強功能界別的民主成分及代表性。

5.11 另外，有意見認為應把「公司/團體票」改為「董事/行政人員/屬會/個人票」。

5.12 特區政府傾向不採取把「公司/團體票」轉為「董事/行政人員/屬會/個人票」的方式，因為過程太過複雜，涉及很多不同界別和人士的利益，社會要達成共識並不容易。

5.13 要擴闊功能界別的選民基礎，特區政府認為可考慮新增的 5 個功能界別議席以及原來的 1 個區議會議席，全數由民選區議員互選產生，即委任區議員不參與互選，原因包括：

(i) 目前立法會包含的 28 個功能界別，由工商界、專業界、勞工團體及社會不同界別組成，已有一定代表性，符合均衡參與的原則；

(ii) 不增加「傳統」功能界別議席，將有助社會達成共識；

(iii) 民選區議員是經 300 多萬選民透過地區選舉產生，有較廣的選民基礎，能進一步提高立法會的民主成分和代表性；及

(iv) 由民選區議員互選產生區議會功能界別議席，能進一步增強功能界別選舉的民主成分，亦可回應部分立法會議員和社會人士的關注，這應有助縮窄分歧，促使社會凝聚共識。

5.14 至於 2020 年普選立法會的模式，在 2007 年 7 月開展的《政制發展綠皮書》公眾諮詢中，立法會、社會各界和市民的意見紛紜，未能形成主流意見。由現在到 2020 年還有 2012 年和 2016 年兩屆立法會選舉，社會有充分時間處理立法會普選的問題。

(三) 應否調整目前有關可由非中國籍和持有外國居留權的香港永久性居民出任立法會議員的安排

5.15 在我們過去收集到的意見，普遍建議保持現狀(即是非中國籍和持有外國居留權的香港永久性居民可參選 12 個功能界別議席)，認為這可吸納不同人才進入立法會，亦能反映香港的包容性和多元化。

5.16 特區政府認為可考慮維持現有安排，讓非中國籍人士繼續對香港作出貢獻，並有助維持香港作為一個國際都會的形象。

第六章： 2012 年行政長官和立法會產生辦法 — 相關的考慮議題

2012 年行政長官產生辦法

1 選舉委員會的人數：

(a) 是否贊成人數增加至不超過 1200 人？

2 選舉委員會的組成：

(a) 四個界別的人數比例應否維持均等？

(b) 是否贊成第四界別的新增議席，大部分分配給區議員？

(c) 增加區議員議席的幅度應該多大？是否贊成只由民選區議員參與互選？

3 選舉委員會的選民基礎：

(a) 是否贊成不採取把「公司/團體票」轉為「董事/行政人員/屬會/個人票」的方式？

(b) 是否贊成應該以增加區議員在選舉委員會內的比例，來擴大選民基礎？

4 提名行政長官候選人的安排：

(a) 是否贊成維持目前提名門檻，即選舉委員會人數的八分之一？

(b) 是否贊成維持不設立提名人數上限的安排？

5　行政長官政黨背景：

(a)　是否贊成維持行政長官不屬任何政黨的規定？

2012 年立法會產生辦法

6　立法會的議席數目：

(a)　是否贊成把議席數目由 60 席增至 70 席？

7　功能界別的選民基礎：

(a)　是否贊成不採取把「公司/團體票」轉為「董事/行政人員/屬會/個人票」的方式？

(b)　是否贊成新增的 5 個功能界別議席，加上原來的 1 個區議會議席，全數由民選區議員互選產生，以擴闊功能界別的選民基礎？

8　立法會議員的國籍規定：

(a)　是否贊成維持現有的非中國籍和持有外國居留權的香港永久性居民在立法會可參選 12 個議席的安排？

歡迎市民在 2010 年 2 月 19 日或之前，以郵寄、傳真或電郵方式遞交意見：

地址： 香港下亞厘畢道
中區政府合署中座 319 室
政制及內地事務局

傳真號碼： 2523 3207

電郵地址： views@cmab-cd2012.gov.hk

網址： www.cmab-cd2012.gov.hk

市民就本諮詢文件遞交意見時附上的個人資料，純屬自願提供。任何在意見書上提供的個人資料，只會用於是次諮詢用途。

收集所得的意見書和個人資料或會轉交有關的政府決策局和部門，用於與是次諮詢直接相關的用途。獲取資料的政府決策局和部門日後亦只可把該些資料用於同一用途。

就本諮詢文件遞交意見書的個人及團體（寄件人），其姓名/名稱及意見或會在公眾諮詢結束後被刊載，供公眾人士查閱。本局在與其他人士進行討論時（不論是內部或公開）或在其後發表的報告中，或會指名引用就本諮詢文件所遞交的意見。寄件人如不欲公開其姓名/名稱及/或全部或部分意見，本局會尊重其意願。如寄件人並無提出此等要求，則當作其姓名/名稱及意見可被公開。

任何向本局提交意見書的寄件人，均有權查閱及更正其意見書附列的個人資料。查閱或更正個人資料的要求，應以書面提出：

地址： 香港下亞厘畢道
中區政府合署中座 3 樓
政制及內地事務局
助理秘書長(8)

傳真號碼： 2523 3207

電郵地址： views@cmab-cd2012.gov.hk

政制及內地事務局
2009 年 11 月

全國人民代表大會常務委員會
關於香港特別行政區 2012 年行政長官和立法會
產生辦法及有關普選問題的決定
（2007 年 12 月 29 日第十屆全國人民代表大會
常務委員會第三十一次會議通過）

第十屆全國人民代表大會常務委員會第三十一次會議審議了香港特別行政區行政長官曾蔭權 2007 年 12 月 12 日提交的《關於香港特別行政區政制發展諮詢情況及 2012 年行政長官和立法會產生辦法是否需要修改的報告》。會議認為，2012 年香港特別行政區第四任行政長官的具體產生辦法和第五屆立法會的具體產生辦法可以作出適當修改；2017 年香港特別行政區第五任行政長官的選舉可以實行由普選產生的辦法；在行政長官由普選產生以後，香港特別行政區立法會的選舉可以實行全部議員由普選產生的辦法。全國人民代表大會常務委員會根據《中華人民共和國香港特別行政區基本法》的有關規定和《全國人民代表大會常務委員會關於＜中華人民共和國香港特別行政區基本法＞附件一第七條和附件二第三條的解釋》決定如下：

一、2012 年香港特別行政區第四任行政長官的選舉，不實行由普選產生的辦法。2012 年香港特別行政區第五屆立法會的選舉，不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議員各佔半數的比例維持不變，立法會對法案、議案的表決程序維持不變。在此前提下，2012 年香港特別行政區第四任行政長官的具體產生辦法和 2012 年香港特別行政區第五屆立法會的具體產生辦法，可按照《中華人民共和國香港特別行政區基本法》第四十五條、第六十八條的規定和附件一第七條、附件二第三條的規定作出符合循序漸進原則的適當修改。

二、在香港特別行政區行政長官實行普選前的適當時

候，行政長官須按照香港基本法的有關規定和《全國人民代表大會常務委員會關於＜中華人民共和國香港特別行政區基本法＞附件一第七條和附件二第三條的解釋》，就行政長官產生辦法的修改問題向全國人民代表大會常務委員會提出報告，由全國人民代表大會常務委員會確定。修改行政長官產生辦法的法案及其修正案，應由香港特別行政區政府向立法會提出，經立法會全體議員三分之二多數通過，行政長官同意，報全國人民代表大會常務委員會批准。

三、在香港特別行政區立法會全部議員實行普選前的適當時候，行政長官須按照香港基本法的有關規定和《全國人民代表大會常務委員會關於＜中華人民共和國香港特別行政區基本法＞附件一第七條和附件二第三條的解釋》，就立法會產生辦法的修改問題以及立法會表決程序是否相應作出修改的問題向全國人民代表大會常務委員會提出報告，由全國人民代表大會常務委員會確定。修改立法會產生辦法和立法會法案、議案表決程序的法案及其修正案，應由香港特別行政區政府向立法會提出，經立法會全體議員三分之二多數通過，行政長官同意，報全國人民代表大會常務委員會備案。

四、香港特別行政區行政長官的產生辦法、立法會的產生辦法和法案、議案表決程序如果未能依照法定程序作出修改，行政長官的產生辦法繼續適用上一任行政長官的產生辦法，立法會的產生辦法和法案、議案表決程序繼續適用上一屆立法會的產生辦法和法案、議案表決程序。

會議認為，根據香港基本法第四十五條的規定，在香港特別行政區行政長官實行普選產生的辦法時，須組成一個有廣泛代表性的提名委員會。提名委員會可參照香港基本法附件一有關選舉委員會的現行規定組成。提名委員會須按照民主程序提名產生若干名行政長官候選人，由香港特別行政區全體合資格選民普選產生行政長官人選，報中央人民政府

任命。

會議認為，經過香港特別行政區政府和香港市民的共同努力，香港特別行政區的民主制度一定能夠不斷向前發展，並按照香港基本法和本決定的規定，實現行政長官和立法會全部議員由普選產生的目標。

選舉委員會界別分組投票人
(2009 年正式登記冊)

界別分組名稱		已登記為投票人的數目		
		團體	個人	總數
第 1 界別				
1	飲食界	577	7,407	7,984
2	商界 [第一]	993		993
3	商界 [第二]	733	1,043	1,776
4	香港僱主聯合會	105		105
5	金融界	129		129
6	金融服務界	578		578
7	香港中國企業協會	306	8	314
8	酒店界	101		101
9	進出口界	861	608	1,469
10	工業界 [第一]	706	0	706
11	工業界 [第二]	798		798
12	保險界	139		139
13	地產及建造界	440	276	716
14	紡織及製衣界	3,578	130	3,708
15	旅遊界	1,127		1,127
16	航運交通界	178		178
17	批發及零售界	1,819	4,154	5,973
小計		***13,168***	***13,626***	***26,794***

界別分組名稱		已登記為投票人的數目		
		團體	個人	總數
第 2 界別				
1	會計界		22,086	22,086
2	建築、測量及都市規劃界		6,115	6,115
3	中醫界		4,056	4,056
4	教育界		81,025	81,025
5	工程界		8,261	8,261
6	衞生服務界		36,468	36,468
7	高等教育界		7,887	7,887
8	資訊科技界	360	5,381	5,741
9	法律界		6,020	6,020
10	醫學界		10,491	10,491
小計		***360***	***187,790***	***188,150***
第 3 界別				
1	漁農界	160		160
2	勞工界	597		597
3	社會福利界	249	12,291	12,540
4	體育、演藝、文化及出版界	2,052	155	2,207
小計		***3,058***	***12,446***	***15,504***
第 4 界別				
1	中國人民政治協商會議		117	117
2	鄉議局		151	151
3	港九各區議會		204	204
4	新界各區議會		220	220
小計			***692***	***692***
總數		**16,586**	**214,554**	**231,140**

選舉委員會的組成

第一界別(工商、金融界)

	界別分組	委員數目
1.	飲食界	11
2.	商界(第一)	12
3.	商界(第二)	12
4.	香港僱主聯合會	11
5.	金融界	12
6.	金融服務界	12
7.	香港中國企業協會	11
8.	酒店界	11
9.	進出口界	12
10.	工業界(第一)	12
11.	工業界(第二)	12
12.	保險界	12
13.	地產及建造界	12
14.	紡織及製衣界	12
15.	旅遊界	12
16.	航運交通界	12
17.	批發及零售界	12

第二界別(專業界)

	界別分組	委員數目
18.	會計界	20
19.	建築、測量及都市規劃界	20
20.	中醫界	20
21.	教育界	20
22.	工程界	20
23.	衞生服務界	20
24.	高等教育界	20
25.	資訊科技界	20
26.	法律界	20
27.	醫學界	20

第三界別(勞工、社會服務、宗教等界)

	界別分組	委員數目
28.	漁農界	40
29.	勞工界	40
30.	宗教界*	40
31.	社會福利界	40
32.	體育、演藝、文化及出版界	40

第四界別(立法會議員、區域性組織代表、香港地區全國人大代表、香港地區全國政協委員的代表)

	界別分組	委員數目
33.	全國人民代表大會	36
34.	立法會	60
35.	中國人民政治協商會議	41
36.	鄉議局	21
37.	港九各區議會	21
38.	新界各區議會	21

* 宗教界界別分組六個指定團體提名的委員人數如下：

	委員數目
• 天主教香港教區	(7)
• 中華回教博愛社	(6)
• 香港基督教協進會	(7)
• 香港道教聯合會	(6)
• 孔教學院	(7)
• 香港佛教聯合會	(7)

《立法會條例》下規定設立的 28 個功能界別

(1) 鄉議局

(2) 漁農界

(3) 保險界

(4) 航運交通界

(5) 教育界

(6) 法律界

(7) 會計界

(8) 醫學界

(9) 衞生服務界

(10) 工程界

(11) 建築、測量及都市規劃界

(12) 勞工界

(13) 社會福利界

(14) 地產及建造界

(15) 旅遊界

(16) 商界（第一）

(17) 商界（第二）

(18) 工業界（第一）

(19) 工業界（第二）

(20) 金融界

(21) 金融服務界

(22) 體育、演藝、文化及出版界

(23) 進出口界

(24) 紡織及製衣界

(25) 批發及零售界

(26) 資訊科技界

(27) 飲食界

(28) 區議會

功能界別選民
(2009 年正式登記冊)

功能界別名稱		已登記為選民的數目		
		團體	個人	總數
1	鄉議局		155	155
2	漁農界	160		160
3	保險界	141		141
4	航運交通界	178		178
5	教育界		88,964	88,964
6	法律界		6,022	6,022
7	會計界		22,089	22,089
8	醫學界		10,493	10,493
9	衞生服務界		36,491	36,491
10	工程界		8,261	8,261
11	建築、測量及都市規劃界		6,117	6,117
12	勞工界	597		597
13	社會福利界		12,293	12,293
14	地產及建造界	441	286	727
15	旅遊界	1,236		1,236
16	商界 [第一]	1,040		1,040
17	商界 [第二]	748	1,066	1,814
18	工業界 [第一]	715	0	715
19	工業界 [第二]	805		805
20	金融界	132		132
21	金融服務界	578		578
22	體育、演藝、文化及出版界	2,060	155	2,215
23	進出口界	875	619	1,494
24	紡織及製衣界	3,579	130	3,709
25	批發及零售界	1,829	4,168	5,997
26	資訊科技界	364	5,383	5,747
27	飲食界	582	7,414	7,996
28	區議會		425	425
總數		**16,060**	**210,531**	**226,591**

二零一二年行政長官及立法會產生辦法
諮詢文件

Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012
Consultation Document

附錄一
公眾意見
Appendix I
Public Views

第1冊
Volume 1

二零零九年十一月
November 2009

目錄
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1. 前言
Foreword

2. 公眾書面意見索引
Index of public written submissions

3. 公眾書面意見
Public written submissions

前言

特區政府於二零零七年十二月十二日，發表了《政制發展綠皮書公眾諮詢報告》(“公眾諮詢報告”)，報告的附錄刊登了在公眾諮詢期間所收到有關普選和政制發展議題的書面意見。

2. 全國人大常務委員會(“人大常委會”)於二零零七年十二月廿九日作出《決定》，明確了普選時間表，並訂明二零一二年的行政長官和立法會產生辦法可作出符合循序漸進原則的適當修改。在人大常委會作出《決定》後，特區政府在策略發展委員會下成立了政制發展專題小組，透過專題小組的工作推動社會討論2012年兩個產生辦法。

公眾書面意見

3. 在發表《公眾諮詢報告》後至二零零九年十一月九日[1]，政制及內地事務局和策略發展委員會共收到666份有關2012年兩個產生辦法和政制發展議題的公眾書面意見。我們在本附錄已刊登這些意見書的全文，以供參考。

4. 在載列的書面意見當中，包括兩款內容相同的標準意見書，分別有503份和14份。另外有兩份書面意見附有共約875個簽名。

5. 書面意見的編印次序是盡可能按其顯示的發件日期順序排列。

6. 就每一款內容相同的標準意見書，我們在附錄內只刊載一份樣本，而非重覆刊登所有相同的標準意見書。但若發件人在標準意見書內加上個人意見，有關書面意見則已全文刊載於本附錄內。

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[1] 在二零零九年十一月九日收到的書面意見，由於部分發件人未有回應是否同意公開其身份和意見，為保障發件人的私隱，我們刪除了其意見書上的署名。

7. 至於收到的公眾簽名，為保障個人私隱，我們在載列有關書面意見時，並沒有同時刊登相關的簽名。

8. 一些發件人要求以保密方式處理或未有回應是否同意把身份和意見公開的書面意見，均沒有被刊載於本附錄內。

9. 部分發件人在遞交意見書時未有提供有效的聯絡資料，我們因而無法確認發件人是否同意把身份和意見公開，有關的書面意見沒有被刊載於本附錄內。

意見書內的廣告字句

10. 以電郵方式遞交的意見書，如載有商業廣告字句，我們都已把有關字句刪除，意見書的原文內容則被完整地刊登。

個人私隱的處理

11. 為了保障發件人的私隱，我們在編印電郵意見書時已刪除發件人的電郵地址；若發件人有提供其他個人資料，包括住址、傳真號碼、電話號碼、身份證號碼、年齡、出生日期和簽名，都已被刪除。

12. 我們以同一方法處理用郵遞或傳真方式遞交的書面意見，刪除發件人的個人資料。

13. 如發件人要求以不具名方式表達意見，我們也按其意願，刪除其意見書上的署名。

版權的處理

14. 部分書面意見附有剪報或書刊/互聯網資料剪輯。由於這些剪輯涉及版權問題，除非發件人已出示有關出版商或版權持有人的書面同意，否則我們不會在附錄內轉載該些剪輯。

Foreword

The HKSAR Government issued on 12 December 2007 the "Report on Public Consultation on Green Paper on Constitutional Development" ("Report on Public Consultation"), and published in the Appendix to the Report the written submissions received during the public consultation period on issues regarding universal suffrage and constitutional development.

2. The Standing Committee of the National People's Congress ("NPCSC") adopted a decision on 29 December 2007 which has made clear the universal suffrage timetable. The decision also stipulates that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the electoral methods for the Chief Executive and the Legislative Council in 2012. Following the NPCSC decision, the HKSAR Government established a Task Group on Constitutional Development under the Commission on Strategic Development to promote discussion within the community on the two electoral methods for 2012.

Written public submissions

3. Between December 2007 (after the Report on Public Consultation had been issued) and 9 November 2009[1], the Constitutional and Mainland Affairs Bureau and the Commission on Strategic Development received 666 written public submissions, which are related to issues on the two electoral methods for 2012 and constitutional development. These written submissions are published in their entirety for reference.

4. Among these written public submissions, there are two types of standard form submissions with identical content, one with 503 submissions and the other with 14. Also, there are two submissions which bear about 875 signatures.

5. The submissions have been arranged, where possible, in chronological order of the date of submission.

6. For each type of the standard form submissions with identical content, we have published only one sample, instead of all submissions in the Appendix. However, if the sender has added his or her personal views in the standard from submission, that particular written submission has

[1] For written submissions received on 9 November 2009, since some senders have not responded to our request for consent to make public their identities and views, we have removed their names from the submissions for the purpose of protecting personal privacy.

been published in the Appendix.

7. As regards the signatures that we received from the public, to protect personal privacy, we have not revealed them together with the relevant submissions published.

8. There are a number of written submissions from senders who prefer to keep their views confidential or have not responded whether they agree their identity and views to be published. These submissions have not been included in this Appendix.

9. In a number of submissions, the senders have not provided valid contact details, thus making it not possible for us to ascertain whether the senders agree their identity and views are to be disclosed. These written submissions have also not been included in this Appendix.

Commercial Lines contained in Submissions

10. For submissions that came by electronic mail, we have removed advertising message, if any, contained therein. The contents of these submissions are otherwise published in their entirety.

Handling of Personal Data

11. In order to protect personal privacy, we have removed senders' electronic mail addresses when publishing their electronic mail submission. If the senders have provided other personal data, such as residential addresses, facsimile numbers, identity card numbers, age, date of birth and signatures, such data have also been removed.

12. We have adopted the same approach in handling submissions which came by post or by fax. The personal data of the senders have been removed.

13. Where senders requested anonymity, we respect their wishes and have removed their names from the submissions.

Copyright Handling

14. Some written submissions contained newspaper cuttings or extracts of books/ magazines/ websites information. As these extracts involve copyright, they are not published in the Appendix unless the senders have shown that they have obtained written consent from the publisher or the copyright owner concerned.

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2012

Nomination and Election of the Chief Executive

行政長官的提名和選舉



Business and Professionals Federation of Hong Kong
香港工商專業聯會

CDA001

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Business and Professionals
Federation of Hong Kong
香港工商專業聯會

The BPF is a strategic lobbying group founded in 1990 as a successor to the Group of 89 members of the Basic Law Consultative and Drafting Committee. It conducts research into issues of critical importance and makes recommendations on the basis of betterment of the whole society. Recent recommendations of the BPF include the bicameral system, abolition of estate duty, points system for immigration and a number of papers on health reform.

We welcome views on this paper and our other work; please contact the BPF Secretariat (Tel: 2810-6611; Fax: 2810-6661; Email: info@bpf.org.hk). Further information on BPF could also be found on its website: www.bpf.org.hk.

工商專聯成立於1990年，致力政策研究及游說工作，創會會員爲基本法諮詢及起草委員會中提出「八十九人方案」的委員。本會探討與香港息息相關的議題，並以社會整體利益爲依歸，出謀獻策，近期的建議包括推行兩院制、撤銷遺產稅，實施優秀人才入境計分制等，並發表了一系列醫療改革文章。

我們歡迎各界對本文及工商專聯其他工作提出意見，請與秘書處聯絡（電話：2810-6611；傳真：2810-6661；電郵：info@bpf.org.hk）。如需更多本會資料，可瀏覽本會網站：www.bpf.org.hk。

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2012
Nomination and Election of the Chief Executive

Preamble

Any approach to the question of constitutional change and reform in the SAR has to take account of the fact that any change which is in conflict with and involves changes to the Basic Law may open up a demand for further changes to be made not necessarily related to constitutional issues.

In addition, changes which are within the scope of the Basic Law require the support of two thirds of the members of the Legislative Council and this level of support may be difficult to obtain.

These restrictions suggest that changes proposed should try to avoid these problems.

The following paragraphs relate to the nomination and election of the CE after 2007.

Qualifications

Residence

1. Article 44 of the Basic Law requires the CE to have "ordinarily resided in Hong Kong for a continuous period of not less than 20 years". A person who formerly resided here for 20 years, then went away and subsequently returned, could be eligible. This means that many eminent Chinese nationals who were former residents of Hong Kong and are now residing overseas could stand for election; however, those who had or have had a shorter period of stay in the SAR than 20 years are excluded. Clearly any change to this 20-year provision needs to be carefully circumscribed but it should be said that if the 20-year residence requirement were relaxed the pool of

qualified candidates for the highly responsible office of CE might be enhanced. The residence requirement could be reduced, say, to 10 or 15 years but the number of years residence immediately before election takes place should be prescribed.

Party Membership

2. Under the election rules promulgated by the HKSAR, but not found in the Basic Law, candidates for the post of Chief Executive cannot be affiliated to a political party. Although political parties have not yet developed so fully as to attract a mass base in Hong Kong, doubtless they will further develop in that direction in the years between now and 2012. It has often been said that the Chief Executive lacks support in the Legislative Council and that as a result many proposals of the Executive are simply not put to the Council. If, however, the Chief Executive had his roots in a political party and had the support of that party in the Legislative Council, it would make his life much easier and would strengthen the executive power of the CE and his government.

3. With this in mind it is proposed that candidates for nomination to the post of CE should be able to have party affiliation. Following election the winning candidate could be required to sever membership from his or her party.

Nomination

4. The final choice among the short-listed candidates for election to the office of CE, in accordance with the objectives in Article 45 of the Basic Law, should be by some form of universal suffrage. This objective is the prime focus of much of present political agitation and has even attracted the formation of an Article 45 Concern Group. A response to this concern could be achieved in the year 2012 if the Election Committee, which now elects the Chief Executive, became in effect a Nominating

Committee, its objective being to put forward a short-list of candidates for election by all registered voters for the final choice of CE, following which appointment by the Central People's Government would take place.

Composition of the Future Nominating Committee

5. The Election Committee which currently elects the Chief Executive consists of four sectors each comprising 200 delegates. These 200 delegates are themselves elected or chosen by either the individual members or presumably by the elected committee of the relevant organisation. The members of these organisations who have registered to vote is 220,000 while the total membership of the organisations will of course be very much larger and represent a sizeable proportion of the eligible population. In other words, the Committee is grounded on a very broad base.

6. The First, Second and Third Sectors of the Committee elect or select their representatives some by the votes of individual members, e.g. the teaching profession, and some chosen by the committee of the organisation, e.g. trade unions. In order to make sure the representatives do indeed represent the general membership of the constituent organisation there should be an effort to systematise the method of selection and to endeavour to involve the general membership on these organisations in the election of their representatives.

7. The Government proposed reforms in 2006 to expand the Committee to 1,600. The proposal was included in a package of measures and was defeated by the Legislative Council. While an enlargement may seem better in appearance and more representative, the current Committee of 800 it should be said could in fact be relied upon to elect a candidate with broad support.

8. The Fourth Sector comprises the individual members of representative bodies having a largely political role.

To enhance the authority of this sector a number of new seats were proposed to be elected by an electoral college of all the District Councillors. Changes in the District Councils are currently being examined and the role of the appointed members will no doubt be discussed during the course of this review. Thus the inclusion or not of District Councillors should wait until this review is complete.

The Nomination Procedure

9. At present nominations of the Chief Executive are by open nomination. However most parliamentary systems have adopted systems of secret ballot taking the view that it should not become common knowledge whether particular persons did or did not support a particular candidate. The revelation of these personal details puts unnecessary and undesirable pressure on the individual. Nomination should be based on a closed-ballot to minimise political interference and to raise the credibility of the entire process.

10. Each candidate should secure the support of at least 12.5% of members in the Nominating Committee to be nominated this would mean nomination by at least 100 members out of a Nominating Committee of 800. This level of support required for a nomination to succeed would discourage abuse of the system by frivolous candidates and inhibit the intrusion of interest groups whose focus was a single issue and instead would encourage participation in the process of only those candidates with a wide body of support.

11. Other means, too, can ensure that candidates enjoy a broad body of support. To be successfully nominated a candidate might be required to secure at least 20 nominations from each of the four sectors named in Annex 1 of the Basic Law and each candidate in addition should have among his nominators the support of at least 15 of the 60 members of Legislative Council. This requirement would limit the number of candidates to four to enter the final election process.

12. Hong Kong has a quasi presidential system. Studies have shown that multiple parties and factions tend to destabilise and create indecisive government, exacerbate executive-legislative tensions and deepen social cleavages. The various measures suggested in preceding paragraphs would facilitate development of coalitions between legislators with common interests into three, or ideally two, groups to give support to particular candidates.

(Please refer to Appendix 1 for an illustration of the above nomination requirements recommended by the BPF.)

Choice of the final candidate

13. These foregoing paragraphs aim at improving the nomination process. In 2012 after the completion of nomination, the final choice between the competing candidates should be put to all registered voters finally to elect the CE through a one man one vote process. This would amount to universal suffrage for the election of the CE and the ultimate goal stated in the Basic Law (Article 45) would have been achieved. The Chief Executive at the end of the day could legitimately claim that he had wide public support.

14. In the event of the final election taking place between more than two candidates in which no candidate obtains a majority of the votes, the merit of a two-round run-off between the two candidates with the highest number of votes needs evaluation. In theory it should produce a majority winner, while a weakness of the one-round first-past-the-post voting method is that it may produce a winner with less than 50% of the total voting support. However, the possibility of a

run-off discourages the coalition of opposing forces during the run up to the first round election in the hope of winning a second round runoff. Political elites making the decision to run their own candidates can have as their goal either to finish in the top two in the first round or to demonstrate an electoral following that can be delivered in the runoff election to one of the top two finishers in exchange for benefits in the future. Studies have shown the percentage of votes received by two leading parties in these circumstances tend to be smaller than those in one-round elections. Moreover, the run-off system encourages the development of political factions rather than major coalitions.

15. For these reasons it is proposed that for the CE election, the one-round first-past-the-post voting method is the preferred option. In such a system, the candidate with the largest number of votes wins the election. Political forces hence tend to form a broad coalition behind the "front-runner" and the opposition also tends to coalesce behind one "principal" challenger to gather as many votes as possible. This would contribute to the formation of two or three major groups of legislators and decrease the possibility of a number of small factional groups springing up. This is efficient, simple, low cost and more likely to lead to an acceptable outcome.

July 2006

An illustration of requirements recommended by the BPF for successful nomination of the Chief Executive in 2012

Premises:

- Nomination Committee = 800 members (made up of four sectors of 200)
- Legislative Council (LegCo) = 60 members
- LegCo members are to remain in the Fourth Sector of the Nomination Committee

Requirements recommended by BPF

- Threshold for successful nomination	(12.5% of 800)	= 100
- Minimum support from each of the 4 sectors	(10% of 200)	= 20
- Minimum support from LegCo	(25% of 60)	= 15

Based on the above, the following is the **composition of the minimum requirement for successful nomination:**

First, Second & Third Sectors:	20@ x 3 sectors	= 60
Fourth Sector:	15 LegCo + 5	= 20
From any of the four sectors		= 20
Total nominations		100

2012年
行政長官的提名和選舉

前言

香港政制的任何改動都可能觸動基本法的條文，從而帶來眾多的修改基本法的要求。此外，任何政改方案亦需要得到三分之二立法會議員的支持，殊不容易。

在提出政改方案時，工商專聯認爲應該盡量避免觸動基本法，並以能爭取大多數人支持爲目標。

以下是工商專聯對2012年行政長官提名和選舉安排的建議。

資格

居港要求

1. 基本法第四十四條規定，行政長官由「在香港通常居住連續滿二十年並在外國無居留權的香港特別行政區永久性居民中的中國公民擔任。」根據這條例，任何曾連續居港二十年的中國公民，即使身處外地，都可以參選。即是說，很多移居外地的港人，都具備參選資格，但二十年這門檻亦把很多優秀人才拒諸門外。工商專聯認同特首候選人居港要求的重要性，對這條例作出任何改動都必須審慎行事。然而，我們仍認爲值得考慮把連續居港的年期要求降至十五年或十年，令更多人才符合行政長官的參選資格，但參選條例應清楚規定候選人在臨參選前必須在香港住上一段時間。

政黨身份

2. 雖然基本法並沒有此規定，但是特區行政長官選舉條例第31條，則限制勝出的候選人不能隸屬於任何政黨。雖然，目前香港的政黨尚未擁有龐大的民眾基礎，但由現在到2012年，政黨應該會進一步發展。現時的行政長官在立法會內缺乏支持，使行政機關很多時不敢把建議提到立法會討論，以免受挫。假如未來的行政長官有政黨背景，在立法會有所屬政黨的支持，推行政策時便會較爲容易，亦有助於提高行政長官及特區政府的施政能力。

3. 考慮到上述情況，工商專聯建議容許行政長官候選人是政黨成員，但在當選後，可以要求他們退黨。

提名

4. 根據基本法第四十五條，行政長官經提名委員會按民主程序提名後，最終由普選產生。如何達至行政長官由普選產生是當前香港社會一個主要的爭議，這爭議更催生了四十五條關注組。工商專聯提出的解決方法是把原來的「選舉委員會」改變爲「提名委員會」，它的工作是從報名參加行政長官競選的人中，進行篩選並制定候選人名單。名單再交由市民以一人一票方式選出心目中的行政長官，最後報請中央人民政府任命。這建議可在2012年推行。

提名委員會的組成

5. 提名委員會（前選舉委員會）由來自四個界別共800名代表組成，每個界別各有200名代表。這些代表由所屬組織的成員選出、或由他們的理事會／董事會推選。現在共有220,000名登記選民來自這些組織，而實際上這些組織轄下的成員總數當遠不止於此，在香港合符選民資格的人口中，應佔相當多的比例。換而言之，這個提名委員會有著廣泛的選民基礎。

6. 提名委員會第一、第二及第三組別的委員經選舉或推選產生，其中有些委員是經個人投票選出，比如教育界，一些則由團體機構或公司選出，比如商貿社團。爲了確保當選委員能真正代表所屬界別的廣大民意，選舉制度要優化，要更有系統，並能發動更多團體成員參與選舉活動。

7. 早前特區政府推出政改方案，其中一項建議是擴大選舉委員會至1600人，但整個改革方案遭到立法會否決。工商專聯認爲，增加選舉委員會人數表面上能加強其代表性，但如上文所言，目前的800人選舉委員會已具備廣泛的選民基礎，可賴以選出有廣泛支持的候選人。

8. 提名委員會的第四組別由政界人士組成。爲了提高這個組別的認受性，工商專聯建議增加由區議員互選產生的議席。有關區議會的功能和角色的檢討正在進行，應否保留委任議員是其中一項備受關注的議題。因此，我們認爲建議的詳情，可待區議會檢討完成後再作最後決定。

提名程序

9. 現在行政長官的提名是公開進行的。可是，大部份投票制度均採用不記名方式，主要是不希望公開投票人是否支持某候選人，以免有關資料對當事人造成不必要的壓力，從而影響選舉結果。工商專聯認爲行政長官的提名同樣應該採記名方式進行。不公開提名委員會成員對候選人的取向，有助把政治滋擾減至最低，保護提名人的私隱，並能提升市民對整個提名過程的信心。

10. 在800位成員中，每位候選人至少要得到100位委員的支持和提名，設定門檻要求可以確保參選人有一定的支持和競選基礎，防止參選制度被濫用，既對單一議題團體起一定的約束作用，也可鼓勵具廣泛民意支持的人士參選。

11. 要確保候選人具備廣泛的支持，還有一些其他方案可供考慮。工商專聯的建議包括規定在基本法附件一所訂明的四個組別中，候選人必須在每個組別最少得20人提名，同時，每位候選人的提名名單中，必須包括15位立法會議員，即全體60位的四分之一，候選人名單因而最多只有四人。

12. 香港政制類近總統制。研究顯示，實行這個制度的國家或地區，若缺乏大政黨而只有小派別，會容易造成政局不穩定、政府左搖右擺、行政立法關係緊張等情況，更會加劇社會分歧。而前文所述建議則有助促成理念接近的立法會議員合作支持一名候選人，最終合併爲兩至三個黨派（最理想爲兩個）。

（上述2012年特首提名要求建議之摘要，請參閱附件一。）

最終人選

13. 若能根據前文建議完成提名程序，2012年的行政長官最終應如何產生？工商專聯認爲應通過一人一票方式，這不但達到了基本法第四十五條行政長官由普選產生的目標，也讓行政長官可以更名正言順地宣稱自己得到廣大選民的支持。

14. 倘若投票後，所有候選人均無法取得大多數選民支持，處理方法必須是進行第二回合競選，即票數最低者出局，選民對餘下的候選人再次投票，如是者直至其中一人得到過半數支持。可是，這選舉方法的利弊要認真衡量。理論上最理想的情況是，政治領袖在取得大多數支持下上台執政，而「得票最高者當選制」的不足之處，就是勝出者不一定能得到過半數的選票。但「多回合選舉制」的問題是，很多時候一些政治人物明知無法取得過半數支持，卻仍積極參選，拒絕與其他黨派組合，目的是製造第二輪或三輪選舉，以便利用機會進行政治交易，爭取政治籌碼。這種制度不利於大黨的出現。此外，研究顯示，最大兩黨於「多回合選舉制」下的得票率，往往低於「得票最高者當選制」，可以說「多回合選舉制」不利於政治整合，更會促使小黨派出現。

15. 綜合以上因素，行政長官選舉採用單回合得票最高者當選制較爲理想。在這制度下，得票多者贏得競選。爲了爭取票源，各種不同的政治力量勢必重新整合，聯手推出一個支持度最高的候選人，以增勝算。這有助立法會整合爲幾個主要的黨派，減少小黨派、小集團出現的機會。因此，雖如前文所述，「得票最高者當選制」有其不足之處，但它簡單可行，效率高，成本低，並有利香港整體政治的穩定發展。

2006年7月

附件一

工商專聯就2012年行政長官提名之建議摘要

前提:

- 提名委員會 = 800 名代表 (分別來自四個組別，每個組別各有200名代表)
- 立法會 = 60 名議員
- 立法會議員保留在提名委員會中第四個組別

工商專聯之建議

- 候選人所需最少提名數目	(800名委員的12.5%)	=	100
- 從各組別最少獲得提名數目	(每個組別，即200名代表的10%)	=	20
- 從立法會最少獲得提名數目	(60名議員的25%)	=	15

根據以上條件，獲提名之候選人必須符合如下最低要求：

第一、第二及第三組別	:	20@ x 3 個組別	= 60
第四組別	:	15（立法會）+ 5	= 20
任何組別	:		= 20
合共獲提名數目			100

致：林瑞麟局長

我們就特區政府向全國人大常委會提交了有關政制發展及《綠皮書》公眾諮詢的報告的回應 （新聞稿）

就特區政府向全國人大常委會提交了有關政制發展及《綠皮書》公眾諮詢的報告，我們對此有如下的回應：

(1) 就政府對落實 2012 年行政長官及立法會雙普選缺乏承擔表示失望，就著報告提交的內容，我們擔心，政府最終不會在 2012 年因應主流民意，落實普選。

(2) 就民意是否支持普選行政長官及立法會方面，政府在報告內有玩弄民意之嫌，亦與主流民意並不相符。按香港大學民意研究計劃在本年 5 月至 11 月所進行的政制改革調查顯示，平均有 56%市民選擇在2012年實現普選行政長官，亦平均有 63%的市民選擇在 2012 年實現普選立法會。因此，行政長官在提交全國人大常委的報告內，所提述的四個歸納中的第二點中提到：「在民意調查中反映過半數市民期望在 2012 年先行落實普選行政長官，這意願應受到重視和予以考慮。」在這方面，行政長官沒有提到超過六成的市民支持在 2012 年實現立法會普選，行政長官並無履行責任，完整地向中央反映主流民意，對此，我們感到遺憾。另外，就著現任行政長官認爲「行政長官普選先行，立法會隨後」已經成爲共識，對此我們絕不同意，從大部份市民支持 2012 實現立法會普選的結果來看，事實絕非如此。

(3) 就著行政長官所提交的報告，我們會期望約見行政長官，表達我們的意見。

譚國橋 (深水埗區議會主席)
陳文佑 (油尖旺區議會主席)
周奕希 (葵青區議會主席)
梁　欐 (深水埗區議會副主席)
梁永權 (葵青區議會副主席)
陳家偉 (九龍城區議會副主席)
周錦紹 (北區區議會副主席)

2007 年 12 月 13 日

致林瑞麟局長：

請尊重民意
落實２０１２雙普選

民主派區議會正副主席

請特首曾蔭權：

再談香港「政改」，不可一錯再錯！

題要：（本筆者當 2007/7/11 曾特首發表「政制發展綠皮書」時，即一而再指出該綠皮書是歪曲《基本法》的產物。…任何歪曲法律或歪曲事實的諮詢，及根據此諮詢做出的任何決定、審判、立法等等，在道德、邏輯、法律上都是不能成立的。…追求「民主」，追求「普選」不應旁門左道。中聯辦官員受教於國家，應有指導受教於殖民地官員的責任及義務。不但沒負起責任，反而隨波逐流。…人大常委雖有解釋《基本法》的權力，但絕無肯定歪曲《基本法》或其諮詢的權力。有人申請司法覆核，怎麼辦？）

本筆者當 2007/7/11 曾特首發表「政制發展綠皮書」時，即一而再指出該綠皮書是歪曲《基本法》的產物，強烈反對以歪曲《基本法》諮詢市民的等等行為，並一而再的致信給中聯辦、特首曾蔭權、三司十二局各政黨社團：現再請注意：

《基本法》第 45 條中的「實際情況」「循序漸進」「最終」是必須整體看待及理解的。「最終」達至的「最終」是指「最終實際情況」，否則整句中的「實際情況」「循序漸進」是無意義的。可以這麼解釋：

例如：（最初的）「實際情況」只有百分之二的人愛國→「循序漸進」→「最終」的（實際情況）有百分之八十的人愛國；

或（最初的）「實際情況」只有百分之二的人有公民責任→「循序漸進」→「最終」的（實際情況）有百分之八十的人有公民責任，然後才達至…普選產生（行政長官）的目標。這樣的解釋才合乎：

1. 制定《基本法》時的歷史情況。
2. 整體的看待「實際情況」「循序漸進」「最終」，令「實際情況」「循序漸進」「最終」存在邏輯的聯係。
3. 市民、中聯辦、人大常委可按任何主權國家實現「普選」的客觀規律，看待香港「實際情況」是否達至…普選產生（行政長官）的目標，當認為「實際情況」已達實現「普選」的客觀規律的要求時，此「實際情況」即為「最終」實際情況，而可實現普選產生（行政長官）的目標。
4. 最終的「實際情況」當然包括：任何「政制發展」「政改」一定要以 1 提高國家安全，2 提高政府工作效率，3 提高生產力為前題。否則，只會有害無益的考慮。

在中文中，按「實際情況」「循序漸進」「最終」達至，是一種很普通的語法。例如，你運動受傷了，肌肉的「實際情況」很差，急不得，只有「循序漸進」的接受治療及訓練，（教練）要看看最終「實際情況」有沒有恢復健康，達至比賽的要求，才可做出決定。

精簡的說即是：你要按「實際情況」「循序漸進」「最終」達至比賽的要求。

但 2007/7/11 曾特首發表的「政制發展綠皮書」的諮詢及其廣告都把《基本法》第 45 條「最終」從「實際情況」「循序漸進」中分離開了。令該條的「普選」失去了「最終」（實際情況）的前題或限制，令該條失去了當初制定的意義。令市民或中央等失去了以「最終」（實際情況）檢查「循序漸進」的概念，剝奪了市民及中央決定是否實現「普選」的依據。

該條的英文版本雖是「The ultimate aim… 」，但絕不應是把「最終」從「實際情況」「循序漸進」中分離開，歪曲糢糊該條《基本法》的理由。

凡兩種不同的語言制定的條約、合約等等，必定以其中一種語言為準。

特首曾蔭權、政制及內地事務局長林瑞麟皆受中央委任，沒有理由以英文爲準來看待只有人大常委有解釋權的《基本法》。

追求「民主」，追求「普選」不應旁門左道。

中聯辦官員受教於國家，應有指導受教於殖民地官員的責任及義務。不但沒負起責任，反而隨波逐流。

當曾特首曾蔭權發佈了根據香港政制發展綠皮書諮詢報告，並向中央人大常委提出修改《基本法》，要求不遲於 2017 年先普選行政長官後，「中聯辦」以最快速度，以極肯定的態度發表了講話，是非常不應該的，沒爲中央分憂，反而增加了中央的負擔。客觀上製造了團結下級包圍中央的形勢。

香港一些官員、學者、政客、政黨、商業一台「在晴朗一天出發」都發表了講話。不管歡迎不歡迎所謂的「諮詢報告」，或各懷鬼胎，都應有這樣的水準：

任何歪曲法律或歪曲事實的諮詢，及根據此諮詢做出的任何決定、審判、立法等等，在道德、邏輯、法律上都是不能成立的。

例如，歪曲某甲販毒或救人，再以此諮詢大眾，該如何處理或對待謀甲，所得到的諮詢，及根據此諮詢做出的任何決定、審判、立法等等，在道德、邏輯、法律上都是不能成立的。否則，連蠻夫野婦也會覺得憤怒，覺得不公平。

雖然，某些歪曲是不容易被人察覺的，人們察覺也無可奈何的，在歪曲成性，以歪曲爲精明、爲榮的、自私自利、只求金錢地位、沒有廉恥，無所不能廉價出賣的殖民地劣習佔統治地位的社會是不會被追究的，但值不值得堂堂十三億人口的我國家中央領導，全國人大常委、全國人大爲了擺平：

民主派的偶像「沒有民主就沒有民生」的陳方安生：

一邊「包庇警察犯罪」，一邊說「八十三歲爲民主普選眼泛淚光」，又說「以九七前的制度爲榮」，要追求「普選」的無恥之徒所謂香港資深大律師梁家傑；

自以爲飽學之士，才高八斗的商業一台「在晴朗一天出發」主持人欲以「十二歲小孩想投票，打動人心」等等：

這些連「民主」「政治」「政制」「普選」「政府」「國家」「人民」的概念都模模糊糊，對其間的聯係簡直如白痴之類之人，而參預或入甕歪曲《基本法》或隱瞞歪曲《基本法》做出決定呢？供全世界有識之士恥笑，供歷史恥笑？十三億中擁護中央的人民顏面何存？七千萬共產黨員的顏面何存？

人大常委雖有解釋《基本法》的權力，但絕無肯定歪曲《基本法》或其諮詢的權力。

有人申請司法覆核，怎麼辦？

覆核香港政府有沒有歪曲《基本法》做出諮詢的權力，怎麼辦？

此時，中央人大又肯定了歪曲《基本法》或其諮詢，怎麼辦？

請問中聯辦李剛這樣參預或入甕歪曲《基本法》或隱瞞歪曲《基本法》泡製中央領導，泡製全國人大常委、全國人大，值不值得呢？

不考慮《基本法》45 條「最終」的實際情況是否合乎客觀規律，八百提名委員聽命中情局，搞出一個台獨式的「普選」怎麼辦？是曾特首、三司十二局、民主黨、民建聯、中聯辦所願嗎？是人大、中央所願嗎？

2007/12/16　李治南

CDA004

林局長您好：

我個人不同意在香港有普选，在香港永远不有选举，要有普选的人一定是卖国贼或漢奸，如果有普选一定會加深港人分化；

香港是中国努力从英国取回来，不是那些漢奸取回来的；

过去，中国对香港發出不够強硬訊息，任那些漢奸在港乱提什么普选。

回歸後对那班老左派不够关心，在港受到很不好的对代，吃尽苦头，

中国解放50年都未普选，什么在一個地区要有普选呢？？……

写得不好請原諒原諒，文化太抵，

祝聖誕快樂身体健康

焦老头上　2007.12.17

From: k.c. siu
To: TSANG Yam-kuen Donald
Sent: Monday, December 17, 2007 8:17 PM
Subject: 請思考

曾特首,

你好,

科技發展中, 領導人以儒學治國, 西方文化沒有這套理念, 中華民族文化之精義, 中庸之道, 有助教育學術發展, 培育和諧 的 : 人, 社 , 家 , 國; 配合法治, 制度的支持.

我很欣賞現時將可實行的雙普選資詢發展方向, 局長的專長; 繼續安排有關細節進度, 凝聚支持的實質力量.

加油.

房屋署置業資助貸款小組
房屋事務主任
蕭啓昌敬上

請指導

人事不須和

From: john cheng
To: CEO
Sent: Wednesday, December 19, 2007 3:34 PM
Subject: A letter

CDA006

Dear Mr. Tsang:

I believe most people in HK are disappointed by your report submitted to the NPC. Besides, I think that your way of handling such an important subject is ill-advised.

No one is not aware of the reality that it is against the wish of Beijing to grant us universal suffrage in 2012, something the majority of people requests. It seems that the government is strapped in the middle when actually it is not. If you think of this as something good for the development of HK and China, you will have approached it with new eyes and ears.

For one, why should the government alienate the pan-democratic party? The democrats have the mandate of the people, calling them the opposition is nothing less than making enemy with the people. What is more, if the government has the will and commitment to promote the development of democracy, how can it be on any terms other than friendly with those elected by the people?

Constitutional reform is in fact a very good platform for all parties to work together. Everyone in HK is pro Beijing and pro HK, but pro is different from "to please". We cannot expect Beijing to understand democracy the way we see it; but we should do our best to present our case.

At least, the government should be seen as having done its best in this endeavor.

Would so doing anger Beijing? I don't think it would as long as we present a strong case which includes the worse case scenario and how this worst case scenario could never happen.

What will anger Beijing is when we present a case that appears to be acceptable to the people, have the NPC to rule as such, and then we have public outcries or even uprisings.

This is what I fear would happen as I watched the Legislative Council's constitutional affairs panel meeting. When the government was defenseless against the accusations fired by the democrats, it is defenseless against the people who they represent. This could lead to disaster.

We would not blame our government for not being able to convince and persuade Beijing to grant us democracy. We would blame it when we see it has not done

what it should do. We will also blame all those who have acted with self interest against mass interest.

Please come out and erase the label of opposition from the pan-democrats and really work with them. It is not only the wise thing to do, it is the only way you can do your job well.

Thanks and wish you a merry Christmas.

John Cheng

From:
To: ceo@ceo.gov.hk
Sent: Friday, December 21, 2007 12:29 PM
Subject: 祝賀 曾特首 聖誕 新年愉快！女中醫王漁生

尊敬的特首曾蔭權先生及夫人：
首先，祝賀 聖誕、新年愉快！身體健康！萬事如意！並支持您的政制方案！
女中醫王漁生
07年12月21日

No. 1/5

Date

致：尊敬 崇高的香港特首曾蔭權先生
經：尊敬 的香港特首辦主任陳德霖先生
您好！大部份香港人都支持

你在本港的施政，包括本人。閣下在接收、回应市民的诉求，能做到真实及时果断和高瞻遠矚的決策；都得到大多数市民的認同和支持。本人深感難能可贵。

汗颜本人亦非常関心香港前途，民主不能解決所有問題，而良好公平的制度（有竞爭的选舉）一定能讓市民有效監察政府。

在這関鍵的時刻，歷史的時刻，本人希望能為曾特首出一点綿力。对最近的政制爭拗，相信 閣下已用了最大的能量為港人發声。

本人对改進政制有以下意見：

① 普选特首 2012年
高門檻、高質素、高互信、高接受。
不篩选、要公道。

提名委员会由选委会800人加直选区議员，如405人，共1205人。

提名方法：正式候选人必須有提名会的25%至不得多过30%。委员。提名。以保障有看得見的競爭。可以預見有些想參与的团体或個人或因高門檻而不能入圍；所以尊設準候选人制度，以彰顯均衡參与和有發声（政綱）出現的机会。亦相信可讓港人加深学习什麼叫「政治」。

提名準候选人方法：必須有提名会的6.25%至~~10%~~不多过10%委员提名。此規定亦彰顯公平參与，均衡參与和

達到有競爭的選舉。

首先法例規定正式候选人最多有4位。

當有成为準候选人時，如何運作。

例子①如只有1個正式候选人而有3個(位)準候选人，則不須提委会確認。而必須按法例規定出选，法例容許最高多4位成为正式候选人給市民投票決定。

例子②如有2位~~式~~正式候选人而有4位準候选人時，則須由提委会以不記名票確認(不足代表支持)以簡单多数成为餘下2位正式候选人。共4位讓市民投票。

例子③如有1位或2位正式选人而沒有準候选人則確認机制不需運作。

本人相信中央定会认真考虑此方案。而大部份市民亦会接受。正式候选人最终可减至5%提名。

② 普选立会2012年

方案A：2012年开始，分阶段每届减10個功能界别议员。以最少选民人数选民先取消为标准，直至全部普选。

方案B：〈30位〉1半按比例代表直选。〈30位〉1半阁选。按当选区议员数目，按政党比例成为立会议员、独立区议员或不够比例的政团以自选自提成为立会议员，即有3.33%当选区议员可提名一位立会议员。此方案可让政党加速成熟成型。本人认为是一個智慧型的方案。

No. 5/5

Date

本人希望尊贵的特首曾先生和您的团隊可以認真研究，為香港人福祉继续努力。加油！

祝身体健康！

工作如顺！

市民王志林

上

2007年12月22日

早

From:（署名來函）
To: ceo@ceo.gov.hk
Sent: Monday, December 24, 2007 4:52 AM
Subject: 祝福行政長官曾蔭權先生及政府所有司局長聖誕快樂、新年蒙恩

祝福行政長官曾蔭權先生及政府所有司局長聖誕快樂、新年蒙恩

曾先生及各位司局長級官員，本人名叫　　，(個人網頁：　　是香港一位小市民，我在此處希望有小小的說話及各位大人分享。

自從一九九七年七月一日零晨零時，香港由英國殖民地回歸祖國，本人覺得是香港人的榮幸，是香港人的驕傲。回歸十年，香港特別行政區不斷努力和進步。回歸前一國兩制、高度自治及港人治港的理念根本是沒有可能，不好話做港督、而連立法局議員都想都不要想。

回歸後，香港特別行政區已不斷落實及實淺一國兩制、高度自治及港人治港，今天的成就，是香港人個個都有目共睹。但本人不明，香港這麼好，這麼好福利及好環境，仍然有一批市民心不足，成日又抗議、又遊行及又要迫政府實行2012年雙普選，點解他們這麼不知足。本人很反對及很反感這班人士。

本人真不知可以爲特區政府做些甚麼，我只有默默爲你們禱告，和遵守法紀、奉公守法，我相信我所信的神會祝福這地。在此，祝福行政長官曾蔭權先生及政府所有司局長聖誕快樂、新年蒙恩！主恩滿溢。

聖經路加福音 第二章第十四節

在至高之處榮耀歸與　神、在地上平安歸與他所喜悅的人。

各位！努力呀！耶穌愛你！

(編者註：來信人要求以不具名方式公開)

From: Edwin Cheung
To:
ceo@ceo.gov.hk
Sent: Monday, December 24, 2007 3:16 AM
Subject: 2012 Universal Suffrage

致港區人大，

本人對於人大常委即將討論港府提交的政制發展公眾諮詢報告書，深感關注。 懇請閣下爲香港在2012年進行立法會及行政長官雙普選 ，給予支持。

(1) 原則性
是次政制發展公眾諮詢報告書清楚指出，民意調查中過半數市民支持2012年進行雙普選；18200 份書面意見中約12600份支持2012年普選，市民的意向顯而易見。 根據主權在民的原則，人大作爲代表人民的最高權力機關，港區人大代表如何討論如何決定 ，必須以市民意向爲依歸。今後請根據基本法規定的程序，即立法會及行政長官兩個選舉辦法的任何修改，必須首先取得立法會三分之二議員支持、然後由行政長官同意，及最後獲人大常委會批准或備案；而現階段不必由人大再越俎代庖。

(2) 宏觀性
綜觀近代中國歷史，現在正是百年以來即代人的政改契機，現在正當胡溫積極爲中共世代交替進行黨內民主化，以及地方政府選舉改革，展開第五個現代化初階。 香港由1981年開始區議會選舉，1985年開始立法局選舉，經歷近30年的選舉培訓 ，選民、政黨、公務員等等均表現越趨成熟，絕對有理由，有能力，作爲大陸境外，擴大民主選舉，實行民主憲政的第一個測試點。 假如閣下有拜讀過俞可平的〈民主是個好東西〉 ，自然理解胡溫的意志，而握殺2012雙普選卻會爲胡溫添煩添亂，爲開放改革大局幫倒忙。

(3)對台示範作用
特別行政區原先設計爲對台的示範單位，除非今天大陸已經調整對台的部署而放棄香港的作用，否則特區的民主制度改革應該立刻起步 ，不容再拖下去！今天對岸經歷過1991年國民大會改選，1992年立法院選舉，1994年省市選舉，1996年總統選舉等等，如果要台灣民眾相信一國兩制是最佳的統一方式，香港政改的步伐到底還要等到甚麼時候?

港區人大們，如果你以爲把特首選舉定在2017，立法會選舉在延遲到未知的將來，旨在壓縮泛民主派的空間 ，你們錯了！你們今天的決定不單只影響香港的未來，更會影響中共體制內的改革，以致兩岸的統一！這個錯，你們擔當得起嗎 ？今天就像歷史上的分水嶺，好像清朝進行立憲，國民政府結束訓政推行憲政 － 時機拿捏得準確，則國泰民安，反之，則動搖國本。

2012，是你的唯一選擇!

願普選的國降臨
Edwin Cheung

CC: 立法會議員及行政長官
To Hong Kong delegates to the National People's Congress,

I am writing to you regarding the discussion now conducted by the National People's Congress Standing Committee on Constitutional Development Public Consultation Report on presented by the Hong Kong government. I urge you to support 2012 dual universal suffrage for Chief Executive and Legislative Council.

(1) The Principle
The report clearly states the wish of general public in Hong Kong. In opinion polls, more than half respondents support dual universal suffrage in 2012. And among 18200 written submissions, around 12600 also echo the same. Due to the Sovereignty of the People, Hong Kong's delegates shall therefore base on the poll results among Hong Kong people to make any decision. And thereafter, any change to the electoral methods of Chief Executive and LegCo shall follow the procedure spelled out in the Basic Law. That is, the endorsement of a two-thirds of all the members of LegCo, then the consent of the Chief Executive, and finally the approval by the NPC standing committee. At this stage the NPC needs not to be too concerned.

(2) Macroscopic views
China has been long for a chance for political reform and it is the time. The change of generation that followed by democratic reform within the Chinese Communist Party pushed forward by Hu Jintao and Wen Jiabao, and the changes in local elections, mainland China is moving onto the fifth modernization.

In Hong Kong, election has never been unusual since 1981 the first District Board election and in 1985 the first LegCo election. For nearly 30 years, the voters, political parties and civil servants, etc. have been fully experienced. It is reasonable to believe Hong Kong as the first trial site for the mainland to expand democratic election under the

Constitution. Should you have examined "Democracy is a good thing" written by Yu Keping, you will understand the plan in Hu and Wen's mind. Jeopardizing the dual universal suffrage in 2012, may only cause disturbance to Hu and Wen's roadmap to liberalization.

(3)Showcasing for Taiwan
The SAR was originally designed to be a showroom for Taiwan, unless Beijing has realigned the positioning Hong Kong's role. Otherwise, there shall be no more delay in Hong Kong's political reform. Today, the other side of the Taiwan Strait has undergone waves of reforms: the re-election of the National Assembly in 1991, the Legislative Yuan election in 1992, local government election in 1994, and Presidential election in 1996. If you need Taiwanese people to consider One Country Two Systems the best option for unification, how long does Hong Kong needs to wait for political reform?

Fellow Hong Kong delegates, if you think deferring Chief Executive election to 2017 and Legco election to an unknown time, in order to suppress the pan-democrats, you will make a mistake. The decision you make today does not only affect Hong Kong's future, but also the reform within CCP, and the unification of China! We now come to a watershed in Chinese history. Similar to the time prior to the installation of constitution by Qing Dynasty. Or the sequential progression from training governance to constitutional governance by Kuomintang. Timing is vital in determining success or failure of the Chinese Nation.

2012, is your only option.

Thy democratic nation come.
Edwin Cheung

CC: LegCo members and Chief Executive

致港区人大，

本人对于人大常委即将讨论港府提交的政制发展公众谘询报告书，深感关注。 恳请阁下为香港在2012年进行立法会及行政长官双普选 ，给予支持。

(1) 原则性
是次政制发展公众谘询报告书清楚指出，民意调查中过半数市民支持2012年进行双普选；18200 份书面意见中约12600份支持2012年普选，市民的意向显而易见。根据主权在民的原则，人大作为代表人民的最高权力机关 ，港区人大代表如何讨论如何决定，必须以市民意向为依归。今后请根据基本法规定的程序，即立法会及行政长官兩个选举办法的任何修改，必须首先取得立法会三分之二议员支持、然后由行政长官同意，及最后获人大常委会批准或备案 ；而现阶段不必由人大再越俎代庖。

(2) 宏观性
综观近代中国历史，现在正是百年以来即代人的政改契机 ，现在正当胡温积极为中共世代交替进行党内民主化，以及地方政府选举改革，展开第五个现代化初阶。 香港由1981年开始区议会选举 ，1985年开始立法局选举，经历近30年的选举培训，选民、政党、公务员等等均表现越趋成熟，绝对有理由，有能力 ，作为大陆境外，扩大民主选举，实行民主宪政的第一个测试点。 假如阁下有拜读过俞可平的〈民主是个好东西〉，自然理解胡温的意志，而握杀2012双普选却会为胡温添烦添乱 ，为开放改革大局帮倒忙。

(3) 对台示范作用
特别行政区原先设计为对台的示范单位，除非今天大陆已经调整对台的部署而放弃香港的作用，否则特区的民主制度改革应该立刻起步 ，不容再拖下去！今天对岸经历过1991年国民大会改选，1992年立法院选举，1994年省市选举，1996年总统选举等等，如果要台湾民众相信一国两制是最佳的统一方式，香港政改的步伐到底还要等到什么时候?

港区人大们，如果你以为把特首选举定在2017，立法会选举在延迟到未知的将来，旨在压缩泛民主派的空间 ，你们错了！你们今天的决定不单只影响香港的未来，更会影响中共体制内的改革，以致两岸的统一！这个错，你们担当得起吗 ？今天就像历史上的分水岭，好像清朝进行立宪，国民政府结束训政推行宪政 － 时机拿捏得准确，则国泰民安，反之，则动摇国本。

2012，是你的唯一选择！

愿普选的国降临
Edwin Cheung

CC：立法会议员及行政长官

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譚惠珠
釋智慧

寄件者: Edwin Cheung
寄件日期: 2007年12月25日星期二 下午 3:12
收件者:
副本: ; cmabenq@cmab.gov.hk
主旨: 2012 Universal Suffrage

致胡锦涛先生,

本人对于人大常委即将讨论港府提交的政制发展公众谘询报告书,深感关注。恳请阁下为香港在2012年进行立法会及行政长官双普选,给予支持。

(1) 原则性
是次政制发展公众谘询报告书清楚指出,民意调查中过半数市民支持2012年进行双普选; 18200 份书面意见中约12600份支持2012年普选,市民的意向显而易见。根据主权在民的原则,人大作为代表人民的最高权力机关,港区人大代表如何讨论如何决定,必须以市民意向为依归。

(2) 宏观性
综观近代中国历史,现在正是百年以来几代人的政改契机,现在正当胡温积极为中共世代交替进行党内民主化,以及地方政府选举改革,展开第五个现代化初阶。 香港由1981年开始区议会选举,1985年开始立法局选举,经历近30年的选举培训,选民、政党、公务员等等均表现越趋成熟,绝对有理由,有能力,作为大陆境外,扩大民主选举,实行民主宪政的第一个测试点。 人大代表握杀2012双普选只会为开放改革大局帮倒忙。

(3) 对台示范作用
特别行政区原先设计为对台的示范单位,除非今天大陆已经调整对台的部署而放弃香港的作用,否则特区的民主制度改革应该立刻起步,不容再拖下去! 今天对岸经历过1991年国民大会改选,1992年立法院选举,1994年省市选举,1996年总统选举等等,如果要台湾民众相信一国两制是最佳的统一方式,香港政改的步伐到底还要等到什么时候?

如果港区人大们以为把特首选举定在2017,立法会选举在延迟到未知的将来,旨在压缩泛民主派的空间,就错了! 不单只影响香港的 未来,更会影响中共体制内的改革,以致两岸的统一! 今天就像历史上的分水岭,好像清朝进行立宪,国民政府结束训政推行宪政 - 时机拿捏得准确,则国泰民安,反之,则动摇国本。

2012,是你的唯一选择!

愿普选的国降临
Edwin Cheung

CC: 港区人大, 立法会议员及行政长官

To Mr. Hu Jintao,

I am writing to you regarding the discussion now conducted by the National People's Congress Standing Committee on Constitutional Development Public Consultation Report on presented by the Hong Kong government. I urge you to support 2012 dual universal suffrage for Chief Executive and Legislative Council.

(1) The Principle
The report clearly states the wish of general public in Hong Kong. In opinion polls, more than half respondents support dual universal suffrage in 2012. And among 18200 written submissions, around 12600 also echo the same. Due to the Sovereignty of the People, Hong Kong's delegates shall therefore base on the poll results among Hong Kong people to make any decision.

(2) Macroscopic views
China has been long for a chance for political reform and it is the time. With the change of generation that followed by democratic reform within the Chinese Communist Party, and the changes in local elections on the Mainland, we are moving towards the fifth modernization - Democratization.

In Hong Kong, election has never been unusual since 1981 the first District Board election and in 1985 the first LegCo election. For nearly 30 years, the voters, political parties and civil servants, etc. have been fully experienced. It is reasonable to believe Hong Kong as the first trial site for the mainland to expand democratic election under the Constitution. Jeopardizing the dual universal suffrage in 2012, may only cause disturbance to, Mr. Hu, your roadmap to liberalization.

(3)Showcasing for Taiwan
The SAR was originally designed to be a showroom for Taiwan, unless Beijing has realigned the positioning Hong Kong's role. Otherwise, there shall be no more delay in Hong Kong's political reform. Today, Taiwan has already undergone waves of reforms: the re-election of the National Assembly in 1991, the Legislative Yuan election in 1992, local government election in 1994, and Presidential election in 1996. If you need Taiwanese people to consider One Country Two Systems the best option for unification, how long does Hong Kong needs to wait for political reform?

If Hong Kong NPC delegates think deferring Chief Executive election to 2017 and Legco election to an unknown time, in order to suppress the pan-democrats, it will be a mistake. Such decision does not only affect Hong Kong's future, but also the reform within CCP, and the unification of China! We

now come to a watershed in Chinese history. Similar to the time prior to the installation of constitution by Qing Dynasty. Or the sequential progression from training governance to constitutional governance by Kuomintang. Timing is vital in determining success or failure of the Chinese Nation.

2012, is your only option.

Thy democratic nation come.
Edwin Cheung

CC: Hong Kong delegates to the National People's Congress, LegCo members and Chief Executive

致胡錦濤先生,

本人對於人大常委即將討論港府提交的政制發展公眾諮詢報告書,深感關注。懇請閣下爲香港在2012年進行立法會及行政長官雙普選,給予支持。

(1) 原則性
是次政制發展公眾諮詢報告書清楚指出,民意調查中過半數市民支持2012年進行雙普選; 18200 份書面意見中約12600份支持2012年普選,市民的意向顯而易見。根據主權在民的原則,人大作爲代表人民的最高權力機關,港區人大代表如何討論如何決定,必須以市民意向爲依歸。

(2) 宏觀性
綜觀近代中國歷史,現在正是百年以來幾代人的政改契機,現在正當中共積極爲世代交替進行黨內民主化,以及地方政府選舉改革,展開第五個現代化初階。 香港由1981年開始區議會選舉,1985年開始立法局選舉,經歷近30年的選舉培訓,選民、政黨、公務員等等均表現越趨成熟,絕對有理由,有能力,作爲大陸境外,擴大民主選舉,實行民主憲政的第一個測試點。 人大代表握殺2012雙普選只會爲開放改革大局幫倒忙。

(3) 對台示範作用
特別行政區原先設計爲對台的示範單位,除非今天大陸已經調整對台的部署而放棄香港的作用,否則特區的民主制度改革應該立刻起步,不容再拖下去! 今天對岸經歷過1991年國民大會改選,1992年立法院選舉,1994年省市選舉,1996年總統選舉等等,如果要台灣民眾相信一國兩制是最佳的統一方式,香港政改的步伐到底還要等到甚麼時候?

如果港區人大們以爲把特首選舉定在2017,立法會選舉在延遲到未知的將來,旨在壓縮泛民主派的空間,就錯了! 不單只影響香港的未來,更會影響中共體制內

的改革, 以致兩岸的統一！今天就像歷史上的分水嶺, 好像清朝進行立憲, 國民政府結束訓政推行憲政 － 時機拿捏得準確, 則國泰民安, 反之, 則動搖國本。

2012, 是你的唯一選擇!

願普選的國降臨
Edwin Cheung

CC: 港區人大, 立法會議員及行政長官

From: Kevin Lee
To: ; ceo@ceo.gov.hk ;

Sent: Wednesday, December 26, 2007 3:05 PM
Subject: Resolving the Conflicts of Universal Suffrage (in Traditional Chinese)

親愛的人大常委、曾特首、及香港各大政黨，你們好！

很多人以爲民主派和親中派在政治上是對立的，表面上看來是對的，但想深一層，要化解各方對香港特區雙普選的矛盾並非無可能，以下的訊息希望可以幫助到大家！

首先，相信你們都支持兩岸四地（即中港澳台）統一嗎？

如果是的話，在未想怎樣防止台獨之前，請想想爲什麼台獨的聲音那麼重呢？

其實答案很簡單，就是因中國大陸、香港及澳門特區未有民主之故，台灣人（特別是親綠那批）就用台獨來保護他們所享有的民主。

現在就試想一想可用什麼和平的方法來防止台獨呢？

其實也很簡單，短期內最和平及見效的方法就是香港 2012 雙普選了！當台灣人看到港澳特區或中國大陸有民主進程時，台獨的聲音就會續漸消失。

當然我也明白-要「循序漸進」發展民主，不宜過急。在未實行民主之前，首先就要做好公民及道德的教育，他們才能選出高質素的領導人，這也是「循序漸進」式發展民主的其中一步。但因絕大多數港人的公民教育及道德觀念已是很好，所以港人已經 more than ready 來普選。

2012 年雙普選也不是一步到位的民主進程，因 2012 雙普選只用於香港特區，以後還有更長的民主道路要走，例如澳門特區普選特首、每個省的人民直選省長、以至全國同胞每人一票選中國總理等。所以 2012 年雙普選只不過是民主開始的階段，即是說一二雙普選仍然符合中央／北大人所要求的「循序漸進」式發展民主，親中派及人大無理由要反對 2012 年雙普選。若盡早落實一二雙普選，我們就不需要再「七一大遊行」，社會就變得更和諧了！這也是中央願意看到的，對嗎？

對於中國大陸近年經濟迅速發展我都感到驕傲。得悉中國最近有首架自主研製的噴射機「翔鳳」我也感到非常鼓舞，甚至已超越了慶祝回歸十週年的劇集＜歲月風雲＞所描述的國產之自主研製的驕車，因自主研製的噴射機所涉及的技術問題比自主研製的驕車更繁復！這反映中國大陸已有不少知識份子來貢獻祖國，不過現時內地所需的就是要做好公民及道德的教育，以致大大提高食物安全及產品質素等，之後就可以分階段在內地實行民主了！

當最終極的民主目標達到時（即所有中國同胞都能直選中國領導人時），我相信就算是親綠的台灣人都會支持兩岸統一！所以「兩岸統一」的意義可以很不同：未有民主時，它的意思就是吞併；但當有民主時，「兩岸統一」就是 reunion！

有些人可能擔心中國和台灣的統一會不會重演東西德統一所帶來的副作用。沒錯，未統一前，東德是窮國，西德是富國，所以統一後，前西德的資源及財富就被前東德分薄了！但中國和台灣的情況就有點不同，現時中國沿海及附近的地方已相當富有，可以比得上台灣及香港等地，所以一旦統一，台灣省人民的生活應不受影響。真正貧窮的就是內陸的地區，但這沒有影響中國沿海地區的生活水平，所以中國只要有民主，兩岸統一是不會有副作用的。

爲了社會更和諧，
要防台獨的風氣，

就要一二雙普選，
中國漸漸更民主，
兩岸最終會統一！

以上那首詩就同時包含了民主派和北大人的夢想，也可證明泛民和中央的夢想雖然不同，但其實是「互相補足」（而不是互相矛盾），亦證明「一人一票」的選舉是最有效及和平的方式來化解兩岸之間的危機，應得到人大和立法會大比數的支持，祝我們的夢想能成真！

李嘉倫
（一位愛國愛港的多倫多華人）

尊敬的特首曾陰权先生：

2012年、2017年行政长官普选，不论定2012年，还是2017年，总有人反对，有人不满，特首和特区政府真是吃力不讨好。顺得哥情失嫂意。不如来一次选民公投。由全体市民投票决定。同时必须事先声明，立法会全体议员，对公投的结果，无论是2012还是2017，都必须投赞成票。（这是防止动乱，代价最少的办法）。而且，这也符合基本法"按实际情况办事"的原则。

敬祝圣诞新年快乐！

随康长寿！

（已签署）　　（已盖印章）

（李松光）

2007.12.26.

寄件者:
收件者: <ceo@ceo.gov.hk>
傳送日期: 2007年12月26日 上午 04:54
主旨: 香港人的願望 - 2012雙普選

Dear CEO ,

Xmas Ecard :
香港人的願望: 2012 雙普選

(署名來函)

(編者註： 在2007年12月及2008年1月收到以上內容相同的電郵意見書共503份。當中429份未能確認來信人是否願意公開其身份及意見，2份來信人要求將其身份及意見保密，35份來信人要求以不具名方式公開，4份因電郵的編碼問題無法正確閱讀來信人的姓名，其他33份分別由：chan ka wa 、 Chan Siu-ching、CHENG Yan Ho、NgaiChun Cheung、Chu Chi Keung (朱志強)、Jennifer Eagleton、 Eric、KAM Ming-ting、kwan tsz kit、Tommy Ko 、Lam Kwok Hing、Ronald Lam、Lau Man Yam、LAU TAK LEUNG、李子平、李嘉倫 (Kevin)、Lo Kin Hei、kklo、Vicky LUI 、ma wai yue、Mak Yin Ting、 Nothingharm、Mr. Pat NG、Tony Pong、SHEK William、stanley、To Kwai Wah Peter、王善誌、王勝武、Raymond Yam、Judy Yeung、VICKI BOY及溫祥然遞交。)

政制及內地事務局林瑞麟局長：

應「科學發展觀」的看待香港「普選」問題

國家主席胡錦濤提出了「科學發展觀」，只要我們從「科學發展觀」看待香港的「普選」問題，就很容易找到實現香港「普選」的方向，經過努力，香港「普選」是指日可待的，其也必然是符合《基本法》的。

因此，整體及正確的理解《基本法》第四十五條、第一百五十八條，及第一百五十九條是完全必要的。然後，樹立指標，積極的循序漸進。

一、 第四十五條、其中的「最終」的「實際情況」是實現「普選」的前題。

該條的「實際情況」「循序漸進」「最終」是連貫性的。「最終」達至…的「最終」是指「最終」的「實際情況」。否則整句中的「實際情況」「循序漸進」是無意義的。可以這麼解釋：

例如：（最初的）「實際情況」只有百分之二的人愛國→「循序漸進」→「最終」的（實際情況）有百分之八十的人愛國；

或（最初的）「實際情況」只有百分之二的人有公民責任→「循序漸進」→「最終」的（實際情況）有百分之八十的人有公民責任；

然後才達至…普選產生（行政長官）的目標。

在中文中，按「實際情況」「循序漸進」「最終」達至，是一種很普通的語法。例如，你運動受傷了，肌肉的「實際情況」很差，急不得，只有「循序漸進」的接受治療及訓練，（教練）要看看最終「實際情況」有沒有恢復健康，達至比賽的要求，才可做出決定。

精簡的說即是：你要按「實際情況」「循序漸進」「最終」達至比賽的要求。

二、甚麼時候叫做「最終」的「實際情況」呢？與《基本法》第一百五十八條，及第一百五十九條聯係看待即可理解了。

例如：

民主黨希望 2012 年達至「雙普選」。民建聯希望不遲於 2017 年…。那麼，2012 年或 2017 年…是不是屬於「最終」的「實際情況」呢？最後，由中央及全國人民來檢查。

假若 2012 年或 2017 年的「實際情況」與當初製定《基本法》的「實際情況」並無區別時，就證明了「循序漸進」停滯了或太慢了。不符合中央的要求，那麼 2012 年或 2017 年就不可能實現所要求的「普選」。

這樣才符合整體及正確理解《基本法》第四十五條、第一百五十八條，及第一百五十九條。解釋權與修改權屬中央。

因此，看《基本法》時，不可忽略或歪曲或故意分裂《基本法》的有

關條文。

或許有人會以陰謀論質疑中央，而認爲香港永遠不可能有中央滿意的「最終」的「實際情況」。那麼，請放心！

國家主席胡錦濤提出的「科學發展觀」完全回答了這疑慮。

既然是科學發展觀，必然是講客觀依據的，講理據的。

若香港的民主黨愛自己的國家遠超過民主黨最想往的普選國家的英國及美國的人民。

若香港的民主黨的國家尊嚴及公民責任遠超過民主黨最想往的普選國家的英國及美國的人民。

這些，完全可以按客觀的科學的方法測知的，人民是看得見的。

這樣，按國家主席胡錦濤提出的「科學發展觀」，香港是完全可以實現其所夢寐以求的「普選」。

很可惜！香港的民主黨到現在爲甚麼要「普選」的道理也講不出來，整天自以爲是甚麼精英，不知監督政府官員；到現在連《基本法》都看不懂，或任意歪曲也不覺得羞愧；盡幹些搞倒董特首，暗通曾蔭權，扶出陳方安生等等與民主人格大相逕庭的事情，還沾沾自喜。

應知，香港的「普選」絕不應是奴隸拉幫結派懷念舊主子的「吶喊」。

請問，英國、美國有這樣曾經甘心當奴隸的民主黨嗎？

但，奴隸回頭金不換。只要香港民主黨勇於帶頭以國家主席胡錦濤提出的「科學發展觀」看待香港的「普選」「政改」，一定會發現是否能：

1. 提高國家安全。
2. 提高政府工作效率。
3. 提高生產力。

爲「普選」「政改」的前題，那麼，民主黨將會進一步發現：

清除外國特務在香港政府中的活動。

清除香港政府中公務員、司法界、警察中的惡勢力。

提高生產力改善市民生活。

如果，不需「普選」「政改」也能做到的話，又何必「普選」「政改」？

如果不以上述爲前題，「普選」「政改」的意義又何在呢？

「民主」的真正意義，並不一定在於「普選」，「奴隸」投票亦不代表「民主」呀！只不過是「普選」的奴隸罷了！

2007/12/27　李治南

From:
Sent: Thursday, December 27, 2007 1:09 AM
To: cmabenq@cmab.gov.hk
Subject: 繼續努力對抗民主派的過份要求！

林局長：

本人是一位警務人員，眼見近年[民主派]時常拿著雙普選借口來欺騙市民，攻擊我們的香港政府威信！每天就在傳媒上不論電視、報刊就是講這些不實際的口號，已經感覺到是活在討厭煩擾的生活中！其實香港人已被攪事的民主派利用傳媒這種洗腦資訊污染了，所以無論大小事都出來嘈吵一餐，令到香港沒有成爲真正和諧平靜的社會，但我看到及感受到現今的特區政府爲香港市民付出了很多精力，在經濟上是一個最佳例子了，最少我們在你們各政府官員努力策劃的管治下，得到基本的生活質素了！但在政制發展問題上未能得到成果，我們警察原應該是要保持政治中立的，但是人心肉做活在中國的地方下，真的能夠中立嗎？我只希望特區政府能繼續努力加強力度來對衡民主派的無理解決的過份要求，免得被這班[口說愛國、心愛美國]的民主派牽著政府來攪亂香港！香港人如真的對政治成熟的話，就應能分辨黑白，不應被扇動利用來天天上街，像做羊群般無目的吵鬧啦！有無普選實在對我來說真是不重要，最重要是能否活在安居樂業和諧的香港裡？如林局長能將我這封信給民主派及中央人大來看看就更好了，這都算是香港其中一位市民的心聲！！！

請局長繼續努力吧！支持你及特區政府的小市民TOMMY SAN上

(1). 29th/December/2007

尊敬的曾蔭權特首先生，

以下是本人的意見，請參考。已傳真的句子敘述不清楚，並未能表達我要說的問題，現再修改補充寄上。

{請香港人尊重領土權，中國不是給于香港獨立，只是給于香港；港人治港！
請港人緊記香港不是一個國家，而是中國領土的一部份！}

致港澳辦及立法局(中國政府)的反 2012 年普選 請 願 信。

泛民主派,是麻煩民主派！專搞煽動，煩民,混民！泛民主派的民意調查不足 0.2%,他們的民意調查是強奸民意！不選錯有野心反華人士,和美國代言人,香港會便像臺灣、菲律賓,印尼，泰國、等南亞國家那麼亂，便會天天大規模示威遊行,不生產，日日喊加薪，喊完 5 天又喊 4 天工作,像公務員高薪酬,人工要多,最好不工作的西方壞風氣！做成不穩定因素，如果如此下去,將會是中國最大的忍受與潛伏危机)。有人批評中國自己的貪官污利嚴重，當然中國在改革開放中有許多問題，貪污腐敗,人民質素差，現中國政府在改革進步與及法律在完善中。但這與決定香港普選時間表是兩回事！(另談，不應混和一起)

若香港要維持 50 年不變的話，應返回英政府殖民統治時代模式,制度,即是要由中國政府派人和任命港督來港,代替特首位置？其實香港人只要生活安定，有生意做，安居樂業，並不是一定須要普選！普選未必靠得住的！中國政府是很清楚那些自以爲自己代表香港民意的洋奴劣性。請港人醒一醒：香港是中國賦予香港,港人治港，並不是給于獨立！別讓那些誤解(民主,人權,自由)的煩民主派蒙敝自己的理智！不要搞對抗,更不能自貶,欺負中國應有的'領土話是權'！香港人要認清楚自己是中國人。亞當,亞娃,天主,聖母,耶穌的 DNA 與我們並不相同！香港人是炎黃子孫與中國是同一個祖先。緊記,香港是中國的領土！當年因爲國弱，林則徐燒毒品,鴉片卻要賠償英毒販，並被迫簽下喪權辱國條約！割讓香港,九龍，必須銘記歷史，毋忘國恥！

中國國策是以人爲本，和諧社會便是儒家思想，香港必須要全民和普及中華民族傳統儒家文化教育及愛國教育，只有儒家教育才有一套完整人格,做人的道理，建議要立孔教爲國教！我近在讀儒家理論，發現二千五百多年前孔子儒家思想如此偉大。

我有以下的問題： 請問問那些洋奴，陳方安生,李柱銘,司徒華等，及所謂民主派人士，(美英代言人)，他們在英國人統治時代爲什麼不喊民主普選？不喊/反日工作？我認爲第一次的普選時間表應該由中國政府決定，以顯示回歸後的'領土'話是主權'。我們也可以組織一個'炎黃子孫黨'去發出另一個聲音！不能只有煩民主派煽動下的那一小批香港人要求普選的聲音，他們絕不能代表香港人的大多數！剛巧在 TV 看到長毛，梁國雄，何俊仁,余若薇,劉慧卿等人的無知嘴面,幼

(2).

稚思想。那麼更要快些組職一個愛國,愛港的政黨是當務之急,才能真正代表香港民意的聲音。

我父母 1937 年已是香港居民,他們居香港 22 年後 1959 年才帶同我們移居澳洲,至今已 49 年。近年打算返回香港退休。我們是澳籍華人,不可忘祖,忘根!

(注意,美國是世界頭號恐怖份子,世界動亂的根源。美國打着假民主,人權,自由的旗幟,利用這人見人愛的'六字真言'特意去培養世界各國、各地的代言人返回自己國家搞叛國運動,搞風搞雨、推翻不聽美國話,不符合美國意願,價值觀的政府和領袖!美國價值觀是爲少數有錢人服務的,無普世價值,不適合全人類。

人權,民主,自由須要重新評估定位!不能以爲某一些人的個人利益去定位。煽民主派大天喊吶的人權,民主,自由那是個人主義!非是爲全香港人整體利益。是假民主,假人權,是美英代言人。他們最終會危害全港人利益。

(已簽署)

李馬淑芳 Christine Li 謹啓

爲什麼會有恐怖份子?誰是真正恐怖子?是美國!美國利用民主,人權,自由,這人見人愛的六字真言去殺人放火!在國外切殘酷苦獄、用先進武器,百萬噸炸药彈種族毀滅塔甲班!如奧巴馬獲勝美國國策會改。

From: **(Name provided)**
To: ceo@ceo.gov.hk
Sent: Sunday, December 30, 2007 2:48 PM
Subject: Election of Chief Executive

Dear Donald,

After I heard the Chinese government rejected the public election of the Chief Executive in 2012, I feel very disappointed about this decision making.

I am a years old man, who also studied in Wah Yan College before, now working as a CEO of an HR consulting company. I am also a Catholic who always believes GOD will give us power and intelligent when we are facing problems.

I understand being a Chief Executive is not an easy job. In order to make a mutual agreement between Chinese government and 7 Millions of HK people is difficult. I trust you know how to judge what is the truth and what is the false. The rejection will make the entire Hong Kong citizens to wait another 10 years in order to fulfill our basic human rights on public election.

Needless to say, the majority of Hong Kong people desire to have a public election rights as soon as possible, including you. The culture and our election system cannot compare with the mainland China. Since our city has been managed by the British over 100 years, the way of our thinking and culture are completely different than China. As a Chief Executive in HK, you should explain this to the leader in China. Although HK is part of China, we need times to change to adapt the China culture and their mindset. It will take for decades or even hundred of years to change.

The election system can be changed in the future, say 100 or 200 years later, who knows. Before Chinese government established in 1949, it also managed by "Ching Dynasty". This demonstrates all the systems are variable term which has flexibility to change no matter how long it was being used for thousand years. Why don't you make a proposal to them and let us fulfill our dream first? Hong Kong people are well educated and we know who is our leader. You can control your kid when he is young, but you should let him decide about his path when he becomes adult. This is the same idea of what is happening in Hong Kong.

We are all having Wah Yan spirits that being taught by our Fathers in our early ages. We don't need to scare any pressure or restriction surround us. If this is come from your inherent value and you think this is the truth, GOD will help you to overcome this.

Best Regards,
A local HK Citizen

(Editor's Note: The sender requested anonymity.)

致特區政府建議書

曾蔭權特首 唐英年司長 曾俊華司長:你們好!

爲了香港未來的發展和整體人口素質的改善,本人經多年的社會調查,現作如下建議:

一. 希望特首可以在任內做好公務員隊伍的整治建設,提高全體公務員的社會責任感,更好地爲香港市民服務。時至今天,我們政府的前線公務員每天都在捱日子(臥身嘗膽博升職,職高錢貴樂清閒);高級以下,中級以上的公務員每天都在混日子(遇事處理善"卸膊");唯獨陳方安生,劉惠卿,梁家傑,長毛之流在過日子(利益到時便出台)。

二. 發展經濟,改善民生(人屬萬物之靈),創建和諧社會。香港發展到今天都有賴全體香港市民的共同努力,但由於社會分工問題,卻令到成果收穫差異有天地之別,實屬"朱門酒肉臭,路有凍死骨"。若要解決現時社會的貧富懸殊問題,政府必須取消外判(外判實屬利益輸送,更爲嚴重者,卻令到低收入雇員在生活上雪上加霜),其次,在經濟上,除了政府和有責任感的社會企業增撥資源外,更重要的是政府要善用"養雞生蛋"的方針凝聚相關資金投資增值(包括強積金),才能長之以恆,改善民生,提高整體人口素質,達致社會和諧。

三. 要達致普選,必須提高市民參政意識,全面實行八小時工作制(包括最低工資標準),消滅在職貧窮和殖民地彩色(香港回歸十周年,但殖民地色彩仍根深柢固,身爲中國人,中華民族文化博大精深,現時美國人都在學中文,但偏偏在祖國的香港,卻出現懂中文低人一等的社會怪現象,真屬本末倒置,不知所謂)。上述建議,如有不當之處,懇請見諒,若有共通點,可電　　面議具體實施方案。

香港市民:何健明 敬上

31-12-2007

CDA020

传真：25233207

31 December 2007

政制及内地事务局

郑锦理代局发出鉴，

你2007年12月27日寄来的信老人今天收到，谢谢！

我老人從来没有读过法律系，但我自己认为自己的法律水平比立法会议员、资深大律师李柱铭多高数倍，我做梦也没有想到他竟以绝食24小时来抗议全国人大常委会100%委员一致通过2012年不能进行雙普选的重大决议。已於全香港的反对派的遊行示威和绝食抗議也是一点作用也是没有的，就算反对派顾目踪方安生带领200萬群众上街抗议也是多余的，因为香港基本法注定他们一定会彻底失败。

在这个世界上，似乎任何一个国家和他过都有战争矛盾和斗争，这也是人類历史发展的动力和自然因素，故不要大惊小怪，但香港可能是全世界多明大城市中最民主的，也是最多遊行示威的一個了，我这个老人生的道路上快到强暴的老人天心在"看反对派做戏"。

林伯奮

Thank You!

又乱营的反对派实际上是一定要把"高度自治"变成"完全自治"而且一定要像陈太打败叶太一样由反对派的人马来当乱营"特首"。

老人还为这样闹下去对他们的也没有好处。

老人再一次讲"50年内不能双普选"。他并不变

文啓者

客套話不說了！

請於(特首)向中國國家主席胡錦濤交意見，

香港有普選，請於您叫胡錦濤答應，

香港有普選，(特首)你能夠做得到，

這是全香港市民的心聲和志願，這是全香港

市民的強烈要求！請君三思而後行

請三思！　我本人就是學者

祝福好運

鄭有勝謹上

2008-1-1

北區居民聯會
North District Residents Association
地址：新界上水新豐路111號二樓
電話:26756602　傳真:26830107

支持人大常委會〔12.29 決議〕

人大常委會於 2007 年 12 月 29 日表決通過 2017 年香港特別行政區行政長官可以實行普選產生的辦法，在行政長官普選產生以後，立法會的選舉可以實行全部議員由普選產生的辦法，對於人大常委會的決議，本會表示歡迎並支持人大常委會通過的決議，決議採用先易後難方法解決了雙普選問題，是符合基本法按實際情況和循序漸進的原則進行，而最近民意調查也顯示超過六成以上市民接受 2017 年普選行政長官，故此，本會完全同意並支持人大常委會的決議。

北區居民聯會

主席:溫水平

二零零八年一月二日

From:
To: ceo@ceo.gov.hk
Cc:
Sent: Friday, January 11, 2008 12:18 AM
Subject: 香港的普選

曾先生，

您好! 本人希望向特首先生閣下發表對2017年才實施普選是絕對讚成。

本人從報張頭條看到民主黨、泛民以代表香港人的聲音來反對中央所宣佈落實2017年普選，感到很不滿，他們跟本沒有做任何全香港市民的調查，只是小圈子反對，又怎能代表港人呢?

本人覺得年輕一代甚至中年一代未能了解普選的真正意義、功能、作用、以及對社會的影響。香港人亦缺乏政治意識及公民責任，又豈可談普選呢?

只是立法會選舉選出了梁國雄已是香港人一大恥辱，而普選立法會及行政長官是關乎每一個香港人的將來是不能輕率的!

2012年要普選實在太快了，爲什麼不能多等呢?又怕什麼呢?爲什麼不能等到成熟才實行呢？

現在中央領導層比以前開放民主，不是已經慢慢改進嗎?欲速則不達，是每個人都明白的道理。

本人沒有任何政治背景或加入政黨，只是希望能以一個家庭主婦及半職人士的身份發言。曾先生的努力，是絕大部份香港人也支持的。

祝曾先生身體健康，帶領我們走進光明的前路!

此致

市民　　上

(署名來函)

(編者註：來信人要求以不具名方式公開)

對香港政制發展的意見 (2)

就香港政制發展，本人有以下之意見，供政府和立法會參考.

(一)行政長官

2012	選舉委員會演變成選舉及提名委員會，並由 800 人，加入全港直選區議員 400 人至 1200 人 . 候選人必須至少取得 200 人提名，由選舉委員會投票，候選人獲得 600 票或以上當選，若候選人未能獲得 600 票以上，則須進行第二輪投票. 行政長官候選人不多於 4 位，以提名票最多的 4 位角逐。
2017	提名機制與 2012 年之方式相同，全港合資格之選民，以一人一票方式，選出行政長官，以得票最高者當選

(二)立法會

2012	地區直選仍然維持 30 席，將功能組別合併，由現時的 30 席，改為 20 席，例如:商界 2 席 改為 1 席 ，工業界 2 席改為 1 席 等等，取消會計、航運、批發及建築測量功能組別議席.. 並增加 10 席 直選議席，這 10 席由全港區議員以一人一票 方式互選產生. 候選人必須取得全港 400 個直選區議員之至少 40 個 區議員作為提名人. 並以得票最多之 10 位當選。
2016	將功能組別再次壓縮至 10 席， 地區直選增加至 40 直選議席，其餘 10 席由全港區議員以一人一票式互選產生. 候選人必須取得全港 400 個直選區議員 之至少 40 個 區議員作為提名人. 並以得票最多之 10 位當選。
2020	地區直選加至 40 席. 取消功能組別席 ，其餘 20 席由全港區議員以一人一票式互選產生. 候選人必須取得全港 400 個直選區議員 之至少 40 個 區議員作為提名人. 並以得票最多之 20 位當選。

(三)區議會

2012	取消委任議員一半議席 。
2016	取消委任議員全部議席 ，並按各區需要，對議席數進行加減。

CWL/STDC/07/301

2008/1/12

李子榮 沙田區議員 (已簽署)

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新聞稿

市民簽名支持「2012 雙普選」

去年 12 月 29 日，全國人大常委會議決否決香港於 2012 年推行雙普選，民主黨對人大常委會蔑視大多數港人對 2012 雙普選的訴求，表示強烈不滿。因此，民主黨由 2008 年 1 月 6 日起，收集市民簽名，讓市民表達對 2012 雙普選的訴求。

民主黨於今日（1 月 12 日）將收集到的雙普選簽名，及連同於絕食地點的簽名布交予特區政府，並將有關簽名布包圍入口兩旁，以示香港市民對否決 2012 年推行雙普選的不滿。及繼續堅決爭取 2012 雙普選的決心。

發言人：民主黨陳家偉（　　）

2008 年 1 月 12 日



李柱銘 楊 森 柴文瀚 馮煒光 徐遠華

議員聯合辦事處

致：行政長官 曾蔭權先生

我要 2012 真普選

不要 2017 假民主

請簽名

1. （已簽署）	2. （已簽署）	3. （已簽署）	4. （已簽署）	5. （已簽署）
6. （已簽署）	7. （已簽署）	8. （已簽署）	9. （已簽署）	10. （已簽署）
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（編者註：附簽名共148個。）



屯門兆康區議員
陳樹英

致：行政長官 曾蔭權先生

我要 2012 真普選
不要 2017 假民主

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（編者註：附簽名共248個。）





何杏梅議員



何俊仁議員



馬玉妹
社區主任

致：行政長官 曾蔭權先生

我要 2012 真普選
不要 2017 假民主

請簽名

（已簽署）	（已簽署）	（已簽署）	（已簽署）
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（編者註：附簽名共112個。）

民主黨 DEMOCRATIC PARTY

林頌鎧 議員辦事處

http://hk.myblog.yahoo.com/lam-88

致：行政長官 曾蔭權先生

我要 2012 真普選
不要 2017 假民主

請簽名

1. （已簽署）	2. （已簽署）	3. （已簽署）	4. （已簽署）	5. （已簽署）
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（編者註：附簽名共130個。）

From:
To: "CEO" <ceo@ceo.gov.hk>
Sent: Sunday, January 13, 2008 2:16 PM
Subject: Re: Universal suffrage in 2012

Dear M.r Tsang ,

I do not agree with your speech about this topic, which boardcasts today . There is a clear indication that most Hong Kong People supports a Universal suffrage for both CE and legco in 2012. But you had abandoned your pledge that you will strive toward the goal Hong Kong people are striving, it does not mean that we have to let go of our dream of the execution of Universal suffrage in 2012.

Please count me in,

Lau Chung Kai



蔣月蘭議員辦事處

林立社區服務處



電郵：yo118@dphk.org　電話：24514799　傳真：24517066

堅持2012真普選
不要2017假民主

CDA027



蔣月蘭議員辦事處

林立社區服務處



電郵：yo118@dphk.org　電話：24514799　傳真：24517066

致：行政長官 曾蔭權先生

我要 2012 真普選

不要 2017 假民主！

01/2008

姓名	電話	電郵/地址
1. （已簽署）		
2. （已簽署）		
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（編者註：附簽名共237個。）

HONG KONG PROFESSIONALS AND SENIOR EXECUTIVES ASSOCIATION
香港專業及資深行政人員協會

香港特別行政區
政制及內地事務局局長
林瑞麟先生，JP　　鈞鑒：

全國人大常委會通過「關於香港特別行政區2012年行政長官和立法會產生辦法及有關普選問題」的決定，使香港未來的政制發展明朗化，有了清晰的時間表。

本會為此特別召開會議，討論有關內容。我們認為全國人大常委會的決定明確了香港政制發展路徑，符合基本法的規定，並充分考慮了港人的意願，有利於香港社會各界人士齊心協力地朝著既定目標邁進，並有利於促進香港的長期繁榮穩定。

為對議決表示歡迎及支持，本會於二零零八年一月十一日(星期五)於明報、經濟日報以及文匯報刊登特稿，以發表本會支持立場。現謹附上三份報章，以茲閱覽。另外，本人於日前亦以個人名義發表意見，內容刊載於一月四日之星島日報，隨函亦附上有關剪報。

我們希望持有各種不同意見的人士，在港人對政制發展問題日趨理性務實的氣氛下，能夠相互包容，停止紛爭，齊心協力，共同朝著全國人大常委會決定的普選目標邁進。

敬祝　鈞安！

香港專業及資深行政人員協會

（已簽署）

容永祺
創會會長　敬啟

二零零八年一月十四日

（編者註：來函附2008年1月11日刊登於明報、經濟日報及文匯報的《香港專業及資深行政人員協會歡迎全國人大常委會落實普選時間表》特稿，因內容相同及版權關係，只刊載經濟日報版本。）

香港銅鑼灣渣甸街54號富盛商業大廈9C室
Unit C, 9/F, Prosperous Commercial Building, 54 Jardine's Bazaar, Causeway Bay, Hong Kong
Tel: + 852 3620 2918　Fax: + 852 3620 3106　Email: office@hkpasea.org　Website: www.hkpasea.org

香港專業及資深行政人員協會

歡迎全國人大常委會

落實普選時間表！

上月底，全國人大常委會就香港2012年特首和立法會產生辦法及普選安排，作出了重要的決定，香港的政制發展從此邁向普選的新里程。來自不同界別的創會會員如容永祺、陳世強、胡曉明、林大輝、梁美芬、史泰祖、謝偉銓及鄧偉芬，均作出積極回應。



容永祺：人大決定 帶來突破

香港專業及資深行政人員協會會長容永祺，對人大的決定表示歡迎，他說：「香港回歸後，困擾香港多年的民主政制發展爭拗，終可畫上句號，這確實是一個值得高興的決定。」

他認為，常委會的決定是充分考慮了香港市民對普選的意見而作出的，並相信該決定長遠有助穩定香港社會發展，有利經濟發展，以達致和諧社會。

容永祺表示，雖然人大常委會否決了2012雙普選，但他同意人大常委會副秘書長喬曉陽所指，2012可作為邁向普選的中間站。

至於如何在2012年推進民主步伐，容永祺認為，立法會中的功能團體比例雖然不變，但可以擴大選民基數，例如擴大部分功能組別的「公司票」為個人票。另外，就特首選舉方面，他建議在提名委員會中可考慮加入全體區議員，這有助邁向普選進程。

身兼國際認證財務顧問師協會港澳區主席的容永祺指出，全國人大常委會已就香港政制發展作出決定，所以與其爭拗「2012普選」，倒不如就普選的辦法及安排提出有建設的意見，循序漸進地增加民主成分。他又認為香港社會各界應尊重人大常委會的決定：「全國人大是國家最高權力機關，所作決定是有法律效力的，何況是次決定已為香港政制發展帶來很大的突破，若再不斷爭拗，只會對香港的經濟及和諧社會發展造成衝擊。」



陳世強：人大決定具法律效力

協會副會長及香港有品運動主席陳世強律師，同時是司法部委託公證人，對國家法律有相當的認識。他表示，全國人民代表大會是最高國家權力機關，具有不可置疑的憲制地位；既然人大常委會已決定了2017普選特首及最早2020年普選立法會，再糾纏「2012雙普選」已毫無意義，也是不切實際。

陳律師表示，人大常委會的決定是很嚴肅的，具有法律效力和約束力，所以是不可改變的。有關決定是人大常委會嚴格依照憲法和基本法有關規定、就香港雙普選問題而作出的，具有最高的權威性。

陳律師認為，有關決定體現了中央的高度智慧和務實態度，也顯明了中央對解決香港普選問題有極大誠意和決心。他期望社會各界現時應理性地重新部署，在未來十年的過渡期內，以循序漸進方式推動特首普選。若再堅持2012年雙普選，就等於無視人大常委會的決定。



胡曉明：中央回應了香港民意

協會副會長及菱電發展主席胡曉明表示：「我很同意人大常委會副秘書長喬曉陽在港指出，人大提出的行政長官和立法會普選時間表，是中央政府對香港社會願望的真誠回應，也是落實《基本法》和一國兩制的重要體現。」他亦十分認同，現時人大常委會提出的普選時間表，是在《基本法》與香港民意之間，所能找到的公約數；也是平衡了各界不同意見而得出的結論。

最近忙於爭取在啟德興建多用途體育場館的胡曉明，也不忘關心香港政制發展。他指，由現在開始，是邁向普選的過渡期，所以各界應積極辦好2012年選舉；若過渡安排做得好，2017年的特首普選和其後的立法會普選將會順利實行。

對於有部分人士對2012年雙普選被否決感到失望，胡曉明表示：「雖然有關決定不能滿足所有人對民主發展的訴求，但無疑是次決定，為落實普選訂下了清晰的時間表。」他呼籲各界人士應放下歧見，不要再只著眼於意識形態，應抱著理性和包容的態度去研究落實政制發展。



林大輝：發揮團隊精神 邁向普選

協會副會長及林大輝中學校監林大輝表示，既然人大常委會已對普選訂下了清晰的時間表，大家便應持著積極和開放態度，朝著該目標進發，共同迎接普選的來臨，不要再在普選問題上節外生枝。

林大輝在工商界工作多年，又是香港中華廠商聯合會副會長和香港製衣業訓練局主席，他表示他所認識的工商界人士，均是十分理性、進取和務實；大家在討論香港政制發展時，均希望香港可以有雙普選，但普選進程不宜過份急進，必須循序漸進地實現普選。

林大輝又指，在2005年底立法會否決了政改方案，已經令港人錯失了一次邁向普選的機會，所以他希望今次大家不要再錯失這次機會。他又指人大常委會就2012年特首和立法會選舉的安排，已留有相當的空間，大家可積極在既定的框架下，協商一個較多人接受的方案。

熱愛運動的他，以足球比賽作比喻，他指：「普選就等於龍門，現時龍門就在大家的前面；社會上各界人士就是不同崗位的球員，大家應充分發揮團隊精神，有策略地把足球互傳，最終將球射入龍門。」



梁美芬：政制發展 須尋求社會共識

協會副會長及城大法律學院副教授梁美芬表示，人大常委會已充分考慮了市民對普選的訴求，其提出的普選時間表十分清晰，而且合理。她指出，「香港普選還有很多東西要準備，例如市民對普選的公民意識等」。

就2012年行政長官和立法會選舉安排，她建議特首選委會的人數，可以有適當的增加。另外，雖然立法會議席維持現有比例，功能團體和地區直選各佔半數，但功能組別可以擴大選民基礎。她同意，長遠而言功能組別要循序漸進地取消。

剛在黃埔區贏得一區議會席位的梁教授指出，她很樂意上到前線，經歷普選的洗禮，積極投入建制當中，為香港市民出一分力。從她過去多年奔走內地與香港兩地，為港人在內地爭取權益中，與不同見解的人士合作及尋求共識。她體會到，香港政制發展要向前邁進，最重要是尋求不同意見下的共識；沒有共識，社會及政制的發展只會停滯不前。



史泰祖：香港進入民主不歸路

協會副會長史泰祖醫生對於人大常委會的決定表示歡迎，認為人大已清晰訂下了雙普選的時間表，並且具有法律效力；有關決定實為香港民主政制邁出了一大步，引領香港進入民主不歸路。他呼籲從今之後，泛民主派、建制派、商界以至香港各界，不論是為順應大勢，還是不希望喪失政治影響力，均應放下政治爭拗，全力凝聚政制方案的共識，為普選做好準備。

對於有人仍堅持爭取2012年雙普選，及質疑中央的決定，史醫生指出，雖然特首普選要待2017年才能實現，但「只欠五年，問題應不大。」他相信只要香港各界對中央存有信心，減少在普選問題上爭拗，並把政制分歧逐漸收窄，這就能有利香港的長遠發展。

至於2012年立法會仍維持半數為功能組別議席，史醫生表示，不能完全抹煞功能組別的好處，因為它一直提供渠道，讓不同界別的專業人士進入議會；令議會聲音更多元化；他建議2012年功能組別或可擴大選民基礎。不過，既然人大已順應民意，決定2020年普選立法會，各界便應就立法會議席安排達成共識，讓議會順利過渡至全面普選。他認為立法會功能組別議席的歷史任務，到時亦應告一段落。



謝偉銓：普選不明朗因素已減少

協會秘書長、地產界謝偉銓對人大的決定表示鼓舞。他表示，在此之前，普選路綫圖並不清晰，社會人士就政制發展眾說紛紜；現時人大為香港實現雙普選，訂出了清晰的指引及落實時間表，普選大部分不明朗的地方，已一掃而清，他希望各界減少爭拗，一同辦好普選。

謝偉銓平日除處理日常繁忙的工作外，亦很關心香港的政制發展。他認為，政制發展影響深遠，與香港的經濟更是息息相關。他強調，正如籌劃地產項目，如能除去不明朗因素，才可制定更準確的發展藍圖。同樣道理，人大訂下了普選時間表，已把大部分不明朗因素掃除；所以香港人應集中精力辦好2012年選舉，為全面落實普選做好準備。

對於有人認為，2017和2020年才實行普選特首和立法會，時間太遲，謝偉銓則認為落實普選影響深遠，與其在普選年份上糾纏，不如向前看，積極辦好選舉。



郁德芬：普選現曙光

協會創會會員、社會服務界的郁德芬博士表示，人大的決定為全面普選帶來了曙光；過往在普選問題上，感到議而未決，但現時卻感到明朗化。目前距離普選還有一段時間和路途，而且還有很多細節未有定案，所以她呼籲青年人積極了解和參與政改的討論，為影響深遠的政治體制改革提出寶貴的意見。

郁博士服務社福界多年，並經常接觸青年人。她表示，過往她所接觸的青年人對政改感到無奈，認為自己對政治毫無影響力，而普選也是遙不可及的事。

但郁博士表示，現時中央已訂下普選路綫框架，當中還有很多細節尚待落實，例如如何擴大選舉委員會和立法會功能組別的選民基礎，訂定合理的特首提名規則和方法等。所以她呼籲青年人不要冷眼旁觀，應從現時開始，增加對香港政制發展的認識，裝備自己，以便為實現普選做好準備。

◆來論◆

普選最大公約數——2017

上周末二〇〇七年十二月二十九日全國人民代表大會常務委員會就有關「香港特區二〇一二年行政長官和立法會產生辦法及有關普選問題」在會議中鍾定天下，以全票通過《決定》：本港可於二〇一七年普選行政長官，其後全體立法會議員可以普選辦法產生。我們高興選舉時間表可以得到落實，回歸後援攘香港市民多年的民主政制發展爭拗希望亦可隨即畫上句號，這確實是一個值得歡欣的決定。

正如人大常委會副秘書長喬曉陽先生於「在香港各界人士座談會」的講解，這明確了全港市民對普選時間表的疑慮，亦確定了「先易後難」的策略，按着《基本法》循序漸進的原則，亦是香港社會各界所能接受的最大公約數。

功能組別 改以個人票

人大代表大會是中國的最高權力架構，她的決定代表着全國最高的決定，不容挑戰，亦不能推翻，因此，現在若有人士仍執着堅持爭取二〇一二年雙普選的話，似乎是不切實際，倒不如理性地重新部署，如何在這過度的十年間落實循序漸進推動二〇一七年行政長官普選。

本人建議可以擴大選舉委員會人數，令其更具代表性；把民主政制及普選等知識程序正式納入中、小學生的課本範疇，推行全港廉潔公平的選舉宣傳教育；至於立法會選舉，既然暫時不會一刀切除功能組別，我們可以增加它的代表性，譬如以個人票取代公司票，更清楚釐定選民的定義，這樣各行業的選民人數便可有數十倍的增加。另外，又可加入區議會爲新增的功能組別，讓沒有歸入任何功能組別的市民，可以從其居住區域選出合意的區議員代表進入立法會，這樣亦可達到「一人兩票」的原則，避免產生可投「兩票」的「特權」人士。凡此種種，皆是積極的回應方法，具建設性的，讓我們的政制從「循序漸進」的方向邁向全面普選，對整個政制發展是有利的。

固執致分化 政改膠着

放下爭拗，有助社會團結和諧，我們可以投放更多資源和精力於社會經濟民生的事項上，如貧富懸殊、家庭暴力、赤貧户及人口老化與生育率下降等民生問題，得益的是整個香港社會；固執的堅持只會令社會分化，政改步伐膠着，原地踏步，重蹈二〇〇五政改的覆轍，這並不是大眾之願！盼望各界不同黨派人士能放下爭拗，努力向前，締造香港成爲國家一幅和諧完美的民主普選範本，爲國家的民主政制發展起帶頭和推動的作用！

容永祺
策略發展委員會委員暨葵青區議員

（編者註：此文章在 2008 年 1 月 4 日刊於星島日報）

传真：25233207

P.1

18-1-2008

政制及内地事务局

郑锦鲤代局长台鉴，

你2008年1月11日给本人的信早已收到，十分感谢。

本人十分了解，在香港的公民当中只有本人一个人这样给香港政府写自己的见解和心得了。但本人也相信在香港的700年高港人当中还有多少的人像本人这样55年前的20岁时就在北京代表中国中央政府跟外国代表讲话了。现在本人只希望你们把本人的来信当做看报纸一样看就是了。

本人半年前已经收到你写信说50年内香港不可能一人一票选"特首"，直到今天为止本人还是如此认为。昨天從下午3时至4时30分钟立法会理进行"答问大会"。本人认为曾特首的发言和回答的内容十分会结合观和合法，因为他身为特首只能按照中国人大常委的决定来讲话，绝对不能像外国的奇这样到50年不能"双普选"。因

再如果要"双普选"，那一定要先普选"立法会"后普选"特首"才能变成事实。而在在场的人当中，我认为曾玉成最聪明，他眼金金地注意反对派的头目陈方安生，他的话最有力，但他还不能把他心理的话全部吐出来。因为他能也明白"双普选"只是一個好听的"口号"，因为如果将来真有"双普选"那香港就由"長毛"那样的反对派来当特首了。中国政府绝对不准，但从现在斗争的形势看来，反对派还是不能一切要遵循示威要2012年双普选。更加富善的是法律系议员竟公陶说他要做"印度"的甘地，用绝食来争取香港独立，把香港变成一个独立国家。当然他不敢公陶这样讲出来，但含意就如此。

法士民间电台那六个敢死队员Ken也不怕，我认为香港政府如果不採取严肃的手段对付他们，香港会变得越来越乱了。

Thank You!

林伯奮

前天"长毛"等反对派又上
街遊行示威哩决要
中国政府撵放在广州
坐监的程翔，但
事实上他们的行动相
反地害了程翔，如果真
的放人，那就等於"长毛"
等人的巨大胜利了。

18-1-08

又有一件事情顺便对你讲一下。某人早就估计巴基斯坦前总理布托可能会被暗殺，结果变成了实，因为在这个人类的世界上，一般的事情是讲道理和讲法律的，但大事是例外的，比如我们每天要买东西，搭車和住屋是要付钱的，不然就会犯法被罚款或捉去坐牢，但国家间和国际间的大事是不讲道理和法律的，是讲实力和金钱的，比如过去的伊拉克总统讲道姆总统是全国100%人民一致拥护，爱戴的最敬爱的伟大领袖，但结果被美国总统布了来拉去吊死了，可见布托被殺並不出奇，但她19岁的大学生儿子出来公開表述态谈他要永继我爱的母亲的伟大理想，要当此山党的主席，他公開向全世界的听众说：My mother allways said "Democracy is the most important weapon"。但老人认为，人死了此山就完了，还有此山"民主"可讲呢！故事人不相信反对派会战胜13亿人民一致拥护和支持的中国政府。林伯奋

亞太國際關係學會

ASIA - PACIFIC INSTITUTE OF INTERNATIONAL RELATIONS

致：政制及內地事務局局長 林瑞麟先生
由：亞太國際關係學會會長 王學吉
日期：2008 年 1 月 23 日

關於 2012 年、2016 年及 2020 年立法會選舉的建議

逕啟者：本學會根據 2007 年 12 月 29 日全國人民代表大會常務委員會的決定，就 2012 年、2016 年及 2020 年立法會選舉提出以下建議：

一，維持立法會 60 個議席不變。

二，30 個功能界別議席作以下調整： 由 2012 年起，每屆取消選民人數最多的 10 個功能界別議席，同時增加區議員界別的議席 10 個。

三，至 2020 年，全部功能界別議席均由區議員選舉產生，共 30 席。

四，區議會維持委任議席不變，但獲委任的區議員，將無權投票選舉立法會區議員功能界別的議席。 此舉一方面無礙委任區議員發揮其功能。 另一方面，又不會改變立法會區議員功能界別議席的普選性質。

五，上述建議，符合基本法循序漸進的原則，及達至全部議員由普選產生的目標。

此致

林瑞麟先生

亞太國際關係學會 會長
王學吉 敬啟

2008 年 1 月 23 日

副本呈：行政長官曾蔭權先生，立法會主席范徐麗泰女士

檔案編號：20080123

《志強時評》

從政制發展到增加青年參政空間

楊志強

中央政策組非全職顧問

個人網誌:

全國人大常委會二〇〇七年十二月以全票通過了「關於香港特別行政區二〇一二年行政長官和立法會產生辦法及普選問題的決定」。既然普選時間表已定出，我們應該結束無休止的爭拗，實事求是地研究如何配合 2017 年普選行長官，與及其後立法會全面普選這個兩個議題，並在未來十年作好準備。

加強青年參政 培訓政治人才

事實上，普選前期的準備工作，可爲青年領袖們提供很好的參政訓練，配合並協助推動政府的工作和幫助社會朝向理性成熟的選舉及參政方向發展。以往政制發展爭論點，多在直選概念及議席數目的層次。現在青年人可以做的是好好地想想如何分階段落實普選，並在政治體制及行政立法制度等方面配合，從而增加社會的接受程度。當然趁這個機會去培育未來政治人才也是十分關鍵的因素，這一切誠然都需要時間及心力進行的。

根據零八年一月中旬的「香港各界青年學生政制發展論壇」的討論，看到不少青年領袖從社區參與入手，積極地參與香港政制發展。縱使他們未必每一位都會走入政途，但無論是參政、論政、智庫政策研究、助選、參加政黨、抑或是社會服務或社團組織的參與，都有助訓練青年人對政經時事的敏感度，以及對政府的行政，政治政策及社會現象多一份理解。當遇到爭拗時，大家會從理性的角度去分析及解決問題，做到求大同、存小異。這一切對找尋正確答案大有幫助，也是較成熟的議政方式，更爲普羅市民所接受及認同，同時亦做到社會共識與和諧。

論壇講者前醫管局總監高永文醫生也指出，中國的青年人在歷史中，一向都有很強的社會責任感。例如五四運動時，青年人發揮他們的影響力，逼使政府正視民不聊生的問題。筆者認爲，雖然現在香港經濟及社會環境不俗，這不代表青年人沒有空間參與社會。

青年人的角色是不容忽視的，尤其是當我們正受全球化及個人主義的挑戰，社會及市場愈來愈分化，在尋求一致意見似乎更難。受過高等教育的青年人實在有責任透過參與社會去達至社會在大體上的共識。再者，社會的和諧和穩定有助經濟蓬勃發展，青年人自己也最終能夠得益。

政府應積極開放從政渠道

當天有社團領袖指，政府賦予社會團體領袖參政議政的機會不多，中產人士雖有專業知識，也未必有足夠渠道去表達自己，中產參政空間似乎不大。就算他們有參與，政府及政黨對他們的認同未必太高，現時似乎只有做議員才是參與香港政制建設的最好方式。雖然未必所有人都認同參政空間狹窄，社團界應在關心社會及參與社會的同時，發揮其影響力。再者，不少中產爲應付知識型經濟的需要，他們不單工作壓力大、部份更需要利用公餘時間進修及照顧家庭。若這些中產在百忙中也抽出時間去參與社會事務，實在值得嘉許及受到重視。希望政府及政黨好好聆聽他們的聲音，了解他們對社會的使命感及承擔。

任何政制發展，都應該循序漸進。既然普選時間表已在預期之內，青年人、尤其是青年專業人士，更應該趁機會參與更多不同類型的社會事務，以增加對政制及社會的認識，積極地了解和影響著社會發展的每一個因素，從而明白社會的每個環節都是一環接一環、緊緊地扣在一起。這對香港長遠發展來說，將大有幫助。

2012 年行政長官產生辦法
要兼顧各階層利益均衡參與

[大綱]

(1) 2007 年 12 月 26 日全國人大常委會在第三十次會議上對關於香港特別行政區 2012 年行政長官和立法會產生辦法及有關普選問題作出了決定（下稱《決定》），《決定》明確了 2012 年不實行普選行政長官和立法會，但亦明確了 "2012 年行政長官和立法會產生辦法可按照全國人大常委會 2004 年 4 月 26 日決定中所確定的原則作適當修改，2017 年第五任行政長官可實行普選產生的辦法，在此之後，立法會全部議員可實行普選產生的辦法。"

(2) 全國人大常委會在 2004 年 4 月 26 日的決定中所確定的原則，除了基本法第四十五條和第六十八條的條文之外，還確定了 "有關香港特別行政區行政長官和立法會產生辦法的任何改變，都應遵循與香港社會、經濟、政治的發展相協調，有利於社會各階層、各界別、各方面的均衡參與，有利於行政主導體制的有效運行，有利於保持香港的長期繁榮穩定等原則。"

(3) 或許我們對這些字句都耳熟能詳，但由於這些原則是在全國人大常委會的決定中闡述，對香港而言，是有法定的約束力，如此，是有別於在 1990 年 3 月 28 日姬鵬飛主任在大會通過《基本法》前的講話，而在 2004 年 4 月 26 日所闡述的原則，並不會因為香港要落實雙普選而改變，換句話說，就算行政長官和立法機關均由「普選」產生，香港的政制，仍要體現這些原則。

(4) 香港的政治體制的設計，要保持各階層利益是最基本的設定原則之一，早在 1986 年 11 月，基本法起草委員會的政治體制小組在深圳會議，面對數以十計的政治體制方案的建議，就通過了特區政制的三個原則如下：

" (i)有助於發展資本主義制度，有利於香港的繁榮穩定；
(ii)中國收回香港的主權，不是為了對香港實行革命性的改變，因此要保持原有政治體制的優點；
(iii)要兼顧社會各階層利益，逐步發展適合香港情況的民主參與。"

(5) 這個設定原則得到了起草委員會的認同，到了 1988 年，基本法徵求意見稿提出了行政長官人選產生辦法的五個方案：

(i) 600 人組成選舉團，互選 20 人組成提名委員會，提出 3 名候選人由選舉團投票，得過半數票者當選。
(ii) 不少於十份一的立法機關成員提名，經由全香港性的普及而直接的選舉產生。
(iii) 由功能選舉團一人一票方式選舉產生，成員不超過 600 人。
(iv) 首二、三屆由顧問團協商產生，成員 50-100 人，以后各屆由顧問團提名 3 人，交由選舉團選舉產生。
(v) 由提名委員會經協商或協商后投票提名 3 人，全港選民一人一票普選產生，提名委員會由香港永久性居民組成，必須具有廣泛代表性。

(6) 最后草擬委員會選擇了第五個方案“提名委員會，必須有廣泛代表性，在基本法附件一中更把它定為四大界別各佔 1/4。
（基本法第 45 條：行政長官的產生辦法根據香港的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標）。

(7) 姬鵬飛主任在 1990 年 3 月 28 日於基本法《草案》的說明中再次闡明“香港特別行政區的政治體制，要符合一國兩制的原則，要從香港的法律地位和實際情況出發，以保障香港的穩定繁榮目的。為此必須兼顧社會各階層的利益，有利於資本主義經濟的發展；既保持原政治體制中行之有效的部份，又要循序漸進地逐步發展適合香港情況的民主制度。

(8) 以後每當因香港的政治體制有爭議時，這些原則都被一一引用，在 2004 年 4 月 26 日，也寫在全國人大常委會的決定中，它在法律上對香港的約束力希望再無異議。

(9) 2012 年行政長官的產生辦法，按喬曉陽主任對《決定》所作的說明，是作出“符合循序漸進原則的適當修改，可以作為邁向普選的中間站，以利於向普選平穩過渡。”

其中對選舉委員會/提名委員會的組成，在《決定》中有較明確的描述：
“行政長官實行普選產生的辦法時，須組成一個有廣泛代表性的提名委員會，提名委員會可參照香港基本法附件一有關選舉委員會的現行規定組成…” 。

(10)在起草基本法的時候，在基本法第四十五條第二款和附件一均用了“廣泛代表性”的字眼，是表達了兩者是有共性的相通。喬主任在 2007 年 12 月 29 日的講話中特別指出這一點，並且詳細地解釋“參照”的法律含義。“這次全國人大常委會決定中明確提名委員會可參照選舉委員會組成，就是既要保持選舉委員會由四大界別組成的基本要素，又可以在提名委員會的具體組成和規模上繼續討論，有適當的調整空間。”

(11)本人認為 2012 年產生行政長官的選舉委員會應由現今的四大界別組成，比例各 1/4 不變。

(12)至於保障各階層利益和均衡參與，假如在 2012 年選舉委員會由 800 人組成，則在邁向普選的中間站，被提名者可限制在 2-4 人之內，參選人需要有 200 位委員提名，為了體現這些「變化」「有利於社會各階層，各界別，各方面的均衡參與」，這 200 位提名人中應來自四大界別，每界別 50 位 *參選人也應該是能夠照顧各階層利益，明白他們不同的需要和訴求的人士。

*註

〔當然，選舉委員會名額可以由 800 人到 1200 人，但上述均衡參與的原則必需能夠落實。〕

(13)至於選舉委員會成員的產生辦法，因為可能牽涉功能團體議席的產生辦法，亦可能影響均衡參與的現況，應按「先易後難」的原則，暫緩處理。

譚惠珠

2008 年 2 月 28 日

註：不必限制提名人的身份，例如人大代表或立法会議員或一定是医生或律師。

田北俊議員於 08 年 2 月 28 日
策略發展委員會政制小組會議上
發表的意見摘要

2012 年特首選舉辦法

- 鑒於 2012 年特首選舉辦法如要修改，必須經由下屆立法會，即本年九月當選的立法會議員投票通過，所以田議員認爲現屆立法會不需要太早就此討論共識，應留待下屆(九月改選後的)立法會處理。

- 由現時至 2017 年特首普選的期間，只會再進行一屆即 2012 年的特首選舉。田議員認爲 2012 年的特首選舉辦法毋須作出大改動。

2012 年選舉委員會

- 由於田議員認爲 2012 年特首選舉辦法毋須作出大改動，故傾向支持該屆選舉委員會的人數仍維持 800 人。但同時不反對增至 1,200 人的建議。

- 同時應維持四個界別席位數目均等。

- 不贊成增加、分拆或合併個別界別分組，因爲如果只爲 2012 年一屆的選舉而作出這等具爭議性的改動，是不必要的。

- 同意擴大選舉委員會的選民基礎，例如將公司票轉爲董事票。如某人兼任多間公司董事，但只能選擇代表其中一間公司投票，一如現行機制，一間公司即使屬於多個界別，也只可在其中一個界別投票。

- 維持提名特首候選人所需的委員數目不變，不贊成設立提名上限。

（編者註：按自由黨通知，此意見書及序號 CDA130 意見書均代表自由黨的立場。）

2012 年立法會產生辦法

[大綱]

(1) 2007 年 12 月 26 日全國人大常委會在第三十次會議上對關於香港特別行政區 2012 年行政長官和立法會產生辦法及有關普選問題作出了決定（下稱《決定》），《決定》明確了 2012 年不實行普選行政長官和立法會，但亦明確了 "2012 年行政長官和立法會產生辦法可按照全國人大常委會 2004 年 4 月 26 日決定中所確定的原則作適當修改，2017 年第五任行政長官可實行普選產生的辦法，在此之後，立法會全部議員可實行普選產生的辦法。"

(2) 全國人大常委會在 2004 年 4 月 26 日的決定中所確定的原則，除了基本法第四十五條和第六十八條的條文之外，還確定了 "有關香港特別行政區行政長官和立法會產生辦法的任何改變，都應遵循與香港社會、經濟、政治的發展相協調，有利於社會各階層、各界別、各方面的均衡參與，有利於行政主導體制的有效運行，有利於保持香港的長期繁榮穩定等原則。"

(3) 或許我們對這些字句都耳熟能詳，但由於這些原則是在全國人大常委會的決定中闡述，對香港而言，是有法定的約束力，如此，是有別於在 1990 年 4 月 10 日姬鵬飛主任在大會通過《基本法》前的講話，而在 2004 年 4 月 26 日所闡述的原則，並不會因為香港要落實雙普選而改變，換句話說，就算行政長官和立法機關均由「普選」產生，香港的政制，仍要體現這些原則。

(4) 香港的政治體制的設計，要保持各階層利益是最基本的設定原則之一，早在 1986 年 11 月，基本法起草委員會的政治體制小組在深圳會議，面對數以十計的政治體制方案的建議，就通過了特區政制的三個原則如下：

" (i)有助於發展資本主義制度，有利於香港的繁榮穩定；
(ii)中國收回香港的主權，不是為了對香港實行革命性的改變，因此要保持原有政治體制的優點；
(iii)要兼顧社會各階層利益，逐步發展適合香港情況的民主參與。"

(5) 根據《決定》"2012 年香港特別行政區第五屆立法會的選舉，不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議

員各佔半數的比例維持不變，立法會對法案，議案的表決程序維持不變，在此前提下……香港特別行政區第五屆立法會的產生辦法，可按基本法……第六十八條……和附件二第三條的規定作出符合循序漸進原則的適當修改。"

(6) 為體現上述第二段，在2004年4月26日的決定中所確定的原則，更要「兼顧各階層的利益，逐步發展適合香港情況的民主參與，並符合2007年12月26日（上述第五段）的決定，2012年的立法會組成，可以

(i)從60名席增加10席到70席；

(ii) 增加的10個席位以分區直接選舉和功能團體各佔5席。

如此，可以增加市民更大的參與和選擇，有志之士參政的機會；容許各階層、各政黨參政有更大的空間，容許不同背景、不同經驗、不同意見的人士議政；深化立法會反映各方面民意的功能，強化它與香港各階層的溝通與互動。

(7) 新增分區直選席位按現有的人口分佈的比例而分配。

(8) 新增的功能團體席位應以有助於香港發展資本主義制度和兼顧各階層利益，亦可逐步發展適合香港情況的民主參與，例如：

(i) 基層團體、社團
(ii) 婦女、青年團體
(iii) 中小企
(iv) 文化創意產業、中醫藥
(v) 第三產業中服務性行業
(vi) 資本形行業的企業，以資本做基礎而衍生的行業等

(9) 分區選舉增加 5 席和功能團體增加 5 席所能夠產生的參政、議政，更深入和廣泛地接觸和反映民意的實質效果，應該比原地踏步或對現有選民基礎作修改為大。

(10) 至於是否要把功能團體中席位中的公司票 / 團體票改為董事或個人，其實在英治時代和基本法起草時均有討論。在英治時代這種設定是為了保持選民基礎多元化，既有在職者，亦有管理者；既有僱員，亦有僱主；既有成員，亦有董事會的參與。在起草基本法時研討立法會的產生和組成認為立法會的選舉辦法應是混合制，以達致多元化的參與，並保留了團體和公司票的選民資格。因此，在擴大立法會議席到70位所取得較大的改進

中，應可不必改變現有功能團體的選民組成基礎。

(11) 至於是百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排，這是「一國兩制」中容許香港立法會吸納不同人才的特別安排，可保持不變。

(12) 由於 2012 年立法會並不實行普選，因此不必因對「普選」定義問題的不同理解窒礙立法會擴大民主參與的步伐，希望能在《決定》的框架下向前再跨出一步。

譚惠珠
2008 年 3 月 27 日

《政改方案建議》——葉劉淑儀

1. 香港社會大多數人均支持早日落實普選，因此目前應積極凝聚社會共識，並爭取中央人民政府的同意，務求能夠在 2012 年達到行政長官及立法會雙普選。

2. 然而，從香港的實際情況來看，要達成社會共識並非輕易之事。假如未能在 2012 年達到雙普選，行政長官及立法會普選的達成時間也不應遲於 2017 年及 2016 年。

3. 建議支持符合《基本法》有關政制發展四項原則的普選落實模式，以下是有關建議的路線圖和時間表：

2012 年行政長官普選模式

4. 建議在 2012 年，行政長官須在通過提名程序後，由普選產生。

提名委員會的組成

5. 提名委員會由 1800 人組成。

6. 現時選舉委員會的四個界別應予以保留。各個組別的委員人數分佈如下：

I	工商、金融界	400
II	專業界	400
III	勞工、社會服務、宗教等界	400
IV	立法會議員、區域性組織代表、香港區全國人大代表、香港區全國政協委員代表	600

7. 第一至第三界別的委員人數將按現有的分配方式增加一倍。在第四界別，委員人數的分配如下：

全數立法會議員	60 (如在 2012 年普選行政長官) 80 (如在 2017 年普選行政長官，並已按本建議擴大立法會。請參閱第 15 及 19(i)段)
全數民選區議會議員	405
鄉議局代表	33 (如在 2012 年普選行政長官) 27 (如在 2017 年普選行政長官)
全數港區全國人大代表	36
香港區全國政協委員代表	66 (如在 2012 年普選行政長官) 52 (如在 2017 年普選行政長官)

<u>提名委員會的選民基礎</u>

8. 透過納入全數民選區議員，提名委員會的選民基礎將擴展至逾三百萬人，增強提名委員會的代表性。

<u>提名方式</u>

9. 建議把提名門檻降低至 10%，即每名候選人須獲得最少 180 個提名。爲了兼顧社會各界的利益，我們提議每名候選人須同時在每個界別中獲最少 10%(即 40 或 60 個)委員提名。

10. 每名候選人的提名上限爲 450 名，以求令選舉更具有競爭性。

11. 如果提名期結束時只有一名候選人獲足夠提名，該名候選人將自動當選成爲行政長官。.

12. 獲得足夠提名的候選人將晉身普選，由全港選民投票選出行政長官。

次選方案: 2017 年達成行政長官普選

13. 如果未能在 2012 達到行政長官普選，建議應在 2012 年：

    i. 按第 5-7 段列明的方法改組選舉委員會；

    ii. 按第 9-11 段列明的方法提名候選人；及

    iii. 獲得足夠提名的候選人交由 1800 人選舉委員會投票選出行政長官。.

14. 2017 年，選舉委員會過渡成爲提名委員會。行政長官須在通過提名程序後，由普選產生。

2012 年立法會普選模式

15. 建議取消功能組別，同時把立法會議席由 60 席增至 80 席。當中 40 席沿用現有的比例代表制分區直選產生，其餘 40 席由以全港爲單一選區的名單比例代表制產生。

16. 換言之，立法會普選將於 2012 達到普選。每名選民均有兩票，一票爲比例代表制分區直選票，一票爲全港單一選區的名單比例代表制選票。

17. 全港單一選區的名單比例代表制選舉，符合「兼顧社會各階層利益」及「有利於資本主義經濟的發展」兩項原則。這個安排相信可以鼓勵擁有專業經驗及才能的人士進入立法會。

次選方案: 2016 年達成立法會普選

18. 假如立法會普選未能於 2012 年達成，建議在 2012 年立法會選舉作過渡安排，並於 2016 年達到全面普選。

19. 建議在 2012 年：,

    i. 立法會議席由 60 席增加至 80 席；

    ii. 由分區直選及功能組別選舉產生的議席數目各維持 30 席；新增的 20 席由全港單一選區的名單比例代表制產生；及

    iii. 每位選民將擁有 2 至 3 票，一票爲比例代表制分區直選票，一票爲全港單一選區的名單比例代表制選票，如該名選民屬於任何一個功能組別，則還有一票功能組別票。

20. 2016 年，比例代表制分區直選議席和全港單一選區的名單比例代表制議席各增至 40 席，所有功能組別議席會被取消。

	比例代表制分區直選	功能組別	全港單一選區的名單比例代表制	總數
2008	30	30	0	60
2012	30	30	20	80
2016	40	0	40	80

總結

21. 以上建議方案以在可行的情況下儘早達到普選爲目標，並符合《基本法》列明的政制發展原則，在實施上亦富有彈性。若果能夠達成社會共識及得到中央人民政府的認同，相信雙普選可以在不久的將來實現。

Regina Ip's Constitutional Development Proposals

1. As it is clear that the majority in Hong Kong society supports early implementation of universal suffrage, I suggest that consensus within the community and consent of the Central People's Government should be fervently sought so that universal suffrage for the Chief Executive and the Legislative Council can be introduced by 2012.

2. However, in view of the actual situation in Hong Kong, consensus may not be reached easily. If universal suffrage cannot be attained by 2012, then I suggest that the universal suffrage for the Chief Executive and the Legislative Council be achieved no later than 2017 and 2016 respectively.

3. I support models for implementing universal suffrage which are fully compliant with the four principles governing constitutional development in the Basic Law. Below are my suggested roadmaps and timetables:

Method for Electing the Chief Executive by Universal Suffrage in 2012

4. I propose that the Chief Executive should be elected by universal suffrage after nomination of candidates by the Nominating Committee in 2012.

Composition of the Nominating Committee

5. I recommend forming a nominating committee with 1800 members.

6. The 4 sectors of the current Election Committee should be maintained. Numbers of members to be allocated to the sectors should be as follows:

I	Industrial, commercial and financial sector	400
II	The professions	400
III	Labour, social services, religious and other sectors	400
IV	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	600

7. The number of members in the First, Second and Third sectors would be doubled on the basis of the existing allocation method. In the Fourth sector, the allocation should be as follows:

All Legislative Council members	60 (if universal suffrage for CE to be attained in 2012) 80 (if universal suffrage for CE to be attained in 2017, after the proposed expansion of LegCo. Please refer to para. 15 and 19(i))
All elected District Council members	405
Heung Yee Kuk representatives	33 (if universal suffrage for CE to be attained in 2012) 27 (if universal suffrage for CE to be attained in 2017)
All Hong Kong deputies to the National People's Congress	36
Representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	66 (if universal suffrage for CE to be attained in 2012) 52 (if universal suffrage for CE to be attained in 2017)

Electorate Base of the Nominating Committee

8. By including all elected District Council members into the Nominating Committee, the electorate base would be expanded to over three million voters, thus increasing the representativeness of the Nominating Committee.

Method of Nomination

9. I propose that the nomination threshold should be lowered to 10%, i.e. each candidate should be required to obtain at least 180 nominations. With a view to accommodating the interests of different sectors of society, I suggest that each candidate should also be required to obtain support from at least 10% of the members (i.e. 40 or 60 members) in each sector.

10. I recommend that the upper limit on the number of subscribers which a candidate can obtain be set at 450 to ensure contested elections.

11. If only one candidate is validly nominated at the close of nominations, that candidate shall be declared elected *ipso facto* as the Chief Executive.

12. Candidates who have obtained the required number of nominations would stand for the Chief Executive election by universal suffrage.

Fallback: Electing the Chief Executive by Universal Suffrage in 2017

13. If universal suffrage for the Chief Executive cannot be attained in 2012, then I recommend that in 2012:

    i. the Election Committee be reformed using the method stated in paragraphs 5-7;

    ii. candidates be nominated through process stated in paragraphs 9-11; and

    iii. those who have obtained the required number of nominations shall stand for the Chief Executive election by the 1800-member Election Committee.

14. In 2017, the Election Committee should be converted to the Nominating Committee. The Chief Executive should be elected by universal suffrage after nomination.

Method for Forming the Legislative Council by Universal Suffrage in 2012

15. I propose that functional constituencies ("FCs") be abolished and the number of the Legislative Council ("LegCo") seats be increased from 60 to 80. 40 Legco seats should be returned by geographical constituencies ("GCs") using the current proportional representation system. The other 40 seats should be returned by direct election through a Hong Kong-wide, proportional representation-list ("PR-list") system.

16. In other words, universal suffrage for LegCo would be attained in 2012. Each voter would have 2 votes, one in a GC under proportional representation system and one in the Hong Kong-wide PR-list system.

17. The introduction of the Hong Kong-wide PR-list system complies with the principles of "meeting the interests of different sectors of society" and "facilitating the development of the capitalist economy". It is expected that people with professional experience and expertise would be encouraged to enter LegCo.

Fallback: Forming the Legislative Council by Universal Suffrage in 2016

18. If universal suffrage for LegCo cannot be attained in 2012, then I recommend that the 2012 election be a transitional stage and universal suffrage for LegCo be attained in 2016.

19. I recommend that in 2012,

    i. the number of LegCo seats be increased from 60 to 80;

    ii. the numbers of seats returned by GCs and FCs remain to be 30 and 30 respectively; the additional 20 seats should be returned by the Hong Kong-wide PR-list system; and

    iii. each voter would have 2 to 3 votes: one vote in a GC under proportional representation system, one vote in the Hong Kong-wide PR-list system, and one vote in a FC if the voter belongs to any FC.

20. In 2016, both the numbers of GC seats and the Hong Kong-wide PR-list seats should be increased to 40. All FC seats would be abolished.

	Geographical Constituencies	Functional Constituencies	Hong Kong-wide PR-list	Total
2008	30	30	0	60
2012	30	30	20	80
2016	40	0	40	80

Conclusion

21. The proposals comply with the objective of achieving universal suffrage as soon as practicable and the principles set out in the Basic Law. They also provide flexibility in implementation. If consensus can be achieved and consent of the Central People's Government is forthcoming, it is possible that dual universal suffrage can be achieved in the near future.

From: (署名來函)
Sent: Friday, March 28, 2008 6:35 PM
To: cmabenq@cmab.gov.hk
Subject: 有關普選

你好,

繼行政長官上次向中央人民政府交上香港政制發展報告之後,政府現在好像都沒有更新有關普選之情況 !!! 普選一而再再而三給延遲,2017年之後,我們的普選會吾真的出現嗎?如果中央到時出爾反爾的話,作爲市民的我們,又可以做些什麼呢,如果上述情況出現,特區政府會怎樣幫助我們呢 ??

在普選行政長官事宜上,中央政府會否拒絕某一些想參選的人士參加呢?例如:民主黨人士,一些異見人士等等.而在普選上,我們會否繼續使用 800 人的選舉代表團?其實,本人覺得親中人士又好,民主人士又好,如果合適當行政長官的話,本人都不會反對.但是,如果利用800 人的選舉代表團的話,本人難以確保某一些異見人士的資格會給否決.而選舉代表團如果大部分都是親中人士的話,更完全無代表可言.選舉代表團的代表性,本人在很大程度上,表示十分關注.

代議政制與行政主導相比的確更具代表性,政府可以更直接代表人民,本人希望我們將來的普選可以達到公平,公正以及公義地去進行.

最後,本人亦想了解一下,有關 <<中英聯合聲明>>之中,有關香港可以進行普選的條文.其實,普選有 <<中英聯合聲明>>中,已是鐵一般的事實,爲什麼中央政府在 97 回歸時,不早給我們進行普選呢?所謂乎合時機,這 "時機" 一詞是含什麼意思呢?什麼才叫"時機" 呢??

在我們現有的政制中,中央政府與香港市民是沒有直接對話的機制,即是說,中央對我們有多了解呢?還是一個迷,"時機"一詞相信亦是十分主觀的 !!! 希望在對話機制上,中央得以與我們改善 !!! 畢竟我們都是活在中國下,對政府有表達意見之權利,真的是不可少的 !!!! 希望,政內局可以繼續努力爲普選下功夫 !!!

(編者註:來信人要求以不具名方式公開)

Legislative Council in 2012
Method of Formation – Discussion paper by Eric K C Li

I. Objective

This paper explores a possible way forward without having to pre-determine a final model for the future Legislative Council.

II. Number of Seats

I support the addition of 10 new seats. However, the political talents to be nurtured should be trained to proficiently serve a wide electorate. With regard to the 5 newly created FCs, these should follow the "Last in First out" (LIFO) rule as and when FCs are being abolished or modified to make way for direct elections.

III. Composition of New 10 Seats

Naturally, 5 GCs + 5FCs. Propose the 5 FCs to be allocated as follows: 2 to District Councils; 1 each to employers; employees and the self engaged (including self employed + students + housewives etc.).

IV. Delineation and Size of the Electorate of New FCs

1. District Councils: as previously proposed to include appointed members.

2. Employers: all registered directors/partners on public records of limited companies, statutory bodies and trades with fully paid business registration certificates for the last 3 years.

3. Employees: all employees participating in a recognized MPF scheme.

4. Self engaged: taking this novel concept to its logical extremes, this could be all eligible voters not already registered in the existing 28 + the above 2 newly established FCs.

V. Right of Abode

The "One Country Two System" concept is unique. Hong Kong is unique with its highly cosmopolitan characters. In reality, we probably still have well over a million of our key middle class sector holding right of abode in foreign countries. We would win their support and that of the international community to be consistently broad-minded whilst still in transition. A change is both counter productive and unnecessary at this half way stage.

VI. Design Results

1. Instead of tinkling with numerous existing FCs, simple designs to establish just 3 bold FCs can satisfy not only all known demands but goes way beyond. Nevertheless, the overall package still maintains a measure of political neutrality;
2. The design provides each eligible voter a chance to immediately claim two votes and at the same time accomplished the maximum possible size of FC electorates in one stroke;

3. This could be the path for the least political resistance as controversies are likely to be focused on the 3 new FCs;
4. The new structure enables future evolution in many broad directions. The new FCs are destined to elapse on a LIFO basis but candidates who had experience in running for or elected by the new widely based FCs should have less problems adapting to other forms of direct elections.
5. Since all voters have already two votes, the evolution of future FCs might just be a re-allocation exercise of these votes (with or without an intermediary nomination committee). An orderly disenfranchisement of the next generation of evolved FCs will then make way to full direct elections.

From:
To:
; ceo@ceo.gov.hk ;
Sent: Tuesday, April 01, 2008 2:29 AM
Subject: 有關亞視「你有理講」節目和香港政制意見

敬啓者：

本人對有關亞視本港台「你有理講」節目有意見，今日程介南做節目，以下是有關內容：

三月台灣　九月香港　程介南—時事評論員
2008-03-31

很多年前，某次香港立法會選舉時，台灣來了一批議員的視察團，其中有一位是民進黨的大員。他聽過香港的介紹之後，就漫不經心地說：按我看來，香港的選舉比台灣落後二十年。當時我的回應是，得視乎你站在哪個角度看。這位大員如果今天來香港，我相信他就不會講同樣的話了，因爲畢竟過去的八年，台灣的政治選舉經歷了一個很曲折，很艱辛和走向成熟的過程，很多人在台灣看完選舉回來，印象是這次的選舉沒有過去熱鬧，有些就說沒有過去激烈，沒那麼多抗議，沒那麼多暴力。究竟這個是褒義還是貶義呢？我認爲，其實從來沒人定義過，選舉一定要激烈，一定要熱鬧的，可以是像這次一樣，是個成熟的冷靜的選舉。所以可以這麼說，這次的選舉，在台灣來講是有歷史意義的。

在選舉的本身來講，是進入成熟的或者恢復正常的狀態，而不是經常處於危機之中，才叫正常。所以回到開首我講，那位民進黨大員說香港選舉比台灣落後二十年，如果他講的是政治制度，香港和台灣的政治制度的差別，選舉的目的 ，也不是用時間衡量的。因爲，正如一些學者提出，台灣的選舉是明確地要選出執政黨，香港的選舉，立法會，充其量它的角色，不論它是否叫做政黨或者選舉機器，還是政治團體，它充其量只是擔當監察政府的角色而已。如果這個問題上不是時間落後多少年可以衡量的話，這個就不是政治制度問題，不是架構問題，而是選舉的文化和傳統的問題。

香港的選舉是沿襲西方，特別是英國的代議制的選舉模式，有很嚴密的選舉程序和規矩，特別是在設定一個很低的競選經費這個問題上，可以說基本上就決定選舉的形態。這點，恕我講一句，在台灣，所謂黑金當道的情況之下，從這點上又何能見得香港的選舉就不如台灣的成熟？或者說落後台灣幾十年呢？有一點可以肯定的，就是如果說台灣這次的選舉是歷史性的，恢復常態的話，那麼我認爲，九月份香港的立法會選舉就有類似的情況，因爲大家都關心的所謂爭取普選的問題。人大常委對時間表的設定，已經基本上解決了有和無的問題，剩下的就是如何達成方案，這點就類似過去寫基本法一樣，是大家坐下來談的，而不是上街喊口號抗爭可以爭取到。所以可以預期，九月份的選舉，可能也會是香港政治上的一個歷史性的階段。

本人的意見：

本人極不同意程介南的意見，因爲以前台灣沒有香港的廉政公署，現在的廉政部門不及香港的廉政公署完善，所以台灣才有黑金政治。

選舉制度，是取向民主的，便是選執政黨，不是選甚麼監察機制，所以說香港落後二十年，是正常話。

香港的民主制度，是一步一步來，現在是學習期，從未長翼的。

所謂代議政制，只是民主過渡期，我們香港只有五十年年數壽命可渡於日，不進步便是退步。

我們香港只有五十年壽命，發育不完全，不達到選執政黨的選舉，便是發育不正常，便是畸形。

我們香港要一步一步來，先代議政制，後議會政制，選執政黨，要我們香港人全力合作，計劃並創建新方案和我們的未來，和香港五十年後的壽命和生活方式。

二零零八年的選舉，便是我們的一步一步民主起步點，不要停步。

此致

香港特別行政區行政長官
曾蔭權先生

政務司司長
唐英年先生

香港立法會秘書處
公共關係科

民政事務局局長
曾德成先生

立法會議員_民主黨
鄭家富先生

立法會議員_公民黨
余若薇女士

立法會議員_香港職工會聯盟

李卓人先生

立法會議員_前綠
劉惠卿女士

立法會議員_工聯會
陳婉嫻女士

立法局議員_民主黨
李柱銘先生

立法局議員_民主黨
楊森先生

香港市民
甘先生上

二零零八年四月一日

有關 2012 選舉辦法的建議

香港民主發展網絡

2008 年 4 月

前言

民主發展網絡認爲，民主派政團應積極參與有關 2012 年的行政長官和立法會選舉辦法的討論。我們認爲民主派可繼續爭取 2012 雙普選，並且繼續以憲制內外的各種方法，爭取中央改變初衷，容許香港在２０１２實施雙普選。但由於策略發展委員會已開展對 2012 的選舉辦法的具體方案討論，民主派政團如果在現階段只堅持 2012 雙普選爲唯一的可能性，並且拒絕討論任何雙普選以外的方案，將會令各種保守方案壟斷有關討論，如果最終中央不改變 2012 沒有雙普選的決定，則特區政府只會就 2012 的選舉辦法，提出相當保守的選舉改革方案。我們因此建議民主派政團積極參與有關 2012 的選舉辦法的討論，並且提出在雙普選以外、他們可接受的最民主的方案。

民主發展網絡有關 2012 選舉辦法的討論方案

2012 如果未能推行雙普選，該年的選舉制度應是一個過渡至全面普選的中途站方案，其設計原則應爲達致下一階段(即 2017 及 2020)邁向全面普選。主要精神應包括：(一) 方案爲逐步民主化而邁向普選；(二) 應指向功能組別選舉的逐步取消，而非有關界別利益的鞏固，或令更多人或團體成爲既得利益者。

立法會選舉辦法

- ２０１２及２０１６的立法會選舉辦法，應以逐步取消功能團體議席，邁向全面普選爲目標。
- 原則上，我們認爲在２０１２和２０１６的過渡期，應以普選議席逐步取代功能團體議席，而令功能議席的數目或界別減少。期間我們建議將性質相近及／或選民人數接近功能界別合併。作爲過渡方案，我們原則上不贊成擴大功能組別的選民基礎(例如將公司票或一會一票變作一人一票，如「新九組」式的方案)，因爲這會製造更多既得利益者，長遠而言不利功能界別的最終取消，而且如果該改革方案只使用一兩屆，縱使短期內令功能組別選舉代表性提高，意義亦不大。

2012 具體方案

- 由於人大常委決議已規定２０１２不能變動功能組別和普選議席的比例，如果我們不能改變人大的決定，則 2012 只能：(a) 同時增加普選和功能議席；

或(b)以更民主的功能組別（如區議會）取代代表性較低的功能組別；或(c) 擴大功能組別的選民基礎。我們選擇同時進行(a)及(b)的改革方向。

- 第一，普選和功能議席各增五席，令各爲 35 席。
- 第二：在 35 席功能界別中，約一半由區議會議員互選產生。具體細節：
  （一）所有４０５名普選議員及２７名當然議員均可投票，委任議員無權投票，所有經選舉產生的區議員組成單一的選舉團(即 432 人)。
  （二）投票以單一可轉移票制(single transferable vote)進行，即如投票選出 18 名立法會議員，每一選民（即區議員）可在選票上按其喜好次序順序填上第一選擇、第二選擇至第十八選擇，凡候選人得票值達 Droop Quota （即總數的 1/19）者則當選。這制度效果類似比例代表制，選出的立法會議席分布，將大致能反映各黨派在區議會的勢力對比。
- 餘下的 17 個功能議席，我們建議透過合併現行的其他 27 個界別組成。合併的原則包括：（１）業務或行業性質接近者合併；（２）盡量希望合併的界別的選民人數較爲接近，否則選民人數較少的界別的利益，可能在合併後的界別難以得到代表。
- 具體建議：（括號中是界別的相應選民人數）

1. 工業界（一）（二）合併爲一席。(761+527)
2. 商業界（一）（二）合併爲一席。(1053+1752)
3. 勞工界三席轉爲兩席。
4. 工程界及建築、測量及有關專業、資訊科技合併爲一席。(7688+5559+4976)
5. 漁農及鄉議局合併爲一界。(160+151)
6. 飲食及批發零售合併爲一席。（8013+4222）
7. 金融服務、金融及保險合併爲一席。(569+134+141)
8. 出入口與紡織合爲一席(1389+3812)。
9. 航運交通及旅遊界合併爲一席(180+976)。
10. 醫學及衛生服務界合併爲一席(9954+35391)。
11. 法律(5483)、會計(20329)、社會服務(11329)、地產(745)、體育文化(1894)、教育(84639)等各界別維持不變，共 6 席。

2016 方案

- 立法會總議席增至 80 席，６０席由分區直選產生，２０席由區議會組成一功能組別，參照 2012 的方法以單一可轉移票制選出，其他功能組別議席全部取消。

行政長官產生辦法

民主發展網絡建議 2017 年特首的產生辦法，應根據基本法四十五條的規定：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。

特首候選人的提名制度，應根據下列原則：

- 提名程序應該是符合民主原則，以及符合國際上公認的民主原則。換言之，所有符合資格的香港永久性居民，應有平等的機會獲提名。由於基本法規定了必須由提名委員會提名（而並非公民提名），提名程序設計原則應爲不設過高門檻，並且不會令提名委員會變相成爲選舉委員會。
- 提名原則應以民主政治的「不排拒」(non-exclusive)爲原則，即提名制度的設計不應爲排拒某些政治力量參選而作出。要符合國際公認的民主標準，提名形式必須令不同黨派的候選人，只要有一定程度的公眾支持，都可以有合理機會獲得提名。

2017 選舉辦法

- 提名委員會主要由五大界別組成：即現選舉委員會的 800 人的四大界別，以及加上所有民選區議員作第五界別，共約 1200 人。
- 參選者必須至少獲得 100 名提名委員提名，其中包括立法會議員的至少四份一，才可成爲特首候選人。這樣可確保選出的特首至少可獲立法會相當部份議員支持（四份一），有利行政立法關係，亦會令特首候選人不會超越四名，避免票數及政治利益過於分散。
- 獲得足夠提名委員的候選人（二至四名），將交由全港合資格選民投票選出。如果只得一名候選人獲提名，仍須付諸所有合資格選民確認，該特首候選人必須得到總投票選民的過半數支持，才可成爲特首。

2012 年選舉辦法

- 2012 年選舉辦法，作爲邁向 2017 普選的中途站方案，改革的目標可以多樣，但我們認爲作爲過渡方案，2012 的選舉委員會組成，應該是 2017 的提名委員會的基礎。我們因此建議 2012 的特首由選舉委員會產生，選舉委員會的組成和上述的 2017 提名委員會一樣。委任區議員不是選舉委員會成員。

23rd.4.2008

Secretary to the Commission on Strategic Development

Further discussion on the method for forming the Legislative Council

Since I am unable to attend the meeting on the 25th I should like to submit my view on the points raised for the record.

Para 20

(a)

I take the view that to increase to a total of 70 would be appropriate at this stage. This will make a significant improvement to the ability of the Council to handle its work load on a 5:5 allocation basis . Operational requirements are of paramount importance.

(b)

I think the increase of 5 functional seats should be allocated on a "functional " basis, that it to say to functional interests, organizations or associations.

I would recommend splitting sport from culture. The ASF&OC is a clearly defined organization, a distinctive part of culture and is assming a clearly defined and growingly important role in the community;

The role of women in our community is increasingly recognized .Here again a representative of the Women"s Federation could be chosen;

SME's number many hundred thousand ,they are organized, they play an important economic role, their importance should be recognized;

No doubt in line with the foregoing proposals there are others of functional or organizational status which are eligible .

Homemakers and women are covered by the Federation,

Young people already have the vote although perhaps the Federation of Youth Groups has some claim to be recognized.

Retirees of professional groups could be entitled to vote along with their relevant profession not as a separate group

On a general point Iagree with the view expressed. DCc have their place but not among the "functional" constituencies.

(c)
Many people in HK of Chinese nationality have a right of abode or passport for another country they should on no account be excluded from our legislature by a whittling away of the 20% rule; nor should individuals be excluded. The rule is working well and should be welcomed as a significant and meaningful exception which marks HK out as a special, liberal, multicultural society. Let us not descend into parochial narrowmindedness.

Thank you

David Akers-Jones

(Editor's Note: 'Para 20' as mentioned in this submission refers to paragraph 20 of the paper "Further Discussion on the Method for Forming the Legislative Council in 2012" discussed by the Task Group on Constitutional Development of the Commission on Strategic Development (serial no. CDB004 of Appendix II of this public consultation document).)

2012年立法會產生辦法
進一步的討論

[發言大綱]

本人對在第二次會議（27/3/2008）上所提出的意見加上如下的補充：

(1) 2012年立法會議席增加10席，地區直選和功能團體各佔5席，循序漸進，可在2016年視乎當時社會的需求和共識，再加10席。

(2) 新增功能團體的議席建議為：
- (a) 中資企業：因為中資企業和上市公司對香港經濟的重要性有增無減，亦已有足夠的代表性。
- (b) 文化、創意企業：因為香港要成為一個媲美倫敦、紐約的國際城市、金融中心，必需有高質素、多元化的文化活動成就和生活質素才能滿足條件，同時，文化、創意企業亦會帶來新的經濟活動。
- (c) 中醫藥：因為香港是具有條件發展為中醫藥中心，但必需有適當的政策和人才配合發展，在立法會就需要有代表去幫助造就成熟的政策和人才。
- (d) 基層團體：因為它們一直立根民間基層社會和社區群眾，而有動員能力支持政府或反映民意的組織。
- (e) 中小企：現在已經有協會的組成。

以上的組別均比較容易決定所屬者的身份。

(3) 在27/3/2008的會議上有委員提出在新增的5個功能議席中分為區議會和其他功能團體各佔部份。假如這種安排能得到立法會足夠票數的支持，則可把5個新席位分為：
- (i) 2個屬區議會席位，連原有的1席，共3席，分別代表香港、九龍、新界各1席。
- (ii) 3席給予新功能團體。

各佔3席可保持及兼顧均衡參與，沒有一個功能組別獨佔6個議席。

譚惠珠

2008年4月25日



HONG KONG PROFESSIONALS AND SENIOR EXECUTIVES ASSOCIATION
香港專業及資深行政人員協會

就
2012 年行政長官及立法會的產生辦法
意見書

2008 年 5 月

（編者註：意見書附香港專業及資深行政人員協會 2008/2009 年度理事會成員及政治及公共行政委員會名單，不在此刊載。）

根據全國人民代表大會常務委員會於 2007 年 12 月 29 日通過「關於香港特別行區 2012 年行政長官和立法會產生辦法及有關普選問題的決定」，明確了香港達至普選的時間表。香港專業及資深行政人員協會轄下的政治及公共行政委員會，經過深入研究和討論後認為，雖然人大常委會的「決定」已訂明 2012 年行政長官和立法會的產生辦法，不實行普選，但相信仍有不少空間可以作出修訂。

我們認為，由於公眾普遍期望 2012 年兩項選舉均可以提升民主成分，並視為最終普選的中途站，因此，選舉辦法不宜原地踏步，應循序漸進地朝著 2017 年普選行政長官及 2020 年普選立法會的目標進發，循序漸進地實現民主制度。具體建議如下：

甲．行政長官產生辦法

選舉委員會

1. 選舉委員會委員人數，**由現時的 800 人增至約 1,200 人**，讓更多社會各界人士參與，可增加委員會的廣泛代表性和認受性，讓市民大眾有更多空間及機會參與行政長官選舉。

2. 就如何分配選舉委員會新增的議席，過去社會人士提出多個不同方案，包括調整現行四個界別席位數目的比例，和增加區議員的席位數目。目前選舉委員會只有 42 個席位來自區議員；由於大部份區議員由三百多萬選民選出，具有民主成份及民意基礎，而委任區議員亦大部分具專業背景，可增加選舉委員會的多元化，同時亦是建制的一部分，故此**建議選舉委員會加入全體區議員**。

3. 過去，一直有社會人士提出增加新的界別分組，如婦女界、中小企界，或分拆和合併現有界別分組；但由於每項建議均有充分理由，且頗具爭議性，較難獲得社會共識；若涉及分拆和合併界別，更難以平衡各界的訴求和利益。既然 2012 年行政長官的選舉辦法，具有過渡至普選的意義，因此**建議維持現行的界別分組安排**。

4. 有意見認為應擴大選舉委員會的選民基礎，例如把「公司/團體票」轉為「董事/個人票」。本會認為，由於公司規模和架構各有不同，每間公司的董事人數懸殊，難以避免「種票」情況；加上不少社會人士身兼多家公司的董事，若把團體票改為個人票，將有可能出現一人多票的情況，造成大量選民重疊計算，因此**不宜把團體票改為個人票**。

行政長官選舉的提名安排

5. 由於選舉委員會人數增至約 1200 人，提名人數也相應提高，**建議提名所需人數佔委員會總人數的八分之一**，以確保候選人有足夠支持，和不會出現過多或過少的候選人。

2017 年行政長官提名委員會

6. 若上述建議獲得採納，2012 年選舉委員會的人數和組成，應已符合「基本法」附件一「具有廣泛代表性」的規定，故此**建議該屆選舉委員會直接過渡成為 2017 年行政長官的提名委員會**。

乙．立法會產生辦法

立法會議席數目

7. 根據人大常委會的「決定」，2012 年立法會選舉不實行全體議員由普選產生的辦法，功能團體和分區直選產生的議員，各佔半數的比例維持不變。***由於 2012 年是實現議席全面普選的中途站，邁向 2020 普選，我們相信增加議席數目，將鼓勵更多有志服務全港市民的社會人士參政，有助培養具質素的政治人才，長遠將有利政黨的發展。因此在考慮擴大功能界別的代表性，以及不違反循序漸進的原則下，宜先行增加 10 席，即由現時的 60 席增至 70 席，逐步增加議席數目。基於分區直選和功能團體需同步增加議席，因此兩者各增加 5 席。***

新增分區直選議席的產生辦法

8. 由於 2012 年議席數目將會增加，**建議分區直選議席增加 *5 席。***不論新增議席按人口比例分配到各原有選區，或按現行選區每區增加 ***1 席***，或重定選區劃界，均可保證產生辦法公平公正。

新增功能界別議席的產生辦法

9. 至於***5 個***新增功能團體的議席，若透過增加新界別產生，將引起社會極大的爭議；因為新增議席既要兼顧各階層利益，又要考慮新增界別在社會上的代表性和重要性，因此有關討論將帶來更大的爭拗影響社會和諧。所以**建議新增的 5 個功能團體議席由全體區議員透過互選產生**，相信此舉可藉著區議會代表擴闊議席的選民基礎。

非中國籍和持有外國居留權的議員比例

10. 根據「基本法」第 67 條，非中國籍和持有外國居留權的議員數目，不得超過立法會全體議員的百分之二十。而「立法會條例」容許非中國籍或持有外國居留權的香港永久性居民，循 12 個功能界別參加立法會選舉。我們認為，為顧及參政人士多元化，維持香港國際化的形象，以及吸納移民國外的港人回流參政，**建議維持現行百分之二十的限制安排**，此舉既符合「基本法」的規定，又可減少不必要的爭論。

公共專業聯盟
The Professional Commons

敬啓者：

公共專業聯盟是一個獨立、以會員爲基礎的非牟利智庫組織，致力改善公共管治質素，提升公共政策的水平，及倡議加速香港的民主進程。本智庫的成員來自不同專業界別，秉持竭誠盡責的態度，以專業精神及知識貢獻社會。

現附上本智庫的七份研究報告，以供參考：

1. 人文西九:對西九龍文娛藝術區發展規劃的研究報告 (2007・12)

2. 公平・前瞻・發展:就善用政府財政盈餘的研究報告 (2008・1)

3. 重構城市佈局:副都市中心發展策略與全國高鐵香港段規劃研究報告 (2008・3)

4. 對 2012 年政改方案的建議 (2008・5)

5. 電子政府與良好管治:資訊及通訊科技政策研究報告 (2008・6)

6. 機會之都？！:香港中產萎縮研究報告 (2008・7)

7. 香港：活力數碼之都研究報告 (2008・8)

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公共專業聯盟

（編者註：我們只刊載了報告「對 2012 年政改方案的建議」。由於其他 6 份報告與政制發展無關，故不在此刊載。）

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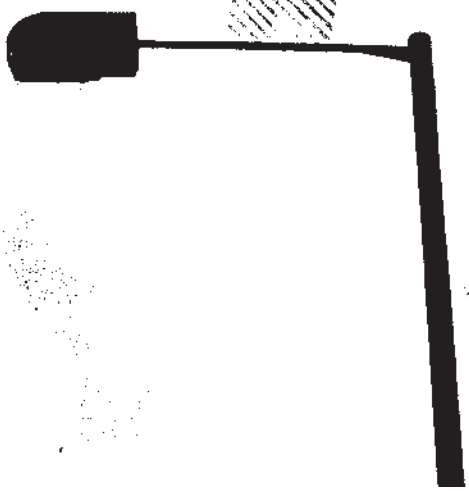
對2012年政改方案的建議
Position Paper on Constitutional Reform in 2012



公共專業聯盟
The Professional Commons

對2012年政改方案的建議
Position Paper on Constitutional Reform in 2012

1. 人大常委會去年決定香港可以在2017年普選特首，及最早在2020年普選立法會，而策略發展委員會的政制發展專題小組現正討論2012行政長官和立法會選舉的具體安排。有見及此，公共專業聯盟提出有關2012年行政長官及立法會選舉辦法的過渡方案，俾能早日實現最大程度的民主，更希望社會各界透過討論比較，凝聚共識，為早日實現雙普選創造條件，好讓特區政府知所遵循，以民意為依歸。

審視政治改革方案的標準

2. 政制發展爭論困擾香港多時，各方拋出的政制改革方案更叫人眼花繚亂，再加上民主化步伐進展緩慢，使不少市民對政改問題感到厭倦，甚至採取漠視不理的態度。為此，我們構思了一套簡約的評審標準，俾能化繁為簡，幫助市民辨清及掌握朝向民主化政改的要義所在，以免被一些指鹿為馬的方案所蒙蔽。我們認為，無論是導引香港朝向民主雙普選的終極政改方案，或是2012年的過渡性選舉安排，均須符合以下指標：

一. 立法會及行政長官選舉的選民基礎應遠高於目前的數字；

二. 政制發展應朝向每名選民擁有相同數目選票的方向發展，而且每張選票的重要性是相同的；

三. 功能組別改革應有助淡化界別利益色彩，及有助達致全面廢除功能組別的目標；

四. 有關改革須有助推動公開競爭，鼓勵政黨發展，及杜絕任何功能組別候選人得以自動當選的可能性；

五. 經改革後的功能組別選舉，應有助整合不同政治、經濟、階級以至種族的利益；

六. 特首選舉方面，參選人提名機制應確保有多名具備條件的人可以參與角逐，提名人數門檻要設有最低和最高人數限額，具體來說，就是不希望再出現2002年董建華獨攬大部份提名票並自動當選的情況，及希望日後的選舉都能出類似2007年的特首選舉那樣最少有兩人同台競逐的局面；

七. 特首選舉制度應朝向完全反映選民選擇意願的方向發展，不容許參入任何附加機制（包括提名委員）以過濾和篩選候選人名單；

八. 有關改革應符合基本法及人大常委會對於香港行政長官和立法會具體產生辦法的決定。

對2012年立法會選舉辦法的建議

3. 根據《基本法》第68條規定，功能組別最終難逃全面廢除的命運。故此，2012年的功能組別選舉須做好過渡安排。2007年功能組別選舉的選民數字為212 825人，僅為全港地方選區選舉合資格選民的3.7%。再者，過半的功能組別是由公司票主導。在這些公司票主導的功能組別中，其選民人數祇佔該功能組別所屬行業就業人數的1.4%或以下。功能組別代表性不足，偏重公司擁有者，鼓吹狹隘利益，不符合《公民及政治權利國際公約》中的一人一票及每票等值的精神，都是對功能組別選舉耳熟能詳的描述。(請參看表一)

表一：功能界別的代表性問題（按代表性高低排列）

功能界別名稱	2007年登記選民人數	2004年分佈		就業人數*	登記選民佔就業人數的比例	
		公司票	個人票			
會計界	20 329		100%	25 756	78.9%	
教育界	84 639		100%	144 336	58.6%	
衞生服務界	35 391		100%	85 676	52.9%	
醫學界	9 954		100%			
工程界	7 688		100%	16 754	45.9%	
法律界	5 483		100%	18 060	30.4%	
建築、測量及都市規劃界	5 559		100%	19 237	28.9%	
社會福利界	11 329		100%	59 960	18.9%	
資訊科技界	4 976	6%	94%	27 798	17.9%	
紡織及製衣界	3 812	98%	2%	25 201	15.1%	
體育、演藝、文化及出版界	1 894	97%	3%	19 282	9.8%	
飲食界	8 013	6%	94%	207 129	3.9%	
批發及零售界	4222	40%	60%	303 973	1.4%	
旅遊界	976	100%		83 453	1.2%	
商界 [第一]	1 053	100%		275 984	1.0%	註1
商界 [第二]	1 752	40%	60%			
金融服務界	569	93%	7%	60 580	0.9%	
工業界 [第一]	761	100%				
工業界 [第二]	527	100%		266 280	0.7%	註2
勞工界	556	100%				
地產及建造界	745	60%	40%	104 337	0.7%	
保險界	141	100%		30 023	0.5%	
進出口界	1 389	55%	45%	521 039	0.3%	
金融界	134	100%		89 158	0.2%	
航運交通界	180	100%		139 863	0.1%	
漁農界	160	100%		N/A	N/A	
區議會	442		100%		--	
鄉議局	151		100%		--	
總數	212 825					
公務員				153 899		
全部 (扣除區議會和鄉議局，以避免重複計算)				2 677 778		

*政府統計處：《就業及空缺按季統計報告》2007年12月（香港：政府統計處，2008年）

註 1：商界

行業		就業人數	總數
機械及設備租賃	視為商界	835	275 984
商會		3 431	
商用服務		232 344	
其他個人服務		39 374	

註 2：工業界

行業		就業人數	總數
製造業	視為工業界別	130 834	266 280
建造業		50 103	
電力及燃氣業		7 895	
採礦及採石業		102	
維修服務業		13 260	
清潔及同類服務業		57 996	
洗燙、乾洗、衣物修補及有關服務		6 090	

4. 我們提出的2012年立法會選舉方案可以達致以下目標：

- 提高功能組別的選民基礎，取締公司票；
- 所有合資格的香港選民均可參與地方選區和功能組別選舉，我們稱之為「一人兩票」；
- 現有的功能組別應合併成為數個大功能組別。在新的選舉制度下，個別界別的候選人若無法取得其他界別選民的支持，將無法在選舉中勝出。這將有助降低功能組別，[illegible]小圈子既得利益的惡劣影響，及矯正個別規模較小的功能組別因利益輸送的情況。新安排還有助整合不同界別的利益，為將來的全面普選鋪路；
- 每個合資格的選民都會隸屬一個功能組別，為此需要設立新的功能組別以容納現時不隸屬任何功能界別的選民；
- 每個功能組別獲分配的立法會議席將根據組別內合資格選民的數目而定，打破現時個別界別享有優越地位的局面。

5. 我們建議改革現有的功能組別制度，由一個名為「全面功能組別」的制度取代。根據有關建議的構思，現時的功能組別將會整合成6個大型功能組別，選民基礎是個人選民，其他具體建議如下：

- 設立4個大型功能組別以取代現時按經濟職能劃分的功能組別。這4個功能組別的選民人數約為370萬人。
- 另設兩個新的功能組別，以容納那些原來不屬於任何經濟界別、專業團體或工會的人士。其一是「成年學生和退休人士」組別，其二是「家務工作者和其他以往沒有納入至任何功能組別的非經濟活躍者」。這兩個組別大概有200萬名選民。

這6大功能組別會把選民基礎擴大至580萬人，與現時地方選區選舉的選民基礎相若。

- 立法會功能組別席位的數目可維持在30人。我們也不反對把議席數目增加至35人，但立法會地方選區議席應該與功能組別的議席數目保持一致。
- 6個大功能組別議席的分配辦法如下：先計算個別組別選民佔合資格選民總數的比例，然後按照比例多寡分配議席。這樣，每張選票的重要性基本上是相同的。
- 新功能組選舉辦法安排，須防止個別人數眾多的功能組別壟斷所有席位，也有助鼓勵不同界別合組參選名單，並透過擬定共同政綱調和不同界別的利益。
- 有關立法會功能組別及議席分配的新方案，（請參看表二）

表二：建議的全面功能組別

建議的全面功能組別	合資格選民人數（註1）	佔全部選民人數的比例	立法會議席
一：製造業和貿易業（附錄表A.1）	1 090 000	18.6%	6
二：基建、物流和旅遊業（附錄表A.2）	930 000	15.9%	5
三：商業和專業服務業（附錄表A.3）（註2）	716 199	12.2%	4
四：個人社會和社區服務業、鄉議局和區議會（附錄表A.4）（註3）	927 100	15.9%	4
小計	3 663 299		
五：成年學生和退休人士（附錄表A.5）	1 212 835	20.7%	6
六：家務工作者和以往未列入任何功能組別的非經濟活躍者（附錄表A.6）	976 200	16.7%	5
小計	2 189 035		
總計（除了區議會和鄉議局，以避免雙重計算）	5 852 334	100.0%	30

註1：《綜合住戶統計調查按季統計報告》2007年第4季所得的就業人數。
註2：包括153 899名公務員（資料來源：政府統計處，《就業及空缺按季統計報告》，2007年12月）。
註3：區議會和鄉議局在2004年立法會的選民人數合共593人，不會加進合資格選民人數，避免重複計算。

6. 全國人大常委會已明確表示香港可以在2017年普選行政長官。

7. 行政長官選舉提名委員會應按民主原則組成，俾能在最大程度上反映民意。

8. 按照現時的規定，選舉委員會由800人組成，其分佈如下：

1.	工商、金融界	200人
2.	專業界	200人
3.	勞工、社會服務、宗教等界	200人
4.	立法會議員、區議員、全國人大港區委員、全國政協港區委員代表	200人

我們建議維持提名委員會的人數在800人的水平，其中屬於第四界別的200人（立法會議員、區議會代表、全國人大港區委員、全國政協委員港區代表）的產生辦法維持不變。

9. 其他界別（第一、二及三界別）的600名提名委員則採用全面功能組別類似的產生辦法。每個新功能組別提名委員的數目按該組別選民佔全港合資格選民數目的比例分配，這樣每票等值的原則同樣可以體現於600人的提名委員會的選舉。此外，每個功能組別的選舉可分拆為若干分組進行，每個分組的提名委員席位不多於40席。各新功能組別佔提名委員名額的分配方案，（請參閱表三）。

表三：建議的全面功能組別界別的分組數目和每組提名委員數目

建議的功能組別	合資格選民人數	佔全部選民人數的比例	提名委員名額	功能組別分組 分組數目 (每組提名委員數目)
一：製造業和貿易業	1 090 000	18.6%	112	3 (37/37/38)
二：基建、物流和旅遊業	930 000	15.9%	95	3 (31/32/32)
三：商業和專業服務業	716 199	12.2%	74	2 (37/37)
四：個人社會和社區服務業、鄉議局和區議會	927 100	15.8%	95	3 (31/32/32)
五：成年學生和退休人士	1 212 835	20.7%	124	4 (31/31/31/31)
六：家務工作者和以往未列入任何功能組別的非經濟活躍者	976 200	16.7%	100	3 (33/33/34)
總計	5 852 334	100.0%	600	18 (600)

（資料來源：同表二）

10. 特首候選人的提名門檻不應較現時的安排苛刻，人數的最低門檻不多於現時的標準（即100人），設立最低提名票數的門檻旨在避免產生過多不具備條件的參選者阻礙選舉的順利進行，同時，門檻也不應過高，以免排拒有能力的候選人參與競選。我們建議，每個候選人只需獲得最少50名提名委員的支持，提名票的最高上限則為100人，設定最高提名人數的目的，是避免個別強勢候選人壟斷了提名程序，致使後來的選舉實際上沒有其他候選人。

11. 有人提議，在提名程序後加設機制去「預選」或「篩選」所謂「過多的候選人」。我們認為，這個做法會剝奪市民投票選出理想候選人的權利。現時設定提名人數門檻及保證金制度的安排，相信已足以限制特首選舉參選最高人數。

12. 有些人建議在提名程序中引入額外的規限，包括要求參選人從每個界別取得若干提名票數。我們認為有關限制並不合理，因為會剝奪部份參選人的參選權利，更何況本港的其他選舉，例如立法會及區議會選舉，均沒有類似的要求。其實，在考慮整個選舉以至提名制度時，至關重要的是如何確保最多具備條件的人有機會參選，讓他們透過政綱向選民展示他們怎樣為香港的整體利益奮鬥，至於怎樣選擇參選人，還是留給選民透過選票自由選擇吧！

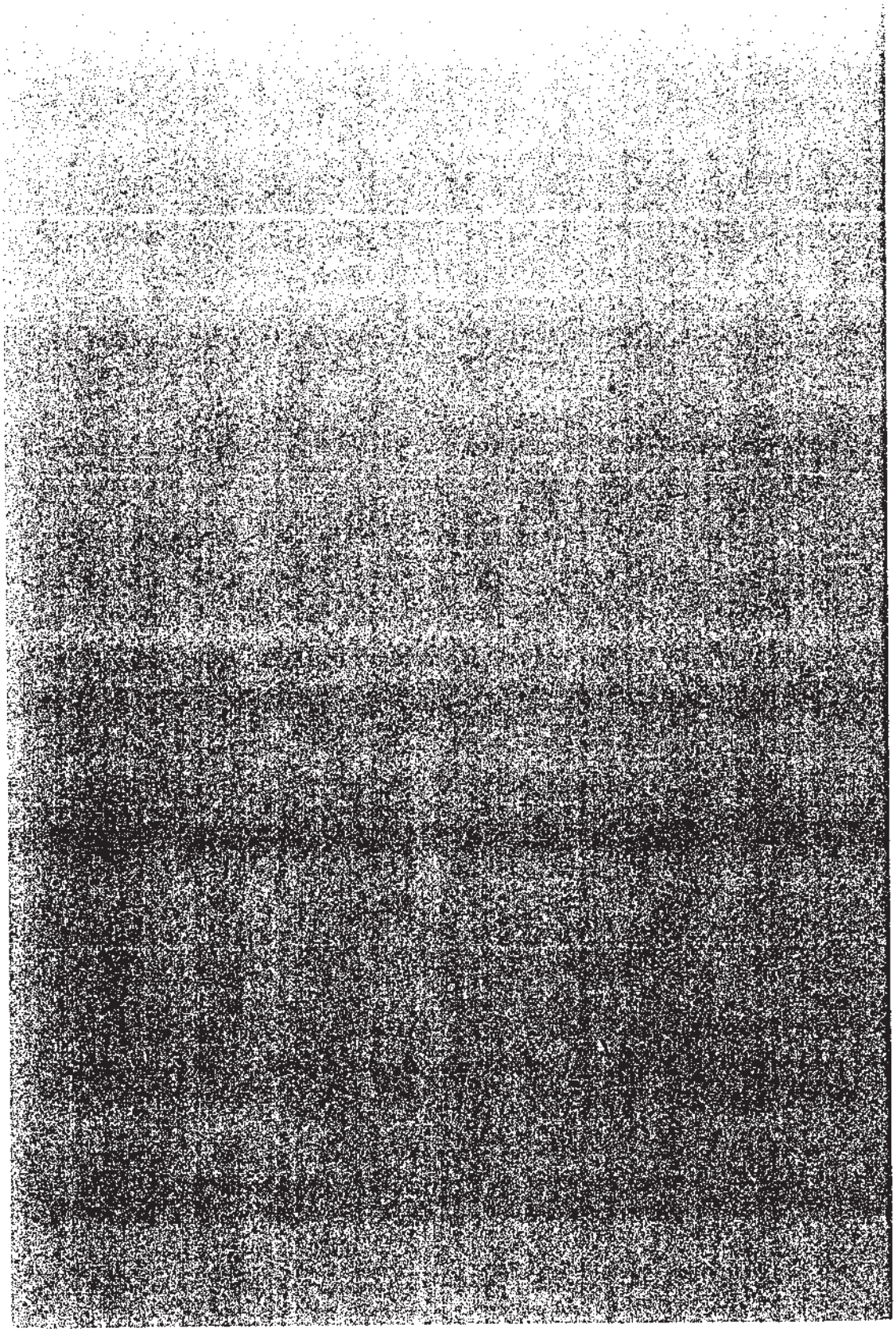
13. 功能組別制度的支持者認為，功能組別的存在可以讓專業界別和商界人士在立法過程中更有效地貢獻他們的專業知識和識見，這有助促進理性思維和提高決策質素。

14. 事實上，功能組別對香港的發展經已造成了不少負面影響。首先，狹隘的代表性形成小圈子利益集團，他們只顧維護一己私利，抗拒接受更開放的政治制度。其次，以界別為基礎的選舉導致無論候選人和選民都著眼於界別利益，而置全港整體利益於不顧。功能組別制度嚴重窒礙政黨政治的健康發展，更妨礙政黨發揮整合跨界別利益及消融矛盾方面的作用。

15. 目前政府的決策過程中，有一套諮詢機制吸納專業人士和商界人士的意見。這種諮詢機制若干程度上優於功能組別制度，原因是參與諮詢工作的人士不會獲得任何實權及利益。倘如政府或社會人士認為有需要保留現時把專業知識和商界意見帶進立法過程的形式，我們認為類似諮詢制度的形式比較適合。

16. 故此，我們建議在立法會設立政協制度，把現時法案委員會階段邀請專家發表意見的做法予以正規化和制度化。政協制度將會是立法會常設體制的組成部份，政協委員被賦予明確的諮詢職責，並獲提供配套資源，例如相關的資訊和辦公室支援等，俾使他們能充份發揮他們的角色。

17. 現時的功能組別可以在2012 年實施全面功能組別選舉制度時，可以透過立法會政協委員的方式繼續服務社會。立法會政協委員可以在立法會法案事務委員會發言，任期與立法會議員相同，但和其他立法會議員不同的是，他們沒有投票權，也不能出席立法會大會和事務委員會的會議，也不能擁有立法會議員的特權（如獲得機密資料等）。



對2012年政改方案的建議

公共專業聯盟

2008年5月

研究小組成員

[illegible]先生

[illegible]先生

附錄

表 A.1 建議的第一功能組別： 製造業和貿易業

建議的全面功能組別	現在的功能組別 (1997年至現在)	人數	
紡織及製衣界	紡織及製衣界	45 500	註 1
製造業	分佈在數個不同的功能組別	158 900	
進出口界	進出口界	544 100	
批發及零售界	批發及零售界	341 500	
總數		1 090 000	

註 1 包括鞋類

人數資料來源：政府統計處，《綜合住戶統計調查按季統計報告》2007年第4季，（香港：政府統計處，2008年），下同。

表 A.2 建議的第二功能組別： 基建、物流和旅遊業

建議的全面功能組別	現在的功能組別（1997年至現在）	人數	
		261 600	
酒店及飲食界	旅遊界	N/A	
	飲食界	N/A	
第一產業能源及建造業界	漁農界	N/A	
	建造界	283 100	註 1
	電力及燃氣界	N/A	
	採礦及採石界	N/A	
航運交通界	航運交通界	385 300	註 2, 3
總數		930 000	

註 1 包括地基及上蓋工程和裝修及保養工程業

註 2 包括通訊業

註 3 除了與旅遊業相關的交通行業

表A.3 建議的第三功能組別:商業和專業服務業

建議的全面功能組別	現時的功能組別	人數 (QRHS, 2007Q4)	
金融保險地產及商用服務業		562 300	
	建築測量及都市規劃	N/A	
	會計	N/A	
	商業服務	236 100	
	工程	N/A	
	金融	N/A	
	金融服務	N/A	
	資訊科技	N/A	
	保險	43 000	
	法律	N/A	
	地產及建造	129 900	註 1
	機械及設備租貸	N/A	
	公務員	153 899	註 2
總數		716 199	

註 1 只包括地產
註 2 資料來源：政府統計處，《就業及空缺按季統計報告》，2007年12月

表A.4 建議的第四功能組別: 個人社會和社區服務業、鄉議局和區議會

建議的全面功能組別	現時的功能組別	人數	
社區社會及個人服務業	商會	N/A	註 1
	教育	N/A	
	洗熨乾洗衣物修補及有關服務	N/A	
	醫療服務	N/A	註 2
	其他個人服務	N/A	
	維修服務	N/A	
	清潔及同類服務	N/A	
	社會服務	78 000	
	體育、演藝、文化及出版界	N/A	
	研究及科學機構和圖書館博物館及文化服務業及其他娛樂及康樂服務業	N/A	
合共人數（除了鄉議局和區議會）		927 100	註 3
	鄉議局	151	
	區議會	442	
合共人數（包括鄉議局和區議會）		927 693	

註 1 該等商會的僱員現時不能在功能組別上投票
註 2 此組別分為兩個功能界別：醫學和衞生服務界
註 3 大多數的分組在按季度的就業及空缺報告中並沒有可供比較的數據

表 A.5 建議的第五功能組別： 本地成年全日制學生和退休人士

	人數
本地成年全日制學生（請參看表 A.7）	280 035
退休人士	932 800
總數	1 212 835

表A.6 建議的第六功能組別: 家務工作者和以往未列入任何功能組別的非經濟活躍者

	人數
料理家務者	667 600
長期病患/傷殘	64 900
失業	112 000
其他非從事經濟活動人士	131 700
所有非從事經濟活動人士的人數（退休人士除外）	976 200

表A.7 本地成年學生人數（據2006/07 學年資料） 註 1

分類	人數	
就讀教資會資助院校全日制課程的本地學生數目	77 631	註 2
十八歲以上仍就讀中學的學生數目	45 666	
在認可專上學院就讀的學生	1 381	
香港樹仁大學	3 355	
香港演藝學院	741	
香港公開大學	2 201	
職業訓練局	41 926	
建造業訓練局	555	
醫院管理局	411	
菲臘牙科醫院	80	
毅進計劃	6 462	
提供成人教育/職業課程的院校	99 626	
總數	280 035	

（資料來源:<http://www.ugc.edu.hk/eng/ugc/publication/report/figure2006/figures/03.pdf>;
<http://www.ugc.edu.hk/eng/doc/ugc/stat/nifte1.pdf>; 香港統計年刊，2007年版， 271-272.頁）。
註 1 包括非本地學生和18歲以下的學生
註 2 不包括就讀於在教資會資助院校的非本地學生，但包括就讀於在非教資會資助院校的非本地學生和18歲以下的學生

The Government and the Commission on Strategic Development are preparing the 2012 political structure reform. As a group of professionals devoted to the development of Hong Kong, the Professional Commons would like to respond via this paper.

We are to provide a proposal for the 2012 political structure reform as a starter to encourage more discussions and debates. We call for the participation of the public and various groups to open dialogue and to search for consensus that will move Hong Kong forward towards a more open and fair society with more participation, with democracy as an agent.

The Professional Commons also proposes a set of performance metrics for measuring the effectiveness of the different proposals in meeting the objectives of political reform. We think this is the way to promote more transparent and open communication.

1. Background

1. Under the Articles 45 and 68 of the Basic Law, Hong Kong is entitled to electing the Chief Executive and Legislative Council by universal suffrage.

2. The Professional Commons submitted the "Response to the Government's Green Paper on Constitutional Development" in October 2007. We expressed that these two goals can be achieved in 2012.

3. Our view reflected the majority of the Hong Kong citizens who are longing for a faster pace of democratic development. Such demand was voiced since the 1980s and with over 20 years of progressive political development in the District Board/District Council and Legislative Council election, Hong Kong is more than ready for the 2012 dual universal suffrage.

4. In the Report on Hong Kong's Constitutional Development by the Chief Executive to the Standing Committee of National People's Congress (NPCSC) in December 2007, the Chief Executive admitted the wishes of the majority of the citizens for a faster progression towards democracy. However, he still proposed a comparatively slow pace towards democracy in Hong Kong, with the arrival of Chief Executive election by universal suffrage in 2017, leaving the realization of universal suffrage of the Legislative Council to a later, uncertain date (despite claims by the Chief Executive that this can occur in 2020).

5. The resolution made by the NPCSC further confirmed the slower pace as proposed by the Chief Executive of HKSAR, leaving a large gap between the legitimate expectations of the majority of Hong Kong citizens and what is envisaged by the NPCSC.

6. At the same time, the NPCSC clearly stated that the first election of Chief Executive by universal suffrage is possible in 2017. Any political reform of Legislative Council before 2017 is admissible provided it is consistent with the current composition of members from elections in the geographical constituencies and the Functional Constituencies (FCs).

7. We must be clear that according to the Basic Law, the legislature and the Chief Executive of Hong Kong are ultimately to be chosen by universal suffrage, and FCs should be removed. This is in line with the hope of the majority of Hong Kong people. The resolution of the NPCSC also provides the achievement of universal suffrage in Chief Executive Election in 2017.

8. With universal suffrage as our destination in the journey of political development, the 2012 political arrangements must be planned as a check point of progressive democratic changes along the path towards the destination. Any political arrangements in 2012 and afterwards must be more open and democratic compared to the previous one. Deviation or backtrack in the course should be avoided in the design.

Deficiencies of the Current Election System

1. Under the current election system of Hong Kong, the Chief Executive is elected by an 800 member Election Committee according to the following distribution. Apart from category 4, the Election Committee members are elected via the FCs:

1. Industrial, commercial and financial sectors	200
2. The professionals	200
3. Labour, social services, religious andother sectors	200
4. LegCo members, DC representatives, HK Deputies to NPC, Representatives of HK members of National Committee of the Chinese People's Political Consultative Conference	200

The Legislative Council has 60 seats, with 30 seat elected via geographical constituencies and 30 seats via FCs.

2. Therefore the FCs play a very important role in the election of both the Chief Executive and the Legislative Council. Yet, we can see that it suffers from several major defects.

3. The first defect is under-representation. As seen in Table 1 in the next page, the total number of registered electors in the 28 FCs in 2007 is 212 825. According to the "Quarterly Report on the Household Survey of 2007-Q4" (QRHS, 2007Q4), the total number of persons engaged in different business, industrial and professional occupations amounted to 3 663 299. The current FC voters only contribute to 5.8% of the total number of people from all the working sectors in that survey. If we take into account another 2 189 035 people who are not included in any economic sector, (like Persons engaged in household duties, Permanent Sick/Disabled, Unemployed, Other Economically Inactive Persons, Local Full-time Adult Students and Retired Persons), the current electors in FCs contribute to only 3.6% of the adults in Hong Kong who should have the right to vote.

4. The second defect is that many of the FCs are adopting corporate votes. Taking out Heung Yee Kuk and District Council, we have 26 FCs formed by business and professional sectors. Using the "Quarterly Report of Employment and Vacancies Statistics (2007 December) (QREVS. Dec 2007)" to calculate the representation of elector population in each of these 26 FCs (electors divided by total number of persons in that sector), we found that 13 FCs have representation of the sector at 1.4% or below! Great majority (11) of these 13 FCs have the domination by corporate votes. The voting right is the political privilege of only a handful of corporate voters.

Table 1: Under-Representation of Functional Constituencies in Hong Kong (in descending order of Representation)

Name of FC	# of registered electors 2007	Distribution 2004		# of Employed persons (QREVS; Dec 2007)	Representation	
		Bodies	Individual			
Accountancy	20 329		100%	25 756	78.9%	
Education	84 639		100%	144 336	58.6%	
Health Services	35 391		100%	85 676	52.9%	
Medical	9 954		100%			
Engineering	7 688		100%	16 754	45.9%	
Legal	5 483		100%	18 060	30.4%	
Architectural, Surveying and Planning	5 559		100%	19 237	28.9%	
Social Welfare	11 329		100%	59 960	18.9%	
Information Technology	4 976	6%	94%	27 798	17.9%	
Textiles and Garment	3 812	98%	2%	25 201	15.1%	
Sports, Performing Arts, Culture and Publication	1 894	97%	3%	19 282	9.8%	
Catering	8 013	6%	94%	207 129	3.9%	
Wholesale and Retail	4 222	40%	60%	303 973	1.4%	
Tourism	976	100%		83 453	1.2%	
Commercial (First)	1 053	100%		275 984	1.0%	Note 1
Commercial (Second)	1 752	40%	60%			
Financial Services	569	93%	7%	60 580	0.9%	
Industrial (First)	761	100%				Note 2
Industrial (Second)	527	100%		266 280	0.7%	
Labour	556	100%				
Real Estate and Construction	745	60%	40%	104 337	0.7%	
Insurance	141	100%		30 023	0.5%	
Import and Export	1389	55%	45%	521 039	0.3%	

(continued)

Name of FC	# of registered electors 2007	Distribution 2004		# of Employed persons (QREVS; Dec 2007)	Representation
		Bodies	Individual		
Finance	134	100%		89 158	0.2%
Transport	180	100%		139 863	0.1%
Agriculture and Fisheries	160	100%		N/A	N/A
District Council	442		100%		N/A
Heung Yee Kuk	151		100%		N/A
TOTAL of registered electors in the FCs	**212 825**				
Civil Servants				153 899	
TOTAL of Employed Persons (excluding District Council and Heung Yee Kuk members to avoid double counting)				**2 677 778**	

Note 1: Commercial

Name of Sectors		# of persons	Sub-total
Rental of Machinery and Equipment	regarded as commercial	835	275 984
Business Associations		3 431	
Business Services		232 344	
Miscellaneous Personal Services		39 374	

Note 2: Industrial and Labour

Name of Sectors		# of persons	Sub-total
Manufacturing	regarded as industrial	130 834	266 280
Construction		50 103	
Electricity and Gas		7 895	
Mining and Other Related Sectors		102	
Repair services		13 260	
Sanitary and Similar Services		57 996	
Laundry, dry cleaning and garment services		6 090	

For the other individual vote based FCs, over half of them have representation lower than 50% because of various reasons, like voter qualification requirement mandating joining of certain associations, certification / chartership and years of experience.

In general, individual practitioners in the related sector of these FCs have hardly any influence on the election and subsequently the political bargaining process. What is even worse is that a wealthy individual who incorporate more companies can exert influences to more than one corporate vote within one FC or cross to other FCs depending on his/her business diversity.

5. The third defect is the settings the current FC system makes up the rules of the game to encourage narrow interests rather than the overall interests of the society. In the election, candidates have to appeal to the voter of the same sector, it is natural he/she will be devoted the sector interests in the political platform. Secondly the domination of corporate votes implies the interests of corporations (employers) are not balanced with those of the employees. The existence of the current FCs will hinder integration of cross-sector interests in the political process.

6. The system fails to recognise the contributors of the society who are not included in the FCs. They include homemakers, retired personnel, unemployed, permanent disabled and sick and other economically inactive persons who are eligible to act as a voter in the geographical constituencies. They are more the economically powerless group. It is not only unfair that they are further deprived of their political rights but it also adversely affects the coherence of the society.

7. Though Hong Kong claim herself as an international city, the current election system fails to meet the requirement of Article 25 of the International Covenant on Civil and Political Rights ("ICCPR"), a document that is incorporated into Hong Kong law by Article 39 of the Basic Law, stating clearly that every citizen has the right "to vote and to be elected at genuine periodic election which shall be by universal and equal suffrage". We elaborate that universal suffrage should include the following:

   - the requirement of the right of citizens to vote in elections for political representatives;
   - such right must not be limited in any way by reference to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
   - universal suffrage implies both "universal" and "equal" representation;
   - any system of universal suffrage should conform with international standards, but there is a range of systems which would be consistent with the concept of universal suffrage. In particular, the right to "equal" votes does not imply the need for a strict numerical equality.

8. The Professional Commons believes that the overall electoral system must be reformed in these aspects:

   - Fair constituencies: the electoral constituencies must not be formed in such a way as to favour intentionally any political group. Whilst by economic demographics, different geographical areas would tend to favour certain political groups, the system must not be tailored specifically to ensure that such groups will win any territory-wide elections overall.

- Fair candidate nomination procedures: the right for voters to become candidates for election is also of great importance. Whilst both pragmatism and the Basic Law provide the needs for procedures to nominate candidates, such procedures must not be discriminatory in nature so as to limit unduly the range of choices available to voters.

- Fair voting: each voter's ballot should (subject only to moderate discrepancies due to the impracticality of drawing constituencies of exactly the same size), to the maximum extent possible, have approximately equal value.

In this regard, the Professional Commons maintains that the FC must be totally abolished ultimately.

9. In the Chief Executive election, a few factors the nomination process can be manipulated to deter the competition of multiple candidates. The pool of nominators is small (namely the 800 Election Committee members) and they are elected by FC which is a small circle election. Furthermore, there is no maximum threshold for nominators. A dominant candidate can obtain excessive nominations so that the other candidates cannot obtain the minimum threshold of 100 nominators, as that happened in 2002 with Mr Tung Chee Hwa elected as the Chief Executive without voting.

Criteria of Rating the Proposals to Political Reforms

1. There are many different proposals to the political reforms. They may be very complicated to understand. The public is made confusing and cannot focus on the main issues. Worst still, they will lose interest in the discussion which is too important to their future.

2. We try to develop a system of performance measuring metrics to compare the proposals to political reforms. This makes life easier for the public to consider different aspects of the proposals. These metrics can be applied in the 2012 political reforms.

3. Any such intermediate proposals must progress demonstrably towards universal suffrage. We believe the following are the yardsticks to measure the performance of each proposal:

- The electorate base of the elections of both Legislative Council and Chief Executive must be expanded substantially from the current status.
- The political system should move "in a direction" to allow each voter to have the same number of votes, and each vote should carry the same weight.
- The FC should be reformed in a direction to (a) avoid any entrenchment of the current FC which in turn will secure the vested interests, and (b) favour its abolition in the future.

The reform in the election in FC should move towards more open competition, and to favour the development of political parties. There should not be uncontested seats in

the election of any FC.

- The reform of election in FC should move in a direction to encourage integration of political interests to harmonize conflicts in the election process.
- The new setting must comply with the constitutional requirements set out by the Basic Law and the NPCSC resolution on the Hong Kong political development.
- The nomination mechanism in Chief Executive Election should allow more than one capable candidate to compete by setting proper minimum and maximum nomination thresholds. (To put it more specific, we should not allow a dominating candidate to overwhelm the nomination to be automatically elected as in 2005; on the other hand, the scene of the competition of more than one candidate as in 2007 should be made easier than before).
- The Chief Executive election should progress towards a real universal suffrage in which voters' free choice is realized. (Any obstacles like pre-filtering and pre-election after nomination and before election are counterexamples of this metric).

Recommendation to Legislative Council Election in 2012

1. The ultimate fate of the FCs must be their entire abolition. In 2012, the FCs should be reformed as an intermediate step to this end. The design objectives for reform of the Legislative Council election in 2012 are:
   - The electorate base in the FCs should be broadened and moved away from corporate votes.
   - All eligible voters in Hong Kong should be able to participate in both the elections for the geographical constituencies and FCs. We call this One-Person-Two-Votes.
   - Existing FCs should be merged to form larger FCs. Such merger will ensure no candidate from a single sector can dominate the election without the support from other sectors thus reducing the vested interests' factor inherent in the current composition of FCs. It is to encourage integration of interests from different sectors, to set the scene for the future universal suffrage. The setting is also to discourage the entrenchment of the vested interests of the existing small FCs.
   - Since each eligible voter should be allocated to a FC, new FCs should be created for voters not eligible to any current FCs.
   - The number of seats of each FC in the Legislative Council is proportional to the size of eligible voters in that FC.
2. We introduce the "Comprehensive FC" which is a revamping of the FCs into 6 larger FCs composed of mainly individual voters.
   - Four large FCs are to consolidate the current FCs which are categorized according to the nature of the business activities. They account for the 3.7 million of the population.
   - Two new FCs are introduced for other non-business sector, professional or

unionized labour voters. One is for adult students and retired persons. Another is for homemakers and economically inactive persons previously not included in FCs. They account for about 2 million of population.

- The electorate base of FCs consequently goes up 5.8 million of voters to match that of the geographical constituencies.
- The number of seats in Legislative Council elected via the FCs can remain at 30 or be increased to 35. The seats of Legislative Councillor elected via geographical constituencies should always be equal to that from the FCs.
- The number of seats of each FC is allocated according to the proportion of eligible voters of that FC to the total number of eligible voters. The effect of each vote is ideally equal.
- Within each FC, the voting is by a proportional representation system. This system avoids the monopolization of seats by large sectors and encourages the formation of groups and tickets across different subsectors, favouring with a political platform that can harmonize the different interests.
- The proposed new FCs in the Legislative Council is depicted in Table 2. In the appendix, Tables A.1 to A.6 lists the detail distribution of voters in each of the six FCs.

Table 2: Proposals of the New Comprehensive "FCs" in the Legislative Council

Proposed Constituencies	# of persons (QRHS, 2007Q4) (Note 1)	Percentage of Total	Seats
One: Manufacturing & Trade (Table A.1)	1 090 000	18.6%	6
Two: Infrastructure, Logistics and Tourism (Table A.2)	930 000	15.9%	5
Three: Business and Professional Services (Table A.3) (Note 2)	716 199	12.2%	4
Four: Community, Social and Personal Services, Heung Yee Kuk & District Council (Table A.4) (Note 3)	927 100	15.9%	4
Sub-total	3 663 299		
Five: Full-time Adult Students and Retired Persons (Table A.5)	1 212 835	20.7%	6
Six: Homemakers and Economically-Inactive Persons Previously Not included in any FCs (Table A.6)	976 200	16.7%	5
Sub-total	2 189 035		
Total	5 852 334	100.0%	30

Note 1 (QRHS, 2007Q4) # of Persons Engaged as in the "Quarterly Report on the Household Survey".

Note 2 Includes Civil Servants of 153 899 as appeared in QREVS, Dec 2007.

Note 3 Number of electorates in the District Councils and Heung Yee Kuk amounted to 593 as in the 2004 LC election. It is not included in the calculation of the number of eligible voters to avoid double counting.

1. The NPCSC has acknowledged that the Chief Executive will be elected by universal suffrage in 2017.

2. A Nomination Committee should in principle be formed in a democratic manner so as to represent the public in the broadest possible way.

3. The current formation of the Election Committee is 800 members according to the following distribution:

1. Industrial, commercial and financial sectors	200
2. The professionals	200
3. Labour, social services, religious andother sectors	200
4. LegCo members, DC representatives, HK Deputies to NPC, Representatives of HK members of National Committee of the Chinese People's Political Consultative Conference	200

We propose to keep the number of Nomination Committees to 800. The 200 members from fourth category (Legislative Council members, District Council representatives, Hong Kong Deputies to NPC, Representatives of HK members of National Committee of the Chinese People's Political Consultative Conference) remain unchanged. The 600 members from various business, industrial and professional categories (first, second and third categories) are to be elected using the same concept of Comprehensive FCs. The number of Nomination Committee members in each Comprehensive FC is by proportion of their eligible voters to the total number of eligible voters. To manage the large number of Nomination Committee members' seats of each Comprehensive FC, the election can be broken down to sub-FCs with maximum number of elected members around 40. Table 3 below shows the categorization with the breakdown of sub-sectors. The principle of every vote having equal effect still holds in the election of the 600 Nomination Committee members.

Table 3: Formation of Election Committee for CE Election via Comprehensive FCs

Proposed Constituencies	# of persons (QRHS, 2007Q4)	Percentage iof FC voters	# of Seats	# of Sub-FCs (Seats in Sub-FCs)
One: Manufacturing & Trade	1090 000	18.6%	112	3 (37/37/38)
Two: Infrastructure, Logistics and Tourism	930 000	15.9%	95	3 (31/32/32)
Three: Business and Professional Services	716 199	12.2%	74	2 (37/37)
Four: Community, Social and Personal Services, Heung Yee Kuk and District Council	927 100	15.8%	95	3 (31/32/32)
Five: Full-time Adult Students and Retired Persons	1 212 835	20.7%	124	4 (31/31/31/31)
Six: Homemakers and Economically-Inactive Persons Previously Not included in any FC	976 200	16.7%	100	3 (33/33/34)
Total	5 852 334	100.0%	600	18(600)

(Source: Same as Table 2)

4. The nomination threshold for an eligible Chief Executive candidate should be no more stringent than the present arrangement. We propose that each nomination requires the support of minimum 50 and maximum 100 Nomination Committee members. The minimum number is to provide a proper threshold which should be sufficient to avoid too many unqualified candidates from jamming into the election, but not high enough to disallow capable candidate to come to the competition. The minimum number should never be higher than the current number. The maximum number of nominators is to prevent any individual dominant candidate from monopolising.

5. Pre-election or pre-filtering of "excessive candidates" after the nomination poses threats to etch into the rights of the citizens to vote for their favourable candidates. The existence of nomination thresholds and guarantee deposits are sufficient to limit the maximum number of candidates in the Chief Executive election.

6. Some suggested that additional hurdles should be introduced in the nomination procedure by requiring the minimum number of nominators from each of a number of sectors. We regard this requirement unreasonable and would deplete the right of candidates to stand for election. In other elections in Hong Kong like the Legislative Council and District Council, there is no such additional requirement in nomination. The decisive factor in any nomination should be to enable as many plausible candidates as possible to convince the voters in his/her platform to work for the interests of Hong Kong as a whole. The choice should be left to the voters who will cast their votes.

The Consultative Committee to the Legislative Council

1. The supporters of the FC system state that FC has the advantages of incorporating expertise and views from various professions and businesses in the legislative process. They think that it will introduce more rational thinking and enhance the quality of the decisions.

2. However, the development of FCs in Hong Kong has proved that FCs has many disadvantages. Firstly, the narrow representation has introduced small circle groups which are concerned with their vested interests and they are reluctant to any changes towards a more open political system. Secondly, the sector based election made the candidates and voters more focused on the narrow interests of the sector rather than the overall benefits of Hong Kong. It has adversely impacted on the healthy development of party politics to integrate cross-sectoral interests and reduce conflicts.

3. In Hong Kong, a consultative system was established to gauge the feedback of the professionals and businesses in the government policy formulation. This system has a very long history and still exists after 1997. When compared with the current FC system, this system has much less diverse effect. The members of the consultative committee are from professionals and businesses. They can voice their opinions from time to time but they are not given the power to make decisions. The consultative system retains the contributory inputs from businesses and professionals while insulating the vested interests from contaminating the legislative process. In the bill committee stage of the legislative procedure, members from the public were invited to submit opinions and attend the hearings. In many cases, representatives from businesses, professionals and interest groups make use of the opportunities to give their comments in the hearings of the bill committees.

4. We propose a consultative member system to the Legislative Council. The consultative member system is to formalise the current system of expert hearings in the bills committee stages of Legislative Council. The consultative member system is more a standing arrangement than ad-hoc one, to give a clear responsibilities to such consultative members, as well as providing them with some resources (e.g. information and shared office) to the members support their role.

5. The current FCs can maintain their seats in the new consultative member system of Legislative Council when the new comprehensive FC is established in 2012. These consultative members have same terms as Legislative Council members.

6. The consultative members can give opinions in the Legislative Council bills committee meetings. Unlike the Legislative Council members, they are not given any voting power and cannot attend Legislative Council meeting and panel meetings, and they are not entitled to special privileges of the members of Legislative Council like access to some confidential information.

7. The Government policy making has to progress with the social development. Nowadays, the civic society has been demanding for more public engagement by the Government and the Professional Commons submit to this approach. The consultative member system to the

Legislative Council that we propose should not block the Government from taking an active role to involve the public and civic groups in the formulation of policies.

As a group of professionals, most of us in the Professional Commons are currently in the privileged position of being able to vote for Election Committee candidates, as well as having our own FC members within the Legislative Council. However, we do not regard our privileged position is justified to be maintained by depriving the interests of the others. We call for an open, fair system that can make Hong Kong more competitive, harmonious and a place good to live. One vital step is the reform of the 2012 election system to progress towards universal suffrage.

The Professional Commons welcomes any comments and criticisms and we are open to discuss other proposals to 2012 political reforms. We urge the public to voice out how they like the political system be reformed in 2012 as an intermediate stage towards universal suffrage which is the target they had expressed clearly in the Green Paper consultation in 2007.

Position Paper on Constitutional Reform in 2012

The Professional Commons

May 2008

Research Team

Mr S C Leung

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Appendix

Table A.1 Proposed Comprehensive FC One: Manufacturing & Trade

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons	
Textiles and Garments	Textiles and Garments	45 500	Note 1
Manufacturing	Split into Different FCs	158 900	
Import and Export	Import and Export	544 100	
Wholesale and Retail	Wholesale and Retail	341 500	
Total		1 090 000	

Note 1 Include footwear

Source: Census and Statistics Department, "Quarterly Report of Household Survey (4th Quarter of 2007)" (Hong Kong: Census and Statistics Department, 2008). Same source is used for the figures in the tables below.

Table A.2 Proposed Comprehensive FC Two: Infrastructure, Logistics and Tourism

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons	
Hotel and Catering		261 600	
	Tourism	N/A	
	Catering	N/A	
Primary Production, Power and Construction	Agriculture and Fisheries	N/A	
	Construction	283 100	Note 1
	Electricity and Gas	N/A	
	Mining and Other Related Sectors	N/A	
Transport and Communications	Transport	385 300	Note 2, 3
Total		930 000	

Note 1 Including foundation and superstructure; and decoration and maintenance.

Note 2 Including figures for the communications sector.

Note 3 Excluding those in relation with tourism-related transport sector.

Table A.3 Proposed Comprehensive FC Three: Business and Professional Services

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons	
		562 300	
	Architectural, Surveying and Planning	N/A	
	Accounting	N/A	
	Business Services	236 100	
	Engineering	N/A	
Financing, Insurance, Real Estate and Business Services	Finance	N/A	
	Financial Services	N/A	
	Information Technology	N/A	
	Insurance	43 000	
	Legal	N/A	
	Real Estate and Construction	129 900	Note 1
	Rental of Machinery and Equipment	N/A	
	Civil Servants	153 899	Note 2
Total		716 199	

Note 1 Real estate only.

Note 2 This figures is from the QREVS (Dec 2007)

Table A.4 Proposed Comprehensive FC Four: Community, Social and Personal services, Heung Yee Kuk & District Council

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons	
Community, Social and Personal Services	Business Associations	N/A	Note 1
	Education	N/A	
	Laundry, dry cleaning and garment services	N/A	
	Medical and Health Services	N/A	Note 2
	Miscellaneous Personal Services	N/A	
	Repair services	N/A	
	Sanitary and Similar Services	N/A	
	Social Services	78 000	
	Sports, Performing Arts, Culture and Publication	N/A	
	Research and scientific institutes, Libraries, museums and cultural services, miscellaneous amusement and recreational services	N/A	
Total excluding HYC & DC		**927 100**	Note 3
	Heung Yee Kuk	151	
	District Council	442	
Total including HYC & DC		**927 693**	

Note 1 Staff of these associations not eligible to vote in the current FCs.

Note 2 Two FCs in LegCo: Medical and Health Services.

Note 3 Most of the sub-categories in the Quarterly Report on Household Survey did not fall a direct comparison with those of the FCs

Table A.5 Proposed Comprehensive FC Five: Full-time Students and Retired Persons

	# of persons
Local Full-time Adult Students (see Table A.7)	280 035
Retired Persons	932 800
Total	1 212 835

Table A.6 Proposed Comprehensive FC Six: Homemakers and Economically-Inactive Persons Previously Not included in any FC

	# of persons
Persons engaged in household duties	667 600
Permanent Sick/Disablement	64 900
Unemployed	112 000
Other Economically Inactive Persons	131 700
Total Number of Economically-Inactive Persons (Excluding Retired Persons)	976 200

Table A.7 Number of Local Full-time Adult Students (2006/07 academic year figures) Note 1

Categories	# of persons	
UGC funded full-time local student enrollments	77 631	Note 2
Students aged 18 or above and still attending secondary school	45 666	
Students of approved post secondary colleges	1 381	
Hong Kong Shue Yan University	3 355	
Hong Kong Academy of Performing Arts	741	
Open University of Hong Kong	2 201	
Vocational Training Council	41 926	
Construction Industry Training Authority	555	
Hospital Authority	411	
Prince Philip Dental Hospital	80	
"Project Yi Jin"	6 462	
Adult education/vocational courses	99 626	
Total	280 035	

(Source: http://www.ugc.edu.hk/eng/ugc/publication/report/figure2006/figures/03.pdf; http://www.ugc.edu.hk/eng/doc/ugc/stat/nlfte1.pdf; Hong Kong Annual Digest of Statistics, 2007 edition, pp. 271-272.)

Note 1 Including non-local students and those under 18

Note 2 Excluding the non-local students studying in UGC-funded programmes, but include the non-local students studying in non UGC-funded programme, and those under 18.



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公共專業聯盟對 2012 年政改方案的建議

1. 人大常委會去年決定香港可以在 2017 年普選特首，及最早在 2020 年普選立法會，而策略發展委員會的政制發展專題小組現正討論 2012 行政長官和立法會選舉的具體安排。有見及此，公共專業聯盟提出有關 2012 年行政長官及立法會選舉辦法的過渡方案，俾能早日實現最大程度的民主，更希望社會各界透過討論比較，凝聚共識，爲早日實現雙普選創造條件，好讓特區政府知所遵循，以民意爲依歸。

審視政治改革方案的標準

2. 政制發展爭論困擾香港多時，各方拋出的政制改革方案更叫人眼花繚亂，再加上民主化步伐進展緩慢，使不少市民對政改問題感到厭倦，甚至採取漠視不理的態度。爲此，我們構思了一套簡約的評審標準，俾能化繁爲簡，幫助市民辨清及掌握朝向民主化政改的要義所在，以免被一些指鹿爲馬的方案所蒙蔽。我們認爲，無論是導引香港朝向民主雙普選的終極政改方案，或是 2012 年的過渡性選舉安排，均須符合以下指標：

一. 立法會及行政長官選舉的選民基礎應遠高於目前的數字；
二. 政制發展應朝向每名選民擁有相同數目選票的方向發展，而且每張選票的重要性是相同的；
三. 功能組別改革應有助淡化界別利益色彩，及有助達致全面廢除功能組別的目標；
四. 有關改革須有助推動公開競爭、鼓勵政黨發展，及杜絕任何功能組別候選人得以自動當選的可能性；
五. 經改革後的功能組別選舉，應有助整合不同政治、經濟、階級以至種族的利益；
六. 特首選舉方面，參選人提名機制應確保有多名具備條件的人可以參與角逐，提名人數門檻要設有最低和最高人數限額；具體來說，就是不希望再出現 2002 年董建華獨攬大部份提名票並自動當選的情況，及希望日後的選舉都能出類似 2007 年的特首選舉那樣最少有兩人同台競逐的局面；
七. 特首選舉制度應朝向完全反映選民選擇意願的方向發展，不容許滲入任何附加機制(包括提名委員)以過濾和篩選候選人名單；
八. 有關改革應符合基本法及人大常委會對於香港行政長官和立法會具體產生辦法的決定。

就 2012 年立法會選舉辦法的建議

3. 根據《基本法》第 68 條規定，功能組別最終難逃全面廢除的命運。故此，2012 年的功能組別選舉須做好過渡安排。2007 年功能組別選舉的選民數字爲 212,825 人[1]，僅爲全港地方選區選舉合資格選民的 3.7%。再者，過半的功能組別是由公司票主導[2]；在這些公司票主導的功能組別中，其選民人數祇佔該功能組別所屬行業就業人數的 1.4%或以下[3]。功能組別代表性不足、偏重公司擁有者、鼓吹狹隘利益、不符合《公民及政治權利國際公約》中的一人一票及每票等值的精神，都是對功能組別選舉耳熟能詳的描述。

4. 我們提出的 2012 年立法會選舉方案可以達致以下目標：

- 擴大功能組別的選民基礎，取締公司票；
- 所有合資格的香港選民均可參與地方選區和功能組別選舉，我們稱之爲「一人兩票」制；
- 現有的功能組別應合併成爲數個大功能組別。在新的選舉制度下，個別界別的候選人若無法取得其他界別選民的支持，將無法在選舉中勝出。這將有助降低功能組別只顧維護小圈子既得利益的惡劣影響，及矯正個別規模較小的功能組別內利益輸送的情況。新安排還有助整合不同界別的利益，爲將來的全面普選鋪路；
- 每個合資格的選民都會隸屬一個功能組別，爲此需要設立新的功能組別以容納現時不隸屬任何功能界別的選民；
- 每個功能組別獲分配的立法會議席將根據組別內合資格選民的數目而定，打破現時個別界別享有優越地位的局面。

5. 我們建議改革現有的功能組別制度，由一個名爲「全面功能組別」的制度取代。根據有關建議的構思，現時的功能組別將會整合成 6 個大型功能組別，選民基礎是個人選民，其他具體建議如下：

- 設立 4 個大型功能組別以取代現時按經濟職能劃分的功能組別。這 4 個功能組別的選民人數約爲 370 萬人。
- 另設兩個新的功能組別，以容納那些原來不屬於任何經濟界別、專業團體或工會的人士。其一是"成年學生和退休人士"組別，其二是"家務工作者，和其他以往沒有納入至任何功能組別的非經濟活

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1 2007 年功能界別選民登記數字

2 選舉管理委員會：《2004 年立法會選舉功能界別選民的分項數字》

3 政府統計處：《就業及空缺按季統計報告》2007 年 12 月所得的就業人數。

躍者”。這兩個組別大概有 200 萬名選民；

- 這 6 大功能組別會把選民基礎擴大至 570 萬人，與現時地方選區選舉的選民基礎相若；
- 立法會功能組別席位的數目可維持在 30 人，我們也不反對把議席數目增加至 35 人，但立法會地方選區議席應該與功能組別的議席數目保持一致；
- 6 個大功能組別議席的分配辦法如下：先計算個別組別選民佔合資格選民總數的比例，然後按照比例多寡分配議席。這樣，每張選票的重要性基本上是相同的；
- 新功能組選舉辦法安排，須防止個別人數眾多的功能組別壟斷所有席位，也有助鼓勵不同界別合組參選名單，並透過擬定共同政綱調和不同界別的利益；
- 有關立法會功能組別及議席分配的新方案，請參看附表一。

附表一

建議中的功能組別界別	合資格選民人數	立法會議席	
一：製造業和貿易業	1,090,000	6	18.6%
二： 基建、物流和旅遊業	930,000	5	15.9%
三：商業與專業服務業	716.199	4	12.2%
四：個人社會和社區服務業、鄉議局和區議會	927,100	4	15.9%
	593[4]		
小計	**3,663,299**[5]		
五：成年學生和退休人士	1,212,835	6	20.7%
六：家務工作者和以往未列入任何功能組別的非經濟活躍者	976,200	5	16.7%
小計	**2,189,035**		
總計	**5,852,334**	30	100.0%

4 2004 年立法會選舉中鄉議局和區議會的選民人數；不計入第四功能組別，避免重覆計算。

5 政府統計處：《綜合住戶統計調查按季統計報告》，2007 年第 4 季的就業人數。

就 2012 年特首選舉辦法的建議

6. 全國人大常委會已明確表示香港可以在 2017 年普選行政長官。

7. 行政長官選舉提名委員會應按民主原則組成，俾能在最大程度上反映民意。

8. 按照現時的規定，選舉委員會由 800 人組成，其分佈如下：

1.	工商、金融界	200 人
2.	專業界	200 人
3.	勞工、社會服務、宗教等界	200 人
4.	立法會議員、區議員、全國人大港區委員、全國政協港區委員代表	200 人

我們建議維持提名委員會的人數在 800 人的水平，其中屬於第四界別的 200 人（立法會議員、區議會代表、全國人大港區委員、全國政協委員港區代表）的產生辦法維持不變。

9. 其他界別（第一、二及三界別）的 600 名提名委員則採用全面功能組別類似的產生辦法。每個新功能組別提名委員的數目按該組別選民佔全港合資格選民數目的比例分配。這樣，每票等值的原則同樣可以體現於 600 人的提名委員會的選舉。此外，每個功能組別的選舉可分拆爲若干分組進行，每個分組的提名委員席位不多於 40 席。各新功能組別佔提名委員名額的分配方案，請參看附表二。

附表二

建議中的功能組別界別	合資格選民人數	提名委員名額	
一：製造業和貿易業	1,090,000	112	18.6%
二：基建、物流和旅遊業	930,000	95	15.9%
三：商業與專業服務業	716.199	74	12.2%
四：個人社會和社區服務業、鄉議局和區議會	927,100	95	15.9%
	593[6]		
小計	**3,663,299[7]**		
五：成年學生和退休人士	1,212,835	124	20.7%
六：家務工作者和以往未列入任何功能組別的非經濟活躍者	976,200	100	16.7%
小計	**2,189,035**		
總計	**5,852,334**	600	100.0%

10. 特首候選人的提名門檻不應較現時的安排苛刻，人數的最低門檻不多於現時的標準(即 100 人)。設立最低提名票數的門檻旨在避免產生過多不具備條件的參選者阻礙選舉的順利進行，同時，門檻也不應過高，以免排拒有能力的候選人參與競選。我們建議：每個候選人只需獲得最少 50 名提名委員的支持，提名票的最高上限則爲 100 人；設定最高提名人數的目的，是避免個別強勢候選人壟斷了提名程序，致使後來的選舉實際上沒有其他候選人。

11. 有人提議，在提名程序後加設機制去「預選」或「篩選」所謂「過多的候選人」。我們認爲，這個做法會剝奪市民投票選出理想候選人的權利。現時設定提名人數門檻及保證金制度的安排，相信已足以限制特首選舉參選最高人數。

12. 有些人建議在提名程序中引入額外的規限，包括要求參選人從每個界別取得若干提名票數。我們認爲有關限制並不合理，因爲會剝奪部份參選人的參選權利，更何況本港的其他選舉，例如立法會及區議會選舉，均沒有類似的要求。其實，在考慮整個選舉以至提名制度

[6] 2004 年立法會選舉中鄉議局和區議會的選民人數；不計入第四功能組別，避免重覆計算。

[7] 政府統計處：《綜合住戶統計調查按季統計報告》，2007 年第 4 季所得的就業人數。

時，至關重要的是如何確保最多具備條件的人有機會參選，讓他們透過政綱向選民展示他們怎樣爲香港的整體利益奮鬥；至於怎樣選擇參選人，還是留給選民透過選票自由選擇吧！

設立立法會的政協制度

13. 功能組別制度的支持者認爲，功能組別的存在可以讓專業界別和商界人士在立法過程中更有效地貢獻他們的專業知識和識見，這有助促進理性思維和提高決策質素。

14. 事實上，功能組別對香港的發展經已造成了不少負面影響。首先，狹隘的代表性形成小圈子利益集團，他們只顧維護一己私利，抗拒接受更開放的政治制度。其次，以界別爲基礎的選舉導致無論候選人和選民都著眼於界別利益，而置全港整體利益於不顧。功能組別制度嚴重窒礙政黨政治的健康發展，更妨礙政黨發揮整合跨界別利益及消融矛盾方面的作用。

15. 目前政府的決策過程中，有一套諮詢機制吸納專業人士和商界人士的意見。這種諮詢機制若干程度上優於功能組別制度，原因是參與諮詢工作的人士不會獲得任何實權及利益。倘如政府或社會人士認爲有需要保留現時把專業知識和商界意見帶進立法過程的形式，我們認爲類似諮詢制度的形式比較適合。

16. 故此，我們建議在立法會設立政協制度，把現時法案委員會階段邀請專家發表意見的做法予以正規化和制度化。政協制度將會是立法會常設體制的組成部份，政協委員被賦予明確的諮詢職責，並獲提供配套資源，例如相關的資訊和辦公室支援等，俾使他們能充份發揮他們的角色。

17. 現時的功能組別可以在 2012 年實施全面功能組別制度時，可以透過立法會政協委員的方式繼續服務社會。立法會政協委員可以在立法會法案事務委員會發言，任期與立法會議員相同，但和其他立法會議員不同的是，他們沒有投票權，也不能出席立法會大會和事務委員會的會議，也不能擁有立法會議員的特權（如獲得機密資料等）。

公共專業聯盟
2008 年 5 月 4 日

公共專業聯盟
The Professional Commons

Position Paper on Constitutional Reform in 2012

4 May 2008

The Government and the Commission on Strategic Development are preparing the 2012 political structure reform. As a group of professionals devoted to the development of Hong Kong, the Professional Commons would like to respond via this paper.

We are to provide a proposal for the 2012 political structure reform as a starter to encourage more discussions and debates. We call for the participation of the public and various groups to open dialogue, and to search for consensus that will move Hong Kong forward towards a more open and fair society with more participation, with democracy as an agent.

The Professional Commons also proposes a set of performance metrics for measuring the effectiveness of the different proposals in meeting the objectives of political reform. We think this is the way to promote more transparent and open communication.

Background

1. Under the Articles 45 and 68 of the Basic Law, Hong Kong is entitled to electing the Chief Executive and Legislative Council by universal suffrage.

2. The Professional Commons submitted the "Response to the Government's Green Paper on Constitutional Development" in October 2007. We expressed that these two goals can be achieved in 2012.

3. Our views reflected the majority of the Hong Kong citizens who are longing for a faster pace of democratic development. Such demand was voiced since the 1980s and with over 20 years of progressive political development in the District Board/District Council and Legislative Council elections, Hong Kong is more than ready for the 2012 dual universal suffrage.

4. In the Report on Hong Kong's Constitutional Development by the Chief Executive to the Standing Committee of National People's Congress (NPCSC) in December 2007, the Chief Executive admitted the wishes of the majority of the citizens for a faster progression towards democracy. However, he still proposed a comparatively slow pace towards democracy in Hong Kong, with first Chief Executive election by universal suffrage in 2017, leaving the realization of universal suffrage of the Legislative Council to a later, uncertain date (despite claims by the Chief Executive that this can occur in 2020).

5. The resolution made by the NPCSC further confirmed the slower pace as proposed by the Chief Executive of HKSAR, leaving a large gap between the legitimate expectations of the majority of Hong Kong citizens and what is envisaged by the NPCSC.

6. At the same time, the NPCSC clearly stated that the first election of Chief Executive by universal suffrage is possible in 2017. Any political reform of Legislative Council before 2017 is admissible provided it is consistent with the current composition of members from elections in the geographical constituencies and the Functional Constituencies (FCs).

7. We must be clear that according to the Basic Law, the legislature and the Chief Executive of Hong Kong are ultimately to be chosen by universal suffrage, and FCs should be removed. This is in line with the hope of the majority of Hong Kong people. The resolution of the NPCSC also provides the achievement of universal suffrage in Chief Executive Election in 2017.

8. With universal suffrage as our destination in the journey of political development, the 2012 political arrangements must be planned as a check point of progressive democratic changes

along the path towards the destination. Any political arrangements in 2012 and afterwards must be more open and democratic compared to the previous one. Deviation or backtrack in the course should be avoided in the design.

Deficiencies of the Current Election System

1. Under the current election system of Hong Kong, the Chief Executive is elected by an 800 member Election Committee according to the following distribution. Apart from category 4, the Election Committee members are elected via the FCs.

1. Industrial, commercial and financial sectors	200
2. The professions	200
3. Labour, social services, religious and other sectors	200
4. LegCo members DC representatives HK Deputies to NPC Representatives of HK members of National Committee of the Chinese People's Political Consultative Conference	200

The Legislative Council has 60 seats, with 30 seat elected via geographical constituencies and 30 seats via FCs.

2. Therefore the FCs play a very important role in the election of both the Chief Executive and the Legislative Council. Yet, we can see that it suffers from several major defects.

3. The first defect is under-representation. As seen in Table 1 in the next page, the total number of registered electors in the 28 FCs in 2007 is 212,825. According to the "Quarterly Report on the Household Survey of 2007-Q4" (QRHS, 2007Q4), the total number of persons engaged in different business, industrial and professional occupations amounted to 3,663,892. The current FC voters only contribute to 5.8% of the total number of people from all the working sectors in that survey. If we take into account another 2,189,006 people who are not included in any economic sector, (like Persons engaged in household duties, Permanent Sick/Disabled, Unemployed, Other Economically Inactive Persons, Local Full-time Adult Students and Retired Persons), the current electors in FCs contribute to only 3.6% of the adults in Hong Kong who should have the right to vote.

4. The second defect is that many of the FCs are adopting corporate votes. Taking out Heung Yee Kuk and District Council, we have 26 FCs formed by business and professional sectors. Using the "Quarterly Report of Employment and Vacancies Statistics (2007 December)" to calculate the representation of elector population in each of these 26 FCs (electors divided by total number of persons in that sector), we found that 13 FCs have representation of the sector at 1.4% or below! Great majority (11) of these 13 FCs have the domination by corporate votes. The voting right is the political privilege of only a handful of corporate voters.

Table 1: Under-Representation of Functional Constituencies in Hong Kong

(in decending order of Representation)

(QREVS, 2007-Dec): # of People Engaged as in the "Quarterly Report of Employment and Vacancies Statistics"

Name of FC	# of registered electors 2007	Distribution 2004		# of persons (QREVS; Dec 2007)	Representation	
		Bodies	Individual			
Accountancy	20,329		100%	25,756	78.9%	
Education	84,639		100%	144,336	58.6%	
Health Services	35,391		100%	85,676	52.9%	
Medical	9,954		100%			
Engineering	7,688		100%	16,754	45.9%	
Legal	5,483		100%	18,060	30.4%	
Architectural, Surveying and Planning	5,559		100%	19,237	28.9%	
Social Welfare	11,329		100%	59,960	18.9%	
Information Technology	4,976	6%	94%	27,798	17.9%	
Textiles and Garment	3,812	98%	2%	25,201	15.1%	
Sports, Performing Arts, Culture and Publication	1,894	97%	3%	19,282	9.8%	
Catering	8,013	6%	94%	207,129	3.9%	
Wholesale and Retail	4,222	40%	60%	303,973	1.4%	
Tourism	976	100%		83,453	1.2%	
Commercial (First)	1,053	100%		275,984	1.0%	Note 1
Commercial (Second)	1,752	40%	60%			
Financial Services	569	93%	7%	60,580	0.9%	
Industrial (First)	761	100%		266,280	0.7%	Note 2
Industrial (Second)	527	100%				
Labour	556	100%				
Real Estate and Construction	745	60%	40%	104,337	0.7%	
Insurance	141	100%		30,023	0.5%	
Import and Export	1,389	55%	45%	521,039	0.3%	
Finance	134	100%		89,158	0.2%	
Transport	180	100%		139,863	0.1%	
Agriculture and Fisheries	160	100%		N/A	N/A	
District Council	442		100%		N/A	
Heung Yee Kuk	151		100%		N/A	
TOTAL	212,825					

Commercial (Note 1)				
Rental of Machinery and Equipment	regarded as commercial		835	275,984
Business Associations			3,431	
Business Services			232,344	
Miscellaneous Personal Services			39,374	

Industrial and Labour (Note 2)				
Manufacturing	regarded as industrial		130,834	266,280
Construction			50,103	
Electricity and Gas			7,895	
Mining and Other Related Sectors			102	
Repair services			13,260	
Sanitary and Similar Services			57,996	
Laundry, dry cleaning and garment services			6,090	

Civil Servant	153,899	

TOTAL (excluding District Council and Heung Yee Kuk)	2,677,778	

For the other individual vote based FCs, over half of them have representation lower than 50% because of various reasons, like voter qualification requirement mandating joining of certain associations, certification / chartership and years of experience.

In general, individual practitioners in the related sector of these FCs have hardly any influence on the election and subsequently the political bargaining process. What is even worse is that a wealthy individual who incorporate more companies can exert influences to more than one corporate vote within one FC or cross to other FCs depending on his/her business diversity.

5. The third defect is the settings the current FC system makes up the rules of the game to encourage narrow interests rather than the overall interests of the society. In the election, candidates have to appeal to the voter of the same sector. It is natural he/she will be devoted the sector interests in the political platform. Secondly the domination of corporate votes implies the interests of corporations (employers) are not balanced with those of the employees. The existence of the current FCs will hinder integration of cross-sector interests in the political process.

6. The system fails to recognise the contributors of the society who are not included in the FCs. They include homemakers, retired personnel, unemployed, permanent disabled and sick and other economically inactive persons who are eligible to act as a voter in the geographical constituencies. They are more the economically powerless group. It is not only unfair that they are further deprived of their political rights but it also adversely affects the coherence of the society.

7. Though Hong Kong claim herself Asia's international city, the current election system fails to meet the requirement of Article 25 of the International Covenant on Civil and Political Rights ("ICCPR"), a document that is incorporated into Hong Kong law by Article 39 of the Basic Law, stating clearly that every citizen has the right "*to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage*". We elaborate that universal suffrage should include the following:-

- the requirement of the right of citizens to vote in elections for political representatives;
- such a right must not be limited in any way by reference to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
- universal suffrage implies both "universal" and "equal" representation;
- any system of universal suffrage should conform with international standards; but
- there is a range of systems which would be consistent with the concept of universal suffrage. In particular, the right to "equal" votes does not imply the need for a strict

numerical equality.

8. The Professional Commons believes that the overall electoral system must be reformed in these aspects:

Fair constituencies: the electoral constituencies must not be formed in such a way as to favour intentionally any political group. Whilst, by economic demographics, different geographical areas would tend to favour certain political groups, the system must not be tailored specifically to ensure that such groups will win any territory-wide elections overall.

Fair candidate nomination procedures: the right for voters to become candidates for election is also of great importance. Whilst both pragmatism and the Basic Law provide for the need for procedures to nominate candidates, such procedures must not be discriminatory in nature so as to limit unduly the range of choices available to voters.

Fair voting: each voter's ballot should (subject only to moderate discrepancies due to the impracticality of drawing constituencies of exactly the same size), to the maximum extent possible, have approximately equal value.

In this regard, the Professional Commons maintains that the FC must be totally abolished ultimately.

9. In the Chief Executive election, a few factors the nomination process can be manipulated to deter the competition of multiple candidates. The pool of nominators is small (namely the 800 Election Committee members) and they are elected by FC which is a small circle election. Furthermore, there is no maximum threshold for nominators. A dominant candidate can obtain excessive nominations so that the other candidates cannot obtain the minimum threshold of 100 nominators, as that happened in 2002 with Mr. Tung Chee Hwa elected as the Chief Executive without voting.

Criteria of Rating the Proposals to Political Reforms

1. There are many different proposals to the political reforms. They may be very complicated to understand. The public is made confusing and cannot focus on the main issues. Worst still, they will lose interest in the discussion which is too important to their future.

2. We try to develop a system of performance measuring metrics to compare the proposals to political reforms. This makes life easier for the public to consider different aspects of the proposals. These metrics can be applied in the 2012 political reforms.

3. Any such intermediate proposals must progress demonstrably towards universal suffrage. We believe the following are the yardsticks to measure the performance of each proposal.

   - The electorate base of the elections of both Legislative Council and Chief Executive must be expanded substantially from the current status.

   - The political system should move "in a direction" to allow each voter to have the same number of votes, and each vote should carry the same weight.

   - The FC should be reformed in a direction to

     (a) avoid any entrenchment of the current FC which in turn will secure the vested interests, and

     (b) favour its abolition in the future.

   - The reform in the election in FC should move towards more open competition, and to favour the development of political parties. There should not be uncontested seats in the election of any FC.

   - The reform of election in FC should move in a direction to encourage integration of political interests to harmonize conflicts in the election process.

   - The new setting must comply with the constitutional requirements set out by the Basic Law and the NPCSC resolution on the Hong Kong political development.

   - The nomination mechanism in Chief Executive Election should allow more than one capable candidate to compete by setting proper minimum and maximum nomination thresholds. (To put it more specific, we should not allow a dominating candidate to overwhelm the nomination to be automatically elected as in 2005; on the other hand, the scene of the competition of more than one candidate as in 2007 should be made easier than before).

- The Chief Executive election should progress towards a real universal suffrage in which voters' free choice is realized. (Any obstacles like pre-filtering and pre-election after nomination and before election are counterexamples of this metric).

Recommendation to Legislative Council Election in 2012

1. The ultimate fate of the FCs must be their entire abolition. In 2012, the FC should be reformed as an intermediate step to this end. The design objectives for reform of the Legislative Council election in 2012 are:

   - The electorate base in the FCs should be broadened and moved away from corporate votes.
   - All eligible voters in Hong Kong should be able to participate in both the elections for the geographical constituencies and FCs. We call this One-Person-Two-Votes.
   - Existing FCs should be merged to form larger FCs . Such merger will ensure no candidate from a single sector can dominate the election without the support from other sectors, thus reducing the "vested interests" factor inherent in the current composition of FCs. It is to encourage integration of interests from different sectors, to set the scene for the future universal suffrage. The setting is also to discourage the entrenchment of the vested interests of the existing small FCs.
   - Since each eligible voter should be allocated to a FC, new FCs should be created for voters not eligible to any current FCs.
   - The number of seats of each FC in the Legislative Council is proportional to the size of eligible voters in that FC.

2. We introduce the "Comprehensive FC" which is a revamping of the FCs into 6 larger FCs composed of mainly individual voters.

   - Four large FCs are to consolidate the current FCs which are categorized according to the nature of the business activities. They account for the 3.7 millions of the population.
   - Two new FCs are introduced for other non-business sector, professional or unionized labour voters. One is for adult students and retired persons. Another is for homemakers and economically inactive persons previously not included in FCs. They account for about 2 millions of population.
   - The electorate base of FCs consequently goes up 5.7 millions of voters to match that of the geographical constituencies.
   - The number of seats in Legislative Council elected via the FCs can remain at 30 or be

increased to 35. The seats of Legislative Councillor elected via geographical constituencies should always be equal to that from the FCs.

- The number of seats of each FC is allocated according to the proportion of eligible voters of that FC to the total number of eligible voters. The effect of each vote is ideally equal.
- Within each FC, the voting is by a proportional representation system. This system avoids the monopolization of seats by large sectors and encourages the formation of groups and tickets across different subsectors, favouring with a political platform that can harmonize the different interests.
- The proposed new FCs in the Legislative Council is depicted in Table 2. In the appendix, Tables A.1 to A.6 lists the detail distribution of voters in each of the six FCs.

Table 2: Proposals of the New Comprehensive "FCs" in the Legislative Council

Proposed Comprehensive FCs	# of persons (QRHS, 2007Q4)	Percentage of Total	Seats	
One: Manufacturing & Trade (Table A.1)	1,090,000	18.6%	6	Note 1
Two: Infrastructure, Logistics and Tourism (Table A.2)	930,000	15.9%	5	
Three: Business and Professional Services (Table A.3)	716,199	12.2%	4	Note 2
Four: Community, Social and Personal Services (Table A.4)	927,100	15.9%	4	
Heung Yee Kuk & District Council (as in 2004 LC election)	593			Note 3
Sub-total (excluding District Council and Heung Yee Kuk)	**3,663,299**			
Five: Full-time Adult Students and Retired Persons (Table A.5)	1,212,835	20.7%	6	
Six: Homemakers and Economically-Inactive Persons Previously Not included in any FCs (Table A.6)	976,200	16.7%	5	
Sub-total	**2,189,035**			
Total (excluding District Council and Heung Yee Kuk)	**5,852,334**	100.0%	30	

Note 1 (QRHS, 2007Q4) # of Persons Engaged as in the "Quarterly Report on the Household Survey"
Note 2 Includes Civil Servants of 153,899 as appeared in QREVS, Dec 2007
Note 3 # of electors of HYK and DC in 2004 LC election

Recommendations to Chief Executive Election in 2012

1. The NPCSC has acknowledged that the Chief Executive will be elected by universal suffrage in 2017.
2. A Nomination Committee should in principle be formed in a democratic manner so as to represent the public in the broadest possible way.
3. The current formation of the Election Committee is 800 members according to the following distribution:

1. Industrial, commercial and financial sectors	200
2. The professions	200
3. Labour, social services, religious and other sectors	200
4. LegCo members DC representatives HK Deputies to NPC Representatives of HK members of National Committee of the Chinese People's Political Consultative Conference	200

We propose to keep the number of Nomination Committees to 800. The 200 members from fourth category (Legislative Council members, District Council representatives, Hong Kong Deputies to NPC, Representatives of HK members of National Committee of the Chinese People's Political Consultative Conference) remain unchanged. The 600 members from various business, industrial and professional categories (first, second and third categories) are to be elected using the same concept of Comprehensive FCs. The number of Nomination Committee members in each Comprehensive FC is by proportion of their eligible voters to the total number of eligible voters. To manage the large number of Nomination Committee member seats of each Comprehensive FC, the election can be broken down to sub-FCs with maximum number of elected members around 40. Table 3 below shows a sample categorization with the breakdown sub-sectors for the first two comprehensive FC sketched as example. The principle of every vote having equal effect still holds in the election of the 600 Nomination Committee members.

Table 3: Formation of Election Committee for CE Election via Comprehensive FC

Proposed Constituencies	# of voters	Percentage of FC voters	# of Seats	# of Sub-FCs *(Seats in Sub-FCs)*
One: Manufacturing & Trade	1,090,000	18.6%	112	3 *(37/37/ 38)*
Two: Infrastructure, Logistics and Tourism	930,000	15.9%	95	3 *(31/32/32)*
Three: Business and Professional Services	716,199	12.2%	74	2 *(37/37)*
Four: Community, Social and Personal Services	927,100	15.8%	95	3 *(31/32/32)*
Five: Full-time Adult Students and Retired Persons	1,212,835	20.7%	124	4 *(31/31/31/31)*
Six: Homemakers and Economically-Inactive Persons Previously Not included in any Fcs	976,200	16.7%	100	3 *(33/33/34)*
SubTotal	**5,852,334**	100.0%	600	18

4. The nomination threshold for an eligible Chief Executive candidate should be no more stringent than the present arrangement. We propose that each nomination requires the support of minimum 50 and maximum 100 Nomination Committee members. The minimum number is to provide a proper threshold which should be sufficient to avoid too many unqualified candidates from jamming into the election, but not high enough to disallow capable candidate to come to the competition. The minimum number should never be higher than the current number. The maximum number of nominators is to prevent any individual dominant candidate from monopolising
5. Pre-election or pre-filtering of "excessive candidates" after the nomination poses threats to etch into the rights of the citizens to vote for their favourable candidates. The existence of nomination thresholds and guarantee deposits are sufficient to limit the maximum number of candidates in the Chief Executive election.
6. Some suggested that additional hurdles should be introduced in the nomination procedure, by requiring the minimum number of nominators from each of a number of sectors. We regard this requirement unreasonable and would deplete the right of candidates to stand for election. In other elections in Hong Kong like the Legislative Council and District Council , there is no such additional requirement in nomination. The decisive factor in any nomination should be to enable as many plausible candidates as possible to convince the voters in his/her platform to work for the interests of Hong Kong as whole. The choice should be left to the voters who will cast their votes.

The Consultative Member System to Legislative Council

1. The supporters of the FC system state that FC has the advantages of incorporating expertise and views from various professions and businesses in the legislative process. They think that it will introduce more rational thinking and enhance the quality of the decisions.

2. However, the development of FCs in Hong Kong has proved that FCs has many disadvantages. Firstly, the narrow representation has introduced small circle groups which are concerned with their vested interests and they are reluctant to any changes towards a more open political system. Secondly, the sector based election made the candidates and voters more focused on the narrow interests of the sector rather than the overall benefits of Hong Kong. It has adversely impacted on the healthy development of party politics to integrate cross-sectoral interests and reduce conflicts.

3. In Hong Kong, a consultative system was established to gauge the feedback of the professionals and businesses in the government policy formulation. This system has a very long history and still exists after 1997. When compared with the current FC system, this system has much less adverse effect. The members of the consultative committee are from professionals and businesses. They can voice their opinions from time to time but they are not given the power to make decisions. The consultative system retains the contributory inputs from businesses and professionals while insulating the vested interests from contaminating the legislative process. In the bills committee stage of the legislative procedure, members from the public were invited to submit opinions and attend the hearings. In many cases, representatives from businesses, professionals and interest groups make use of the opportunities to give their comments in the hearings of the bills committees.

4. We propose a consultative member system to the Legislative Council. The consultative member system is to formalise the current system of expert hearings in the bills committee stages of Legislative Council. The consultative member system is more a standing arrangement than ad-hoc one to give a clear responsibilities to such consultative members, as well as providing them with some resources (e.g. information, and shared office) to the members support their role.

5. The current FCs can maintain their seats in the new consultative member system of Legislative Council when the new comprehensive FC is established in 2012. These consultative members have same term as Legislative Council members.

6. The consultative members can give opinions in the Legislative Council bills committee

meetings. Unlike the Legislative Council members, they are not given any voting power and cannot attend Legislative Council meeting and panel meetings, and they are not entitled to special privileges of the members of Legislative Council like access to some confidential information.

7. The Government policy making has to progress with the social development. Nowadays, the civic society has been demanding for more public engagement by the Government and the Professional Commons submit to this approach. The consultative member system to the Legislative Council that we propose should not block the Government from taking an active role to involve the public and civic groups in the formulation of policies.

Conclusion

As a group of professionals, most of us in the Professional Commons are currently in the privileged position of being able to vote for Election Committee candidates, as well as having our own FC members within the Legislative Council. However, we do not regard our privileged position is justified to be maintained by depriving the interests of the others. We call for an open, fair system that can make Hong Kong more competitive, harmonious and a place good to live. One vital step is the reform of the 2012 election system to progress towards universal suffrage.

The Professional Commons welcomes any comments and criticisms and we are open to discuss other proposals to 2012 political reforms. We urge the public to voice out how they like the political system be reformed in 2012 as an intermediate stage towards universal suffrage which is the target they had expressed clearly in the Green Paper consultation in 2007.

Appendix

Table A.1 **Proposed Constituency One: Manufacturing & Trade**

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons (QRHS, 2007Q4)	
Textiles and Garments	Textiles and Garments	45,500	Note 1
Manufacturing	*Split into Different FCs*	158,900	
Import and Export	Import and Export	544,100	
Wholesale and Retail	Wholesale and Retail	341,500	
	Total	**1,090,000**	

Note 1 Include footwear

Table A.2 **Proposed Constituency Two: Infrastructure, Logistics and Tourism**

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons (QRHS, 2007Q4)	
Hotel and Catering		261,600	
	Tourism	N/A	
	Catering	N/A	
Primary Production, Power and Construction	Agriculture and Fisheries	N/A	
	Construction	283,100	Note 1
	Electricity and Gas	N/A	
	Mining and Other Related Sectors	N/A	
Transport and Communication	Transport	385,300	Note 2
	Total	**930,000**	

Note 1 Including foundation and superstructure; and decoration and maintenance.

Note 2 Including figures for the communications sector.

Table A.3 **Proposed Constituency Three: Business and Professional Services**

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons (QRHS, 2007Q4)	
Financing, Insurance, Real Estate and Business Services		562,300	
	Architectural, Surveying and Planning	N/A	
	Accounting	N/A	
	Business Services	236,100	
	Engineering	N/A	
	Finance	N/A	
	Financial Services	N/A	
	Information Technology	N/A	
	Insurance	43,000	
	Legal	N/A	
	Real Estate and Construction	129,900	Note 1
	Rental of Machinery and Equipment	N/A	
	Civil Servants	153,899	Note 2
	Total	**716,199**	

Note 1 Real estate only.

Note 2 This figure is from the QREVS (Dec 2007)

Table A.4 **Proposed Constituency Four: Community, Social and Personal services**

Proposed Comprehensive FC	Current FCs (1997-Present)	# of persons (QRHS, 2007Q4)	# of electors (2004 LC election)	
Community, Social and Personal Services	Business Associations	N/A		Note 1
	Education	N/A		
	Laundry, dry cleaning and garment services	N/A		
	Medical and Health Services	N/A		Note 2
	Miscellaneous Personal Services	N/A		
	Repair services	N/A		
	Sanitary and Similar Services	N/A		
	Social Services	78,000		
	Sports, Performing Arts, Culture and Publication	N/A		
	Research and scientific institutes, Libraries, museums and cultural services, Miscellenous amusement and recreational services	N/A		
	Total excluding HYC & DC	927,100		Note 3
	Heung Yee Kuk		151	
	District Council		442	
	Total including HYC & DC	927,693		

Note 1 Staff of these associations not eligible to vote in the current FCs.

Note 2 Two FCs in LegCo: Medical and Health Services.

Note 3 Most of the sub-categories in the Quarterly Report on Household Survey did not fall a direct comparison with

Table A.5 **Proposed Constituency Six: Full-time Students and Retired Persons**

	# of persons (QRHS, 2007Q4)
Local Full-time Adult Students (see Table A.7)	280,035
Retired Persons	932,800
Total	1,212,835

Table A.6 **Proposed Constituency Five: Homemakers and Economically-Inactive Persons Previously Not included in any FC**

	# of persons (QRHS, 2007Q4)
Persons engaged in household duties	667,600
Permanent Sick/Disablement	64,900
Unemployed	112,000
Other Economically Inactive Persons	131,700
Total Number of Economically-Inactive Persons (Excluding Retired Persons)	976,200

Table A.7 **Number of Local Full-time Adult Students (2006/07 academic year figures)** Note 1

(Source: http://www.ugc.edu.hk/eng/ugc/publication/report/figure2006/figures/03.pdf; http://www.ugc.edu.hk/eng/doc/ugc/stat/nlfte1.pdf; Hong Kong Annual Digest of Statistics, 2007 edition. pp. 271-272.)

Categories	# of persons	
UGC funded full-time local student enrollments	77,631	Note 2
Students aged 18 or above and still attending secondary school	45,666	
Students of approved post secondary colleges	1,381	
Hong Kong Shue Yan University	3,355	
Hong Kong Academy of Performing Arts	741	
Open University of Hong Kong	2,201	
Vocational Training Council	41,926	
Construction Industry Training Authority	555	
Hospital Authority	411	
Prince Philip Dental Hospital	80	
"Project Yi Jin".	6,462	
Adult education/vocational courses	99,626	
Total	280,035	

Note 1 Including non-local students and those under 18

Note 2 Excluding the non-local students studying in UGC-funded programmes, but include the non-local students studying in non UGC-funded programme, and those under 18.

公共專業聯盟
The Professional Commons

2012年政改方案的建議

公共專業聯盟
2008年5月29日

背景

公共專業聯盟
The Professional Commons



- 人大常委會去年決定香港可以在2017年普選特首，及最早在2020年普選立法會
- 策略發展委員會的政制發展專題小組現正討論2012行政長官和立法會選舉辦法
- 公共專業聯盟提出有關2012年行政長官及立法會選舉辦法的過渡方案及有關考慮

我們的方案及有關考慮

公共專業聯盟
The Professional Commons

- 提出過渡方案
  - 2012切實起步，早日實現最大程度的民主，爲2017及2020全面普選作好準備
- 提出比較不同過渡方案的方法
  - **提出審視不同政改方案的標準**
  - 社會各界透過討論比較，凝聚共識

審視政改方案的標準(1)

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眾多方案雜亂紛陳，如何判斷優劣？

- 選民基礎：應遠高於目前的數字
- 選民權利：
  - 每名選民擁有相同數目選票
  - 每張選票的重要性是相同的
- 候選人權利：
  - 任何選舉制度，均應讓符合基本條件的人參選

審視政改方案的標準(2)

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眾多方案雜亂紛陳，如何判斷優劣？

- 功能組別制度
  - 須有助淡化界別利益色彩
  - 須有助達致全面廢除功能組別
  - 須有助推動公開競爭、鼓勵政黨發展、杜絕候選人自動當選的可能
  - 須有助整合不同政治、經濟、階級以至種族的利益

審視政改方案的標準(3)

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眾多方案雜亂紛陳，如何判斷優劣？

- 特首選舉制度
  - 參選人提名機制應確保有多名具備條件的人可以參與角逐，不容許滲入任何附加機制以過濾和篩選候選人名單
  - 設有提名人數最低和最高限額
- 有關改革應符合基本法及人大常委會對於 香港行政長官和立法會產生辦法的決定

功能組別的存廢 (1)

公共專業聯盟
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- 功能組別最終難逃全面廢除的命運
- 2012年的功能組別選舉須做好過渡安排

1. 功能組別現況：代表性過低

- 2007年功能組別的選民數字爲212,825人，僅爲全港成年人口的3.7%
- 過半的功能組別由公司票主導
- 在公司票主導的功能組別中，選民人數祇佔該組別所屬行業就業人數的1.4%或以下

功能組別的存廢 (2)

公共專業聯盟
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功能組別現況：不利民主政治發展

- 狹隘的代表性形成小圈子利益集團
- 以界別爲基礎的選舉，導致候選人和選民都着眼於界別利益，凌駕全港整體利益之上
- 嚴重窒礙政黨政治的健康發展
- 妨礙政黨發揮整合跨界別利益及消融矛盾的作用

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立法會選舉改革方案

公共專業聯盟
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- 擴大功能組別的選民基礎，取締公司票
- 「一人兩票」制，所有合資格的香港選民均可參與：
  - 地方選區選舉
  - 功能組別選舉
- 功能組別席位的數目
  - 可維持在30席，不反對增加至35席，但須維持比例不變

重組功能組別的方案

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- 合併現有的功能組別爲4個大型功能組別
  - 取代現時按經濟職能劃分的功能組別
  - 選民基礎擴大至370萬人
- 增設兩個新的功能組別
  - “成年學生和退休人士”組別
  - “家務工作者，和其他非經濟活躍者”
  - 選民基礎：超過200萬人
- 合資格選民增至570萬人，與地方選區選舉的選民基礎相若

新功能組別方案的優點

公共專業聯盟
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- 個別界別的候選人若無法取得其他界別選民的支持，將無法勝出
- 有助降低功能組別只顧維護小圈子既得利益的惡劣影響
- 有助矯正個別規模較小的功能組別內利益輸送的情況
- 有助整合不同界別的利益，爲將來的全面普選鋪路

功能組別議員選舉辦法

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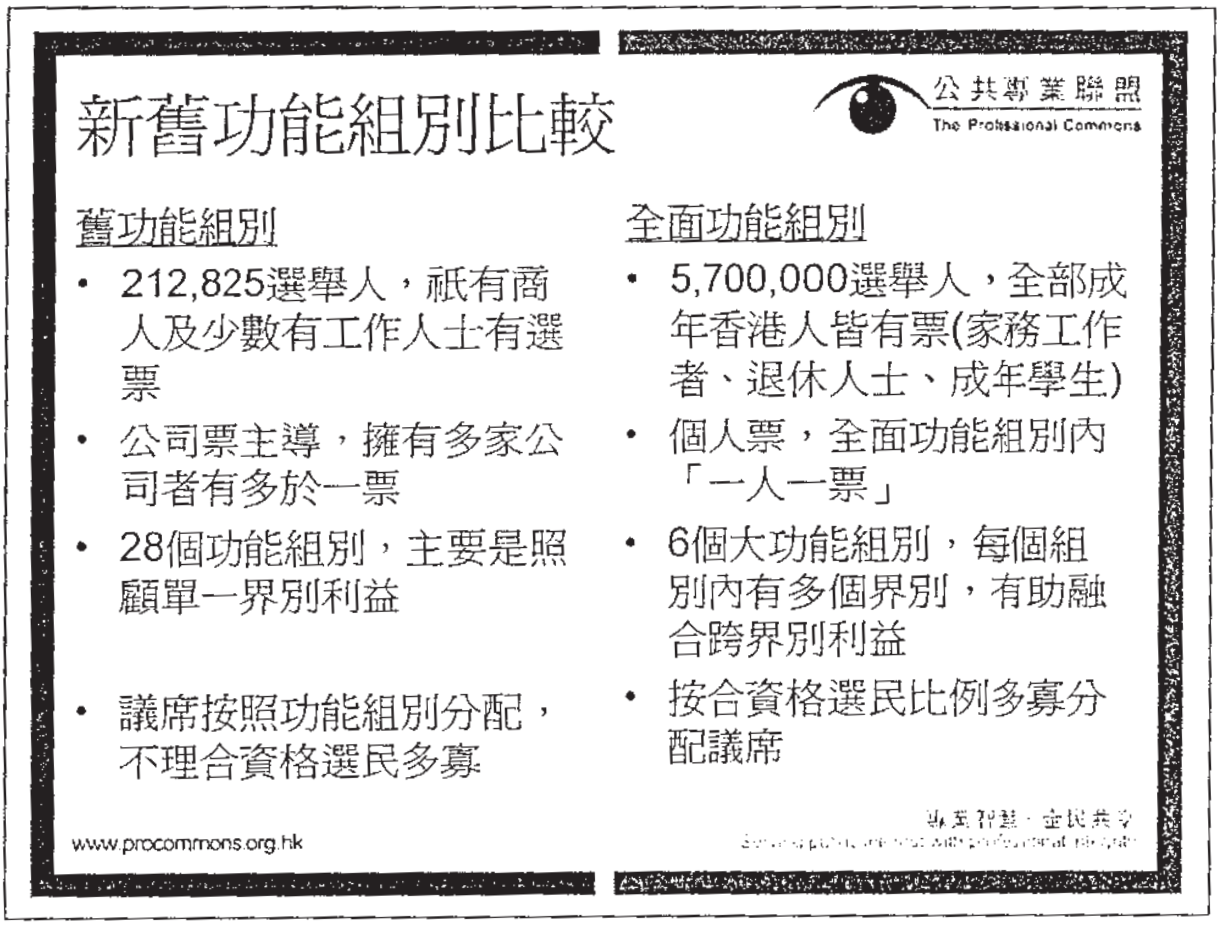
- 6個大功能組別議席的分配辦法：
  - 先計算個別組別選民佔合資格選民總數的比例， 然後按照比例多寡分配議席
- 每張選票的重要性基本上是相同的
- 優點
  - 防止人數眾多的功能組別壟斷所有席位
  - 有助鼓勵不同界別合組參選名單，並透過擬定共同政綱調和不同界別的利益



建議的功能組別界別	合資格選民人數	立法會議席	
一：製造業和貿易業	1,090,000	6	18.6%
二： 基建、物流和旅遊業	930,000	5	15.9%
三：商業與專業服務業	716.199	4	12.2%
四：個人社會和社區服務業、鄉議局和區議會	927,100	4	15.9%
小計	**3,663,299**		
五：成年學生和退休人士	1,212,806	6	20.7%
六：家務工作者和以往未列入任何功能組別的非經濟活躍者	976,200	5	16.7%
小計	**2,189,006**		
總計	**5,852,334**	30	100.0%

現時行政長官選舉委員會的組成

公共專業聯盟
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由800人組成，其分佈如下：

1.金融界	200人
2.專業界	200人
3.勞工、社會服務、宗教等界	200人
4.立法會議員、區議員、全國人大港區委員、全國政協港區委員代表	200人

建議提名委員會的組成及產生辦法

公共專業聯盟
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- 提名委員人數：維持在800人的水平
- 第四界別200人的產生辦法維持不變
- 其他界別共600名提名委員採用全面功能組別類似的產生辦法
- 6個大型功能組別可分拆爲18個分組，每個分組的提名委員席位不多於40席
- 每個新功能組別及分組提名委員的數目，按該組別選民佔全港合資格選民數目的比例分配，由分組內的選民選出
- 達致每票等值原則

建議的功能組別	合資格選民人數	提名委員名額		功能組別分組	
				分組數目	提名委員
一：製造業和貿易業	1,090,000	112	18.6%	3	37, 37, 38
二：基建、物流和旅遊業	930,000	95	15.9%	3	31,32, 32
三：商業與專業服務業	716.199	74	12.2%	2	37, 37
四：個人社會和社區服務業、鄉議局和區議會	927,100	95	15.9%	3	31, 32, 32
小計	**3,663,299**				
五：成年學生和退休人士	1,212,806	124	20.7%	4	31, 31, 31, 31
六：家務工作者和以往未列入任何功能組別的非經濟活躍者	976,200	100	16.7%	3	33, 33, 34
小計	**2,189,006**				
總計	**5,852,334**	600	100.0%	18	600

最低提名門檻

公共專業聯盟
The Professional Commons

- 不應較現時的安排苛刻
- 設立最低提名票數
  - 旨在避免產生過多不具備條件的參選者
  - 不應過高，以免排拒有能力的候選人參與競選
  - 不多於現時的標準(即100人)
  - 須最少獲得50名提名委員的支持

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提名人數的最高限額

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- 旨在避免個別強勢候選人壟斷了提名程序，致使後來的選舉實際上沒有其他候選人
- 提名人數最高上限：100人

行政長官選舉不必要的規範

公共專業聯盟
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- 加設「預選」或「篩選」機制，並不合理：
  - 剝奪市民投票選出理想候選人的權利
  - 剝奪部份參選人的參選權利
  - 立法會及區議會選舉，沒有類似的要求
- 現時的提名人數門檻及保證金制度，已足以限制參選最高人數

設立立法會的政協制度

公共專業聯盟
The Professional Commons

- 目的：讓功能界別人士繼續貢獻社會，提供專業意見，但不讓界別利益扭曲政策制定的公正性
- 把現時法案委員會階段邀請專家發表意見的做法予以正規化和制度化
- 讓現時的功能組別在2012 年實施全面功能組別制度時，透過新的方式繼續服務社會

立法會政協制度的內容

公共專業聯盟
The Professional Commons

- 政協制度成爲立法會體制的組成部份
- 立法會政協委員:
  - 被賦予明確的諮詢職責
  - 可以在立法會法案事務委員會發言
  - 任期與立法會議員相同

立法會政協委員的權利與限制

公共專業聯盟
The Professional Commons

權利

- 獲提供配套資源，例如相關的資訊和辦公室支援等

限制

- 沒有投票權
- 不能出席立法會大會和事務委員會會議
- 不能擁有立法會議員的特權

公共專業聯盟
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謝謝!

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致：香港行政長官 曾蔭權先生
民政事務局局長 曾德成先生
各級司局署長、議員和出席人士

取消區議會委任及當然議席 制訂全面措施紓緩通脹問題

1. 民主制度尚未全面施行

回歸前，政府廢除區議會委任制度，議會亦証明運作良好；可惜回歸後，區議會委任制度竟死灰復燃，使到民意的聲音，在議會內遭到嚴重的扭曲！實在是本港政治制度的一大缺憾。

現時政府可委任的區議會議席，高達議席總數的四份之一！市民認爲政府此一措施，是爲了確保區議會內有足夠的票數支持政府；又或者是爲了報答親政府人士。 而由於區議員可選出一名功能組別立法會議員、及爲數逾 40 名的選舉委員會委員；則政府委任的 102 名區議員，更有助於政府「影響」選情，達到政治操控的目的！。

另外，政府「保留親信」，讓區議會的委任制度可違背政府「獲委任人士不應超過六年」的原則。 現在有些委任區議員，已經被委任超過了十年，或許由於「聽話」，即可長期享有政治特權，大吃政治免費午餐而無須向市民問責！

在此，民主黨強烈要求全面取消區議會委任議席及當然議席，使議會的所有議席均由民選議員組成，讓市民意見得到全面、不受扭曲地反映。

2. 紓緩通脹政府有責

根據聯合國資料，去年全球乳製品價格上漲近 80%，穀物價格上漲 42%，整體食品價格較 02 年大幅上升 65%。香港依賴外地入口食物，本地物價迅速反映。面對基本食物愈來愈昂貴，低收入戶的選擇已由昔日「吃差一點」，變爲現時「吃差一點也吃少一點」。

在今年預算案中，政府推出一系列「還富於民」措施，但弱勢社群所得卻極爲有限。面對高通脹，政府絕對有能力進一步減輕基層市民的負擔，以免民生日困、進一步激化社會矛盾。

P.T.O.

民主黨提出8項紓緩市民負擔的措施，包括：減免公屋租金；讓低收入而非居於公屋的家庭（如輪候公屋人士及家庭)獲得租金援助；全面推行交通津貼及放寬門檻；遏止公共事業加價；提供措施協助志願團體設立食物銀行；按季而非按年調查生活指數及調整綜援；取消外籍傭工徵款；放寬大專生貸款資格及降低供款利息；穩定土地供應，紓緩租金飆升。

「通脹猛於虎」，民主黨強烈要求政府必須體察問題的嚴重性而迅速制訂應對措施！

發言人
陳樹英議員（民主黨政務部部長、　　）

2008年5月10日

＊此信副本送交各大傳媒機構

關於2012年增加立法會議席及更改功能界別選民範圍的意見

石禮謙

策發會政制發展專題小組正就2012年立法會產生辦法徵詢意見，有意見認為屆時應增加立法會議席，就功能界別的選民範圍進行改革，取消公司/團體票，對此，本人提出以下意見：

1. 2012年立法會議席數目應保持現狀

《基本法》起草委員會主任委員姬鵬飛先生在七屆人大三次會議作「《基本法（草案）》及有關文件說明」時指出，香港特別行政區的政治體制，要符合“一國兩制”的原則，要從香港的法律地位和實際情況出發，以保障香港的穩定繁榮為目的。從1998年第一屆特別行政區立法會至今，透過循序漸進的安排到第三屆立法會功能團體和分區直選議員各佔一半，充分顯示了均衡參與的目標，而且是按照《基本法》附件二的安排進行，社會不存在爭議。

然而，增加2012年立法會議席雖則可謂擴大社會人士的政治參與，但新增議席尤其是新增功能議席引發的爭議必將極大，恐怕難於立法會三分二多數通過，對穩定邁向普選並無好處。而且有關增加議席的理據也未如充分。如果把「循序漸進」、「均衡參與」簡單地理解為增加議席，忽略因此而引發的爭拗對香港整體社會穩定帶來的影響，並不符合姬鵬飛先生在七屆人大三次會議作「《基本法（草案）》及有關文件說明」，即以「以保障香港的穩定繁榮為目的」。

其次，本人並不認為增加議席是「立法會實際工作需要」。事實上，本港的議會運作於回歸後一直暢順，此有賴於多年來形成的一套行之有效、完整先進的議會運作規則。雖然立法會事務繁複，意見不一，但在有效機制的引領下，議員對所有審議工作都嚴謹細緻、認真負責，總體而言達到了較高工作效率及立法水準。根據本人就任立法會八年的經驗，提高服務水平的根本在於減少議會內意識形態不同所產生的對立，以香港整體利益為重，但本人認為增加議席並不可以扭轉目前這種局面。相反，過多的議席只會帶來更多的糾纏機會，拖慢整體效率。如果議席增至七十或八十席，僅每周三的立法會大會就有可能要增加1至2日，到時肯定會影響議會其它工作，效率恐怕不升反跌。

第三，用人口比例與外國做比較其實並無意義，香港既不是國家，也非普通城市，香港特色是地緣集中，人口稠密，以都市經濟運作為主，況且在「一國兩制」之下特區除處理內部事務外，無須負責國防、外交事務，換言之特區議會至少在需處理的立法事務的職責上難於與外國的國家議會相提並論，而香港作為國際性商業城市，非常強調管治效率與成效。我認為《基本法》規定要行政主導，不僅是考慮到特區行政應注重有效管治，而圍繞著「有效」的各種因素都必須是有利於行政主導發揮，而非是削弱行政主導。

第四，增加立法會議席確實有利更多社會人士參政，但培養政治人才與增加議席並無關聯，所謂「政治人才」根本難以衡量。而且，從整個架構看，現時香港不單有區議會，還有數百個諮詢組織，民意有足夠的渠道反映，有志從政者也不缺展現才華的舞台。而近年特區政府更將權力下放，增加了區議會對地區事務的決策及管理權，這些都可以實現對政治人才的培養。相反保持適當議席才可以保障議員整體質素，確保議會的工作水準。

2. 關於功能界別的選民範圍

對於將公司/團體票改為董事票或個人票，本人認為有關提議欠缺考慮。事實上，公司/團體能夠較好地反映不同行業持分者的意見，他的存在，正是充分發揮民主醞釀、民主參與、民主決策的結果，是為投資者、具代表性企業、機構提供表達意見的平台，是有效實現「兼顧社會各階層利」、「有利於資本主義經濟發展」原則的保障。改變或取消公司/團體票，以個人票取而代之，表面上是拓寬了選民基礎，實質上並無顧及業內團體及主要持分者的意見，有違設置功能組別的設計，本人對此不表認同。

2008/5/13

對2012年行政長官及立法會選舉方法的建議

前言

2012年的行政長官及立法會選舉，應按照《基本法》第45及68條，即根據香港特區的實際情況及循序漸進的原則而規定，最終達致由普選產生的原則，以及由全國人大常委會於2007年12月29日通過的《關於香港特別行政區2012年行政長官和立法會產辦法及有關普選問題的決定》(《決定》) 的規定作出修改。

根據《決定》，行政長官可於2017年由普選產生；而立法會全部議員則可於2020年由普選產生。2012年行政長官及立法會選舉模式，將直接影響未來的普選方法。因此，本會認為，2012年的兩項選舉，應被視為邁向普選的過渡安排，兩項選舉方法的著眼點，應從普選的角度考慮。

2012年行政長官選舉

1. 選舉委員會的委員人數

本會建議：維持現有800人的安排。

現有的800人選舉委員會已涵蓋不同階層、不同界別人士，具有廣泛代表性，既充分體現了均衡參與的原則，同時亦兼顧了社會各階層的利益。若貿然增加委員人數，恐怕會造成運作上的困難。為此，本會建議選舉委員會的人數維持800人，由4個界別組成，包括：(a)工商、金融界共200人；(b)專業界共200人；(c)勞工、社會服務、宗教界共200人；(d)立法會議員、區域性組織代表、港區全國人大代表、港區全國政協代表共200人。

(編者註：來信人要求以不具名方式公開)

2. 如何在不同界別分配議席

本會建議：維持現有 4 個界別各佔 25%席位的安排。

現在四個界別在選舉委員會中各佔 25%席位，本會認為維持這個比例是最適當的安排，既可達致均衡參與的原則，亦能平衡各階層的利益。調整任何一個界別席位的比例均會引起不必要的爭拗，違背公平參與的原則。

3. 界別分組的組成

本會建議：維持現有界別的組成。

若要重組界別分組，無論分拆或合併，當中一些組別的利益必然受到影響，由此可能引起極大爭議，破壞社會和諧及穩定。因此，本會建議維持現在的界別分組安排，這樣較易得到社會共識，避免爭議。

4. 選舉委員會的選民基礎

本會建議：保留原有安排。

雖然社會上有意見提議把「公司/團體票」轉為「董事/個人票」，以擴闊選舉委員會的選民基礎，但本會認為，這個做法有其潛在風險。由於缺乏條例監管，非上市公司可任意委任董事，容易操控選民數量，造成不公平現象，無助擴闊選民基礎，故本會建議保留原有「公司/團體票」的安排。

5. 提名行政長官候選人的安排

本會建議：維持現有 100 人提名的安排。

本會認為，沿用現時提名所需人數佔總人數八分之一的比例，即維持 100 人提名的安排最為恰當。若選舉門檻過低，可能出現候選人過多或質素參差的情況；若選舉門檻過高，則令選舉失去意義。

2012 年立法會選舉

1. 立法會議席數目

本會建議：維持 60 席。

本會建議維持立法會 60 議席。正如建議書首頁提出，2012 年立法會選舉應被視為邁向普選的過渡安排。假若增加分區直選及功能界別的

議席，日後在邁向普選時，要取消新增的功能界別議席時將更加困難。增加議席亦會拖慢議事效率，為政府施政增添困難。

另有意見認為香港相比其他國家，每個立法會議席相對的人口偏高，本會對此不表贊同。事實上，香港區議會議員已分擔了大部分地區工作，間接紓緩了立法會議員的工作，若把這534名區議員計算在內的話，每個議席相對的人口其實很低。

2. 分區直選所產生的議席數目

本會建議：維持30席。

現在的30席乃根據香港人口分佈作出分配，充分體現了公平參與的原則，建議維持現有安排。

3. 功能界別選舉所產生的議席數目

本會建議：維持30席。

現在的30席已能平衡各階層的利益，是最理想的安排。調整任何界別均會引起不必要的爭拗，破壞社會和諧及穩定。

4. 功能界別的選民範圍及數目

本會建議：維持現有安排

如前所述，把「公司/團體票」轉為「董事/個人票」有潛在風險，由於非上市公司可任意委任董事，容易操控選民數量，造成「種票」現象。這無助擴闊選民基礎，故本會建議保留原有功能界別的選民範圍及數目。

5. 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排

本會建議：維持現有安排。

香港是一個華洋共處的國際大都會，中西文化交匯，結集多元文化。本會認為，維持百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排有利廣納賢才，亦有利本港維持國際大都會的形象。

2008年5月27日

香港中小型企業商會有限公司
The Hong Kong Chamber of Small and Medium Business Ltd.

政制及內地事務局
常任秘書長 羅智光先生，JP

羅秘書長鈞鑒:

本會就政改之建議

在過去十年來，在特區政府的領導下，加上中央政府的支持，香港的經濟取得了良好的發展，社會保持穩定與和諧。本會作爲有代表性的香港中小企業界的商會，對政改提出以下意見及建議。

1. 應設有中小企業界的代表

建議提名委員會內加入中小型企業界的代表

《決定》指出，根據基本法第四十五條的規定，在香港特別行政區行政長官實行普選的辦法時，須組成一個有廣泛代表性的提名委員會。本會認爲，以中小型企業佔本港企業總數 98%以上，並且僱用了多達 130 萬的就業人口，對香港經濟繁榮及發展，甚至對穩定民心均具有相當重要的影響力，代表性毋庸置疑。

故此，本會認爲，在日後成立的提名委員會內，應設有中小企業界的代表，以符合提名委員會應具有「廣泛代表性」的要求。

2. 應保留立法會功能組別議席

建議應保留功能組別，但擴大選民基礎，並加入中小企業界的議席

本會始終認爲，功能組別的成立，能夠使立法會於討論各項議題的時候，由相關組別的議員提出專業意見及建議，令議員及市民能深入理解該議題並尋求共識將有莫大幫助。與此同時，功能組別的存在，對平衡各階層與界別的利益，及實現均衡參與這個原則有莫大作用，其實也是表現民主的其中一種形式，並不與普選存在矛盾。

故此，本會建議政府應保留立法會內功能組別的議席，並擴大組別內的選民基礎。此外，特區政府亦宜因應本地中小型企業的影響力及地位，加入代表中小企業界的議員，反映中小企聲音，對進一步加強中小企業與政府的互動及溝通及促進本地中小企的發展將起正面作用。

以上為本會提出的意見，希望　閣下能詳加考慮。

敬頌
鈞安

香港中小型企業商會會長
（已簽署）吳宏斌敬上
二零零八年五月二十七日

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Fourth Meeting of the Task Group on Constitutional Development of the Commission on Strategic Development on 29 May 2008 Presentation by Mrs. Anson Chan's Core Group

Chief Secretary for Administration, Members,

On behalf of the members of my Core Group I would like to thank you for your invitation to present our views to you this afternoon. With me is Liz Bosher.

As time is limited I propose to dispense with any preamble and move straight to the key points I would like to make.

During his campaign for re-election, the Chief Executive made a firm commitment that [if re-elected] he would resolve, before the end of his second term of office, the issue of when and how the promise of full universal for the election of the CE and for all members of the Legislative Council would be resolved. However, at the first meeting of this Task Group the Secretary for Constitutional and Mainland Affairs clarified that the remit of the third term CE would be confined to dealing with issues relating to the two electoral methods for 2012. Far from the issue of universal suffrage being resolved once and for all by 2012, it seems that Hong Kong people are expected to wait until **after** 2017 to see clearly the final model of governance to be applied to them.

Putting aside the fact that, for whatever reason, the CE is now unable to fulfill the commitment he made to Hong Kong people in the run up to his re-election, such a situation is both unreasonable and unworkable. Specifically, I can see no way for this Task Group to fulfill that part of your terms of reference to lay [and I quote] "...a solid foundation for attaining universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020..." without placing your recommendations squarely in the context of a firm and final roadmap to achievement of full universal suffrage in 2017 and 2020. The package of electoral changes to be introduced in 2012 must, clearly and unequivocally, pave the way for the achievement of full universal suffrage no later than the prescribed dates.

Please be mindful of why the Government's 2005 package of proposals failed to gain the necessary support of two-thirds of the Legislative Council. Quite simply, it was not obvious to the critical observer how the measures it proposed would result in real progress being made towards attainment of full universal suffrage. It is in no one's interest that the package of proposals which emerges from this consultation process meets the same fate; this is why it must be capable of securing the broad based endorsement of all the major political parties represented in LegCo.

I would now like to set out what we consider to be the key elements of a package capable of securing the necessary support of LegCo Members.

First, the Government must assure Hong Kong people that they will be governed in accordance with an internationally accepted definition of universal suffrage. Bearing in mind that Article 39 of the Basic Law provides for the terms of the International Covenant on Civil and Political Rights (ICCPR) to be implemented through the laws of Hong Kong, we believe that the Government should state clearly that the definition of universal suffrage to be applied in Hong Kong will be consistent with that laid down in Article 25 of the ICCPR which states that:

'Every citizen shall have the right and opportunity .....

(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.

Our view that Functional Constituency (FC) elections are fundamentally inconsistent with this definition and must therefore be abolished is well known. Far from being alone in this view, I note that there is a broad consensus across political party lines, including leading members of the Liberal Party and the DAB, that FCs must be abolished before we can honestly say that **universal and equal suffrage** has been achieved. It was therefore extremely surprising to hear the CE state, during a recent Members' Question Time in the Legislative Council, that he believes that under certain arrangements, functional constituencies can achieve the principle of equal and universal suffrage.

It is frankly hard to see how any real progress can be made until the Government makes a firm statement in principle that FCs will be abolished and by what date. Then the community will be able to focus squarely on the practical issue of whether they should be removed in phases or all in one go.

Let's not forget that, when FCs were initially introduced in 1985, they were never intended as anything other than a halfway house between the previous government appointment system and one-man-one-vote. Given that some have electorates numbering only a few hundred and that others quite shamelessly seek to promote their own vested interests rather than the common good, how can it be argued that they contribute to 'balanced participation'. In a true democracy the balance of participation will find its own level naturally, because no particular

grouping will have an unfair advantage when it comes to representation in the Legislature.

As regards possible changes in 2012 to the LegCo electoral arrangements our views are:

- As we firmly believe that FCs should be abolished to make way for full universal suffrage, we see no particular benefit in increasing their number in 2012, particularly as this raises the problem of which additional groups should be included.

- We do not support adding more FCs elected from among District Board members, because DCs do not actually represent any functional sectors and their constituencies overlap with those of LegCo Members directly elected from geographical constituencies.
- In 2012 the emphasis should be on increasing the franchise of existing FCs and broadening the mandate of those Councillors elected by them. Along the lines of the recommendations in the report by my Core Group: 'The Road to Universal Suffrage' published on 5 March 2007, we recommend two specific measures:
  - 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 voters for FCs would increase from the current some 215,000 to approximately 450,000;
  - the existing 30 FC seats be organized into ten groups for the purpose of electing LegCo Members, the rationale being that this will strengthen the mandate and representativeness of those elected in preparation for making way for full universal suffrage.

I note that while this last recommendation, namely of grouping FCs together for electoral purposes, has also been proposed in submissions from other groups and individuals, yet the concept has not been included as a possible option for consideration in any of the papers so far submitted for your consideration.

As regards the mechanism for election of the Chief Executive by universal suffrage, I can also confirm that the views expressed in my Core Group Report have not changed. In essence these are:

- We are in broad agreement with the concept that the present Chief Executive Election Committee evolve into the Chief

Executive Nominating Committee specified in Article 45 of the Basic Law.

- We see no particular advantage in increasing the size of the Nominating Committee, but we do consider it essential that the Committee be made more genuinely representative of the Hong Kong community by broadening the franchise along the lines we have suggested for broadening the franchise of the LegCo FCs.
- To enhance the prospects for genuinely contested election of the CE we recommend that the minimum number of nominations required by each candidate be fixed at 10% of the total size of the Nominating Committee.
- There should be **no** requirement on candidates to obtain a minimum number of nominations in each of the four sub-sector groupings, as this will reduce voters' choice and possibly quite unfairly and unreasonably lead to a filtering out of candidates who enjoy widespread popular support.

On a final point, I note with some unease suggestions that there should be moves to reduce and perhaps progressively phase out the currently permissible quota of LegCo Members who are not Chinese Nationals or who have right of abode in foreign countries. In this regard I would like to make two observations:

- First, the provision that up to 20% of LegCo Members may fall into the above categories is set down in Article 67 of the Basic Law, not in Annex II. There is therefore no implication to be drawn that this was intended to be a short term or transitory measure.
- Secondly, it is a fact that the majority of non-ethnic Chinese Permanent Residents of Hong Kong are unlikely to qualify for Chinese Nationality under present criteria. Therefore, to impose a requirement that all Members of LegCo be of Chinese Nationality would effectively bar these groupings from the right to stand for election and fly in the face of any true concept of fair and universal suffrage.

Mr. Convenor, Members, this concludes our presentation. Thank you for your attention.

策發會政制發展專題小組

主席：

首先，我想感謝政制發展專題小組給我機會在此代表匯賢智庫向各位小組成員闡述我們對 2012 年行政長官同立法會選舉辦法的一些看法。

在我具體講述這些選舉辦法之前，請讓我先清楚講明匯賢智庫的基本立場，就是我們希望香港可以在《基本法》的框架內，不斷發展一個優質的民主政制，早日落實雙普選。之前我們講過，如果社會有共識的話，我們支持於 2012 年普選行政長官與及全體立法會議員。不過，在 2007 年 12 月，全國人大常委會已經明確地決定了香港達至普選的時間表，而我們認為，總的來說，香港市民是接受人大常委會的決定，故此，我們亦都尊重這個決定內的時間表。而人大常委會開了綠燈後，落實雙普選的責任就落到香港身上，所以我們真的希望在未來的一段日子，特區政府、立法會和社會各界可以積極凝聚共識，求同存異，謀求制定出一套切實可行、中央政府和香港不同界別都能夠接受的普選方案，真真正正在 2017 年由全港市民普選行政長官，與及在 2020 年普選全體立法會議員。

對於 2012 年行政長官的選舉辦法，我們的意見是既然他/她不能夠在那一年由普選產生，就應該根據《基本法》附件一的規定，由一個有廣泛代表性的選舉委員會選出，再由中央政府任命。至於 2012 年的選舉委員會：

- 我們建議由現時的 800 人，增加至 1,800 人，以讓更多社會人士參與，和加強選舉委員會的認受性，體現循序漸進的原則；
- 而在均衡參與的原則下，我們建議保留現時選委會的四個界別；
- 至於各個組別的委員人數分佈方面，我們建議第一至第三界別的委員人數將按現有的分配方式增加一倍，即是說：工商、金融界，專業界，勞工、社會服務、宗教等界都分別由 200 人增加至 400 人；
- 至於第四界別，我們建議除了包括現時已經是成員的全體立法會議員、全數港區全國人大代表、港區全國政協委員代表、同鄉議局代表之外，還加入全數民選區議會議員，令此界別人數由現時的 200 人增加至 600 人；

- 我們希望透過納入全數民選區議員，選舉委員會的選民基礎將會由現時的 20 多萬，大幅擴展至超過 300 萬人，增強選舉委員會的代表性；

- 以此形式組成的選委會，大家可以考慮將它過渡成為 2017 年的提名委員會，方便兩個選舉辦法的銜接；

- 關於提名方式和有意參選人士取得候選人資格方面，我們建議把提名門檻由現時的 12.5% 降低至 10%。為了兼顧社會各界的利益，確保我們的行政長官都要聆聽不同的聲音和積極回應各界的訴求，我們認為每名候選人都應該同時在每個界別中獲得最少 10%的委員提名；

- 此外，每名候選人的提名上限為 450 名，務求令選舉在有競爭的情況下舉行；

- 最後，獲得足夠提名的人士將正式成為候選人，由選委會成員在簡單多數的原則下，一人一票選出行政長官。如果提名期結束時只有一名候選人獲足夠提名，該名候選人將自動當選成為行政長官。

以上是我們對於 2012 年行政長官選舉辦法的意見，我會在餘下的時間講述匯賢智庫對立法會選舉辦法的看法。我們一直都建議普選全體立法會議員的時候(現在看來應該是 2020 年)，全面取消功能組別，改為實行一人兩票的制度。在此制度下，每名選民均有兩票，一票為比例代表制下的分區直選票，另一票是以全香港作為單一選區的名單比例代表制選票。我們相信這個在世界多個國家和地區都有採用的混合形式選舉制度，不單只公平和符合民主精神，更加能夠體現「兼顧社會各階層利益」及「有利於資本主義經濟的發展」兩項原則，因為它一方面可以讓市民投票選擇他們認為最關顧地區事務和他們切身利益的人士，另一方面又可以鼓勵擁有專業才能、跨地域經驗和廣泛支持的社會精英參選立法會。

就是在這個背景之下，我們對 2012 年的立法會選舉辦法有下列的建議：

- 首先，為了進一步加強立法會的代表性，配合立法會實際工作需要，與及給予更多社會人士參政機會，培養政治人才，我們建議把議席由現時的 60 個增加至 80 個；

- 基於人大常委會的決定，功能團體和分區直選產生的議員各佔半數的比例維持不變，故此新增的 20 個議席中，10 個將會撥入地區議席，按人口比例分配，另外 10 個則撥入功能組別議席；

- 至於如何決定新增的功能組別屬於哪個界別，我們認為可以考慮以下幾個原則：
    - 為了提高功能組別選舉的認受性和代表性，應該擴大功能界別的選民基礎和範圍；
    - 而擴大有關的選民基礎和範圍時，應該考慮給予更多選民直接參與功能界別投票的機會，以進一步提升一人兩票這個模式的廣泛程度；
- 因此，我們認為 2012 年立法會選舉應該將新增的功能界別議席，擴大至現時在立法會未有代表的界別。不過，我想在此指出一點，就是功能界別這個概念，一向是以職業性質劃分的。如果我們加入一些以職業性質以外條件來勾劃出來的界別，然後再稱這些新的界別為功能界別，就似乎違反了人大常委會就 2012 年立法會選舉所作出的決定的原意。
- 因此，我們在此建議考慮加入以下 3 個以職業性質勾劃出來、但現時未有立法會代表的新界別：
    - 第一，公務員：現時香港約有 16 萬公務員，是本港勞動人口的一個重要組成部份，對香港的整體運作和發展不可或缺，我們認為值得在立法會內有公務員的代表；
    - 第二，中小企：現時香港有超過 26 萬間的中小企，超過 98%的本地公司都是中小企，聘用了超過 120 萬的勞動人口，即是撇除公務員以外的一半勞動人口，對本港經濟的貢獻無可置疑；
    - 第三，安老服務業：本港現時有超過 500 間私營的安老服務中心，單是它們已經聘用了超過 14,000 人。

我們瞭解到其實任何功能界別的改動，都會引起爭議，亦沒有一個方案可以做到十全十美，令每一個人都完全滿意，所以，我們對社會各界提出增加上述 3 個功能界別以外的新組別，理順部份功能界別的組成或選民資格等等方案持開放態度，我們希望市民在未來的諮詢過程中能夠就此多加討論，讓我們知道更多他們的想法。

我今日的分享到此為止，多謝主席。

陳岳鵬

二零零八年五月二十九日

譚惠珠 用箋

致　：策發會秘書處
　　范先生（Mr. Raymond Fan）
傳真：2123-1960
共　：兩頁（連此頁）

范先生：

謹附上 "香港回歸歷程—鍾士元回憶錄" 一書中的第 82 頁及 83 頁（互佈棋局），以補充本人在昨天（29/5/2008）工作坊中的發言，煩請轉發予各位委員。謹謝！

譚惠珠　上
二零零八年五月三十日

一張字條一寫着一十我不理會我的顧問的反對一向中方提出將聯絡小組的存在，超越九七年，得到中方答允，延至二千年一月一日。」

後來，他對我說，他的顧問都不同意這樣做，但他見到當時談判氣氛良好，就提出了，以免回來還行政局責難，結果中方同意。我打趣地回應：「你應該爭取多幾年啊！」

互佈棋局

在漫長的中英前途談判中，政制安排是最後一個達致共識的議題，而且，這個句號劃得並不完滿 —— 中方留了一條小尾巴，而英方的堅持同樣深具沒有言之於口的動機。

中英兩國政府同意在九七年七月一日中國政府對香港恢復行使主權，並根據中國憲法第三十一條，設立香港特別行政區。除外交和國防事務外，香港特別行政區有高度自治權，保持原有的資本主義制度和生活方式，維持原有法律、經濟、金融等制度五十年不變。

當時香港的政治制度是殖民地的政府結構。英國政府委任的香港總督，身兼三軍司令、行政首長及立法局主席，而所有政府官員及行政立法兩局的官守和非官守議員都是由港督委任。行政局和立法局都是諮詢機構，港督可以不接受行政局的決議，亦可以不簽署立法局通過的法律。

因此，雖然香港的各種制度在九七年回歸中國後，將繼續保留，但在政制方面則肯定會大變。中國最初建議，將來香港特別行政區的行政長官由協商產生，由中央政府任命，而立法機關則由選舉產生或委任。

英國提出行政長官應通過選舉或協商產生，中方阻力不大。但當英國建議立法機關應全部由直接選舉產生，則中方反對甚劇，在這個問題上爭論久懸未決。

英方背後的想法是：假如中國政府九七後要干涉香港內政，其渠道將是經特區行政長官交由行政機關執行。在行政機關要對立法機關負責的情況下，為防範中央政府干涉特區事務，特區的立法機關必定要全部由直接地區選舉產生，俾能制衡行政長官。行政局非官守議員同意英方的策略，因而支持英方在談判上堅持，令談判一直膠着。

據聞鄧小平指令必須在三十五周年國慶前草簽中英協議，即為中英談判設了限期；前英國首相希斯在八三年九月會晤兩局議員時，亦曾提過這個限期。因此，在七、八月中方談判代表態度開始軟化，答應特區的立法機關可以全部由選舉產生。不過，同一時間，中方亦佈下其後着。

首先，中方在「選舉」一詞前面刪去「直接地區」四字，然後在英文本中，「選舉」(elections) 用眾數，意味着將來立法機關的選舉辦法，可能是包含多種模式的混合選舉。後來《基本法》所規定的立法機關選舉辦法，分地區直選、功能團體及選舉委員會，就是中方在一九八四年佈下的棋局。

另外值得注意的是，在《中英聯合聲明》主體文件內，並無提及特區立法會的組成辦法。當時中英意見分歧，故只有將立法會的組成問題，交由後來成立的聯合工作小組討論。因此立法機關的組成列載於聯合聲明附件一，而不在主體部份。

協議變了聲明

《中英聯合聲明》這六個字，香港人現在個個耳熟能詳，但行政局與英國政府當年期待的並不是一份聯合聲明，而是《中英協議》。

英方一向視談判的最終目的，是由中英兩國政府簽署一份協議。不過，在談判後期，中方卻反對簽署協議，據我們所知，其理由有二：

BPF Paper to the Task Force on Constitutional Development of

The Commission for Strategic Development

Formation of the Legislative Council

1. The way forward is to pay careful attention to the Decisions of the Standing Committee of the National Peoples Congress (NPCSC).

> *"The fifth term of the Legislative Council in the year 2012 shall not be implemented by the method of delivering all the members by universal suffrage. The half and half ratio between members returned by functional constituencies and members returned by geographical constituencies through direct elections shall remain unchanged."*

2. A further decision of the NPCSC is also quite clear: the functional constituencies are to remain an integral part of the political system until after the election of the Chief Executive by universal suffrage, possibly in 2017. To express views to the contrary or to try to promote a different system or even universal suffrage for all in 2012 is just wasting time.

3. Size of the LegCo

From the views expressed around the table of the Task Force a consensus has emerged that there should be an increase in the size of the LegCo. This is needed principally in the BPF view to ease the pressure of work on the Legislature. To conform to the principle of "gradual and orderly progress" an increase from 60 to 70 is thus supported by the BPF, with five members being allocated to each half of the council.

4. Allocation of the extra seats

It has been suggested that extra functional constituency seats should be awarded to the District Councils. This is contrary to the Decision of the NPCSC, because District Council members are elected by geographical and not functional constituencies. We should stick to the Decision and allocate the extra seats to true functional constituencies not try to advance a directly elected legislature by stealth!

Allocation of the extra seats:

a) The Women's Federation, and emphasis is on the word "Federation", can claim to represent a substantial functional constituency as defined by an earlier definition as

an "organizations and associations" representing particular groups in the community.

b) Small and medium enterprises (SMEs) play a major role in our economy. There are over 200 SMEs organised into an Association. Having regard to previous strictures about the need to enable different sectors to participate in politics, and to give due attention to the economy, SMEs have a major claim to be allocated a seat.

c) Some functionals should be split:

- Performing arts, culture and publication split from sport: both are separately organised;
- Architecture and planning from surveying;
- Real estate and construction could be split to advantage. Construction industry now has a council while real estate and property is quite distinct.

5. Improvements to and expansion of existing constituencies

a) There is no reason why retired professionals belonging to a definable profession – doctors, lawyers, accountants, etc, should not be enabled to vote in their retirement. The number of these members is considerable and growing, for them to continue to be able to vote is desirable also from a societal point of view.

b) Registered and accredited agents in the insurance industry could be given the vote.

c) There have been very many calls for modest change to reform of corporate voting. These should be carefully evaluated and a response from the administration be forthcoming.

In short, there are many ways to improve the credibility of the functional constituency system: This should be our aim, to give as many people as possible the vote so that virtually the whole electorate is involved. This would lead to a system whereby each elector has two votes. Since we have to maintain the system according to the Decision, we should concentrate on improving it. Effort should now be employed on how to achieve this. As a final point, were we to arrive at a system of 'one person two votes' in 2012 or 2017 it would be easier to segue in later years to a more conventional form of universal suffrage and then the direct election of the two halves of the whole Council.

6. Here it is useful to draw attention to the importance the Decision attaches to the present

methods of voting on motions and bills in the Council. This in effect divides the Council into two. It is suggested here that, in the eventual event of the Council being elected by universal suffrage, the retention of this voting method and the replacement of the functional half of the Council by directly elected members representing large geographical constituencies, say of 250,000 electors, would in effect produce the half of the Council replacing the functional constituencies representatives by different and "larger" personalities, capable of exercising a restraining influence, taking a broader view than the more district based and party driven views of the other half of the Council.

Election of the Chief Executive

7. The BPF has written extensively on this subject, its views are driven not simply by the narrow interest of the SAR but also the need to meet with those of Central Government expressed in the Basic Law that the elected candidate must secure the approval of the Central Government. What better way to ensure this than to require the candidates to have at least a number of nominations from the National People's Congress members of the fourth sector?

8. The BPF recommends that all candidates to have at least some support from each of the four sectors, professionals, social groups, economic interests, Councillors and NPC delegates. This will lead to the election of candidates who have broad sectoral support, who do not merely represent a narrow party or sectional interest. This is practical politics, the politics of compromise and consensus which hopefully we are seeking to achieve.

9. The BPF would particularly emphasise that if a candidate cannot obtain even a small handful of nominations form the NPC delegates it is not worth entering the race except for nuisance value or for scoring a political point without any hope of subsequent approval.

10. Requirements recommended by the BPF for successful nomination of the Chief Executive in 2012

    a) Premises:

    - Nomination Committee = 800 members (made up of four sectors of 200)
    - LegCo = 70 members

b) The following is the composition of the requirement for successful nomination and is merely indicative:

- First, Second & Third Sectors:	20@ x 3 sectors	=	60
- Fourth Sector:	15 LegCo + 5 optional *(to include some from NPC members)*	=	20
- From any of the four sectors		=	20
Total nominations			**100**

Notes: Those numbers could be modified: the principle is to nominate candidates with some support from each sector.

11. With regard to the size of the Election Committee BPF have said on numerous occasions that a Committee of 800 is sufficient, to increase it is merely cosmetic, playing with numbers, without any practical effect

12. Choice of the final candidate

a) After completion of nomination by this process, the final choice between the competing candidates in 2017 should be put to all registered voters to elect the CE through one man one vote. This would amount to universal suffrage for the election of the CE. The ultimate goal stated in the Basic Law (Article 45) would then have been achieved. The Chief Executive at the end of the day could legitimately claim that he had wide public support.

b) The merit of a two-round run-off between the two candidates with the highest number of votes needs careful evaluation. In theory it should produce a majority winner,on the other hand one-round first-past-the-post voting method may produce a winner with less than 50% of the total vote. However, the possibility of a run-off discourages the coalition of opposing parties during the run up to the first round of the election in the hope of winning in the second round runoff. Political parties making the decision to run their own candidate may have as their goal either to finish

in the top two in the first round or to demonstrate an electoral following that can be delivered in the runoff election to one of the top two finishers in exchange for political benefits in the future. Studies have shown the percentage of votes received by two leading parties in these circumstances tend to be smaller than those in one-round elections. Moreover, the run-off system encourages the development of political factions rather than the major coalitions, compromises and consensus produced by first past the post elections, e.g. U.S., etc.

c) For these reasons the preferred option for the CE election is the one-round first-past-the-post voting, the candidate with the largest number of votes wins the election. Political forces hence in these circumstances will tend to form a broad coalition behind the "front-runner" and the opposition will also tend to coalesce behind one "principal" challenger to gather as many votes as possible.

*****

What happens when the Task Force winds up?

13. I would suggest that a smaller representative group be distilled and appointed to draft some firm proposals from the views expressed around the table of the Task Force.

The Hon Sir David Akers-Jones
Revised: 5 June 2008

策發會政制發展專題小組書面發言

李大壯 (2008 年 6 月 26 日)

我們策發會政制發展專題小組 2 月 28 日舉行了首次會議，討論了 2012 年第四屆行政長官的選舉產生辦法。3 月 27 日的第二次會議，則探討了 2012 年立法會的產生辦法。4 月 25 日又舉行了第三次會議，進一步討論了 2012 年立法會的產生辦法。

本人通過參加以上會議和參閱其他委員提交的書面建議，並經過調查研究，對於上述兩個選舉辦法將如何產生，提出如下看法：

毫無疑問，2007 年 12 月 29 日人大常委會所作出的決定，是我們討論的基礎和基本原則，同時也爲我們的討論提供了一個確定的未來發展的範圍。

首先，關於 2012 年第四屆行政長官的產生辦法，我們當然應根據《基本法》，兼顧到各方利益，體現出循序漸進和均衡參與，做到目標可以達到，操作方案切實可行。

至於選舉委員會的人數，第一屆時爲 400 人，第二屆增加到 800 人。到第三屆時，根據全國人大常委會 2004 年 4 月 26 日的決定及對《基本法》作出的解釋，維持第二屆的 800 人不變。可以說，800 人的底限已經被社會各方面所認可。因此對於第四屆，少於 800 人是不可能的，800 人是起點，也是原則和基礎。爲了體現出進步和發展，當然應該適當增加人數。對此，社會上已有不同方案。既然第一屆到第二屆是從 400 人增長到 800 人,便有人提出下一屆仍然以 400 人爲增長標準從 800 人擴大到 1,200 人，但也有人提出如按照倍數關係從 800 人增加到 1,600 人也順理成章。至於最終採用哪個方案，本人認爲，第四屆行政長官選舉委員會的人數應爲 1,200 人左右，同時爲避免爭議，應將全部區議員列入選舉委員會中，從而體現出民主進步。

（已簽署）

與此同時，原有的選舉委員會委員產生辦法不能也不應變動，以免引發不必要的爭議。提名人數也應不少於第三屆時 100 名的比例。如果選舉委員會的人數增加，提名門欄至少也要維持原有的比例，即占選舉委員會總人數的 1/8 或 12.5%。這樣才能做到前後一致，保證公平。

其次，關於 2012 年立法會的產生辦法。對於這一問題，目前確實存在一定的爭議和矛盾。工商界不贊成過早取消功能組別，因爲在香港目前的政治環境和社會組成中，功能組別的存在確有其必然性和必要性。儘管這可能會遭到一小部分人士的反對，可這並不意味著阻礙民主發展。民主也是協商產生的。對此我想重申的是，我曾在 2006 年 2 月策發會的會議上就提出，政治一定要懂得妥協!對於任何政治議題，不能認爲只有自己對，而別人全錯，任何一方均需學會妥協，否則無 DEAL(成交)。毫無疑問，工商界是香港社會非常重要的支柱之一，但當然它不是唯一的支柱，香港社會同時還存在其他支柱，彼此缺一不可。我們工商界人士的意見與其他各界人士的意見同等重要。在此我呼籲大家要務實，朝著具有建設性發展的方向共同努力。

對於適當增加立法會議席，我認爲確實有它的必要性。可考慮在現有的 60 席基礎上再增加 10 席，其實 70 個席位也不爲多。通過參考以往策發會工作坊的檔和其他國家或地區的作法，我認爲增加立法會議席的好處在於，可以將更多能反映香港不同層面的社會聲音在立法會中得到體現。因此，我支持以 2005 年政改方案爲基礎，增加 10 個立法會議席。但注意需符合平衡的原則，將增加的席位給功能組別和直選各一半。新增給功能組別的 5 席全部給區議會，而對於新增給直選的 5 個席位，新界東、新界西、九龍東、九龍西、香港島這五個大區可各增加 1 席。

（已簽署）

香 港 公 民 協 會
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3 July 2008

Hon Stephen Lam, JP
Secretary for Constitutional and Mainland Affairs Bureau
3rd Floor, Main Wing
Central Government Offices
Lower Albert Road
Hong Kong

Dear Secretary:

HONG KONG CONSTITUTIONAL PROGRESS

The Central Government recently put forward a roadmap aimed at Hong Kong attaining universal suffrage between 2012 – 2020.

Around the same time, the Chief Executive was reported to have said in Legco that he believed that "under some kind of arrangements, functional constituencies can achieve the principles of equal and universal suffrage".

CHIEF EXECUTIVE ELECTION – 2012

There seems to be growing public sentiment favouring a Nominating Committee to nominate suitable candidates for the 2012 Chief Executive Election.

Our Association considers that the 2012 Election Committee of 800 could also take on the role of the Nominating Committee, with certain guidelines.

The 2012 Nominating Committee should aim to select not more than four candidates who will run for election as Chief Executive.

The Nominating Committee should keep in mind:

(a) the over-arching national requirements of the Central Government in the appointment of the Chief Executive for the 2012 – 2017 term; and
(b) the hopes and aspirations expected of the 2012 – 2017 Chief Executive by Hong Kong's 7 million people for a better quality of life, and good and sustainable relations with the Central Government and the Mainland.

Each candidate should be able to present a balanced list of subscribers, for example:

(1) The minimum number of subscribers per candidate should remain at 100.
(2) The composition of the 100 minimum subscriber list should comprise:

First, Second & Third Sectors	20 each x 3 Sectors =	60
Fourth Sector: Legco members	13	
NPC Delegates	7	20
From any of the Four Sectors		20
		100

It is the view of our Association that if the Nominating Committee procedures can be implemented in a balanced way, such as described, it would be a positive step forward for the candidates:

- to be selected one-person-one-vote by the electorate of 160,000 plus which had elected the Election Committee of 800; and no longer
- by the Election Committee of 800, which is still the current procedure.

This change in election procedure could be a pragmatic approach in 2012, which would enhance the possibility of the Chief Executive being elected by universal suffrage in 2017.

LEGISLATIVE COUNCIL ELECTION

There seems to be some consensus that the Legislative Council should be expanded in 2012 by 10 more seats, 5 for the geographic constituencies, and 5 for the functional.

For the 5 new functional constituencies, our Association suggests as follows:

(1) One seat for the women's organizations.
(2) One seat for the S.M.Es.
(3) With the existing seat and one new seat,
Sports & Culture to be separated:
one seat – Sports & Recreation
one seat – Culture, Arts & Publications
(4) Together with the existing All-HK District Council seat, and the remaining 2 new seats, the DC system could assume a more regional and coordinating role by allocating one of the 3 seats each to: HK Island, Urban Kowloon, and the New Territories, with each seat to be elected by the relevant District Councillors.

Corporate Vote

For the 2012 Legco Election, the corporate vote could be replaced by each organization being given representation on the basis of from one to a maximum of say 6 representatives, depending on the size of the organization, with each representative voting as an individual.

District Council Appointed Seats

We would suggest that consideration be given to reducing the number of DC Appointed Seats by one third in 2012.

Functional Constituency Voter Registration

With regards to voter registration for functional constituencies, we urge the HKSAR government to embark upon a continuous FC registration programme during 2009 – 2010, so as to maximize the number of FC voters. This would be an effort towards constitutional development well worth the demand on public time and budgetary expenditure.

Sincerely

(Signed)	(Signed)	(Signed)
Hilton Cheong-Leen President	Frederick Lynn Chairman	Edwin K.W. Yun Co-chair Constitutional Affairs Committee

cc Chief Executive HKSAR
Chief Secretary for Administration

曾特首先生：

你好！看到你在TV中，說視民望如浮云。但在全中國的皇上來說，有責任保家安民。你在福為民間中，已為上等人打開。但草根仍未開，因通脹太快，引起人民怨声。

先解決貧苦人民的住食行。因小於6000TVB的一百萬人故事。有23萬人貧苦，他們多是中港婚姻。因原因取不到綜援，和上班上學不方便，沒申請公屋。住的是板間房。福利等不到。好業主便退，政府的电費給住客不好便吞掉。把电費改為屋租津貼。

政府应放寬公屋，由7年減至4年，应一次個派3個屋邨給人民揀，加快上樓。食方面加大食物銀行，由貧苦家庭最多的官塘深水埗荃灣天水圍，津貼社團志願

團体設立食物銀行。請航空公司把剩下
食物送至食物銀行，大快餐店，超市，把快到
期食物捐出，設立食物銀行电話熱線
通知人民有食物銀行。小於$6000元可去取食物。
交通方便，不論何区，小於$6000元有津貼
解決貧民的住食行，才算福為民開。
真正做好呢份工。引入中国米油減小負担
香港長者多，生果金改補助金，由
700加至800元。採用可加可減制全部都是
說到政治改革，特首為期8年，建功立
業。把一些映衰政府公營執笠。例如平机会
私隱署因審計署公佈一年內工作小，吃
喝玩樂多。叫工作就推說資源不足。
若在私人公司，一早被革走。应科院也是。
因各大學有相同部门，而政府也有。

但現任政府知道而不敢去改革重疊的是制度官僚？僵化？而所有外判的，都缺乏監管。反映政府沒能力去做？可惜也有一讚的，審計署，消委會做得好。

在四川中，溫總理身先士卒，親力親為贏得全球华人愛戴。做到天下為公人民最大。把腐敗革走。

說到培养政治人材。前朝留下的局長問責制。由特首角度看，為自己增加勞力。但公務員做幾十年，才上到D8，忽有人空降自己頭上。對這制度有保留。人民心目中，是前朝舉人机制。好心做壞事

基本法沒規定外国籍。但入職前应有因為他們做滿合約。如果走回英美加等，香港使用高薪請外国人材，便難向香港人

交待，更難向中央交待。例子有沙朗史東在康城的四川因果論。雖沒犯法。引起各地華人不滿。

要施政順利，減小区議委任，增加立法委任至100人。政府因問責任，民望調低。被反對派有机会，也影响民建联9月票。

在香港權力使人迷失？腐化？

政府也有自相矛盾，如提倡綜援户工作。他們工作能力有限，賺小錢。但福利署扣去入息，形成做36，不做36永不出头，一世倚賴綜援。交通牌一螺絲用一个地爭便OK，各部门花去三個月才OK。不說太多。強政勵治

有心改革人
陳炳能
2008年

節錄自香港基督教協進會社會公義與民生關注委員會
對《2008/2009 施政報告》的建議

香港基督教協進會社會公義與民生關注委員會
對《2008/2009 施政報告》的建議

盡快落實雙普選，改善聆聽機制

本會及不少市民一直支持儘快落實雙普選，儘管中央政府已經表明香港可在 2017 年普選行政長官，隨後全面普選立法會議員，然而我們認爲 2012 年的選舉安排，仍應以市民有最大的空間及最多的機會參與，以落實循步漸進爲原則。與此同時，政府當局應增撥資源，加強學校和社會的公民及民主教育，讓市民能明白其權利和義務，以迎接未來的民主進程。

另一方面，過去一年我們看到行政及立法關係不但沒有改善，政府及問責官員對聆聽市民的聲音及感受，亦明顯不足：在政制改革、問責制度安排及政策制定上，沒有積極面向公眾，致使市民不滿的聲音有增無減，未能做到以民爲本的施政。本會建議，任何決策必須有足夠的公開諮詢，此外，各類諮詢及法定組織應進行改革，使成員有更廣泛的代表性，如透過民主化的程序選任，使各階層市民及不同政見人士的聲音，都可加以採納；另一方面，政府應與向來關注社會弱勢社群及公義問題的非政府組織及教會等，加強溝通渠道。

節錄自自由黨 2008/09 年施政報告期望意見書

自由黨 2008/09 年施政報告期望

發展經濟建未來　保障民生抗波動

四、　改善施政　發展政制

中央已落實香港未來政制的發展方向，本港各界應合作，朝此目標進發，政府應盡快就過渡至普選期間的政制發展，提出方案，廣泛諮詢，以便令本港政制得以穩步發展，同時更應聽取民意，改善施政，以增加政府的支持度。

i. 政府在制訂政策時，應加強吸納民意，增加透明度及加強問責，政府應加強行政立法合作，確保施政有效運作。

ii. 自由黨支持按照《基本法》，讓本港的政制可以循序漸進，穩步向前發展，落實人大常委會的有關「決定」，在 2017 年落實普選行政長官，及於 2020 年全面普選立法會。期間，並應致力提高兩項選舉的認受性及代表性。

新婦女協進會 Association for the Advancement of Feminism
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中環
禮賓府
香港特別行政區行政長官辦公室

致特首曾蔭權先生：

新婦女協進會對施政報告意見書

有鑑於　特首閣下將於 10 月 15 日發表施政報告，本會按多年來在婦女事務及有關政策倡議上的經驗，結合婦女當前在政治、經濟、社會及文化各方面對的處境，擬定了一份具整全性別觀點的《婦女事務十大綱領》。這份《婦女事務十大綱領》除了由本會草擬外，還得到多個婦女團體及人權團體共同聯署，希望特首閣下可以仔細參閱，特別在準備施政報告多採納我們對婦女事務的意見。

如有任何回應意見及查詢，請與本會職員　　聯絡（電話：　　，電郵：　　）

新婦女協進會
秘書處
2008 年 9 月 1 日

婦女事務十大綱領

第一：不可將婦女從屬於家庭
保持「婦女事務委員會」的獨立性，不會將它合併在「家庭議會」之中。

第二：不可姑息性別歧視
從速修訂現行性別歧視條例的漏洞，禁止顧客「性騷擾」貨品、服務及設施的提供者。全面推動「性別觀點主流化」，提升決策者及議員的性別敏感度，促進男女兩性的平等發展。

第三：不可窒礙婦女平等參政

盡快落實行政長官和立法會的雙普選，取消間接歧視婦女的功能組別選舉和區議會的委任及當然議席。

第四：不可漠視婦女健康

在全港九各分區醫院聯網設立婦女健康中心，除了提供低收費的子宮頸癌檢驗及乳癌檢查服務外，亦應將骨質疏鬆症及更年期面對的病症列入服務內，並且推行精神健康教育，而中心在設備上要配合殘疾婦女的需要。

第五：不可助長暴力侵害婦女

修訂《家庭暴力條例》，擴大適用範圍至同性同居關係，設立家庭暴力法庭加快審理案件，及以保護令代替現時的強制令，加強對受虐者的保護和補償。改善現行的性暴力舉報及司法程序，全面推行一站式處理性暴力程序及支援有關服務。

第六：不可剝削家庭照顧者

確認家務勞動的價值，提供全民退休保障。

第七：不可打擊婦女就業

增撥資源設立合理收費、有質素以及方便服務使用者的託兒服務，立法制定有薪侍產假，訂立合理的工資工時標準，和立法禁止年齡歧視。

第八：不可侵犯婦女性自主

性工作非刑事化和立法禁止性傾向歧視。

第九：不可壓榨外籍傭工

取消外傭稅，立即提升外傭最低工資至 2003 年的水平。

第十：不可灌輸性別偏見

制定「性別平等教育法」，建立性別平等的教育資源及環境。

聯署團體：

平等機會婦女聯席	群福婦女權益會	青鳥
婦女權益關注小組	職工會聯盟婦女委員會	香港女障協會
香港婦女中心協會	香港婦女基督徒協會	F-union
香港婦女勞工協會	關注婦女性暴力協會	紫藤
婦女參政網絡	民間人權陣線人權小組	

節錄自新婦女協進會對施政報告意見書

3. 婦女平等參政

遠在 18 年前(1995 年 5 月)，聯合國經濟及社會委員會通過了一個決議案，要求各國提昇擔任政府、政府組織、工會、專業團體和代表達到 30%，到了 2000 年便達到了 50%。可惜，香港的實況卻是每況愈下，至 2008 年女性在各公共機構的參與也仍然是少數，在行政會議佔 13.3%，立法會從直選進入議會佔 14.4%，從功能組別進入議會佔百份之 18%。女性參政在香港遠未達標，除了個人因素，政黨在當中沒有積極推動，甚至抗拒，也令女性在公共政治領域卻步。

本會聯同婦女團體認為婦女參政最大的阻礙是不平等的政策做成的，我們曾多次批評立法會功能組別對婦女是一種不公平的制度，因為現行的功能組別以行業模式分類，不單使 80 萬家庭主婦完全沒有機會參與，各行業分類又以男性為大多數的行業為主，因此出現了某些（大多是男性的）特權人士有兩張或以上選票的不公平情況，造成對婦女的歧視，違背聯合國《消除對婦女一切形式歧視公約》。

我們認為應：

促進民主政制及兩性平等的政治參與，馬上落實行政長官和立法會的雙普選，取消不公平的功能組別選舉和區議會的委任及當然議席。

政府承諾依據：

《消除對婦女一切形式歧視公約》第七條

- 針對消除在政治和公眾事務中對婦女的歧視，例如婦女擁有選舉權。

《北京行動綱領》

- 採取措施確保婦女平等進入並充分參加權力結構各決策。
- 提高婦女參加決策和領導的能力。

《公民權利和政治權利國際公約》第一、三及廿五條

- 不分性別尊重和保證在其領土內和受其管轄的一切個人享有本公約所承認的權利。
- 男子和婦女在享有本公約所載一切公民和政治權利方面有平等的權利。
- 每個公民應有權利和機會選擇代表參與公共事務；每個公民應有權利參與選舉及本國公務。

《經濟、社會和文化權利國際公約》第二條

- 政府承擔盡最大能力個別採取步驟，以便用一切適當方法，尤其包括用立法方法，逐漸達到本公約中所承認的權利的充分實現。

思匯
CIVIC EXCHANGE

Mr. Stephen Lam Sui-lung, JP
Secretary for Constitutional and Mainland Affairs
Constitutional and Mainland Affairs Bureau,
Office of the Secretary for Constitutional and Mainland Affairs
3/F, Main and East Wing, Central Government Offices
11 Ice House Street, Central
Hong Kong

5 September, 2008

Dear Mr. Lam,

Re: "Racing for the Gold: The 2008 Hong Kong Olympic LegCo Elections"

Between June and September 2008, Civic Exchange commissioned the Hong Kong Transition Project (Hong Kong Baptist University) to conduct a series of public opinion surveys on people's attitudes towards the upcoming Legislative Council (LegCo) elections and issues related to constitutional development in Hong Kong.

We recently released a survey report entitled, "Racing for the Gold: The 2008 Hong Kong Olympic LegCo Elections (September 2008)", capturing some of the major findings of the surveys.

The survey report reveals the followings:

1. By September 2008, 34% of respondents expressed that inflation was their top personal concern. August 2008 was the first time since April 1998 that an issue other than unemployment and economic growth dominated personal concerns.

2. Tied with unemployment concerns (at 16%), was a combined level of 16% concerned with the wealth gap (7%), salary and welfare cuts (7%) and the elderly (2%).

3. Participation in charitable and environmental organisations hit all time highs, with 30% in August 2008 reporting activity with a charity group and 10% activity with an environmental group in the previous six months.

4. Dissatisfaction with the performance of the Hong Kong government and of the Chief Executive rose greatly between July and September 2008. Dissatisfaction with the government's handling of the problem of greatest personal concern to respondents rose significantly from May.

5. Satisfaction with the mainland government's rule of China and with President Hu Jintao hit all time highs.

6. Patriotic feelings have likely increased in the past year to higher levels than at any time. Changes in self-identity as Chinese complement and backstop the rise in patriotic feelings, showing significant movement in 2008.

思匯
CIVIC EXCHANGE

7. While patriotic feelings rose, the issue of direct elections of the Chief Executive and all LegCo members also rose significantly from July to September 2008 as an important element in voter's selection of a LegCo candidate.

8. Definitions of patriotism as being loyal to Beijing appear to be under modification to a more broadly "proud of being Chinese and part of China" stance among Hong Kongers. Respondents considering themselves as supporters or members of a political party rose from about 10% in 2007 to about 15% over the LegCo campaign period.

9. For the first time, two parties have a clear image among a majority of Hong Kong people, the Liberal Party as standing best for business interests and the DAB as being the best protectors of Chief Executive Donald Tsang.

10. While Hong Kong people believe Beijing officials have the most influence on democratic development and big business people significant influence, they also believe they and the parties they support have a large role, larger than the Chief Executive's, to play in deciding the way forward.

We enclose a copy of the report for you with this letter. The same has also been sent to Executive Council members and top officials of relevant government departments. We hope you find this report useful.

Yours sincerely,

(Signed)

Yanyan YIP
Chief Operating Officer
Encl.

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ROOM 701, HOSEINEE HOUSE, 69 WYNDHAM STREET, CENTRAL, HONG KONG.
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Racing for the Gold

The 2008 Hong Kong Olympic Legco Elections

(September 2008)



思匯
CIVIC EXCHANGE

A report of research commissioned by Civic Exchange, conducted by the Hong Kong Transition Project

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Executive Summary

August 2008 was the first time since April 1998 that an issue other than unemployment and economic growth dominated personal concerns. While concerns involving the gap between the rich and poor and with welfare and the elderly (concerns with others) clearly predominated in May, by September inflation at 34% of respondents expressing it as their top personal concern had outpaced all other issues. Second place, tied with unemployment concerns (at 16%), was a combined level of 16% concerned with the wealth gap (7%) salary and welfare cuts (7%) and the elderly (2%). A clear majority of people are thus concerned with rising costs and increasing difficulties of affording needed goods and services, either by themselves or by identified groups in the community such as those on welfare and the elderly. Participation in charitable and environmental organizations hit all time highs, with 30 percent in August reporting activity with a charity group and 10 percent activity with an environmental group in the previous six months.

Dissatisfaction with the performance of the Hong Kong government and of the Chief Executive rose greatly between July and September. Dissatisfaction with the government's handling of the problem of greatest personal concern to respondents rose significantly from May. In sharp contrast, satisfaction with the mainland government's rule of China and with President Hu Jintao hit all time highs. Patriotic feelings have likely increased in the past year to higher levels than at any time. Changes in self-identity as Chinese complement and backstop the rise in patriotic feelings, showing significant movement in 2008.

While patriotic feelings rose the issue of direct elections of the Chief Executive and all Legco members also rose significantly in July to September as important in voter's selection of a Legco candidate. The pro-democracy parties showed significant gains in satisfaction while pro-government/pro-patriotic parties stalled at better than 2004 levels, but no better than those recorded in May 2008 at the beginning of the Legco election campaign. Definitions of patriotism as being loyal to Beijing appear to be under modification to a more broadly "proud of being Chinese and part of China" stance among Hong Kongers. The Standing Committee's issuance of a timeline in December 2007 for direct elections appears to have lowered resistance to direct elections and recast somewhat the connection of patriotism and rejection of democratic development. A third of DAB affiliates and over 4 in 10 Liberal Party supporters want 2012 as the deadline for direct election of all Legco members, far earlier than the Standing Committee's decision to set such elections at 2020 at the earliest

Considering themselves as supporters or members of a political party rose from about 10 percent in 2007 to about 15 percent over the Legco campaign period. This election has seen approximately 50 percent growth in those who consider themselves supporters or members of a party. Donors to parties rose during the campaign period to levels not seen since 1998, the year direct elections were reinstated following Hong Kong's reunification. Identity of a party as taking a stance on issues such as the environment and retirees rose from levels recorded in 2006, though "don't know" and "none" are still at dominant levels on most issues. For the first time two parties have a clear image among a majority of Hong Kong people, the Liberal Party as standing best for business interests and the DAB as being the best protectors of Chief Executive Donald Tsang. While Hong Kong people believe Beijing officials have the most influence on democratic development and big business people significant influence, they also believe they and the parties they support have a large role, larger than the Chief Executive's, to play in deciding the way forward.

I The significance of these elections

The 2008 Summer Olympics in China were widely hailed as the most spectacular Olympics ever. Olympic officials in the closing ceremony lauded the occasion as an opportunity taken by millions from around the world to learn about China and by millions in China to learn about the world. As China's premiere international city—indeed, widely described as Asia's World City—Hong Kong received its symbolic share of the Beijing centered Olympic competition. Fittingly for a place characterized both by its transport links and its gambling, Hong Kong hosted the equestrian Olympic events. Shortly after the Olympics ended, a gold-laden team of Chinese Olympic heroes visited Hong Kong as the first stop in a nation-wide tour. The honor of first place to visit outside Beijing belonged to Hong Kong, Chinese officials said, as a fitting thanks for Hong Kong's considerable help in bringing the Olympics to China, and preparing China as the hosts for this world-class, premiere international event. This year also marks the 30th anniversary of China's opening up to the world, officials noted, and Hong Kong's role in China's progress was no small reason for China's great success in holding the Olympics. Expect more progress not just economically but also in political development and rule of law, President Hu promised foreign journalists. China showed in these Olympics that it could and would deliver, and while much needed to be done, China had demonstrated a willingness and capability to take on feats of the greatest difficulty. Expect more, faster and more difficult reforms, President Hu said.

Even while the Olympic competitions went on, another contest intimately linked to the cause of China's success and the source of one of its greatest reform challenges was taking place. In Hong Kong, the heartbeat of China's internationalization, the first and so far only competitive elections among its 1.3 billion citizens engaged the efforts and attentions of thousands. A record number of candidates declared for the 60 seats in its Legislative Council. These elections, 17 years after the first contest in 1991, are the first to follow the new timetable for further reforms handed down by the Standing Committee of the National Peoples Congress in December 2007. Hong Kong may directly elect its Chief Executive in 2017, the next to be held after a less constrained election for CE to be held in 2012, the SC ruled. Following that election in 2017 for CE, all members of Legco may be directly elected, the SC ruled. In this case, 2020 marks the possible finish line for the political development that began in 1982 with the first universal suffrage elections in Hong Kong (for District Councils). The significance of both these future dates hinges on decisions to made subsequent to these Legco elections, for the legislators elected in 2008 will vote on the details of fulfilling the timetable laid down. Forty out of sixty members must approve the way forward, and having failed once already in 2005 to progress, and now facing the expectations not only of impatient Hong Kongers but pressure from the rest of China to lead the way, the race takes on added significance as the first milestone in China's post-Olympic reform progress. And thus the real gold medal in these elections comes not for just winning an election, but winning the right to bargain and vote on exactly how China's leading international city fulfills the standards of fully free, fair and open competitive elections by universal suffrage as called for in the covenants and charters of the United Nations. These are the stakes. What follows is a description of the contours of the race for the winner's gold medal.

II Analytical framework

Each Geographic Constituency (GC) survey was of approximately 700 registered voters while each Functional Constituency (FC) survey was of approximately 300 voters. See end of this report for number in each survey. The surveys were conducted on a rolling, alternating basis (GC then FC) over 15 day periods beginning in mid-May. The combined analysis is of the June, July and August surveys. The final GC survey finished 31 August while the final FC survey continues to 6 September. A post-election report will include analysis in detail of all surveys from May to 6 September and a post-election follow-up survey. The demographic breakdowns of the combined GC and FC surveys conducted in June, July and August this year are in the demographic section of this report. Combining the surveys for most analysis permits greater accuracy of results, particularly in terms of age, income, and Legco districts. Unlabeled tables are of the combined results. Crosstab tables are of combined results. Trend tables are of single surveys conducted in the months and years indicated.

III Electoral framework : The basics of representation in the Hong Kong system[1]

In Hong Kong the five Legco geographic constituencies vary widely in population. However, the government allocates numbers of Legco seats proportionately to each district based on population. Each GC member will represent approximately 232,503 people, the number determined by dividing the population by the number of direct elected GC seats (30). As may be seen in Table 1, the GCs are close to equally proportional.

Table 1 2008 Legco Geographic Constituencies

Geographical Constituency	No. of Registered Electors	Population in district at 6/30/08	Seats per district	Population per seat
Hong Kong Island	627,657	1,267,900	6	211,316
Kowloon West	440,335	1,030,000	5	206,000
Kowloon East	540,649	1,018,700	4	254,675
New Territories West	943,161	2,030,300	8	253,787
New Territories East	820,205	1,628,200	7	232,600

This care to achieve population proportionality among GCs indicates concession to the UN standard of equal voting power, i.e. the principle of "one man, one vote." However, the entire franchise of the 30 FC seats, 229,861 registered electors, is less than the average of GC voters per a single seat, 232,503. The power ratio within FCs is extremely disparate. It takes 647.8 voters in the Education FC to equal the vote of one voter in the smallest FC franchise, Finance, with 140 voters. Each voter in the Education FC, though, is equal to 2.8 voters in the GC constituency, Kowloon East. Each Finance voter, however, is equal to 1,819 voters in the GC for Kowloon East. Even more remarkably, it takes only 6,939 FC voters to elect a veto bloc of 15 FC members, in theory. In actuality, in the 2008 Legco election 14 FC

[1] An earlier, less detailed version of the power analysis in Tables 1 and 2 was first released 18 August 2008 in "Timetables & Destinations, Hong Kong perceptions and politics after the 2017-2020 time frame ruling" a report conducted by the Hong Kong Transition Project for the National Democratic Institute for International Affairs. The full report may be found on the NDI website.

representatives were returned unopposed without a single vote cast, so technically, barely a hundred electors may cast a ballot for the single seat needed to seal an FC veto bloc. When a Legco member wishes to amend a government bill, or when voting on a private member's bill, each of the constituencies must return a majority to pass the amendment or private bill. Thus 15 members in either the GC or FC bloc may halt an amendment or private bill. The source of the suspected big business-government collusion is readily apparent, since these 15 FC legislators are needed by government to stop amendments proposed by the majority of pro-democracy GC legislators. (Pro-democracy parties have consistently held a majority of the 30 GC seats though overall they have held at most 26 seats out of 60 in Legco).

Table 2 2008 Legco Functional Constituencies

Functional constituency	No of Registered Electors	Power ratio within FCs*	Power ratio between FC and GC**
Education	90,693	647.8	2.8
Health Services	36,968	264	6.9
Accountancy	22,276	159	11.4
Social Welfare	12,519	89.4	20.3
Medical	10,606	75.8	24
Engineering	8,323	59.4	30.5
Catering	8,149	58.2	31.3
Architectural, survey & planning	6,147	43.9	41.4
Legal	6,111	43.7	41.7
Wholesale and Retail	6,074	43.4	41.9
Information Technology	5,749	41	44.3
Textiles and garments	3,710	26.5	68.6
Sports, performing arts, culture	2,208	15.8	115.3
Commercial (Second)	1,882	13.4	135.3
Import & Export	1,507	10.7	169
Tourism	1,261	9	202
Commercial (First)	1,040	7.4	244.9
Industrial (Second)	790	5.6	322.4
Real Estate & Construction	751	5.4	339.1
Industrial (First)	715	5.1	356.2
Financial Services	580	4.1	439
District Council†	428	3	595
Labour (3 seats)	596 (199 each)	1.4	1,279.8
Transport	178	1.3	1,430.8
Agriculture & Fisheries	159	1.1	1,601.7
Heung Yee Kuk††	157	1.1	1,622
Insurance	144	1	1,785.6
Finance	140	1	1,819
Total	229,861		

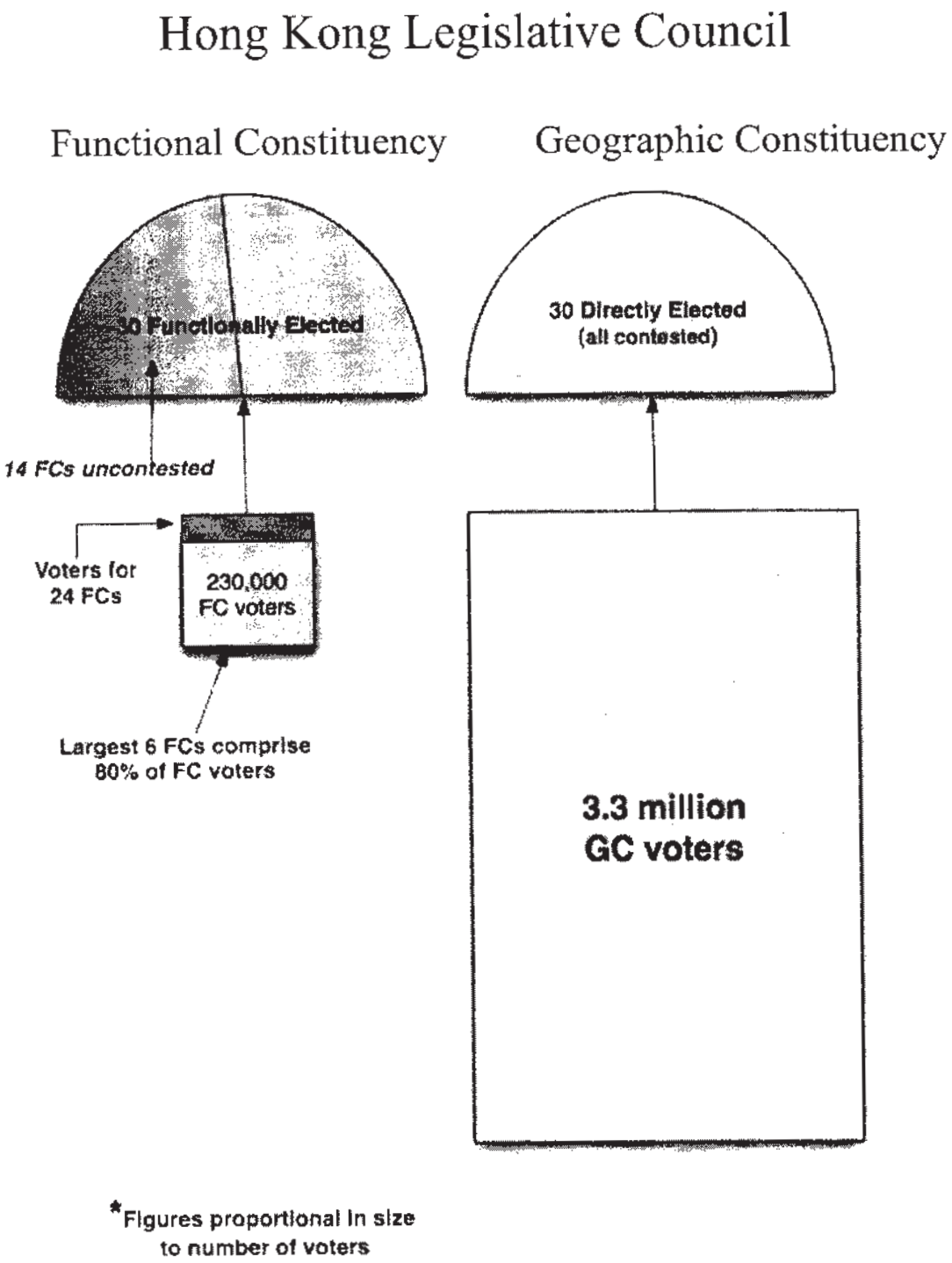
*The Power Ratio within FCs is calculated by the number of voters in an FC divided by the number in Finance constituency, the smallest and hence most powerful FC voters. This is the power of one voter to return one legislator versus the power of another to also return one legislator.

**The Power Ratio between an FC and the GCs is calculated by the number of voters per legislator in the largest GC district, 254,675 in KE, divided by the number of voters in the FC. That is, one voter in the Education FC, for example, is equal in voting power to 2.8 Kowloon East voters in the GC elections.

†Includes 105 government appointees to the District Councils.

††Elected village heads by New Territories indigenous villagers

The vast gap between the representative or political power of the average GC voter and the handful of FC voters returning 24 of the 60 seats in Legco is not unrelated to the vast gap between the wealthy and the poor which prevails in Hong Kong (and for that matter, even more so in the China mainland). The chart portrays that disparity.



As the chart above shows, 80 percent of FC voters elect 20 percent of the seats (6 seats), while only 20 percent of FC voters, some 46,000 voters or 1.4 percent of the entire GC voter

franchise, elects 80 percent of the FC seats. The chart of Table 3 below shows the proportional sizes of the FC franchises (the smaller bloc in the chart above) in comparison to the total FC franchise. It in effect graphically portrays the distribution of votes within the smaller bloc of voters in the chart above.

Table 3 FC Franchises , Proportional sizes**

Functional constituency	No of Registered Electors	% of total FC voters
Education	90,693	39.4
Health Services	36,968	16.1
Accountancy	22,276	9.7
Social Welfare	12,519	5.4
Medical	10,606	4.6
Engineering	8,323	3.6
Catering	8,149	3.5
Architectural, survey & planning	6,147	2.7
Legal	6,111	2.7
Wholesale and Retail	6,074	2.6
Information Technology	5,749	2.5
Textiles and garments	3,710	1.6
Sports, performing arts, culture	2,208	0.96
Commercial (Second)	1,882	0.83
Import & Export	1,507	0.82
Tourism	1,261	0.55
Commercial (First)	1,040	0.45
Industrial (Second)	790	0.34
Real Estate & Construction	751	0.33
Industrial (First)	715	0.31
Financial Services	580	0.25
District Council†	428	0.19
Labour (3 seats)	596 (199 each)	0.26 (0.09 each)
Transport	178	0.077
Agriculture & Fisheries	159	0.069
Heung Yee Kuk††	157	0.069
Insurance	144	0.063
Finance	140	0.062
Total	229,861	100

**These figures are close to the percentage each of the FCs has to the average number of voters allotted to each GC seat, 232, 503. That is, the largest FC has just over a third of the voters represented by each GC Legco member. The smallest FCs are far smaller than even a tenth of one percent of the voters in the directly elected sector.

Another distinction between GC and FC voters lies in the proportion of each bloc employed directly or indirectly by government, as shown in Tables 4 and 5 below. A third of FC registered voters are civil servants or employees of privatized public services like the Housing Authority or Airport Authority.

Chart, Table 3 FC Franchises each seat, proportions of entire FC Franchise

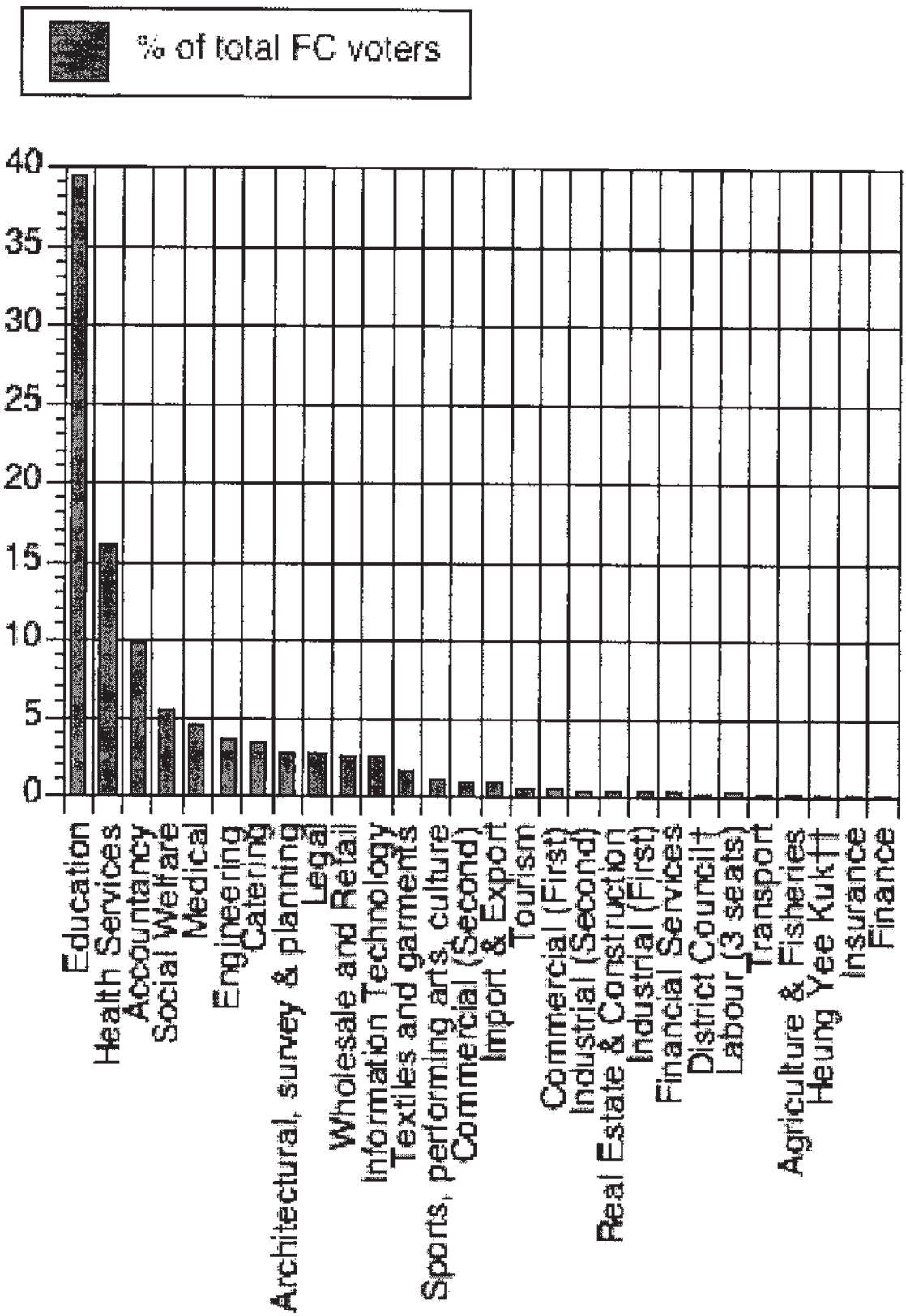


Table 4 shows that about one in ten registered voters in the GCs works for the government while Table 5 for the FC voters shows one in three are in the public sector. Barely one in ten FC voters are retirees, students, unemployed or housewives. Table 6 shows the distribution of FC voters by combined FCs where the sample is too small and in single FC seats where there are enough respondents to give an indicator. (See Demographic section at end of this report for full breakdown of each category.) The implication of the disproportionate domination of civil service voters in FC seats is that public sector employees not only work FOR the government, they also hold considerably concentrated powers in the legislature that nominally supervises civil servants. This hidden influence of civil servants in the FCs also exacerbates the difficulties of reforming the FC system toward full direct elections of all Legco members.

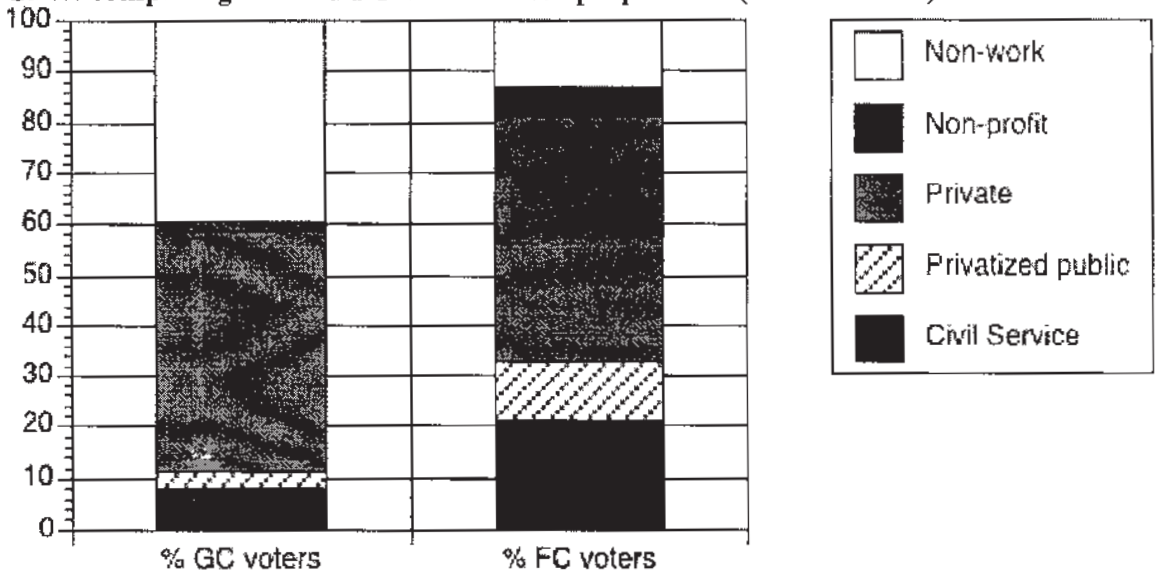
Table 4 Work Sector GC voters

	Count	%
Civil Service	171	8
Privatized public	66	3
Private	998	48
Non-profit	36	2
Non-work	829	39

Table 5 Work Sector FC voters

	Count	%
Civil Service	187	21
Privatized public	104	12
Private	435	49
Non-profit	49	5
Non-work	119	13

Chart comparing GC and FC Work Sector proportions (Table 4 and 5)



There are no reliable figures available for the proportion of FC voters working as civil servants or in the public sector. But while Table 6 below is by no means a fully accurate reflection of the proportion of FC voters who work for the various sectors, including the public sector, it is a broadly indicative reflection of the extent of influence public sector employees have in the FCs.

Table 6 FC voters in Reclassified constituencies by Work Sector*

	Public	Private	Non-Profit	Non-work	total
HYK/DC/Sports	11	50	0	39	100
Ag/Trans/Labour	14	68	0	18	100
Ins/RE/Comm/IND/Finance	11	77	0	11	100
Education	51	25	8	16	100
Legal	16	72	0	12.0	100
Accountancy	14	84	0	2	100
Medical	44	33	3	20	100
Health services	72	16	3	9	100
Engineering	24	61	0	16	100
Architecture	20	80	0	0	100
Social welfare	36	24	36	3	100
Tour/ImpEx/Text/Ret/Cater	3	83	1	13	100
Info Tech	5	83	0	12	100
total	33	49	6	13	100

table contents: Percent of Row Total
Chi-square = 397.9 with 36 df $p \leq 0.0001$
*See demographic section of report for full breakdown of FC voters surveyed by constituency

IV Perspectives on reform of and participation in the system

Given the relative powerlessness of GC registered voters compared to FC voters, it should be no surprise to see low turnouts in Hong Kong elections. However, over half of registered GC voters turned out to the polls in 2004, despite this relative disempowerment and despite lack of absentee balloting for those out of Hong Kong, ill, aged and infirm, or too busy to vote in the limited hours at the locations allotted on the one day in four years they are permitted to vote for half the seats in Legco. The compiled surveys June, July and August indicate a nominal figure of 79 percent of GC voters plan to vote on 7 September and the survey completed 31 August of GC voters (noted below as "Sept survey" because it was first half of a survey series including FC voters continuing up to 6 Sept) showed 90 percent. However, those who have decided who they will vote for is far less, and this proportion is closer to actual likely turnout. Tables 7 and 8 should NOT be taken to represent an estimate of actual voter turnout. See below, end of Section IV for estimation of turnout.

Table 7 Do you plan to vote in this September's Legco elections? GC Voters

	Count	% June-Aug	% Sept
Yes	1679	79	90
Not	171	8	4
Undecided	271	13	5
Refuse to answer	2	--	--

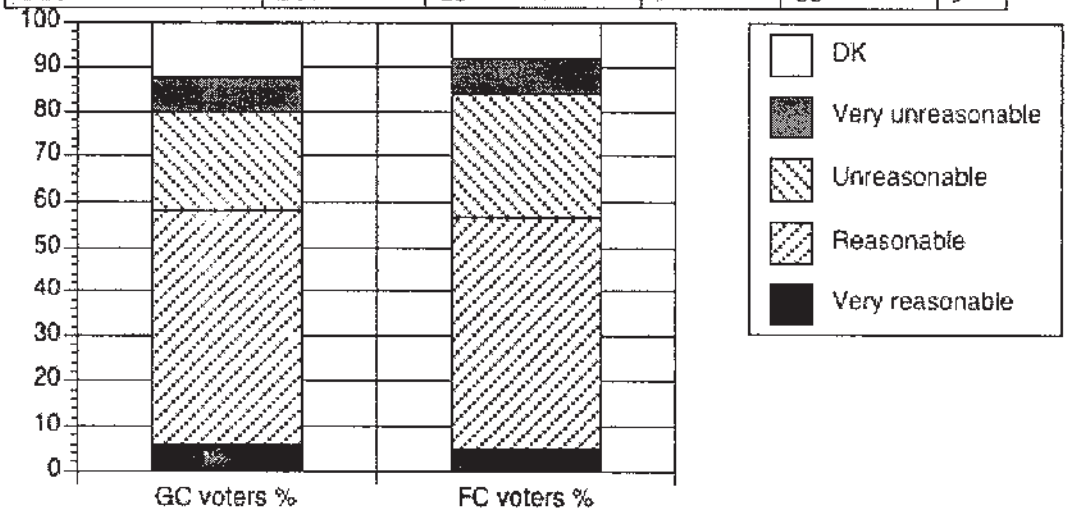
Table 8 Do you plan to vote in this September's Legco elections? FC Voters

Group	Count	%
Yes	769	85
Not	57	6
Undecided	79	9
Refuse to answer	1	--

At the very end of the telephone questionnaire, after queries about satisfaction with the performance of the government, parties, and questions on which party best represents their interest and the interests of 12 named groups and issues, we asked the following questions to probe respondent's views on prospective constitutional reforms and the effect of the Standing Committee's decision on their propensity to vote.

Table 9 Do you think the National Peoples Congress Standing Committee timetable on Hong Kong's constitutional reform permitting full universal suffrage Chief Executive elections in 2017 is generally reasonable or unreasonable?

	GC voters	GC June-Aug	GC Sept	FC voters	FC
	Count	%	%	Count	%
Very reasonable	130	6	5	46	5
Reasonable	1096	52	47	467	52
Unreasonable	461	22	29	240	27
Very unreasonable	169	8	9	69	8
DK	267	13	9	83	9



The final survey before the election of 721 voters (+/- 4 points range of error at 95% confidence interval) shows a significant shift toward regarding the SC decision as unreasonable. The solid majority in favor may have dropped to a bare majority on the eve of the election. If so, this tends to favor the pro-democracy candidates and likely shows the effects of their campaigning. It might be surprising that FC voters have views that the SC decision was unreasonable in slightly higher proportions than among GC voters. Then again, as Section III above showed, most FC voters are concentrated in very few FCs and these are represented by pro-democracy legislators. In an attempt to get a better reading on divisions in the FC voters, these voters were recoded into two blocs, the FC voters represented by pro-democracy (Education, Legal, Accountancy, Medical, Health Services, Social Welfare and Information Technology) while all others were grouped in pro-government or pro-business.

The proportions are almost identical to the real distribution of registered voters among these two blocs, so the views in Table 11 should be roughly reflective of the actual views.

Table 10 FC voters regrouped

	Count	%
Pro-government (23 seats)	237	27
Pro-democracy (7 seats	639	73

Table 11 NPC decision (Table 9) by Regrouped FC voters

	Pro-government	Pro-democracy	total
Very reasonable	10	3	5
Reasonable	49	53	52
Unreasonable	23	28	26
Very unreasonable	8	7	8
DK	9	9	9
total	100	100	100

table contents: Percent of Column Total
Chi-square = 16.93 with 4 df p = 0.0020

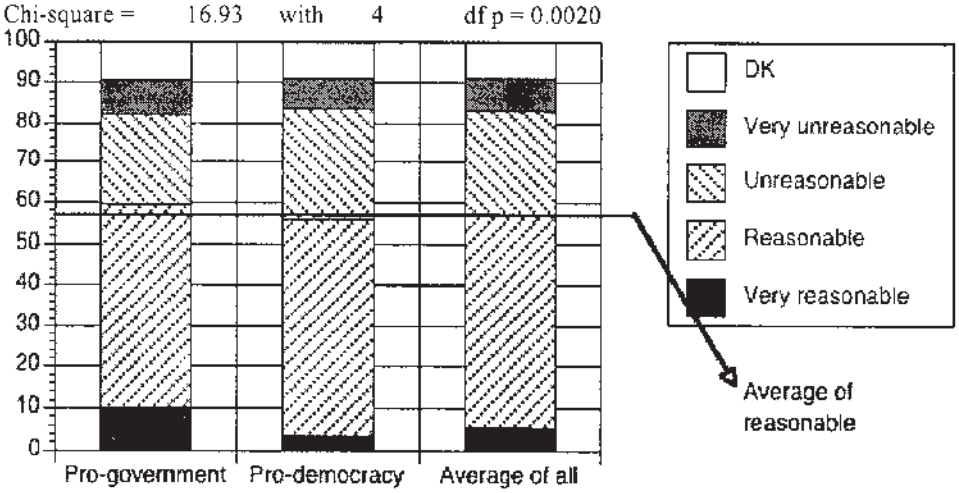
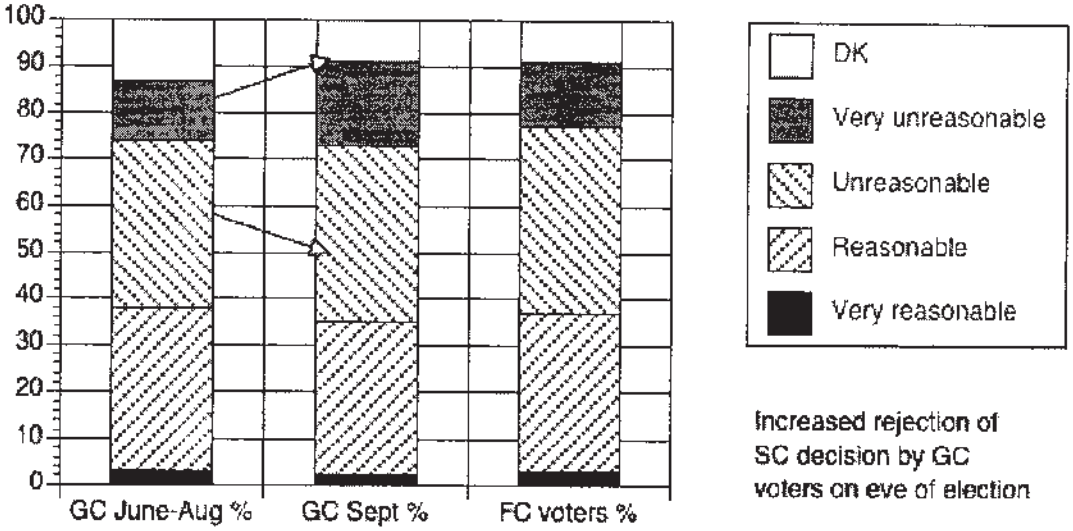


Table 11 shows that among FC voters in both blocs, the only real significant difference in assessment is among the "very reasonable" response levels. This query on the CE was followed by one on Legco, where reaction was much more negative, and apparently becoming a majority view on the eve of the election.

Table 12 Do you think the National Peoples Congress Standing Committee's decision to permit Hong Kongers to elect all members of Legco by 2020 is generally reasonable or unreasonable?

	GC	GC June-Aug	GC Sept	FC voters	FC
	Count	%	%	Count	%
Very reasonable	58	3	2	24	3
Reasonable	748	35	33	304	34
Unreasonable	756	36	38	360	40
Very unreasonable	284	13	18	126	14
DK	277	13	10	91	10

Chart Table 12



The responses are similar among the FC and GC groups on most issues, so there has likely been an increase among FC voters in rejection as well. The combined sample of FC voters was slightly less approving than GC voters of the timing decision, and while there is a larger difference by pro-government versus pro-democracy FC groups as shown in Table 13, there is nonetheless not as large a gap as might be supposed.

Table 13 NPC Standing Committee decision on Legco by FC blocs

	Pro-government	Pro-democracy	total
Very reasonable	4	2	3
Reasonable	39	32	34
Unreasonable	35	42	40
Very unreasonable	11	15	14
DK	10	10	10
total	100	100	100

table contents: Percent of Column Total
Chi-square = 9.237 with 4 df p = 0.0554

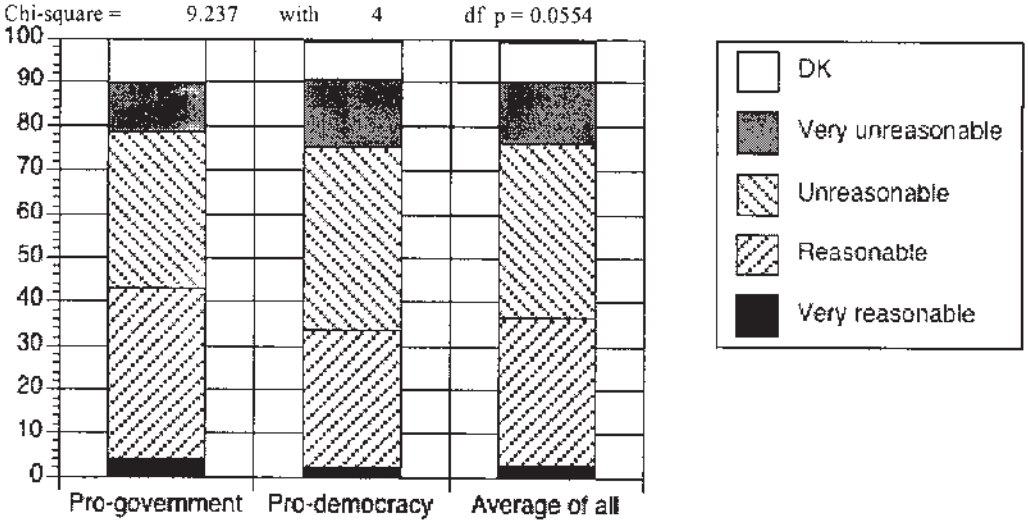


Table 14 also shows likely strengthening of support in late August/early September for directly electing all Legco members.

Table 14 In principle, do you support or oppose direct election of all Legco seats?

	GC June-Aug	GC Sept	FC voters
Strongly support	22	26	24
Support	49	50	53
Oppose	15	14	13
Strongly oppose	2	2	3
DK	13	9	7

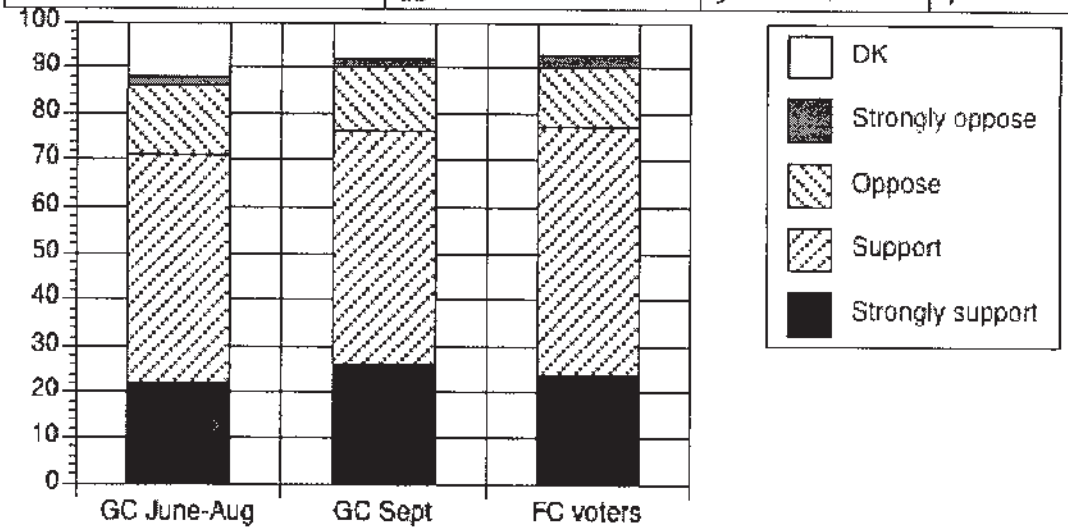


Table 15 shows that even among pro-government FC blocs about 3 out of 4 support directly electing all Legco seats. This has likely risen marginally as well in September.

Table 15 Support direct election of Legco by FC blocs

	Pro-government	Pro-democracy	total
Strongly support	19	27	25
Support	57	52	53
Oppose	11	14	13
Strongly oppose	5	2	3
DK	8	6	6
total	100	100	100

table contents: Percent of Column Total
Chi-square = 15.05 with 4 df p = 0.0046

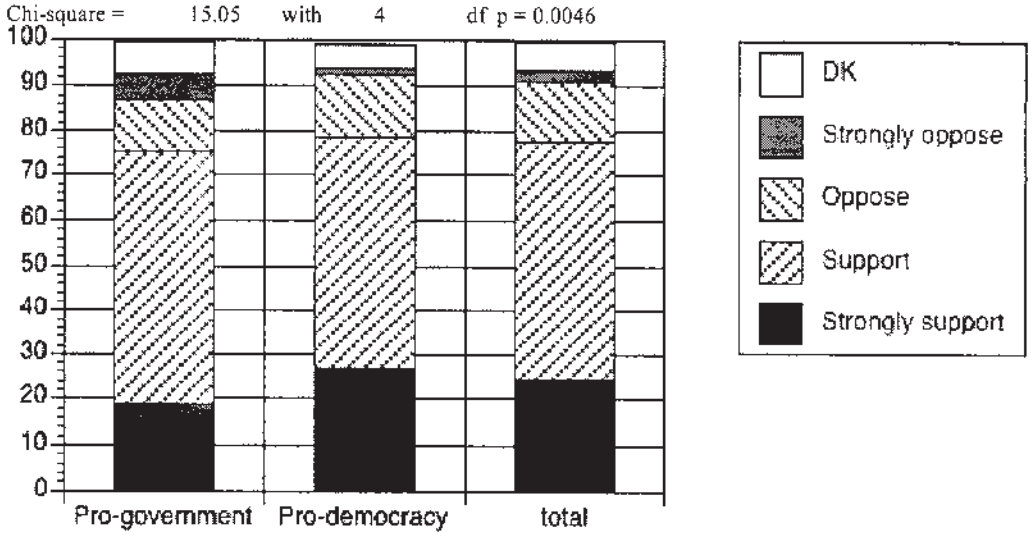


Table 16 shows a strong majority favoring direct elections for all of Legco before 2020, even stronger among FC voters, and strengthening to a majority preferring 2012 instead of 2020 on the eve of the election. Further, there is no difference in responses among the two FC blocs of pro-government and pro-democracy, and likely strengthening among FC voters as well.

Table 16 When would you implement direct elections of Legco?

	GC June-Aug	GC Sept	FC voters
2012	48	55	55
2016	15	13	15
2020	2	2	3
Later election	5	7	5
DK/Oppose direct elections	29	24	22

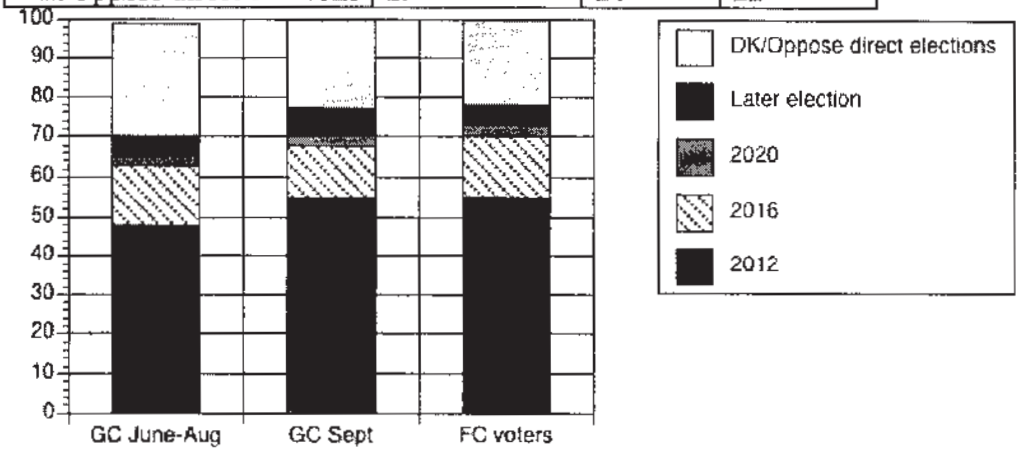


Table 17 and chart breaks down support/opposition to direct elections of all Legco members by those responding on which of the four biggest parties in Legco represented their interests best. The "total" column shows the sample breakdown of party identification (and see below Tables 19 and 20). Those who oppose and strongly oppose direct Legco elections come from all parties, even the Democratic party and Civic Party, but dominantly from the DAB though this weakened significantly on the eve of the election while Liberal supporters increased their profile in the small opposition to direct elections. Tables 19 and 20 show opposition to direct election of Legco does not command a majority of any supporters. Liberals more strongly support direct elections than DAB supporters. There is likely truth to the assertion that if local and Beijing officials come out strongly in support of direct elections, DAB members and supporters, who dominate the opposition to direct elections, could switch views.

Table 17 Support direct election of all Legco seats by Of the 4 biggest parties in Legco which protects your interests best (June to August)

	Strongly support	Support	Oppose	Strongly Oppose	DK	total
DAB	7	23	33	56	23	21
DP	22	16	8	8	8	15
Liberal	3	7	11	6	7	7
Civic	40	18	10	8	7	20
All	3	4	4	3	3	4
None	18	23	27	17	25	22
DK	6	10	6	3	28	11
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 380.0 with 24 df $p \leq 0.0001$

Chart of Table 17 Support direct election of Legco by 4 biggest parties protect interests (June-Aug GC voters)

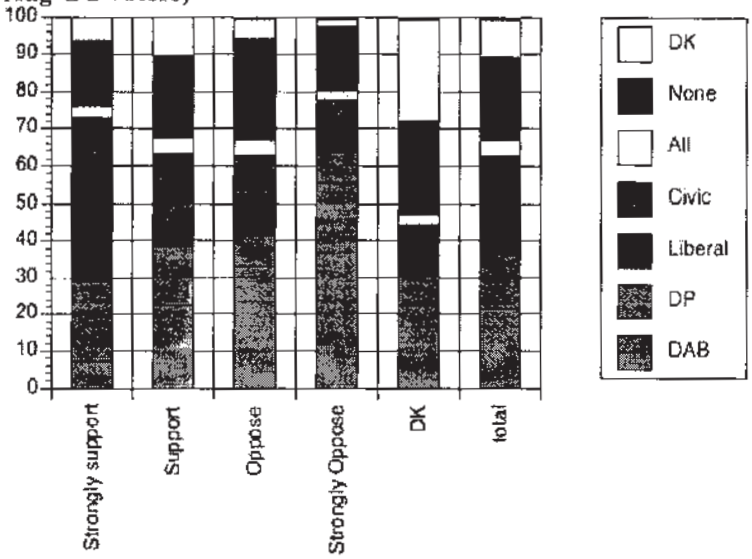


Chart of Table 18 Support direct election of Legco by 4 biggest parties protect interests (Sept GC voters)

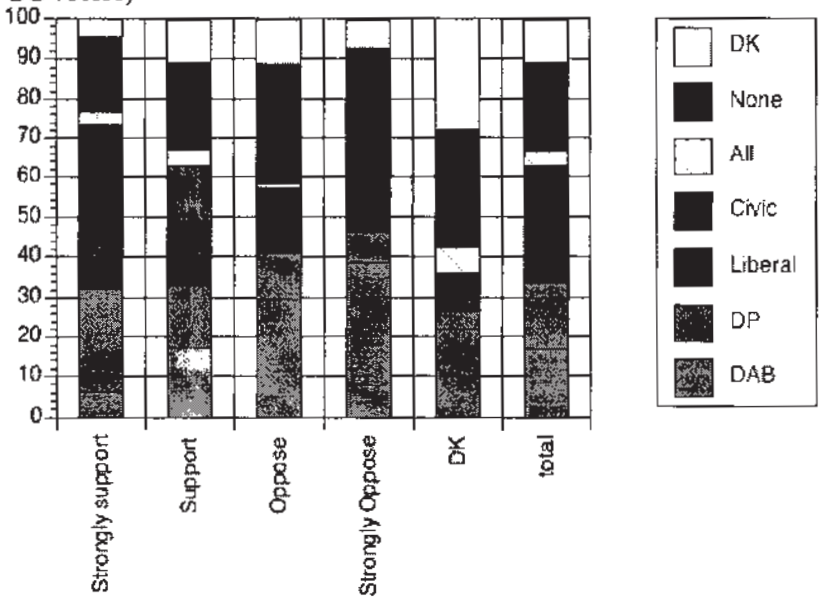


Table 18 Support direct election of all Legco seats by Of the 4 biggest parties in Legco which protects your interests best (SEPTEMBER)

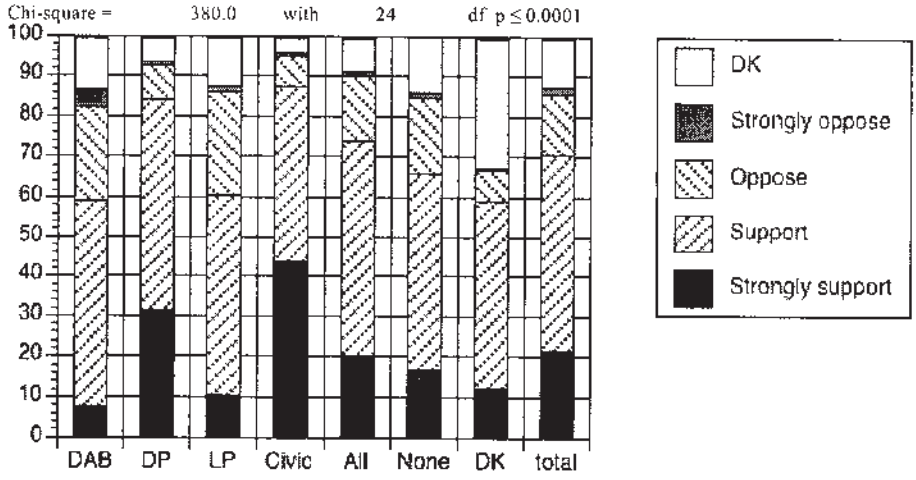
	Strongly support	Support	Oppose	Strongly Oppose	DK	total
DAB	6	18	30	38	22	17
DP	26	15	11	8	5	17
Liberal	4	8	8	23	5	7
Civic	38	22	8	0	5	23
All	3	4	1	0	6	4
None	19	22	31	23	30	23
DK	5	11	11	8	28	11
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 127.2 with 24 df $p \leq 0.0001$

Table 19 Which parties represent best by Support direct election of Legco (June-Aug)

	DAB	DP	LP	Civic	All	None	DK	total
Strongly support	7	31	11	44	20	17	12	22
Support	51	53	50	44	54	49	47	49
Oppose	23	8	25	8	16	18	8	15
Strongly oppose	4	1	1	1	1	1	1	2
DK	13	7	13	4	9	14	33	13
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 380.0 with 24 df $p \leq 0.0001$



Support for direct election has risen overall, and among DP and Civic party supporters.

Chart Table 20 Which parties represent best by Support direct election of Legco (Sept)

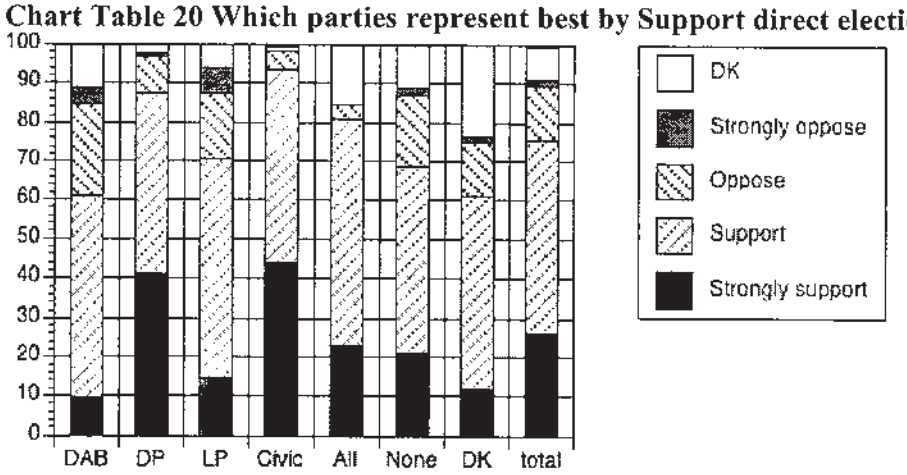


Table 20 Which parties represent best by Support direct election of Legco (Sept)

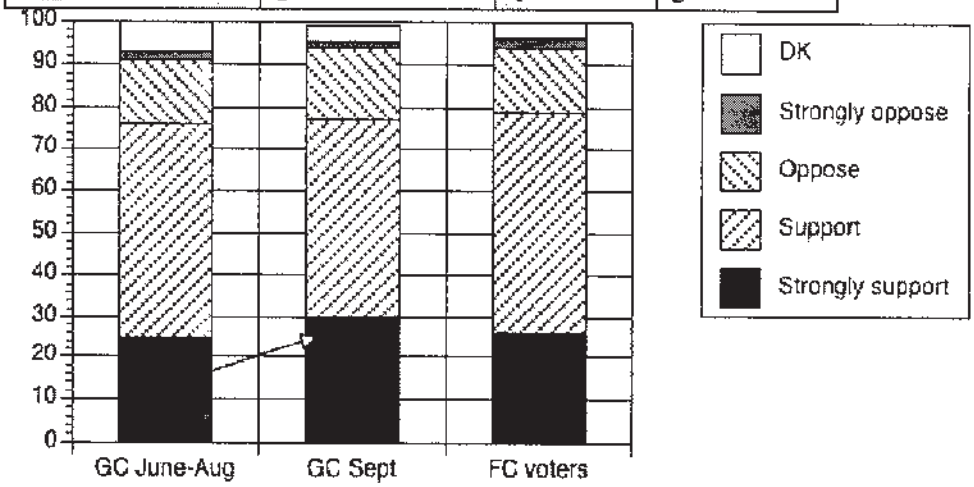
	DAB	DP	LP	Civic	All	None	DK	total
Strongly support	10	41	15	44	23	21	12	26
Support	51	46	56	49	58	48	49	50
Oppose	24	9	17	5	4	18	14	14
Strongly oppose	4	1	6	0	0	2	1	2
DK	11	3	6	2	15	11	23	9
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 127.2 with 24 df $p \leq 0.0001$

There is even stronger support for direct election of the Chief Executive, and strong preference among both GC and FC voters for direct elections to be sooner rather than later. The last GC survey shows no strengthening of overall support, but does show likely strengthening of strong support for direct election of the CE and similar strengthening of support for earlier implementation of such direct elections.

Table 21 In principle, do you support or oppose direct election of the Chief Executive?

	GC June-Aug	GC Sept	FC voters
Strongly support	25	30	26
Support	51	47	53
Oppose	15	17	15
Strongly oppose	2	1	2
DK	8	4	5



There is no significant difference between the FC pro-government and pro-democracy blocs on this issue or on when to elect the CE directly. See also Tables 27 and 28 below.

Table 22 When would you implement direct elections of Chief Executive?

	GC June-Aug	GC Sept	FC voters
2012	45	50	48
2017	23	19	23
Later election	8	10	8
DK/Oppose direct elections	24	22	21

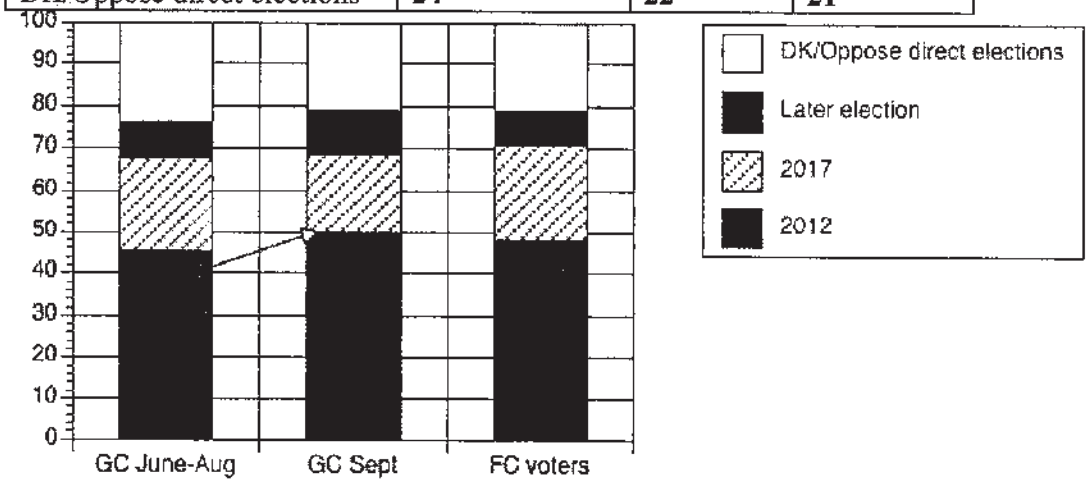
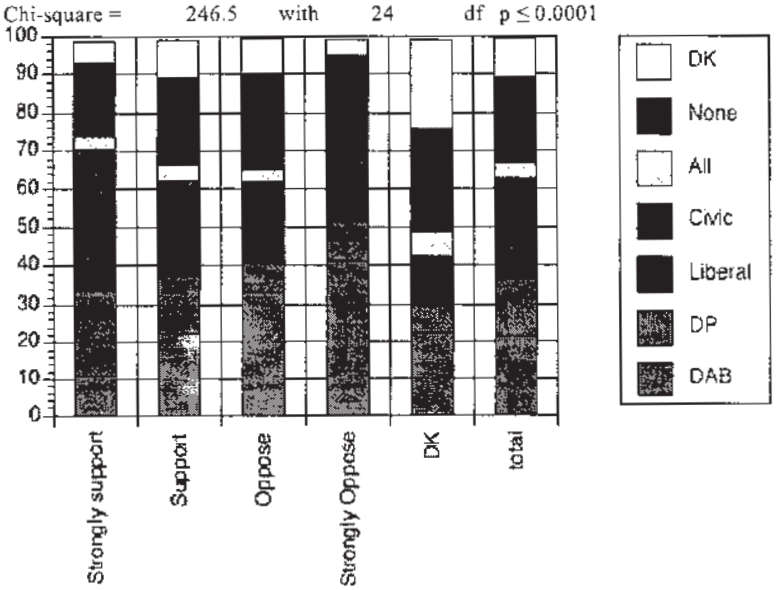


Table 23 Support direct election of Chief Executive by Of the 4 biggest parties in Legco which protects your interests best (June-Aug)

	Strongly support	Support	Oppose	Strongly Oppose	DK	total
DAB	11	22	33	41	22	21
DP	23	15	7	10	7	15
Liberal	3	7	10	15	6	7
Civic	34	18	11	3	7	20
All	3	4	3	0	6	4
None	19	23	25	26	27	22
DK	7	11	10	5	24	11
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 246.5 with 24 df $p \leq 0.0001$



The September GC survey shows no pro-democracy supporters now among strong opponents to direct CE elections, indicating a clarifying of party stances to voters. (Table below chart)

Table 24 Chart Support direct election of Chief Executive by Of the 4 biggest parties in Legco which protects your interests best (SEPTEMBER)

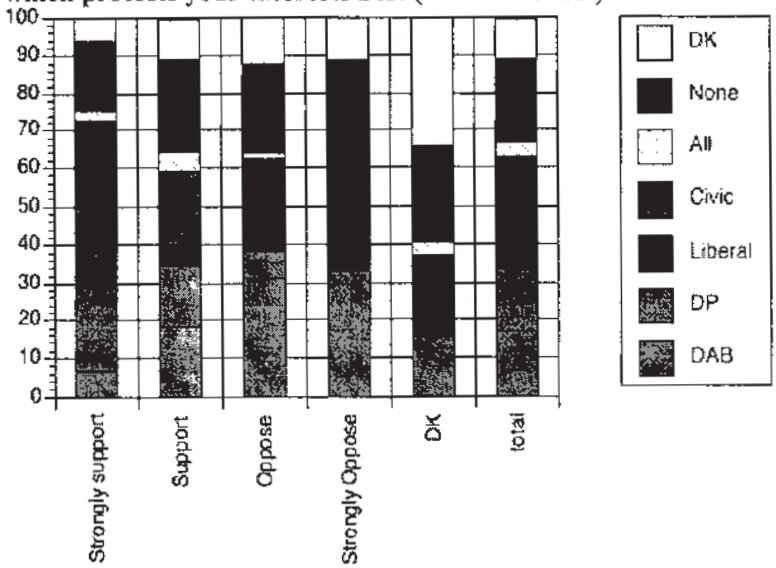


Table 24 Support direct election of Chief Executive by Of the 4 biggest parties in Legco which protects your interests best (SEPTEMBER)

	Strongly support	Support	Oppose	Strongly Oppose	DK	total
DAB	7	19	31	33	13	17
DP	25	16	7	0	3	17
Liberal	5	5	12	22	9	7
Civic	36	19	12	0	13	23
All	3	5	2	0	3	4
None	19	25	24	33	25	23
DK	6	11	12	11	34	11
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 117.1 with 24 df $p \leq 0.0001$

As with the direct election of all Legco members, DAB supporters make up the lion's share of those who oppose and strongly oppose directly electing the Chief Executive. At the same time, as Table 25 and its chart below make clear, opponents do not dominate any party's supporters, and overall, those who oppose directly electing the CE are a distinct minority, shrinking even more on the eve of the election, as Table 26 which is the September survey data shows.

Table 25 Which parties represent best by Support direct election of CE (June-Aug)

	DAB	DP	LP	Civic	All	None	DK	total
Strongly support	13	38	12	42	21	21	17	25
Support	53	50	55	47	54	51	52	51
Oppose	23	7	23	8	13	17	14	15
Strongly oppose	4	1	4	0.2	0	2	1	2
DK	8	3	6	3	13	9	17	8
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 246.5 with 24 df $p \leq 0.0001$

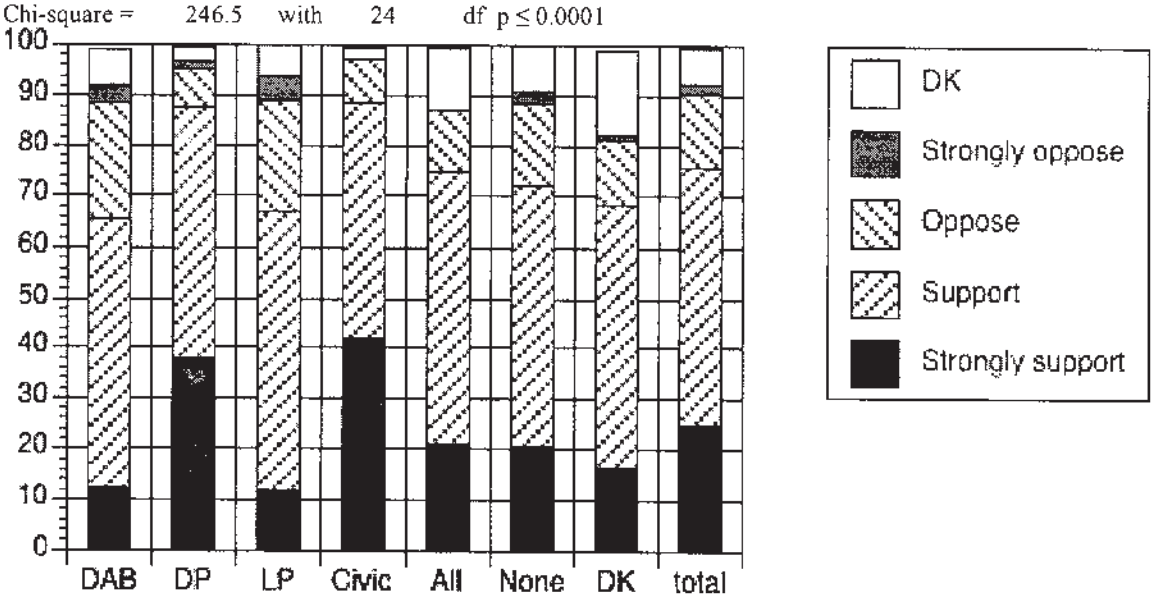
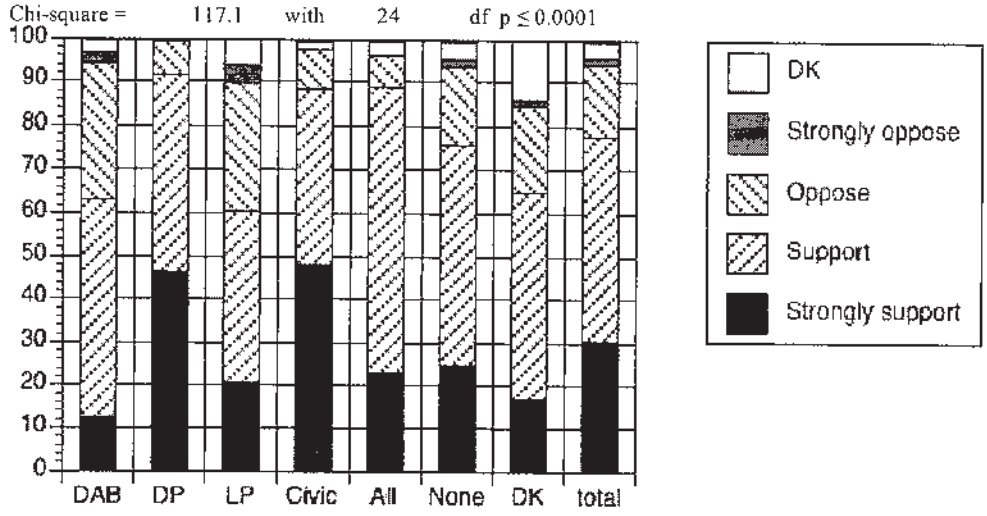


Table 26 Which parties represent best by Support direct election of CE (Sept)

	DAB	DP	LP	Civic	All	None	DK	total
Strongly support	12	46	21	48	23	25	17	30
Support	51	45	40	40	65	51	48	47
Oppose	31	8	29	9	8	18	20	17
Strongly oppose	2	0	4	0	0	2	1	1
DK	3	1	6	2	4	5	14	4
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 117.1 with 24 df $p \leq 0.0001$



While majorities of DAB and Liberal party supporters in principle support direct election of the CE as Table 27 shows, less than a majority of the two party's supporters want it by 2017, in strong contrast to Democratic and Civic party supporters.

Table 27 Which parties represent best by Timing of CE direct election (Sept)

	DAB	DP	LP	Civic	All	None	DK	total
2012	27	70	29	61	54	48	42	49
2017	20	15	17	23	19	18	16	19
Later election	16	7	15	5	15	10	8	10
Oppose/DK	37	8	40	12	12	24	35	23
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 90.53 with 18 df $p \leq 0.0001$

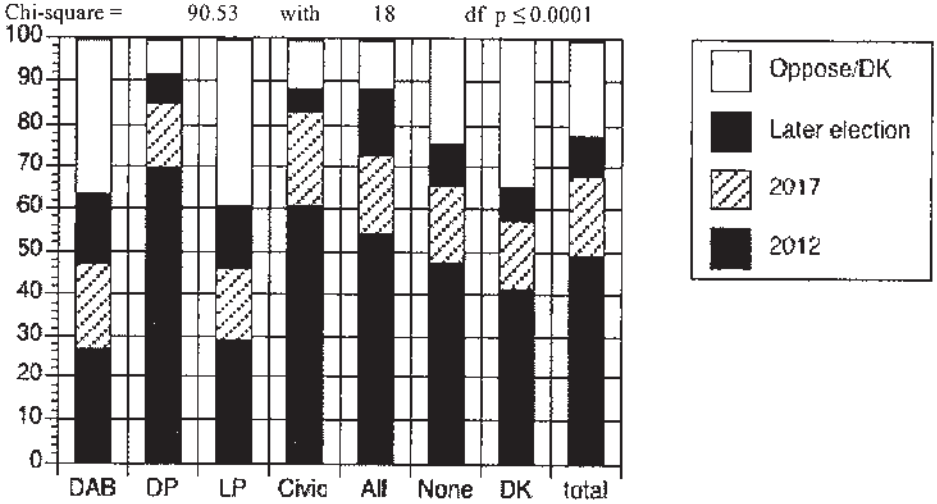


Table 28 shows preferred timing of full direct elections of all Legco members, broken down by party supporters. Interestingly, a third of DAB affiliates and over 4 in 10 Liberal Party supporters want 2012 as the deadline, far earlier than the Standing Committee's decision to set such elections at 2020 at the earliest.

Table 28 Which parties represent best by Timing of Legco direct election (Sept)

	DAB	DP	LP	Civic	All	None	DK	total
2012	35	71	44	75	46	48	44	55
2016	11	12	13	14	27	11	12	13
2020	4	1	4	1	0	2	0	2
Later Election	11	4	10	4	8	7	5	7
Oppose/DK	39	13	29	7	19	31	39	24
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 99.46 with 24 df $p \leq 0.0001$

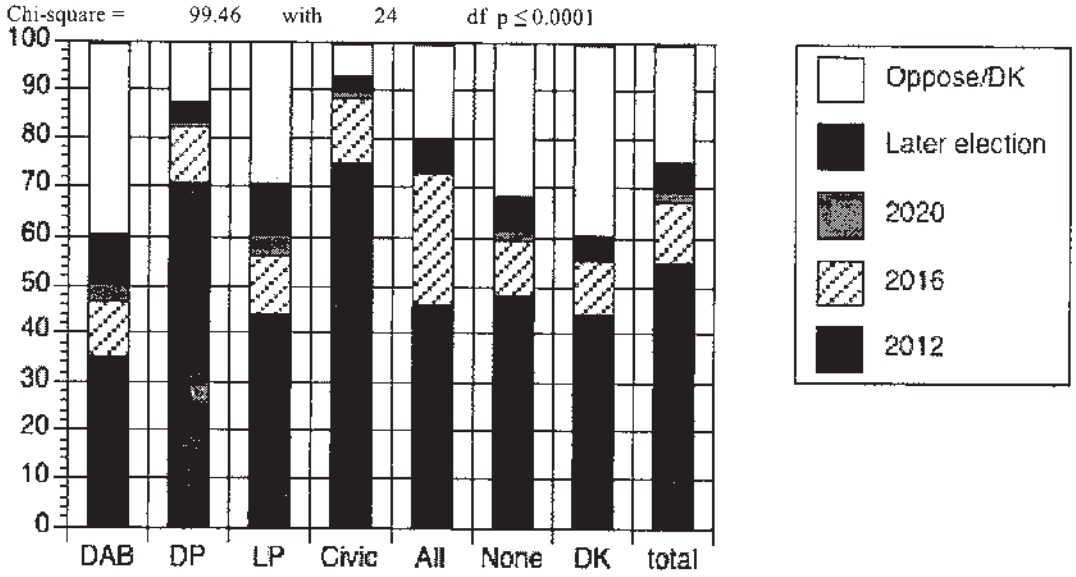
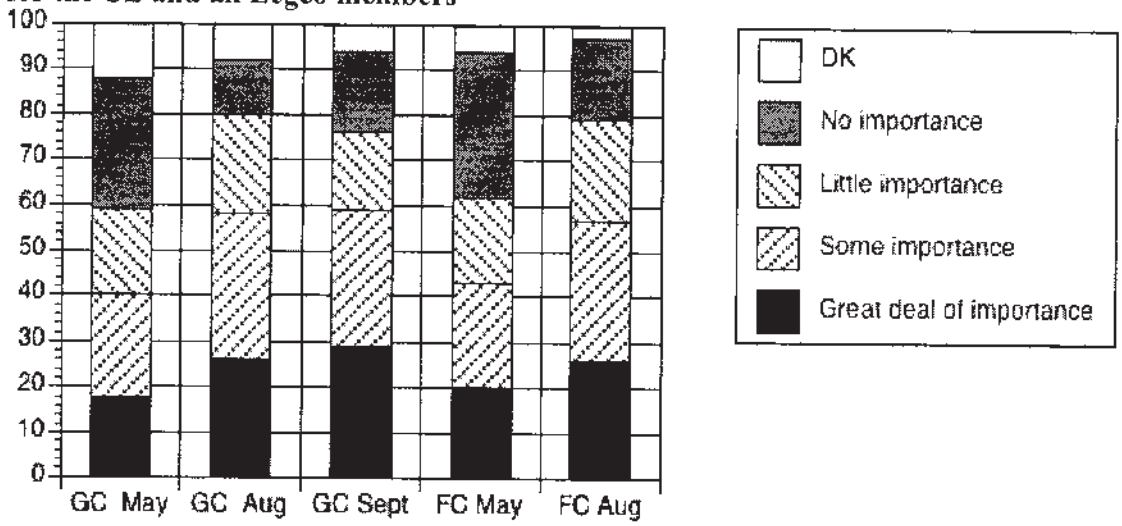


Table 29 shows the assessment of GC and FC voters about the importance of the issue of supporting direct elections is to their vote for Legco. This issue has also risen considerably in importance during the campaign. (See chart of Table 29 below). Table 30 and chart shows the assessments of the importance of direct elections for CE and all Legco members to supporters of each of the four major parties.

Table 29 How important is it for your Legco councilor to support direct elections for the CE and all Legco members May compared to Aug & Sept, GC and FC voters

	GC May	GC Aug	GC Sept	FC May	FC Aug
Great deal of importance	18	26	29	20	26
Some importance	22	32	30	23	31
Little importance	19	22	17	19	22
No importance	29	12	18	32	18
DK	12	8	6	6	3

Chart Table 29 How important is it for your Legco councilor to support direct elections for the CE and all Legco members

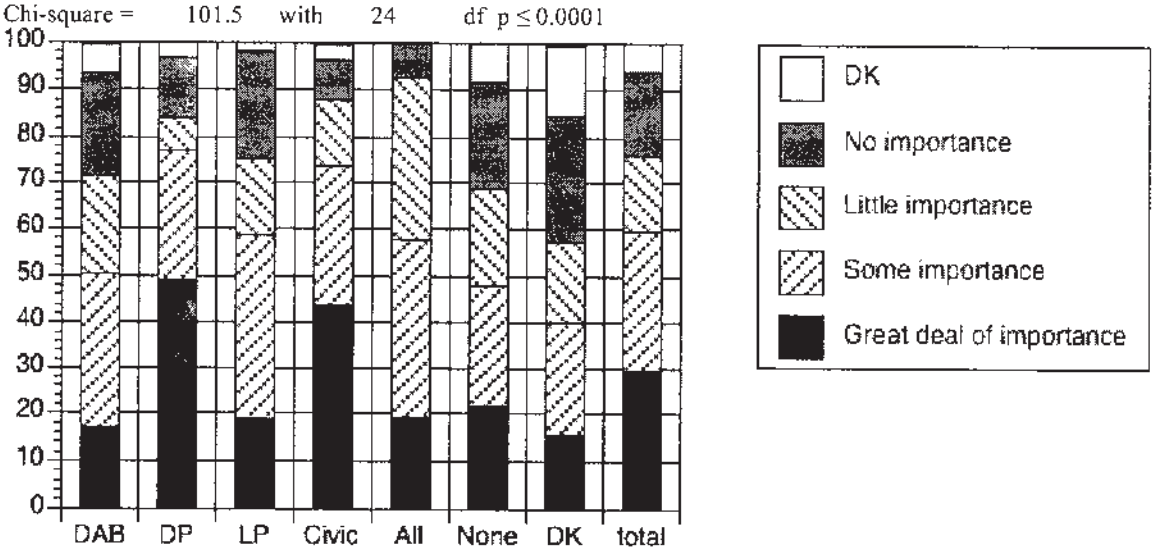


While support of direct elections is not the single issue determining whether a party best represents a person and protects a person's interests, the issue does have some to great importance for many, particularly, as expected, among pro-democracy supporters. Perhaps surprising is how many looking to the DAB and Liberal party also hold the issue as of importance, as seen in Table 30 and chart.

Table 30 How important for Legco councilor to support direct elections by Which party best represents (Sept GC)

	DAB	DP	LP	Civic	All	None	DK	total
Great deal of importance	17	49	19	44	19	22	16	29
Some importance	33	29	40	30	39	27	25	30
Little importance	21	7	17	14	34	21	17	17
No importance	22	13	23	9	8	23	27	18
DK	7	3	2	4	0	8	16	6
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 101.5 with 24 df $p \leq 0.0001$



As Table 31 shows, not only is there a majority of voters in both the GCs and FCs assigning either a great deal or some importance to support of direct elections by their Legco member, there are also majorities in both groups supporting an increase in who has a right a vote in FC elections. Overall, the felt issue is that Hong Kong's political system is not representative enough. (See below on assessments of who has influence on the development of democracy in Hong Kong.)

Table 31 Do you support/oppose increasing who has a right to vote in FC elections?

	GC voters	FC voters
Strongly support	9	10
Support	47	50
Oppose	20	23
Strongly oppose	6	6
DK	18	11

Table 32 shows that less than a majority among GC and FC voters is confident that the universal suffrage elections for CE and Legco will be achieved.

Table 32 How certain/confident are you we will achieve the universal suffrage elections for CE and Legco as promised in the SC's decision May compared to Aug 2008

	GC May	GC Aug	GC Sept	FC May	FC Aug
Very uncertain/not confident	11	12	13	9	12
Uncertain/not confident	28	29	33	34	29
Certain/confident	42	48	42	41	45
Very certain/confident	9	3	5	7	9
DK	10	8	7	9	5

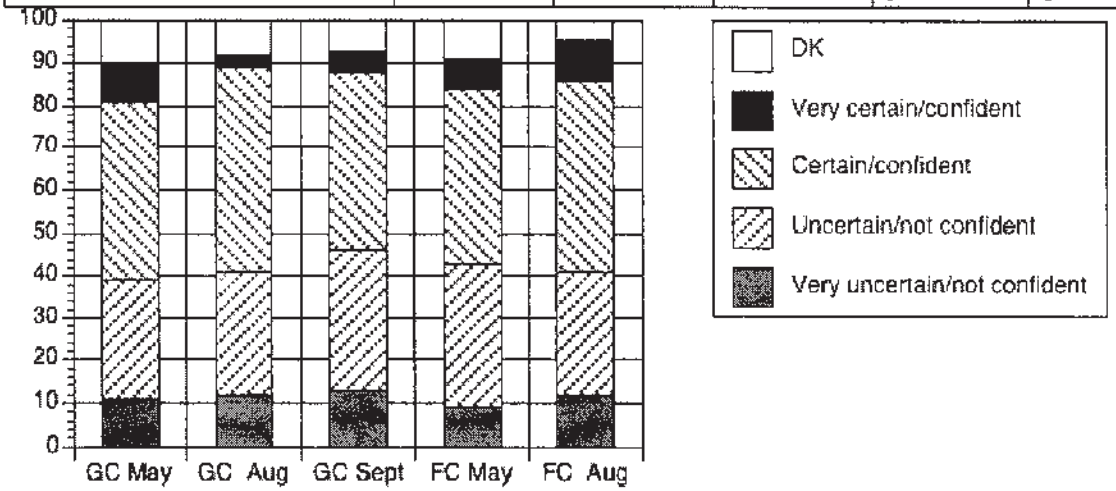


Table 33 begins to show the effect of system uncertainty and intervention on turnout. About 15 percent of registered voters by the eve of elections say the SC decision will make them more likely not to vote, or they don't know how it affects their vote. Table 34 takes the 46 percent in Table 33 (and 57 percent in September, indicating a rising degree of making up their minds) who said the SC decision will not affect their vote, and asks them how and whether they plan to vote now. Many of the non-affected voters had no opinion on whom they would vote for or whether they would vote.

Table 33 How will the Standing Committee's decision on the Basic Law about elections affect how you vote in September?

	GC June-Aug	GC Sept	FC voters
More likely to vote for pro-government (patriotic) candidates	7	4	6
More likely to vote for pro-democracy candidates	19	17	20
More likely to vote for independents	8	6	5
More likely not to vote	7	5	2
No effect on how I vote	46	57	60
DK	13	10	6

Table 34 If no effect, how are you planning to vote now?

	GC June-Aug	GC Sept	FC voters
pro-government (patriotic) candidates	6	7	3
pro-democracy candidates	9	16	12
for independents	4	9	6
No opinion/DK	29	25	33
(Affected voters)	54	43	40

Likely Turnout: Calculations from the results in Tables 33 and 34, and the appearance of a trend of making up minds and clarifying of party affiliation and profiles make indicate preliminarily a voter turnout of around 60 percent +/-4 points (range of sample error in September). This is up from a calculated indicator of 53 percent +/- 3 points in the June-Aug compiled sample. The likeliest range of turnout is between 53-57 percent, given range of error and gaps between intent and action and oversampling of likely voters due to oversampling of more highly educated respondents in this as in most surveys in Hong Kong. Given some of the confusions and contradictions evident above on which party best represents them or protects their interests and how the SC decision affects their votes, the overall distribution of votes by pro-government or pro-democracy grouping can be estimated as in Table 35. Note, pro-democracy independents such as Cyd Ho and Leung Yiu Chung are likely classed in voters minds as independents. The lack of knowledge about the League of Social Democrats may also understate the pro-democracy proportion from actual results. Pro-government independents such as Regina Ip also mean the pro-government camp is likely underestimated, as is the tendency of DAB supporters to be under-sampled.

Table 35 Likely voter turnout and proportions

	GC voters	FC voters
Decided on whom to vote for	60	52
Proportion pro-democracy	55	62
Proportion pro-government	20	17
Proportion independents	25	21

In Table 36 from the compiled GC sample, for example, 5 percent of those who say the DAB best represents them said the SC decision is likely to make them vote pro-democracy. Similarly, 4 percent of Democratic Party supporters say the SC decision is likely to make them vote pro-government.

Table 36 How SC decision will affect vote by Which party represents best

	DAB	DP	LP	Civic	All	None	DK	total
Pro-gov	22	4	14	2	8	4	6	8
Pro-dem	5	36	13	32	15	9	8	17
Ind	5	8	10	9	5	8	4	7
Not vote	4	8	8	4	11	9	12	7
No effect*	53	38	47	44	46	56	40	48
DK	11	7	8	9	15	14	29	13
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 450.8 with 30 df $p \leq 0.0001$
*Inverse of affected by the SC decision

Table 37 takes those who say they were not affected by the SC decision and shows their voting intentions. The combination of numbers in each column (with the exception of the no effect line in Table 36 and the Affected by SC decision in Table 33 which are inversely related) shows the proportion of each party grouping which plans to vote for their group. Thus the DAB shows 22 percent of their affiliates more likely to vote for pro-government parties, plus the 18 percent who already planned to vote for pro-government parties, for a total of 40 percent of their adherents solidly pro-government in voting intentions. The Democratic Party shows 36 percent of their supporters saying the SC decision made them more likely to vote pro-democracy and a further 20 percent who say they planned to vote for pro-democracy candidates regardless of the SC, showing 56 percent of DP supporters firmly on the side of voting pro-democracy. The Liberal Party is weakest in its ability to hold identifiers with that party in the pro-government voting intention group. (All from compiled GC sample, June to August. Trends in the September survey indicate a general strengthening of voting intentions and party association.

Table 37 Unaffected by SC decision, plans to vote by Which party represents best

	DAB	DP	LP	Civic	All	None	DK	total
Pro-gov	18	0.3	7	1	3	2	3	6
Pro-dem	3	20	4	14	6	5	7	8
IND	4	2	9	4	1	6	3	4
Not decided	29	16	26	25	36	43	28	29
(Affected by SC decision)*	47	62	54	57	54	44	60	52
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 347.8 with 24 df $p \leq 0.0001$
Inverse of line labeled with * in Table 36

With just over half of voters likely to turn out, Tables 38 and 39 which are based on the 79 percent of respondents who said they planned to vote in the compiled June to August GC surveys show a distinct difference by educational attainment in those who plan and don't expect to vote. Voting and education rise together. For example, while 29 percent of respondents in Table 38 have some university, only 20 percent of those not planning to vote fall in that category while they make up 31 percent of those planning to vote.

Table 38 GC Voters, Education effect on planning to vote

	No plan to vote	Plan to vote	total
Yrs 0-5 None to Primary 5	7	5	6
Primary 6	6	6	6
F 1&2 Yrs 7-8	4	2	3
F3 Yrs 9	13	10	11
F4-F5 Yrs 10-11	33	26	27
F6-F7 HS grad Yrs 12-13	14	15	15
Some Univ Yrs 14-15-16	20	31	29
Post-grad 17-18	3	4	4
total	100	100	100

table contents: Percent of Column Total
Chi-square = 34.49 with 7 df $p \leq 0.0001$

Table 39 FC Voters, Education effect on planning to vote

	No plan to vote	Plan to vote	total
Yrs 0-5 None to Primary 5	4	1	1
Primary 6	1	1	1
F 1&2 Yrs 7-8	0	1	1
F3 Yrs 9	5	3	3
F4-F5 Yrs 10-11	14	9	10
F6-F7 HS grad Yrs 12-13	7	7	7
Some Univ Yrs 14-15-16	57	63	62
Post-grad 17-18	10	16	15
total	100	100	100

table contents: Percent of Column Total
Chi-square = 25.43 with 7 df $p = 0.0006$

Table 40 and Table 41 show that those with higher income levels (who are likelier to be better educated) tend to plan to vote more than those with lower incomes.

Table 40 Voting intentions by Income levels GC voters

	Not vote	Plan to vote	total
None	25	75	100
Under 5,000	40	60	100
5,000-9,999	28	72	100
10,000-14,999	23	77	100
15,000-19,999	19	81	100
20,000-24,999	24	77	100
25,000-29,999	18	82	100
30,000-34,999	20	80	100
35,000-39,999	13	87	100
40,000-49,999*	12	88	100
50,000-59,999	23	77	100
60,000-69,999	13	87	100
70,000-99,999*	4	96	100
100,000+	17	84	100
total	20	80	100

table contents: Percent of Row Total
Chi-square = 48.62 with 13 df $p \leq 0.0001$

Table 41 Voting Intentions by Income Levels FC voters

	Not vote	Plan to vote	total
None to 19,999	27	73	100
20,000-24,999	22	78	100
25,000-29,999	23	77	100
30,000-34,999	15	85	100
35,000-39,999	6	94	100
40,000-49,999*	19	81	100
50,000-59,999	11	89	100
60,000-69,999	9	91	100
70,000-99,999*	11	89	100
100,000+	13	87	100
total	15	85	100

table contents: Percent of Row Total
Chi-square = 26.14 with 9 df p = 0.0019

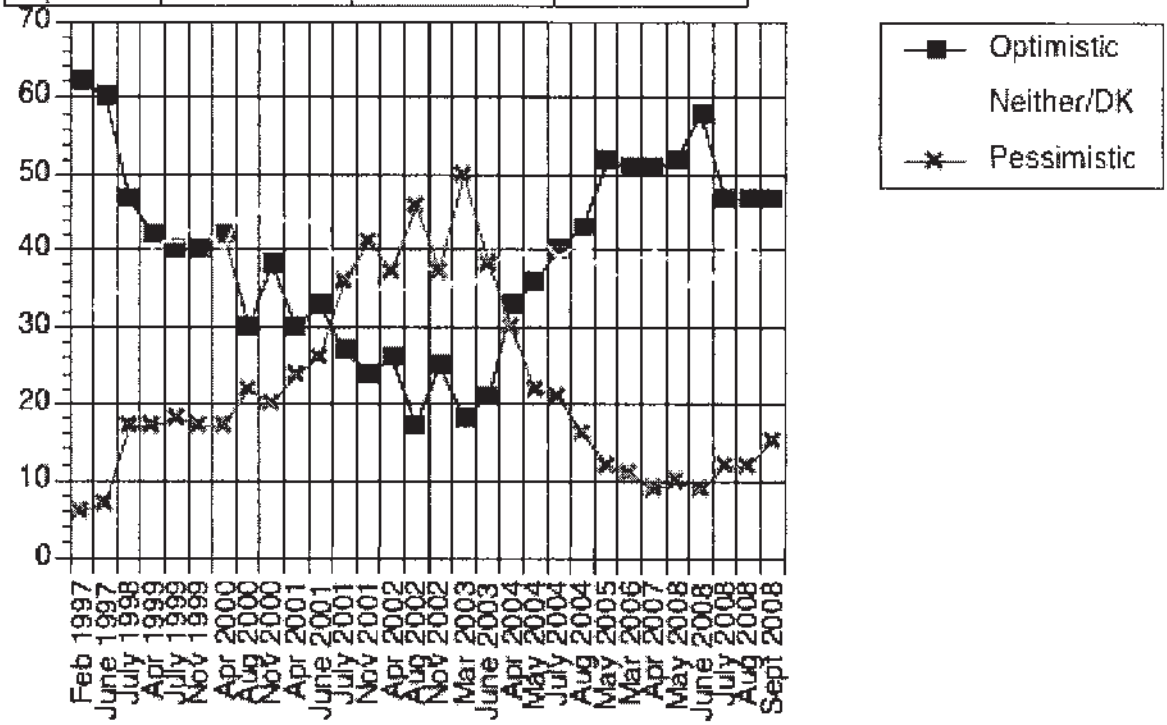
Part IV shows that intentions to vote are affected by various factors. The complexity of the Hong Kong election system tends to confuse voters about parties and their stances on such fundamental issues as direct elections. Some factors, such as education and income levels, are slow to change. Others, such as the Standing Committee's decision on the timeline of democratization, are events which cause shifts of intention. Part V examines voter's views of issues and events.

Part V The issue context of voting

Optimism about Hong Kong's future as a part of China peaked in June 2008 at 58 percent expressing optimism from its nadir in August 2002 of 17 percent. The impact of inflation, linked to Olympic expenditures, drop in the value of the US dollar and rise of the renminbi, and the soaring cost of oil apparently began to dampen Hong Kong voter's views.

Table 42 How do you feel currently about Hong Kong's future prospects as part of China?

	Optimistic	Neither/DK	Pessimistic
Feb 1997	62	32	6
June 1997	60	33	7
July 1998	47	36	17
Apr 1999	42	40	17
July 1999	40	42	18
Nov 1999	40	43	17
Apr 2000	42	40	17
Aug 2000	30	48	22
Nov 2000	38	42	20
Apr 2001	30	46	24
June 2001	33	42	26
July 2001	27	37	36
Nov 2001	24	36	41
Apr 2002	26	34	37
Aug 2002	17	36	46
Nov 2002	25	39	37
Mar 2003	18	32	50
June 2003	21	40	38
Apr 2004	33	37	30
May 2004	36	42	22
July 2004	40	39	21
Aug 2004	43	41	16
May 2005	52	36	12
Mar 2006	51	38	11
Apr 2007	51	40	9
May 2008	52	38	10
June 2008	58	33	9
July 2008	47	40	12
Aug 2008	47	40	12
Sept 2008	47	38	15



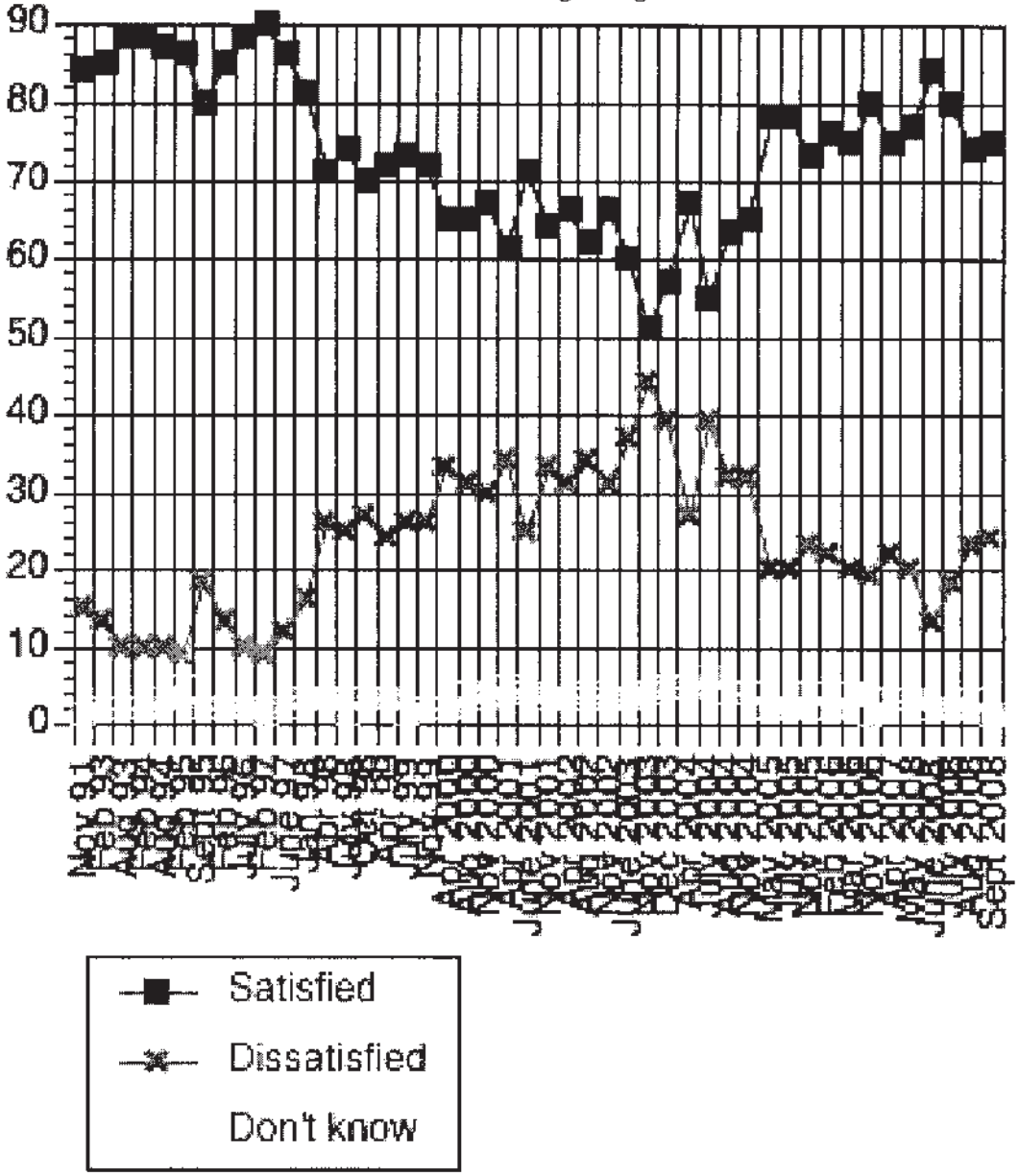
Inflation worries and dissatisfaction with government performance also appear to have affected voter's satisfaction with life in Hong Kong also.

Table 43 Are you currently satisfied/dissatisfied with your life in Hong Kong?

	Satisfied	Dissatisfied	Don't know
Nov 91	84	15	1
Feb 93	85	13	2
Aug 93	88	10	2
Feb 94	88	10	2
Aug 94	87	10	3
Feb 95	86	9	5
Sept 95	80	18	2
Feb 96	85	13	2
July 96	88	10	2
Feb 97	90	9	1
June 97	86	12	2
Jan 98	81	16	3
Apr 98	71	26	3
July 98	74	25	1
Oct 98	70	27	3
Apr 99	72	24	3
July 99	73	26	1
Nov 99	72	26	2
Apr 2000	65	33	2
Aug 2000	65	31	4
Nov 2000	67	30	3
Apr 2001	61	34	5
June 2001	71	25	4
Nov 2001	64	33	3
Apr 2002	66	31	3
Aug 2002	62	34	4
Nov 2002	66	31	3
June 2003	60	37	3
Nov 2003	51	44	4
Dec 2003	57	39	5
Apr 2004	67	27	5
July 2004	55	39	6
Aug 2004	63	32	4
Nov 2004	65	32	4
May 2005	78	20	2
July 2005	78	20	2
Nov 2005	73	23	4
Feb 2006	76	22	2
Mar 2006	75	20	4
Nov 2006	80	19	1
Apr 2007	75	22	3
May 2008	77	20	3
June 2008	84	13	2
July 2008	80	18	2
Aug 2008	74	23	3
Sept 2008	75	24	1

That satisfaction with life in Hong Kong is affected by attitudes toward the government can be seen in the abrupt change in views between November 2004 and for several years before that when Tung Chee Hwa was Chief Executive, and the sharp rise in May 2005 when Chief Executive Donald Tsang took over. As Table 44 below shows, the drop in satisfaction with life in Hong Kong coincides with a sharp rise in dissatisfaction with the performance of the Hong Kong government, and as seen below, with the performance of the Chief Executive.

Chart Table 43 Satisfaction with life in Hong Kong



Satisfaction with the performance of the Hong Kong government hit a post-1997 peak of 67 percent satisfied in June 2008, plunging to a Donald Tsang administration low of satisfied by 1 September. This sharp plunge follows criticism of the government's handling of certain matters from a visiting Beijing official on the anniversary of the reunification, particularly regarding mismanagement of the deputy minister appointments and foreign passports and pay levels of those new appointees. There was also controversy over a retired senior official from the Housing Department assuming a highly lucrative job in July, since surrendered, with one of the major housing developers, and a sharp rise in inflation and worries about inflation in June and August (see below chart of personal concerns).

Table 44 Are you currently satisfied with the general performance of Hong Kong Government?

	Satisfied	Dissatisfied	Don't know
Feb 1993	60	31	9
Aug 1993	57	28	15
Feb 1994	58	28	14
Aug 1994	56	30	14
Feb 1995	43	35	22
Sep 1995	46	45	9
Feb 1996	60	26	15
July 1996	67	21	11
Feb 1997	73	20	7
June 1997	66	27	7
Jan 1998	51	35	4
Apr 1998	48	41	12
June 1998	37	56	7
Oct 1998	42	48	10
April 1999	46	43	11
July 1999	40	52	7
Nov 1999	41	51	8
Apr 2000	39	53	8
Aug 2000	30	61	4
Oct 2000	31	62	6
Apr 2001	32	58	10
July 2001	35	59	5
Nov 2001	24	68	7
Apr 2002	31	60	9
Aug 2002	22	72	6
Nov 2002	23	69	9
June 2003	23	69	8
Dec 2003	16	79	6
Apr 2004	23	67	10
July 2004	20	72	8
Aug 2004	25	67	8
Nov 2004	33	61	6
May 2005	46	48	7
July 2005	56	34	10
Nov 2005	65	27	4
Feb 2006	61	32	2
Mar 2006	63	33	5
Nov 2006	62	34	4
April 2007	64	31	6
May 2008	64	31	5
June 2008	67	27	6
July 2008	54	42	5
Aug 2008	50	43	7
Sept 2008	43	51	6

Levels of satisfaction among the pro-government/probusiness and pro-democracy FC blocs diverges less than might be expected.

Table 45 Satisfaction with government performance by FC bloc

	Pro-government	Pro-democracy	total
Very dissatisfied	10	7	7
Somewhat Dissatisfied	32	39	37
Somewhat Satisfied	49	46	47
Very satisfied	5	2	3
DK	5	6	6
total	100	100	100

table contents:Percent of Column Total
Chi-square = 9.570 with 4 dfp = 0.0483

Chart of Table 45 Satisfaction with government performance

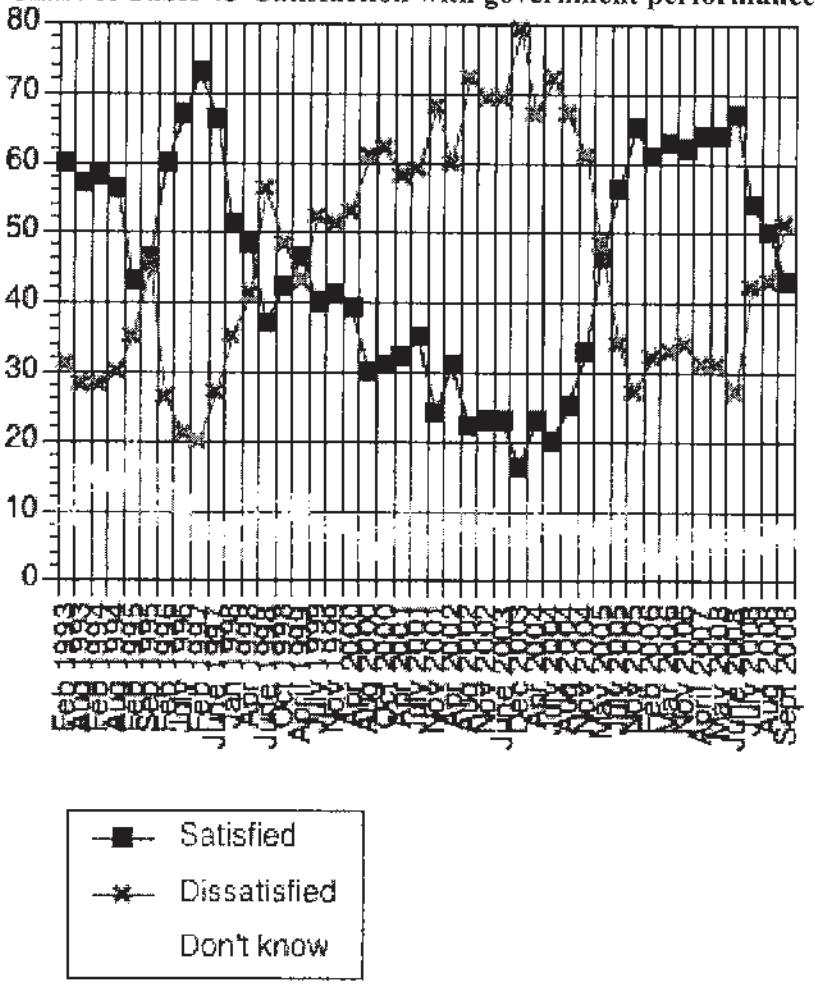
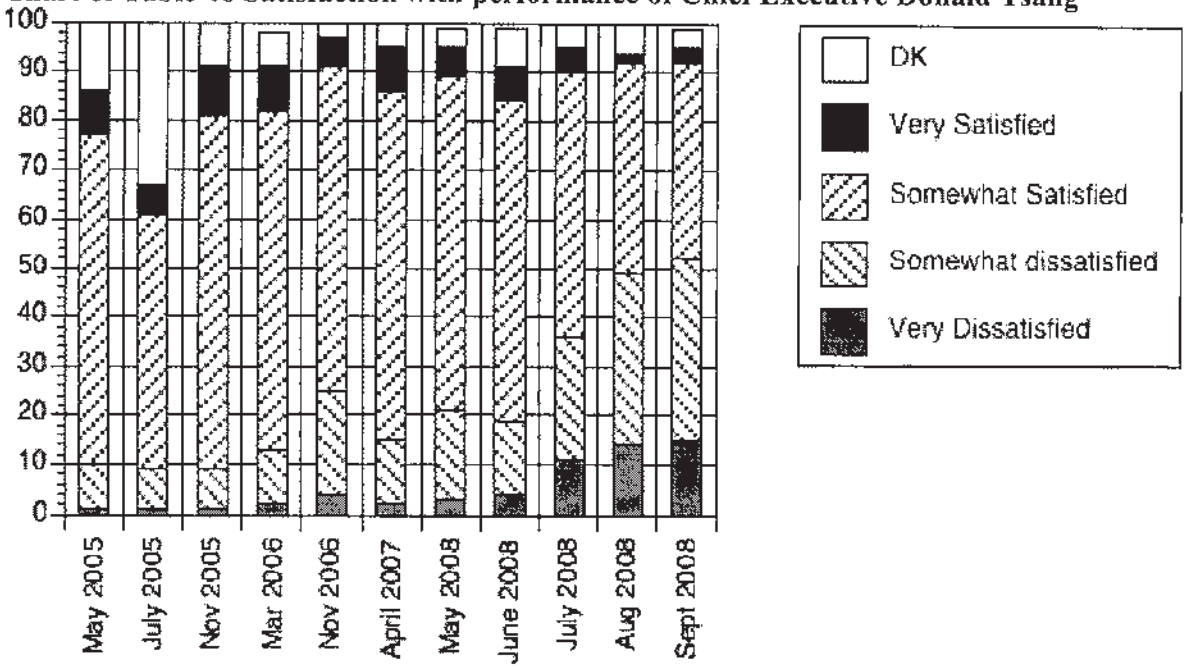


Table 46 shows a very strong increase in dissatisfaction with the performance of Chief Executive Donald Tsang in the final two months of the campaign. As shown below, with the DAB associated most strongly as a Tsang supporting party and with pro-government parties hit by rises in dissatisfaction with government and the Chief Executive, satisfaction with the pro-democracy critics of the government has risen nearly inversely.

Table 46 Are you satisfied or dissatisfied with performance of C. E. Donald Tsang?

	Very Dissatisfied	Somewhat dissatisfied	Somewhat Satisfied	Very Satisfied	DK
May 2005	1	9	67	9	15
July 2005	1	8	52	6	33
Nov 2005	1	8	72	10	9
Mar 2006	2	11	69	9	7
Nov 2006	4	21	66	6	4
April 2007	2	13	71	9	6
May 2008	3	18	68	6	4
June 2008	4	15	65	7	8
July 2008	11	25	54	5	6
Aug 2008	14	35	43	2	6
Sept 2008	15	37	40	3	4

Chart of Table 46 Satisfaction with performance of Chief Executive Donald Tsang



There has been some drop also in satisfaction with the SAR government's dealing with the PRC government over the same two month period leading up to the elections.

Chart Table 47 Are you currently satisfied or dissatisfied with the performance of the Hong Kong Government (SAR government) in dealing with the PRC Government?

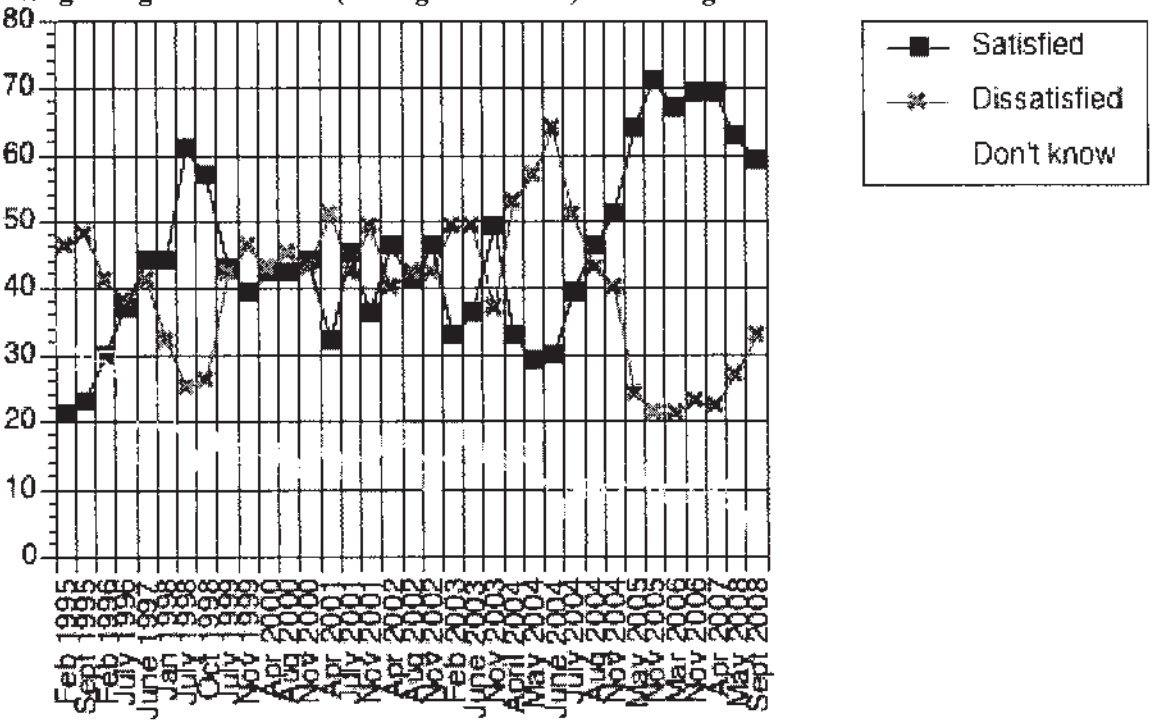


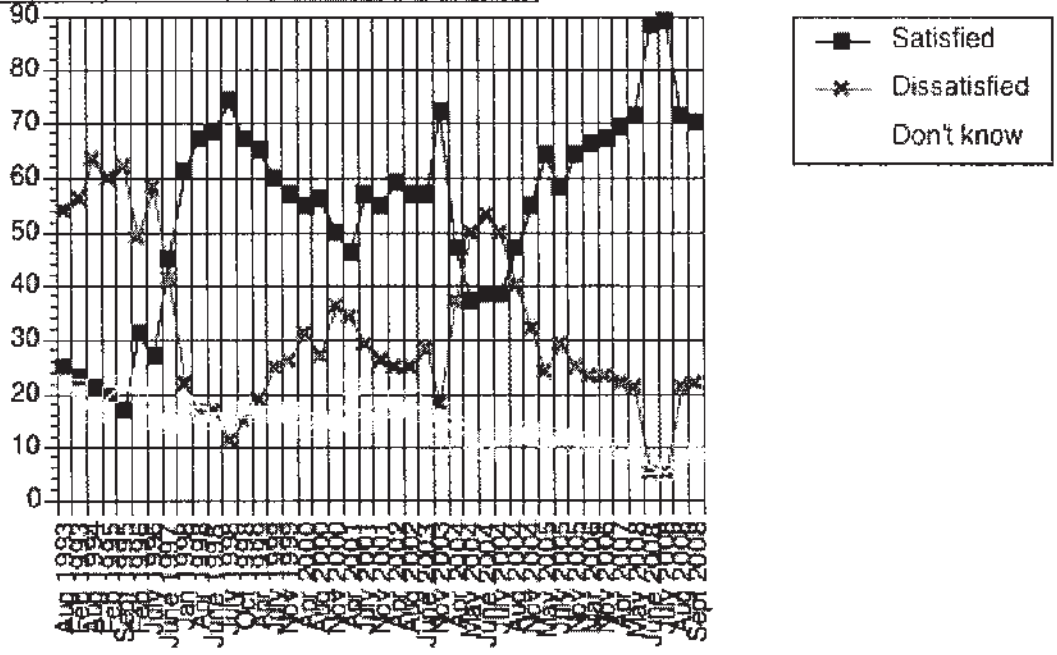
Table 47 Are you currently satisfied or dissatisfied with the performance of the Hong Kong Government (SAR government) in dealing with the PRC Government?

	Satisfied	Dissatisfied	Don't know
Feb 1995	21	46	33
Sept 1995	23	48	29
Feb 1996	30	41	29
July 1996	37	38	25
June 1997	44	41	15
Jan 1998	44	32	24
July 1998	61	25	14
Oct 1998	57	26	17
July 1999	43	42	15
Nov 1999	39	46	15
Apr 2000	42	43	15
Aug 2000	42	45	13
Nov 2000	44	43	13
Apr 2001	32	51	17
July 2001	45	42	13
Nov 2001	36	49	16
Apr 2002	46	40	14
Aug 2002	41	42	18
Nov 2002	46	42	11
Feb 2003	33	49	18
June 2003	36	49	15
Nov 2003	49	37	14
April 2004	33	53	14
May 2004	29	57	15
June 2004	30	64	7
July 2004	39	51	10
Aug 2004	46	43	10
Nov 2004	51	40	9
May 2005	64	24	12
Nov 2005	71	21	9
Mar 2006	67	21	12
Nov 2006	69	23	9
Apr 2007	69	22	10
May 2008	63	27	5
Sept 2008	59	33	8

There has been an even sharper fall in satisfaction with the PRC government dealing with Hong Kong affairs, but from record heights of satisfaction in June and July to about the Tsang administration average. Perhaps it is no accident that on the weekend prior to the election, the gold medal winners from the Beijing Olympics were sent to Hong Kong on a high profile tour accompanied by both mainland and Hong Kong government officials and many members from supportive parties running in the imminent elections.

Table 48 Are you currently satisfied or dissatisfied with the performance of the PRC GOV in dealing with Hong Kong affairs?

	Satisfied	Dissatisfied	Don't know
Aug 1993	25	54	22
Feb 1993	23	56	21
Aug 1994	21	63	16
Feb 1995	20	60	20
Sept 1995	17	62	22
Feb 1996	31	49	20
July 1996	27	58	15
June 1997	45	41	14
Jan 1998	61	22	18
Apr 1998	67	17	16
June 1998	68	17	15
July 1998	74	11	15
Oct 1998	67	15	17
Apr 1999	65	19	16
July 1999	60	25	16
Nov 1999	57	26	17
Apr 2000	55	31	13
Aug 2000	56	27	15
Nov 2000	50	36	14
Apr 2001	46	34	21
July 2001	57	29	14
Nov 2001	55	26	19
Apr 2002	59	25	17
Aug 2002	57	25	19
June 2003	57	28	16
Nov 2003	72	18	10
Apr 2004	47	37	17
May 2004	37	50	11
June 2004	38	53	9
July 2004	38	50	12
Aug 2004	47	40	12
Nov 2004	55	32	13
May 2005	64	24	11
July 2005	58	29	12
Nov 2005	64	25	10
Mar 2006	66	23	11
Nov 2006	67	23	10
Apr 2007	69	22	9
May 2008	71	21	8
June 2008	88	5	6
July 2008	89	5	5
Aug 2008	71	21	9
Sept 2008	70	22	8

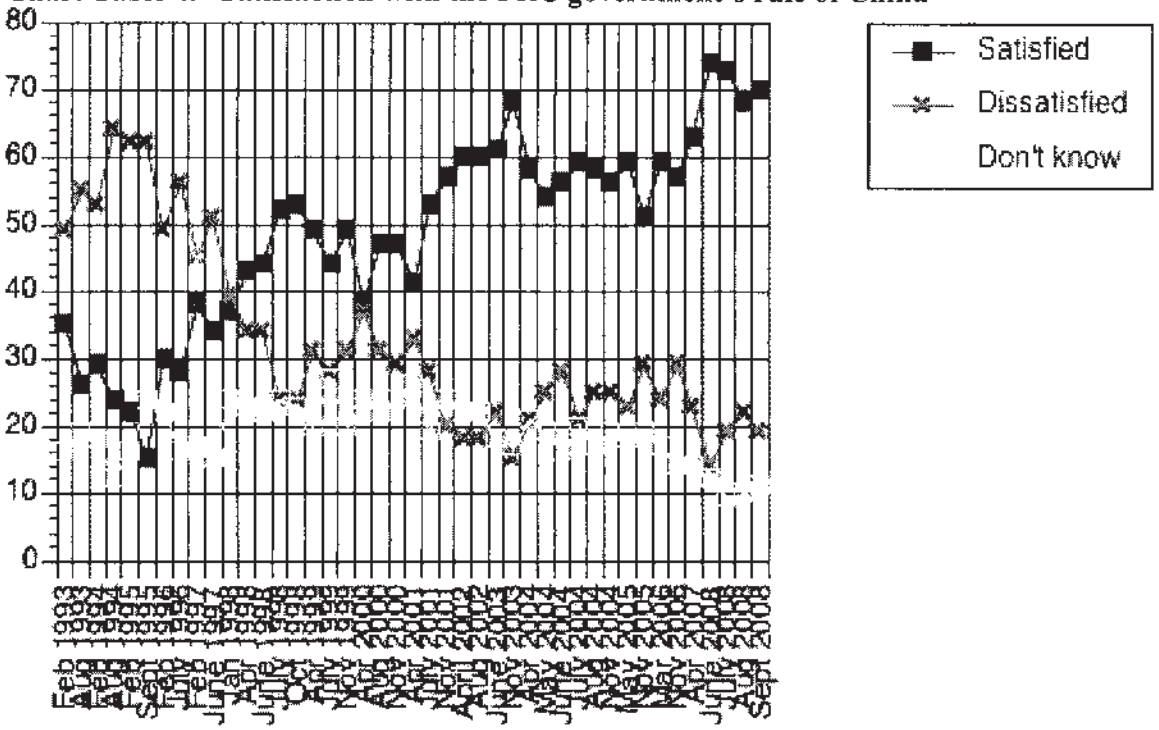


Satisfaction with the PRC government's rule of China is at near record levels after hitting record levels in June and July 2008. Being pro-Beijing may be more of an advantage than being pro-government and seen as a supporter of Donald Tsang.

Table 49 Are you currently satisfied or dissatisfied with the performance of the PRC GOV in ruling China?

	Satisfied	Dissatisfied	Don't know
Feb 1993	35	49	16
Aug 1993	26	55	19
Feb 1994	29	53	18
Aug 1994	24	64	12
Feb 1995	22	62	16
Sept 1995	15	62	24
Feb 1996	30	49	22
July 1996	28	56	16
Feb 1997	38	45	17
June 1997	34	51	15
Jan 1998	37	39	24
Apr 1998	43	34	23
June 1998	44	34	22
July 1998	52	24	24
Oct 1998	53	24	23
Apr 1999	49	31	20
July 1999	44	28	27
Nov 1999	49	31	20
Apr 2000	38	37	24
Aug 2000	47	31	22
Nov 2000	47	29	24
Apr 2001	41	33	26
July 2001	53	28	19
Nov 2001	57	20	24
April 2002	60	18	22
Aug 2002	60	18	22
June 2003	61	22	18
Nov 2003	68	15	17
Apr 2004	58	21	21
May 2004	54	25	19
June 2004	56	28	16
July 2004	59	21	20
Aug 2004	58	25	17
Nov 2004	56	25	19
May 2005	59	23	18
Nov 2005	51	29	19
Mar 2006	59	24	17
Nov 2006	57	29	14
Apr 2007	63	23	14
June 2008	74	14	12
July 2008	73	19	9
Aug 2008	68	22	10
Sept 2008	70	19	11

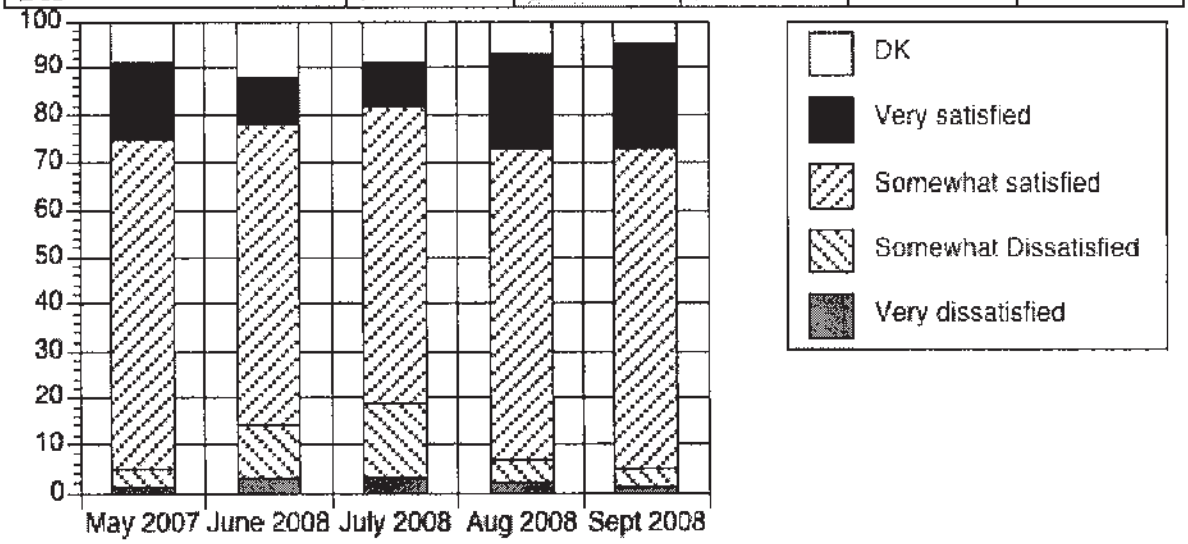
Chart Table 49 Satisfaction with the PRC government's rule of China



And satisfaction with President Hu Jintao is at record levels as well.

Table 50 The general performance of China's President Hu Jintao

	May 2007	June 2008	July 2008	Aug 2008	Sept 2008
Very dissatisfied	1	3	3	2	1
Somewhat Dissatisfied	4	11	16	5	4
Somewhat satisfied	70	64	63	66	68
Very satisfied	16	10	9	20	22
DK	9	12	9	7	5

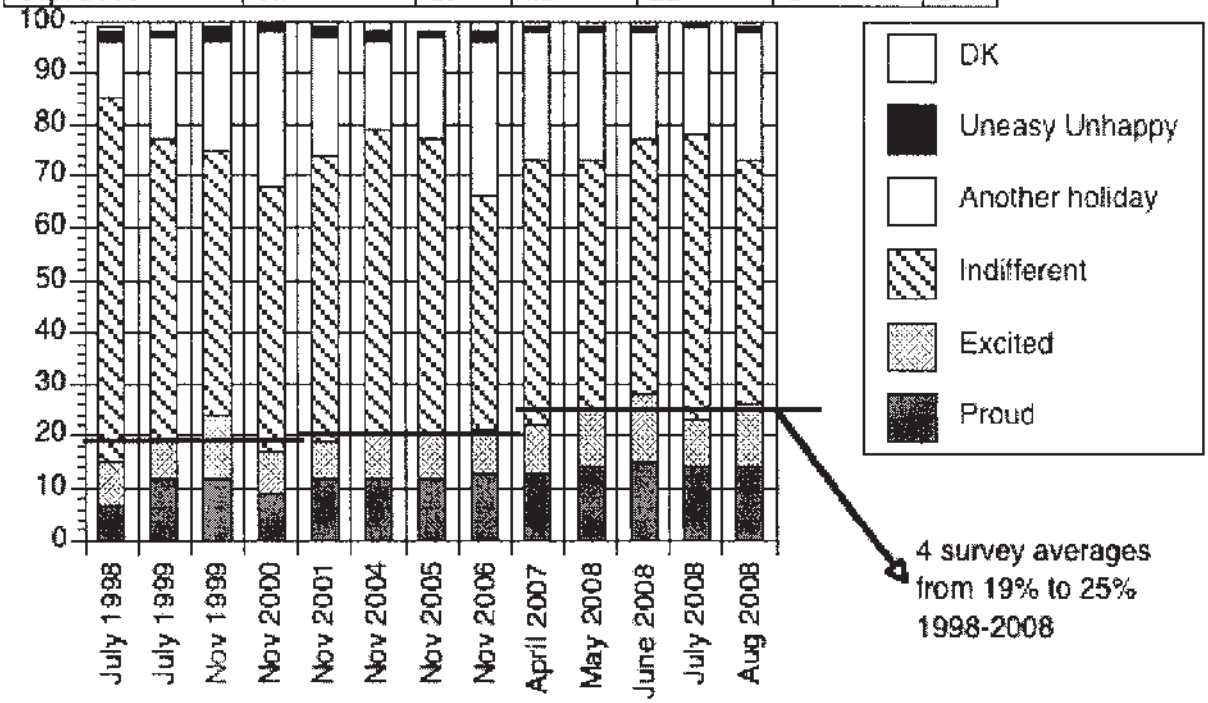


The contrast between satisfaction with the local government and affairs and that of the national government raises, even without the gold medal winner's tour, the question of

voter's views on patriotism and the role of patriotism in voting. Table 45 shows that there may indeed have been an uptick in patriotic feelings in the last few months.

Table 51 How does the celebration of 1st Oct National Day make you feel?

	Indifferent	Proud	Excited	Another holiday	Uneasy Unhappy	DK
July 1998	70	7	8	11	2	1
July 1999	58	12	7	20	1	2
Nov 1999	52	12	12	21	3	1
Nov 2000	51	9	8	30	2	-
Nov 2001	55	12	7	23	2	1
Nov 2004	59	12	8	17	2	2
Nov 2005	57	12	8	20	1	--
Nov 2006	47	13	8	31	2	2
April 2007	52	13	9	25	1	1
May 2008	49	14	11	25	1	1
June 2008	50	15	13	22	1	1
July 2008	55	14	9	21	1	--
Aug 2008	47	14	12	25	1	1
Sept 2008	51	13	12	22	1	1



By adding four surveys together to get a sample of 3,000 cases each 4-survey bloc, the range of error drops to +/- 2 from +/- 4 for each individual survey (four times the number of cases reduces range of statistical error by half), so the responses of proud/excited over National Day has changed from possibly an average of between 17-21% in 1998-2000 to an average between 23-27% in 2007-2008, a marginal but likely real increase in pride and excitement over China's National Day. That the GC survey completed on the eve of the election found 25 percent proud or excited further confirms this finding. There are no significant differences between the GC and FCs, nor among the FC pro-government and pro-democracy blocs.

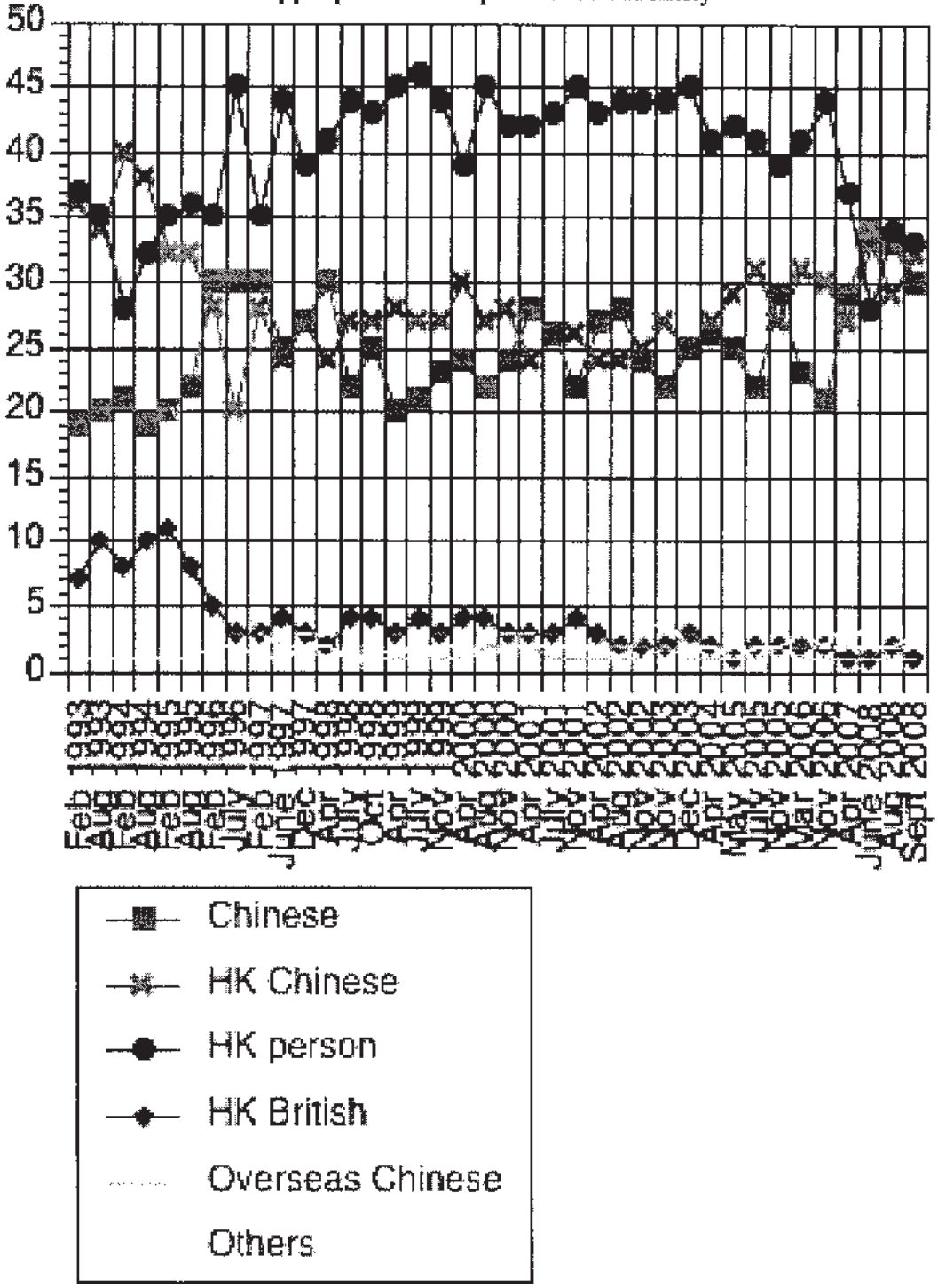
This possible increase in patriotic feelings is supported by evident changes in how Hong Kong voters describe themselves, as seen in Table 52.

Table 52 The following is a list of how you might describe yourself. Which is the most appropriate description of you?

	Chinese	HK Chinese	HK person	HK British	Overseas Chinese	Others
Feb 1993	19	36	37	7		1
Aug 1993	20	34	35	10		1
Feb 1994	21	40	28	8		1
Aug 1994	19	38	32	10		1
Feb 1995	20	32	35	11		1
Aug 1995	22	32	36	8		1
Feb 1996	30	28	35	5		2
July 1996	30	20	45	3		2
Feb 1997	30	28	35	3	3	1
June 1997	25	24	44	4	2	1
Dec 1997	27	27	39	3	2	2
Apr 1998	30	24	41	2	2	2
July 1998	22	27	44	4	1	1
Oct 1998	25	27	43	4	1	1
Apr 1999	20	28	45	3	1	2
July 1999	21	27	46	4	1	1
Nov 1999	23	27	44	3	1	2
Apr 2000	24	30	39	4	1	2
Aug 2000	22	27	45	4	2	1
Nov 2000	24	28	42	3	2	2
Apr 2001	28	24	42	3	2	2
July 2001	26	26	43	3	1	2
Nov 2001	22	26	45	4	1	2
Apr 2002	27	24	43	3	1	2
Aug 2002	28	24	44	2	1	1
Nov 2002	24	25	44	2	1	3
Nov 2003	22	27	44	2	2	4
Dec 2003	25	25	45	3	1	2
Apr 2004	26	27	41	2	1	2
May 2005	25	29	42	1	1	1
July 2005	22	31	41	2	1	2
Nov 2005	29	27	39	2	2	2
Mar 2006	23	31	41	2	1	3
Nov 2006	21	30	44	2	1	2
Apr 2007	29	27	37	1	1	4
June 2008	34	33	28	1	1	2
Aug 2008	33	29	34	2	1	2
Sept 2008	30	32	33	1	1	3

The chart below of Table 52 makes it very clear that changes that may have been occurring in 2007 were actually first indicators, 10 years following the handover, that self-identification is in flux and showing a probable rise in identity as Chinese and a drop in the contrasting identity of oneself as a Hong Konger. Earlier reports from the Hong Kong Transition Project have track this aspect, and on the basis of analyzing immigrant changes in identity to Hong Konger, the project postulated that within 10-12 years of the reunification we may begin to see a significant shift of identification toward a more nationally oriented descriptor. This indeed seems to be the case.

Chart Table 52 Most appropriate description of self-identity



Given that some parties, such as the DAB and FTU are often described as "patriotic" parties, has this shift in identity and rise in satisfaction with the national government and in positive feelings toward National Day had an impact on attitudes toward these parties? Table 53 and Table 54 examine this. Table 53 shows that actually in the past 3 months of campaigning, the pro-democracy parties have been making gains in satisfaction.

Table 53 How satisfied or dissatisfied are you with the following political parties? (2008 GC voters)

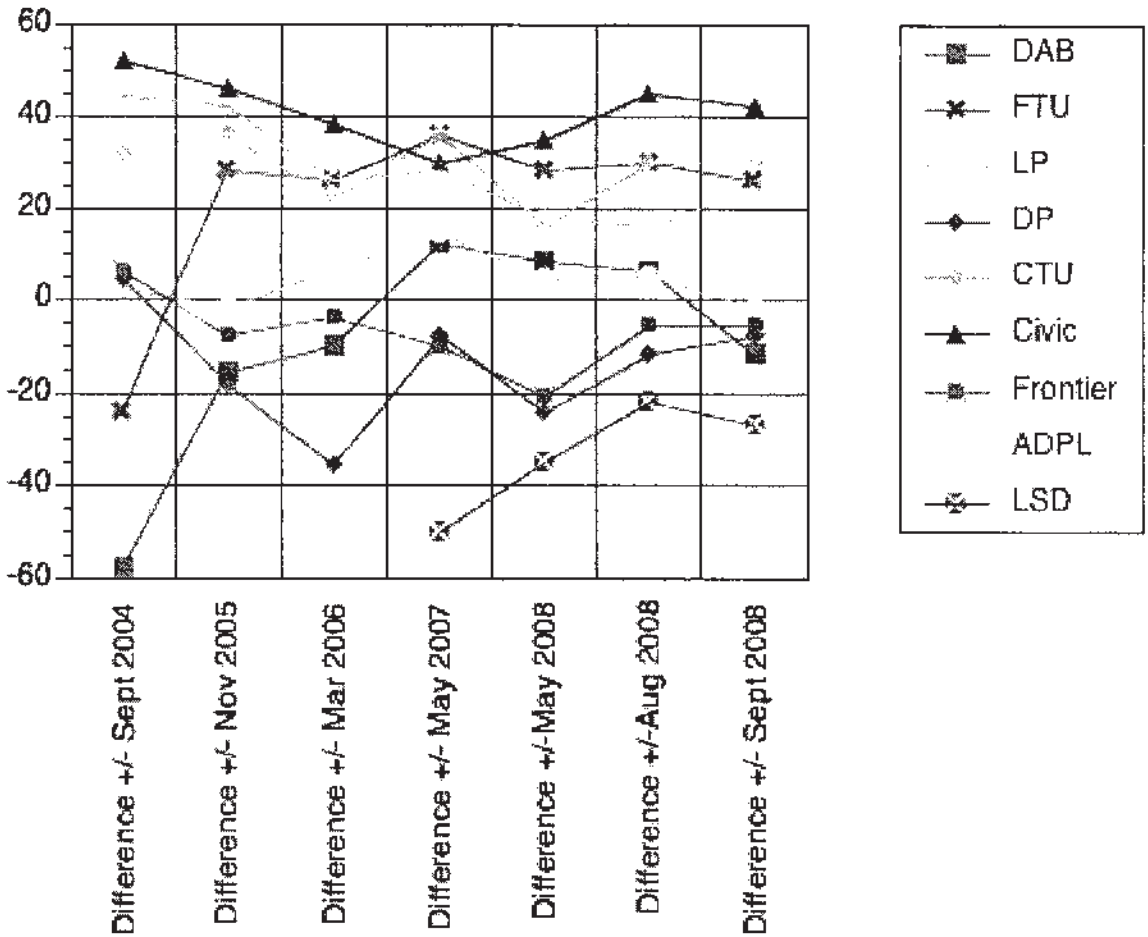
	Party	Very dissatisfied	Somewhat dissatisfied	Somewhat satisfied	Very satisfied	DK
May	DAB	16	24	43	3	15
June		11	26	45	3	15
July		14	25	41	4	16
Aug		12	28	43	2	15
Sept	**	17	31	38	2	12
May	FTU	8	20	46	4	22
June		5	19	54	3	20
July		7	22	45	4	21
Aug		5	21	46	3	24
Sept	*	7	23	48	3	19
May	LP	9	29	39	2	21
June		7	29	41	1	20
July		11	30	39	1	19
Aug		9	29	41	1	20
Sept		12	32	41	1	14
May	DP	21	34	31	2	11
June		17	37	31	2	13
July		16	36	32	2	14
Aug	**	12	37	36	2	12
Sept		15	36	37	2	10
May	CTU	11	22	41	4	21
June		7	22	46	3	22
July		7	25	44	2	21
Aug	**	5	21	47	4	23
Sept		7	22	50	3	17
May	Civic	7	17	41	9	26
June		5	15	52	5	23
July		5	18	48	7	21
Aug	**	4	16	49	7	24
Sept	*	5	19	51	7	18
May	Frontier	18	29	29	2	22
June		15	30	31	2	22
July		13	30	32	2	22
Aug		12	28	33	3	24
Sept	**	13	30	37	2	19
May	ADPL	5	20	35	1	38
June		3	18	38	2	38
July		5	24	36	1	35
Aug		3	23	35	2	37
Sept	**	4	22	41	2	31
May	LSD	19	24	19	2	36
June		15	25	18	3	39
July		15	27	18	1	38
Aug	*	12	25	22	1	39
Sept	**	18	29	24	2	26

*marginal change
**significant change

Table 54, however, shows that attitudes toward the DAB and FTU are much improved over what they were in 2004 while those toward the Democrats and Frontier are somewhat below their levels in 2004, though recovered from even lower levels in 2006 and earlier in 2008.

Table 54 Comparative satisfaction of parties over time

Party	Difference +/- Sept 2004	Difference +/- Nov 2005	Difference +/- Mar 2006	Difference +/- May 2007	Difference +/-May 2008	Difference +/-Aug 2008	Difference +/- Sept 2008
DAB	-58	-16	-10	+12	+8	+6	-12
FTU	-24	+28	+26	+36	+28	+30	+26
LP	+2	-2	+6	+14	+4	+5	-2
DP	+4	-18	-36	-8	-24	-12	-8
CTU	+32	+36	+22	+36	+16	+30	+30
Civic	+52	+46	+38	+30	+35	+45	+42
Frontier	+6	-8	-4	-10	-21	-6	-6
ADPL	+44	+42	+26	+28	+18	+16	+24
LSD	--	--	--	-50	-35	-22	-27

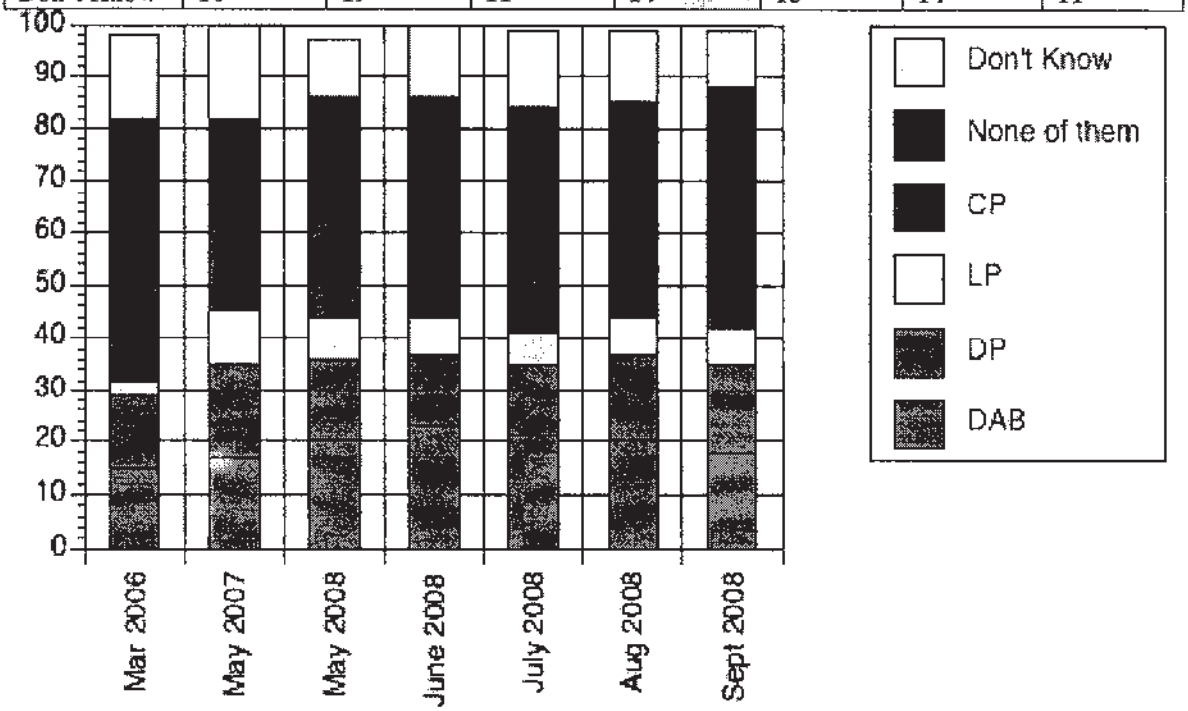


The free for all atmosphere of the 2008 elections versus the two major bloc strategy of 2004 shows clearly in the chart above. In 2004 the pro-government bloc cooperated to minimize the damage it faced from its close association with the Tung government. In 2008, the pro-democracy bloc was in two strategic positions, with the flagship Democratic Party, Frontier

and LSD well down in satisfaction and the Civic Party, ADPL and CTU in much better position. The FTU was also in a better position than the DAB. Hence some of the fragmentation and lack of cooperative tickets in 2008. The same relative changes can be seen in Table 55 where up to June 2008 the DAB had made clear gains in those who affiliated themselves with that party as best representing their interests while the Democratic Party had shown a probable decline in its fortunes. By August/September, the situation had recovered somewhat for the Democratic Party, but it appears as though the Civic Party has forged into a clear lead over all other parties.

Table 55 Of the 4 biggest political parties in Legco (Democratic Alliance for the Betterment of Hong Kong, Democratic Party, Liberal Party, Civic Party) which party if any do you feel represents or protects your interest best?

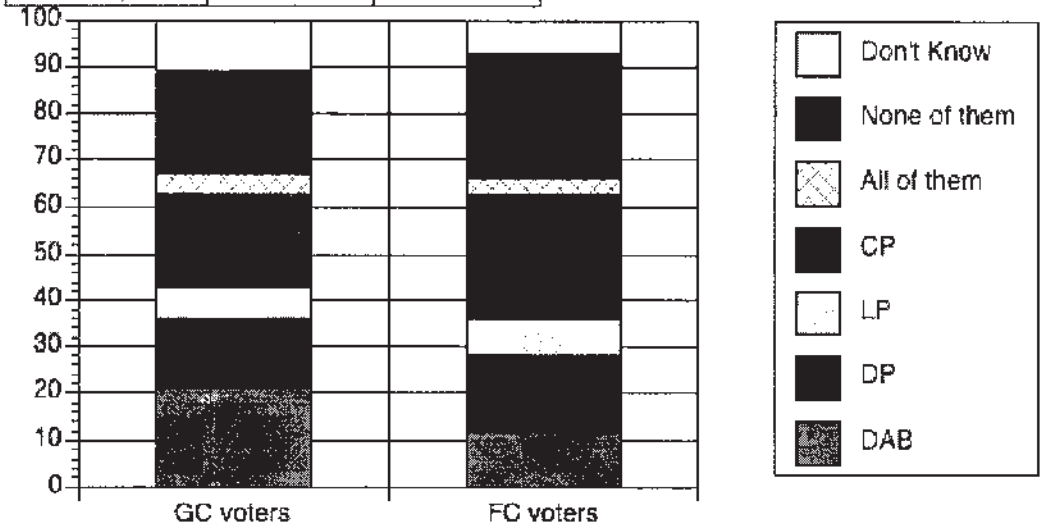
	Mar 2006	May 2007	May 2008	June 2008	July 2008	Aug 2008	Sept 2008
DAB	15	17	20	23	21	20	18
DP	14	18	16	14	14	17	17
LP	3	10	8	7	6	7	7
CP	18	16	18	21	19	19	23
None of them	32	21	24	21	24	22	23
Don't Know	16	19	11	14	15	14	11



While the DAB commands a sizable bloc among GC voters, it is considerably smaller among FC voters. The Civic Party, on the other hand, while rivaling the DAB among GC voters, thoroughly outcompetes the DAB among FC voters. (See chart below)

Table 56 4 biggest parties best represents by GC and FC voter bloc

	GC voters	FC voters
DAB	21	12
DP	15	16
LP	7	8
CP	20	27
All of them	4	3
None of them	22	27
Don't Know	11	7



While Table 57 shows, as expected, a clear advantage of Civic Party and Democratic Party among the FC represented by pro-democracy legislators, it should also be noted that 14 of 23 pro-government seats will hold no elections as they are uncontested. The lead of Civic Party among FC voters has also likely increased into September in line with its growth among GC voters.[2]

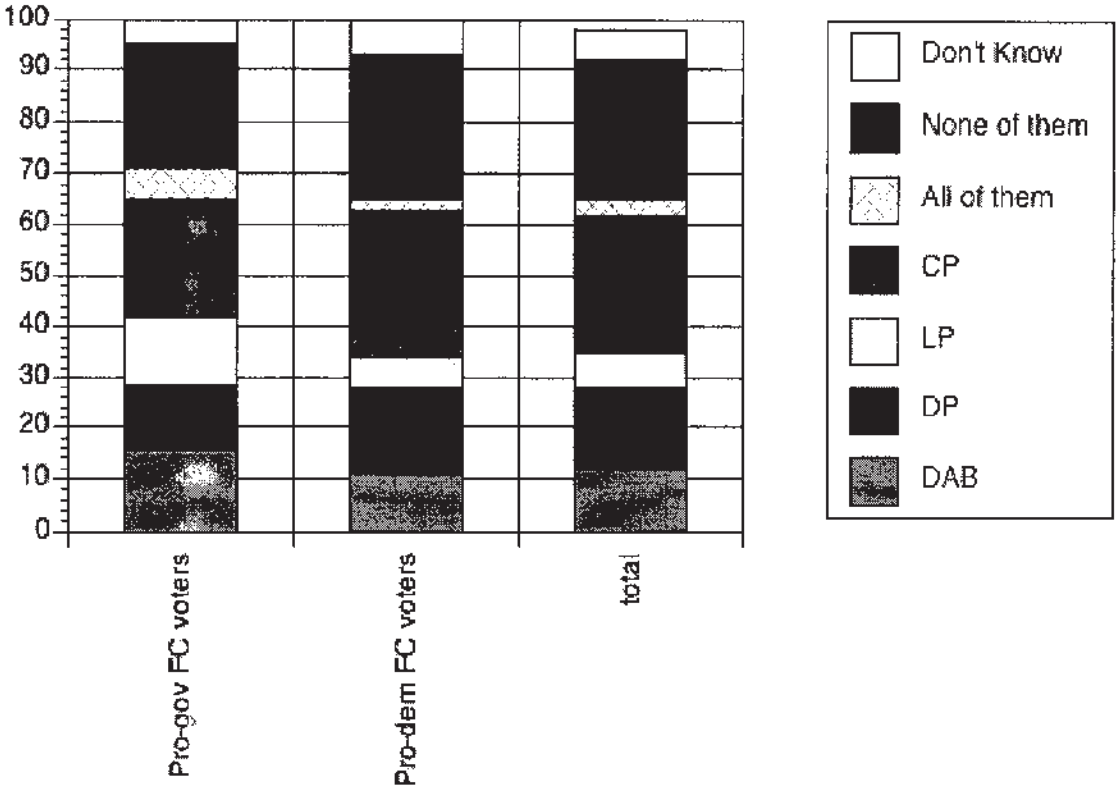
Table 57 Pro-gov/pro-dem FC voter bloc on which party best represents their interests

	Pro-gov FC voters	Pro-dem FC voters	total
DAB	16	11	12
DP	13	17	16
LP	14	6	8
CP	23	29	27
All of them	6	2	3
None of them	25	28	27
Don't Know	5	7	6
total	100	100	100

table contents: Percent of Column Total
Chi-square = 30.56 with 6 df $p \leq 0.0001$

[2] The final pre-election FC survey continues until 6 September, eve of voting on Sunday, 7 September. However, trends in the GC surveys are likely mirrored in the FC surveys, as seen in the comparative tables above.

Chart Table 57 Pro-gov/pro-dem FC voter bloc on which party best represents their interests



V Problems, addressing problems, and the parties

August 2008 was the first time since April 1998 that an issue other than unemployment and economic growth dominated personal concerns. While concerns involving the gap between the rich and poor and concerns with welfare and the elderly (concerns with others) dominated in May, by August and into September inflation had clearly outpaced all other issues. Second place, tied to unemployment concerns at 16% of respondents, fell to combined concern with the wealth gap (7%) salary and welfare cuts (7%) and the elderly (2%). It is possible to argue that a majority of people are concerned with rising costs and increasing difficulties of affording needed goods and services, either by themselves or by identified groups in the community such as those on welfare and the elderly.

Table 58 Which problem of Hong Kong are you most concerned about personally?*

	Jan 98	Apr 98	Apr 00	Apr 01	Apr 02	Mar 03	Apr 04	Aug 04	May 05	Mar 06	May 07	May 08	Jun 08	Jly 08	Aug 08	Sept 08
Economic growth rate	38	32	13	12	14	17	23	9	12	7	4	11	11	8	8	6
Affordable housing	8	4	1	2	--	1		1	--	1	1	--	1	1	--	--
Unemployment	11	27	31	40	53	40	26	35	26	28	28	16	16	14	12	16
Salary cuts, welfare cuts			6	4	3	7	5	4	4	3	6	7	6	3	5	7
Property, stock markets			3	3	1	1	1	2	2	2	2	3	2	2	1	2
Int'l competitiveness			3	2	2	3	1	4	1	1	2	2	1	3	2	2
Other econ.				1	2	1	--	--	1	1	--		1	-		
Inflation												10	7	19	29	34
Wealth gap among rich & poor												13**	12	5	4	7
Economic Issues total	57	63	57	64	75	70	56	55	46	43	43	62	57	55	61	74
Education	4	3	6	7	6	3	6	4	9	8	15	6	5	5	5	3
Elderly	5	5	3	4	2	1	1	2	4	3	6	4	3	3	3	2
Crime	6	5	6	3	1	2	2	3	1	2	2	--	-	1	1	1
Medical	2	1	2	2	1	1	1	1	2	5	6	5	4	4	4	3
Pollution/overpopulation	1	1	10	4	2	2	2	3	7	11	7	9	11	11	8	11
Social Issues total	18	15	27	20	12	9	12	13	23	29	36	24	23	24	21	20
Corruption	1	1	1	1	--	1	1	--	1	1	--	--	-	1	--	--
Political stability	5	4	4	2	2	2	15	12	10	5	2	3**	3	3	2	2
Freedom of press/speech	2	2	2	1	--	1	1	8	1	1	1	1	1	1	1	1
Freedom to demonstrate	2	1	1	1	--	1	1	1	--	1	+	--	-		--	1
Autonomy of HK	2	1	2	1	--	--	1	1	--	1	+	1	1	1	1	1
Fair judges/freedom to travel	3	3	1	--	--	1	--	1	1	1	+2	1	1	1	1	1
Competence of Tung (98-04) Tsang (05-) & civil servants	-	-	1	--	1	1	1	1	--	1	--	1	--	2	1	--
Constitutional development						--		3	3	1	--		--	1	1	--
Political Issues total	15	12	12	6	3	7	20	27	16	12	5	7**	6	10	7	6

*None, other, don't know responses dropped +added together responses less than 1

15 percent said not concerned about a problem in Hong Kong personally in May 2007 or had concerns not of a public affairs nature.

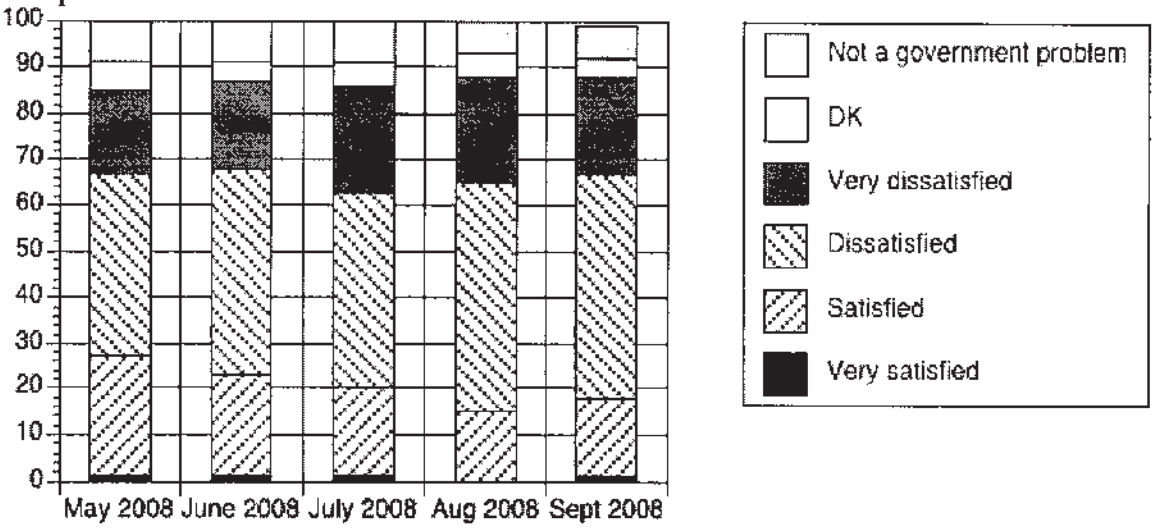
**Wealth gap is not just an economic issue but also a concern with political stability. Arguably, inflation raises issues of political stability as well.

Dissatisfaction with the government's handling of the problem of most personal concern to respondents rose significantly in August while satisfaction plunged from 27 percent in May down to 15 percent satisfied in August.

Table 59 Are you satisfied or dissatisfied with the government's performance on this problem?

	May 2008 GC voters	June 2008 GC voters	July 2008 GC voters	Aug 2008 GC voters	Sept 2008 GC voters
Very satisfied	1	1	1	--	1
Satisfied	26	22	19	15	17
Dissatisfied	40	45	43	50	49
Very dissatisfied	18	19	23	23	21
DK	6	4	5	5	4
Not a government problem	9	9	9	7	7

Chart Table 59 Are you satisfied or dissatisfied with the government's performance on this problem?

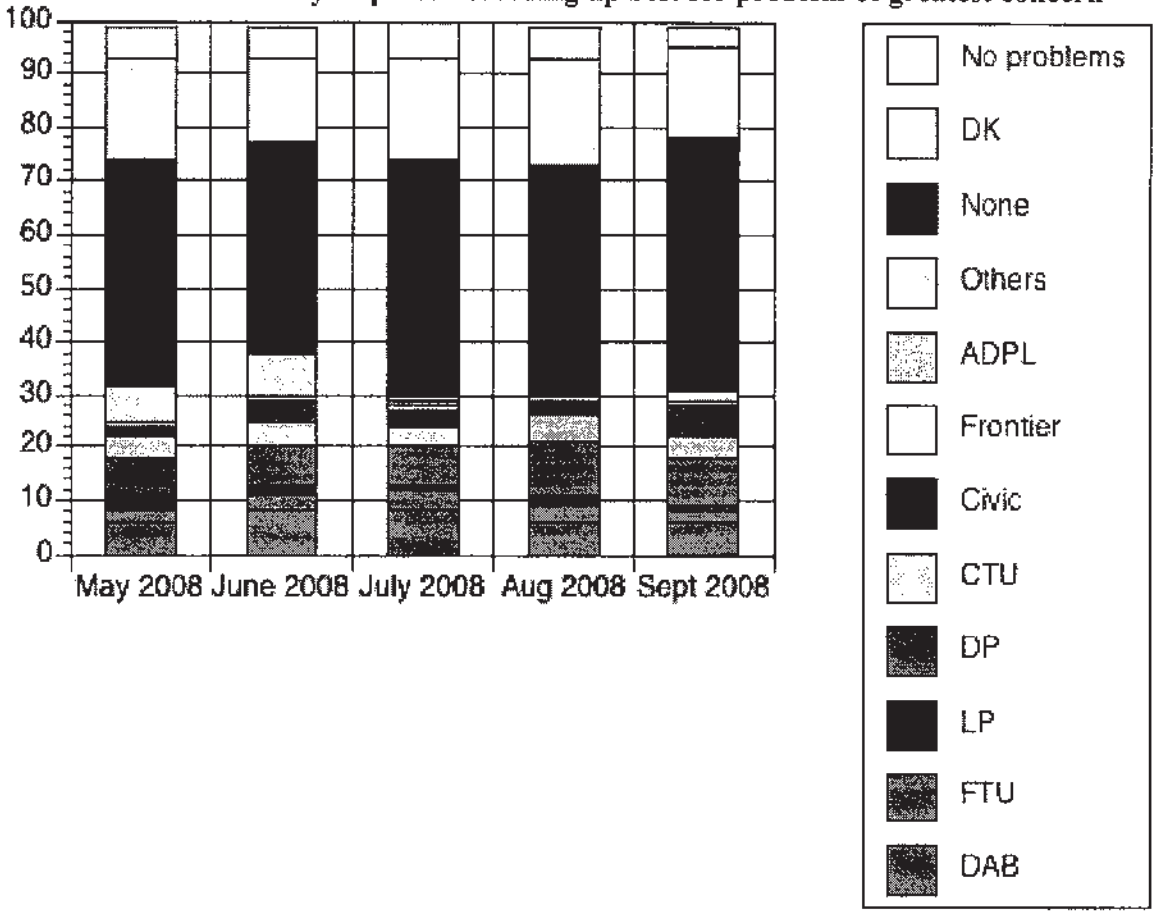


Identification of a party as standing up best for their personal concerns rose between May and September 2008, with about a third now identifying one of the parties as best addressing their problem. Contrasted with the meager 15 percent satisfied with the government's handling of their issue in August, one can understand the apparently growing support for direct elections and parties as a check and balance on government. That parties with all their limitations on funding and staffing and membership have convinced about a third of respondents over the campaign that they stand up best for their problem (versus roughly half that level of satisfaction with government's handling of their problem) is actually impressive in terms of parties as elements of Hong Kong's polity. The pro-democracy bloc has gained identification between May and August as concerned parties while the pro-government bloc has remained stagnant.

Table 60 Do you think there is a political party or person in Hong Kong which stands up best for the problem of greatest concern to you?

Party	May 2008	June 2008	July 2008	Aug 2008	Sept 2008
DAB	6	8	8	6	6
FTU	2	3	4	3	2
LP	3	2	1	2	1
DP	7	7	7	10	9
CTU	4	5	4	5	4
Civic	2	4	3	3	6
Frontier	--	1	1	--	--
ADPL	1	--	1	--	1
Others	7	8	1	1	2
None	42	39	44	43	47
DK	19	16	19	20	17
No problems	6	6	7	6	4

Chart of Table 60 Party or person standing up best for problem of greatest concern

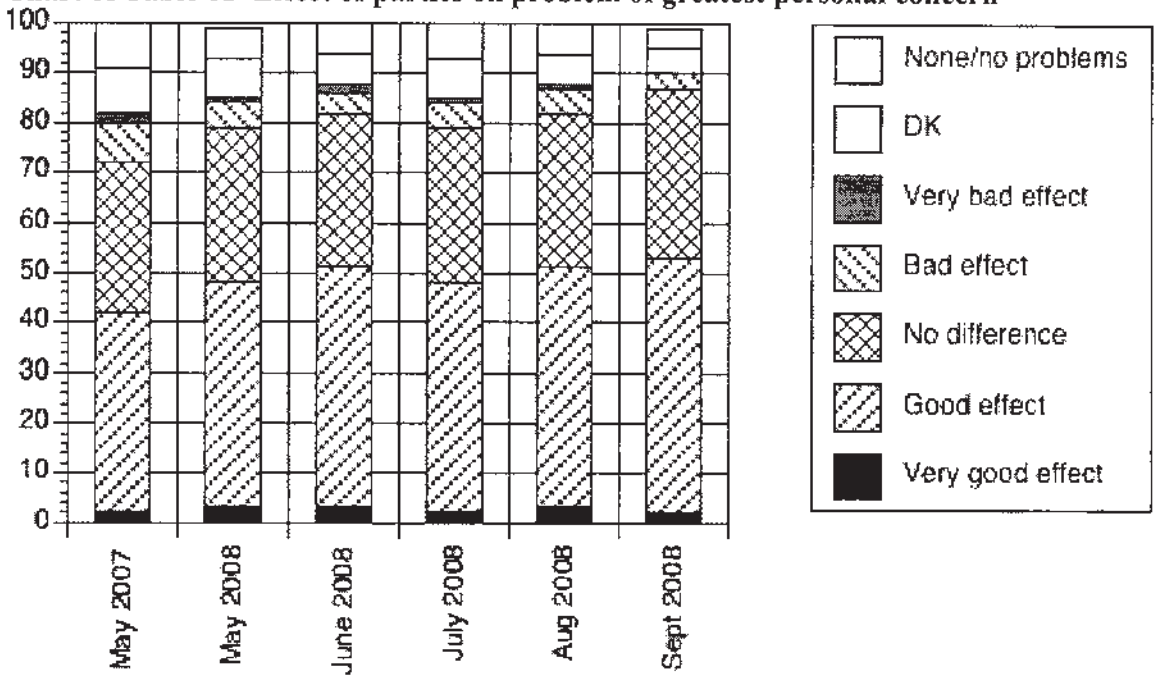


Assessments that parties are having a good effect on the problem of most personal concern to respondents rose between May 2007 and August 2008 from less than a majority to, for the first time, a majority in the June, August and September surveys. That three surveys report a majority think parties in Hong Kong are having a good effect on their problems is likely confirmation that this is now a majority view, a significant switch from negative views toward parties prevalent in the 1980s. There is no significant difference between the responses of GC voters and FC voters on this issue.

Table 61 In general, do you think political parties in Hong Kong are having a good effect or a bad effect on this problem?

	May 2007	May 2008	June 2008	July 2008	Aug 2008	Sept 2008
Very good effect	2	3	3	2	3	2
Good effect	40	45	48	46	48	51
No difference	30	31	31	31	31	34
Bad effect	8	5	4	5	5	3
Very bad effect	2	1	2	1	1	--
DK	9	8	7	8	7	5
None/no problems	9	6	6	7	6	4

Chart of Table 61 Effect of parties on problem of greatest personal concern



There appears to be a rise in those who consider themselves supporters or members of a political party from about 10 percent in 2007 to about 15 percent in 2008, a 50 percent increase in such self-identity.

Table 62 Do you consider yourself a supporter or member of a political party in Hong Kong? (September survey shows 15% yes, 2% maybe)

	Nov 2006	Nov 2007	May 2008	June 2008	July 2008	Aug 2008
Yes	12	10	15	15	14	17
No	77	79	80	83	82	79
Maybe	6	5	3	1	3	2
DK	4	4	2	1	1	1

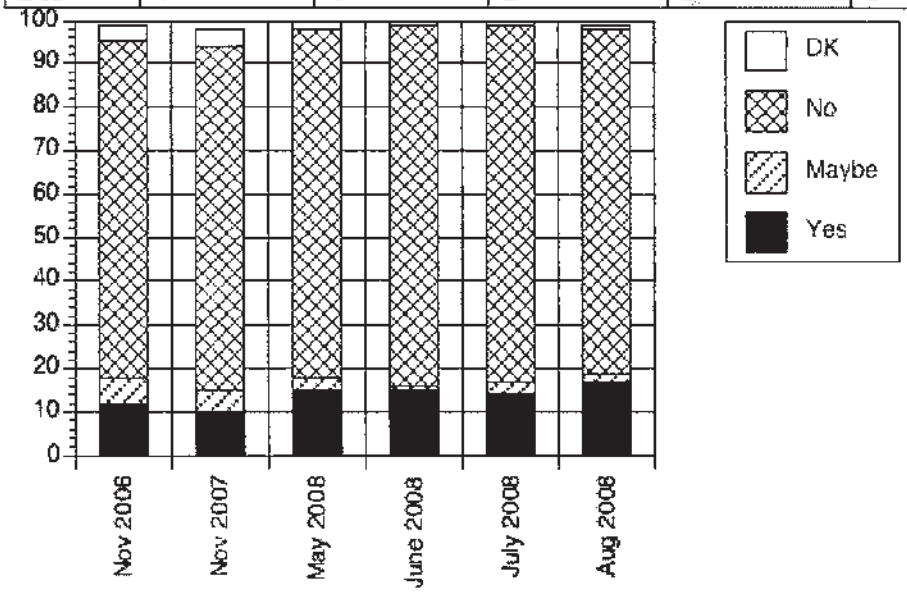


Table 63 also shows distinct rises in participation with charitable and environmental groups, both to all time highs. Discussion among family and friends, particularly among GC voters, has also risen between May and the June to August average (Tables 64 and 65)

Table 63 Have you attended any meetings or activities of one of the following groups in the last six months? (Percentage reporting membership/ attendance)

	TU	PA	KAI	MAC	CA	POL	CHA	REC	REL	OWC	EVG
Jan 1998	6	8	7	15	3	1	17	6	20		
Oct 1998	5	5	8	10	3	1	16	5	20	12	5
July 1999	5	6	6	8	2	1	13	4	15	11	3
Nov 1999	6	6	5	8	2	1	16	7	16	12	4
Apr 2000	8	10	5	9	2	2	18	6	21	14	5
Nov 2000	6	6	5	6	2	2	16	7	19	14	5
Apr 2001	4	5	5	7	2	2	11	5	17	13	4
Nov 2001	5	6	4	6	2	2	15	7	18	12	5
Apr 2002	5	8	4	6	2	1	15	7	18	12	5
Feb 2003	4	8	6	8	3	3	21	6	20	15	6
Nov 2003	6	8	5	8	2	2	17	7	21	13	6
Apr 2004	6	8	4	7	3	1	16	5	20	15	6
July 2004	5	7	6	10	3	2	17	6	23	16	6
Aug 2004	4	5	6	8	2	2	19	7	22	17	7
Nov 2005	5	6	5	7	3	2	19	6	20	16	7
Mar 2006	4	9	6	10	4	2	22	9	24	22	8
Nov 2006	6	7	9	9	3	1	23	6	24	14	6
Apr 2007	7	8	8	9	5	2	25	9	26	17	7
Jun-Aug 2008	5	7	NA	10	NA	3	30	NA	25	20	10
Sept 2008	5	3	NA	9	NA	2	26	NA	23	20	9

KEY	ABBREV.
Trade Union	TU
Professional association	PA
Kaifong	KAI
Mutual Aid Committee	MAC
Clan Association	CA
Political/pressure group	POL
Charitable Association	CHA
Recreational & cultural group	REC
Religious group or church	REL
Owner's corporation	OWC
Environmental group	EVG

(SEE CHART BELOW)

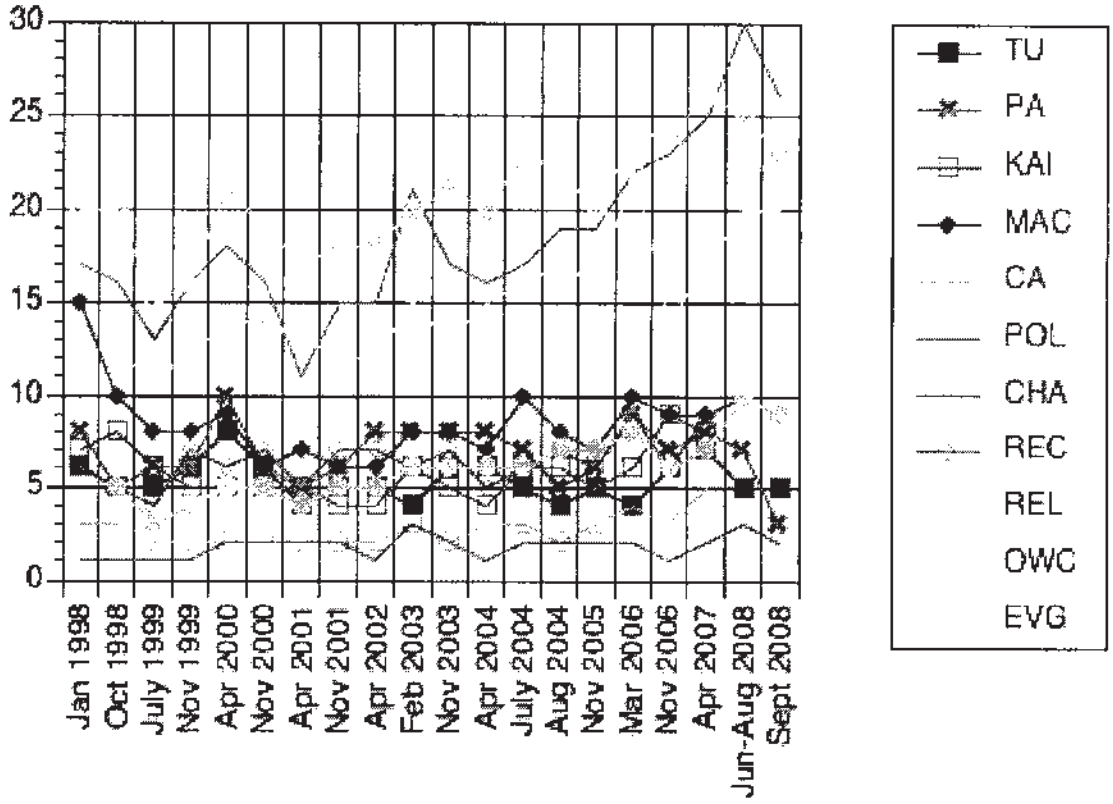
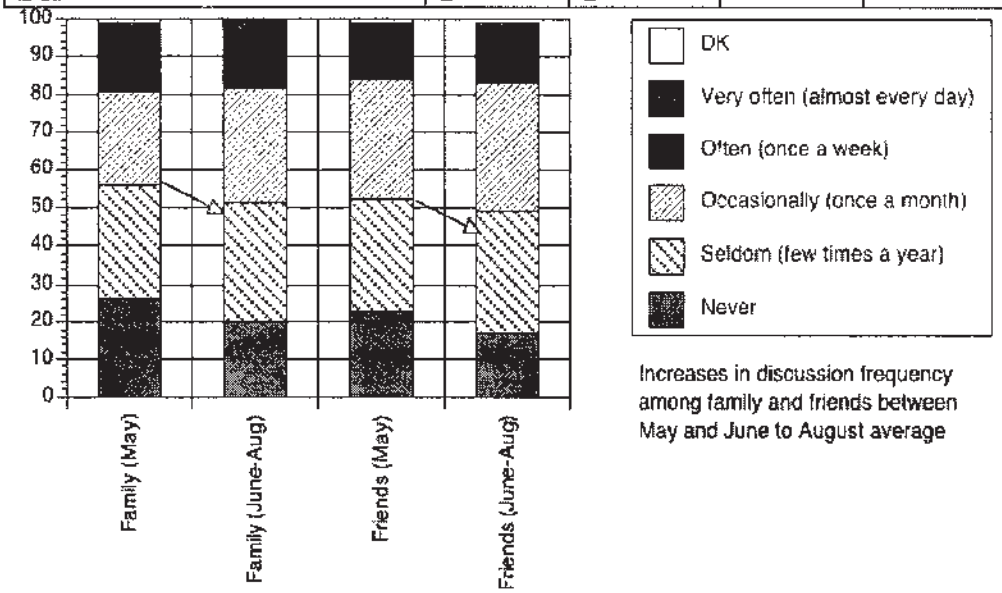


Table 64 How frequently do you discuss politics and public affairs with:

	GC voters May		GC voters June-Aug	
Frequency	Family	Friends	Family	Friends
Never	26	23	20	17
Seldom (few times a year)	30	29	32	32
Occasionally (once a month)	25	32	31	34
Often (once a week)	17	14	15	15
Very often (almost every day)	1	1	3	1
DK	1	1	--	--



Increases in discussion frequency among family and friends between May and June to August average

Table 65 How frequently do you discuss politics and public affairs with:

	FC voters May		FC voters June-Aug	
Frequency	Family	Friends	Family	Friends
Never	19	12	12	9
Seldom (few times a year)	28	27	33	32
Occasionally (once a month)	31	38	35	40
Often (once a week)	19	21	16	17
Very often (almost every day)	2	2	2	1
DK	--	--	--	--

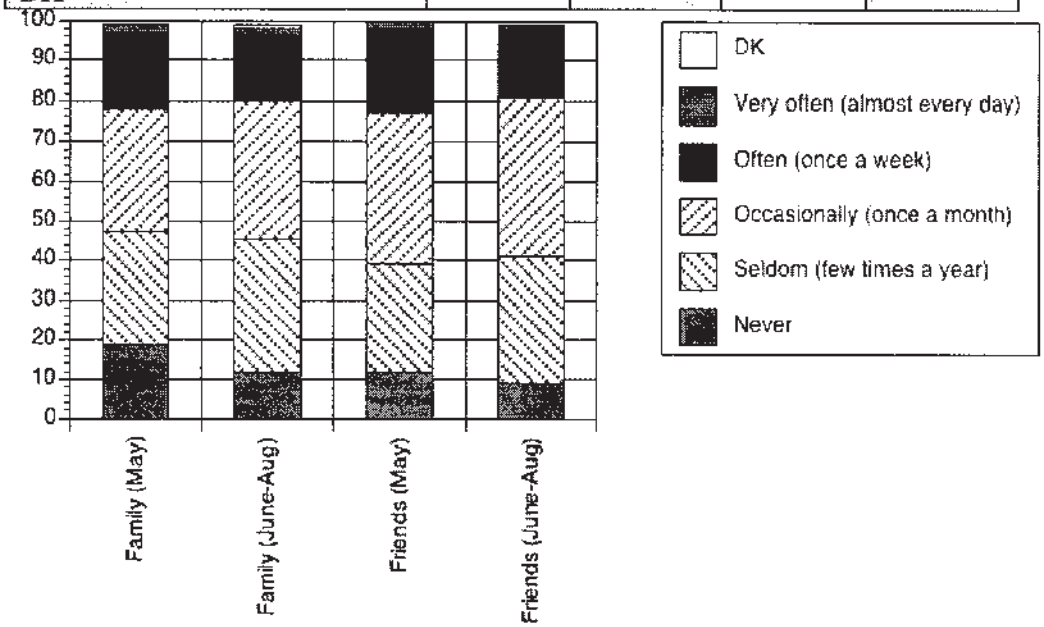


Table 66 shows a distinct increase in donations to political groups, to the highest level since 1998, when direct elections were restored following Hong Kong's reunification with China.

Table 66 Did you express concern or seek help from any of the following groups in the past 12 months? (% Yes responses only)

	GOV	DEL	FEL	DC	MED	KAI	POL	PRO	SIGN	SURV	DONR
July 1996	8	7	1		5	6	2	8	44	32	11
June 1997	10	6	1		5	7	2	7	43	33	16
Jan 1998	13	3	--		6	8	2	5	41	37	18
Oct 1998	12	5	1		6	11	3	4	52	48	20
July 1999	10	6	2		5	8	3	6	45	40	15
Nov 1999	12	4	3		6	10	3	5	51	47	17
Apr 2000	17	5	3		6	10	5	5	49	46	17
Nov 2000	12	6	3		5	3	1	4	47	46	12
Apr 2001	11	6	3		3	2	2	3	36	39	15
Nov 2001	11	4	1	6	3	3	1	3	37	37	14
Apr 2002	10	3	1	6	4	2	2	2	25	36	14
Nov 2003	10	3	1	7	5	2	1	26	45	40	16
June 2004	11	4	2	8	3	3	1	25	42	43	15
Nov 2005	11	5	2	10	5	4	3	14	47	53	17
Mar 2006	8	4	2	6	3	2	1	13	44	48	14
Nov 2006	10	3	2	6	4	4	1	11	39	45	11
Apr 2007	13	4	1	8	3	2	1	8	40	47	13
June-Aug 2008	11	4	2		3		2	9	43		19

KEY Table 66	ABBREVIATION
Contact Government Dept.	GOV
Contact Direct Elected Legco rep.	DEL
Contact Legco Funct Rep.	FEL
Contact District Council/Dist officer	DC
Contact Mass Media	MED
Contact local group/Kaifong	KAI
Contact pressure/pol. group	POL
Demonstrate/protest	PRO
Signature Campaign	SIGN
Opinion survey	SURV
Donate to pol. party/pol group	DONR

Table 67 shows the rise in donations the campaigning for Legco has sparked. Differences between FC and GC voters appear to be minimal, despite FC voters being much more affluent (see Demographic profiles at end of report).

Table 67 Did you give a donation to any political group in the past 12 months?

	Nov 2006	May 2008	June 2008	Aug 2008	Sept 2008
Yes GC	11	15	18	19	13
FC (June-Aug)				20	

Tables 68, 69, 70 and 71 compare the effect of campaigning for Legco by the candidates and parties from a baseline set in March 2006 to May through August 2008. Those identifying a party or person standing up best for working class rose from less than half to two thirds of respondents between March 2006 and August 2008. The Liberal Party raised its profile as pro-business and middle class advocates. The parties improved their issue profiles, but much remains to be done in attaching particular parties to particular issues.

Table 68 Do you think there is a political party or person in Hong Kong that stands up best for: March 2006

	DAB	LP	FTU	DP	CP	FR	CTU	AD PL	Other	None	DK
Working Class	5	0.4	12	5	2	1	23	1	5	23	19
Middle Class	1	12	1	3	6	0.2	1	0.4	-	43	31
Business interests	2	36	-	1	0.2	0.4	0.1	-	1	21	35
Women's interests	1	0.1	1	1	1	4	0.1	-	4[3]	41	45
Retirees	2	0.4	1	1	0.4	-	2	0.5	1	50	42
Human rights	2	2	0.2	18	11	1	0.2	0.4	5	30	28
Environmental protection	2	1	0.2	3	1	1	0.2	0.1	12[4]	39	41
Housing problems	4	0.5	0.5	6	0.2	-	1	5	4	39	39
Education problem	1	1	0.5	12	1	0.3	-	0.3	7[5]	39	37
HK's autonomy	1	1	0.1	22	7	0.4	-	0.1	5	33	31
Protect rule of law	2	1	0.1	8	22	1	0.1	-	4	33	28
Protect freedom of the press	1	1	0.1	13	8	3	-	0.3	5	33	34
HK's prosperity & stability	7	4	0.1	5	2	0.3	0.1	0.1	8	38	34
Good relations with Beijing	45	3	1	2	1	-	0.1	0.4	5	17	25

[3] Half named the Hong Kong Women's Development Association then scattered others.

[4] Half named Greenpeace, 0.5 percent Greenpower, 1 percent Society for Protection of the Harbour, then others.

[5] One third named the Professional Teacher's Union, usually affiliated with the Democratic Party.

Chart Table 68 March 2006 Political party standing up best for:

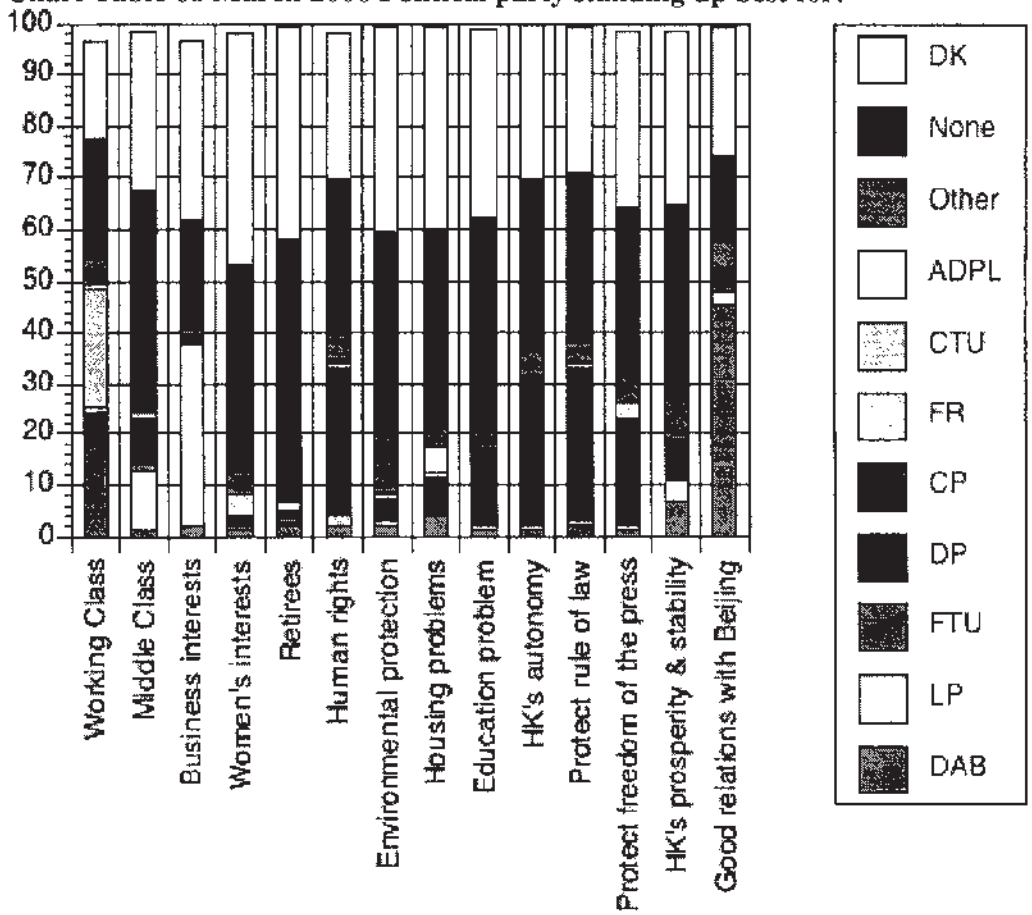


Table 69 Do you think there is a political party or person in Hong Kong that stands up best for: May 2008 (GC voters)

	DAB	LP	FTU	DP	CP	FR	CTU	AD PL	Other	None	DK
Working Class	8	--	19	3	2	1	28	1	1	21	15
Middle Class	3	17	2	4	8	--	2	--	--	34	28
Business interests	3	40	1	1	1				--	26	28
Women's interests	2	--	2	1	3	3	1	--	1	44	43
Retirees	4	--	3	2	1	--	3	1	1	50	35
Human rights	2	2	1	29	7	3	1	1	4	25	27
Environmental protection	2	1	--	4	2	1	1	--	7	41	40
Housing problems	6	1	1	5	2	--	1	5	1	37	41
Education problem	4	1	--	13	2	--	1	1	1	38	38
Protect rule of law	4	2	1	7	17	1	1		2	30	34
Protect freedom of the press	2	2	1	18	6	3	2	--	1	33	32
HK's prosperity & stability	9	8	--	5	2	--	2	--	1	39	34
Hong Kong's autonomy	2		--	24	6	--	--	--	2	32	30
Supporting Donald Tsang	43	8	1	1			--	--	3	18	26
Opposing Donald Tsang	1	1	--	37	2	2	1	--	3	25	26

Chart Table 69 May 2008 Start of campaign, which party stands best for:

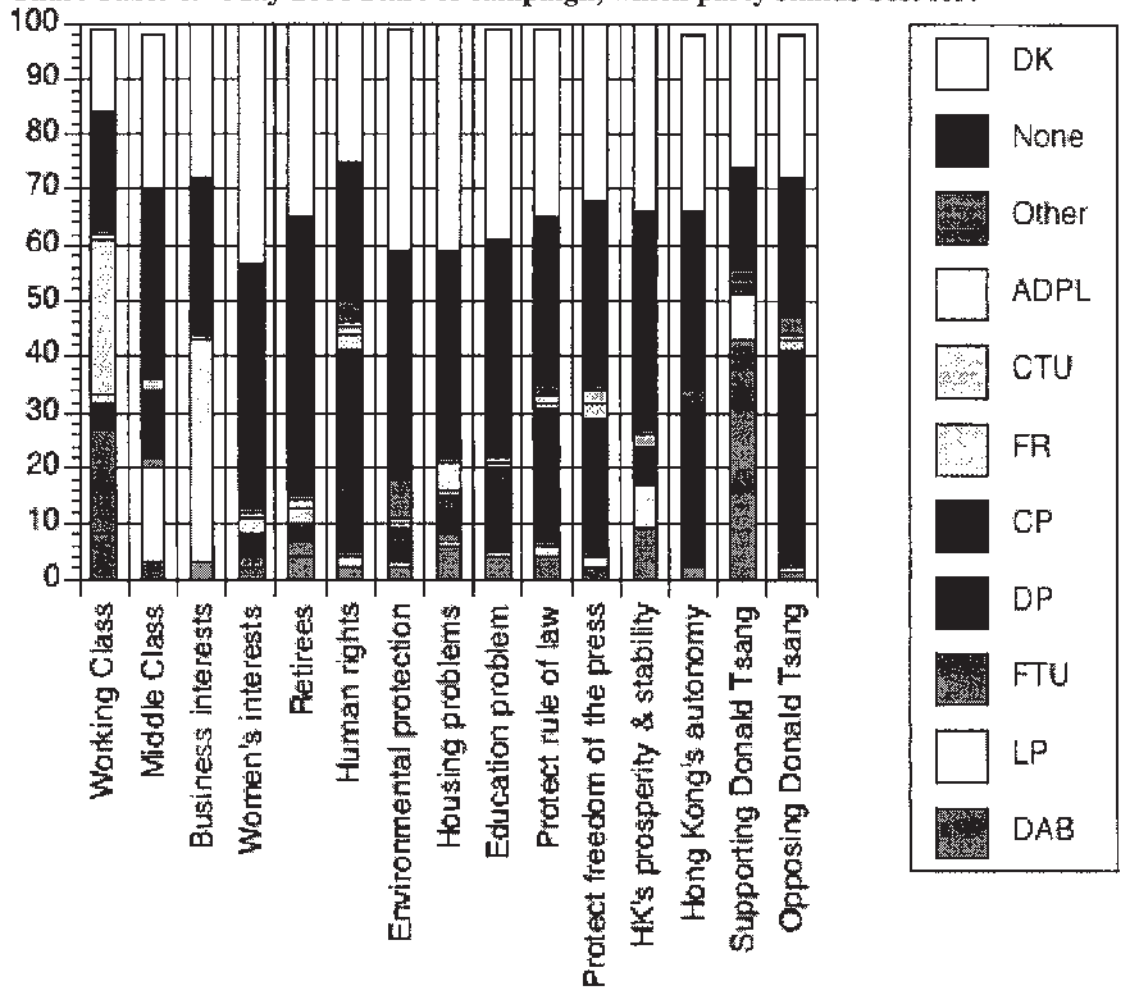


Table 70 Do you think there is a political party or person in Hong Kong that stands up best for: July 2008 (GC voters)

	DAB	LP	FTU	DP	CP	FR	CTU	AD PL	Other	None	DK
Working Class	7	1	22	2	2	1	30	1	1	20	14
Middle Class	2	18	1	5	10	1	1	--	--	35	26
Business interests	2	41	1	2	1	--	--	--		24	29
Women's interests	1	1	3	2	4	3	1	--	--	46	38
Retirees	5	--	2	4	1		4	1	--	50	33
Human rights	2	4	--	32	7	2	1	--	1	24	25
Environmental protection	1	1	--	5	4	1	1	--	1	47	39
Housing problems	6	1	1	5	2	--	1	5	1	37	41
Education problem	4	1	--	13	2	--	1	1	1	38	38
Protect rule of law	3	2	--	7	19	1	--	--	--	36	31
Protect freedom of the press	1	3	--	21	7	2	1	--	2	31	31
HK's prosperity & stability	9	7	--	4	4	--	1	--	1	44	30
Hong Kong's autonomy	2	2	--	25	7	1	--		1	34	27
Supporting Donald Tsang	46	5	1	1	--		--	--	--	23	22

Chart Table 70 July 2008 Party standing up best for:

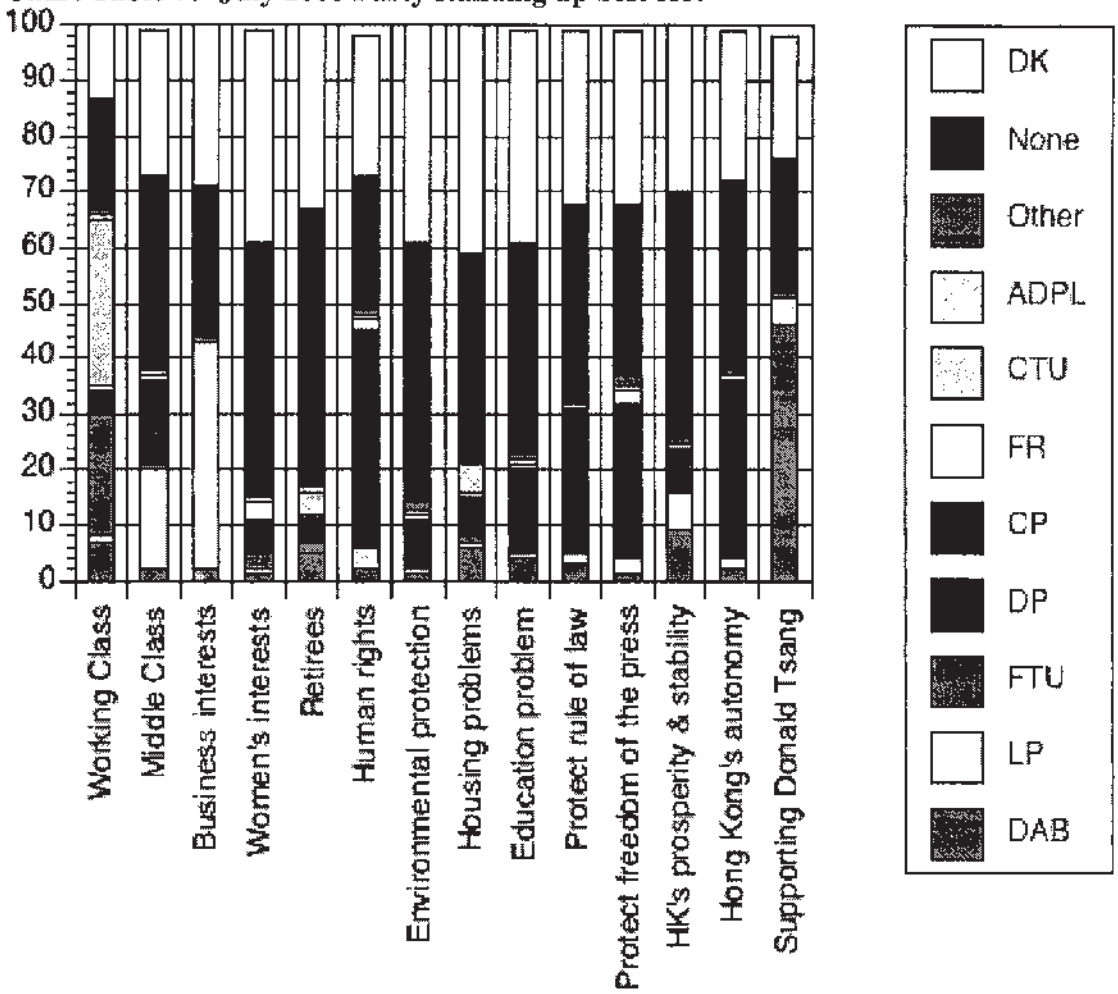


Table 71 Do you think there is a political party or person in Hong Kong that stands up best for: August 2008 (GC voters)

	DAB	LP	FTU	DP	CP	FR	CTU	AD PL	Other	None	DK
Working Class	6	--	22	5	2	--	29	1	1	18	12
Middle Class	3	17	1	6	11	--	2	--	1	34	26
Business interests	3	45	--	2	1	--	--			24	25
Women's interests	--	1	2	1	4	2	1	--	1	45	44
Retirees	4	1	3	5	1	--	4	--	--	44	36
Human rights	2	2	1	32	9	3	1	--	2	23	25
Environmental protection	1	--	--	4	3	--	1	--	--	47	41
Housing problems	6	1	1	5	2	--	1	5	1	37	41
Education problem	4	1	--	13	2	--	1	1	1	38	38
Protect rule of law	3	2	--	9	18	--	1	--	2	37	30
Protect freedom of the press	1	2		20	7	3	1	--	2	32	30
HK's prosperity & stability	10	6	--	5	2	--	1	--	2	42	32
Hong Kong's autonomy	1	2	--	25	6	1	1	--	2	32	29
Supporting Donald Tsang	43	5	2	1	--	--	--	--	--	22	24

Chart Table 71 August 2008 Party standing up best for:

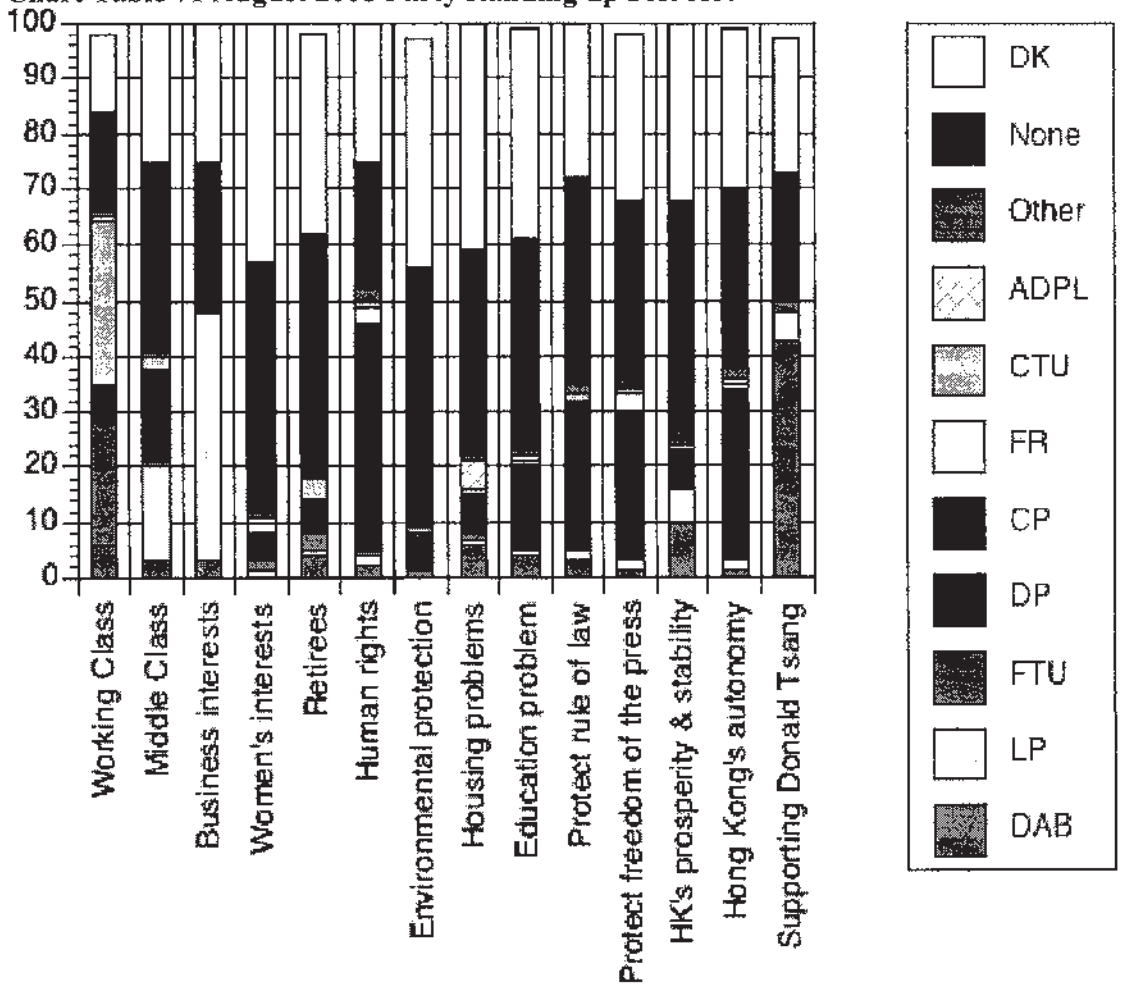
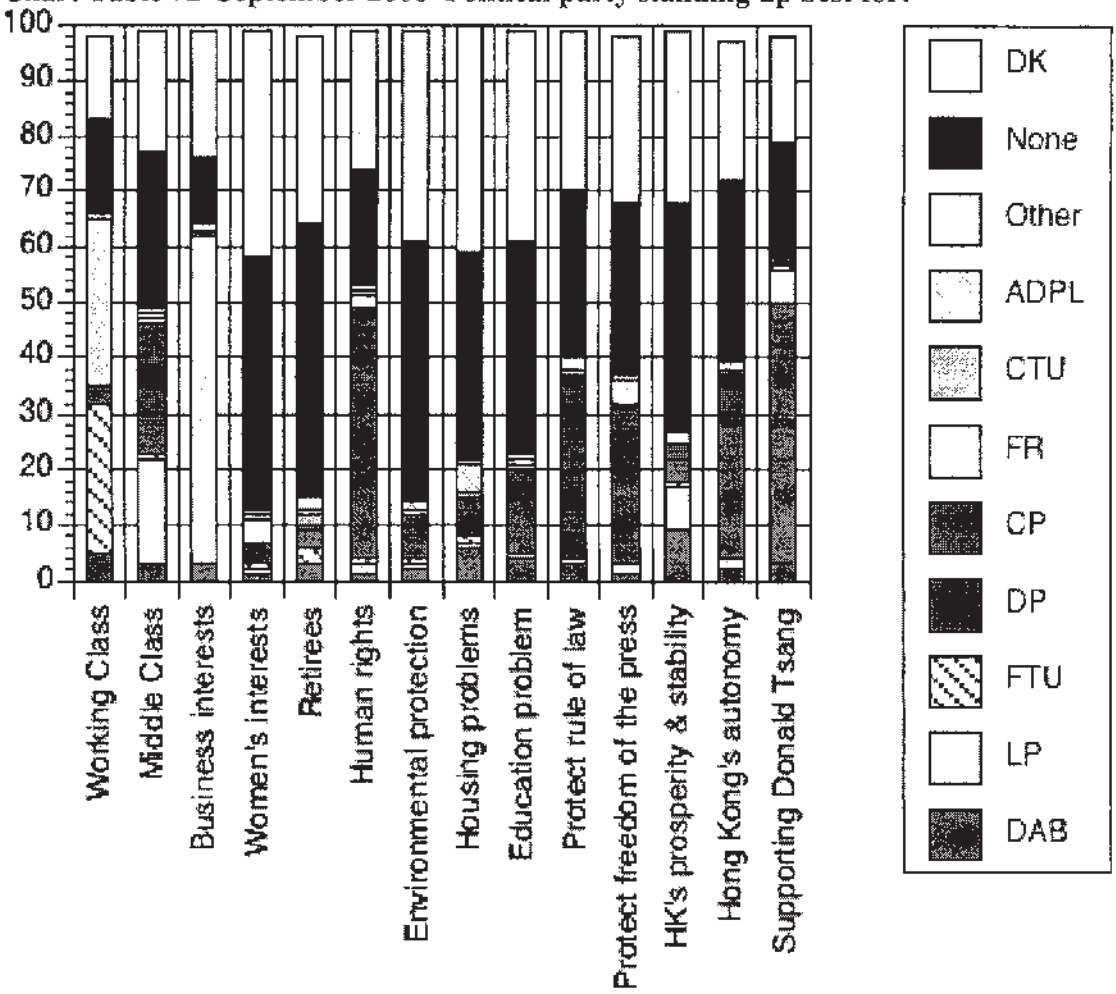


Table 72 Do you think there is a political party or person in Hong Kong that stands up best for: September 2008 (GC voters)

	DAB	LP	FTU	DP	CP	FR	CTU	ADPL	Other	None	DK
Working Class	5	--	27	2	1	--	30	1	--	17	15
Middle Class	3	19	1	6	17	--	1	1	1	28	24
Business interests	3	59	--	1	--	--	1	--	--	12	23
Women's interests	1	1	1	--	4	4	1	--	1	45	41
Retirees	3	--	3	3	1		2	1	2	49	34
Human rights	1	2	1	35	10	2	1	--	1	21	25
Environmental protection	2	1	1	4	4	1	--	1	--	47	38
Housing problems	6	1	1	5	2	--	1	5	1	37	41
Education problem	4	1	--	13	2	--	1	1	1	38	38
Protect rule of law	3	1		8	25	--	1	--	2	30	29
Protect freedom of the press	1	2	--	19	10	4	--	--	1	31	30
HK's prosperity & stability	9	8	1	4	3	--	--	--	2	41	31
Hong Kong's autonomy	2	2	--	26	8	--	--	1	--	33	25
Supporting Donald Tsang	50	6	1	1	--	--	--	--	--	21	19

Chart Table 72 September 2008 Political party standing up best for:

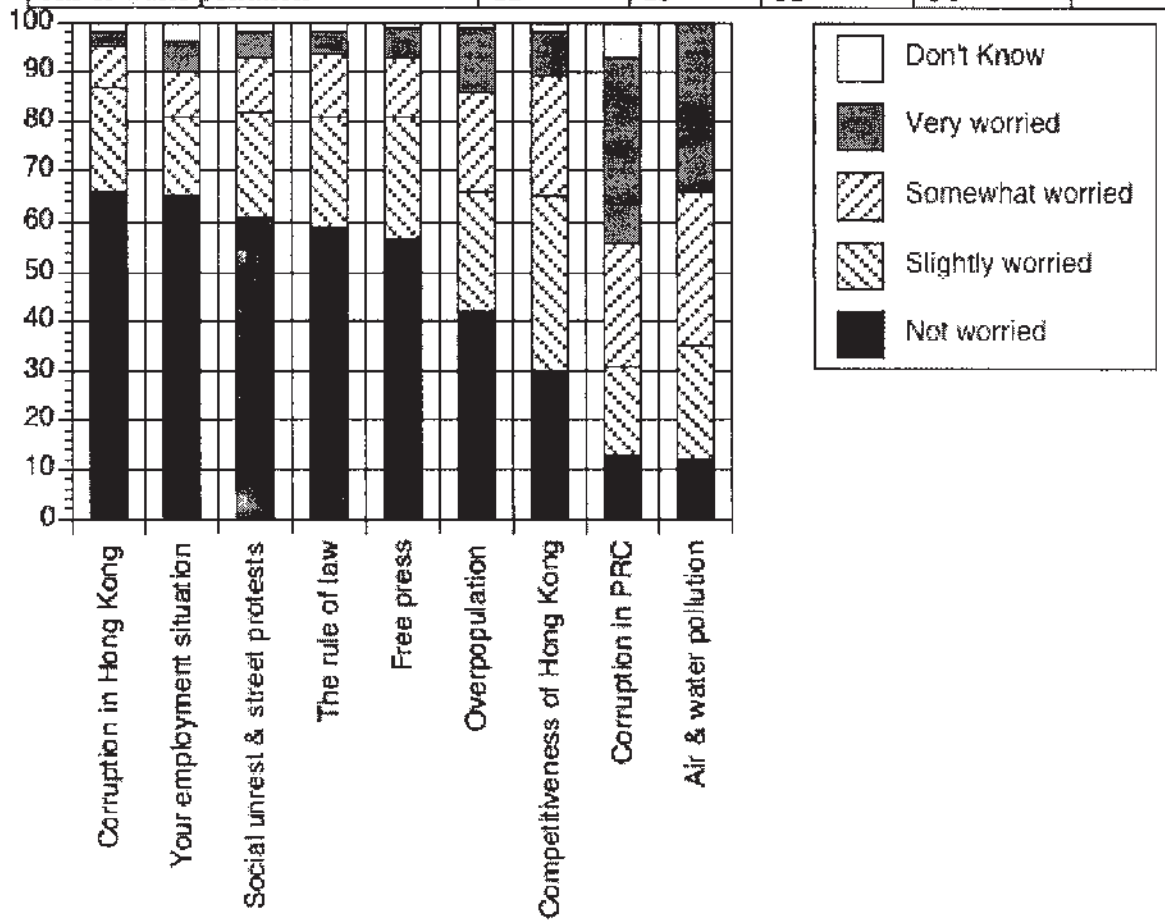


By September the Liberal Party had clearly established itself in voter's minds as the pro-business party. The Liberals and Civic Party divided the label of Middle class champions while Civic Party predominated as protectors of the rule of law. The DAB was firmly established as the pro-Donald Tsang party while the Democrats had carved profiles as leaders in human rights, press freedoms and protecting Hong Kong's autonomy. Nevertheless, only the Liberals and DAB had firmed up an image among majorities of voters, though it should be said, the DAB's association with Tsang had somewhat damaged their gains among voters with the sudden crises which hit the government between June and August.

Table 73 charts levels of worry about specified issues in May 2008, at the beginning of the 2008 Legco campaign. At that time, as in all earlier surveys, concern with pollution topped the charts closely followed by concern with corruption in the PRC. Within Hong Kong, competitiveness of Hong Kong and overpopulation showed the highest level of worry.

Table 73 Are you currently worried or not about these specific aspects affecting you, your family or Hong Kong (May 2008):

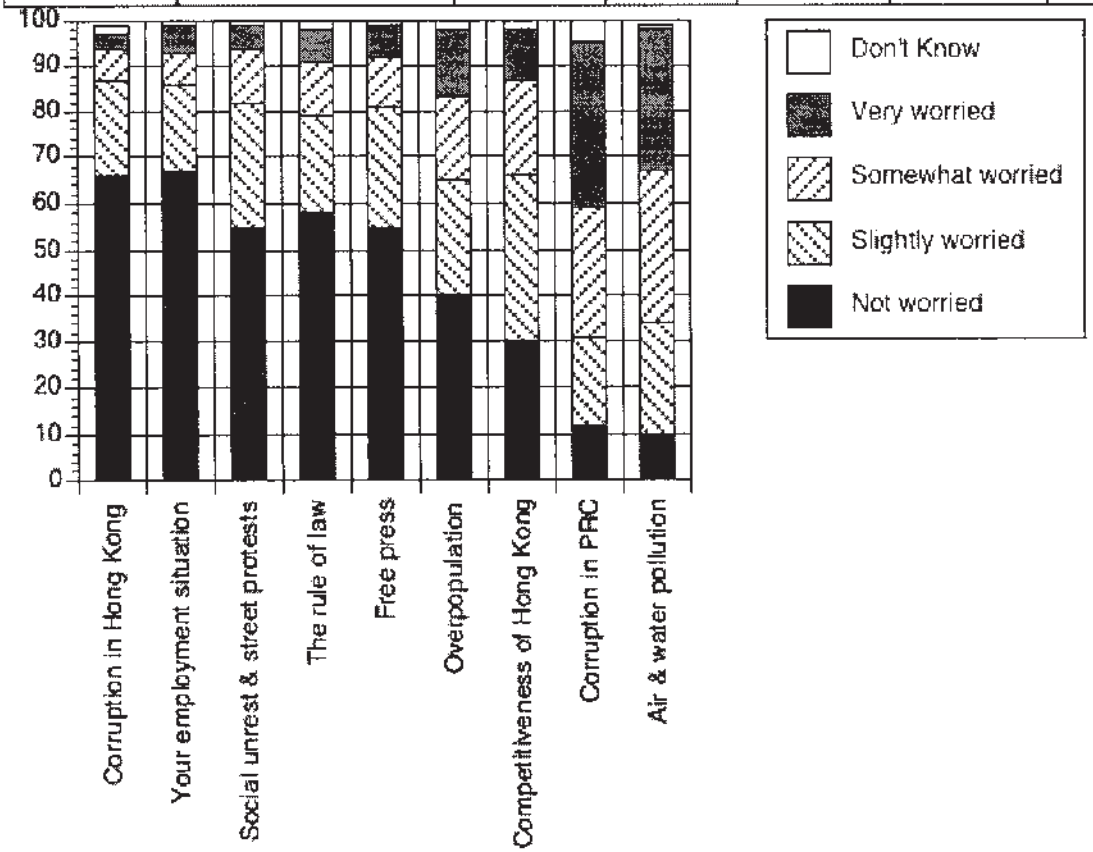
	Not worried	Slightly worried	Somewhat worried	Very worried	Don't Know
Corruption in Hong Kong	66	21	8	3	3
Your employment situation	65	16	9	6	4
Social unrest & street protests	61	21	11	5	2
The rule of law	59	22	13	4	2
Free press	57	24	12	6	1
Overpopulation	42	24	20	13	2
Competitiveness of Hong Kong	30	35	24	9	2
Corruption in PRC	13	18	25	37	8
Air & water pollution	12	23	31	34	--



By August worry with pollution and corruption on the mainland were about the same, as were concerns over overpopulation and Hong Kong's competitiveness inside Hong Kong.

Table 74 Are you currently worried or not about these specific aspects affecting you, your family or Hong Kong (Aug 2008):

	Not worried	Slightly worried	Somewhat worried	Very worried	Don't Know
Corruption in Hong Kong	66	21	7	3	2
Your employment situation	67	19	7	6	2
Social unrest & street protests	55	27	12	5	1
The rule of law	58	21	12	7	3
Free press	55	26	11	7	1
Overpopulation	40	25	18	15	2
Competitiveness of Hong Kong	30	36	21	11	2
Corruption in PRC	12	19	28	36	5
Air & water pollution	10	24	33	31	1



There was little change and none of significance in the profile of these concerns in the September 2008 GC survey.

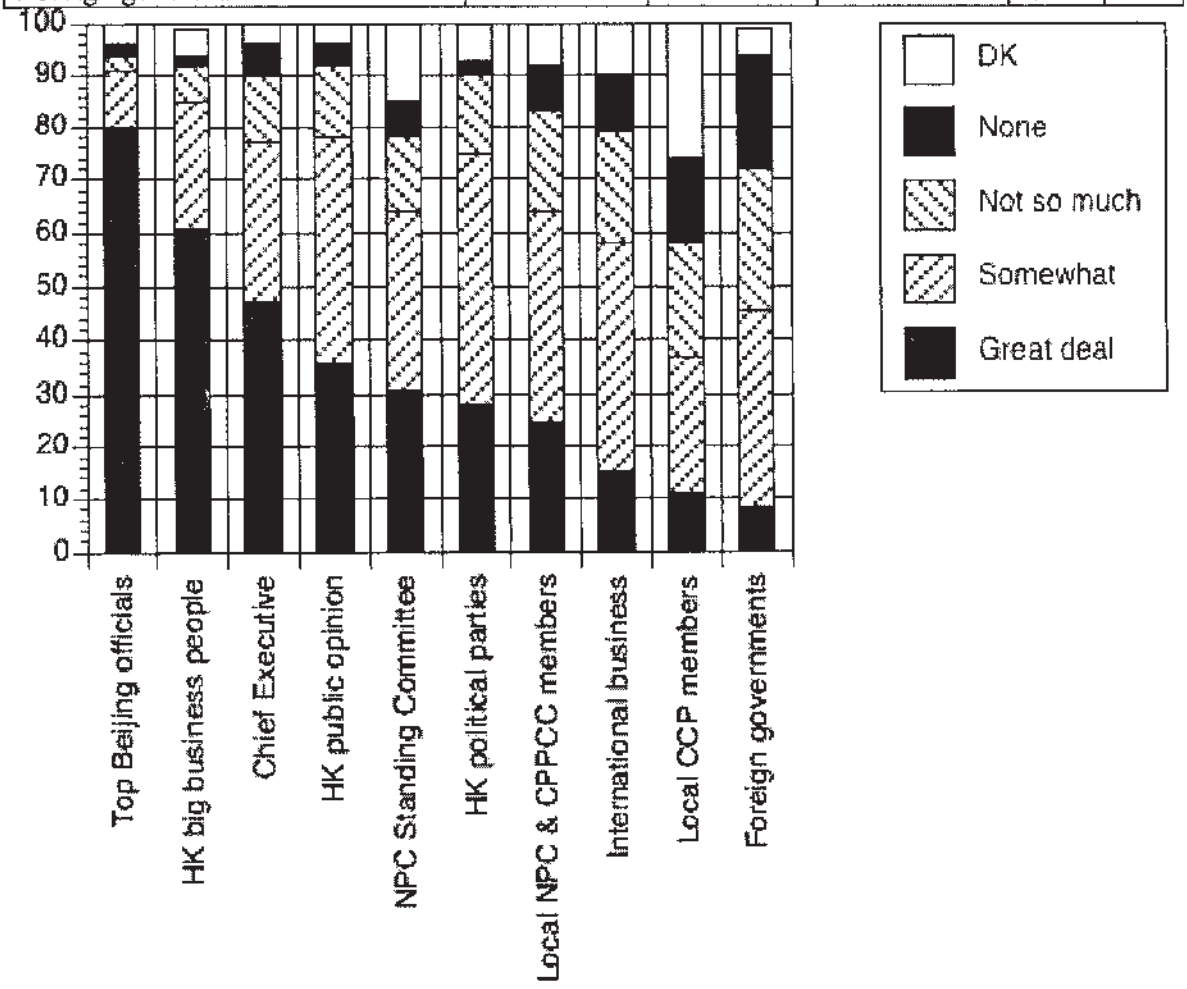
VI The Way Forward

Tables 75 and 76 present voter's assessments of how much influence they think specified groups have over Hong Kong's development of democracy. Since in this election the Legco members elected will be casting the votes on constitutional reforms, who will have the most influence on the way forward and how much influence each group is felt to have on changes is significant. Since direct elections has risen in importance as an issue in this election, the question of whether Hong Kong people feel themselves to have any influence over the shape

of their future political system is important to determine. The chart of Table 67 shows clearly that majorities believe top Beijing officials and big business people have a great deal of influence over Hong Kong's development of democracy.

Table 75 Who do you think has the influence over Hong Kong's development of democracy? (GC voters June-August 2008)

	Great deal	Somewhat	Not so much	None	DK
HK public opinion	36	42	14	4	4
HK big business people	61	24	7	2	5
HK political parties	28	47	15	3	7
Chief Executive	47	30	13	6	4
Top Beijing officials	80	11	3	2	4
Local NPC & CPPCC members	25	39	19	9	8
Local CCP members	11	26	21	16	26
NPC Standing Committee	31	33	14	7	15
International business	15	43	21	11	10
Foreign governments	8	37	27	22	7

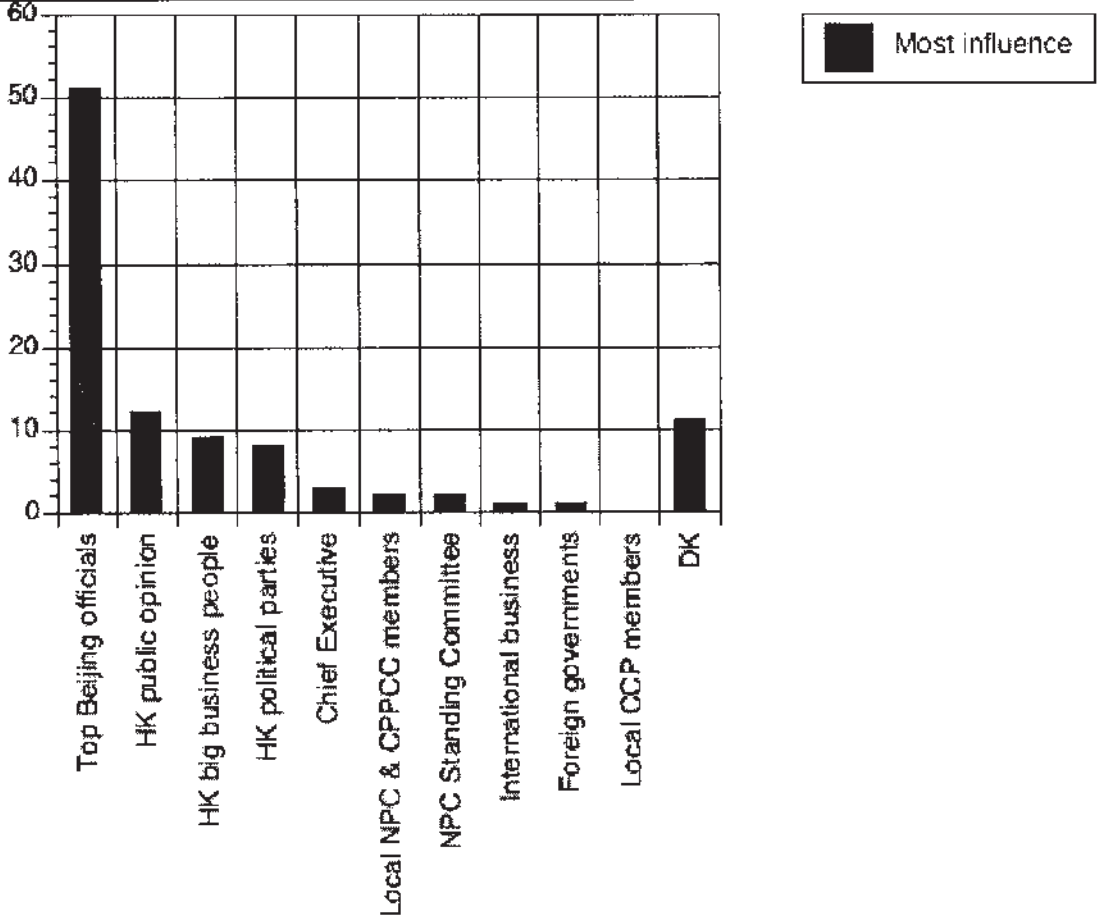


However, when asked to rank who had the most influence over Hong Kong's democratic development, while Beijing officials clearly came first, it was among a bar majority of just 51

percent. In second place, clearly ahead of business people, came the Hong Kong people themselves followed closely by local political parties. The Chief Executive came far down the list of most influential. While Beijing and big business are conceded to have great influence, Hong Kong people also believe that they and the parties they support also have a significant role in the decisions going forward. In this sense, the growth of the concept of citizens influencing government and belief in voter empowerment and the influence of public opinion on government has clearly taken root.

Table 76 Who has the most influence do you think of these groups over Hong Kong's development of democracy? (GC voters June-August 2008)

	Most influence
HK public opinion	12
HK big business people	9
HK political parties	8
Chief Executive	3
Top Beijing officials	51
Local NPC & CPPCC members	2
Local CCP members	--
NPC Standing Committee	2
International business	1
Foreign governments	1
DK	11



Demographics

Combined surveys of June, July and August, demographic profiles.

Gender GC voters

	Count	%
Male	980	46
Female	1143	54

Gender FC voters

	Count	%
Male	425	47
Female	480	53

Age GC voters

	Count	%
18-19	71	3
20-29	255	12
30-39	318	15
40-49	579	28
50-59	499	24
60-69	239	11
70-89	123	6

Age FC voters

	Count	%
20-29	90	10
30-39	217	25
40-49	247	28
50-59	219	25
60-80	102	12

Martial status GC voters

	Count	%
Not married	565	27
Married	1517	71
Widowed	11	1
Divorced/Separated	26	1

Martial status FC voters

	Count	%
Not married	232	26
Married	665	73
Widowed	1	--
Divorced/Separated	5	1

Religion GC voters

	Count	%
None	1070	50
Catholic	108	5
Protestant	395	19
Buddhist	188	9
Taoist	12	1
Ancestor Worship	342	16
Other	8	--

Religion FC voters

	Count	%
None	427	47
Catholic	87	10
Protestant	249	28
Buddhist	57	6
Taoist	1	--
Ancestor Worship	79	9
Other	5	1

Education GC voters

	Count	%
None	48	2
Primary 1	11	1
Primary 2	10	1
Primary 3	15	1
Primary 4	14	1
Primary 5	19	1
Primary 6	128	6
F1	31	1
F2	27	1
F3	233	11
F4/Tech (F3) first year	37	2
F5/Tech (F3) graduate	540	25
F6/Tech (F5) first year/HS grad	49	2
F7/Tech (F5) graduate/4 year univ freshman	261	12
Univ Yr one/4 year univ sophmore	23	1
Univ Yr two/4yr univ jr.	20	1
University graduate	567	27
Masters	70	3
Ph.D.	18	1

Recoded Education GC voters

	Count	%
0-5 None to Primary 5	117	6
Primary 6	128	6
F 1&2 Yrs 7-8	58	3
F3 Yrs 9	233	11
F4-F5 Yrs 10-11	577	27
F6-F7 HS grad Yrs 12-13	310	15
Some Univ Yrs 14-15-16	610	29
Post-grad 17-18	88	4

Education FC voters

	Count	%
None	6	1
Primary 1	1	--
Primary 3	1	--
Primary 5	2	--
Primary 6	13	1
F1	2	--
F2	4	--
F3	27	3
F4/Tech (F3) first year	5	1
F5/Tech (F3) graduate	82	9
F6/Tech (F5) first year/HS grad	7	1
F7/Tech (F5) graduate/4 year univ freshman	57	6
Univ Yr one/4 year univ sophmore	1	--
Univ Yr two/4yr univ jr.	1	--
University graduate	562	62
Masters	115	13
Ph.D.	19	2

Recoded Education FC voters

	Count	%
0-5 None to Primary 5	10	1
Primary 6	13	1
F 1&2 Yrs 7-8	6	1
F3 Yrs 9	27	3
F4-F5 Yrs 10-11	87	10
F6-F7 HS grad Yrs 12-13	64	7
Some Univ Yrs 14-15-16	564	62
Post-grad 17-18	134	15

Occupation GC voters

	Count	%
Manager/Admin	242	12
Professionals	170	8
Assoc/cert professionals	88	4
Clerks/Secretaries	239	11
Service/sales/police/fire	139	7
Skilled agri & fisheries	6	--
Craft & performers	31	1
Plant & machine operators	89	4
Elementary occupations	77	4
Housewives	276	13
Retired	329	16
Unemployed	78	4
Student	146	7
Teachers/principals incl univ	88	4
Other	106	5

Occupation GC voters Reclassified

	Count	%
Manager/Admin	242	12
Professionals	170	8
Assoc/cert professionals	88	4
Clerks/Secretaries	239	11
Service/sales/police/fire	139	7
Manual workers	203	10
Housewives	276	13
Retired	329	16
Unemployed	78	4
Student	146	7
Teachers/principals incl univ	88	4
Other	106	5

Occupation FC voters

	Count	%
Manager/Admin	169	19
Professionals	243	27
Assoc/cert professionals	61	7
Clerks/Secretaries	34	4
Service/sales/police/fire	18	2
Skilled agri & fisheries	2	--
Craft & performers	2	--
Plant & machine operators	8	1
Elementary occupations	4	--
Housewives	20	2
Retired	86	10
Unemployed	8	1
Student	5	1
Teachers/principals incl univ	200	22
Other	45	5

Occupation FC voters Reclassified*

Group	Count	%
Manager/Admin	169	19
Professionals	243	27
Assoc/cert professionals	61	7
Service	68	8
Non-employed sector	33	4
Retired	86	10
Educators	200	22
Other	45	5

*note these reclassified categories do no match the GC reclassified occupation categories due to smaller sample sizes and need to reclassify into groups numbering near to or above the 50 cases needed for analysis

FC voters surveyed in FCs

	Count	%
Heung Yee Kuk	4	--
Ag & Fisheries	2	--
Insurance	10	1
Transport	7	1
Education	292	32
Legal	25	3
Accountancy	92	10
Medical	64	7
Health services	67	7
Engineering	38	4
Architecture	20	2
Labour	14	2
Social Welfare	58	6
Real Estate & Construction	4	--
Tourism	9	1
Commercial First	9	1
Commercial Second	5	1
Industrial First	7	1
Industrial Second	3	--
Finance	11	1
Financial Services	13	1
Sports, arts, publication	12	1
Import & Export	11	1
Textiles & garment	15	2
Wholesale & retail	23	3
Information Tech	41	5
Catering	18	2
District Council	2	--
Refuse to say	29	3

FC voters surveyed in FCs/Reclassified for analysis

Group	Count	%
HYK/DC/Sports	18	2
Ag/Trans/Labour	23	3
Ins/RE/Comm/IND/Finance	62	7
Education	292	33
Legal	25	3
Accountancy	92	11
Medical	64	7
Health services	67	8
Engineering	38	4
Architecture	20	2
Social welfare	58	7
Tour/ImpEx/Text/Ret/Cater	76	9
Info Tech	41	5

Work Sector GC voters

	Count	%
Civil Service	171	8
Privatized public	66	3
Private	998	48
Non-profit	36	2
Non-work	829	39

Work Sector FC voters

	Count	%
Civil Service	187	21
Privatized public	104	12
Private	435	49
Non-profit	49	5
Non-work	119	13

Type of Living Quarters GC voters

	Count	%
Villa	17	1
Private residence owner	892	42
Private residence renter	137	6
Home Ownership Scheme	357	17
Public Housing	605	28
Village house	45	2
Tradition village house	27	1
Temporary housing	7	--
Employer provided	19	1
Other	17	1

Type of Living Quarters FC voters

	Count	%
Villa	17	2
Private residence owner	572	63
Private residence renter	88	10
Home Ownership Scheme	109	12
Public Housing	89	10
Village house	8	1
Tradition village house	2	--
Employer provided	12	1
Other	8	1

GC voters Right of Abode outside Hong Kong

	Count	%
Yes	223	11
No	1892	89

FC voters Right of Abode outside Hong Kong

	Count	%
Yes	177	20
No	722	80

Approximate Family Income per month GC voters

	Count	%
None	116	5
Under 5,000	65	3
5,000-9,999	140	6
10,000-14,999	247	12
15,000-19,999	197	9
20,000-24,999	243	11
25,000-29,999	123	6
30,000-34,999	174	8
35,000-39,999	71	3
40,000-49,999*	139	7
50,000-59,999	130	6
60,000-69,999	53	2
70,000-79,999	32	2
80,000-89,999	28	1
90,000-99,999	17	1
100,000 +	91	4
Refuse	257	12

*Note change in increments

Approximate Family Income per month FC voters

	Count	%
None	17	2
Under 5,000	4	--
5,000-9,999	6	1
10,000-14,999	34	4
15,000-19,999	40	4
20,000-24,999	50	6
25,000-29,999	56	6
30,000-34,999	61	7
35,000-39,999	36	4
40,000-49,999*	88	10
50,000-59,999	126	14
60,000-69,999	53	6
70,000-79,999	48	5
80,000-89,999	28	3
90,000-99,999	18	2
100,000 +	124	14
Refuse	116	13

*Note change in increments

Report written by: Michael E. DeGolyer
Survey administration and Chinese translation: P.K. Cheung
At the 95% confidence level, range of error is plus or minus 3 points for surveys 900-1,000 respondents and 4 points for those 600-800. Completion rates for the surveys range from 28% to 32% of those contacted by telephone. Since the project uses a Kish table to randomly identify the correspondents desired and then schedules a callback if that specific respondent is not at home, the completion rate tends to be lower but the randomization of responses (needed for accurate statistics) tends to be higher than surveys which interview readily available respondents using the next birthday method. Older respondents with this method tend to use traditional Chinese calendar where all "birthdays" are celebrated on the second day of the lunar new year, thus degrading randomization dependent on this method (in lunar calendar using societies in Asia). Respondents are interviewed in Cantonese, Mandarin, English, Hakka and other languages or dialects as they prefer and as interviewers with the language skills needed are available. Other surveys referred to above are Hong Kong Transition Project surveys. The details of those surveys and reports of same may be found on the Hong Kong Transition Project website at http://www.hkbu.edu.hk/~hktp

The number of respondents in the HKTP surveys:

N=	Nov 91	902					
	Feb 93	615	Aug 93 609				
	Feb 94	636	Aug 94 640				
	Feb 95	647	Aug 95 645				
	Feb 96	627	July 96 928			Dec 96 326	
	Feb 97	546	June 97 1,129				
	Jan 98	700	April 98 852	June 98 625	July 98 647	Oct 98 811	
	Apr 99	838	July 99 815			Nov 99 813	
	Apr 00	704	Aug 00 625;	Aug 00 1059	Oct 00 721	Nov 00 801	
	Apr 01	830	June 01 808	Jul (media) 831	Jul (party) 1029	Nov 01 759	
	Apr 02	751	Aug 02 721			Nov 02 814	
	Mar 03	790	June 03 776		Nov 03 836	Dec 03 709	
	Apr 04	809	May 04 833	June 04* 680	July 04 * 955	July 04* 695	Aug 04* 781
				Sept 04*	Nov 04 773	Dec 04 800	Dec FC** 405 (365)
	May 05	829	May FC**376	July 05 810	Nov 05 859		
	Mar 06	805	Apr 06 807	July 06 1,106	Nov 06 706	Nov 06 FC** 374	
	Apr 07	889	May 07 800				
	May 08 GC	714	May 08 FC** 409	June 08 GC 710	June FC 300	July 08 GC 710	July 08 FC 300
	Aug 08 GC	705	Aug 08 FC 305	Sept 08 GC 721			

*permanent residents, registered voters only (part of a special 2004 election series)
**Functional constituency registered voters (voters in September 2004/2008 Legco election)
†Not all surveys are referred to in trend series.

†All Figures are in percentages unless otherwise stated. The Hong Kong Transition Project is funded via a competitive grant from the Research Grants Council of the University Grants Committee of the Hong Kong Government (HKBU 2168/04H). Some of the surveys above during Legco election years 2004 and 2008 were funded or co-funded by Civic Exchange, and National Democratic Institute for International Affairs. None of the institutions mentioned above is responsible for any of the views expressed herein.

香港中華總商會
The Chinese General Chamber of Commerce
於香港註冊成立的擔保有限公司
Incorporated in Hong Kong and limited by guarantee

香港干諾道中24-25號4字樓
4/F, 24-25 Connaught Road, Central, Hong Kong
Tel : 2525 6385 Fax : 2845 2610
E-mail : cgcc@cgcc.org.hk Web Site : http://www.cgcc.org.hk

編號：RM (2008) 9-19

香港特別行政區
行政長官
曾蔭權先生鈞啓

曾蔭權行政長官鈞鑒：

本會對"08~09年度施政報告"之期望

欣悉 閣下正就新一份施政報告諮詢各界意見，本會經廣泛收集會員及工商界人士的意見，整理成意見書，謹此呈交 閣下參考。

9. 政制發展

自2007年12月全國人大常委會明確地表示2017年的行政長官選舉可以實行由普選產生的辦法，而在行政長官普選產生後，立法會全部議員亦可以實行由普選產生的辦法後，特區政府亦開始研究2012年行政長官及立法會產生辦法的可行方案，爲邁向2017年普選行政長官和2020年普選立法會打好基礎，並預計於本年第4季就修改2012年兩個選舉進行公眾諮詢。政制發展茲事體大，本會贊同在作出全面諮詢後，才定出2012年的兩個選舉的詳細內容。

香港中華總商會
會長

（已簽署）

(霍震霆)
2008年9月8日

附： 本會對2008/09年施政報告意見書
副本抄送： 財政司司長曾俊華先生

節錄自新界鄉議局對2008/09年度施政報告的期望

新界鄉議局
HEUNG YEE KUK NEW TERRITORIES
九龍塘金巴倫道四十七號
47, CUMBERLAND ROAD, KOWLOON TONG,
KOWLOON, HONG KONG.
TEL : 2336 1151-2, 2338 8818, 2336 8659
FAX : 2338 3125

檔案編號：三十二／一／〇八四一號
日　　期：二〇〇八年九月九日

香港特別行政區行政長官
曾蔭權先生鈞鑒：

鄉議局對2008/09年度施政報告的期望

四、按序發展政制　提升地區管治

1. 落實普選

全國人大常委會早前就香港普選行政長官和立法會一事，表明兩者的產生辦法可以循序漸進原則修改，亦明確2017年可實行普選行政長官；並在普選行政長官以後，立法會選舉可以實行全部議員由普選產生的辦法，而港府預計立法會普選可在2020年進行。

本局認為，既然已有落實普選的時間表，政府可以按照基本法的規定，以「循序漸進」、「符合香港實際情況」的方式討論和落實普選的細節。在普選行政長官前，應實施一套過渡期的選舉方法，並參照2005年的政改方案為藍本。如過渡期方案能在2012年順利實行和效果滿意，便可在2017年由一個有廣泛代表性的提名委員會，按民主程序提名後普選產生行政長官。

至於普選立法會的方案，本局傾向保留功能界別議席，候選人由界別提名，再由登記選民選出，便可以是一個既照顧到均衡參與，又合乎普選要求的折衷方法。

新界鄉議局主　席：劉皇發
副主席：林偉強
張學明

節錄自容永祺先生有關2008/09「施政報告」的建議

容永祺 榮譽勳章,太平紳士
Samuel W. K. Yung, MH, JP

美國友邦保險(百慕達)有限公司資深區域總監
香港專業及資深行政人員協會創會會長
基本法推廣督導委員會委員
香港十大傑出青年(1994)
傑出青年協會主席(2000-2002)

港區全國政協委員
香港特別行政區策略發展委員會委員
香港特別行政區中央政策組
非全職顧問(2001-03)
校舍分配委員會委員

中環香港禮賓府
香港特別行政區
行政長官曾蔭權先生

曾先生鈞鑒：

有關：2008/09「施政報告」的愚見

(二) 政制方面——另一個重要事項是盡快落實2012年政改方案，這樣可以止息不必要的社會爭拗和紛爭，讓政府專心處理解決民生經濟問題，以提升本港的競爭力，改善市民生活質數。

以上為本人的一些愚見，盼能為特首在搜集民意撰寫「施政報告」時的參考。

此致

港區全國政協委員
策略發展委員會委員

(已簽署)

容永祺上
二零零八年九月十一日

副抄：中央政策組首席顧問劉兆佳教授, Ph. D., JP
策略發展委員會秘書范偉明先生(傳真：　　)

今年特首施政報告裡提到香港作爲國際級城市，經濟發展和文化活力兩者不可缺一，這個理念需要政府內部了解和認同，否則在演變爲政策，以至政策推行過程中一定會遇到困難。

未來幾年在文化基建投資龐大，例如西九的二百多億，中央轄署的十八多億，康文署每年二十多億的開支，以及發展局在文化保育的資源投放等。

香港如能在文化投資獲得應有回報：
(一) 令市民文明及生活質素提升；
(二) 藝術文化水平進步；
(三) 爲香港打造成世界級城市品牌。

有以下策略性幾項提議：

(一) 政府不同部門在推行這政策時協調，對這經濟及文化雙飛理念亦須經各部門獲等同認知程度；要能游刃於各部門，須直接向特首辦報告；能靈活地發揮其功能，可參照排球隊裡的『自由人』。

(二) 藝術文化界需要有一個有助均衡發展的環境，現時超過九成以上的資源和場地集中在康文署管轄之下，超過公平競爭法的五成市場佔有率，情況等同市場壟斷，對開放市場發展不利，建議康文署在未來五年按步企業化其五成場館成本及資源，這做法同時可增大『非政府』範疇內的藝術管理人才庫存。

(三) 在立法會功能組別增設藝術文化一席(包括電影和出版)，從而與體育界分拆。

(四) 市民對藝術文化創意工業和城市經濟發展的關係需要認知和認同，這有賴教育和大眾傳媒作中長線傳播及支持

此致
財政司司長曾俊華先生

藝穗會總監
(已簽署) 謝俊興 上

節錄自蘇祉祺先生 2008/09 施政報告的幾點建議

2008/09施政報告的幾點建議

September 17, 2008

一. 08/09 施政報告的主題

6. 改善行政立法關係，推動政制發展

回歸十一年來，香港的行政立法關係未如理想，並非基本法中所描述的「既相互制衡、又相互合作」，而是重制衡、少合作，或只制衡、不合作。從而令特區政府的施政舉步維艱。

新一屆立法會議員已於九月七日誕生。議會中出現不少新面孔，有利特區政府改善行政立法關係，從而理順施政渠道。尤其是泛民陣營總體議席較上屆少兩席，而建制陣營則增加了兩席，客觀上有利政府施政。特區政府應把握這個新契機，加強與各政黨和議員的溝通，建立新的管治同盟或合作伙伴。

然而，本屆立法會同時又增加了數名激進分子，有些更揚言曾荫權和特區政府是他們唯一的敵人。很明顯，他們將以破壞特區政府的有效施政，去取悅某些選民爲目的。對此，特區政府必須保持清醒的頭腦。

本屆立法會要著手處理的最具爭議的政治議題，自然是 2012 年行政長官及立法會的選舉安排，以及 2017 年行政長官普選的選舉模式及具體安排。本屆行政立法關係的好壞，直接影響特區政府在上述議題與立法會的合作，直接影響香港政制的未來發展。施政報告對於未來政制發展要解決的問題應有所交代。

蘇祉祺
香港新一代文化協會總幹事
香港研究協會主席
September 17, 2008

Thomas so
Executive Director
Hong Kong New Generation Cultural Association

節錄自梁美芬議員《2008 施政報告》意見

尊敬的行政長官
曾蔭權先生：

《2008 施政報告》意見

以下是本人對於《2008 施政報告》之意見摘要：

三、 新屆立會爲政制改革帶來的契機

- 本屆立法會共有十八位獨立無政黨背景的議員，政府應充份掌握獨立議員在議會內的特殊角色和所產生的關鍵作用，給予適當空間和支援，好讓政改方法更易尋求最終共識。

（已簽署）

候任立法會議員
梁美芬　　謹上

二零零八年九月廿五日

節錄自新界總商會對2008/09年度施政報告的建議

新界總商會
一九九三年註冊(豁免)有限公司
New Territories General Chamber of Commerce
電話Tel : 2396 1845 / 2395 0122　傳真Fax: 2392 3439

香港特別行政區行政長官
曾蔭權先生　鈞鑒：

新界總商會對2008/09年度施政報告的建議

1. "循序漸進、落實普選

全國人大常委會早前就香港普選行政長官和立法會一事，修訂了時間表，為兩者的產生辦法明示了以循序漸進原則的方式進行，亦明確表示在2017可實行普選行政長官，在普選行政長官之後，立法會選舉亦可以實行全部議員由普選的產生辦法，而特區政府預計立法會普選可以在2020年進行。

本會相信，既然已有可行的時間表及指引，在循序漸進及社會和黨派之間取得共識情況下可以推動。況且，政府已特別在策略發展委員會(策發會)下成立政制發展專題小組，在人大常委會決定的框架內，研究2012年行政長官及立法會產生辦法的可行方案，為邁向2017年普選行政長官和2020年普選立法會打好基礎。雖然推行過程中，會有不同意見之提出和爭論，但相信在多元的社會中有各種良性建議屬正常之事，只要現時方向明確及政策清晰，相信政府提出的方案最終必能得多數港人的支持，順利推動的。

新界總商會
會長：張德熙
主席：黃振聲

二零零八年九月二十五日

節錄自香港民主民生協進會就08-09年施政報告提出建議

致：香港特別行政區行政長官曾蔭權先生

曾特首：

民協就08-09年施政報告提出建議

政治方面

23 民協過去已就行政長官和立法會普選提出意見，原則是必須遵照《基本法》中有關普選的規定，並符合《聯合國公民權利和政治權利國際公約》第25條有關普選闡述。民協就政制改革提出建議如下：-

- 盡快落實雙普選，未來普選方案必須符合《基本法》及「普及而平等」和「一人一票、票票等值」的普選原則。
- 建議立法會普選模式，可採用兩票制(或稱混合制)，即每名選民可投兩票，一票為地區直選，按分區單議制單票制產生一半議席；另一票則以全港為單一選區，各政黨可提出本身候選名單，按得票比例分配其餘的議席。
- 建議行政長官普選模式，可採用擴大現時選舉委員會選民基礎，成為提名委員會，並降低提名門檻及不設置任何篩選機制，獲提名委員會提名的候選人，會經由全港合資格的選民，以「一人一票、簡單多數票」方式選出。
- 全面取消區議會委任制度。
- 檢討區議會角色和職能，設立獨立區議會秘書處，將兩個前市政局的職權轉移給區議會，進一步加強區議會在地方管理上的角色，並讓區議會掌握財政管理、人員編制及政策制訂方面的實權。
- 促進政黨政治的發展，研究制定政黨法，加大按政黨在選舉中取得的選票數目向政黨提供資助，投放資源協助民間組織、智囊和政黨等進行政策研究，並廢除候任行政長官須退出政黨的規定。
- 完善諮詢架構及法定組織架構，增加會議和遴選成員的透明度，用人為才，提高女性成員的比例，並讓區議會和主要持份團體委派代表加入相關諮詢及法定組織，嚴格遵守"六六原則"，同時考慮讓更多少數族裔和殘疾人士有平等機會參與這些組織。

並祝

政祺！

(已簽署)

香港民主民生協進會

2008年9月25日

節錄自張國柱議員 2008 施政報告建議書

香港社會工作者總工會 Hong Kong Social Workers' General Union
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2008 施政報告建議書

1. 2012 雙普選：2012 雙普選是業內社工多年的期盼，香港經歷了多次的選舉，市民已經有充份的準備；雖然國家某程度已經訂定了一個時間表，但相信透過市民明顯而強烈的訴求和特區政府向中央政府的反映和爭取，2012 雙普選不會是一件難事。請特首向中央政府充份反映香港人的意願。

二零零八年九月廿五日

聯絡人：張國柱 候任立法會議員(社福界功能組別)
香港社會工作者總工會會長

節錄自社會民主連線
在 2008/09 年度施政報告諮詢會上提交的意見

社會民主連線
League of Social Democrats
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曾蔭權先生：

1) 落實 2012 雙普選

首先，我們要求閣下爲香港人爭取 2012 年雙普選，這是每一個人的基本人權，爲港人的權益奔走，是特首的責任。

1) 2012 Universal suffrage

Thus first and foremostly, we urge you as the Chief Executive of the SAR to safeguard the democratic rights of the people of Hong Kong. We firmly believe that Hong Kong should introduce universal suffrage for the Legco and the Chief Executive in 2012, and that it is your responsibility as our Chief Executive to strive for these objectives on behalf of the people of Hong Kong.

社會民主連線黃毓民主席
Mr. Raymond, Wong Yuk Man
Chairman,
The League of Social Democrats
25th September 2008

節錄自公共專業聯盟2008/09年施政報告建議書—行政摘要

突破思維局限 邁向多元發展
公共專業聯盟
2008/09年施政報告建議書
行政摘要

2. 本智庫在過去的研究基礎上，整理出一系列的政策建議，供行政長官在制訂2008/09年施政報告時參考。根據我們的研究成果，本智庫的建議涉及以下政策範疇：

i. 多元化與新經濟發展策略；
ii. 社會民生與社會流動；
iii. 西九文娛藝術區與文化政策；
iv. 醫療改革；
v. 氣候變化；及
vi. 普選和良好管治。

有關2012年兩個選舉的改革建議

14. 就2012年立法會及行政長官選舉的改革事宜，我們建議設立一個名爲「全面功能組別」的制度，以取代現有的功能組別制度並全部以個人選民爲選民基礎。具體計劃爲設立4個大型功能組別以代替現時按經濟職能劃分的功能組別。另設兩個新的功能組別，其一是「成年學生和退休人士」組別，其二是「家務工作者和其他以往沒有納入至任何功能組別的非經濟活躍者」。這6大功能組別會把選民基礎擴大至580萬人，與現時地方選區選舉的選民基礎相若。所有合資格的香港選民均可參與地方選區和功能組別選舉，我們稱之爲「一人兩票」制。

15. 至於在行政長官選舉方面，我們建議維持提名委員會的人數在800人的水平，其中屬於第四界別的200人（立法會議員、區議會代表、全國人大港區委員、全國政協委員港區代表）的產生辦法維持不變。其他界別（第一、二及三界別）的600名提名則採用全面功能組別類似的產生辦法。每名特首候選人最少需獲得50名提名委員的支持，提名票的上限則爲100人。

公共專業聯盟
2008年9月

節錄自公共專業聯盟2008/09年施政報告建議書

突破思維局限 邁向多元發展
公共專業聯盟
2008/09年施政報告建議書

I. 前言

1. 公共專業聯盟是一個公共政策智庫，致力提高本港的公共管治質素，和喚起社會對關乎重大公眾利益的事務的關注。在過去數月，本智庫的研究部和專題工作組就一系列公共政策議題進行了實證研究，有關研究成果相信可以幫助政府訂定更佳的政策。行政長官的施政報告無疑是一份重要的政策性文件，它不但提出短期政策措施，更會勾劃出香港未來的發展方向。故此，本智庫在前述的研究基礎上，整理出一系列的政策建議，供行政長官在制訂2008/09年施政報告時參考。

2. 社會輿論普遍認爲，香港近年的發展缺乏新方向，對外未能有效應對全球化的挑戰，對內無力消弭日益嚴峻的社會經濟壓力。基於此，公共專業聯盟認爲，特區政府應秉承前瞻性、多元化、可持續性、「以民爲本」和「人人有機會」理念，作爲公共政策的指導性原則。

3. 根據我們的研究成果，本智庫擬定了一系列政策建議，涉及以下政策範疇：

i. 多元化和新經濟發展策略；
ii. 社會民生與社會流動；
iii. 西九文娛藝術區和文化政策；
iv. 醫療改革；
v. 氣候變化；及
vi. 普選和良好管治。

VII. 普選和良好管治[27]

A. 2012 政制改革

現況

88. 在2007年12月特首提交全國人民代表大會常務委員會有關政治發展的報告中，特首承認大部份市民希望加快民主化步伐，但他同時建議香港在2017年進行首次特首普選，並把立法會的普選日期推遲到更後甚至沒有不明確的日子（即使特首宣稱有關選舉可以在2020年舉行）。根據目前選舉制度的安排，特首由800人的選舉委員會選出，除了第四組別外，其他選舉委員都是由功能組別選舉產生。

89. 社會輿論普遍認爲，立法會功能組別選舉制度存在三大缺點：缺乏代表性、大部份界別受公司票操縱，及鼓勵狹隘的界別利益。因此，功能組別選舉應徹底廢除。

90. 功能組別制度的支持者認爲，功能組別的存在可以讓專業界別和商界人士更有效地貢獻他們的專業知識和識見，對本港的長遠發展至關重要。

原則

91. 既然民主普選是香港政治發展的終極目標，2012 年及以後的選舉安排也就是本港民主發展的里程碑。故此，整體選舉制度的安排應該更加開放及較以前民主，在選舉制度、候選人提名制度、投票制度等方面均較以前公平。

政策建議

a. 在立法會設立「全面功能組別」制度

92. 我們建議設立一個名爲「全面功能組別」的制度，以取代現有的功能組別制度。根據有關建議的構思，現時的功能組別將會整合成6個大型功能組別，並全部以個人選民爲選民基礎。在每一個功能組別內，選舉制度仍實行比例代表制。有關建議可避免個別選民數目眾多的界別壟斷大部份議席，這樣的政治平台相信可以兼容並包社會上的不同利益。新功能組別制度將包括以下組成部份：

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[27] 本章大部份的內容是取材自本智庫發表的研究報告：包括《公共專業聯盟對2012年政改方案的建議》(2008年5月)和《電子政府與良好管治：資訊及通訊科技政策研究報告》(2008年7月)。

- 設立 4 個大型功能組別以取代現時按經濟職能劃分的功能組別，分別是製造業和貿易業；基建、物流和旅遊業；商業和專業服務業；及個人社會和社區服務業。這 4 個功能組別的選民人數約爲 370 萬人。
- 另設兩個新的功能組別，其一是「成年學生和退休人士」組別，其二是「家務工作者和其他以往沒有納入至任何功能組別的非經濟活躍者」。這兩個組別大概有 200 萬名選民；
- 6 個大功能組別議席的分配辦法如下：先計算個別組別選民佔合資格選民總數的比例，然後按照比例多寡分配議席。這樣，每張選票的重要性基本上是相同的；
- 這 6 大功能組別會把選民基礎擴大至 580 萬人，與現時地方選區選舉的選民基礎相若；
- 所有合資格的香港選民均可參與地方選區和功能組別選舉，我們稱之爲「一人兩票」制；
- 每個功能組別獲分配的立法會議席將根據組別內合資格選民的數目而定，基本上選民的每張選票均是等值的。

b. 以「全面功能組別」爲基礎的選舉委員會選舉

93. 我們建議維持選舉委員會的人數在 800 人的水平，其中屬於第四界別的 200 人的產生辦法維持不變[28]。其他界別（第一、二及三界別）的 600 名提名委員則採用全面功能組別類似的產生辦法。每個新功能組別選舉委員的數目按該組別選民佔全港合資格選民數目的比例分配，同樣體現了每票等值的原則。

94. 每個特首候選人最少需獲得 50 名選舉委員的支持，提名票的上限爲 100 人。

c. 設立立法會的政協制度

95. 我們建議在立法會設立政協制度，把現時法案委員會階段邀請專家發表意見的做法予以正規化和制度化。政協制度將會是立法會常設體制的組成部份，政協委員被賦予明確的諮詢職責。現時的功能組別可以在 2012 年實施全面功能組別選舉制度時，透過立法會政協委員的方式繼續服務社會。立法會政協委員可以在立法會法案事務委員會發言，任期與立法會議員相同，但和其他立法會議員不同的是，他們沒有投票權，也不能出席立法會大會和事務委員會的會議。

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[28] 第四界別的合資格選民，包括立法會議員、區議會代表、全國人大港區委員、全國政協委員港區代表。

Extract from The Professional Commons' Submission
on the 2008-09 Policy Address – Executive Summary

The Professional Commons
Beyond Conventional Wisdom - Steps to Diversified Development
Submission on the 2008-09 Policy Address
Executive Summary

2. Based on our research results, we have proposed a list of policy proposals for the consideration of the Chief Executive in the preparation of the 2008-09 Policy Address. Our policy recommendations will cover the following areas:

i. Diversity and economic strategy;
ii. People's livelihood and social mobility;
iii. West Kowloon Cultural District and cultural policy;
iv. Healthcare reform;
v. Climate change; and
vi. Universal suffrage and better governance.

Proposals for the 2012 Elections

14. As for electoral reforms for the 2012 elections, the Professional Commons proposes the introduction of "Comprehensive Functional Constituencies" in Legislative Council. Under the new system, there will be 6 larger functional constituencies (hereafter FCs) and eligible voters will be restricted to individual citizens only. Four large FCs are to consolidate the current FCs which is categorized according to the nature of the business activities. Two new FCs will be introduced for other non-business sectors, professional or unionized labour voters, and for non-economic active persons. The electorate base of the 6 FCs consequently will amount to 5.8 million, matching that of the geographical constituencies. All eligible voters in Hong Kong will then be allowed to participate in both the elections for the geographical constituencies and functional constituencies, i.e. "One-Person-Two-Votes".

15. The Professional Commons also proposes to keep the number of Election Committee members for the selection of Chief Executive to 800 in 2012. The election method of the 200 members from the fourth category remain unchanged. The 600 members from various business, industrial and professional categories (first, second

and third categories) are to be elected using the same concept of Comprehensive FCs. The nomination threshold for an eligible Chief Executive candidate should be no more stringent than the present arrangement, ranging from 50 and 100 Election Committee members.

Facilitating E-participation

16. The Government should facilitate e-participation as part of the roadmap towards the democratization of Hong Kong. A better leveraged ICT platform will allow the Government to establish a "one-stop" consultation and engagement web portal for all Government consultations encompassing different policy areas. E-petition should also be allowed through the "one-stop" consultation portal. The Government should adopt a single and personalized "e-account" system on government services, known as "MyGov" (My Government).

The Professional Commons
September 2008

Extract from The Professional Commons' Submission
on the 2008-09 Policy Address

Beyond Conventional Wisdom - Steps to Diversified Development
Submission on the 2008-09 Policy Address
The Professional Commons

I. Introduction

1. The Professional Commons is a think-tank committed to improve the quality of public governance and to advocate positions matters of significant public interest. In the last couple of months, our Research Unit and task groups have conducted a series of evidence-based research on major public policy issues. We believe that their findings would shed light on the formulation of better policies. The Policy Address to be delivered by the Chief Executive next month is an important document that not only sets out short-term policy measures, but it will steer the direction of future development of Hong Kong. In view of this, we have compiled a list of policy proposals for the Chief Executive's consideration in his preparation of the 2008-09 Policy Address.

2. There is a general view that Hong Kong lacks a sense of new direction and is not sufficiently strong to overcome the external challenges arising from globalization, as well as the internal pressures from the deteriorating socio-economic conditions of Hong Kong. Against this background, the Professional Commons believes that the Hong Kong Government's policies should, in essence, be forward-looking, encouraging of diversity, sustainability, providing opportunities for all, as well as being "people-oriented".

3. Based on our research results, we have proposed a list of policy proposals in the following areas:

i. Diversity and economic strategy;
ii. People's livelihood and social mobility
iii. West Kowloon Cultural District and cultural policy;
iv. Healthcare reform;
v. Climate change; and
vi. Universal suffrage and better governance.

VII. Universal Suffrage and Better Governance[27]

A. 2012 Political Reform

Present Situation

88. In the Report on Hong Kong's Constitutional Development by the Chief Executive to the Standing Committee of National People's Congress (NPCSC) in December 2007, the Chief Executive admitted the wishes of the majority of the citizens for a faster progression towards democracy. However, he still proposed a comparatively slow pace towards democracy in Hong Kong, with the first Chief Executive election by universal suffrage in 2017, leaving the realization of universal suffrage of the Legislative Council to a later, uncertain date (despite claims by the Chief Executive that this can occur in 2020). Under the current election system of Hong Kong, the Chief Executive is elected by an 800 member Election Committee according to the following distribution. Apart from category 4, the Election Committee members are elected via the functional constituencies (hereafter FCs).

89. There is a general view that the existing FC election in the Legislative Council suffers from three defects: under-representation; domination of corporate votes in the majority of the FCs, and encouragement of narrow interests under the present election arrangement. The Functional Constituencies must be totally abolished ultimately.

90. Supporters of FC system used to argue that the existing arrangement can help retain the experiences and expertise from businesses and professionals and their contributory inputs have been prominent to the long-term development of the territories.

Principles

91. Given that with universal suffrage is our destination in the journey of political development, the political arrangements in 2012 and afterwards should be strategically planned as a check point of progressive democratic changes. The overall electoral system must be more open and democratic compared to the previous one and head for

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[27] The contents of this section are primarily drawn from the previously published research reports of the Professional Commons: *Position Paper on Constitutional Reform in 2012* (Hong Kong: The Professional Commons, May 2008); and *E-Government and Governance in Hong Kong: Research Report on Information and Communications Technology in Hong Kong* (Hong Kong: The Professional Commons, June 2008) respectively.

the direction of fair constituencies, fair candidate nomination procedures and fair voting.

Policy Recommendations

a. Introduction of "Comprehensive Functional Constituencies" in LegCo Election

92. A "Comprehensive FC" system should be put in place to revamp the existing FCs classifications into 6 larger FCs and restrict the eligible voters to individual citizens only. Within each FC, the voting is by a proportional representation system. This system avoids the monopolization of seats by large sectors and encourages the formation of groups and tickets across different subsectors, favouring with a political platform that can harmonize the different interests. The new system will comprise the following components:

- Four large FCs are to consolidate the existing FCs which is categorized according to the nature of the business activities, namely manufacturing and trade; infrastructure, logistics and tourism; business and professional services; community, social and personal services. They account for the 3.7 million of the population.
- Two new FCs will be introduced for other non-business sectors, professional or unionized labour voters. One is for adult students and retired persons. Another is for homemakers and economically inactive persons previously not included in FCs. They account for about 2 million of the population.
- All eligible voters in Hong Kong should be able to participate in both the elections for the geographical constituencies and FCs. We call this "One-Person-Two-Votes".
- The electorate base of FCs consequently goes up to 5.8 million of voters, matching that of the geographical constituencies.
- The number of seats of each FC is allocated according to the proportion of eligible voters of that FC to the total number of eligible voters. The effect of each vote is ideally equal.

b. Comprehensive FCs as the Basis for the Election Committee for Selecting the Chief Executive

93. We propose to keep the number of Election Committee for the selection of

Chief Executive to 800. The 200 members from fourth category remain unchanged.[28] The 600 members from various business, industrial and professional categories (first, second and third categories) are to be elected using the same concept of Comprehensive FCs. The number of Election Committee members in each Comprehensive FC is by proportion of their eligible voters to the total number of eligible voters. By doing so, every vote will have equal effect.

94. The nomination threshold for an eligible Chief Executive candidate should be no more stringent than the present arrangement, ranging from 50 and 100 Election Committee members.

c. Consultative Member System in the Legislative Council

95. To acknowledge as well as to tap the knowledge and expertise of the business and professional sectors, a consultative member system should be established to formalise the current system of expert hearings in the bills committee stages of Legislative Council. The consultative member system is more a standing arrangement than ad-hoc one to give a clear responsibilities to such consultative members. The current FCs can maintain their seats in the new system when the new comprehensive FC is established in 2012. However, these members can give opinions only in the Legislative Council bills committee meetings. They are not given any voting power and cannot attend Legislative Council meetings and panel meetings.

致林瑞麟局長：

香港政制事務局：政制發展專責小組秘書處：FAX：25233207.
林瑞麟局長 FAX：21795284.

一：在五年前(日期：2003/01/19.下午 3 時至 5 時．窩打老道 23 號．)參加林瑞麟局長主講論壇：設立立法會中醫界別功能議席一項.有關 2008 年之後或者 2012 年度立法會設立中醫界別功能議席一項政改方案.是否在未來新推出一項政改方案中再次提出.此是關係到香港市民重大健康福祉的問題.中醫保健一直是處於領先地位.關係到我們的下一代健康福祉.有服食中藥保健開奶茶小童很少生腎結石.自古中醫師行業是一個自由謀生行業．自力更生社群．從未得到政府資助．可以相傳五仟年,自有其重大價值.

敬請林瑞麟局長主持推出未來新一項政改方案中再次提出：2012 年度立法會設立中醫界別功能議席一項供表決.好讓中醫師有一個夢想.為社會多做貢獻.

二：2006 年選舉委員會(中醫界) 界別選舉.存在一部份中醫師(約 3000 餘名.)沒有投票權利的行政錯誤問題. 一部份中醫師(約 4250 名.) 有投票權利,而全部中醫師(約 8000 餘名.).《香港選舉管理委員會》不適當行政指令,把全香港約 8000 餘名中醫師分為二個階級.設立一部份有投票權利階級, 定另一部份沒有投票權利階級,有階級之分別,就會存在階級矛盾鬥爭. 選舉風波就此起.

敬請林瑞麟局長主持推出未來新一項投票權利方案.去除階級矛盾紛爭：2011 年選舉委員會(中醫界) 界別選舉, 設立新投票權利方案.

此致：希望全心為香港.

劉伯傻中醫師 敬致．
2008 年 10 月 12 日．

來函地址：

節錄自民主黨對2008/09年度施政報告的期望

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香港特別行政區
行政長官曾蔭權先生

曾特首：

力抗金融海嘯　增加生果金
民主黨對行政長官發表施政報告的期望

普選 2012

2012年的政制發展很重要，政府需要盡快進行公眾諮詢，尋求社會共識，讓香港可盡快落實雙普選，在普及而平等的原則下，市民可以在公平地參與各項選舉，或投票選出他們的政治代理人。

民主黨
2008年10月15日

致各界：政制及內地事務局林瑞麟局長：25233207

誰能解溫總理「香港金融與經濟結構存在的問題」的講話？

1. 立法會一連三天辯論內務委員會劉健儀的感謝施政動議，簡直是踐踏民主，議員，浪費議員時間的行爲。三分之二不通過，特首可解散立法會，否則就自己辭職。不到三分之二不通過，就是通過了。特首大可按報告施政。有甚麼感謝不感謝！叫了半生的民主，回歸十年了，脖子上仍戴一個殖民地腦袋，丟不丟臉？「民主」首先要懂得站起來。不要拿反對北京來代表自己懂得「民主」，來遮蓋自己對「民主」的無知，沉醉於這種自欺欺民的行爲，所以至今還會存在這種浪費時間的感謝施政動議的賤像。涂謹申還不知自己是主人之一了。監督警察濫權何必引用英國例子。真是改不了的殖民地賤像。沒英國就無是非觀了嗎？
2. 民主黨主席何俊仁不應該造謠「成日換人，唔係辦法」挑撥中央與香港關係，再以「行政長官選舉制度」轉移焦點，使用這非常邪的招術對待溫總理的有關經濟的講話，正是欲蓋彌彰暴露了民主黨對經濟方面的不學無術。本人曾主張「何俊仁何嘗不能當特首？」但，何俊仁一見梁家傑就覺得自己矮了半節的樣子，在電視面前暴露無遺，實令人失望。無知，可學。請千萬勿用邪術。這或許是律師的職業病。請何俊仁千萬要注意此點，勿愧對了自己的「民主」理念。沒有民主品德的「普選」，絕不代表「民主」，只會令「普選」成爲無恥下流騙子的工具而已。
3. 民建聯譚耀宗只會露出一個捧賤像，捧誰就作賤了誰。不懂可學，勿用濫捧來遮蓋自己的無知。這是另類邪術。
4. 香港的危機在哪裡？權力核心擺脫不了賤視市民遮蓋自己的無知的惡習，以及不是濫反北京，就是濫捧權力核心來遮蓋自己的無知，怎麼辦？這些人成群結黨騙吃騙喝，怎麼辦？

誰能解溫總理「香港金融與經濟結構存在的問題」的講話？權力核心的任志剛，民主黨的何俊仁？民建聯的譚耀宗？三司十二局，甚麼林瑞麟引以爲傲的劍橋，牛津的副局長，政治助理？

希望你們彼此之間，勿再沉迷在三姑六婆勾心鬥角的邪術中，希望你們彼此之間都不要不懂裝懂，而能坐在一起，好好體會日理萬機的溫總理「香港金融與經濟結構存在的問題」的講話，吃穿市民之餘，爲香港市民做出貢獻。

2008/10/31 「海上駐軍發明人」無海權講統一如緣木求魚。李治南

親愛的唐英年司長:

謝謝您百忙中抽空讀我的信。一直以來我對香港的事務都有濃厚興趣。作爲香港人，我對香港前途極爲關心，同時我亦認爲每一位香港人都有責任解決香港現時的困境。爲此我撰寫了一篇有關於香港現在面對的政治和經濟問題的文章，希望能夠對香港貢獻自己的所學所識，同時亦希望能得到社會人士的回應。衷心感謝您寶貴的時間。

祝　安!

鄔正傑　上

08 年 11 月 5 日

香港之路

--政治和經濟問題的長遠解決方法

鄔正傑

2008 年 11 月 1 日

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引言

自回歸以來，香港面對各種史無前例的政治和經濟問題，但至今爲止，很多問題仍然未得到長遠解決，而社會對各問題的解決方法亦存在嚴重分岐。多年來，這些問題已經對香港社會的繁榮穩定構成了一定影響。

從港人治港開始到現在已逾十年，香港社會從中已吸收了不少的經驗。現在正是時候重新檢討問題，制定出長遠解決方法的藍圖，並開始在社會上醞釀共識。本文試圖在香港的政治和經濟這兩大範疇內點出問題和提供長遠的解決方法，期望能引起社會的關注和討論，以求令香港走出現今的困局。

一、政治問題

香港的政制問題一直困擾香港多年，政治爭拗無日無之，令到政府在行政上困難重重，同時亦消耗了政府和社會上各方人士的大量精力和時間，使得政府施政上不能重點在民生上下功夫。這些政治問題一日未得到解決，香港就不能有效地發揮其潛能解決經濟問題。

一國兩制下，香港享有高度自治。基本法第四章第一節第四十五條提到，"*行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標*。"香港社會對普選行政長官抱有重大期望，且視其爲合理期望。政治改革勢在必行，然而其內容暫時仍未有共識，針對其制度上的缺陷，主要問題能歸納下列數點：

1　香港與中央的矛盾

香港特區行政長官的首要服務對像是香港市民，但是賦予行政長官權利的卻非香港市民而是中央政府，當香港市民和中央政府方向和立場爲一致時，行政長官立場當然應爲一致。問題出於當香港市民和中央政府方向和立場各異的時候，行政長官和特區政府立即面對一個兩難局面。若選擇站在香港市民的立場，即與中央政府唱反調。在現時的政治環境下，失去中央的信任幾等同喪失對香港的管治權，因爲權力來源自中央；另一方面，若選擇站在中央政府的立場，即違背行政長官以香港市民爲首要服務對象的職責。喪失香港市民的支持會令到特區政府的管治權名存實亡，畢竟政府的施政亦需要市民的配合。例子在普選和廿三條上能充分引證。特區政府在這些事例上明顯地站在中央政府一邊，直接造成特區政府民望低迷的後果。

2 認受性不足

基於現時行政長官的產生方法，港人並不能直接參與選舉，遂令到行政長官的認受性有先天性的不足。當行政長官表現未如理想時便很容易失去市民的支持，其不滿會反映在立法會選舉上，結果令到政府的政策更難以通過。政策停滯不前又會反過來令到市民更不滿，遂產生一惡性循環。

3 立法會上的弱勢

現時行政長官並沒有政黨背景，雖然在立法會內有一部分政黨在態度和立場上和政府相近，所以在大部分時候都支持政府。但這只能說是出於利益立場考慮的一種政治合作。一旦當利益方向出現差異時，其合作關係將會發生改變。可以說，政府在立法會內並沒堅固又完全可靠的盟友。

根據《基本法》第四章第六十八條提到：“*立法會的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至全部議員由普選產生的目標。*”理論上，立法會內由普選產生的議員人數將會持續增加，相對於現時並非由普選產生的行政長官，議員的發言力將因爲民意基礎而顯得更有力，形成政府在立法會上的弱勢。

4 普選問題與其不可行性

港人已經將普選視爲一合理期望，特別是行政長官普選。但中央多次重申特區政府權力來自中央，其態度實對普選抱有很大的保留，觀乎中央所憂慮者，不外乎恐怕港人所選之行政長官會造出所謂"反中亂港"之事，故此中央希望保有香港最高之權力，以防止香港會有任何失控的可能。這種憂慮和全面普選的訴求明顯地有嚴重的對立和矛盾，雙方皆不易妥協。

考慮到中央政府爲香港一切權力的來源，包括准許香港實行普選之權力，任何的政改方案都必須先照顧到中央的顧慮，方能有其可行性。

二、建議的政治問題解決方法

1　普選政務司

如上文所述，中央的原則爲保有香港最高之權力，以防香港有失控之虞；而港人之訴求其實並不是要奪中央在港之權，實質訴求爲對施政者有所選擇的權利。匯清此點後，我們能看出雙方立場上其實並不存在直接的衝突。根據此點，我提議的方法爲普選政務司，由行政長官下放其施政權與政務司，讓政務司直接施政和遊說立法會。與此同時，保留行政長官的最高權力和維持現行的行政長官產生辦法。這樣，中央能繼續保有香港之最高權力，港人亦能享受到對施政者的選擇權。換句話說，香港會是一個以中央政府在香港的最高權利不受侵犯的大前提下，港人能享有最大程度的自治權和選擇權的政府。

1.1 好處

正如前述，這個解決方法的最大好處爲同一時間照顧到中央政府的憂慮和香港人民的訴求。由於政務司是由普選產生，認受性不足的問題並不存在。因爲普選的關係，市民在政治上的參與度將大大增加。有了市民從選舉中支持所帶來的民意基礎，政府在立法會上的發言將更爲有力，得到了與反對派抗衡的本錢，使得施政更爲順暢。這方法一旦成功，社會上的政治爭拗自必然會減少，政府可以投放更多精力和時間在經濟發展和民生事務上。

2　行政長官與政務司司長的角色定位

問責制以來，政務司司長在角色和治權上定位皆十分模糊，感覺上行政長官與政務司角色重疊，政務司僅爲行政長官備用胎之用。故此，很多本來應由政務司所

負責之問題，現在皆由行政長官一力承擔。結果是，社會和傳媒對政府的批評將全數算在行政長官頭上。但因爲行政長官這一位置之特殊性，行政長官實不能作爲問責制下的最終負責官員，即因爲行政長官不能任意引咎辭職，所以問責制終形同虛設。事實上，行政長官人選由中央所決定，港人對行政長官施政有不滿但又無法撤換其人時，心理上必久積怨恨，達到一定程度後，便會作出一些非理性的反抗，例如投票給一些非理性的立法會議員。

最佳的解決方法爲行政長官不參與直接施政，轉而交給政務司負責，所有責任由政務司承擔，而因爲政務司是由普選產生，市民可以在制度中更換人選。行政長官的責任爲發放權力及監督政務司，確保其施政符合“一國兩制”原則。

上文提到特區政府在港人與中央意向不同時的一個兩難情況，這個問題可以透過行政長官與政務司的角色定位來解決。由於產生辦法的不同，行政長官立場可靠在中央一邊，相反地，政務司則靠在港人一邊。這辦法能將中央和港人的矛盾縮小在行政長官和政務司之間，令問題在社會上之爭拗減至最低。政務司代表香港民意，可以作出一定程度的抗衡，這可防止社會過分激化。同時亦因爲行政長官握有香港最高權力，中央可確保香港不會失控。

3　行政長官權力和權威的確保

爲確保行政長官的最高權力，除了原有《基本法》第四章第五十條所賦予之解散立法會的權力外，行政長官亦應擁有罷免由普選產生的政務司的權力。另外，一切由政府提出的法案都必須得到行政長官同意及簽署方能提交至立法會。換句話說，政務司的施政必須先通過行政長官，再通過立法會兩關後方能生效，這樣做能確保施政都符合中央和港人的立場。

回歸以來，行政長官權威不彰。中央政府一直以來多次開腔支持行政長官並肯定其工作表現。雖有幫助，但成效不大。問題出於以下幾方面：第一，行政長官沒有政黨背景，所以沒有強大的政治力量作支持。第二，行政長官地位不高，雖然直屬國務院管轄，但感覺上只跟澳門特首和深圳市長相差無幾。第三，行政長官沒有民意基礎。

在政務司由普選產生情況下，民意基礎歸政務司。行政長官可以透過政治地位的提升和加強與中央的關係以提升自身權威。我建議增加行政長官職銜，如政協副主席，甚至國務院國務委員。另外，行政長官亦應爲名義上駐港三軍總司令。

三、經濟問題

社會的穩定很大程度上依賴經濟的繁榮。自回歸以來，香港社會上很多的不安因素主要來自對經濟上的憂慮。近年國際經濟狀況產生了很大的變化，世界各地區包括香港均須不斷改進原本的經濟模式以應付迅即萬變的環境。以下幾點就香港現況綜合了幾個主要問題。

1　過分依賴第三產業

香港現在所賴以爲生者，不外乎金融、旅遊、物流等服務性行業，即第三產業。第一和第二產業在香港幾乎找不到任何生存空間。過分依賴第三產業的其中一個結果是令到就業市場出路狹窄，大部分年輕人均以加入投資銀行爲目標，金融界幾壟斷香港大學生的出路；另一結果，亦是更重要的結果，一旦當香港遇上金融風暴，金融業受創，旅客減少，物流的需求降低，香港並沒有其他能香代的收入來源，唯一辦法就是等待區內金融業復甦。其等待過程中的痛苦，港人應該已有深切體會。

結論是過分依賴第三產業令到香港在經濟收入來源上情況相當被動，極容易受到外圍因素影響而導致經濟低迷。

2　低技術人士就業市場萎縮

香港缺乏天然資源，第一產業有其先天性的障礙存在。然則作爲香港過去經濟重要支柱的第二產業在現今香港幾近絕跡的情況則不能不謂爲人爲的結果。第二產業在香港的崩潰直接令到低技術人士出路被切斷。即使通過如再培訓等措施後，服務性行業能夠提供給低技術人士的職位依然十分有限。在僧多粥少，人力提供遠大於人力需求的情況下，低技術人士的議價能力甚低，其困難可想而知。當這

些低技術人士和市場所議的"價"低於或近於政府所提供的綜援時，一部分人將放棄就業而選擇依靠領取綜援過活。結果令到政府開支增加，社會負擔加重。同樣亦應重視的是這些人通常對社會帶有一種控訴性的負面情緒，長遠來說將影響社會上的穩定。

3 稅收不穩定

港府在 2007 至 08 年度的稅收總額爲 200,695 百萬元。其中入息及利得稅總額爲 133,729 百萬元，約佔總稅收 66%。最值得注意的是印花稅高達 51,549 百萬元，佔總稅收 25.7%，即大約四分之一。比去年增加約一倍。其數額更首次超過薪俸稅，躍居稅收中第二大來源。印花稅眾所周知並不是一項穩定的稅收，但其比重卻佔總稅收四分之一，間接即說明政府總體稅收並不穩定。而入息及利得稅加上印花稅佔整體稅收 92.3%。政府稅收極度依賴這三種稅，可見稅制實有弊病。

4 中國大陸的影響

自大陸改革開放後，中央政府推行一系列的經濟改革包括在沿海地區設立多個經濟特區。昔日封閉的經濟體系轉爲可直接與外國通商，外資再也不用通過香港來與大陸經商，香港一直爲大陸對外唯一窗口的特殊位置不復存在。這一位置的失去意味著香港在地理位置上的優勢從此失去，與大陸各沿海城市一般無異。

比起地理上優勢的失去，對香港帶來更大影響的是與大陸的直接競爭。再多的美化和否認都不能掩飾香港和大陸之間的競爭關係。環觀中國現時的五個經濟特區，深圳、珠海、廈門、汕頭、海南島，全部集中在華南沿岸，離香港最近的只是一河之隔，最遠的也不過數小時的飛行距離。五個經濟特區再加上澳門，無一不是針對香港的優勢而作出全面競爭。首先，香港的工業早在數年前被這些城市全數吸引過去。工業的北移自然地削弱了香港作爲轉口港的地位。當大部分工廠

與香港的實際距離越來越遠時，其運輸成本將相應提高。同時，若果內地有其他轉口城市相對運輸成本更低時，香港物流中心的位置將岌岌可危。其中，航空方面的主要競爭對手有廣州的新白雲機場，海上貨櫃運輸方面有廈門的貨櫃碼頭，而陸上汽車客運方面有汕頭的汽車客運中心。

隨著中國第一個股票交易所落在深圳，這城市就被定性爲珠三角金融中心。雖然規模還遠不如香港，但其潛力亦不容忽視。深圳和香港只一河之隔；香港的一些如零售、飲食、娛樂等行業都直接受到不同程度的競爭。海南島今年舉辦了多個大型會議和展覽，致力發展爲亞洲的會議和展覽中心，而香港無可避免地受到挑戰。澳門在回歸後的發展令人讚嘆，其博彩和其他娛樂設施搶去了不少旅客的視線和錢包內的鈔票，反觀香港今年在旅遊方面的發展則相形見絀。珠海亦早在八十年代開始發展高科技行業，至今亦已有一定規模，香港在這方面相對落後。

總而言之，大陸和香港的競爭是全面的。面對挑戰，香港似乎還擊乏力，在各方面都顯得被動，長此下去，香港被邊緣化只是早晚問題。

四、建議的經濟問題解決方法

1　振興工業

受到成本上漲和特定政策驅使，珠三角內的廠家經營日益困難，一些地方政府甚至勸誘一些廠家再往北移。新勞動法再加上匯率影響，港資在內地的廠房的處境艱難。此時，港府若以優惠政策吸引廠商回流，相信必定有一部分老闆響應。港府可以考慮在邊境地區設立工業園，以低廉的租金租與廠家設廠，再以低息貸款和稅務優惠等補貼搬遷的損失，以及容許一定比例的外勞在其工廠工作。長遠來看，港府亦可鼓勵科技園和工業園合作，發展高科技工業，配以香港物流中心地位，就能開發出一條龍的服務。工業一旦再興，既能解決過分依賴第三產業的問題，同時又開拓了低技術人士的出路，更能擴大政府稅收，可謂一舉三得。再者，工廠需要融資，工人需要消費，工商品需要運輸，產品需要展覽，金融、零售、運輸、展覽各業都得到正面好處，經濟得到實業的發展亦變得更爲鞏固。

2　化大陸之短爲香港之長

中國大陸地大物博，人才濟濟，香港一彈丸之地，幾間大學，要與其直接競爭無疑是以卵擊石。香港若不想被同化，保持原有的獨特地位，首先必須避其鋒芒，再化大陸之短爲香港之長。大陸經濟急速發展，弊端亦同時顯現。如早前毒奶粉事件，反映了大陸食品質量監控嚴重不足，大陸品牌聲譽受到沉重打擊，消費者失去信心，中央政府對加強檢驗心有餘而力不足，此時香港政府應該主動分憂，以香港政府之名對各大陸食品重新進行檢查和測試，測試結果全部公開，其中表現優異的牌子，更可獲香港頒發信心獎狀。港府可與香港的大學合作成立公司爲大陸食品進行檢則並收取檢測費，監測過程盡量做到公平、公正、公開。香港立即成爲全中國的食品監測中心，推而廣之更可發展成電器監測中心、汽車檢測中

心等等。以香港健全的法制和廉潔的社會對大陸混亂和不良的企業進行監測實爲最好不過。如此各取所需，互利互惠，是一個絕佳的雙贏局面。綜合而言，針對內地的弊端發揮香港的長處才能令香港繼續保持獨特地位。

另外，香港社會廉潔奉公，罪案率長期處於低水平，對於內地一些富人來說極具吸引力。港府應放寬對內地同胞的投資移民計劃，鼓勵更多內地富豪來港定居。內地富豪移居香港向港府繳稅，相對地香港則提供了理想的生活環境。

3 提倡多元化社會

作爲國際大都會，香港應大力提倡多元化社會。任何有發展潛力的行業都應該得到支持，促使更多中小企業開闢新的產業，令社會上能提供更多就業選擇和發揮的空間。這樣可以使得原本單一的經濟變得更爲靈活，社會變得更有生氣。對於一些衰退中的行業亦應及時支援。具體措施可以包括低息貸款、稅務優惠等等。政府亦可主動尋找各商家，從中起到穿針引線的作用。

五、總結

中國，我們的國；香港，我們的家。可能是不少香港人內心寫照。香港，這個由我們父母過去以血汗所創造的奇蹟，今天將有我們繼續守護著。經濟逆境、政治爭拗可能會令港人有過氣餒的時候，但他們卻從來沒有放棄。面對新挑戰，香港憑其一貫不屈不撓的精神，仍然頑強地高唱著“明天會更好”。前所未有的問題必須由前所未有的解決方法解決，集思廣益才可對症下藥。香港現在最需要的是更多的討論和更多不同的聲音，這正是本文的目的。基於我個人學識有限，對於很多問題都不能作出深入探討。但願本文能在讀者的思潮中引起一陣漣漪，則本文目標已達，至於文中建議的是非對錯倒反爲次要。儘管香港未來之路可能是荊棘滿途，但我依然相信港人必能克服困難，踏上那光明前路。

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Society for Community Organization

No time table for democracy or eradication of poverty

Submission to the Legislative Council Panel on Constitutional Affairs concerning the Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review

January 2009

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(Editor's Note: The sender submitted this paper for discussion at the meeting of the Legislative Council Panel on Constitutional Affairs on 19.1.2009, as a submission in response to the Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review. Section B-F and items 3-10 of Section G, which are not relevant to constitutional development, have not been reproduced in this Appendix.)

A. Regression of democratic development and deterioration of rule of law

In Hong Kong, the right to political participation is still seriously violated by an unfair electoral system and an "executive-dominated" political system. The Central People's Government (Chinese Government) is like an invisible hand, which exerts enormous political pressure to the democratic development in Hong Kong.

1.1 An unjust electoral system

The Chief Executive (CE) is the head of the Hong Kong Special Administrative Region (HKSAR). However, the citizens of Hong Kong are deprived of the right to choose their top leader by universal and equal suffrage. In 2007, the Chief Executive was only elected by an 800-member Election Committee which was largely dominated by business and professional sectors.

Serious retrogressions occurred concerning the right of Hong Kong people to elect their representatives after the handover. Of the 60 members of the Legislative Council (LegCo), only half are elected by geographical constituencies through direct elections. The other half are elected by functional constituencies, which grants more voting rights to people of the professional and business sectors. This is **far from the standard of universal suffrage.**

The United Nations Human Rights Committee which oversees the implementation of the International Covenant on Civil and Political Rights (ICCPR) has made comments that "the electoral system in Hong Kong does not meet the requirements of article 25, as well as articles 2, paragraph 1 and 26 of the Covenant" (CCPR/C/HKG/CO/2, 21 April 2006)

Paragraph 12 of the Report of the HKSAR to the United Nations Human Rights Council mentions that "the NPCSC decided that the election of the CE may be implemented by universal suffrage in 2017, and that after the CE is elected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all the members by universal suffrage". However, it is submitted that the Standing Committee of the National People's Congress of China (NPCSC) decision has not promised a definite timetable for universal suffrage. The only effect of the decision was to defer the implementation of universal suffrage for the Chief Executive (CE) and all members of the LegCo in 2012 which attracted majority support from the people of Hong Kong.

1.2 An "executive-dominated" political system

The Basic Law grants enormous power to the Chief Executive, but seriously restricts the members of the Legislative Council from carrying out their responsibilities to supervise the executive and take policy initiatives. This results in the formation of an "executive-dominated" political system where **the executive disregards the will and the participation of Hong Kong people** in policy making and implementation.

Firstly, the **voting procedures greatly handicap the members of the Legislative Council** in supervising the government and making it accountable to the public. The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council requires a simple majority vote of *each* of the two groups of members present, that is the functional constituencies and the geographical constituencies[1]. In contrast the passage of bills introduced by the government only requires a simple majority vote of the members of the Legislative Council present. As a result, it becomes far more **difficult to pass motions, bills or amendments to government bills** introduced by individual members, which needs only a quarter of the members present in one of the group to vote them down, than the passage of bills introduced by the government. Since the functional constituencies are dominated by business and sectoral interests that support the government, the passing of government bills becomes much easier than passing individual members bills.

Secondly, Article 74 of the Basic Law prevents the members of the Legislative Council from taking policy initiatives. The article stipulates that the members are required to get the consent of the Chief Executive in introducing member's bills, which relate to public expenditure, political structure or operation of the government. In other words, the Chief Executive is empowered to **block the introduction of members' bills,** which have implications on all government policies[2].

1.3 The political intervention by the Central People's Government

Since the handover in 1997, the NPCSC has on three occasions resolved to re-interpret (and *de facto* amend) several provisions of the Basic Law. The re-interpretations by the NPCSC seriously violate the **judicial independence** of the Judiciary in Hong Kong. Both the Chinese Government and HKSAR Government employed the interpretations to eliminate political conflict, which has contributed to

[1] Annex II of the Basic Law on the "Method for the Formation of the Legislative Council of the HKSAR and Its Voting Procedures"

[2] The worst is that the Hong Kong government interprets that Article 74 should also apply to amendments introduced by the members to government bills. The government is pushing the Legislative Council to follow such an interpretation. If the government succeeds to do so, the Legislative Council will become a rubber stamp of government policies.

the deterioration of the rule of law in Hong Kong and destroying the development of the entire society. However, neither the Chinese Government nor the HKSAR Government has promised to stop re-interpreting the Basic Law, so the development of HongKong could be further destroyed.

G. Recommendations

1. It is urged that the Government should comply with the concluding observation of the United Nations Human Rights Committee and provide a clear time schedule for universal suffrage for the election of the Chief Executive and the Legislative Council.

2. The Government should avoid seeking the Central People's Government to re-interpret the Basic Law, while the Central People's Government should avoid intepreting the Basic Law by itself in order to safeguard the high self-autonomy of the Hong Kong Special Administrative Region and the "One country, two systems" principle.

Constitutional Development

Press Statement of the Hong Kong Bar Association

1. The Hong Kong Bar Association ("HKBA") understands that the Hon. Margaret Ng will move a motion on constitutional development at the Legislative Council meeting on 7 January 2009.

2. In our submissions dated 24 August 2007 ("HKBA Submissions"), the HKBA dealt with the legal issues arising from the Green Paper on Constitutional Development published by the Government in July 2007. The HKBA's stance on constitutional development remains as set out in the HKBA Submissions. In view of the debate at the Legislative Council tomorrow, the HKBA would like to highlight the following matters:

   (1) the constitutional development of the Hong Kong Special Administrative Region ("HKSAR") towards universal suffrage is to be achieved within the framework prescribed in the Basic Law[1];

   (2) Article 39 of the Basic Law provides that the provisions of the International Covenant on Civil and Political Rights ("ICCPR") as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR;

   (3) Article 25 of the ICCPR stipulates as follows: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 [i.e. race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status], 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

[1] The reference to the Basic Law in this Press Statement includes the Interpretation by the Standing Committee of the National People's Congress ("NPC") on Article 7 of Annex 1 and Article III of Annex II of the Basic law of the HKSAR (adopted on 6 April 2004) and the Decision of the Standing Committee of the NPC on Issues Relating to the Methods for Selecting the Chief Executive of the HKSAR and for Forming the Legislative Council of the HKSAR in the Year 2012 and on Issues Relating to Universal Suffrage (adopted on 29 December 2007).

universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors";

(4) the provisions in the ICCPR are implemented through the Hong Kong Bill of Rights Ordinance (Cap. 383);

(5) the reservation previously made in respect of the applicability of Article 25(b) of the ICCPR (and repeated in section 13 of the Hong Kong Bill of Rights Ordinance) can no longer be used to justify a departure from the rights guaranteed by Article 21 of the Bill of Rights: see *Lee Miu Ling v Attorney General (No. 2)* (1995) 5 HKPLR 181, per Keith J. at pp. 197-198;

(6) the HKBA urges the HKSAR Government to devise and implement, within the constitutional framework laid down in the Basic Law, a method for the selection of the Chief Executive by election and a method for forming the Legislative Council that are fully in line with Article 25 of ICCPR; in both cases, the method to be devised should not contain any discriminatory distinction or unreasonable restrictions and must ensure to every resident of the HKSAR the right and opportunity to vote and be elected at genuine periodic elections which shall be by universal and equal suffrage, guaranteeing the free expression of the will of electors.

3. The present election method involving functional constituencies raises the question of whether Article 25 of ICCPR has been fully complied with. When putting forward proposals for constitutional reform, the Government of the HKSAR should include proposals that would eventually lead to the total abolition of functional constituencies and demonstrate its commitment towards developing an electoral system that is in compliance with Article 25 of ICCPR.

Hong Kong Bar Association
6 January 2009

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穩定經濟　創造就業　還港人民主

踏入 2009 年，加上新春將至，民主黨希望社會百業興旺，平安順境。然而，未來香港所面對的處境是困難的；一場金融海嘯，重創香港經濟，特區政府管治能力每況愈下，很多事情都無力解決。所以，藉著行政長官答問大會，民主黨向政府提出新年願望，希望政府願意聆聽民意。

創造就業　振興經濟

民主黨要求政府動用儲備，回饋市民，創造職位，並通過適量借貸，紓解市民燃眉之急，並穩定經濟。創造就業，需要同時顧及社會效益；民主黨建議動用 70 億元開設 6 萬個臨時職位，用以改善教育質素、推動本地生態及文物旅遊，以及改善民生。爲了減輕中等入息人士失業時在供樓及供養子女教育等方面要面對的經濟壓力，民主黨建議撥出 100 億元，推出一個名爲「家庭危機借貸計劃」的特別措施，向失業的納稅人士提供低息貸款。

還港人民主

如無意外，今年上半年政府將會開始政制發展諮詢，人大常委已經否決 2012 年的雙普選建議；但是，民主黨仍希望曾蔭權政府能拿出誠意，說服中央盡快實施普選，推行民主治港，還市民普選權利。

民主是普世價值，可惜的是，無論是殖民地或回歸後，香港人仍然未能透過一人一票選舉，選出行政長官及全體立法會議員，建立民主制度，體現真正的港人治港。民主黨強烈要求，2012 年雙普選和取消功能組別，還市民應有的平等政治權利，從而令政通人和，建立優質的管治體制。

民主黨
發言人：馮煒光議員（民主黨經濟政策副發言人、　　）
2009 年 1 月 15 日

＊ 此信副本送交各司局長、立法會議員和傳媒機構。

Joseph Yeung Che Keung
President, HK Industry Commerce & Professional Assn.

Blog :

A Historical Observation of Functional Constituencies

Functional constituency has been a long debated topic in Hong Kong. Indeed, for those who have keenly followed the issue, the major arguments are all too familiar: those who support the abolition of functional constituencies consider the system to be unfair and undemocratic, protecting only groups with vested interests, whilst those who disagree argue that functional constituencies can consolidate the interests of important professional sectors and prevent the overflow of populism, ensuring proper decisions on key issues which might otherwise tumble into the realms of playground politics.

No matter on which side you stand, it is important to keep in mind that the ultimate goal for any political system is to balance the interests of all parties and build a harmonious society. A social system can never be absolutely fair, nor can it be directed by a small group of professionals indefinitely. A viewpoint without communication and compromise is nothing but fundamentalism. Any political decisions should take into consideration every voice. The core professional class of Hong Kong should never be ignored in the name of 'fairness' or 'democracy'. As one of the major powers of society, the industrial and commercial sector has made great contributions to Hong Kong's prosperity and stability. The careers of many industrial and commercial professionals are based in Hong Kong, and they have in turn contributed to the development of society. On the other hand, we should not limit consideration to professional opinions, ignoring public voices from Hong Kong's citizens, irrespective of social class. It is both the natural evolution of society and the desire of the people to further improve the political system and align it with post-handover ideals.

From a historical perspective, functional constituencies are a longstanding reality. Regardless of popular acceptance, the system is in operation at present and has been for some time. Widespread criticisms of its defects are to blame for bringing about a negative image of its being controlled by a single group of politicians colluding with businessmen. This pre-determined perception of inadequacy places absolute limitation on the system's development, rendering it incapable of self-renewal in line with natural evolution. During the 2008 Legislative Council Election, candidates from some functional constituencies take 'sector interests' as their sole guideline, leading others to believe that they are running for Chairman of the Labour Union. By reinforcing the role of professionalism in its political philosophy, functional constituency is endowed with the function of stabilizing a diversified Hong Kong by providing equal opportunities to those from all walks of the society. A professional may join regional elections as a citizen, or vote as an industry elite. Such systems, whilst successful at the outset, raise public objections over time due to the monopoly that those with a vested interest hold. Therefore, the good intentions of the system's designer are laid to waste.

How can the smooth transition of this barely satisfactory system be achieved in a peaceful and fair manner? Perhaps it is unwise to reject the concept of this 'charmed

circle' that is an integral part of our historical development and is yet incapable of self-renewal. On the contrary, we might strive to improve this circle by increasing participation and enhancing public acceptance. Only in this way can the original intentions be preserved, and the system kept up to date.

The concept of the functional constituency was established by the British Hong Kong Government, and then inherited by HKSAR in the interests of social stability. However, due to the economic development of China, global industry transformation and the rapid development of new technology, no system can survive without adjustments in light of
surrounding changes. Any systems, professions, laws or ethical values, as they are, should reflect trends and make corresponding changes. Functional constituencies in particular need to enhance public recognition by understanding public opinion and making appropriate adjustments to the division rules. For example, such constituencies might consider adding representatives from new industries as well as newly-established commercial associations (such as the culture industry) or even non-professional communities, to fully reflect its philosophy of 'balanced participation'. In this way, such 'charmed circles' may become a mouthpiece for the people and meet the demand for innovation of the political system. Functional constituency and its contribution to the political history of Hong Kong may at last be commemorated.

In conclusion, the focus at present should be upon making appropriate adjustments based on Hong Kong's current situation, guaranteeing the right of every citizen to work and live. In the existing legal system -according to the Basic Law- constitutional reforms will only be submitted to the Central Government for approval after obtaining the consent of no less then two thirds of all Legislative Council members. This system prevents any parties from easily achieving their desired results. To put it simply, problems will remain unsolved if the majority of representatives from functional constituencies don't support the solutions.

立法會 CB(2)699/08-09(01)號文件

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聯合國人權理事會普遍定期審議機制
香港特別行政區的報告意見

香港就聯合國人權理事會按照普遍定期審議機制所撰寫的報告，作爲中國報告的一部分將於二月九日審議。眾所周知，香港特區自成立以來，一直致力推廣和保障人權，並取得穩步進展，成績有目共睹。

該份長達近三千字的報告，闡述了香港推廣和保障人權的框架和措施，並描述了在各人權範疇內的發展、成績及所面對的挑戰。

本人認同報告中所說，《基本法》在憲制層面上確保了香港特區的人權和自由，包括法律上平等、言論和新聞自由、結社自由、集會和示威自由、免受不法搜查或闖進家居或其他物業的自由、通訊自由和秘密、遷徙自由、宗教信仰自由、依法享有社會福利等。《基本法》也保障了香港永久居民法律賦予的選舉權和被選舉權。

社會上就人權事宜常有不同的意見和建議，政府亦願意透過不同渠道的收納，在某種程度來說，其實已是一種尊重人權的體現。有意見認爲應效法外國，考慮在香港成立人權委員會。本人同意報告所指，現有的架構行之有效，因此並不需要另起爐灶或架床疊屋再成立另一個人權機構，無謂浪費資源。

在香港的歷史上，《基本法》爲香港政制發展第一次訂下普選的最終目標，而落實普選的時間表已經訂下來。交予聯合國人權理事會的報告，亦簡明闡述了未來幾年香港政制發展的路向。可是，立法會的反對派議員屢爲香港政制要按其意願發展而大做文文

章，甚至在議事堂中辱罵政府官員，做出醜陋行爲，活該被逐離場。正如政制及內地事務局局長林瑞麟說，今屆政府已爭取到普選時間表，成就已超逾前任政府，只是反對派不斷提高叫價，令政改寸步難行。

政府計劃在今年上半年，就政制發展進行諮詢，將以人大常委在2007年底提出的普選時間表爲框架，了解市民選舉辦法的意見，包括是否需要增加立法會議席，以及行政長官的提名門檻有否需要降低等。在有關諮詢中，市民有廣闊的討論空間，正是公民權的最佳體現。

報告其他內容令人獲悉，加強保障人權的最新措施包括：在2008年7月通過《種族歧視條例》、《投訴警方獨立監察委員會條例》；隨着《殘疾人權利公約》自2008年8月31日對中華人民共和國生效，該公約亦適用於香港特區；香港婦女和兒童的福祉和權益亦備受重視。本人欣賞當局在近年建立常設渠道，包括人權論壇、少數族裔人士論壇、少數性傾向人士論壇和兒童權利論壇等，溝通交流，增加了解，都是有利推動和保障各種人權工作。

本人認爲，香港在金融海嘯影響下，2009年經濟絕不樂觀，社會上不同階層要求政府做得更多的聲音，相信會持續增加。政府需要聆聽社會各界的意見，並平衡社會不同利益。政府必須確保所推行的措施配合香港實際情況，除了「穩金融、撐企業、保就業」措施，更應關注弱社群，在需要時推出進一步的措施，希望能令香港逐步走出困境，在來年向聯合國人權理事會提交一個漂亮的人權報告。

東區區議員
楊 位 醒
2009年1月16日

政改步伐不容再拖 強烈促請特區政府恢復政制發展諮詢

行政長官曾蔭權於1月15日的立法會答問大會表示，會將政制發展的公眾諮詢押後至今年第四季舉行，泛民主派議員認為這是證實了他在參加2007年行政長官小圈子選舉時要「玩辣勁」、為普選提出「終極方案」的承諾，泛民主派立法會議員強烈譴責行政長官出爾反爾，推翻承諾，並對其押後公眾諮詢決定深感失望和憤怒。

行政長官一方面會表示普選問題上必須得到充份時間尋求共識，現時卻以改善經濟為理由，押後政制發展諮詢，拖延民主之心，眾人皆見，這不但反映特區政府辦事不力，更沒有意願履行推動雙普選的憲制責任。

在金融海嘯下，改善市民生活固然十分重要，但2012年的政制發展方案，同樣是社會重大課題。事實上，振興經濟和進行政改諮詢完全可以同步進行，因此我們不接受特區政府試圖將經濟與政治二分化，借應付金融海嘯之名，拖慢政改步伐落實，淡化市民對爭取雙普選的訴求。

落實民主政制是泛民主派和大部分香港市民多年來的共同願望，我們絕不容許特區政府再有任何拖延，我們促請特區政府馬上展開政制發展諮詢，讓社會有充份時間討論，在2012年落實行政長官及立法會議員雙普選。

泛民主派立法會議員

甘乃威、黃成智、李永遜、何俊仁、張文光、李華明、鄭家富、涂謹申、劉慧卿、梁家傑、吳靄儀、陳淑莊、黃毓民、何秀蘭、湯家驊、李卓人、梁國雄、李國麟、張國柱、余若薇、馮檢基、梁耀忠、鍾偉業

2009年1月19日

民主黨立法會議員秘書處
Secretariat of Legislative Councillors of The Democratic Party

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民主黨對香港特區

聯合國人權理事會普遍定期審議機制報告的意見

<u>報告的草擬及諮詢工作馬虎</u>

1. 這是特區政府提交給聯合國人權理事會的首份報告，內容應該包括推廣和保障人權的架構和履行國際人權公約的情況。有別於以往特區政府提交給其他聯合國與人權有關委員會的報告，這份報告內容粗疏簡單，更沒有提及香港社會廣泛關注的人權事務；對於多個聯合國委員會在審議香港實施不同人權公約的結論中提及的多個關注事項及建議，亦沒有交代進展。
2. 報告指特區政府在2008年9月曾就報告的內容進行諮詢，然而，諮詢過程倉促，毫無誠意。以立法會爲例，當局在9月2日向立法會秘書處發出諮詢文件，議員於9月5日接獲文件，知悉諮詢期在9月13日完結。當時立法會會期已結束，議員和政黨在準備9月7日的選舉，因此無法舉行會議回應諮詢。報告指當局曾透過人權論壇聽取非政府組織代表的意見，但報告並沒有列出非政府機構在會上提出的意見。
3. 因此，民主黨將派代表前往日內瓦旁聽聯合國人權理事會於2月9日舉行的會議，並向理事會反映香港人的訴求。

<u>不民主的選舉制度</u>

4. 在立法會的選舉制度下，大部份市民只有一票選出立法會議員，而小部份人士則有多於一票，選出功能組別議員。行政長官是由800人組成的小圈子選出，這是違背了公約保障的平等參與公共事務的權利，聯合國人權委員會亦已指出這是不符合《公民權利和政治權利國際公約》的規定，報告並沒提及，

5. 報告指人大常委決定2017年行政長官可由普選產生，而在2020年所有立法會議員可普選產生，卻沒有提及中央政府的決定，是漠視大部份市民希望在2012年前實行全民普選行政長官及所有立法會議員。而且，當局提出2017年普選行政長官及2020年普選立法會，但未有清楚交代選舉安排，更不肯承諾必定會取消功能組別，給人的印象是選舉並非真選舉，安排更很可能會違反《公民權利和政治權利國際公約》的規定。

6. 行政長官曾蔭權在一月十五日宣布延遲政制發展諮詢，引起民主派人士的強烈不滿。曾先生在2007年參加小圈子選舉時，承諾在其任期內爲普選提出「終極方案」。他於去年發表的施政報告亦明確表示：「我們將於明年上半年就2012年的行政長官和立法會產生辦法諮詢公眾。我希望社會各界及不同黨派能夠以務實態度，充分利用這幾年的時間，就 2012年選舉安排達成共識。」言猶在耳，他卻推翻承諾，指政府「考慮到現在經濟困難的高峰期很可能在今年上半年出現，大家的主要關注是經濟民生問題，未必能集中精神討論三年後的政制問題」，因此決定將政制發展的公眾諮詢押後至今年第四季舉行。行政長官在去年十月發表施政報告時，金融海嘯已席捲全球，現卻以經濟爲理由，拖延政制發展諮詢，理由牽強，不單給人無能和缺乏承擔的感覺，更令人質疑政府一心拖延民主，押後諮詢，目的是要令市民沒有充份時間尋求共識，讓當局最終匆匆決定，繼續拖延發展民主政制。

7. 香港部份區議員由政府委任產生，亦是政制不民主的重要議題。在2007年，一些曾落敗的候選人，竟獲政府委任爲區議員，政府於2005年提出政改方案，社會要求取消區議員委任制度，政府並未聽取，更建議委任區議員可成爲選委會委員，選出行政長官，這安排令人無法接受。

8. 在行政長官和主要官員都並非由普選產生的情況下，除了三位司長和十二位局長，政府更擴大了政治委任制度，加設多名高薪的副局長和政治助理的職位，曾先生希望透過這些人士伸延其權力，這做法引起廣泛不滿，更令其民望大跌。

對自由的限制

9. 報告指特區的人權和自由受到《基本法》保障，但事實上，政府是透過各種手法，限制市民的自由。

10. 首先是出入境自由。不少民主派人士，包括民選的立法會議員及區議員，不獲中央政府發放回鄉證，因此不能到內地工作及探親。在沒有任何犯罪紀錄、不獲任何解釋的情況下，這些中國公民被中央政府無理剝奪回內地的權利，特區政府未有盡力跟進，報告更對這問題隻字不提。

11. 香港市民享有的新聞及言論自由，近年受到的限制和威脅亦日漸增加，打壓民間電台是一個例子。一直以來，民間社會清楚要求設立公眾頻道，作爲市民發表意見的平台，但特區的廣播政策落後，引入數碼聲頻廣播已討論了十年但仍無進展，因此無法撥出數碼頻譜，供民間使用，以致一直只有三間電台提供廣播服務。隨著近年傳媒自我審查日益嚴重（多項研究和民意調查顯示越來越多市民和新聞工作者感受到本地傳媒的自我審查），反對中央和特區政府的人士和團體難以找到表達意見的平台，部份持反對聲音的社會人士因而在2005年底成立了民間電台。

12. 民間電台向當局申請牌照但被否決，當局更以頻譜緊絀爲藉口，宣稱該台使用FM102.8頻率會干擾政府服務。自2006年底，當局多次引用《電訊條例》，控告該台的負責人和參與電台「非法廣播」的人士。地區裁判法院裁定電訊條例違憲，當局提出上訴，更申請民事禁制令禁止廣播。當局執法準則亦成疑，更選擇性執法、不檢控親政府陣營的賓嘉。民間電台正準備將該案件上訴至特區的終審法院。

警權監察不足

13. 聯合國的其他人權委員會曾多次建議香港改善處理投訴警察的機制，使投訴個案可得到獨立調查，而建議更應對當局有約束力，特區政府卻拒絕接受。報告指《投訴警方獨立監察委員會條例》加強了投訴警察機制的透明度和獨

立性，然而，警方獨立監察委員會「無調查權」、「無定案權」及「無處分權」，令委員會無法有效制衡警權以保障市民的權利。

保障人權機制欠完善

14. 聯合國多個委員會都曾建議特區政府考慮按照《巴黎原則》成立一獨立的人權機構。特區政府卻以香港有人權法案、平等機會委員會、私隱專員公署和申訴專員公署，甚至傳媒作等爲籍口，拒絕成立獨立的人權事務委員會。然而，人權法案的約束力只限於政府及公營部門，市民面對私營機構時，條例未能提供保障，而且沒有調解機制，市民的人權遭受侵犯時，難以透過昂貴而冗長的法律程序尋求法律的保障。平等機會委員會的職權只限於數條保障市民免受歧視的法例，遠低於人權委員會的權責。私隱專員公署只保障在個人資料方面的個人私隱權，而申訴專員只獲賦權調查市民就政府部門的行政作爲的投訴，並作出報告，聯合國人權事務委員會更曾對申訴專員權力有限的問題面示關注，例如專員的職能不足以監管警方辦事疏忽的情況。可見，這些零碎的法例和機制，都不足以履行人權委員會的職權。

人權教育不受重視

15. 報告指特區當局十分重視以公眾教育和宣傳來推廣人權，這並非事實。政府曾表示人權教育只是公民教育所涵蓋的廣泛層面中的其中一個範疇，而公民教育卻包括愛國教育，這部份所佔的資源遠較人權教育爲多。2007/08年，民政事務局通過公民教育活動資助計劃資助了152項公民教育活動，其中只有6項是人權教育，資助額爲16.3萬元，而國民教育及推廣《基本法》則有17項，資助額爲59.5萬元。政府在2007年重組架構後，公民教育委員會轄下的人權教育工作小組更已被解散。

民主黨秘書長 張賢登

二零零九年一月十九日

> From:
> To: "CEO" <ceo@ceo.gov.hk>
> Sent: Saturday, January 24, 2009 5:24 PM
> Subject: Delay the Consultation from public for Universal suffrage
>
>
> Dear Mr. Tsang ,
>
> Even Hong Kong is undergone a downturn on economic, there is a clear
> indication
> that most Hong Kong People supports a Universal suffrage for both CE and
> legco.
>
>
> If you abandoned your pledge - starting the consultation from public for
> Universal suffrage in early 2009, Hong Kong people will not heartily
> support
> your administration during this critical moment.
>
> Please count me in,
>
> Lau Chung Kai
>

香港民主民生協進會
Hong Kong Association For Democracy And People's Livelihood

致 特首曾蔭權先生：

落實普選咪吹牛 九牛二虎保民生

民協成員趁著農曆大年初二，到禮賓府向特首拜年，民協代表向特首送上桔及吹氣牛，喻意特首在落實普選、政制改革上"唔好再混吉及只識得吹牛"。另外，民協亦向特首送上新春賀年禮品「一堆角仔」，希望特區政府未來一年"唔好後知後覺"要先知先覺，體察民意、改善民生、消除貧窮。最後，代表送上收集了市民對新一年財政預算案意見的"民協牛年全盒"給特區政府，以反映市民意見並促請政府振興經濟、促進就業、增撥資源扶助弱勢社群，做個負責任的政府。

民協主席廖成利指出，行政長官曾蔭權把政制改革由原定上半年押後至第四季才進行諮詢，違反當時競選特首時的承諾，出爾反爾，民協促請特區政府盡快恢復諮詢工作，讓社會可以有充分討論，以便二零一二年落實雙普選。廖成利批評政府以改善經濟爲由押後諮詢，是拖延民主，不但反映政府辦事不力，更沒意願履行推動雙普選的憲制責任。民協認同在金融海嘯下，改善市民生活十分重要，但振興經濟和進行政改諮詢完全可以同步進行，不然政府請埋這麼多副局長、政治助理做什麼？民協不接受特區政府試圖將經濟和政治二分化，借應付金融海嘯之名，拖慢政改步伐爲實，民協對此感到失望和憤怒。

民生方面，廖成利認爲，金融海嘯對香港的影響逐步浮現，企業倒閉潮和裁員減薪潮接連發生，失業率勢將上升。對基層市民的打擊尤爲嚴重，可是現時市民若因失業而出現經濟困難，唯一的幫助便是領取綜援，但綜援對失業人士來說既缺乏彈性，標籤效應影響社會和諧，同時亦增加了綜援制度的壓力，未能配合短期失業人士的需要。因此，廖成利建議政府動用 10 億元，設立領取限期爲六個月的「短期失業援助金計劃」，以更具彈性和更適切的方法，爲經濟出現困難的基層失業人士提供支援，發揮第二安全網的功能。

另外，廖成利促請政府成立社會企業總公司，協助被市場淘汰的失業人士就業，增撥資源協助弱勢社群就業。同時，廖成利建議政府注資成立社會發展銀行，爲中小企提供信貸服務，回應市場的不足，爲中小企及社會企業提供信貸、融資和顧問服務，推動中小企及社企的發展，以振興經濟、促進就業。

最後，廖成利認爲政府每年提供給長者 250 元的醫療券，真是少得可憐，亦未能眞正做到減輕公立醫院的負擔。她建議政府擴展醫療券的受惠對象至所有 65 歲及以上的長者，並向 70 歲及以上的長者提供的醫療券津貼增加至 1,000 元。同時，民協亦關注現時香港約有 373,400 名的兒童生活在貧窮線下(即家庭入息中位數一半或以下)，社會有四分一貧窮兒童，可見問題的嚴重，在金融海嘯的衝擊下，這些家庭面對的生活更困苦，民協促請政府必須正視貧窮對兒童帶來的影響及問題。

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廖成利（電話： ）

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中華人民共和國
香港特別行政區
香港禮賓府
行政長官辦公室
行政長官曾蔭權先生

曾先生：

2008 年金融海嘯襲港，港人生活艱難。展望牛年，香港市民除了希望牛市興旺外，大家都期待著一個等待多年的共同願望---普選。

如果說 2008 年是「奧運年」，那麼 2009 年應該屬於「民主年」，因為與中國民主息息相關的事件，都將會在今年舉行大型紀念活動，其中包括五四運動 90 週年、中華人民共和國成立 60 週年、六四民運 20 週年等。泛民主派和大部分香港市民都希望特區政府能藉著「民主年」，盡快落實雙普選，讓市民可以透過一人一票，普及而平等的選舉選出特區政府及立法會，使香港甚至中國的民主進程跨一大步。

一直以來，香港市民對普選行政長官和所有立法會議員皆抱熱切期望，多年的民意調查和七一大遊行，均顯示香港市民對爭取民主和自由的決心和堅持。

最後，我們促請特區政府恢復展開政制發展諮詢，讓社會有充份時間討論，在 2012 年落實行政長官及立法會議員雙普選。假如香港能夠實現真正民主，我們相信這就是特首在牛年送給香港人的一封大利是。

祝
民主進步
普選成真

民主派立法會議員

何俊仁	甘乃威	李永達	李華明
李卓人	李國麟	余若薇	吳靄儀
梁家傑	涂謹申	何秀蘭	馮檢基
陳淑莊	張文光	張國柱	湯家驊
陳偉業	黃成智	鄭家富	黃毓民
劉慧卿	梁國雄	梁耀忠	

2009 年 1 月 27 日

(編者註： 來函附揮春 9 張，不在此刊載。)

CDA085

北區民主黨議員工作隊

黃成智議員辦事處：✆ 2672 9444 🖷 26716444
潘忠賢議員辦事處：✆ 2675 7606 🖷 2675 7550
羅世恩議員辦事處：✆ 2669 0618 🖷 2669 2217

黃成智立法會議員　潘忠賢　羅世恩北區區議員　周錦紹　莫兆麟　李立航

本函編號：NDDP-002-02-09

致：行政長官曾蔭權先生

促請盡快進行政制發展諮詢　　全面落實 2012 雙普選

閣下　曾在去年的施政報告明確表示要“充分利用這幾年的時間”，就 2012 年選舉安排達成共識。但上一個月，閣下　卻自己推翻了自己在施政報告上許下的承諾，將政制發展的公眾諮詢押後至今年第四季舉行，我們擔心社會各界沒有時間為普選凝聚共識，最後，只推出一個不民主的制度，迫市民接受。作為市民的代表，我們對　閣下背棄承諾的作為予以嚴厲譴責。並促請　閣下及特區政府盡快展開政制諮詢，使社會就各個政制方案有足夠的時間討論，讓民間各項意見可以有互相辯論的空間，這是公民社會所必須的程序。壓縮諮詢空間，只不過顯示當權者懼怕市民對民主的訴求。

採用真正的民主選舉，選出行政長官，和全體的立法會議員，才會政通人和，施政才會得到市民認同。這點道理，顯淺易明，抗拒民主的到來，我們預見政府未來的施政會日益困難，也只會令市民愈來愈不相信特區政府。

最後，我們再次促請　閣下收回延遲政制諮詢的決定，盡快諮詢公眾，讓全香港的市民有足夠的時間為 2012 年雙普選凝聚共識。順頌

工作順利、政通人和！

北區民主黨議員工作隊 謹啟

2009 年 2 月 12 日

2012 特首选举（提议）

(一) 参选人：以個人身份報名，可否不設限制？
（奥巴馬事前沒人可知他会當选）

(二) 評委会：可否改由原有的組織：立法局
及区議会来担任評委。
两個評选組比单一評委評选更符合民
意、更合理。
（美国两党（可视为两大組）来評选参选人）

参选人经競选过程才可任候选人。競选过
程真真是一次金港政治大教育，对政党及
原政权民主生活都有利！

(三) 为了更公平 各組帮选剩两人交換参选人再
进行一次競选。

(四) 候选人数最后务必是两個。多一個或
少一個对选举结果都会造成坏影响。

(四) 投票者：全体政府公务员。
2012 不普选，由全体公务员来选自己的首長比任何
人或評委更有资格！！

有選舉不等於有民主

金山阿伯

香港政改叫暫停，爲什么？香港九七回歸至今因“選舉”問題爭論了十幾年仍無法取得統一。又爲什么？……根本焦點只有一個：對“選舉”未有統一見解。

不論泛民主派或負責政改高官　因對“選舉”認識不同和各存有偏見才令問題無法統一認知。思想觀點不能一致怎樣去協商？

（A）有“選舉”不等於有民主。……高官們同意嗎？泛民主派們同意嗎？

（B）“台式”選舉法不值得學習！反應廣泛深入批判它，免它再毒害台灣民眾。此論調泛民主派們同意嗎？

（C）選舉在“基本法”已有明文規定。因此爭論焦點不是“要不要”或“何時才合適”。而是我們的立法局有否統一認識、有沒有一個公認行之有效的選舉法？若有、又能獲特首認可、就可報請中央批示。有嗎？爲什么沒有？……60位尊貴的立法局議員們：請放下一切個人政見！集思廣議尋找出一個適合香港的真民主選舉法。可以嗎？此主要矛盾一解其它就可迎刃而解。因它只是方式方法問題不含任何有血有肉政見應較易取得一致認同。

我對香港多次的“假選舉”很冷感甚至厭惡！此種選舉法視民眾如“阿斗”選民決不熱衷。而“台式”不民主選舉令人感到恐懼！此種爭權奪利的選舉必是禍國殃民。不值得提倡！當今世界它仍大有市場。應發動媒体對其大批判、並懇請馬英九能修訂它。要選舉就要向美國好好學習。“美式”選舉才是真正民主選舉。它有大量實踐証明是行之有效。能促進社會和諧、促進民主進程、能提高國民政治覺悟、能促使政党及當政者自我審查自我改正。每一次選舉都會有不同程度的提高。不斷“量變”中尋求“質變”。經二百多年和幾十次的“量變”，美國由初始的奴隸制社會再加嚴重種族歧視發展至今、奧巴馬之當選更向世界証明：“美式”民主選舉法是先進可行之方法！！！

強調“選舉法”的“法”字，是因爲很多選舉因不得“法”而出現反效果。學美國搞選舉而不學它的方式方法如同服毒。台灣李登輝在台搞選舉被譽爲台灣民主之父。我極不認同！我認爲：李登輝是台灣民主之敵！有現成美式民主選舉法不用、偏要搞個不三不四的李氏選舉法毒害了台灣人民。下面的分析請評論：

一）參選人：“美式”參選人可多達廿人，不代表任何政党、種族、宗教、財團、純以個人身份參選。“台式”參選人是代表政党參選（宋先生欲參選唯有退党再組党參選）。二）候選人：“美式”必經公開辯論競爭選出。無黑箱作業、事前無人可預知結果。“台式”沒有民主競爭過程、完全內部協商認定。三）候選人數：“美式”是由兩大組人（不必視爲兩党）評選誕生，必然只有兩個候選人供選民投票。“台式”候選人數是未知數。多一人或少一人對投票結果都會造成極壞影響。四）投票結果：“美式”因有前三項有效措施保証、結果必是皆大歡喜：“舊領導下台、人民消了氣；新領導上台、民眾又有了新希望”。輸的是

參選人自己、不會有派性再抗爭。"台式"結果必然是：對抗更加劇。因選舉是假、利用選舉爭權奪利是真。政治野心家代表党"勝爲王、敗爲寇"豈會妥協認輸？豈有不再抗爭之理？更可悲是少數當權、令政權無能執政。受苦始終是人民！可憐台灣人民不是爲民主而付出，他們是最大受害者。被李登輝不民主選舉法所害，被陳水扁之流的政治野心家利用。有選舉不代表有民主、無選舉亦不代表無民主！！！世界各國政權均更重視法治、重視合約精神。民生、民權、自由、平等這些普世價值觀已越來越被認同。

香港要搞好政改、必需先要邁出第一步：選舉法必需是"美式"真民主選舉法！！！堅決抵制一切"假選舉法"或"不民主選舉法"。爲了可實現此真民主選舉法亦可作一些必要妥協。例如：2012 不普選特首。沒關係！香港公民只是暫時不去投票而已。但 2012 一定要用真民主之選舉法來選特首，我們沒得投票可以拜托給政府全体公務員代投票。只有全体公務員才有權投票、這就不算"普選"應是上下各方都可接受之妥協方案。公務員選自己的首長比任何人更有資格。2012 年如何去選？用什么方法去選才是主要矛盾所在。

何爲真民主選舉法？（一）參選人：以個人身份自由報名。何君是真賢聖只有競選后才知、不宜事先多阻繞。（事先沒人知奧巴馬會當選）（二）候選人：參選人競爭當候選人之方式方法和全過程的公開、公平、公正，是民主選舉成敗之關鍵。亦是体現民主之靈魂所在。（奧巴馬與希拉莉馬拉松競選過程是此次選舉之精華）。1）每對參選人均要闡述個人治國理念、提出欲執行之政策又要批駁對手之政策，爭取選民認可自己。經反覆篩選才可選出候選人。2）候選人必須只有兩個才可交選民投票。美國由兩党（我們可視之爲兩大組）來分別篩迭參選者，我們可由立法局和區議會分別去負責評選。參選人可自由報名其中一組。不怕參選人多、一對一對去篩選。二選一再反覆去競爭。最后各組篩選剩兩人就可進行交換、然后再競爭一次。（三）交選民投票決定。因 2012 暫不搞普選，所以候選人可交政府全体公務員來投票。

有此第一步何愁 2017 年沒有真正的民選特首？至於立法局之選舉法和改革方案由真民選特首來領導進行豈不更妙？眉毛胡子一把抓會什么也抓不到，想一步登天、一口吃成胖子亦不現實。切勿重蹈"寧可原地踏步亦不妥協半步"之錯誤。斗爭要講天時地利人和亦須會妥協更要注重步驟和策略。爲香港好、更應能主動去團結一切可團結之力量。60 位議員不必爭功更不可攻擊他人。務必令第一套 2012 年特首選舉法一致通過。有此一役，其它問題必可迎刃而解。

謝謝大家能耐心閱看。歡迎批評指正。

作者：佘金山。　　2009。2。12。

地址：

財政司長 曾俊華、金融總裁任志

香港的民主及普選之路（歡迎上網、傳閱）

一、民主是甚麼？

民主不是炫耀自己、抬高自己，挑釁別人，任何挑釁別人，抬高自己的行爲都是對民主的無知，都是自毀民主前途的行爲，民主不是甚麼認同不認同，只要認同某些人當主人就無福負責的的奴隸思維，這是貶低喪送香港人的民主及普選的尊嚴，最無恥的理論。

民主是以自己有決定權的概念做好自己的事情，是有承諾，有責任尊嚴的態度。

香港的民主是香港人以自己有決定權的概念做好自己的事情，不是反中，不是洋奴自以爲是甚麼精英尋找主人幻影的認同；不是爲政客投機份子勾心鬥角踐踏市民升官發財的道路。

香港人擁有做好自己事情的民主是香港人應有的基本尊嚴，完全合乎民族利益、國家利益、港人利益；完全合乎中央一國兩制、港人治港、高度自治的方針。香港走這樣的民主道路，沒人有理由反對，有權力反對；世界人民、國家同胞沒理由不支持，不歡呼；中央沒理由不支持，不歡呼！

二、團結起來即刻行動，指出香港政府的罪惡，非普選政改不能消除。否則何必要「普選」呢？

儘管台獨的理念與統一相牴觸，儘管陳水扁罪有應得，已成爲我們民主之路的前車之鑑。但無論如何，陳水扁一幫人也曾轟轟烈烈走過自己要走的路，難道在自己國家的土地上，反對分裂的愛國愛港的香港人不如陳水扁嗎？爲何不敢大聲說話，要民主！要普選！請所有有自尊的香港人站出來，團結起來，爭取民主普選，否則，香港人在世上，在自己的國土上、在自己的同胞，在自己的晚輩面前，連這點都不如陳水扁，還有甚麼尊嚴、面目做人？！還有甚麼發言權！？

愛國愛港愛民主的人士，絕不應是中央一些官員缺乏自信巴結溪奸的禮品；絕不應是圍繞在溪奸腳下的小狗；請看看劉光華等人是甚麼樣子，顛三倒四的，難道，讓同胞在港英餘孽面前失去做人的基本尊嚴，是積累先烈鮮血的國力，收回香港的目的嗎？

當前有充份證據證明了曾蔭權政府已完全離開民主，離開了《基本法》，腐敗無能，無誠信，再繼續下去，香港政風、社風必敗壞無遺，香港必暗無天日。這時香港人再不走自己的民主道路，只能說明香港人原來是只會叫民主，並不懂甚麼是民主的一群人。

請一些政客不要再利用「普選」「政改」撈個人利益跟政府官員婆婆媽媽，若即若離了。請站起來，團結起來，即刻行動，一定要大力宣傳，指出現實政府的罪惡，官官相衛，法官都成堆的無恥的舞弊，誓署任意強姦少女，政府官員一個個的以謊言，非誠實的邪惡手段處理公務，回應市民，而自覺精明，不知羞恥。甚麼國際金融中心，原只是，官商勾結，幫助外國剝削欺騙同胞的中心，只有民主普選才能有權令它公開公平，改變它的性質。這些不勝枚舉的政府罪惡，一直破壞著香港人與人，市民與政府之間的誠信，破壞了香港的生產力，這些政府罪惡已非「普選」不能消除！還要大力宣傳，要把掩蓋政府罪惡撈個人好處，反對民主普選的人民公敵暴露出來，唯有這樣的堅決的、無所懼的、正義凜然的指出政府的罪惡，指出「政改」「普選」的必要性，才能激動人心，才能團結人心。「普選」政改才能成功。

三、團結起來，即刻進行普世價值觀承認的普選，接管香港政權。

當前香港的「普選」方法（謹供參考）：必須爲普遍無可質疑的民主方式。

香港當前的環境，可登報：先組織一「最高長官」普選委員會，接受「最高長官」候選人報名，以有候選人之名及選民身份證影印本的 A4 紙當選票，選民投票時期可長達半年等。

四、誰適合當香港「最高長官」？

1. 必須對民主有正確的認識及素養，要不卑不亢，不媚不鄙，不要看到有地位的人、有錢人、洋人就一種心態、一種眼神，看到平民又另一種心態、另一種眼神。香港前議員李柱銘、國家前總理朱鎔基皆不適合，不要像陳水扁看到金錢就變得下賤了。
2. 必須有相應的旺盛的不言倦的精神、體力，必須對民主有承擔及犧牲的精神，一旦當選後，可無做無懼的、不懈的、當之無愧的、出師有名的、死無遺憾的帶群眾前往禮賓府接管香港政權。這是香港民主成敗的關鍵。本人認爲社民聯的陳偉業、民主黨的何俊仁等等較爲合適。

民主是走出來的，不是叫出來的，不是哀號、乞討、漫罵出來的。若香港沒有一個人敢站出來走民主道路，香港的人說明了甚麼？只是一群可恥，可憎的奴隸、騙子而已！

2009/2/14 李治南

台灣“非民主選舉法”值得學習嗎！

作者：金山阿伯

本人決無意去冒犯台灣人民。在此只作爲學術問題與大家研究、討論。香港正面臨決策：2012年如何進行特首選舉？是走老路：繼續搞假選舉還是學台灣立即進行雙普選？或是循序漸進盡早實現香港真正民主選舉？這問題很自然就要觸及到對台灣選舉之看法。“有普選就是有民主；無普選就是壓制民主就是反民主。不允許任何人或政權去剝奪人民的投票權！”……這是香港泛民主派最主要的觀點。但是像台灣那樣搞選舉就是最好嗎？早一屆或晚一屆真是如此重要嗎？有無真正的民主選舉方式是否更爲重要些？？？

有選舉……..不等於就可得到民主。

沒選舉……..不等於沒有民主。

何人當政是否最重要？當政者以何方式、何政策來執政是否更重要？！

選舉只是一種方式方法而已。香港的“假選舉法”因視民眾如“阿斗”、選民必是冷待之。“台式非民主選舉法”政治野心家搞好選舉是假、利用選舉去爭權奪利是真。禍國殃民的選舉真正受害是選民！！！要選舉就一定要向美國好好學習。學美國搞選舉而不學其方式方法如同服毒。台灣是最好的反面教材！有泛民主人士一再要我們香港學台灣、立即雙普選。幸好香港選民覺悟高、立法局多數議員立場堅定不動搖、香港才可力保穩定。

關於選舉，中央及基本法早已肯定。在香港從來沒有“不要普選”的危機。爭論點始終不是要不要普選、也不是何時才能有普選的問題。真正焦點是：循序漸進！尋找出適合香港的真正民主選舉法。至今此法仍未獲認真討論過。各政党仍未認真去對待此問題。泛民主派人士也許未能理解爲何寧拖遲也不草率舉行。現在有兩個現成樣板（2008 美國選舉和 2008 台灣選舉）供參考，如能認真比對必有所獲。

寧可暫時不普選、也決不搞會導致禍國殃民的非民主選舉！香港正等待 60 位立法局議員能團結一致、早日凝出一套適合香港的真正民主選舉法。主要矛盾一解決、一切就可迎刃而解。未有真正民主選舉法就去搞普選是最爲不智。

“台式”和“美式”之對比　（歡迎批評指正）

（一）參選人：…….“美式”參選人可多達二十人。不代表任何政党、種族、宗教、財團，純以個人身份參選。“台式”參選人是代表政党。（宋先生爲了能參予競選、唯有退党再組新党參選）……..此種選舉制度不令社會分裂才真怪！！！

（二）候選人：…… “美式”必經公開辯論競爭。過程必讓選民可全方位了解參選者、亦可清楚每一參選人欲以何政策管理國家。通過篩選才成爲候選人。“台式”完全沒有民主競爭過程。完全是黑箱作業、內部協商認定。……嚴重違背民主選舉精神。

（三）候選人數：… “美式”是由兩大組人（不必視爲兩大党）評審選出。必然只有兩個。“台式”候選人數是未知數。多一人或少一人對投票結果會造成極嚴重反效果。（陳水扁少數當選、造成無效、無能執政，受害還是廣大選民！）香港可否以立法局和區議會兩組來任評審團？不必另設評委是否更民主、更妥當？

（四）投票結果：… “美式”因有前三項有效措施保証，結果必然是皆大歡喜。“舊總統下台、人

民消了氣，新總統上台、人民又有新希望。”只是參選人自己一人輸。“台式”因其選舉法之非民主性，造成后果有目共睹。政治家代表党競選、“勝爲王、敗爲寇”豈會妥協認輸？；政治野心家利用了非民主選舉，令選民選了一個“假聖人”來坑害自己。此種犧牲是值還是不值！？

爲什么要選舉？……這雖然是極普通問題。但它之答案卻五花八門。理解不同、選擇不同、所設計的選舉方式方法就會有所不同。……

（A）爲了自已的党可成執政党。（B）爲了可選明君打救我們。（C）爲了体現人民當家做主。（D）爲了可全面檢討執政之政策、通過選舉令全民可提高覺悟和統一認識。

最多民主人士強調：雖然不能保証選到真“明君”。但人民不必使用暴力、只用手中一票就可罷免不合格之當政者。（可憐選民只好一再怪自己跌眼鏡，要一再選舉一再失望！因爲世上沒有不犯錯的“聖人”亦沒有永遠正確的政党！）選人？選党？還是選政策？……..

美國雖然有一套很好的民主選舉法，但它亦存有先天性不足：政党政治。…….議會由政党操控、此種議會文化拖累了它，令其民主性受到破壞。奧巴馬是民選總統但要受政党制約。第一份議案投票結果是：百份百共和党議員反對。（但，反對無效。）而占有“簡單多數”的民主党議員則百份百支持。它說明了一現實：真理、民主是假！政党利益是真！布殊出兵伊拉克、民主党人反對亦無效。真正控制美國政權者不是總統而是政党、（政党幕后之大財團）。初掌政必遵守承諾、“改過自新”，但四年連任后就…….。

奧巴馬想打破政党之界別是天真可笑！坦白說，奧巴馬若是共和党人他能當選嗎？不要迷信美國！美國選舉法好、不代表一切都好！其政党議會就不如香港好。香港多元化議會更貼近真理。越不易被掌控爲“簡單多數”越好！！極左必敗、極右必亡、中間派萬歲！議會加大中間派有百利而無一害。中間派最無党性、派性，它只服從真理。美國若兩党合併、情況會否好些？到底是一党專政好還是兩党聯合交替執政好？或根本就應抵制政党政治！？……香港政党雖多、但党員數目極少。爲什么？政党是否受民眾支持愛戴、最標準指標是其正式党員數量。政党在某些觀點貼近民意、就獲支持多些，但在其它問題若反民意、就會被遺棄。其支持度是變化的。政党能完全代表民意嗎？政党政治是有利社會再進步還是……一切有待發展中來改革。

本人學識淺薄、說不出任何道理。只是直觀認爲：“台式”選舉禍國殃民不值得學。反而應廣加批判。希望馬英九能檢討改進此選舉法。令台灣有一套真正民主選舉法造福台灣！

香港公民：佘金獅（山）　　2009・2・15・

地址：

假選舉……噓聲四起，不獲選民支持。

非民主選舉……殘害選民、分裂社會、矛盾沖突不斷。

真民主選舉……選民才有“當家作主”之自豪感，民眾才能重燃新希望。

不同方式之選舉、結果必然完全不同！只追求有選舉、有投票權，是否就是最爭取民主？請三思！

2012年香港特首選舉方式草案

（金山阿伯提議）

（一）參選人：　以個人身份參選，不設特別限制。

（二）候選人：　必經競爭評審選出。　不必再設評委，可由現成區議會及立法局分別擔任評審團。參選人可自由選擇其中一組來參予競選。

（三）候選人數：　兩組評審團各篩選剩一人成爲候選人。故必是兩個。

（爲了更公平、細緻，各組評審團可先篩選剩兩名參選者。然后換組再競選一次 。）

競選過程比投票更重要！切勿怕麻煩。

（四）投票者：　政府全体公務員（符合選民資格者）

全港選民雖然未能參予投票，但必可接受此按排。

因堅信沒人比公務員更有資格去選自己的頂頭上司。

此妥協方案若能獲60位立法局議員參考從而起到“拋磚引玉”之效，吾願已足矣！！！

本人已是68歲之老人、已與世無爭，亦已一無所求。故無得失之慮。

爲了香港、爲了下一代在此無所顧慮、暢所欲言。不妥處望多多原諒。

① 由立法局及区議会担任評審团之方案是否能行得通？
兩組評審团去評选参选人是否只有一個評委更民主更科学？

② 評審团只确定候选人，投票交予选民。（全体公务员）
此种方案是否更能被接受？

P.1

不要誇大、神化普選功效！

作者：金山阿伯

香港……“東方明珠、國際大都會、誓要成世界金融中心”的七百萬人城市正面臨政治上的大挑戰。曾特首之政府突然宣布因金融風暴影響，政改諮詢要暫停。…….它必引爆新一輪政治角力。要求立即進行雙普選的呼聲再次吹響。如何看待此問題？它會是好事還是壞事？

香港最大特點就是：中西文化匯集點。(1) 百多年前被英帝國統治。對中國國家來說，絕對是恥辱！但對香港本土來說則非壞事。正因英帝國的“先進原素”令香港可成爲祖國革命、改革進步的“根據地”。孫中山反清建民國；共產党抗日建共和國；社會主義建設反國際封鎖；改革開放任先鋒；這些歷史進程香港都發揮了自己應有的責任。(2) 1997 年回歸后，在中央領導關懷下、香港更自強。中國一日千里在進步、而香港政權因沒有真正民主普選、而一天一天在落后。已回歸到中國七十年代的政治處境：左、中、右大混戰，無法團結一致。(此非壞事、乃要進步必要經之過程。)(3) 如何看香港普選同題？它亦是中西文化交戰之地。鄧小平一國兩制（一球多制）的革命理論將獲得無窮生命力。兩制共存，互補長短、和平競爭、有利發展！香港的發展方向將牽動世界。世界如何看香港是世界之事，關健是香港人自己如何看自己！？

（A）香港至今未能雙普選是落后于世界潮流嗎？……美國及西方文明抓住“普選”這一事件，在全世界興風作浪、說三道四、指手劃腳，甚而斥責未能普選之國是獨裁、不民主，不是美國友邦！以此做標準來觀世界。“有普選才有民主、有投票權才標示人民真正當家作主。”（香港回歸前爲什么沒選舉？）此標准是否正確、是否唯一？它亦成爲香港政改之爭議焦點。美國二百多年前就已實現普選，而香港建港以來從未有過普選。美國比香港更進步更民主嗎？奴隸制時的美國，能算是民主嗎？種族岐視嚴重的美國能算是人民當家作主嗎？美國選舉制度好，不代表一切都好。千萬不可迷信它！！！美國政党議會文化就不如香港好。香港多元化議會更貼近民意、更貼近真理。議會越不易被掌控爲“簡單多數”越好。奧巴馬雖然是民選總統，但他要聽命于政党、要受政党制約。首份議案表決結果：100%共和党議員投反對票（當然是反對無效）而民主党議員則 100%投支持票。布殊當政時，民主党反對出兵打伊拉克，但亦“反對無效”！它說明美國議員只有党性（派性）何來真理與民主？奧巴馬掌政亦想打破政党界別，但不成功！真正掌控美國者不是“當家作主”的選民，也不是民選總統，而是二百多年均不變的政党。坦白說，今次選舉若奧巴馬是共和党人他會當選嗎？共和党是否由軍火商和油商掌控？（愛侵略）而民主党是否由企業家、金融界所掌控？（愛保護主義）這些財團利益要求不同、政策自然不同。若共和党能和民主党合併、沒有派別是否更有利于議會投票？到底是一党執政好還是兩党聯合交替執政好？或根本就應完全抵制政党政治？政党政治能令社會再進步嗎？或是會變成反動力？……這一切留待發展中去改革、去探討吧。香港不落后！香港更會走在潮流尖端！！！

（B）從香港、台灣、美國三個地區政權狀況去看普選問題。(一) 香港 2007 年搞了一個“假選舉”來“選”（說委任更真實）特首。……結果是：香港廣大民眾噓聲四起！選民冷感待之。但，香港政治仍穩定，社會仍和諧（有分歧絕非壞事）。但它卻引來西方社會不少“說三道四”的指責。一個民主、自由、法治而又繁榮的國際大都會竟然剝奪其公民的投票權，人民不能當家作主！等等……此問題實質上是對普選看法問題。普選能代表一切嗎？（二）台灣已連續搞了三次普選，結果是：人民當不了家、作不了主，社會大分裂、矛盾更擴大、冲突更劇烈！拳打足踢由議會到社會，選出的政權無法、無能、無效去執政。選民選了野心家來坑害自己。陳水扁成了台灣之恥！台灣之非民主選舉法亦將載入史冊。它將會是世人搞選舉最好的反面教材。(三) 美國的選舉制度確實幫助了美國。令他每經一次選舉都可獲不同程度的進步。不斷量變中求突變。選舉結果永遠是皆大歡喜！無論何人當選都一樣。不論是電影明星、戰爭英雄、風流“財子”或黑人奧巴馬。爲什么

美國不斷選舉結果總是會千篇一律："舊總統下台、人民消了氣，新總統選上台、人民又有新希望"一再選舉、人民一再失望！政党、政權則永垂不朽。……要搞選舉就一定要向美國學習。台灣李登輝因在台引入普選總統法，被譽爲台灣民主之父。香港有些媒体甚至稱讚台灣是華人社會之典范，要港人學台灣立即雙普選。幸好香港選民覺悟高，立法局多數議員立場堅定不動搖，寧可暫時不普選、也决不搞會禍國殃民的非民主選舉。台灣的非民主選舉法不值得學！不但不可學、更應對其批判！免它再危害世人。（全世界仍有其市場）。李登輝不是台灣民主之父而是台灣民主之敵！有現成美國民主選舉法不用，自創台灣李氏非民主選舉法，害台灣社會分裂、矛盾冲突不斷。2008美國選舉和2008台灣普選總統是兩個最典型實例。它應當載入各大學關於選舉的教科書中。同是普選總統，但效果是一天一地根本不同。是台灣人民不如美國人民覺悟高？非也！純是方式方法問題。（希望馬英九能把它改好、從而造福台灣）美國麥凱恩個人能認失敗、陳水扁是代表党、全党能接受"敗爲寇"而不再抗爭嗎？太多不同按排就會有太多不同結果。美國只是選舉法（方式方法）好，不代表一切都好！更不代表選舉本身好。有些地方人民選用"槍桿子出政權"亦不可完全否定它。（美國出兵阿富汗、伊拉克……又應何解？）世界不斷在進步，任何問題均要一分爲二、均應從發展角度去分析。選舉本身並非問題根本所在。世上早存有太多不同方式之選舉。招生招工、提拔干部，評審最佳……都是選舉之一種。何方式適合、應因地制宜。

（C）香港政改爭論焦點：1）要不要普選？…這個問題根本不存在。（中央及基本法早就肯定）2）何時才能雙普選？…這個問題不是問中央（中央早有指示：循序漸進。）要問香港政府、要問60位立法局議員、要問廣大香港選民、要問我們自己。3）至今爲止一套適合香港進行民主選舉的方式方法誕生了嗎？連這一最基本問題都談不攏、如何去普選？主要矛盾一定要先解决。主要矛盾一解决，一切就可迎刃而解。各政党及60位立法局議員能否座下來，認真研究出一套好方式方法（不是要具体政改內容），不是要"假選舉法"也不是要"非民主選舉法"而是要類似美國真正民主選舉法。它只是一個方式、方法的問題，不包含任何具体政治內容，應當可以團結一致放下分歧，達致統一。若果真正民主選舉法的方案可誕生、而又獲特首認同，就可報請中央批示。或許不必再試驗、而可直接進行普選也不奇。快慢、早晚取決於我們自己。革命不是請客吃飯、來不得半點馬虎。革命更不可輸出，中央不便干涉純香港內政，要進步就得靠自強！！政府負責政改高官更應對美國、台灣、香港三地的選舉法去比對去研究。不擔心沒普選（最多是聽噓聲、而不會破壞穩定）只擔心舉行禍國殃民的選舉破壞了香港社會之安定。

人類社會已進入科技年代。生產力已獲極速發展。世界各政權亦在進步中！合約精神、法治概念、言論自由、民生民權，這些普世價值觀已獲普世認同。"弱肉強食"及靠"聖人打救"的時代早已一去不復返！！！選舉目的絕不是：（一）爲了可使本政党成爲執政党。……這一點是許多政治家和各政党夢寐以求的奮斗目標。從這"爭權奪利"出發去搞的選舉，必然遭到廣大選民杯葛（投票率不會過半）。只有政治家及政党最熱衷。（只對拉選票熱衷）（二）爲了可選"明君"打救自己。……這種極古老的觀點只有愚昧政治家才會再用！人民大眾早已清醒，當今世界已不怕"百姓點燈"（有法制）獨怕"當官放火！"（大權在握、無法無天）。人民不要選騎在自已頭上作威作福的太上皇，人民要的只是爲人民服務而又守法的公務員。（三）爲了体現當家作主、還政於民。……回歸祖國后，實現了港人治港，這不叫當家作主是什么？英殖民地時爲何不還政於民？西方（美英）觀點能愚弄有智慧的港人嗎？五年一次投票才顯示有"當家作主"感？真可笑！！！香港廣大人民每天都有自豪感。爲自已是港人自豪、爲自己是中國人自豪。中國人早已不再做奴隸、而做國家主人。當家作主不是表現在有無權去投票？去選野心家坑害自己？更不是五年才有一天"當家作主"！當代人每天都做主人，每天都在監控政權是否在爲人民服務！！！

美式選舉最有價值點、絕不僅僅是選人！任何人如：奧巴馬、希拉莉、麥凱恩或某某人當選，對美

國結果已非最重要。最重要是通過選舉這一民主活動、令美國廣大公民、政党、原政權都可以受到政治大洗禮，通過競選大辯論可以深刻總結政權執政四年來之政策、何是民所反？何是民所求？能對過去勇于批判（別國政權多數不敢面對，包括香港現政權。）、才能令新政權對將來要走何路更明確、更正確去執政。這是美式選舉最精華所在。人治、党治已不如法治。**選舉目的已不是選人選党，而是選政策！通過選舉可令政權有機 會去放下過去錯誤包袱重新輕裝上陣。**

我已是69歲的老人。正值安享晚年之時。已與世無爭、一無所求。既無所求就無得失之慮。即無得失之慮就可暢所欲言！也許會冒犯一些人、已無避忌必要。不求名、不求利只求“拋磚引玉”能讓閱者三思再深思，目的已達矣！本人最希望香港2012年能有一個真正的民主選舉！（是否普選已非重要，本人能否去投票亦不重要）下列提議供參考：

2012年香港特首選舉方式提議

（一）參選人：　以個人身份自由報名參選。不必特別限制。

（二）侯選人：　必經競爭評審選出。（只能是兩名）

（三）評審團：　（A）設兩組評審團去分別評審參選者。（它比單一評委更民主、更科學）

（B）參選者可任選其中一組報名競選。

（C）若參選人多，各組可先評選出最后兩名參選人，然后對換再作最后評選。勝出者就貴爲候選人交選民投票。

（四）投票人：　全体政府公務員。（符合選民條件者。）

上述方案有三點提議：（1）評審團可否由立法局（或再加政府各局正副長官）和18區區議會分別擔任？

（2）競選過程是要令選民清楚候選人的執政理念和即將實行的執政政策，故過程一定要公開透明，要有“不厭其煩”的精神。更要有法津保障參選人的言論自由權。只有提高全民政治覺悟、社會才能更團結、更和諧。

（3）由公務員去投票選取自己上司和接受何種政策更合適，應比任何人更有資格。更可獲各方接受。

註：若能得到新人大常委批准立即全民普選，就更皆大歡喜！

不要誇大和神化普選的功效！

《望能獲立法局60位議員參考、從而可起到“拋磚引玉”的作用。》

香港普通公民（無党無派）：佘金獅（山）　2009・2・20
地址：

P4

不要誇大和神化普選的功效！

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附註：

特首普選無難度……只要有民主選舉法即可。

立法局普選難度大……政權改革方向最難定。

最難是立法局的普選。立法局是真正民主政權所在。結構如何改造關係最長遠。它應留待民選特首來領導進行研討。……在此只是提出一些問題供研討。

（一）如何防止特首濫權和結党營私？……香港第一屆特首因個人能力、材智所限，盡管他本人已盡忠盡責盡心盡意去工作，但做多錯多，越改革越錯誤。最嚴重是把廉潔高效公營政府改造成特首私人企業式管理。一切等特首批示、一切只向特首負責、忙壞特首一人。名爲問責制、實爲不必負責、只需特首認可。從高效變成無效。第二屆評委選出的特首不但不撥亂返真，反而享受私企式的特權。更進一步擴大“自己友”的隊伍。一切靠“自己友”。不重視政策本身的科學性、可行性，一味靠有自己人保駕硬銷不可行之政策，結果從“議而不決”發展成“朝令夕改”。靠“自己友”必定是眾叛親離。因爲政權受擁戴否取決于其政策。而不是荒唐的、所謂的“是否是民選”也不是所謂“有自己人好辦事”。有理走天下、無理寸步難行。台灣陳水扁的腐敗會否在港重映？如何才能防？過去高官選拔制更民主更科學更能避免結党營私。應該還原否？減少委任制。

（二）立法局改革方向？……美國幸好有很好的民選總統制。政党政權雖然不變，但政策則可一變再變。不斷量變令社會可跟上形勢越變越好。能對舊政權作無私批判是它進步的原動力。（世界找不到第二個。）肯定優點、歌功頌德大有人爲；批判缺點錯誤少人敢爲，而能爲者才是真無私者。如果有此平台讓人人可爲之豈不最妙！？美國最落后處就是它的二百多年仍不變的政党政權。議會中的政党政治若不再求變就必然成爲美國再進步的反動力。反觀中國及香港，雖然未能把美式選舉法在本地去實踐（必會去實踐）但其政權民主性比美國更具生命力。人民代表大會是來自社會各精英代表（香港區議會有點雷同），政協組織可吸收各方政党及勢力團体共商大事，（香港立法局有點雷同）當然其功效設計各不相同。共同點是：求同存異、共商大事。互相尊重不搞對抗。沒有党派之別、完全個性化。言論、建議不須要遵循他人或政党之旨意。“橡皮圖章”之指控是否對美國議會更貼切！？香港立法局是向美國政党政治方向改、還是向中國人大或政協方向改？或是獨立自主、結合中西方文明於一身、創建出適合香港自己的民主政制，造福香港造福世界。

立法局結構改革（拋磚引玉草案）

（A）擴大到百人（人多越不易被操控）。（B）60%民選代表（只代表個人、只需向選民負責）（C）20%派位給各政党（免除因選票而競爭）（D）20%功能組別（取消自動當選制、有選舉才有進步）

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香港特區政府
政制及內地事務局
林瑞麟局長

林局長 尊鑒：

行政長官年初於立法會宣布將會就有關 2012 年之選舉安排公眾諮詢押後至今年底。和很多其他團體一樣，香港公民協會對於這一個押後決定確實是有點失望的，然而環顧目前香港社會經濟情況，從廣義的角度來看，我們對此項決定的背後動機是理解的。香港公民協會成立至今，已屆 55 年，而在這超逾半世紀的期間，我們同樣一直貫徹以保障及改善香港人的生活爲我們的優先任務。

在未來的數月，政府要面對爲持續上升的失業和就業不足率所帶來的重大挑戰，在尋找及創造新職位這個方向上，政府是需要與社會各界作出整合和部署的，香港公民協會支持政府在這方面所需要做的工作。

在 2008 年 7 月 3 日，香港公民協會曾經致函　閣下，就關於 2012 年特首選舉及立法會選舉作出建議，隨附該函件。繼後我們亦隨着中央政府就 2012 至 2020 年香港實行普選所指示之普選路線圖，即：

(甲)2017 年政長官按全面普選產生，及

(乙)2020 年立法會按全面普選產生

作出思考，我們相信香港政改步跋應符合基本法的精神，以下爲我們的構思建議：

2012-2017 年行政長官選舉

2012 年行政長官選舉

茲根據本會 2008 年 7 月 3 日函件，就 2012 年行政長官選舉詳述如下：

(甲) 選舉制度有需要簡單及容易爲一般人所明白，及代表社會上大多數人的利益。

(乙) 若爲數 800 人的提名委員會的方案爲廣泛接受的話，則 800 人的選舉委員會將無需要存在。提名委員會的產生將會與 800 人選舉委員會的產生方法一樣。

(丙) 所有提名委員會的選民，即現行功能界別的選民(約 160,000 人，或屆時所擴大至的人數)，將以一人一票不記名方式投票。

(丁) 提名委員會將提名不多於 4 名行政長官候選人，獲得最高票的一人當選行政長官。

2012 年的行政長官選舉應被視爲就 2017 行政長官由全民普選產生踏出方向性的一步。

2017 年行政長官選舉 – 全民普選

我們預期 2017 行政長官由全民普選產生會出現下列的情況：

(甲) 提名委員會將會由 800 至 1,200 名成員組成，而提名委員會的組成將會與 2012 年相若。

(乙) 提名委員會將提名不多於 6 名候選人。
(丙) 行政長官由全民普選一人一票產生。
(丁) 獲最高票數候選人當選爲行政長官。

2012-2020 年立法會選舉

功能界別議席

香港公民協會意識到在社會上有相當的部份是希望廢除功能界別議席的，而其理據是指功能界別的代表性狹窄和存在既得利益。但同時社會上亦存在不少意見，視維持功能界別作爲在立法程序上一個持平和平衡的工具。

2012 年立法會選舉

我們認爲到 2012 年的時候，社會會先就行政長官於 2017 年以普選產生作好準備。與此同時，我們亦希望我會在 2008 年 7 月 3 日致　閣下函件第 2 頁內就對 2012 年立法會選舉作出一些溫和的修改建議，能夠得到社會廣泛的支持，其實這些建議與特區政府於 2005 年所提出的建議是一脈相承的。這些建議對於立法會在 2020 年透過全面普選產生踏出方向性的一步。

香港公民協會促請政府全速啓動選民登記機器，以致達到在 2012 年在地區選區的登記選民，起碼有半數同時爲功能界別的登記選民。目前功能界別的選民登記制度較煩複，此方面宜盡量簡化。

2016 及 2020 年立法會選舉

原則上，我們相信香港的立法制度會最終發展成爲一個適合本土條件的兩院制政制體制，對於這個問題的討論，可能在今天來講仍未屬於一個成熟的時候，但我們相信這個問題會於日後爲社會廣泛討論。

今年適逢是香港公民協會成立 55 週年，在我們慶祝這些年頭裏面我們爲香港人所作出的社會服務的同時，我們亦冀望我們在政改上的建議，加上其他團體的建議，能夠爲香港搭建一個可以持續至 2020 年的政制架構，從而促進：
(甲) 加強社會內的互信和合作，以至特區與中央的互信和合作，
(乙) 香港人的希望和信念，及
(丙) 強化作爲中國人的自豪感及愛國情懷

（已簽署）	（已簽署）	（已簽署）
張有興	林國華	殷國榮
會長	主席	政制事務委員會聯席主席

隨函附件乙份

(編者註：來函附件與序號CDA054意見書相同，不重複刊載。)

副本送： 香港特別行政區行政長官
香港特別行政區政務司司長

2009 月 4 月 18 日

香 港 公 民 協 會
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18 April 2009

Hon Stephen Lam, JP
Secretary for Constitutional and Mainland Affairs Bureau
3rd Floor, Main Wing
Central Government Offices
Lower Albert Road
Hong Kong

Dear Secretary:

The Chief Executive recently announced in LegCo that public consultation on the 2012 Elections will be delayed until the end of this year.

Like many other groups, our Association is dismayed at this delay, and would have wished otherwise. In a wider perspective however, we cannot forget that throughout our Association's 55 years history, our top priority has always been to protect and improve the livelihood of Hong Kong people.

In the months ahead, the big challenge the government faces is to find or create more jobs for the rising numbers of unemployed and under-employed. This calls for a united effort from all sectors of our community, and in this respect our Association supports the government's effort.

On 3 July 2008, our Association wrote to you (copy attached) outlining suggestions for both the Chief Executive Election and the Legislative Council Election in 2012.

Since then we have been giving further thought to the Central Government's 2012-2020 roadmap aimed at Hong Kong electing by universal suffrage:
(a) the Chief Executive in 2017, and
(b) the Legislature in 2020.

As we believe that Hong Kong's political progress should conform to the spirit of the Basic Law, the following suggestions reflect that frame of mind.

CHIEF EXECUTIVE ELECTION – 2012 & 2017

2012 C.E. Election

We would like to amplify and update our letter of 3 July 2008 as follows:

(a) It is important to make the election procedure simple and easily understood, and representative of the wider community interest.

(b) If the proposal for a Nominating Committee of 800 is accepted, there will be no need for an Election Committee of 800. The Nominating Committee of 800 will be elected in the same manner as the Election Committee of 800.

(c) The electorate base would be the electorate of 160,000 plus (or whatever the increased registration number would eventually be), who would be voting one-person-one-vote.

(d) With a maximum of four candidates nominated, the candidate who receives the highest number of votes would be declared Chief Executive.

The 2012 C.E. Election should be seen as a positive step forward towards the 2017 C.E. Election by universal suffrage.

2017 C.E. Election – Universal Suffrage

We envisage the following scenario in electing the Chief Executive in 2017 by universal suffrage:

a) The Nominating Committee could be between 800 – 1,200, elected in the same manner as in 2012.

b) The Nominating Committee shall nominate not more than 6 candidates.

c) The Chief Executive is elected by universal suffrage, one person one vote.

d) The candidate with the highest number of votes shall be declared Chief Executive.

LEGISLATIVE COUNCIL ELECTION – 2012-2020

Functional Constituencies

Our Association recognizes that a significant section of the community want to do away with functional constituencies because they are regarded as representative of narrow community and vested interests.

At the same time there is a not insignificant segment of the community that want to keep functional constituencies so as to ensure a fairer and more balanced approach in the legislative process.

LegCo Election – 2012

We are of the view that already in 2012 the community must give top priority to paving the way for electing the Chief Executive by universal suffrage in 2017.

At the same time, we hope that the moderate proposals for change to the 2012 LegCo Election in our letter to you of 3 July 2008, page 2, will meet the broad support of the community since they are in somewhat similar vein to the HKSAR government's proposals made in 2005. They also represent one step forward in the direction of having LegCo elected by universal suffrage by 2020.

Our Association would urge the government to expand the voting registration machinery so that by 2012, all or at least half of the geographic constituency voters would be registered as functional constituency voters. The current registration system is cumbersome and should be simplified as much as possible.

LegCo Elections – 2016 & 2020

In principle, we believe that Hong Kong should eventually progress towards a bicameral political system suitable to local conditions, but appreciate the view that this matter can best be deliberated at a later date.

This year, our Association celebrates our 55th year of community service to the Hong Kong people. We hope that our suggestions, together with the suggestions from other groups, will contribute towards a durable political framework by 2020, which will generate:

(a) increased trust and cooperation within our community, and between the HKSAR and the Central Authorities;
(b) hope and faith among Hong Kong people; and
(c) reinforce their sense of civic pride and patriotism.

Sincerely

(Signed)	(Signed)	(Signed)
Hilton Cheong-Leen President	Frederick Lynn Chairman	Edwin K.W.Yun Co-chair Constitutional Affairs Committee

Enclosure

cc Chief Executive HKSAR
Chief Secretary for Administration

(Editor's Note: The enclosure of this submission is the same as the submission Serial No. CDA054, hence, it has not been reproduced to avoid duplication.)

二〇〇九年十一月
November 2009

封面由香港特別行政區政府新聞處設計
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二零一二年行政長官及立法會產生辦法
諮詢文件

Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012
Consultation Document

附錄一
公眾意見
Appendix I
Public Views

第2冊
Volume 2

二零零九年十一月
November 2009

林瑞麟先生：

您好！專誠致函就政改方案的研究工作獻言。

目前香港的政治生態日益惡化，各種各樣的爭吵、對抗無日無之，也似乎無處不在。但凡涉及政制發展，基本上就只是爭論或爭吵普選時間表，更加關鍵的政改實施具體方案就鮮有認真討論。我們剛好處於民族、社會的重大變革與發展時期，面對內地發展的蓬勃興旺、世界政局的風雲變幻，香港如何因應這些變化而抉擇自己的未來發展路向和進程，既是我們的使命，也是我們的機遇。

政制是一個社會的基礎。如果基礎不穩固，社會各部件就無法有效運行，就容易逐漸沉淪、沒落。假如香港人經過未來十年八載的努力，能夠創新發展出一個穩固、高效的香港式政制（意味著同時兼具中華傳統元素），既維持其一貫的公平、公義、富裕、便利等社會特色，維持其在全國領先的世界級國際都市地位，亦都可以為中國的政治改革提供重要的參考藍本。在下有兩篇文章詳述自己的有關觀點，《香港的機遇》和《勇敢面對，創新應變，不辱使命》，另附獻醜。

創新發展香港式政制得從一個切合香港實際情況的政改方案起步。這個方案必須體現世界上最高的文明水準，符合世界公認的人權、法治、民主等普遍而基本的準則，同時又融合中華民族的道德倫理和文化傳統，並適應香港社會的實際情況。顯然，這樣的政制不是簡單地確定普選時間表，再套用或大致照搬在發達地區運轉良好的政制模式就可以實現的。香港式政制的研究與發展是需要香港人認真踏實地、有系統地、深入細緻地進行的創造性工作。

我們不能終日吵吵鬧鬧、攻擊對抗，我們應該實實在在地做事情，認真研究及規劃香港式政制的方案，加強宣傳、解釋及辯論工作，從而改善社會氣氛，凝

聚大眾共識。此函既向您表達自己關於政制發展方面的意見，也期望自己能有機會發揮專長（透徹理解內地與香港的社會狀況、優秀的寫作與觀察能力），參與政制研究及文案方面的工作。面對香港目前的困局及越來越嚴峻的地位危機，我盼望自己能夠盡一份力。如獲垂注，請賜電郵：　　，或電話：　　，葉卓斌（先生）。

謹頌

安祺！

葉卓斌

2009/4/26

香港的機遇

四月份的第一個週五傍晚，特首在經濟機遇委員會第四次會議後宣佈，香港要著力發展六大優勢產業，以提升香港長遠發展的競爭力。曾蔭權還特別強調，這些產業早已存在於香港社會，政府要研究一整套措施，在政策、法例、土地、資源等各方面支持這些產業的發展壯大，成為香港社會未來的發展動力來源，甚至是支柱產業。

特首隨後會見傳媒時，對這六大優勢產業進行了解釋，他在每一項都提及"內地"這個字眼。確實，香港與內地的融合是大勢所趨，是社會發展的自然而然，並不是誰期望與不期望的問題。回歸接近十二周年了，在社會整體發展水準上，內地的穩步前進與香港的沉浮不定形成了鮮明的對照。假如各自的發展狀態沒有大的變化，再過十二年又會是什麼樣子呢？當年回歸前後有一個相當流行的講法"五十年不變"，這講法似乎一廂情願，或者僅僅是政治口號而已。照現在的世界發展趨勢，五十年如何能保持不變呢？例如，當時我們就根本料想不到世界的反恐形勢在十來年間發生了那麼大的變化。既然"變"是必然的，而中國朝向更加現代化、更加文明進步也是一個明顯的變化趨勢，則香港的"不變"只能是強調其自身的特質及其與中國的關係不變，其他方面就很可能要變或者應變。假如在內地加速發展的情況下，香港固步自封地"避戰"，結局就只有落後並被淘汰，再過十二年後淪為中國的二流城市，在五十年後繼續淪為中國的南方小城。這樣說或許危言聳聽，但請冷靜看看，目前內地某些發達地區與香港的差別大體上只剩下政治制度、法治體系、言論自由及人口素質的時候，你就可以設想再有三十年的時間能否使內地在這些方面脫胎換骨，如同之前的三十年經濟改革一樣。三十年話

長不長，話短不短，中國的經濟總體規模從世界排名十五跳升到排名第三，而且數年後可能超越日本而進佔第二。如果中國政府未來的工作重點逐漸轉向政治改革，香港繼續固步自封而潛藏的巨大危機將更加突顯。

"化危為機"是這幾年我們講得最多的話之一，因為我們這些年遭遇了多次重大危機。但我們是不是真的已經"化危為機"呢？抑或始終不過是"緊急措施"及"中央打救"這兩招蒙混過關而已？國家領導人曾經多次公開暗示，本地的有識之士也時有良言，香港應該好好總結，重新定位，擺脫這種"頭痛醫頭、腳痛醫腳"的局面。現在，金融海嘯的影響至深至巨，香港又再風雨飄搖，中國經濟也面臨前所未有的重大挑戰。或者是無暇再象以前那樣細顧香港，或者是全國通盤考慮而需多頭並進，或者是對香港當局及社會的一點暗示，從國際金融中心、人民幣外貿結算城市等政策的公佈，香港人都必須意識到過往的"恩寵"正在慢慢而悄悄地減退。甚至這種減退的現象，我們也不能排除因為澳門、臺灣的日益"爭氣"而使香港相形見絀。無論如何，危機或許並不止于金融海嘯本身，乃至本地族群關係、與內地的關係都出現了危機。

然而，一個可與中國經濟改革相比較的時機也出現了，這就是中國無可避免要進行的政治改革。隨著中國國際地位的日益提升、人民幣國際化進程的逐步展開，中華民族很可能要經歷一次文藝復興式的思想革命，才能夠在國際舞臺上從配角變成主角，甚至成為導演。這個可能性將伴隨著中國的政治改革逐步形成趨勢，並漸次成為現實。它應該被解釋為一個社會發展的必然過程，是自然而然地形成的變化趨勢，而不是任何人或任何政黨的期望與否所能夠決定的。香港是中國的一個特區，是中華民族的一分子，無可避免地要處身於這個發展變化的過程，只不過是以什麼身份地位參與而已。可以繼續打著"一國兩制"的幌子，採取

“各人自掃門前雪”的態度“和平共處”，簡單地延續現在的關係狀態，其可能的結局上面已經提過，不再贅述；也可以朝向和諧融合的目標，以積極進取的態度共同前進，全方位維持香港領先全國的世界級國際大都會地位。前者是危機，可以在不痛不癢之間把香港湮沒於雨後春筍般崛起的內地眾多都市群中；後者是機遇，香港通過政制發展帶領那個都市群乃至全中國的政治改革，從而引領整個中華民族走向世界文明的頂峰。

不少人評論特首提出的六大優勢產業發展方向沒有新意，甚至與董朝代的數碼港、中藥港相提並論。差別是有的，曾特首的六大產業早已在香港存在，而董前特首的“港”則過去和現在都沒有，也看不到將來什麼時候會有。從另一方面看，差別卻是沒有的，皆因都沒有觸及香港未來發展的根本問題。在“大市場小政府”的理念下，政府總是只能提出一個個天馬行空式的浪漫構想，如果市場無反應，政府就不作為。從中國三十年的經濟改革引發了人類空前的經濟大跳躍發展，到十多二十年來世界政局的風雲變幻，以及近十二年香港特區載浮載沉的經驗，我們是不是應該意識到世界或許對所謂政治體制產生了創新的需求呢？傳統觀念中的資本主義或社會主義制度都在這二十多年的現實世界中受到基礎性的挑戰，不少國家或地區的政府對於在社會主義制度中添加許多資本主義的元素，又或者是在資本主義制度中演變出一些社會主義式的政策，都在迫不得已的形勢下進行了“唯利是圖”或“過得海就是神仙”式的嘗試。無論他們聲稱如何堅持社會主義或資本主義的信念，但操作起來就一切以實際需求為依歸。事實上，應變、求變是社會發展進步的動力，而刻板、教條是社會沒落頹廢的原因。在所謂的“五十年不變”之後，或是將來的某個時候，香港、澳門、臺灣與大陸大一統天下的機會遠大於獨立分離的可能，“一國兩制”也可能會逐漸演變成一國新制。香港是

繼續落後而被動跟隨呢？還是因勢創新而領先全國呢？這就是機遇！

勇敢面對，創新應變，不辱使命

——籲請政府及有關各方加強香港政制研究

人生一世，生老病死、功名利祿，皆天命也。漸逝漸遠之 2008，實教世人領悟世事無常，禍福跌宕瞬間逆轉。香港雖然不是 2008 年系列風暴的中心，但金融海嘯卻顯然使香港再次陷入洶湧的旋渦之中。如果我們閃閃縮縮畏懼挑戰，不理會回歸以來的國際政治形勢變化，不因應中華民族的復興機遇，不解放對歷史、經濟體系、政治制度和意識形態的固有思維，香港就有可能在新的國際環境下日益沉淪，進而失去其領先全國的世界級國際大都會地位。

過往近十二年，回歸的香港浮沉起落反覆欲墜，復興的祖國則如日中天蒸蒸日上。無論與內地互惠互利的實質如何，這十一年來香港社會景氣起起落落的事實卻大致遵循這樣的邏輯：偶然因素衝擊、政府施政不當（或不受市民支持）、中央政府推出挺港政策、市道重新暢旺繁榮。時至今日，世人（大多數的香港人、大陸人、臺灣人及其他關心香港的人）逐漸形成一種印象：香港正慢慢失去活力，小事做不好大事做不到，邊緣化及沒落之勢日益顯現。

回歸十二周年的日子越來越近，但大部分香港人的思維卻未能從殖民地時代過渡到特區時代。自己未能樹立當家做主的骨氣魄力，卻動輒埋怨“阿爺管得太嚴”，甚至怪“阿爺”這裏不對那裏不行。其實，阿爺對不對與香港人不太相干，香港人講再多都無什麼實質意義。實話倒是，哪個阿爺不想自己的子孫風光富貴？又有哪個阿爺願意子孫同自己唱對台呢？

難道我們不能建立創新的“香港政制”嗎？

香港回歸、一國兩制，與此同時，中國大陸在走“中國特色的社會主義道路”，這些都是舉世無雙的政治大事。如果主事者片面因循意識形態的教條，那麼這些舉世大事很可能都無法孕育。當今世界，刻板固執於意識形態的已經漸成化石或是標本，大國小國大人小人無不借意識形態起家或生事，然後堂而皇之名正言順地攫取家國之利。中國三十年改革開放、和平崛起，說白了，就是拋開“主義”之爭，盡力儘量做一切可使國富國強的事。所謂“中國特色的社會主義”，僅大力提倡私有股份制和市場經濟，就完全背叛了社會主義的根本定義，只是以中國特色的社會主義為虛名而已。“白貓黑貓”理論更完全清除了階級鬥爭的概念，但如果沒有階級，哪兒還有無產階級呢？沒有階級鬥爭，中國共產黨何以成長壯大呢？大陸這三十年來，計較這些的人漸被視作迂腐，人人都在摸著石頭過河，各施各法力爭發達，於是就有今天這個神舟七號與三聚氰胺並駕齊驅的局面。

現實的存在一定有其道理，雖然可能不是真理，也不一定符合理想。在全世界範圍內，中華民族從未有過今天這樣的風光，絕大部分的中華人會因此感到驕傲。作為事實，沒有人敢否認這些與中國大陸三十年來所走的路有關，也沒有人敢肯定其他的民族、國家走同樣的路亦會同樣成功甚至更成功。因此我們有理由相信，中國有可能在未來某個時候也成功地走出一條與其他民族、國家不一樣的政制發展道路。雖然“三個代表”更加模糊了階級觀念，“科學發展觀”玄乎得無邊無際或是無影無蹤，但它們的共同點卻是進一步淡化了傳統的意識形態之爭。事實上，當今世界的焦點，已經大大偏離了二十年前起因於意識形態的冷戰，代之以種族、宗教、文化及經濟等各種或深或淺、或大或小的衝突，甚至戰爭。

冷戰年代的對手，在今天的反恐戰爭中常常成為戰友。如果香港人仍然固執于傳統意識形態規囿下的思維，如何能夠與時並進，躋身世界先進社會之列呢？

中國的政治要改革，香港的政制要發展，政制已經成為推動社會繼續向前發展，實現中華民族偉大復興的關鍵環節。不考慮意識形態而單純考慮地區發展水準的差異，有沒有可能從創新“香港式政制”起步，發展一整套適合中國發展、具備世界最高文明水準（包括人權、法治等）的政治制度呢？如果這是一種可能，那香港就可以從昨天引領中國的經濟發展，轉變為今天或明天引領中國的政治改革，並延續其領先全國的世界級國際都會地位，帶領中華民族的偉大復興。

“香港式政制”的要點

“香港式政制”應該具備三個要點：（一）體現世界最高文明水準，符合世界公認的人權、法治、民主等普遍而基本的準則；（二）融合中華民族的文化傳統，促進中華民族的發展進步，帶領中華民族的偉大復興；（三）適應目前香港社會的文明水準，推動香港的文明進步，並提供給中國其他地區進行政治改革的重要參考藍本，在某種意義上也可以說是前置試驗版本。

“香港式政制”不應該有任何“主義”的羈絆，它是香港人意識到國際政治的發展趨勢，為自己創造的一個政治制度。它是在香港回歸祖國、一國兩制的大背景下，因應中華民族偉大復興的歷史趨勢而產生的，因而天生就具有世上獨一無二的特點。在這個大背景下，建立一個有別於其他國家（包括目前最先進的國家）的政治制度，實際上也是相當自然而然的歷史發展需要。

作為香港人，創新“香港式政制”似乎是時也運也的一項使命。世界時勢、國家民族的發展，促使香港人有機會以極其恰當的角色，發揮自己深刻理解中西文化、地區發展較先進等多種優勢，為國家民族貢獻，為香港打拚未來。

研究及發展“香港式政制”

目前，無論是泛民主派，或是建制派，或是政府，對待香港政制發展的取態都相當之不認真，幾乎所有人都將政制問題視作一個“肯定沒有新意，但肯定有爭吵”的例行活動而已。於是，政制發展就變相為各種政治勢力在香港簡單地重新分配的機會，不論帽子戴幾高，結果只是看餅仔有幾大。尤其意識形態的心魔驅之不去，互相指責，陰謀論滿天飛的情形就不可避免、無日無之了。思維不放開，政制模式也就無從創新。但凡提到政制發展，就獨沽一味爭論普選時間表，鮮有探討政制的具體模式。香港需不需要自己定制一個適合自己的政制模式？有沒有可能建立這樣一個為香港人帶來實際效用的政治體系？假如沒有具體的政制內容，爭拗普選時間表有實際意義嗎？難道普選時間表一落實，就等於香港建立了一套有利於香港、有效運轉的政制了嗎？

非常遺憾的是，香港社會雖然大大小小的爭吵論戰不少，但實實在在地做事情的人似乎不多。一逢討論政制發展，就只有為普選時間表爭吵，不但政府遲遲拿不出具體可操作的方案，社會也不見有認真的討論，遑論深入研究？如果真的為了香港，就請不要以閃光燈為行動目標，即使那樣能夠大幅改善民意反應、能夠爭取很多選票都無實際意義。無論政府、政黨、智庫或大學等研究機構，請實在、認真、深入地進行政制發展方案研究吧！其中尤以政府責無旁貸。通過這些認真實在的工作，政府也能不斷提醒市民關注政制研究，吸引更多社會資源（包

括商業團體）投入政制研究。更進一步，此舉還有利於凝聚社會共識，為將來政策推行建立厚實的民意基礎。

關於普選的悖論

許多人認為，只要有了一人一票的普選，香港政府民望低下的問題就可以迎刃而解。但是，臺灣、日本、南韓、美國（布殊時代）等等地方，他們的政府是一人一票選出來的，為什麼民望卻比香港政府還低呢？北京政府不是普選產生，為什麼他們的民望卻很高呢？可見一人一票並不是萬能的，更加未必是解決社會問題的最好方法。目前的選舉只解決了公平參與和政府產生辦法的問題，但卻沒有解決政府管治效率、廉潔守法、統領國家民族發展等等問題。

我們普遍推崇的選舉制度，在兩千多年前的古希臘時代已具雛形，選舉在漫長的歷史中漸變成為西方社會的基礎倫理和傳統文化。但是真正驅使西方飛躍發展的，是五百年前的文藝復興，是隨之在全民樹立的人權、民主、法治等觀念。簡單而形象的概括比喻（或許不一定準確），西方兩千多年前建立的選舉、政制軀殼，直到五百年前才因為注入人權、民主、法治等靈魂而神勇發威，創立功名。近百十年來，東方的許多國家相繼引入了那個軀殼，然而絕大多數卻沒有靈魂，東方社會也沒有因此而飛躍發展。東方的靈魂仍然保留著大儒的精髓，仍然是三綱五常為倫理主軸。這種軀殼與靈魂的不一致，似乎大大削弱了軀殼的神威。

無可否認，現代的東方落後於西方。但是，僅僅用西方的軀殼就能夠使東方復興了嗎？移植或複製西方的靈魂不容易，或者行不通。有沒有可能修煉自己的靈魂，然後改良西方的軀殼作為己用，達到復興大東方的目的呢？

行政長官的普選

目前有相當多的市民擔心，基本法中訂明的行政長官候選人提名委員會可能成為某種具政治傾向的審查。這個疑慮似乎不能通過擴大提名委員會的人數來消除，而且產生一個龐大提名委員會的過程也將增加巨大的社會成本。

從另一方面來看，目前在其他國家或地區的民主選舉中時常存在的，“高表演才能而低政治智慧的勝選者”現象，甚至是“借機行惡的勝選者”現象，當香港實行普選時能不能予以有效的防範呢？香港的普選能夠讓香港人擁有最大的機會選出強勢的政治賢能嗎？

斗膽作一猜想，我們是否可設立一個由具社會普遍威望的學者、退休法官及退休政府高官等組成的“候選人評議委員會”呢？當參選報名結束後，由該委員會公佈一份關於所有候選人的背景資料及評價的檔，再由選民自行抉擇投票。

在香港建立一個適合香港實際情況的政制，或許不是確定普選時間表、照搬其他成熟的選舉制度，就可以簡單成功的。香港人應該認真對待，特別是政府應該重視並投入充足資源，使十年八載後建立的香港政制，能保障和延續香港的繁榮穩定，並為香港開創光輝的未來。我們也不妨期望，香港政制或能協助和促進國家的政治改革，延續香港所處領先全國的世界級國際大都會地位。

----- Original Message -----
From: 香港中文大學學生會幹事會
To: cusu@cuhk.edu.hk
Sent: Thursday, June 25, 2009 8:13 PM
Subject: 呼籲聯署《為我們社會的未來建言—告全港市民書》

致各大傳媒, 政府部門, 立法會議員, 民間團體:

謹附上本會的《爲我們社會的未來建言—告全港市民書》，如有查詢，可致電本會會長　　同學(　　)。

這篇宣言，是我們一班大學生爲理想的社會提出的藍圖，我們因此寫下了我們對社會的批判、我們對社會的建議、我們對社會的期盼。希望各位都花點時間一閱，如果您同意的，請加入聯署! 即使您不同意，亦希望各位能將之廣傳，引發社會更多的討論和思考!! 謝謝。

宣言網頁: http://hkdeclaration.blogspot.com/

聯署: http://hkdeclaration.blogspot.com/2009/06/blog-post_24.html

網上聯署facebook群組:
http://www.facebook.com/group.php?gid=119548736037

香港中文大學學生會
二零零九年六月二十五日

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* 香港中文大學學生會 *
* 地址 : 新界沙田香港中文大學范克廉樓地下低層*
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********** 為我們社會的未來建言-告全港市民書.pdf

香港中文大學學生會
THE STUDENT UNION OF THE CHINESE UNIVERSITY OF HONG KONG

為我們社會的未來建言

---告全港市民書

香港，往何處去？該往何處去？

香港是一個可悲的城市。我們物質富庶，在世上數一數二，但只有很少人可以快樂自在地過活。我們大多數人，日夜處於激烈競爭中，超時工作，用健康換取微薄酬勞，弄得筋疲力竭，連身邊人也關愛不足，別說關心其他事，其他人。我們的感覺開始麻木，見到長者拾荒、流浪漢露宿街頭和失業男女一雙雙彷徨的眼睛，都無動於衷；察覺到發展商霸佔公地、建屏風樓、濫伐樹木及胡亂傾倒廢料，都坐視不理；就算知道有基層市民要出動子女幫手做清潔工才僅堪糊口，亦不會覺得是僱主無良而是這些家長殘忍。

在主流經濟學掌管輿論的影響下，我們都以為，以上種種問題都是自由市場的事，不關乎社會公義，乃社會不斷發展下的正常現象。要發展，要進步，要豐衣足食，便要競爭；講競爭，自然講求效率，自然有所犧牲。優勝者，有豐厚的物質回報；失敗者，只有遭市場淘汰一途。個人如是，草木如是，整個城市亦如是。只要讓市場自行調節，問題便終必解決，便合乎公義，政府及其他人無須操心，更不宜插手。我們都認定這套自由市場理念是香港和香港人的成功之道。我們都被教導：我們要相信市場，別質疑它，彷彿一切為市場所作的犧牲，姑勿論是個人的還是社會的，都萬分值得。

可是，一場金融海嘯，卻把這個神話拆穿了！我們社會的繁榮富裕，不過是一部分建築在對落後國家及地區的剝削和壓榨之上(註一)，一部分則依靠經濟泡沫的財富效應來催谷和支撐。地產及金融界的金錢遊戲便最明顯。它鼓吹無節制的借貸，製造資產會不斷增值的假象，誘使普羅市民押下老本，爭相高價買入成本其實不高的磚頭及隨時一文不值的「公仔紙」。一班房地產大亨、投資銀行和基金經理、跨國企業總裁就乘機上下其手，愚民而自肥。但信貸泛濫所造成的經濟泡沫，在爆破之後，對這批始作俑者來說影響甚微，受害的反而是社會上大多數踏實工作的人。

香港 沙田 新界　　電話：(八五二) 二六零九 七二零一　二六零三 五五零二　　圖文傳真：(八五二) 二六零三 五零二七
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但我們的社會卻似乎沒有人去追究他們的行徑，甚至不覺得他們有錯。到底是甚麼東西作怪，令這些商界權貴巧取豪奪而毋須負責，埋下全民遭殃的禍根；使我們過去甚至把他們捧上天，任由他們支取與其能力不成正比的鉅額收入呢？

自由市場神話的破滅

這禍首，正是那「自由放任」的市場---這一點，連畢生信奉自由經濟的前美國聯儲局主席格林斯潘也承認。這種市場環境，得力於一群經濟學者和評論員到處散播市場放任主義的意識型態，早已在全球各地開花結果。是故，金融海嘯的禍害也擴散得如此深廣遙遠。

所謂市場放任主義，師承自佛利民的經濟學說，即緊守著「自由市場至上」、「大市場小政府」及「拒絕政府介入市場」的教條，標榜低稅率及資本自由流通的政策，要把整個城市的發展路向及各種社會、經濟、文化資源交到商家手上，用企業管理思維治港，廣泛推行外判及合約制，並把公共資產和事業全面私有化。也就是說，在市場放任主義之下，我們整個社會的各個部門都應該服膺商業邏輯，以謀利為第一目的。我們因此不應以社會公義為原則調配社會資源，而應只著眼如何謀利，應盡量避免社會福利，避免以稅制作社會再分配，而應把我們的社會資源，都交在大商家、大財閥的手中，由他們之間「自由競爭」，社會資源就會被好好運用，社會就會進步。

這種市場原教旨的思想，一直掌管著香港人的意識形態，結果如何？

因市場而墮落的社會

香港多年來都受到美國右派智庫的青睞，獲封為世上經濟最自由的城市，我們不少人也引以自豪。但事實上，這只是一個崇尚弱肉強食的石屎森林之代名詞！我們固然沒有最低工資、最長工時、集體談判權、公平競爭法或反壟斷法---主流經濟學認為會妨礙市場的正常運作---市民因而受盡大商家大集團欺凌和剝削；政府亦沒有好好監督那些壟斷了公共民生事業的大財閥，遏止它們想方設法搜刮

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民膏、瘋狂加價。我們生活中的一切，包括福利、醫療、教育、環保、文化、社區發展等等，統統以經濟利益為先；在這裡過活的人，有工作的沒工作的，都要盡辦法增值和提升所謂競爭力，免遭淘汰，生命盡受所謂自由市場的主宰，活得一點也不自由。

更糟糕的是，大商家大集團掌握住無數經濟及文化資源，可以開動各色宣傳機器，進行疲勞轟炸，向市民大眾販賣無窮慾望，左右一般人思想、感情、良知、品味和創意，以至人生。明明現今社會的個人發展空間和機會給既得利益者霸佔得七七八八，他們還以過來人的口吻，不斷向年青一代和經濟弱勢社群灌輸靠個人努力脫貧致富、自由市場沒有限制因此機會平等的想法。明明社會貧富懸殊的程度比得上第三世界國家，跨代貧窮不禁令年青一代絕望，可恥至極；那些自由市場的信徒，仍在四處宣揚「貧富懸殊乃經濟發達地區的必然現象，無須處理，以免妨礙社會整體的發展」。明明經濟學教科書的理論與現實世界完全脫節，權貴的附庸和市場的信徒居然仍以「市場會自我調節」為由，阻止種種保護和關懷弱勢的政策和措施上馬。

偏偏，我們就是執迷地相信，失敗者都是咎由自取的。我們從來沒有認真反省過，真正失敗的是我們這個社會！這個發展太單元，太偏重大財閥大財團利益，太缺乏人文關懷的社會！一個決意提升全民生活質素的理想社會，必盡力研發出更能切合不同人需要、發揮不同人個性及潛能的體制來。但香港的管治階層從來沒有這樣做。他們只看到市場。市場只看到錢，看不到人。

市場，多少罪惡假汝之名而行！

我們社會的緊箍咒

當然，諸如黎智英、楊懷康、施永青及獅子山學會諸君，這些自由市場的信徒，對這些事實一定不同意。但在你們砌詞反駁前，請先回答以下問題：人，究竟為何而活？人，只是一部盡力掙錢的機器和一隻只要有錢花便滿足的消費動物嗎？經濟發展究竟又為了甚麼？一種只有讓少數人得享好處的經濟發展，我們要來做甚麼？自由市場，在你們口中是烏托邦，它帶來的理應不只是溫飽生活，但為何

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活在香港這個經濟自由之都的人，總是處於壓力和憂慮中，一點也不自在呢？到底任由大企業與普羅市民競爭的自由市場跟只講弱肉強食的奴隸社會有何分別？你們口中所說的自由市場天堂究竟是甚麼模樣的呢？這天堂又有甚麼我們非投奔不可的理由呢？還有，為何我們的社會根據自由市場理論發展多年，如今卻「一鋪清袋」，一點天堂的感覺也沒有？為何我們這個城市的面目和社會的精神面貌會越來越醜陋和畸形，越來越容不下追求不同生活方式的人，整體市民的平均快樂指數，亦遠遠及不上你們最看不起的北歐福利國家，或不丹這等欠經濟發展的小國？

這其實簡單不過：因為，完美的市場根本只是一種假設，一種信仰。(註二)即使是自由經濟評論家最相信的數學模型，亦已經有數學家證明在一般環境下單顧私利的行徑，不會帶來整體最優。個人的理性可以導致集體的非理性，而金融海嘯正是各個金融巨頭用符合自利理性的博弈所產生的不符合整體理性的災難後果！(註三)

建構以人為本的社會

事實擺在眼前：唯有打破迷信市場的心魔，唯有對大財閥大集團施加更多限制，唯有更針對性地把社會的資源向中下層---而非上層---傾斜，先大幅改善弱勢階層的生活和個人發展空間，再讓經濟增益的效果往上滲透，惠及全民；那在尋求香港出路之時，才不致蹈數碼港的覆轍，名為重大建設，實在是向大財閥輸送利益！事實上，我們亦不需要再追求大幅度的經濟增長：這會造成不必要的巨大浪費，加劇對地球資源的虛耗和自然生態的破壞。我們社會本已有足夠的財富，只是我們的分配是如此不均，財富都集中在小數人手上，社會大眾卻只能分享、互相爭奪小部分的財富，資源都不能好好活用，社會發展才會走入死胡同。要扭轉我們目前的困境，最有效及最環保的方法是重新分配社會嚴重不均的財富。

那香港應該怎樣走下去呢？我們有十點具體建議：

一) 早日落實雙普選，打破現時政商權力結構，為人文社會奠基。沒有由人民選出來的政府，我們就談不上人民的意志會在政府中得到貫徹。那麼，我

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們談何建構一個以人為本的社會？更何況，現時封閉的政治體制，根本就是向資本家傾斜，中央政府只會在商家和技術官僚之中「揀卒」，選出香港的領導層；由這些人來領導香港，他們只會一直依從其階級利益主宰香港。要領導香港擺脫商業邏輯、新自由主義的壟斷，怎能讓他們繼續壟斷香港的政治權力？只有早日落實沒有門檻的行政長官、各級議會全面普選，我們社會上這個新自由主義的權力結構才能有被打破的可能，我們才能在政治體制上為一個以人為本的社會奠下基礎。

二） 打破土地壟斷，減低營生成本，建構以人為本的經濟空間。我們社會應放棄高地價政策，盡快增加土地、公屋及居屋的供應，打破地產商對土地資源的寡頭壟斷。此外，向位處公屋及舊區的小商戶提供減租優惠；並盡快立法限制連鎖式經營的大集團佔領匯租戶的比例，以及設立加租上限，保障老租戶的經營權益，減少小商戶的營運成本。領匯的管理層如有真本事，理應有能力在維護原租戶的權益之前提下開源節流，增加營運效益，而非一味向基層商戶開刀，迫走他們，騰出舖位讓大集團進駐開分店，唯利是圖，罔顧民生福祉及社會責任。

高地價政策是大地產商足以壟斷土地權力的主因：只有小數地產商有足夠資本掌握大量土地，令他們可以聯手抬高租金，牟取暴利。高地價政策下的高昂租金，實際上等於由大地產商代政府抽一種間接的「地產稅」，大大加重一般經營者負擔。他們一是將成本轉嫁至消費者身上，一是扣減工人的薪水以壓縮成本。換言之，大地主之所以歲歲賺大錢，相當大程度上，是來自對普羅市民可動用收入之嚴重剋扣，並非因為他們有甚麼超卓的賺錢才能。

另外，昂貴地租還是一個緊箍咒，經營得法的商戶，其盈利有很大部分要進貢給大地主，使得他們變相成為地產商的另類僱員；欠缺資本的個體戶或有意創業者，則受制於租金超高的門檻，守業或存活能力大大削弱了，難以盡情發揮所長。大地產商付出有限的資源和努力，便坐收漁人之利，勤奮拼搏的則要苦苦撐持，根本便違反鼓勵人們盡情發揮潛質和創意的公平原則。

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高地價尚有一種長遠的負面影響：多元的民生及文化事業從底層拾級而上的發展空間被扼殺了。以西九為例，在昂貴的地皮上興建華麗的設施，容納的只會是高檔的票價高昂的舶來文化及藝術表演和高消費力的中上階層。文化藝術變成某種人士的專利，平民的本土的地方文化藝術，不會得到所需要的幫助，從而逐步發展。基層的藝術品味、創意和欣賞能力得不到重視和培養，西九最終只會再一次成為地產商「掠水」的肥肉。

我們可以見到，香港的高地價政策，實際上是香港走向今時今日大財閥操控全港經濟命脈的格局之起源。如要為香港的未來發展尋求突破，此超級障礙必須消除，讓市民大眾的能力和有限資本能全面釋放出來，重建有本土特色和情懷的草根生活，擴大小商戶與文化事業的生存空間。

三） 修訂稅制和加強社會保障，以社會公義為社會再分配的原則，使我們的社會人人都有追求幸福生活的自由。政府盡快推出失業救濟金，並增加標準稅率及利得稅，恢復遺產稅，使社會的分配更為合理、公平。市場的信徒自然反對。他們認為一個人憑自己的才能賺取到豐厚收入，不應該被政府抽去扶貧。但在香港或美國，那些賺大錢的地產及金融業精英真的是能力與收入成正比嗎？像馬多夫？像那些華爾街大鱷？像那些設計及銷售迷債這些金融產品的專家團隊？他們做的不過是一個又一個的騙局！香港的低稅率政策根本就是一種劫貧濟富的措施。我們不應該再迷信抽取更高的標準稅率及利得稅會削弱那些精英的工作誘因，因而損害整體經濟。金融海嘯已證明市場的薪酬機制並不合理地反映人的競爭力或生產力。要使我們人人都能有能力追求自由和幸福的生活，能有效及公正地減少貧富差距的稅制是必須的。

四） 重訂企業在社會的角色，使他們除牟利外，亦負起和社會營生的責任。我們應盡快進動最低工資立法，保障工人權益。同時，最低工資的金額應該分為兩個級別。但凡有一定規模的連鎖店集團---例如多於十間分店---需支付比一般經營者更高的最低工資金額，以增加其擴張的成本和難度，間接減少其對商鋪的需求，有壓抑鋪租飆升之效。如此一來，有助舒緩小商戶的經營壓力和變相增加其競爭力，亦減少了她們把成本轉嫁至顧客或伙計身上之可能。另外，立即推動反壟斷法、公平競爭法的施行，並還工人

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一個集體談判權，約束大企業對我們社會的政治、經濟壟斷，保障工人權益。

更重要的，我們應推動改變企業的思維，落實企業社會責任。企業不應只是追求最大利潤，同時亦應負起使員工得以營生的道德責任。不要再以為請幾個傷健人士、捐捐錢即已履行責任，而應改變企業的營運模式、對工人的權益的維護、不對社會資源壟斷、不浪費環境資源為指標。

此外，對事實上如同壟斷的超市及便利店集團，應盡早研究及訂立法例限制其市場佔有率，並對其以廣告欺騙客戶及各種打擊對手的價格操控手段施以重罰，保障消費者的權益。

五） **改變市場文化，引入人文思維。**政府可派發有特定使用限制的消費券，此券只適用於非大型商場內、非大型連鎖店集團及租金低於一定水平---例如平均市值租金---的小商店小商販，以促進社區另類消費，保護有地區特色的小本經營者的經營權，保育各有特色的小社區經濟。同時，推動綠色的、可持續發展的良心消費者文化，不再鼓吹等同浪費的消費---例如花大量公帑招攬旅客到香港的名店及大商場消費，受惠的是大地主而非處於遊客區以外的小商戶，應該花資源協助社區組織籌辦時分券及二手物品回收運動等，促進庶民的消費活力。

除了在消費文化應該改變，我們亦應該在經營和生產方面，嘗試更多不同的模式。政府應鼓勵社會嘗試不同的經濟模式，如不再區分老闆/僱員，由工人自決營運方針的合作社模式。社會現時的經濟模式是很單元的，只限於公司自上而下的結構，權力集中在管理層手上，下層前線員工無力參與公司決策。一個以人為本的經濟結構，員工與公司的關係絕對不應只是銀貨兩訖的交易關係，企業也不應只有一種組織模式。作為起點，政府應帶頭鼓勵合作社模式，給予政策優待，激發人們的創新。

六） **規管公共事業，實際服務社會。**立法收緊公共事業如港鐵、巴士公司、煤氣、電力公司、隧道公司等的利潤，限制他們牟取暴利；這些公共事業都會直接影響到民生。現時對它們的利潤和定價的限制根本過於寬鬆，使小

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市民營生的成功大大提高。事實上，它們的壟斷地位已給它們帶來了不合比例的巨大利益，譬如說港鐵的利潤早已主要來自車站上蓋物業，遠超其車費上的損失，其車費應有下調空間。

最重要的，是認清這些公營事業是和小市民的生計如何的息息相關，它們負有為社會服務的社會責任。我們不應任由它們追逐過高的利潤，而罔顧小市民的生活。

七） 改變經濟發展政策的思考範式，讓資源落到基層手中。一直以來，政府各種促進經濟發展的措施，都是以照顧上層利益為先。以大型基建為例，政府花巨大公帑，也只有少於三成的錢會創造惠及基層建築工人的職位。其餘大部分的錢只會流進外國顧問公司、國內配件生產商及建築公司中上層的口袋中。因此，政府須一改政策，以大量小型工程取代興建大白象。讓基層建築工人的生活持續得到改善，累積到足夠的購買力，自然能增加消費，對基層的生活有所保障之餘，也最終令中上層也受惠。如此一來，社會資源的流向不再是從上往下涓滴，而是由下往上滲透。經濟的餅不是先由居上層的既得利益者咬去大半，中下層只分得餅屑。(註四)這樣的發展模式既實踐了社會公義，也能使經濟成果更有保障，不至重蹈金融海嘯的覆轍。

八） 人文規劃城市發展，落實民主社區參與。我們主張城市的規劃要有人文視野，以人為本。涉及到社區發展的工程，必須要照顧到當地居民生活模式和社區網絡。我們尤應著眼保存不同社區的風貌和特色，透過提倡保育、推廣自下而上的民主規劃方式，建立和保存大小社群的社區網絡。

因此，我們的城市不應淪為地產商漁利的資本，不能成為他們交換利益的平台。因此，市建局應重組，撤換其淪為大地產商傀儡的領導層。我們的城市更不可交由他們以純商業邏輯發展！

九） 大學要當社會的良心和知識的燈塔，引領社會走向前而非被市場牽住鼻子走。是故，應極力避免教育商品化和產業化，大學不是大小企業的人力資源培訓所及賺取外匯收入的機構，而是付出持續的努力，研究香港在全球

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當中的戰略價值和定位。很明顯，推動高等教育中文化、科研中文化、鼓勵本土研究，是本港大學的重要使命。另外，不論中小大學，學生都有學習和享受優秀藝術文化之權利，教育是要令學子得到更好的人文和藝術教育，有更好的身心發展，要以人為本的。

十） 開放大氣電波，打破意識型態壟斷。我們亦不能忽略傳播媒介對社會的影響力。開放大氣電波有助使更多的人民電台和社區電台成立，打破現時主流媒體的壟斷，使社會有媒體力量挑戰主流意識型態。我們亦建議立法規定商營電視台減少供應鼓勵變相賭博的財經資訊時段，改為播放及增加製作文化藝術節目，使我們不必再受經濟至上的思維轟炸，可以接觸更多的文化資訊，一方面推動香港的文化發展，一方面也能對我們的社會有更多的人文的反思。

今天，我們的一切都要為大商家讓路，我們的生活都給大財閥們的產業所佔據。嗚呼！過往的一套市場放任主義思想，使人人都無力過自己想過自己的生活，只養肥了一班大商家：這把香港弄得多麼的可恥、多麼的可悲！但這一切一切，今天應該有個終結了。

我們的十點要求，只是開始，只是我們的社會的重構、香港的重新定位的第一步。一個美好的未來，斷斷不可能在整個社會只懂、只能追逐金錢的環境下到來。我們應徹底拋棄以金融價值衡量一切的思維，不再讓這套思想主宰我們社會、不再讓這套思想的鼓吹者指點我們的未來。只有如此，在民主來臨的一天，我們的社會才會有堅實的基礎，迎接以人為本的新時代的到來！

(註一)可參考 http://www.consumerpower.org.hk/content/?p=103

(註二)可參考附件：「哲學人民」的《當經濟學碰上哲學》---「哲學人民」乃由一些喜愛哲學的中大持份者所組成，文章亦可見 http://philosophicalpeople.blogspot.com/2009/06/blog-post.html

(註三)可參考《什麼人訪問什麼人：從聖彼得堡數學談到金融海嘯》，刊於 2009 年 5 月 24 日星期日明報，轉載亦可見 http://hkdeclaration.blogspot.com/2009/06/blog-post_22.html

(註四)可參考《400 億工程料七成「外人賺」》刊於 2009-02-16 明報，轉載亦可見 http://hkdeclaration.blogspot.com/2009/06/400.html

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THE STUDENT UNION OF THE CHINESE UNIVERSITY OF HONG KONG

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李曉燕(香港市民)

(編者註： 意見書共 17 頁，第 12-16 頁附「當經濟學碰上哲學--哲學人民」一文為互聯網資料，第 17 頁附來信機構致傳媒信件，由於與政制發展無關，故不在此刊載。)

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致：港聞版／政治版編輯　　2009年6月28日(新聞稿)

愛家民主遊行聲明

我們是一群愛護家庭，珍惜一夫一妻婚姻作爲家庭基礎的人士和團體，我們認同家庭是由婚姻、血緣及領養關係所組成。

我們相信：

愛護家庭是現代社會的核心價值，維護家庭是社會及政府的基本義務，《世界人權宣言》第十六條確認「家庭是天然的和基本的社會單元，並應受社會和國家的保護。」政府及社會各持分者有責任保護家庭。

家庭是民主社會與國民教育的基石：一男一女的結合，並生兒育女是人類社會得以延綿發展、代代相傳的基礎。每個人成長於家庭，由父母養育成人，學習愛與被愛，建立完整的人格與待人處事的基本價值，這是良好公民品格培育的溫床。家庭是中國傳統倫理與文化素養承傳的核心載體，是人類文明發展的基礎。再者，民主社會需要公民社會支持，而家庭就是公民社會的基石。家庭爲民主社會培育一代又一代的具民主素養的良好公民，接續民主火炬，發揮家庭功能與民主社會的發展息息相關。

一夫一妻制是香港社會的核心價值，它是現時香港婚姻制度的基礎，有強大的社會共識支持。中華文化一直強調家庭的重要性，是現存行之有效並有廣泛共識的美好社會制度。

家庭價值與社會公義並行不悖：我們支持兩性平等，反對家庭中男尊女卑的思想，夫妻應平等互助互愛，共同撫養下一代，建立幸福家庭。我們反對家庭暴力，政府和社會要特別支援貧窮、弱勢的家庭，如單親家庭和低收入家庭。

然而，今天家庭衰落的徵兆已出現：香港的離婚率高漲，單親家庭數目大幅攀升，家庭暴力嚴重，家庭悲劇頻仍，青年婚前懷孕、墮胎問題日益嚴重。

香港社會環境也危及本港家庭的穩定性，貧富差距日益擴大，不同階層人士矛盾加劇。工作壓力沉重，工時過長，很多帶職父母在照顧家庭方面力不從心。愈來愈多人需要跨境工作，這也令維持婚姻和家庭的生活愈加困難。

家庭功能失衡，衍生出眾多的社會問題，青少年校園吸毒、女學生賣淫、青

少年賭博問題等均日益嚴重。我們若不同心協力重振家庭的功能，社會只會問題叢生。現時，行政長官並非由普選產生，政府往往爲維持其民望及合法性，常爲民望的上落進行搶救工作，對本港的發展缺乏長遠的計劃，所謂家庭政策更多年未見落實：

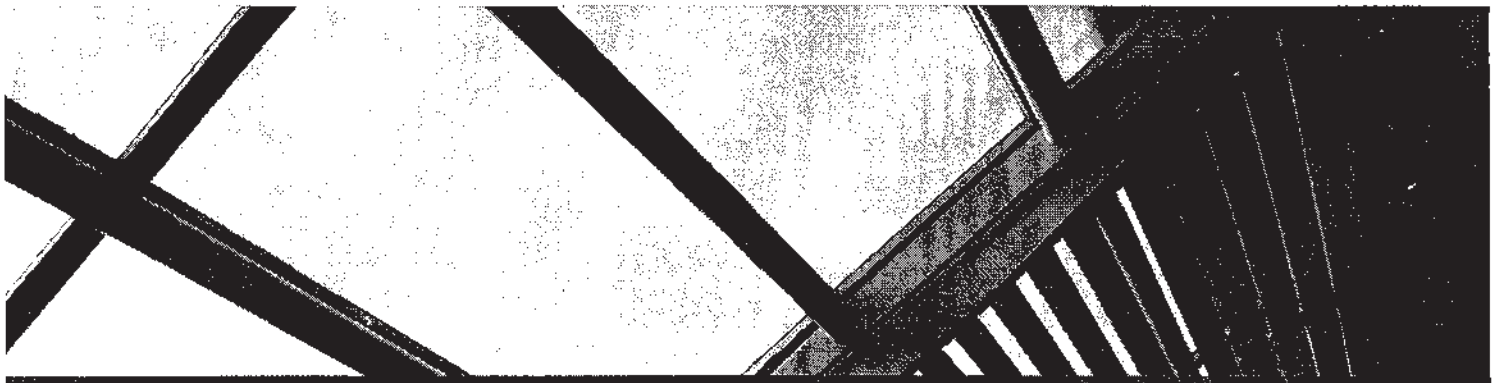
所以，我們在此要求政府：

1) 盡快落實普選行政長官及全體立法會議員；
2) 盡快制定全面家庭友善政策，；
3) 盡快制定家庭影響評估機制，所有政策制定需事先進行家庭影響評估；
4) 設立家暴法庭，加快處理家暴問題；
5) 設立法定男士侍產假，方便新任父親協助照顧初生嬰兒，支援妻子；
6) 全面資助學前教育，讓幼兒得到免費及優質學前教育；
7) 制定合理工時政策，保障父母有合理的親子時間；
8) 完善戒毒配套，加強青少年禁毒預防教育及更生服務；
9) 加強管制色情資訊，保護兒童免受色情毒害；
10) 反對增加賽馬日，以防止賭風漫延，並增加戒賭服務資助；

家庭發展網絡成員：

黃成智議員　劉李偲嫣女士　何漢權先生　麥沛泉先生　黃智雄先生
李亮神父　關啓文博士　梁友東牧師　羅世恩議員　蕭敏華律師
陳志常先生　愛護家庭家長協會　思考學園　恩信有限公司

發言人：黃成智議員（家庭發展網絡主席／立法會議員）手提：



Birdcage or Framework?

Considering what comes next in constitutional reform

A Report for the
National Democratic Institute for International Affairs and
Community Development Initiative Foundation
by
The Hong Kong Transition Project

July 2009

(Editor's Note: This submission is a Report for the National Democratic Institute for International Affairs and Community Development Initiative Foundation by The Hong Kong Transition Project.)

Background to the principals

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Since 1997, NDI has conducted a series of assessment missions to Hong Kong to consider the development of the HKSAR's "post-reversion" election framework, the status of autonomy, rule of law and civil liberties under Chinese sovereignty, and the prospects for democratization beyond the 10-year transition period set forth in the Basic Law. In 2002, NDI established a field office in Hong Kong. NDI works with political parties and democratic activists to encourage public discussion and debate on political reform. The Institute shares information with and provides technical assistance to Hong Kong political parties, political groups, and civil society organizations seeking to increase their ability to increase citizen participation in the HKSAR's political life. NDI does not provide funding to any political party or political group in Hong Kong.

Since 2002, NDI has provided technical assistance to Hong Kong's political parties and political groups to address issues such as: membership recruitment; media relations; communicating with constituents; voter contact; and fundraising. Through multi-party and single-party workshops, as well as consultations with party leaders, NDI has worked with all of the HKSAR's major parties to discuss the external political environment and the parties' internal structural weaknesses. Participating parties and political groups have included the Democratic Alliance for the Betterment and Progress of Hong Kong, the Democratic Party, the Liberal Party, The Frontier, the Hong Kong Progressive Alliance, the Citizens Party, and the Civic Party.

Community Development Initiative Foundation (CDIF) is a nonprofit organization that incubates ventures facilitating community and social development. It provides a platform for NGOs, think-tanks and activist groups to collaborate for a common purpose of enhancing the well-being of citizens in the community. CDIF engages in both research and education, by designing, hosting, and facilitating creative programs to support its community partners with the training, tools and resources necessary to facilitate the social development process in Hong Kong.

The Hong Kong Transition Project[1] is a long-term study of Hong Kong people's transition from British subjects to SAR citizens. Citizenship requires citizens have the power to elect their leaders and amend or approve their constitutional documents. The project focuses on the period beginning in 1982, when negotiations for Hong Kong's return commenced without Hong Kong people's participation as British colonial subjects, until when under the Basic Law, elections under new election rules decided by Hong Kong people themselves are scheduled to take place. This is expected to be 2017 for Chief Executive and 2020 for all members of the Legislative Council.

NDI
NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS

Community Development Initiative Foundation

Hong Kong Transition Project

[1] The Hong Kong Transition Project (http://www.hktp.org)is funded via competitive grants from the Research Grants Council of the University Grants Committee of the Hong Kong Government (HKBU 2168/04H & HKBU 2441/06H) and by the Community Development Initiative Foundation (http://www.cdif.hk) This commissioned research report was jointly funded with NDI (http://www.ndi.org). None of the institutions mentioned are responsible for any of the views expressed herein.

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Analytical Framework of the Report

Demographic details are listed at the end of this report.[2] Significant association of these variables with selected questions will be indicated with cross-tabulations.[3] Some sets of questions will be further analyzed for correlation and are labeled as **CORRELATION** tables. Correlation measures the strength of the association between variables, in other words, how consistently responses to one question line up with another. For example, height and weight are strongly correlated, that is, taller people are almost always heavier than shorter people. Heavier cars always get lower fuel efficiency than lighter ones. In the case of the variables in this survey, for example, correlation measures the strength of the relationship between birthplace and political attitudes or satisfaction with life in Hong Kong and satisfaction with government performance. **COMPARISON** tables do not indicate statistical tests of significance, but do show significant variation between the Geographic Constituency voters (GC voters) and the Functional Constituency voters (FC voters) or other groups as indicated. Significant findings will also be marked by the label **FINDINGS** and in italics. There is also a section titled SUMMARY OF FINDINGS BY CHAPTER that list all findings but without their data tables or contexts. The Table of Contents lists sections, tables and charts. The main tables, usually the May results or **TREND TABLE** contain the question asked in the surveys in full form, with shortened forms used in subsequent tables.

Questions have been analyzed with five main sets of variables:

Political system variables include Functional Constituency, Geographic Constituency, or non-registered status to vote, status as having a job requiring a government recognized or stipulated certification, registration or license, belonging to a union, association or other professionally related group

Demographic variables include: birthplace, years residence in Hong Kong for non-Hong Kong born residents, gender, age, marital status, children, education, occupation, work sector, living quarters, religion, and monthly family income.

Associational variables include: experience living abroad, identity.

Participatory variables are: attendance at meetings of community/interest groups, contacting government and civil society groups for help or to express concern, demonstrating, petition signing and donating to political groups, and membership or support of political parties or advocacy groups

Key attitudinal variables include: patriotism, satisfaction with life in Hong Kong, support or opposition in principle to direct election of the CE and of all members of Legco, worry about free press, employment, air and water pollution, rule of law, and social unrest and street

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[2] See Analytical Variables section below for comparative profiles of the two surveys. The variability of responses falls within the normal range of random error, +/-4 points at the 95% confidence interval, in surveys of this size, (approximately 700 respondents for the GC survey). The FC survey of 400 respondents, being smaller but also more homogeneous in terms of demographics (male, older, born in Hong Kong, wealthier and more highly educated on average) varies approximately +/- 8 points in the 95% confidence interval. See table of respondents per survey at end of report.

[3] Chi-square is a measure of association. The lower the Chi-square number, i.e., the nearer zero in the number after the symbol p under each table, the less likely that the distribution of responses is a result of just random variation. Chi-square reliably shows an association at .05 or less. However, Chi-square is less useful when only small groups show wide variation from the results of other groups.

protests, positive or negative assessment of effect of political parties in Hong Kong and optimism or pessimism about Hong Kong's future prospects as part of China.

Many of these variables will be included in **TREND TABLES. Trend Tables** show changes over time in responses to questions, which have been posed over a number of years by the Hong Kong Transition Project. Significant differences over time between previous surveys and the survey from 2009 will be indicated. Variables without a sum indicated (100) are in column format (read numbers in each column). Normally, independent variables are listed at the top of a table with dependent variables listed in the rows. Tables with 100 indicated to the side are ROW totals which read across the rows from left heading to distribute by columns. If a sum of 100 total is indicated at bottom, these are COLUMN totals summing up the distribution across the variable listed at the top column heading. These are usually good indicators of being association tables testing whether the responses are sufficiently in a pattern as to preclude a distribution of the responses as a matter of chance. The closer to zero (0) the less the distribution of responses could be by chance, and thus the higher the likelihood that responses are associated with one another significantly.

Executive Summary

As Hong Kong approaches another attempt to achieve a consensus on constitutional reform, it faces the question of whether this time will be different from the failed effort in 2005. Then many pro-democracy advocates felt government offered too few details, too little progress, and made an attempt both too late and too little to amend the proposed package. Constitutionally protected interests in the functional constituencies felt, on the other hand, that the package changed the nature of their half of the legislature too much and that demands to end the practice of appointees to the District Councils would too drastically damage the patronage system—prevalent in Hong Kong since the beginning of colonization—that preserved their influence and rewarded their members. Pro-democracy advocates demanded both a timetable –a specified process with a certain ending point—and a roadmap with the directions and details spelled out on how and when full direct universal suffrage elections of both the Chief Executive and all members of the legislature would be achieved. Since that failed attempt, Beijing officials have delivered a specific timetable and broad guidelines on the roadmap, proclaiming in December 2007 that:

- The Chief Executive may be directly elected in 2017
- All members of the Legislative Council may be directly elected in 2020
- Progress toward these dates must be "gradual and orderly"
- The form of Hong Kong's democratic system may not simply copy western models but must build on its unique circumstances and history

This report examines not only the current state of public opinion on constitutional reform and the present system. It also examines and proposes new ways to achieve the gradual and orderly progress toward a fully directly elected governance process built upon Hong Kong's unique circumstances and history as the NPC requires. Demanding changes to the timetable by making full democracy by 2012 the only acceptable reform proposal guarantees that no progress will be made by 2012. *This report assumes that all parties wish to make progress in 2012 and beyond, and that the timetable set down by Beijing is a concession by central authorities that will not be reconsidered without a significant nation-wide upheaval resulting in change in the central government for which for now there is little prospect.*

The problem of how to move from current franchise and elective systems in the Functional Constituencies (FC) to their abolition has so far stymied reforms. Most approaches propose reducing the number of FCs by consolidating current FC voters into fewer seats while adding geographic elected seats to replace them. This introduces the problem of which FCs give up influence first, a move most FC Legco representatives are reluctant to vote for. An alternative would be to dilute the power of FC representatives and their voters by diluting the power of individuals in each FC by greatly increasing the voter numbers in each existing FC, but do so within the original intentions of the FCs as privileging groups crucial to governance, thus achieving both a gradual modernization and democratization of the FCs toward majority inclusion. If properly designed, the exclusion of most voters as now would gradually become the inclusion of most voters by 2016, with a small step required to include all voters in 2020. *This report proposes and launches the first research into such an alternative approach.*

Summary of Findings by Chapter

Part One: Macroanalysis of Past and Future Governance Systems

II Key aspects of the current system

- *The vast majority of Hong Kongers feel they know enough about government policy making to have an opinion. A strong majority of two thirds think abolishing Functional Constituencies (FCs) would make a difference in the fairness of policy making.*

- *The results show even in such straits as the worst global recession since the Great Depression, the vast majority support direct election and believe it would help governance.*

III Investigating views toward the Functional Constituencies

- *Functional Constituency (FC) voters feel abolishing their disproportionate power would make government policies fairer, more than any other group. This is a clear recognition by those most empowered by the current system, that the FC structure is a fundamental flaw.*

- *If abolishing FC seats was a matter of all FC voters voting as a bloc to abolish or not, the vote would go the same way as among the Geographic Constituency (GC) voters or all voters combined: to abolish functional constituencies.*

- *In terms of constitutional reform, there is a consensus among more than two thirds of respondents from the key groups concerned –including both Liberal and Conservative FC voters -- that full direct election of all members of Legco would make policy making more fair, more accountable, and more effective.*[4]

- *If the number of voters in FCs were expanded, it would have a moderate beneficial effect on fairness of policy making according to a plurality, but would not solve the policy making unfairness problem according to a majority.*

- *Increasing the FC franchises in voter numbers would most likely NOT increase resistance to abolition of FCs.*

IV Imagining alternative approaches to "gradual and orderly change"

- Is it possible in 2012 to increase FC constituency franchises and broaden their representativeness at reasonable cost and without complex negotiations requiring drastic rearrangement of the present FCs? *The research team has arrived at a solution that is not costly to achieve as government already maintains the name lists. This solution adds significantly to present FC franchises, is comprehensive in that most new voters will readily fit into existing FCs, and these new FC voters will very likely be as or more supportive of abolishing the FCs in 2020. Their inclusion as FC voters would be updating the FCs rather than drastically changing them.*

- *While number of FC voters overall and in each franchise will significantly increase, the type of voter and type of representative will not radically change, thus meeting 2007 NPC instructions that change toward 2020 must be gradual and orderly. We designate potential new FC voters for the professional FCs as "new professionals" and new certified and registered trades (NPR), comprised of people required by government to obtain a certification or qualification to practice their livelihood.*

[4] "Liberal" FCs are those seats held by pro-democrats. "Conservative" FCs all other seats. This division used to test attitudes in the FCs below.

- *Reform for business dominated FCs and FCs with social or charitable register related membership is to extend voting to all listed officers and trustees of registered firms and charitable boards, whose board members qualify for voting in Hong Kong. These members will be restricted to voting in one FC, however many boards upon which they sit.*

- *Labor related FCs extend the vote to recognized union members.*

V Investigating "gradual and orderly change"

- *A majority of "new professionals" surveyed support getting a vote in FCs. Only one in five opposes.*

- *All groups form near-majorities believing that broadening the representativeness of the FCs would increase fairness of policy making. The ratio of those deeming it producing fairer decision making to those calling it less fair is over two to one. The balance are undecided.*

- *There is broad agreement by those surveyed on expanding FC franchises. This is one alternative to meet NPC decisions that there must be "gradual and orderly progress" from the present system to fully direct elections of all members.*

VI Imagining governance structures build on Hong Kong's unique heritage

- How then to step from 2012 to 2016? *If, in 2016 all workforce members were enfranchised in an FC according to the type of business registration of their employer, then all workforce members would be eligible to vote in FCs, raising FC voters to about 2.5 million permanent residents registered to vote, or two thirds of the GC registered voter roll.[5] The FCs were designed primarily to protect interests of the business and working sector as there are only two seats, the Heung Yee Kuk and District Council, that have substantial numbers of retirees and housewives as voters, and those are both indirect votes. Including all working persons in expanded FCs seems a natural expansion of the original intent of the FCs.*

- *Abolishing FCs by dilution via expansion of voters in the FCs according to present characteristics of the FCs, rather than attempting to eliminate some FCs by abolishing firms, unions, or profession's right to vote, is more acceptable to current FC Legco members and their voters than other options.*

- *All multiple voting beyond an FC vote and a GC vote should end to promote equity and improve perceptions of fairness and transparency. The reforms examined substantially correct these inequities in 28 FC seats. This leaves two government-related FCs the District Council and Heung Yee Kuk seats to reform.*

- *There are four solutions to expanding the Heung Yee Kuk and District Council FCs by 2020. Enfranchise all qualified voters directly in both. Enfranchise new voters, in the DC seat, with students as best option. Restore the Urban and Regional Councils, and enfranchise voters to elect a Legco FC each, replacing the DC and Heung Yee Kuk seats. Transfer the two seats to the GC elective system in 2016.*

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[5] Many firms require staff to carry employee identification cards. These ID cards could be confirmed with firms and cross-checked according to GC voter registration rolls to confirm registration and eligibility to vote, and with all firms classified by type, FCs could be set for one election according to type of firm at relatively low cost. The Inland Revenue Department requires all businesses to state the "description and nature of business" while the Trade and Industry Department and Census and Statistics Department maintain massive amounts of data classifying types of businesses.

- *Among students surveyed, nearly two to one favored a student FC seat. This move empowers new voters, while creating a group most willing to surrender its FC vote in 2020. It should boost turnout among younger voters. Research shows once a habit of voting is established, it tends to persist. This effect might be a positive legacy of the FCs, a gift to increase participation in voting in the full direct elections and thus an increase in legitimacy of government after so long damaging it.*

- *The District Councils now have little connection with either a representative legislature or policy-making executive institutions. This was not the case prior to 1999. This contrasts with most states where lower level governments exercise policy making, tax and administrative supervisory powers over civil services, and where it is an assumption politicians will start at lower levels and move up the ladder of representative government until reaching state- or province-wide, then nation-wide, office. Lacking such connective structures results in constant problems of legitimacy and coordination as well as of how to develop political expertise and administrative skills. The final structure of direct elections attained in 2020 should address these problems.*

- *One approach: look at current problems, look elsewhere for good models, and look back on our historic legacy to see what can be made of it to solve problems in governance. One means: borrow from German experience that mixes geographic constituencies elections with state-level list system elections. In 2020 FC seats might be replaced by awarding seats according to percentage of votes for a party overall. When tested, nearly a fourth had not heard of it. It was favored by nearly two to one by those who had a view.*

- *A better approach: Use three forms of election for Legco. One of proportional seats as now. One of a list system wherein all voters indicate their preference from a list of candidates, with the top 12 returned. One of 18 seats returned by first past the post elections in each District Council area. There would be pressure on the parties to coordinate campaigning and candidature across the proportional elections, the DC first past the post elections, and at large list elections. This would reward a stronger party policy and leadership profile, building the political structures needed for strong, executive led, fully elective governance. It would also be reflective of our historic structures and integrative of current international standards of democratic best practices.*

- *While a combined 12/18 format to replace the 30 FCs in 2020 might be closest to a format erected on our history as well as based on successful practice elsewhere, it would need a strong campaign to explain its benefits over alternatives. If the outcome of the roadmap is fully agreed this far ahead of 2020, having an executive who can see the benefits of such an integrated structure and mount a persuasive campaign for it is likely lacking. But scheduling the Chief Executive to be returned by full direct election in 2017 prior to the 2020 Legco may provide an opportunity for the final structure to be reconsidered. The first directly elected Chief Executive will have more reason and capability to solve governance problems in the more competitive environment for Chief Executive which will arrive in 2017. If the FC expansion until abolition approach is taken, there may be advantages to waiting until 2016 to agree the final legislative structure of 2020.*

- *While a majority support direct CE election, less agreement appears on the nominating process. Perhaps most acceptable: combine on a CE Nominating Committee all directly elected DC members, all Legco members, all NPC members, and a number of members returned by the reformed, expanded, and more broadly representative FCs. If so, reforming FCs by expanding voter numbers and ending corporate and duplicate votes is vital for legitimacy of the CE election process.*

- *While a majority of all surveyed support direct election of the Financial Secretary, only 40 percent of those making over $50,000 per month support while 57 percent of those under that mark do.*

- *While 50 percent of men support and 37 percent oppose direct election of the FS, opening a 13 point gap between support and oppose, 57 percent of women support and 32 percent oppose, a gap of 25 points, nearly double that of men. There may be evidence here of strong disagreement between men and women on spending priorities, with women thus favoring direct election of the FS as a means to pressure government to address their concerns.*

- *Two thirds favor requiring Legco to approve all Chief Executive appointments by majority vote. There is no difference by work sector or gender. Minor differences by occupation and income. Those under 40 support requiring Legco to approve the CE's appointments by better than 7 in 10. There appears to be considerable concern over the CE's power to appoint and perhaps the quality of his appointees.*

- *While directly electing the CE is uncontroversial for the vast majority, there is no consensus on extending direct election further into the executive branch. There is, however, clear support for increasing the power of Legco over executive appointments, and evidence that women feel their issues are not being accorded the priority they prefer by the Financial Secretary. These questions indicate problems in the present Executive policy making processes and in Executive-Legislative relationship that need repair. They are not meant as suggested solutions.*

VII Influencing Hong Kong's political development

- *While a vast majority thought Top Beijing officials HAD the most influence, only 55 percent thought Top Beijing officials SHOULD have the most. It is this considerable difference between assessments of who has the most influence and of who should that most clearly indicates the basis for care in the reform process. When set beside the assessments of unfairness of the policy making process, these differences could be explosive if mishandled.*

- *While 75 percent of those making over $50,000 per month thought Top Beijing officials should have the most influence over Hong Kong's development of democracy, only 57 percent of the more numerous lower income group agreed.*

- *Just 13 percent of public sector thought public opinion and parties should have most influence, 22 percent of the non-working sector made that choice. While 71 percent of the public sector thought Top Beijing officials should have most influence, just 61 percent of the private sector, and only 53 percent of the non-working sector, agreed.*

- *The gap between the business and professional occupations which dominate the FCs, who cast the critical votes on democratization, on whether public opinion or Beijing should have most influence on Hong Kong's development of democracy, is largest with students, unemployed, retirees and blue collar workers, the groups historically more likely to react with demonstrations.*

PART TWO: Microanalysis of the current governance system

VIII Problem solving in the current system

- *There is no significant difference in distribution of type of problems of most concern by birthplace in Hong Kong, Mainland China or Elsewhere. However, women and men have different areas of concern, with women more focused on social problems.*

- *Those over 50 are significantly more concerned about political problems. However, contrary to supposition that conservativism increases with age, those over 50 more strongly support direct election of the Chief Executive than those under age 50.*

- *While those who strongly support all Legco members' direct election are significantly higher in the over 50 age group, at 17 percent versus 13 percent, combined "strong support" and "support" for full direct Legco elections is 65 percent in the over 50 versus 71 percent in the under 50.*

- *Those making above $50,000 per month family income and those likely making more (who refused to say but whose response pattern is almost the same as the higher income group) are more likely to name a political issue as their problem of greatest personal concern.*

- *Of those whose job requires no certification or license to practice, fewer cite a political or social problem as their top personal concern. Professionals and certified persons whose jobs entail interaction with government and in associations of certified persons tend to be more politically and socially conscious. However, those professionals and certified persons not presently in an FC who cite an economic problem as their primary concern, tend to support a vote for their FC more than those who cite political or social problems.*

- *Professionals and unemployed are significantly less satisfied with government performance on their problem of greatest concern.*

- *The most intense dissatisfaction with government performance in addressing a problem of greatest concern is among those citing a political issue.*

- *Dissatisfaction with Government performance on handling their primary problem of concern has dropped among GC voters while satisfaction has improved from an August 2008 bottom of barely 15 percent satisfied to 21 percent satisfied.*

- *In September 2008, and for the first time, a majority saw political parties as having a good or very good effect on their problems. In May 2009 that proportion dropped by more than half, from 53 percent believing parties had a good effect in September 2008 to 24 percent.*

- *Political parties of either pro-government or pro-democracy leaning gain more from criticizing Hong Kong Government performance than they would lose, given the present preponderance of dissatisfaction with Government's handling of respondent's problem of greatest personal concern.*

- *Among registered voters the DAB does less well among FC voters than GC voters while the Civic Party does significantly better among FC than GC voters. The five parties are chosen by half the registered voters in both blocs as representing them best, leaving half of all registered voters saying no one or they Don't Know who represents them best.*

- *The political parties gain significantly less support in the public sector than private or non work sectors, by a margin of 10 points.*

- *Occupationally, 61 percent of students cite a party as best representing them, followed by Managers and Administrators at 56 percent, retirees at 54 percent and 49 percent of professionals. The League of Social Democrats does better among service workers and unemployed, leading all other parties among the unemployed with 13 percent, nearly twice the DAB's 7 percent. The Civic Party leads all parties among business and professionals,*

while the Democratic Party outpaces by far all other parties among students, "representing" nearly one in four.

- *Democratic Party and Civic Party support tends to rise with education.*

- *Among all parties, those who cite economic issues as their top concern outnumber those who say that party best represents their interests. Only Liberal Party shows no respondents with political problems.*

- *There is no statistical difference between parties among those who have lived outside Hong Kong for a year or more. There is no difference between parties of those having Right of Abode abroad or not. "Foreign influence" in this sense is completely missing from the politics of Hong Kong.*

- *There is a difference by incomes above or below $50,000 per month, with those earning higher amounts saying no party represents their interest by 46 percent to 36 percent of those earning less. The Civic Party portion, 22 percent of such respondents, matches those of higher incomes citing all other parties combined.*

- *Though half of respondents cited a party as representing their interests best, and though a third of respondents named a political party, group or person in open ended questions as representing their interests best, only 12 percent of respondents considered themselves a member or a supporter of a political party. Just 12 percent of respondents gave money to a political group or party in the previous year.*

IX Satisfaction with the current system

- *The DAB marginally improved in public sentiment. The DAB is the only party showing an improvement between the September 2008 Legco election and May 2009. The LP shows the steepest drop in satisfaction, down 34 points, CivP shows the second steepest drop in satisfaction, at 20 points down but still in positive territory while LSD shows a close third steepest drop in satisfaction at 19 points down from September 2008. LSD is bottom of the chart with 46 points more dissatisfied than satisfied.*

- *The Liberal Party, which lost its GC seats in 2008 and then split, leaving it with 3 Legco seats, is at a negative 61 point margin more dissatisfaction than satisfaction among FC voters, once its major support base. At negative 39 points among GC voters, its margin is better but still deeply negative. Among non-voters, it has a 16 point gap of more dissatisfied than satisfied.*

- *The Civic Party shows a 20 point positive margin with GC voters, but just 14 points positive margin among non-voters. With FC voters it shows 42 points more satisfied than dissatisfied with its performance. It is the only party with a positive margin among FC voters, and that margin is the largest margin of satisfaction over dissatisfaction of any party among any voting or non-voting group.*

- *The post-election tactics of the LSD have badly damaged its standing with voters, with the party showing 46 points more dissatisfied than satisfied among GC voters, 56 points negative difference among FC voters, and 40 points more dissatisfied than satisfied among non-voters. The LP and LSD are the only parties showing a negative margin with both GC and FC voters and also non-voters.*

- *Satisfaction with life in Hong Kong is now at the lowest mark under Chief Executive Donald Tsang, though that mark of 72 percent satisfied was the high point for his predecessor.*

- *A majority are now dissatisfied with the general performance of the Hong Kong Government.*

- *There is deterioration in satisfaction with the Hong Kong Government's handling of relations with Mainland China. But whereas once these were largely attributable to issues of political reform, today they are more matters of Hong Kong being left out of mainland economic planning and the Government not being aggressive enough in cooperating with mainland development. There has been no drop in satisfaction, for example, with how Beijing handles Hong Kong affairs or in how it rules China. The problem appears to be on the Hong Kong side.*

- *The concern ranked number one, Hong Kong's economic prospects, and the concern ranked number two, the rule of law (with crime and corruption rankings last by a negligible number) indicate great anxiety about the Hong Kong Government's primary claim to legitimacy: ensuring rule of law and economic opportunity for its citizens. Consequently, for the Government and people of Hong Kong, working out how to cooperate with mainland China on constitutional reform to protect and promote rule of law and achieving cooperation with the only major economy growing significantly despite the greatest global economic crisis since the Great Depression are both challenges and opportunities of paramount importance.*

X Participation and Patriotism: Citizenship and Identity in Hong Kong

- *Those who vote and particularly those who are members of the FCs and new professions show a higher propensity to participate in the organized civic life of the community.*

- *Choosing to describe one's identity as Chinese correlates most strongly with descriptions of feeling proud and excited on China's National Day. However, even among those saying they are Chinese, such feelings are in the minority with 37 percent of self described Chinese identity feeling proud and excited. Among those describing themselves as a Hong Kong person such feelings occur among 13 percent.*

- *There appears to be a very limited degree of identity politics going on in Hong Kong. There is no "Chinese" identity party or "Hong Kong person" identity dominated party.*

- *The pro-government parties DAB, FTU and LP show some relationship between satisfaction with their performance and feelings on China's National Day, with those describing themselves proud or excited tending to be more satisfied. The opposite is the case for pro-democracy parties except Civic Party, where there is no effect of National Day feelings on satisfaction.*

- *Retirees feel most proud on National Day, Students feel least pride and excitement. There is no relationship between feelings on National Day and income.*

- *Feelings on National Day of Pride and Excitement tend to be associated with higher levels of satisfaction with the performance of the Government and with the CE.*

- *Feelings of patriotism are currently narrowly based and most prominent among the aged, less educated, and retired. This is not a base for future growth. By promoting fair, frank negotiations of the final form of democracy and fully backing the timetable for direct elections it set down in December 2007, the local and national governments could go some way toward encouraging feelings on China's National Day of pride and excitement among the young, the educated, and the workers: the base of Hong Kong's and China's future.*

PART ONE: Macroanalysis of past and future governance systems

I Introduction

Like the television show *Life on Mars* Hong Kong's development of democracy has been trapped in a timewarp. It was back in the age of Ronald Reagan and the Cold War, before the Fall of the Berlin Wall, the unification of Germany and major expansion of the EU, before the invention of the Euro and the collapse of the Soviet Union –and even long before Google or the Internet transformed our lives and work –that the drafters of the Basic Law settled on a partial roadmap and incomplete timetable taking Hong Kong part of the way along the road to democracy. The constitutional design adopted of a legislature divided between members elected by huge numbers of voters from large geographic constituencies and members elected from tiny "functional" franchises with secret corporate voters or very limited franchises of narrowly interested groups was a compromise never meant to prevail forever.

The inventor of functional constituencies, Sir David Akers-Jones, borrowed the idea from Great Britain's distant, pre-democratic past. In theory, by giving business and professionals greatly disproportionate influence in Legco, any threat of socialism or Cultural Revolution-style populist "democratic" mob rule could be prevented, at least until Hong Kongers matured enough in the ways of liberal democracy to realize on their own that populist demagoguery led only to immiseration. This is why periodically, discussions of voter "maturity" pop up in Hong Kong.

Since universal suffrage elections started in Hong Kong just in 1982, and since, unlike Britain, the incoming sovereign, China had no long tradition of elections and democracy to help guide the nascent democracy of Hong Kong, the mid-1980s drafters of the Basic Law stipulated a gradual process of increased popular power over government. China itself had only begun to open up to the world just over a decade before the Basic Law was promulgated in early 1990. It had only drafted and implemented a post-Mao constitution in 1982 and started limited village elections in rural zones that same year. Under Mao there had been no lawyers, no trained judiciary and no constitutional protections of economic or political freedoms at all. The first functional constituency elections to Legco began in 1985, a full generation ago, about the same time that the Basic Law began its drafting process. The first partial direct elections to Legco took place in 1991, a year after the Basic Law was promulgated by the National Peoples Congress and just six years before the return to China. There was a widespread assumption before 1997 that taking things slowly -- feeling the stones while crossing the river, as Deng Xiaoping put it -- was the wiser course.

Things have certainly changed since then. The whole Cold War framework vanished along with the Soviet Union in December 1991. "Communist" China joined Hong Kong in the World Trade Organization in 2001 and became a champion of free trade and entrepreneurship. China is now America's major source of finance whereas in 1985, America was its major source of Foreign Direct Investment. China now has as many lawyers as America, though they do not yet have the influence on the Chinese government that they have in the US. Chinese firms are listed on stockmarkets in New

York as well as Hong Kong and Shanghai, and a Chinese firm just bought the Hummer brand from GM. The Chinese car market is booming while the American car industry is collapsing. Yes, things have certainly changed. On his election in March 2007 Chief Executive Donald Tsang announced that Hong Kongers were mature enough to proceed to full democracy. Most, according to polls, agreed. And most also agreed changes to the plan and pace set down in the Basic Law back in the 1980s were more than needed.

The Basic Law drafters' promise and hope of strong, dynamic Executive-led government foundered on the interim practice of an executive election process dominated by 800 elites, with about three fourths of that small number of executive electors returned by barely 200,000 voters out of a population of over 7 million. The rest were government appointees and ex officio representatives. The views of almost all of Hong Kong's 7 million people were represented on this committee by the 30 Legco members directly returned in contested elections. So while Hong Kong's 800 strong Executive Election Committee was much larger than America's 535 member Electoral College that technically elects the US president, the vast bulk of its membership represented the votes of very few, and not the votes of the majority (in each state) as in the US practice.

Unlike all other democratic systems, the people never got to express their preferences or give their consent to policy platforms by casting a vote. This lack of clear connection between a vote, a policy program and a leader resulted in a the lack of a clear connection between an act of consent and an act of government on policy. This is Hong Kong's key legitimacy gap, one created by an interim system never meant to last long in the first place. The Chief Executive has even been forbidden from being a member of a party, not by constitutional restriction, but by legislative preference, still further hobbling the executive's ability to garner support and votes in the legislature.

Not surprisingly, the system hasn't worked very well, with the first Chief Executive not even finishing his second term before resigning amidst a widely declaimed failure of governance. The second Chief Executive, who began his sole full term in 2007 after Hong Kong's first contested Chief Executive election, appears increasingly mired in troubles. Hong Kong's incomplete, partially democratic interim system of government suffers from a visible lack of leadership. It appears more deeply flawed than a simple change of executives can cure. The promises in the Basic Law of full direct legislative and executive elections in future never seemed more apt nor more needed.

Not that there have been no attempts to fix what's wrong with Hong Kong's system. The first Chief Executive "reformed" the heads of government departments in the Principal Accountability System of 2002. That mainly administrative reform failed spectacularly and led to massive protest marches in 2003 and 2004. It also saw several ministers resign in disgrace and the departure of the first executive before his term ended. The second Chief Executive, Donald Tsang, revoked most of the Principal Accountability System in early 2005, restored the hierarchy of the ministerial system, and booted nearly all department heads out of the Executive Council to be replaced by appointed leaders from the community. This partial move to widen representation in the highest councils of government helped stem the crisis of governance, but it has not addressed the root systemic flaws.

Recognizing this, Tsang presented further reform proposals to Legco members in late 2005 and came very close to achieving a compromise that would have seen the

legislature expanded and the power of the tiny franchises diluted. But the compromise was too much for some and not enough for others and it failed to get the mandated 40 votes out of 60 in a Legco divided between elites and populists and independents and party members. Democrats demanded both a timetable and a roadmap: and this time, timetables and roadmaps with final destinations described and arrival times designated. They wanted to know what steps would be taken when, and in what form and when they could expect the full democracy promised in the Basic Law.

In contrast, as earlier surveys conducted by the Hong Kong Transition Project for the National Democratic Institute showed, some 15 percent of the population does not wish to ever have direct elections of all Legco members and the Chief Executive, whatever Beijing leaders support or the Basic Law mandates. Beijing refused to give either a timetable or a roadmap at the time. However, in 2007 leaders in Beijing made a concession of providing a timetable for reform, indicating that if Hong Kong amended its Basic Law to permit direct election of the Chief Executive in 2017 it would be acceptable, and if it did so to permit all members of Legco to be directly elected in 2020 that too would get approved.

The earliest dates Hong Kong can arrive at what the Basic Law envisioned in the Age of Star Wars "long ago and far away" have been set down. Sometime in late 2009 another proposal for constitutional reform is expected. That proposal is expected to specify steps to take toward meeting the agreed timetable. Now, it is up to Hong Kong citizens to work out the roadmap to full democracy. *Demanding changes to the timetable by making full democracy by 2012 the only acceptable reform proposal guarantee that no progress will be made by 2012. This report assumes that all parties wish to make progress in 2012 and beyond, and that the timetable set down by Beijing is a concession by central authorities that will not be reconsidered without a significant nation-wide upheaval resulting in change in the central government of which now there is little prospect.* There must be a recognition by all parties that negotiation is not a matter of drawing lines in the sand. Negotiation in good faith is an attempt to reach an agreement that solves more problems than it creates, reduces the impact of those that remain, and renders solutions that everyone tries to keep rather than undermine or repudiate.

By 2010 the required minimum of 40 Legco members may agree on just how to get to direct elections in 2017 and 2020, and what steps to take in 2012 and 2016. But difficulties in reaching compromises and specifying the details of these steps loom large. Successful reform is by no means certain, and the 2007 Beijing decision specifying "gradual, orderly progress" in reforms means that neither standing still nor taking a great leap directly to full democratic elections will get approval. The small franchise Functional Constituencies dominating half the Legislature must change, but how and when in 2012 and 2016 to meet the goal of full direct elections in 2020 is the crucial barrier in the way of getting the 40 Legco votes needed to amend the Basic Law.

There is broad consensus among Hong Kongers that Functional Constituencies should be replaced with a fully directly elected legislature and that the Chief Executive should be directly elected. The major stumbling blocs appear attached to legislative reform rather than executive reform, perhaps explaining why Beijing agreed that direct elections for Chief Executive precede the full direct elections for all members of the legislature. This report focuses on the most difficult area to form a clear way forward, legislative reform and the shape of the final structure of governance. It tests some of

these new ideas with the public in this survey. The report particularly focuses on functional constituency voter's views in contrast to the general public's views. It identifies a new group of potential functional constituency voters that are easy to identify, obviously the sort of voters meant by the original Basic Law drafters to participate in the functional constituencies, and of sufficient number to represent a gradual but nevertheless substantive move toward full direct elections. And it probes the views of this new group on the present system and possible ways forward in comparison with the current functional and geographic voters. This report also proposes new options in the final form of the legislative system, one uniquely Hong Kong's but clearly and fully democratic.

In America it took 45 years from the first voting rights act in Congress of 1963 to the election of the first black President in 2008. It took even longer—and a civil war—for the American system to become fully federal, then even more to become fully democratic in both representative chambers, with direct elections to the Senate beginning only in 1914. And still longer to include women as voters, in 1920 and until 1963 to become, in all senses of the word, fully democratic with all adult citizens having the effective right to vote and participate in government. In Hong Kong it will take 35 years from the first low level universal suffrage election to the first universal suffrage direct election of a Chief Executive and the same number of years from the first elites-only elections to Legco in 1985 to the full direct election of all members in 2020. It was not an easy process to achieve fully democratic elections in the US, nor has it been nor will it be an easy process in Hong Kong to achieve genuinely universal suffrage elections. It takes dedication, determination, some sacrifice, selflessness, trust and hope. And it takes information, education, legislation and some imagination as well. This is the spirit and intent of this report.

This report directly addresses the difficulty of exploring and developing incremental but real steps forward toward the fully elective democracy promised in the Basic Law and set for completion respectively in 2017 and 2020. *This report differs from "attitudes toward constitutional reform" surveys conducted by the HKTP and other researchers in the past in that it actively tests not just current attitudes toward democracy and reform, but also support for possible incremental steps forward. It examines the nature of, and attitudes of, possible groups to include in moves toward full direct elections.* It assess the state of public opinion and the means to move public opinion toward a system of incremental changes and ultimate democratic outcomes fully based on Hong Kong's own history and unique characteristics. It is not just a survey report; it is an analysis of the holes and gaps in the interim governance system and of the possible means of getting Hong Kong's democratic development out of its Cold War era, pre-Internet, 1980s timewarp.

II Key aspects of the current system

The fundamental division in Hong Kong is over the deliberately disproportionate legislative power of elites over that of the average voter. Half the 60 seats in the legislature (Legco) are determined by universal franchise elections from geographic constituencies (GC) or districts. The other half are returned from among a much smaller number of electors qualified by various criteria. These are not deemed

universal suffrage elections according to UN standards. And therein lies the constitutional conundrum. How can the universal suffrage elections promised for all Legco members in the 1990 Basic Law, and set for 2020 by the December 2007 timetable proclamation of the National Peoples Congress, be achieved?

The functional constituency (FC) system ensures elite dominance of political affairs and government, especially over the election of the Chief Executive. The disproportionality of power can be seen readily in the comparative number of voters involved in returning each half of Legco. FCs had a total franchise in the 2008 elections of 229,861 voters, including corporate voters, whereas the GC franchise had 3,372,007 registered voters.[6] Even worse for the legitimacy and fairness of policy making, the vast majority of FC voters –150,000 out of 230,000—are concentrated in just 3 FC seats, further distorting voter power and accountability among the tiny elites. Fully 27 out of 60 Legco members are elected by barely 80,000 people. And when it comes to amending legislation (the government drafts all legislation; the legislature can only advise and propose changes though they can propose legislation that has no effect on taxation or incurrence of costs), the FC members vote separately from the GC members, with bills required to gain a "majority" in both halves to pass. Thus 15 members out of 60 can block an amendment. The number required to elect a blocking vote of 15 seats among the FCs can be fewer than 7,000 voters, and 8 of those seats are returned by corporate votes by voters largely designated by the captains of industry. Large firms routinely cast hundreds of votes each in several of the small corporate-voting FCs. Further, Legco elections routinely see about a third of the 30 FC seats returned uncontested.

As seen in Table 1 below, the sense of unfairness in policy making is widespread.[7] The chart shows that 24 FC seats are returned by a miniscule portion of voters. Even though Legcco appears "fairly" divided --half functionally elected, half directly elected-- in reality voters have dramatically different levels of voting power. One voter in the smallest FC constituency of 140 voters had the same effect on the election of a legislator as 1,819 voters in the GCs. It is as though one FC voter cast 1,819 ballots for the same candidate, a case of legitimized but deligitimating ballot-box stuffing.

Belief corruption intrudes in FC voting has eroded once-invincible public support for and general admiration of developers, bankers and tycoons. Since 1997, and not before then, many development projects have run into repeated public distrust. Delays of over a decade for major projects are now routine. So deep has distrust of business in policy-making become that many legislators propose a delay of several years before a retiring senior civil servant can work in any business related to their area of decision-making. Clearly, the present system is directly contributing to the impairment of policy making and building a consensus on direction and leadership. Just as clearly, it is damaging the legitimacy of the government itself. It is, in essence, a growing cancer on the body politic, a direct threat to the development of good governance and orderly progress.

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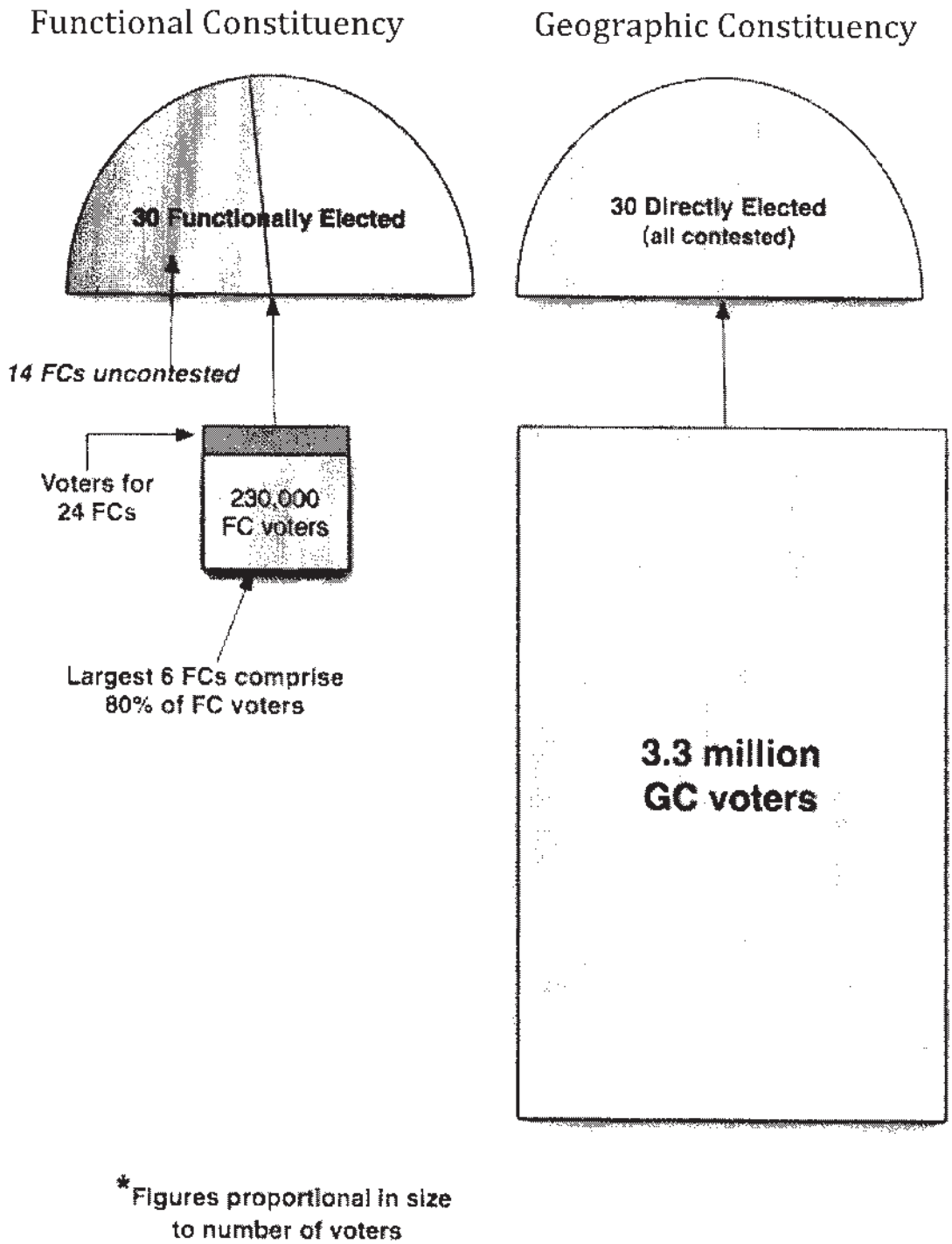
[6] See http://www.voterregistration.gov.hk/eng/statistic.html for details

[7] All Figures are in percentages unless otherwise stated in the tables and charts below. The HKTP report for NDI in 2008, *Timetables and Destinations: Hong Kong perceptions and politics after the 2017-2020 time frame ruling* (on the NDI website) addressed income and other objective criteria of inequality, but did not go into depth on perceptions of unfairness (see p. 7 of the 2008 report). This report does.

Hong Kong Legislative Council



The extraordinary structural inequities shown in the Chart above are impacting public opinion, as seen in Chart/Table 1.[8]

[8] All numbers are rounded off to the nearest whole number, following AAPOR and WAPOR recommendations. Tables with question marks are the full text of the survey questions asked. Tables without question marks indicate data that has been amended for clarification, consolidation of categories or cross-tab analysis.

Chart/Table 1 Do you think the government currently makes policies in general fairly, helping or hurting all parties equally, or unfairly, favoring the interest of some over others?

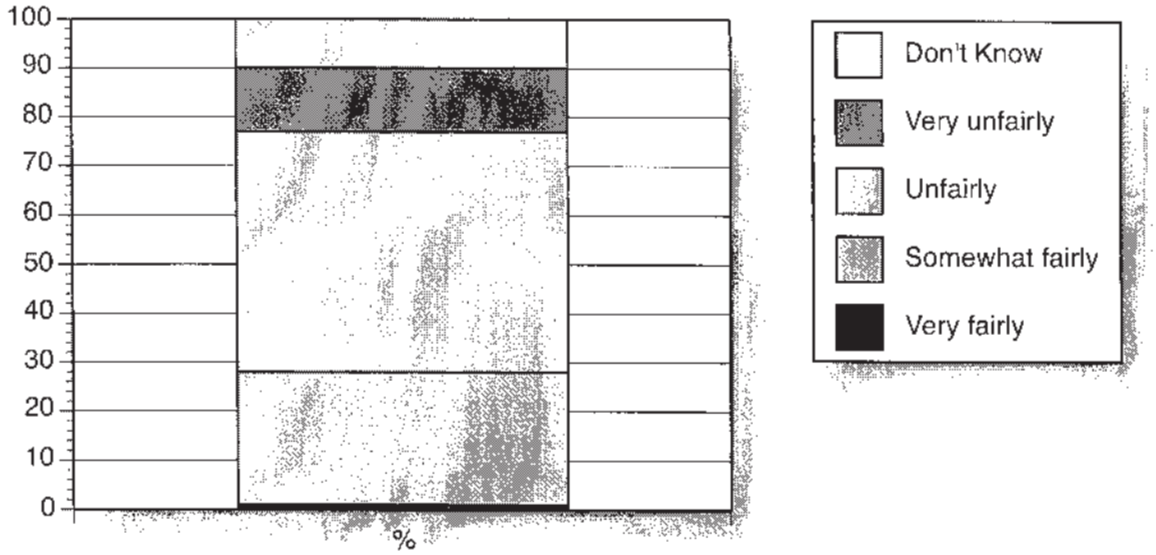


Table 1

Group	Count	%
Very fairly	14	1
Somewhat fairly	320	27
Unfairly	591	49
Very unfairly	152	13
Don't Know	127	10
Total Cases	1204	

Clearly, at 62 percent of respondents believing the government makes policies in general unfairly, and with the proportion who say "very unfairly" to "very fairly" being 13 to 1 leaning toward "very unfairly", there is a deep and widespread sense that policies made in the present system are unfair. This strikes at the heart of the legitimacy of governance and severely undermines the stability and eventually threatens the prosperity of Hong Kong.

As Chart/Table 2 shows, there is also very strong belief that abolishing the FCs would make policy-making much fairer. Fully two thirds believe this move would address the problem while only 11 percent, about one in ten, thinks abolishing the FCs would make policy-making less fair.

Chart/Table 2 Would the following make government policies fairer or less fair: Abolish all FCs and elect all Legco members directly from geographic constituencies?

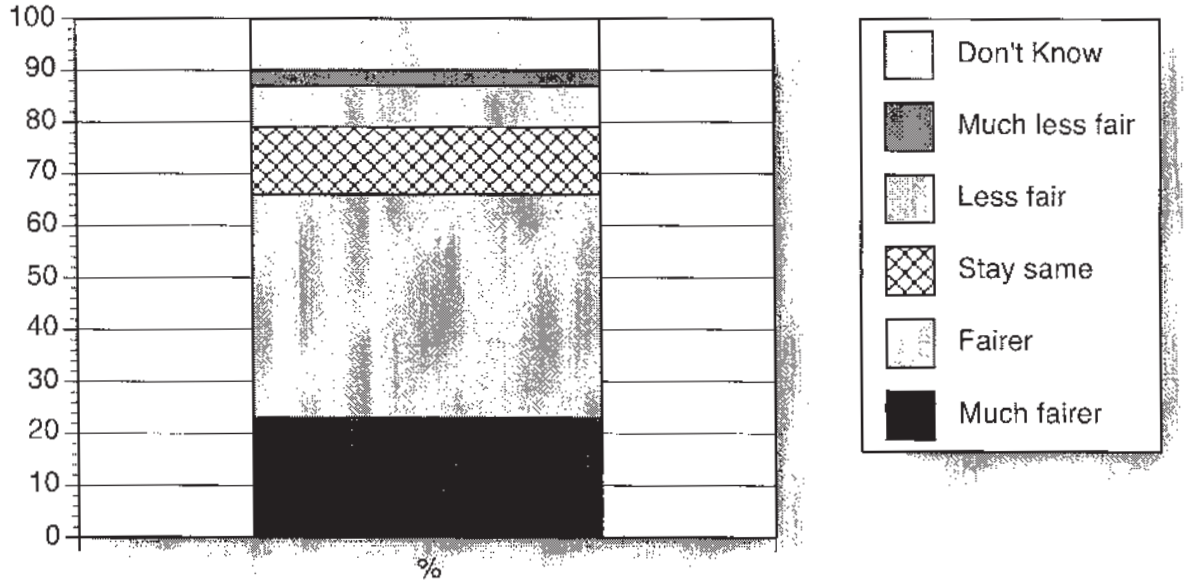


Table 2

Group	Count	%
Much fairer	271	23
Fairer	515	43
Stay same	156	13
Less fair	97	8
Much less fair	33	3
Don't Know	132	11
Total Cases	1204	

Another interesting aspect of Chart/Tables 1 and Chart/Table 2 is that 9 in 10 respondents have views on the fairness of policy making and on the effects of directly electing legislators. This means notions that most Hong Kongers are apathetic about politics and policy making are simply wrong. Apathy means one does not know about an issue, and doesn't care enough to know or have an opinion. **FINDING:** *The vast majority of Hong Kongers feel they know enough about government policy making to have an opinion on it, and a strong majority of two thirds think abolishing FCs would make a big difference in the fairness of policy making.* Barely 1 in 10 think abolition of FCs would make policy making less fair.

But that 1 in 10 proportion is the same as that between the GC voters and FC voters in this sample (See Table 4 below). This could be a more ominous outcome than it initially appears since it is clear that if going to full direct elections and abolishing all FCs were put to the whole electorate, unquestionably voters would pass the proposition by a large margin: 7 in 10 for, about 2 in 10 against, as Chart/Table 3 shows.[9] Rejecting

[9] The phrasing of the question in Chart/Table 3 was from a bank of possible reform options (discussed below). The question was meant to test whether, in times of crisis such as the current one in the global economy, there would be more or less resistance to reforms. The phrasing also reflects the assumption that reforms are meant to improve accountability and performance, which was a common theme of discussion in both the 2002 Principal Officials Accountability Scheme and the failed 2005 reform proposals.

these reforms, then, may be taken as strong support for the current system. Thus a reader can see from comparing Chart/Table 2 above and Chart/Table 3 below that while just 11 percent think abolition of FCs would make policy making fairer, 17 percent oppose doing so and directly electing all Legco members. In times of distress, fairness as a personal and social value often suffers. **FINDING:** *But the results show, in Hong Kong, even in such straits as the worst global recession since the Great Depression, the vast majority support direct election and believe it would help rather than hurt governance.*

Chart/Table 3 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Directly elect all members of Legco?

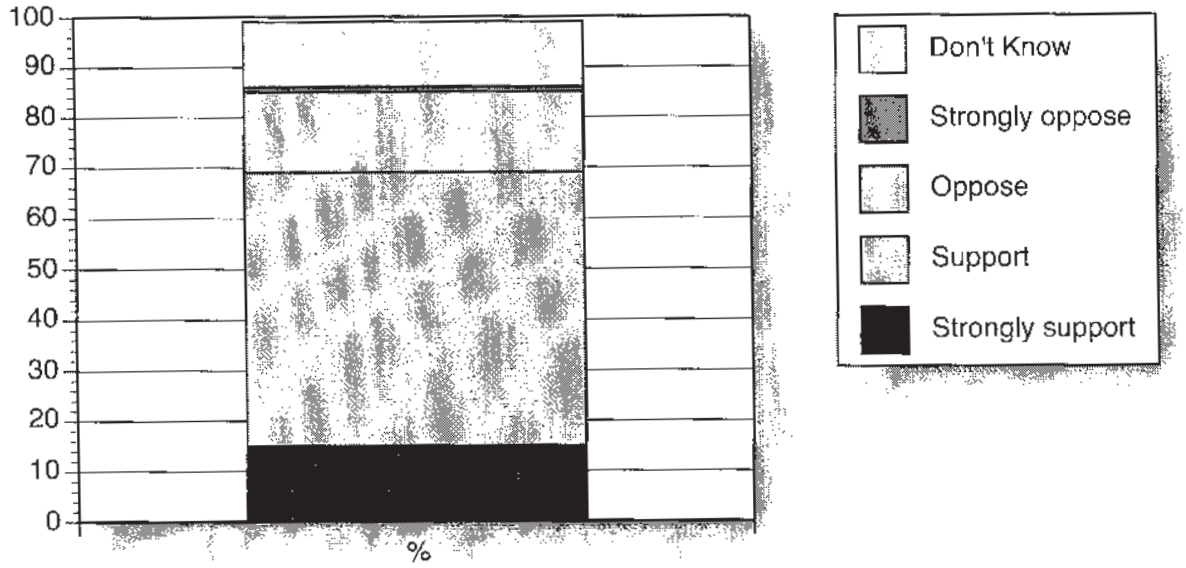


Table 3

Group	Count	%
Strongly support	175	15
Support	654	54
Oppose	198	16
Strongly oppose	15	1
Don't Know	162	13
Total Cases	1204	

So there is overwhelming support for direct elections. However, this is an issue of constitutional change, and FC voters have the position of being a protected minority. Amending the Basic Law requires that at least one third or 10 of the 30 FC members in Legco vote with all 30 directly elected members to achieve the required two thirds, or 40 votes out of 60, to pass an amendment.

And so *the critical question in constitutional reform is: What do current FC voters think about ending their special protections?*

III Investigating views toward Functional Constituencies

The special position and protections of the FC voters under the Basic Law, and the requirement that at least one third of their representatives in Legco vote in support of their abolition or any amendment of the composition of their franchise, makes them the key variable in progress toward full democracy. Every poll conducted in Hong Kong over the past 15 years has shown a majority of the population and a majority of voters registered to vote in geographic constituencies (GC) support full direct election of all members of Legco.[10] And as seen above, even in times of severe distress a strong overall majority still does. This section investigates FC voter's attitudes toward the present system and possible reforms.

Table 4 shows about two thirds of survey respondents reported being GC voter registrants only, while 10 percent were FC voters. This is roughly proportionate to actual voter turnout (not registration), though most FC voters are also voters in the GCs.

Table 4 Constituency status

Group	Count	%
GC Voters	800	67
FC Voters	117	10
Non-Registered	270	23
Total Cases	1187 (about 1% did not know their status and were dropped)	

Elite FC voters are more informed about policy making. Only 3 percent of FC voters said "Don't Know" in Table 5, while 10 percent of GC voters and 16 percent of non-registrants gave that response. **FINDING**: *FC voters feel ending their disproportionate power would make government policies fairer, more than any other group.*

Three in four FC voters said abolition of FCs would make policies fairer while 68 percent of GC voters agreed. Just 54 percent of non-registrants thought abolition would have a positive effect. This is a clear recognition by those most active in, and most empowered by the current system, that the FC structure is a fundamental flaw.

[10] See NDI reports from 10 June 1997 at: http://www.ndi.org/hong_kong?page=0%2C1#SelectedPublications

Chart/Table 5 Would the following make government policies fairer or less fair: Abolish all FCs and elect all Legco members directly from geographic constituencies?[11]

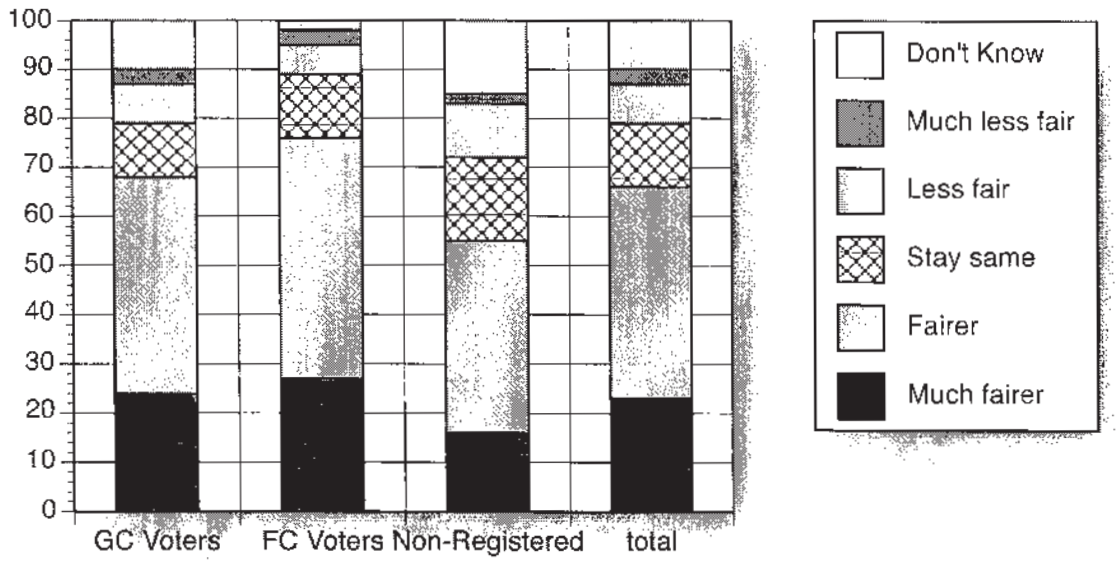


Table 5

	GC Voters	FC Voters	Non-Registered	total
Much fairer	24	27	16	23
Fairer	44	49	39	43
Stay same	11	13	17	13
Less fair	8	6	11	8
Much less fair	3	3	2	3
Don't Know	10	3	16	11
total	100	100	100	100

table contents: Percent of Column Total N= 1187
Chi-square = 31.78 with 10 df p = 0.0004

Despite the results of Table 5 showing FC voters as the group most convinced that abolishing the FCs and directly electing all Legco members would be fairer, do FC voters actually support direct election of all members of Legco? Chart/Table 6 shows they do. In fact, while "strongly support" is less among FC voters than GC voters, overall support (combining "strongly support" and "support" options) to directly elect all Legco members is strongest among FC voters. The greatest amount of opposition is found among non-registrants, people who stand aside from, and a portion of whom oppose, the entire Basic Law system of elections and representation.

[11] "Total" is the average of all respondent groups combined

Chart/Table 6 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Directly elect all members of Legco?

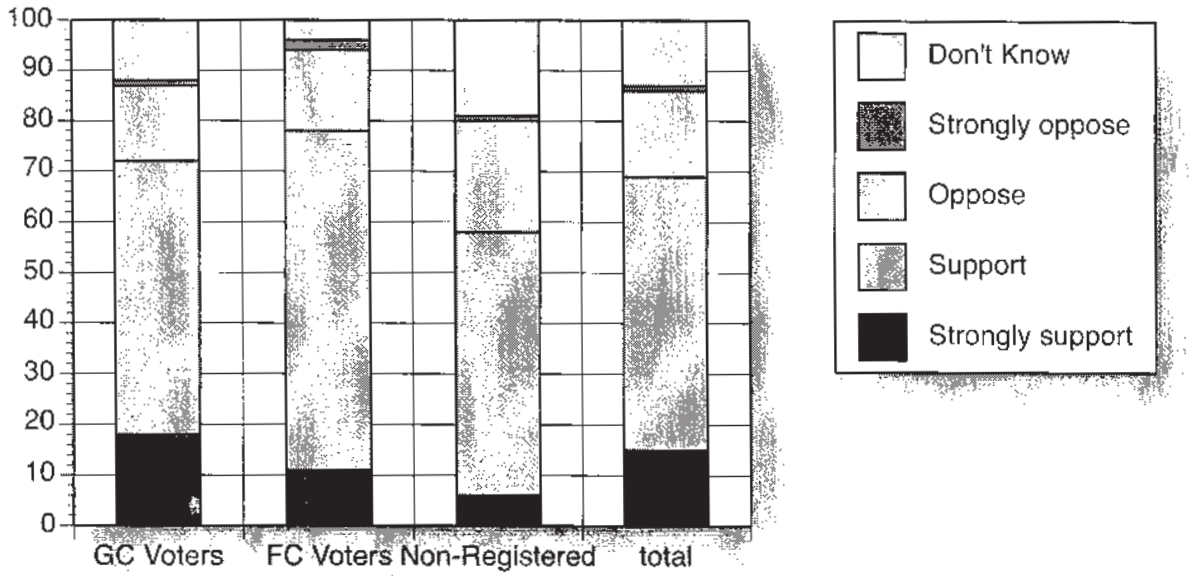


Table 6

	GC Voters	FC Voters	Non-Registered	total
Strongly support	18	11	6	15
Support	54	67	52	54
Oppose	15	16	22	17
Strongly oppose	1	2	1	1
Don't Know	12	4	20	13
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 46.88 with 8 df $p \leq 0.0001$

FINDING: *If abolishing the FC seats was a matter of all FC voters voting as a bloc to abolish or not, clearly the vote would go the same way as a similar vote among the GC voters or all voters combined.* But, there is an assumption that this decision will be made by the FC representatives themselves rather than their voters, either en bloc or in each separate franchise. But let us suppose that each FC franchise were to make the decision by voting of their enfranchised members. Would we then see the "liberal" pro-democracy held FC seats of Education, Law, Health Services and Social Welfare vote one way while the conservative dominated, mainly business seats vote another way?

To test this proposition the FC registered voters in the sample were reclassified into a bloc of liberal FC voters and Conservative FC voters, as shown in Table 7.

Table 7 Reclassified FC voters

Group	Count	%
Conservative FC	58	50
Liberal FC	59	50

We test this reclassified set of voters who together make up 10 percent of the sample against the other 90 percent of respondents, and then run the three groups (Liberal FC,

Conservative FC and ALL others including both registered GC voters and non-registrants) against questions of fairness and support of direct election of all Legco members in times of distress. Clearly, the FC seats held by pro-democracy Liberal legislators do think abolishing FCs and directly electing all Legco members will make policy making fairer, but not by a more significant proportion than the Conservative dominated FC seats. Indeed, more in both blocs of FC voters think direct elections are fairer than among all other respondents combined. But all voters of whatever bloc concede the unfairness effect of the FC system on policymaking by large majorities.

Chart/Table 8 Would the following make government policies fairer or less fair: Abolish all FCs and elect all Legco members directly from geographic constituencies BY Conservative/Liberal regrouping

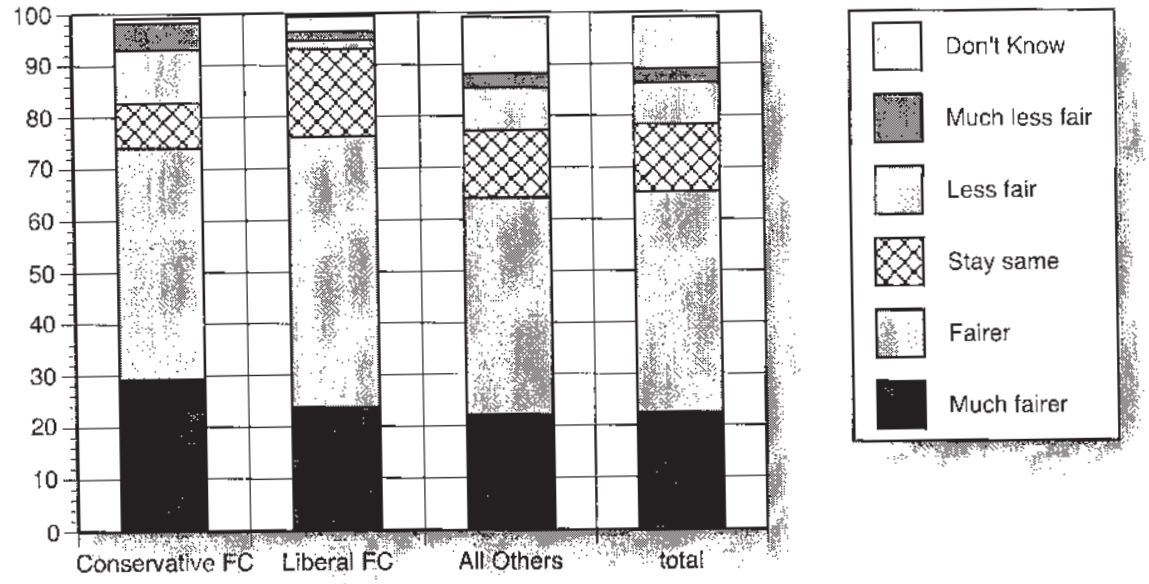


Table 8

	Conservative FC	Liberal FC	All Others	total
Much fairer	29	24	22	23
Fairer	45	53	42	43
Stay same	9	17	13	13
Less fair	10	2	8	8
Much less fair	5	2	3	3
Don't Know	2	3	12	11
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 17.69 with 10 df p = 0.0603

The greatest difference between the Liberal and Conservative FC blocs in Chart/Table 8 is the proportion holding abolition of the FCs as making policy making less fair. That proportion is just 4 percent among Liberal FC voters but 15 percent among the Conservative FC voters. But, as Chart/Table 9 shows, well over two-thirds in both FC blocs and more than two thirds overall, the threshold for Legco passage of reform, support directly electing all Legco members.

Chart/Table 9 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Directly elect all members of Legco BY Conservative/Liberal regrouping

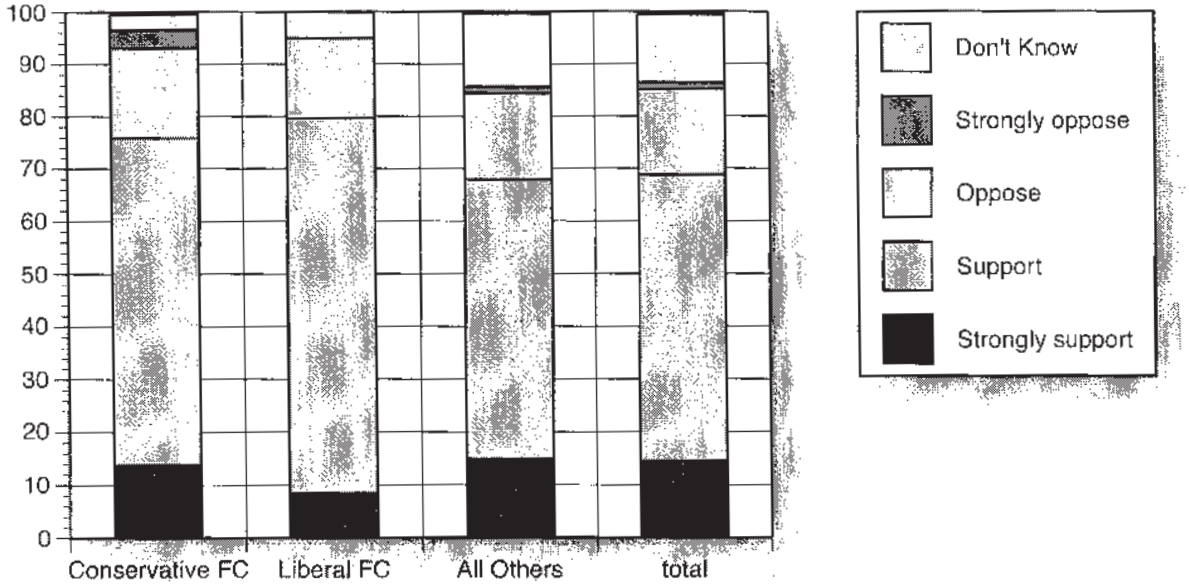


Table 9

	Conservative FC	Liberal FC	All Others	total
Strongly support	14	8	15	15
Support	62	71	53	54
Oppose	17	15	17	16
Strongly oppose	3	0	1	1
Don't Know	3	5	14	14
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 16.97 with 8 df p = 0.0305

FINDING: *In terms of constitutional reform, there is a consensus among more than two thirds of respondents from the key groups concerned –including and especially both Liberal and Conservative FC voters -- that full direct election of all members of Legco would make policy making more fair, more accountable, and more effective.* The key stumbling block appears to be in how this outcome is to be arranged, and whether full direct elections according to the present system of proportional election in five large districts, with no formal connection between Legco, the Executive Council and the Chief Executive or other elective bodies in the present system would address the systemic problems noted in the analysis above and in the many other reports on the shortcomings of the current system by thinktanks and academics.[12] The views of

[12] The most comprehensive assessment of options and obstacles to systemic reform appears in Sonny Lo Shiu-hing, "The Hong Kong We Want: The Political System You Design from Today to 2047," Hong Kong Democratic Foundation: http://www.hkdf.org/download/roadmap_english_v3_1.pdf See also Civic Exchange, Hong Kong Policy Research Institute and SynergyNet, "Constitutional Reform: 2007/08 and Beyond" (6 Nov 2004) which summarizes a number of political party and think tanks views on reform options: http://www.civic-exchange.org/eng/upload/files/200412_SumConstitutionalReform.pdf On policy making shortcomings, see, for example, Centre for Civil Society and Governance, University of Hong Kong, "From Consultation to Civic Engagement: The Road to Better Policy-making and Governance in Hong Kong," (July

Regina Ip, a former minister under Tung Chee-hwa forced out of office during the Article 23 controversies and from September 2008 a directly elected member of Legco, ring with the authenticity of experience on this issue: "One of the greatest challenges in building a democratic system in Hong Kong lies in the current disconnect and power-based contestation between the executive and legislative branches."[13] The next section investigates support and opposition for possible steps toward the abolition of FC seats, and how a system incorporating full direct elections might be made to address Hong Kong's unique systemic and circumstantial problems.

IV Imagining alternative approaches for "gradual and orderly" change

The links provided in the footnotes are just some of many discussions about designing final outcomes to address recognized systemic governance problems. There have been fewer discussions of the more problematic changes needed to move from the present circumstances to the final governance system in an orderly and gradual fashion as required by the NPC decision of 2007. There are many ways but limited steps to move gradually and orderly toward the 2020 timeframe for fully direct elections. With Legco elections set for 2012, 2016, and then 2020 for the implementation of whatever final form full direct elections take, effectively Beijing's timeline envisions only three steps from the present system. How a sufficient number of currently deeply entrenched interests in the FCs can be persuaded that sacrifices of power and influence they will be asked to make are fairly imposed on all FCs, and whether they also perceive the final systemic outcome as both fair and protective of their fundamental interests are crucial concerns for getting the votes needed for reform to succeed.[14]

To ask Beijing to devise a system and impose it on Hong Kong would make a mockery of the Basic Law's provisions of a high degree of autonomy to the Special Administrative Region. To expect leaders of a system far less democratic than Hong Kong's to design a fully democratic system for it is also a considerable leap of faith. And, according to constitutional theory, the act of citizens to forge and amend a constitution is both a fundamental right and a fundamental reaffirmation of the principles enshrined in the constitution.[15] An amendment is a ratification of the constitution by the generation

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2007) Bauhinia Foundation Research Centre: http://www.bauhinia.org/publications/BFRC-CES-Report.pdf and Christiane Miethe, "A Description and Critical Review of the Policy-Making Process in Hong Kong," Hong Kong Democratic Foundation: http://www.hkdf.org/download/policymaking%20process_in_hk.pdf and cf to "Survey on Leaders of the Civil Society: Attitude towards Post-Handover Governance," (Aug 2007) Synergynet: http://www.synergynet.org.hk/pdf/20080212456_en.pdf

[13] Regina Ip, "MA Dissertation" researched under Larry Diamond, submitted to Stanford University 17 Sept. 2006, at Savantas Policy Institute: http://www.savantas.org/docs/MA_dissertation_English_Final.pdf The quote is on p. 60.

[14] See Alan Hoo, Chairman of the Basic Law Institute and member of the CPPCC National Committee, "The Roadmap towards Universal Suffrage in Hong Kong," Hong Kong Democratic Foundation: http://www.hkdf.org/newsarticles.asp?show=newsarticles&newsarticle=213 and cf to Simon N. M. Young, "Can Functional Constitutencies Co-exist with Universal Suffrage?" (Jan 2005) Centre for Comparative and Public Law, University of Hong Kong: http://www.hku.hk/ccpl/pub/occasionalpapers/documents/occasionalpaper14-SimonYoung.pdf and cf to public views in Hong Kong Transition Project, "Hong Kong Constitutional Reform: What do the People Want?" (Dec 2005) Civic Exchange: http://www.hkbu.edu.hk/~hktp/CR/CR_Dec05.pdf

[15] Carl Schmitt (2007) *Constitutional Theory* translated and edited by Jeffrey Seitzer Duke University Press. See chapters 9 and 10. (you find some of the reasoning in the limited previews provided by Google books: http://books.google.com.hk/books?id=YElSAevcrdsC&pg=PA138&lpg=PA138&dq=legitimacy+%22constituti

amending it. Since Hong Kong citizens never drafted the Basic Law by an elected constitutional convention nor ratified the Basic Law by any act than voting under its provisions, the act of amendment to provide for the steps toward and to arrange the system of full direct elections for both Chief Executive (CE) and all members of Legco is a very significant one indeed. In this report we focus primarily on the Legislative Council because it appears to be the more controversial and more difficult step than directly electing the Chief Executive. (For results of survey questions on CE election, see below). There is in this survey, and has been in every survey conducted by the Hong Kong Transition Project, strong support for directly electing the Chief Executive.

The problem of how to move from the current franchise and elective systems in the FCs to their abolition has so far stymied reform proposals. Most approaches reduce the number of FCs by consolidating current FC voters into fewer and fewer FC seats while adding GC seats to replace them. This introduces the problem of which FCs give up influence first, a move most FC Legco representatives are exceedingly reluctant to vote for. It is very difficult to be elected to represent the interests of your members in a particular field, then try to persuade them to surrender their influence (as a proportion of FC voters see it) while other interests retain theirs.

An alternative approach would be to dilute the power of FC representatives and that of their voters by diluting the power of individual voters in each FC by greatly increasing the voter numbers in each currently existing FC. Dictators, who have all power of decision making, are notoriously difficult to persuade to surrender that power. On the other hand, voters in large democracies see themselves as having so little power per vote that many fail to even exercise what power they have to affect decision making. Therefore a dilution of power per vote is more likely to result in less, not more, resistance to full equal enfranchisement.

If, for example, the 140 voters of the insurance or 144 voters of the Finance FC were to be expanded to 40,000 voters or 140,000 voters, the differences in a single voter's "influence" would be considerably smaller, and therefore the sense that they are making a large personal sacrifice to their interests by sharing that voting power with a few thousand more in a universal suffrage franchise election would be diminished. Similarly, if an FC Legco representative is running in a large constituency in 2012, and a still larger one in 2016 that is only slightly smaller than a universal suffrage franchise constituency, then they will be much more likely to regard the addition of a few more voters as much less of a threat to their chances of winning or retaining their seats. If a way could be devised to fill the FC system up with voters in 2012 and 2016 to the point that it is only a small step to move to full universal suffrage elections, then a wholesale replacement of FC seats in 2020 with proportional GC elections or replacing current FC seats with other formats of election such as "at large" list elections or smaller "first past the post" district elections as balancing current proportional GC elections would be much less controversial with current FC voters and representatives.

The all at once abolition of all 30 FCs in 2020, which sounds abrupt or far from gradual and orderly, would actually be instead an extension to erase the moderate differences in franchise sizes. If properly designed, the exclusion of most voters would instead

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onal+theory%22&source=bl&ots=WlbjgqY344&sig=mtG3zb_bn8tNzSPXqCd_wQLnhbs&hl=en&ei=804qSru6HKTo6gPfrJDyCA&sa=X&oi=book_result&ct=result&resnum=1#PPA136,M1

gradually become the inclusion of most voters, with a small step required to include all voters in 2020. (Final governance system formats are discussed below.) This is the alternative approach explored below.

Exploring increasing number of FC voters, not decreasing FC seats as an alternative

While survey respondents have no doubt about the fairness effect on policy making abolishing the FCs would have, there is less consensus on whether increasing the number of eligible voters in the FCs would make government policies fairer or not. While a plurality of all groups in Chart/Table 10 believe it would make policies fairer, a minority among FC voters disagrees.

Chart/Table 10 Would the following make government policies fairer or less fair: Increasing number of eligible voters in the FCs?

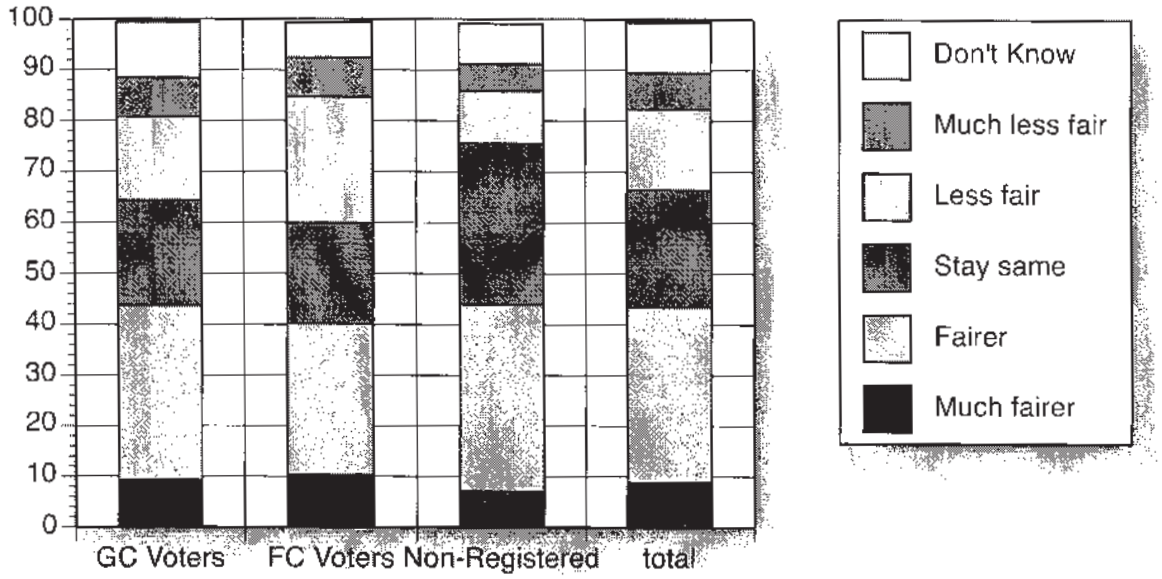


Table 10

	GC Voters	FC Voters	Non-Registered	total
Much fairer	9	10	7	9
Fairer	35	30	37	35
Stay same	21	20	32	24
Less fair	17	25	10	16
Much less fair	8	8	5	7
Don't Know	12	8	9	11
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 29.07 with 10 df p = 0.0012

However, *Chart/Table 10 must be read keeping in mind that the group of FC voters is the group which has the highest proportion who find policy making under the present system unfair. The FC voters above who by a larger proportion think increasing the number of eligible voters will make it less fair may do so not out a motive to protect their power by refusing to dilute it by sharing it with more people, but out of a conviction that the present divided system cannot be made to solve the problem on unfair policy making. A simple*

increase in FC voters will not change that conviction. Supporting this interpretation, Chart/Table 11 shows that actually the group feeling strongest that increasing FC voter numbers would make policy making much less fair comes from the Liberal, not Conservative, FCs.

FINDING: *If the number of voters in FCs were expanded, it would have a moderately beneficial effect on fairness of policy making according to a plurality, but it would not solve the policy making fairness problem according to a majority. Increasing the FC franchises in voter numbers would most likely NOT increase resistance to abolition of FCs.* This is a finding which must be tested by identifying and investigating such potential FC voters who could be added to the current FC seats. This is done below.

Chart/Table 11 Would the following make government policies fairer or less fair: Increasing number of eligible voters in the FCs BY Conservative/Liberal regrouping

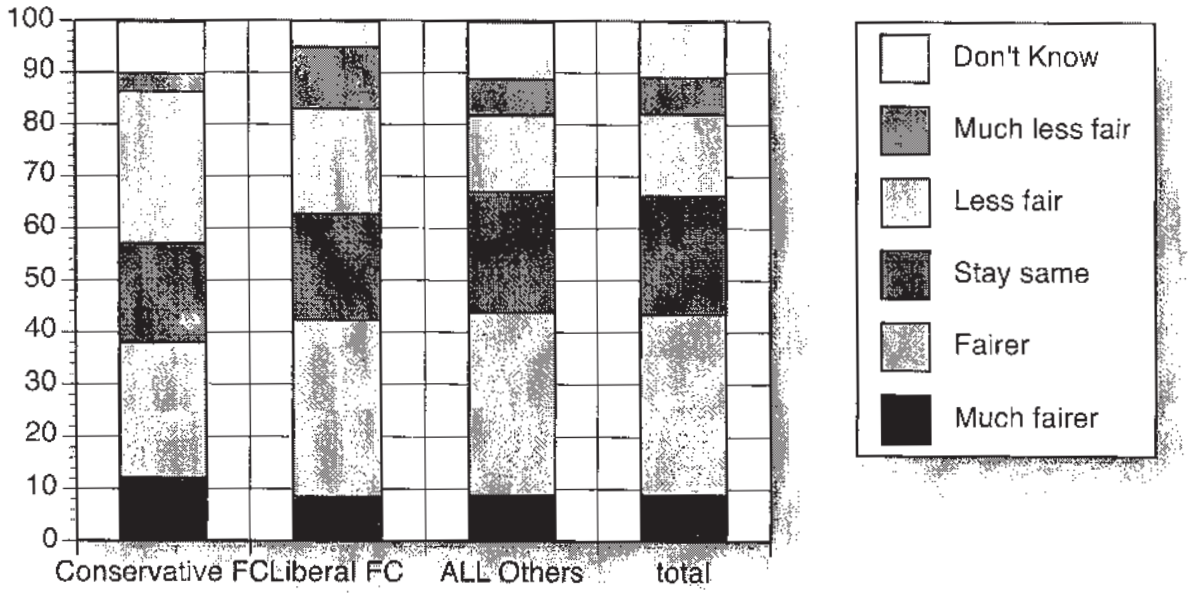


Table 11

	Conservative FC	Liberal FC	ALL Others	total
Much fairer	12	8	9	9
Fairer	26	34	35	35
Stay same	19	20	23	23
Less fair	29	20	15	16
Much less fair	3	12	7	7
Don't Know	10	5	11	11
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 15.87 with 10 df p = 0.1034

While increasing the number of the FC voters in principle appears to be a step that would not throw new barriers in the way of final abolition, it is not easy, perhaps not even possible, to increase the number of voters in the FCs substantially unless a way can be found to increase the representativeness, ie, broaden the composition, of each FC, particularly if that broadened representation includes compatible or similar types of voters. Chart/Table 12 and Chart/Table 13 test the proposition of broadening each FC

first by voter status, then by dividing the Conservative and Liberal FCs compared to all others. There appears to be broad consensus among the groups about this issue in that there is no significant difference in their response patterns.

Chart/Table 12 Would the following make government policies fairer or less fair: Widening the representativeness of each FC BY GC/FC voter/Non-Registered

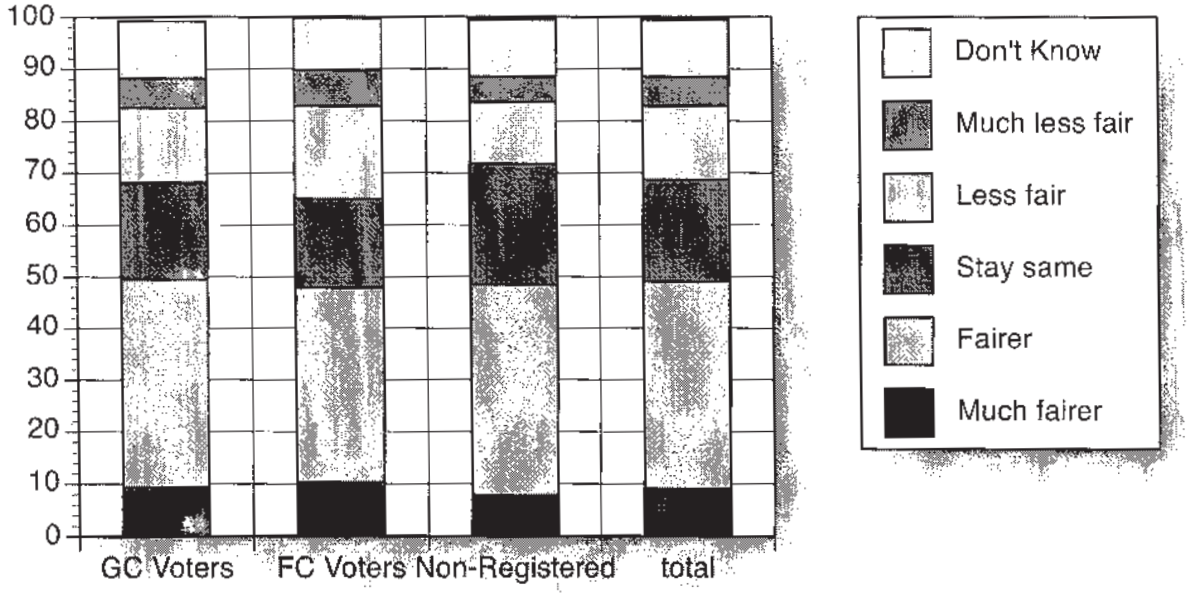


Table 12

	GC Voters	FC Voters	Non-Registered	total
Much fairer	9	10	8	9
Fairer	40	38	41	40
Stay same	19	17	23	20
Less fair	14	18	12	14
Much less fair	6	7	5	6
Don't Know	12	10	12	12
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 6.597 with 10 df p = 0.7629 NO SIGNIFICANT ASSOCIATION

FINDING: *All groups form near-majorities believing that broadening the representativeness of the FCs would increase fairness of policy making. The ratio of those deeming it producing fairer decision making to those calling it less fair is over two to one.* Only the conservative FCs appear somewhat below a majority, though even the conservatives hold by 60 percent that it either improves fairness or has no effect.

In essence, it appears to most respondents that increasing the franchise sizes and broadening representativeness in the FCs offers some advantage in improving the fairness of policy making. Since the perception of unfairness would remain as long as FC franchises distinguished themselves from GC franchises by voter power disproportions caused by unequal voter franchise numbers, there would likely be little diminishment of support to abolish the FC system even as the FC franchises grew larger.

Chart/Table 13 Would the following make government policies fairer or less fair: Widening the representativeness of each FC BY Conservative/Liberal FC/ALL

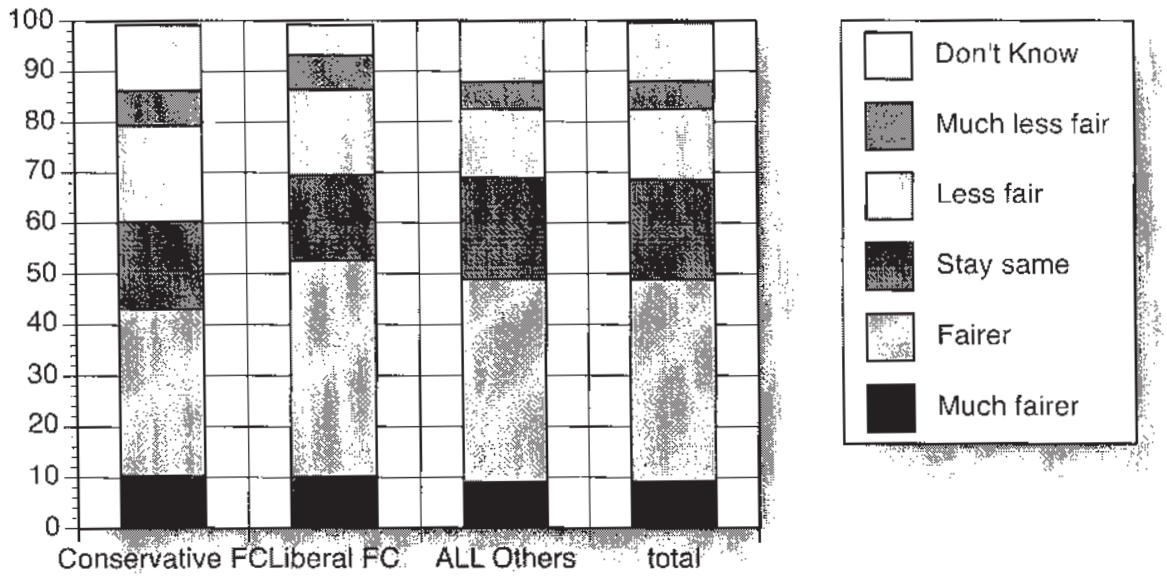


Table 13

	Conservative FC	Liberal FC	ALL Others	total
Much fairer	10	10	9	9
Fairer	33	42	40	40
Stay same	17	17	20	20
Less fair	19	17	14	14
Much less fair	7	7	5	5
Don't Know	14	7	12	12
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 4.897 with 10 df p = 0.8980 NO SIGNFICANT ASSOCIATION

So, is there any way to increase the number of voters in the FC constituencies and broaden the representativeness of FCs? One possible criteria to add is that since this is a temporary step, with two increments of increase, one in 2012 and one in 2016, the proposed added and broadened groups must be easily identifiable, easily incorporated, and easily absorbed back into the universal suffrage system in 2020. It would not make much sense to expend a huge amount of money artificially researching, identifying, then organizing or setting up new groups who only exist for one or two elections and at most 8 years. Another criteria to consider is whether those groups are of sufficient numbers to comprise a significant step toward full direct elections when they are added. Yet another criteria is whether those groups are easily incorporated into the present FCs. To have to replace or consolidate FCs may be as difficult to achieve as abolition, so a more doable plan might be to add compatible groups to the present 30 FCs, if such are identifiable. So are there pre-existing groups which meet all of these requirements?

FINDING: *The research team has examined this issue and arrived at a solution that is not costly to achieve as the government already maintains the name lists. This solution adds significant numbers to the present FC franchises, is fairly comprehensive in that most will readily fit into existing FCs, and these new FC voters will very likely be as or more supportive of abolishing the FCs in 2020 as the present FC voters. Their inclusion as FC voters would be a form of updating the FCs rather than drastically changing them. So*

while the number of FC voters overall and in each franchise will significantly increase, the type of voter and the type of representative will not radically change, thus meeting the 2007 NPC instructions that change toward 2020 must be gradual and orderly.

We designate the potential new FC voters for the professional dominated FCs as "new professionals" and as new certified and registered trades, comprised of people required by the government to obtain and maintain a certification or qualification to practice their livelihood.

The second form of expansion for business dominated FCs and FCs with social or charitable register related membership is to extend voting to all listed officers and trustees of registered firms and charitable boards, whose board members already qualify for voting in Hong Kong and who already vote on the interests of their respective firms and organizations. These members will be restricted to voting in one FC, however many boards upon which they sit.

The third type of FC to expand is labor related. This may be done by extending the vote to recognized union members.

The next section examines who these potential voters are for the professional related FCs and what their attitudes toward constitutional reforms and joining the FC voters would be. The business, charity and labor FC expansions are much less problematic in that their means of expansion is readily apparent and much more easily done. There would be no real difference between having one member of a board vote or all officers and trustees vote, as they do so in any case on firm and organization related matters. They are also already reported to the government, so their listings are available and their type of firms are already classified into various FCs. The NDI survey in April 2007 found a majority supported such a proposal for the 2008 elections, as shown in Table 14. It should be even less controversial for the 2012 elections.

Table 14 Do you support or oppose extending corporate voting in the functional constituencies in 2008 Legco election to all company directors and senior management? (April 2007 NDI survey)

Group	Count	%
Strongly support	44	5
Support	450	51
Oppose	228	26
Strongly oppose	36	4
DK	131	15

Section VI investigates the problems posed and proposes and then tests public reaction to alternatives for the two FCs that are government related, the Heung Yee Kuk and the District Council Legco seat, especially the latter.

V Investigating "gradual and orderly change"

The current 30 FCs are made up of professions, businesses of various types, and labor representatives, with two exceptions, the seats for Heung Yee Kuk and District Council

(more on these below). It would be simple to permit union members to vote directly for their representatives, and relatively simple to classify those unions in a manner that would provide three seats representing three types of industry-related unions. (Civil service/public service related unions, manufacturing industry unions, and services/trade unions, for example.) As to professions, Chart/Table 15 shows that approximately 19 percent of the sample indicated their livelihood required a qualification or license of some kind.

Chart/Table 15 Does your employer require a government-recognized certificate, professional degree or qualification, or other professional or legal registration in order for you to practice your occupation? (For example, are you a registered nurse, electrician, plumber or engineer, listed doctor, licensed insurance or real estate agent, commercially licensed driver, academy trained police officer, or the like?)

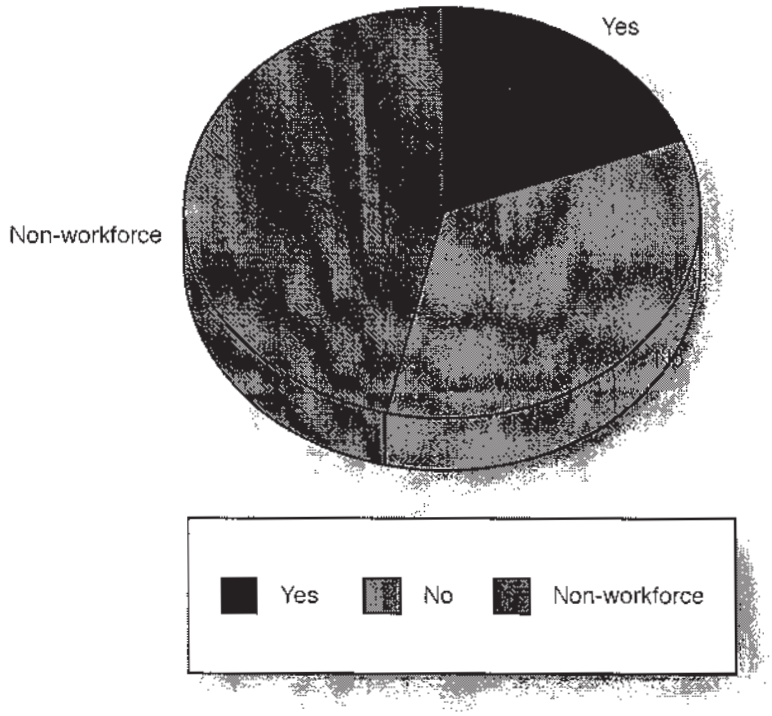


Table 15

Group	Count	%
Yes	230	19
No	417	35
Non-workforce	557	46

About half this 19 percent already have FC votes. The remainder are those whose jobs require them to have some sort of government required qualification or registration that the research team proposes could be added to the current FC franchises for the elections of 2012. Government maintains lists of these professionals and registrant or certificate holders in various department databases. (See below for specifications of type of registration and certification). This addition would significantly increase the number of FCs registrants, could be easily done at low cost compared to new forms of

FC enfranchisement, and would not change the nature of FCs, as these people are members of the skilled, educated, and professional groups included in the original FCs. Their professions and certifications have been largely developed since 1985, when the original FCs began. Their inclusion as FC voters would be form of updating the FCs rather than drastically changing them. *So while the number of FC voters overall and in each franchise will significantly increase, the type of voter and the type of representative will not radically change.*

For example, government has developed new requirements over the years for licensed plumbers and electricians to be registered and required any construction work involving plumbing or electrical work be approved by a licensed person. Government has also imposed requirements for insurance agents and real estate agents to be certified to sell insurance or real estate. Registered insurance agents could be added to the current Insurance FC seat, while the plumbing, electrical and real estate agents could be added to Real Estate and Construction FC seat, permitting full abolition of corporate voting. Adding these new professionals and new registrants to the current FC voting list would be an updating of the Cold War era FC structure existing now. This would add in 2012 approximately 500,000 new "professional" persons as voters to the current 230,000 FC voters, raising the enfranchisement of the FCs closer to the amount of the GC voter roles of 3.4 million.[16]

An additional number could be added to FC rolls by abolishing corporate voting and permitting all listed corporate officers and trustees to vote. (See below for additional detail). This would comprise a significant, but not disruptive, step forward in 2012 toward full direct elections in 2020. It would begin to substantially close the gap in numbers between the current tiny franchise FCs and the large franchise GCs.

But how to make the next step in 2016 of moving from the enlarged FCs to still larger FC just prior to their 2020 abolition? And how might that step be an enlargement that also comprises "gradual" change? If, in 2016 for the next step toward full direct elections, all members of the workforce were enfranchised according to the nature of their employment and classified in the appropriate FC according to the type of business registration of their employer, then approximately 55-58 percent of the adult population who make up the workforce would be eligible to vote in the FCs, raising the FC voter rolls to about 2.5 million permanent residents who are registered to vote who also work, or two thirds the number of the GC voter role.[17] The FCs were clearly designed primarily to protect the interests of the working sector as there are only two seats, the Heung Yee Kuk and District Council, that have substantial numbers of retirees and housewives as voters, and those are both indirect votes. So including all working

[16] The 500,000 figure is approximately 10 percent of the approximately 5 million adult permanent identity holders qualified to vote out of Hong Kong's 7 million population. This is extrapolating the approximately 10 percent of the sample out to the whole population. The government could fairly easily comb its own lists of such persons holding certification/license/listing requirements not presently included in FCs and provide a more accurate figure.

[17] Many firms already require staff to carry employee identification cards. These ID cards could be confirmed with the firms and cross-checked according to GC voter registration rolls to confirm registration and eligibility to vote, and with all firms classified by type, FCs could be set for one election according to type of firm at relatively low cost. The Inland Revenue Department requires all businesses to state the "description and nature of business" while the Trade and Industry Department and Census and Statistics Department maintain massive amounts of data classifying types of businesses.

persons in expanded FCs seems a natural expansion of the original intent of the FC structure.

The remaining gap between the FC franchises and the GC franchises is of perhaps a million more voters, which divided among 30 seats is about an additional 33,000 more voters per seat. This is the number to be added above the average of 83,000 FC voters per seat in 2016 and 40,000 FC voters per seat in 2012 (See Table 16), a gradual increase by steps as the NPC stipulates. This would avoid the necessity of any FC having to vote itself out of existence prior to any other FC, but gradually move the FCs from being highly restrictive to being largely inclusive. It has been the problem of "who goes first" that has largely driven resistance by FC Legco representatives to reform proposals that abolished FC seats gradually.

This approach of expanding by updating the professional FCs, including union voters in the 3 labor seats, and abolishing corporate voting by adding listed officers and trustees of business firms and charitable/cultural organizations in 2012 and then further expanding voting to all employees already registered as GC voters and with firm-related identification would also make the final abolition of FCs smooth and non-controversial when those employment-related FCs were discontinued in 2020, to be replaced by all GC registered voters having a vote. It would also conform to the "gradual and orderly" progress stipulated by the December 2007 NPC ruling, and make the final step of abolition in 2020 a relatively small one of moving from 2.5 million working voters to 3.5 million universal suffrage voters, with the full equality of citizen's right to vote as stipulated by the United Nations.

Table 16 Abolition by Franchise Expansion*

Election (Year)	FC Franchise	Franchise per seat (average)	Total increase
2008	230,000	7,600	--
2012	1,200,000	40,000	1,000,000**
2016	2,500,000	83,300	1,370,000
2020	3,500,000***	116,600	1,000,000

*number of voters is approximate due to uncertain number of duplicate voters in corporate and charitable boards (see below) The 2012 figure may be closer to 1.5 million FC voters.
**Approximately 30,000 of the current FC votes are cast by corporate voters, not individual voters, so the FC franchise is actually around 200,000 persons.
**registered voter numbers should be expected to rise from the slightly over 3.4 million registered voters in 2008 due to elimination of sense of unfairness and powerlessness that currently depresses voter registration and turnout. A more inclusive representative system could see as many as 4 million registered voters by 2020.

Questions arising from this possible solution are what are the characteristics and attitudes of the New Professionals/Registrants (NPR) potential voters in particular? Union members and business and charitable board members are largely unproblematic as extending the vote to them in public elections is little different than what they do now in private voting on the boards or in the union halls. Any board members who do not qualify to vote by right of holding Hong Kong permanent residency would be disqualified from voting in the FC elections, and there may need to be some reorganization or choice of FC franchise in which to vote by the FC seats dominated by

chambers of commerce, as many of their voters will be enfranchised in other FCs. Partners and proprietary owners who are not permanent residents would not have the vote. If all corporate voting is abolished, as it surely should be, and voting is restricted to residency qualified individuals, many of the problems of multiple votes and foreign interference will be resolved. The new professionals, however, are largely unexamined as to attitudes and characteristics. How might they react to possible inclusion in the FCs? And how do their attitudes and characteristics compare to other voters?

Table 17 describes the characteristics of all government registered or certified persons interviewed, whether or not they are registered FC voters.

Table 17 Professionals and New Registrants

Group	Count
Registered nurse	8
Listed physician/medical profession	13
Licensed pharmacist	1
Registered real estate agent	3
Registered insurance agent	16
Licensed commercial goods driver	6
Licensed commercial public transport driver	5
Police/other academy trained officer	1
Registered security officer or guard	4
Licensed plumber	4
Licensed electrician	11
Licensed engineer	11
Construction/civil engineer	2
Mechanical engineer	7
Electrical engineer	2
Certified teacher/trainer	40
Certified Public Accountant	15
Registered social worker	8
Certified lawyer	11
Registered optometrist	4
Surveyor	12
Licensed construction worker	13
Licensed financial planner	14
Designer	5
Other registered	14
Total	230

Table 18 begins to separate out those professionals and license holders who can vote in the current FC structure and those who cannot. The excluded "new professionals and registrants" (NPR) are nearly equal in number to the current professionals and registrants included in the FCs. The NPRs, if registered security guards were included, would amount to approximately some 500,000-600,000 new voters to add to the current FCs.[18] The balance of FC franchise expansion to 1 million or 1.5 million in 2012 would come from the addition of all listed officer and trustee members of corporate boards, and all listed officers and trustees of registered social and charitable entities who have a right to vote in Hong Kong. The government also maintains lists of all such persons in such entities. Union members having the vote for the 3 labor seats will also swell the rolls.

[18] Further in-depth research on the new professionals and other certified persons (excluding registered security guards) is in process, with a report expected in September 2009.

Going to officer and trustee voting instead of corporate voting will add fewer voters than might first appear. There are over 733,000 registered firms and over 8,000 social and charitable entities. There will be considerable overlap of membership since business and professional people routinely serve on a number of business and charitable boards, and many of the listed firms are officered by foreign passport holders not qualified by residency to vote in Hong Kong.

FINDING: *Board members holding multiple seats on boards would need to indicate their choice of entity to vote in. They should not be given multiple votes due to this making the unfairness perception of the FCs worse instead of better, and making the voter power distinctions larger instead of smaller.*

So that 733,000 figure for businesses times an average number of board members is quite inaccurate. There will not be 5 million corporate/board voters. The figure is actually considerably smaller due to multiple memberships. Trying to establish exact numbers of voters who could be added from lists and registers of firms and social entities is difficult in the extreme, especially given the reluctance of government to make public such listings of officers and trustees of such organizations. So all the numbers in Table 15 above need to be taken as indicative and not definitive.

Given the amount of time and effort expended on reform, and the frequent calls to end corporate voting, it is surprising such research on expanding voting to corporate officers and trustees is not already available to the government and public. Such information has not, however, been released to the public domain and access to private company registers of officers and trustees is limited. Some progress of tracking corporate officers and affairs has been achieved by David Webb of Webb-site.com.

FINDING: *The approach taken of abolition of FCs by dilution via expansion of voter numbers in the FCs according to present characteristics of the FCs, rather than attempting to eliminate a portion of FCs outright by abolishing firms, unions, or professions right to vote, is more likely to be acceptable or at least palatable to the current FC Legco members and their voters than other options.* See below for further evidential analysis of survey results supporting these statements.

Table 18 provides the approximate proportions of professions and certificate holders or registrants with the right to vote in FCs now from those who do not.

Table 18 Does your occupation currently have an FC seat and can you vote in it?

Group	Count	%
My occupation/profession has a seat and I can vote	128*	11
My occupation/profession does not have a seat and I cannot vote	110	9
All others	966	80

*Includes 8 respondents not classified in Table 16

Table 19 indicates the occupations of persons who say they are professionals or certified/registered with the government in order to practice their livelihood, but who do not have right to vote in an FC currently. Some of these occupations, such as

registered nurse, do have FC seats. There are apparently classes of nurses, physicians, and engineers who are not currently permitted to vote in the present FCs. Or these respondents do not realize they have an FC seat assigned to them in which to vote. In either case, with expanded right to vote in the FCs and greater equity in voter power between FCs and GCs, we should see an expansion of interest in registering to vote. Many NPRs lack a sense of group interest or professional consciousness, but gaining a vote in the FCs should result in strengthening of consciousness and of the interaction of government policy on their livelihood.

Others below are NPRs with no current FC to vote in, such as insurance and real estate agents, licensed plumbers and electricians. These new professions could be appropriately categorized into currently existing FC seats that do not presently include such voters. While the disparity between franchise sizes of FC seats could not be completely overcome by these steps, there would be a considerable reduction in the gross disproportions among FC seats, and between the FC franchise and the GC franchise shown in the first Chart of this report.

Table 19 New Registrants without FC seat or cannot vote in current FC seat

Group	Count
Registered nurse	2
Listed physician/medical profession	5
Licensed pharmacist	0
Registered real estate agent	2
Registered insurance agent	7
Licensed commercial goods driver	6
Licensed commercial public transport driver	4
Police/other academy trained officer	0
Registered security officer or guard	2
Licensed plumber	4
Licensed electrician	9
Licensed engineer	4
Construction/civil engineer	0
Mechanical engineer	4
Electrical engineer	0
Certified teacher/trainer	5
Certified Public Accountant	0
Registered social worker	3
Certified lawyer	0
Registered optometrist	2
Surveyor	1
Licensed construction worker	13
Licensed financial planner	14
Designer	5
Other registered	18
Total	110

FINDING: *Do the potential NPR voters above support or oppose the possibility of gaining an FC vote? Chart/Table 20 indicates that a majority would support such a move while a significant number are unsure. Only about one in five opposes such a change.*

Chart/Table 20 Would you support of oppose your profession or licensed/certified occupation to vote in FC elections?

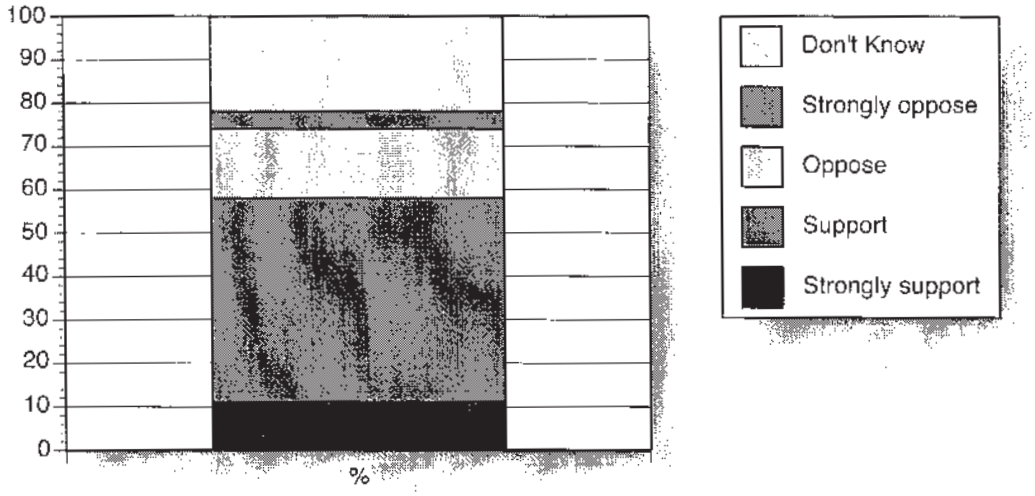


Table 20

Group	Count	%
Strongly support	12	11
Support	52	47
Oppose	18	16
Strongly oppose	4	4
Don't Know	24	22

While due to time limitations the survey conducted in April/May 2009 did not ask the general population about increasing the franchise for FCs, surveys of May and September 2008 did. Chart/Table 21 shows the results from those surveys. A majority of about two to one of both GC and FC voters supported increasing who has a right to vote in FC elections.

Chart/Table 21 Do you support/oppose increasing who has a right to vote in FC elections? (From NDI survey in May & Hong Kong Transition Project survey September 2008)

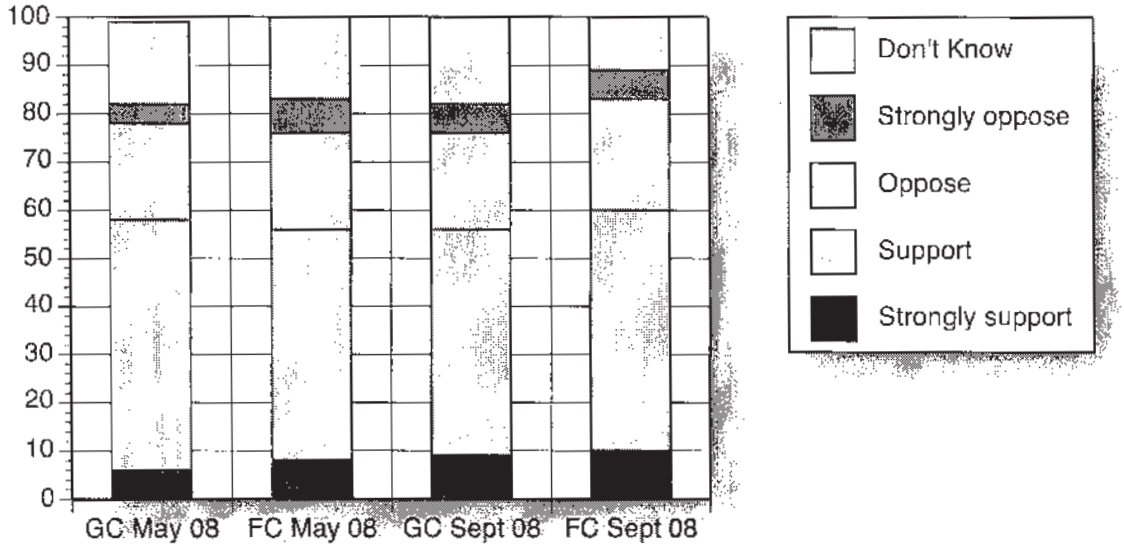


Table 21

	GC May 08	FC May 08	GC Sept 08	FC Sept 08
Strongly support	6	8	9	10
Support	52	48	47	50
Oppose	20	20	20	23
Strongly oppose	4	7	6	6
Don't Know	17	17	18	11

FINDING: *There is broad agreement by those surveyed on expanding FC franchises. This can be taken as one alternative way to meet the the stipulation of the NPC that between now and 2020 there must be "gradual and orderly progress" from the present system to the fully direct elections of all members.*

While the proposals above address the expansion of 28 of the 30 FC seats, two FC seats remain problematic. These two FC seats, the Heung Yee Kuk seat returned by vote of indigenous village heads and the District Council Legco seat, returned by vote of elected and appointed members of the 18 District Councils, are in composition different from other FCs. Other groups represent professions, types of businesses and charitable/cultural organizations, and unions whereas the Heung Yee Kuk and District Council seats are indirectly representative of broader populations. And in the case of these two seats, populations with differential and over-lapping voting powers. The village voters of the Heung Yee Kuk also may vote in the District Council elections, so the two populations are not exclusive to each other, and the Heung Yee Kuk voters breach the equal suffrage provisions even more since they can also vote in other FC seats. So for example, teachers who are village property owners can vote for the Education FC seat, for the village head who votes for the Heung Yee Kuk seat, and for the District Council member who votes for the District Council Legco seat, as well as cast a ballot like everyone else in the GC elections. Business owners from villages can vote corporately in several FCs according to the type of business they own as well as all the above, so the two seats, while nominally closer to direct elections than other FC seats, actually contribute even more to voter inequalities. It is these voter inequities that FC reforms should address.

FINDING: *Ideally, all multiple voting beyond having an FC vote and a GC vote should be ended to promote equity and improve perceptions of fairness and transparency. The reforms examined above would substantially correct these abuses and inequities in 28 FC seats. These leaves the two government-related FCs to consider.*

How then, can these two seats be amended to achieve progress toward full, equal suffrage elections in 2020? Of course, the Heung Yee Kuk Legco FC seat could be made directly elective by the approximately 200,000 village voters. This would only partially address the inequities of power between these voters and others, though direct voting in a franchise of this size would expand the progress to be made in 2012 if done then. If not in 2012 it is a natural step to take in 2016 as the franchise for all FC seats increases. Whenever done, direct election by all village voters would also make the Heung Yee Kuk franchise larger than a GC Legco franchise now (proportionate GC voting in 2008 among the five GC districts allotted out to about 116,000 registered voters, or 175,000 eligible to vote by age and residency, if registered, per Legco GC seat.) Thus making the move to full direct election in terms of franchise size nearly seamless.

The District Council seat is more problematic since enfranchising all its voters directly and enabling every person in Hong Kong to vote on the single legislator who would represent them in the District Council seat in Legco would make this one seat a virtual Hong Kong-wide vote on a single person. That is as near a leadership referendum as could be imagined, and might erect a leader with a voter mandate dwarfing or challenging a Chief Executive. It would also likely dramatically change the nature of District Councils. There was some concern, indeed, that the 2005 proposal adding 6 FC seats for District Councils in Legco breached Article 97 of the Basic Law, which states:

> "District organizations which are not organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation."

Legco is considered an organ of political power, so adding to Legco representatives who are directly representatives of the District Councils (DC) may constitute a breach, as it makes the DCs into an organ of power in that its representative can vote on budgets. Further, if, as now, such Legco representatives are returned by vote of both elected and appointed members of the District Councils, it would constitute a retrograde step from direct elections by retaining a form of government appointee influence on Legco.

There are several ways the District Council seat could be amended, but this issue also raises the problem of the relationship of the District Councils to Legco and the issue of the present effectiveness and legitimacy of the overall governance structure of Hong Kong. This, in turn, means that the final form of governance to be arrived at in 2020 needs to be explored.

Research on the reform process to 2020 needs, therefore, to probe survey evidence for support for governance structures that meet the NPC decisions that Hong Kong's democratic system must be built on its unique circumstances and history, and not just adopted wholesale from democratic models elsewhere. They also have the structural problem of fairness in policy making to consider. Would simply abolishing all FCs and replacing all such seats by GC seats elected proportionately according to the same way we do now solve structural, efficiency, legitimacy and fairness problems in the present governance system? Would the simple expansion of the present elective system meet the NPC's proviso that the final form of universal suffrage elected government be built on Hong Kong's circumstances and history? And how might voters react to alternative elective and governance structures?

VI Imagining governance structures built on Hong Kong's unique heritage

One way to deal with the problem of the District Council Legco seat is to simply replace it with another group more like the other FCs. Groups mentioned as suitable for inclusion have been retirees, housewives, students, or a seat reserved for women. This latter restriction on the gender of candidacy and/or on voting right is observed in several countries. Some states even set proportions by gender of candidates that parties can nominate to run. Other entities reserve a set number of seats for women

candidates. It would likely be better in 2012 for the District Council seat to be replaced with one such group large enough to broadly reflect public opinion, but too small or homogenous in character to form a Hong Kong wide mandate for its representative, as direct voting in all DCs for one representative would do.

The best such group from the list above is probably students. They have interests, but those interests change at graduation, unlike those of retirees, housewives and women which tend to be long term. Accordingly, they would likely be less opposed to surrender the right to vote in FCs in 2020 than these other groups.

FINDING: *This survey tested reactions of full time students to an FC seat. There was nearly two to one support. If full time university/post highschool students were granted an FC seat, this would make eligible to enroll an additional 500,000 or so voters in the FCs. This move also has the advantage of tutoring entering voters into electoral affairs. It should boost turnout among younger voters, and once a habit of voting is established, it tends to persist a lifetime. This effect might be a positive legacy of the FCs, a gift to increase participation in voting and thus an increase in legitimacy of government after so long damaging it.*

Chart/Table 22 Would you support or oppose an FC seat for students, in which all full time students registered to vote could elect a representative? (asked of students only)

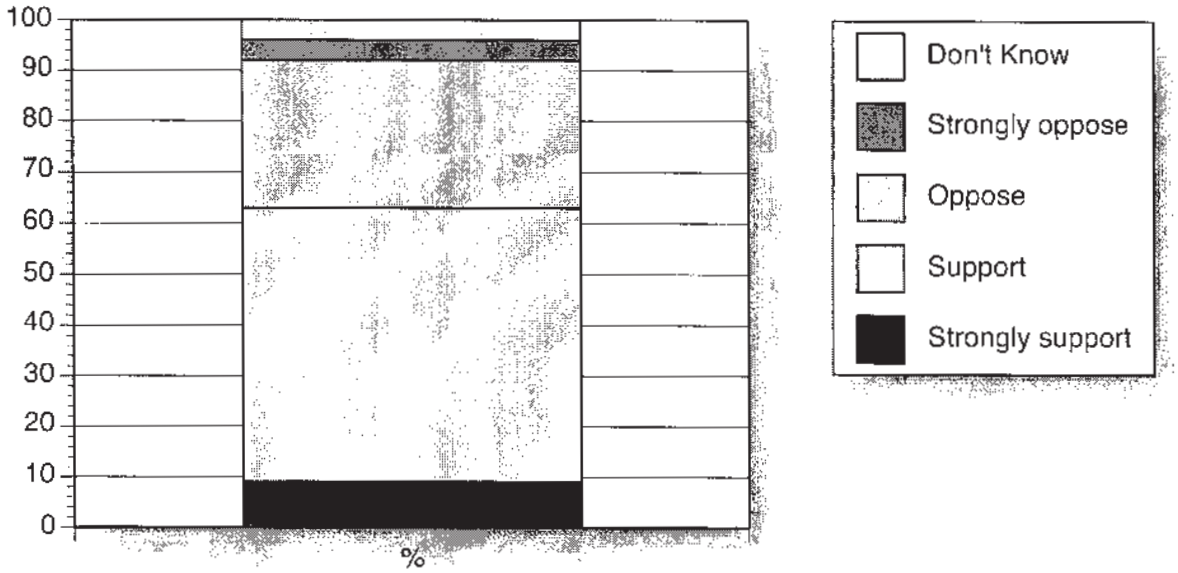


Table 22

Group	Count	%
Strongly support	12	9
Support	74	54
Oppose	39	29
Strongly oppose	5	4
Don't Know	6	4

But the issue of what to do with the District Council Legco seat in 2012 or 2016 on the way to full direct elections in 2020 raises the broader issue of what it was invented for

in the first place, and why in the failed 2005 reform package representation of the District Councils was proposed to increase so substantially, from 1 seat to 6 seats. It also raises the question of the final governance structure in 2020, for clearly, the present structure is widely seen to produce unfair policy decisions. The reform proposal to increase DC seats was argued as addressing that inequity as well as to improve governmental efficiency and communication with the grassroots at the neighborhood level. So should there be a role for the DCs in the final governance structure of 2020?

Examining end-point legislative structures

In terms of ending points of reform, about two thirds of respondents have consistently preferred direct election of all legislators. Most suppose that means direct elections of all legislators would take place as they do now for the half of Legco elected proportionately from one of five GCs. But, there is no specific reason direct election of all Legco members must take place like they have since 1998, nor any reason against introducing multiple forms of direct elections for Legco members. Indeed, there are many good reasons to use a balance of methods to choose legislators, not the least of which is to fulfill the requirement of the 2007 NPC ruling that Hong Kong's direct election systems build on its historic legacies.

Clearly, the present governance system has rejected what have turned out to be critical portions of our historic legacy of governance.

FINDING: *There is the unique problem in Hong Kong that our lower organs of representation, the District Councils, now have almost no connection with either representative legislatures or policy-making executive institutions at higher levels. This was not the case prior to 1999. This is not the case in most other states, and stands in stark contrast to most states where lower level governments routinely exercise policy making, tax and administrative supervisory powers over civil services, and where it is an assumption that politicians will start out at lower levels and as they gain experience and exposure, move up the ladder of representative government until they reach state-wide or province-wide, then nation-wide, office.* Hong Kong wholly lacks such a stepped structure, and it shows in constant problems of legitimacy and coordination as well as the problem of how to develop political expertise on the one hand and administrative skills on the other.

These problems have clearly deepened since 1999's abolition of the Regional and Urban Councils, the immediate cause of the creation of the DC and Heung Yee Kuk Legco FC seats. The introduction in 2002 of the Principal Officials Accountability System, the 2005 reform of the Executive Council composition and civil service administrative responsibilities, and the 2008 introduction of "political" assistants to Principal Officials are symptoms of these frequent and recurrent problems which repeated "reforms" have failed to fix. *These reforms have failed because they cut themselves off both from our past and from comparison with other systems of governance abroad.* These failures need to be addressed in the reforms leading to the "roadmap" destination of wholly elective government in 2020.

Prior to the abolition of the Regional Council and the Urban Council in 1999, these two bodies had policy making powers which even Legco did not have. When they were abolished, all policy-making at all levels was left to the unelected civil service and the one, narrowly elected executive in Hong Kong, the Chief Executive. *This concentrated political blame even while diluting political responsibility.*

The Urban and Regional Councils also had FC seats on Legco, and many Regional and Urban Councilors also were District Council members. Often, Urban Council and Regional Council election led to Legco election, since the Urban Council and Regional Council elections covered much larger geographic areas than the District Councils. They made a natural stepping stone from District level to Legco level, and a natural level of coordinating policy and debate between the neighborhoods covered by the District Councils and the Hong Kong wide concerns of Legco. The 1999 abolition cut the backbone out of the structure of political governance, and there have been repeated, and repeatedly failed, attempts to recreate the effects of the stepped, inter-locked colonial governance system without fully grasping its structures and functions.

Is there a way to restore some of these historic legacies or build on these historic legacies, and/or adapt means to solve the problems of developing representative and policy making skills shown to work elsewhere?

The government might simply suggest the "reform" of restoring the Urban and Regional Councils, inclusive of their old policy-making powers. But restoring the FC seats to these revivied entities would be a retrograde step unless the seats were directly elected by the respective districts. The current Heung Yee Kuk seat would then be elected by the two New Territories Legco districts formerly under the Regional Council, the current District Council seat could then be elected by the two Kowloon and Hong Kong Island legislative districts which comprised the Urban Council. Then moving to all GC seats in 2020 would be simple as well. *While this solves the problem of the two divergent FC seats, it does not fully solve the problems of creating an integrated system of stepping stones from lower level office to higher level office.* If restored, the Urban and Regional Councils would provide a partial solution to gaining policy making experience and a limited step between tiny District Council constituencies and the giant Legco GCs.

However, another approach would be to look at the current problems, look elsewhere for good models, and look back on our historic legacy to see what can be made of it all to directly solve the problems which have appeared in governance since direct elections began in 1982 and which have worsened since 1999. One such means might be borrowing from the German experience (and several other states as well) that mix geographic constituencies elections by proportional or first past the post means with state-level list system elections. In our case, in 2020 the 30 FC seats might be replaced by awarding those seats according to the overall percentage of votes a party gets across all of Hong Kong.

FINDING: *We tested this option with respondents. The results of Table 23 show that while nearly a fourth had not heard of it, that it was favored by nearly two to one by those who had a view, and that a near majority favored it outright indicates that Hong Kongers are open to consider alternatives, even in times of crisis, as long as they improve government accountability and performance.*

Table 23 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Replace FCs by awarding half of Legco seats to party list candidates according to the percent of votes a party receives in the Geographic Constituencies (German style system)?

Group	Count	%
Strongly support	42	3
Support	563	47
Oppose	282	23
Strongly oppose	36	3
Don't Know	281	23

Another way of achieving a similar effect without requiring party lists would be to have "at large" elections. For example, voters vote for their top choice from a list of candidates from all of Hong Kong. The 30 candidates who got the most votes would be returned. This type of election would award bloc votes, arranged either by their profession or party endorsement. All party supporters on Hong Kong Island vote for one candidate, elsewhere they vote for a different candidate, for example. Or you could have all professionals, such as teachers, vote for a teacher candidate on the list. This system would award organized entities like parties, unions and professional associations who can organize and motivate their members to vote alike to return a member to Legco. It would be a fully direct election system, but with an effect similar, but more competitive and far more open, to today's FC system. *This would retain some of the historic composition of Legco while entirely changing the dynamic of election and thus improve considerably the perception of unfairness the present restrictive, highly uncompetitive election system creates.*

A Hong Kong wide list system of "at large" voting like this, however, still fails to integrate the lower level representative bodies of the DCs into the governance system. It would spur party development since coordination and motivation of voters would be crucial to the list voting system. But, a mix of an "at large" or list voting system and a District Council based system would have both the effect of spurring party development and the effect of integrating the DCs with other representative bodies. It would conform to the Basic Law as long as the DCs were not turned into organs of power, which appears to be forbidden by Article 97 of the Basic Law.

A way of avoiding breach of Article 97 but still linking the DCs with Legco would be to use the 18 District Council districts as voting constituencies only. So, for example each DC might have a seat in Legco, elected by first past the post elections by all voters of each district. The advantage is that currently the DCs do not have a recognized DC wide leader elected by all residents of a DC. The leader of each DC is elected by members of the Council, including votes of government appointees, not by all voters. So really the head of the DC has little political clout, with either voters of the District or with other DC members, and certainly not with Legco or the executive or civil servants. But suppose a DC member runs for the DC Legco seat. His or her status within that DC would certainly rise, and they would form a link between DC members and Legco members which would increase influence and usefulness of DCs in governance and communication between the people and government. *Since the member's DC membership is coincidental instead of formal to their running for Legco, Article 97 is not breached, but the effect of such an election would be to put greater power into connection to representatives at lower*

levels. The 18 DCs would also naturally form a stepping stone to contesting Legco seats in the 5 larger Legco election districts or to running in the "at large" seats. *There would be pressure on parties to coordinate campaigning and candidature across proportional elections, the DC first past the post elections, and the at large list elections. This would also require a stronger party policy profile and leadership profile, building precisely the sort of political structures needed for strong, executive led, fully elective governance.*

The remaining 12 seats (18 DC elected) of the present 30 FC seats could be returned by preference "at large" voting with the top 12 vote getters taking office, or by a party list voting method. Either method would be a test for Hong Kong wide electoral power and thus a good measure of how a candidate might do in a Chief Executive election. So under this method, 18 DC Legco seats elected first past the post from each District Council geographic constituency, 12 seats returned by an "at large" election of some type, the connection from the low level grassroots neighborhoods to Legco, and the connection of Legco to Hong Kong wide representation and thus precursor experience at campaigning for Chief Executive would be made. The problem of disconnected governance unable to work across levels of representation would be addressed.

And so we put the question to respondents. (The "at large" preference vote was not posed in this survey. Instead we asked the party list question. But both are types of list, at large voting.) The Don't Know responses were the highest yet to any question asked, so this is an unfamiliar idea that would need some explanation, but the advantages to such a solution, in terms of addressing our governance problems by building on both historical and international experience, are considerable.

Table 24 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Replace current 30 FCs with 18 elected by voters from District Council constituencies and 12 from a party list of candidates?

Group	Count	%
Strongly support	36	3
Support	436	36
Oppose	364	30
Strongly oppose	42	3
Don't Know	326	27

Given that most members of DCs would benefit from such a system, if it were explained to DC members, they in turn could be expected to affect grass roots sentiments in its favor rather rapidly. Rather than a party list, if an open list were used with the 12 top vote getters returned, support would likely rise and opposition diminish as well.

FINDING: *While technically this combined 12/18 format to replace the 30 FCs in 2020 might be closest to a format erected on our history as well as based on successful practice elsewhere, it would need a strong campaign to explain its benefits over alternatives. If the outcome of the roadmap is fully agreed this far ahead of 2020, having an executive who can see the benefits of such an integrated structure and mount a persuasive campaign for it is likely lacking. But the scheduling of the Chief Executive to be returned by full direct election in 2017 prior to the 2020 end point may provide an opportunity for the final structure to be reconsidered. The first directly elected Chief Executive should enter office*

with considerably enhanced legitimacy, and they will have even more reason to solve Hong Kong's governance problem in the more competitive environment for Chief Executive which will arrive in 2017. If the expand until abolition approach is taken toward the FCs, there may be an advantage to waiting until the 2016 election to decide the final Legco structure in 2020.

And as the next section shows, support for direct election of the Chief Executive has been and continues to be strong across all categories.

Examining end-point executive structures

Compared to Legco, achieving full direct election of the Chief Executive in 2017 is almost non-controversial, as Chart/Table 25 shows.

Chart/Table 25 In principle, do you support or oppose direct election of the Chief Executive?

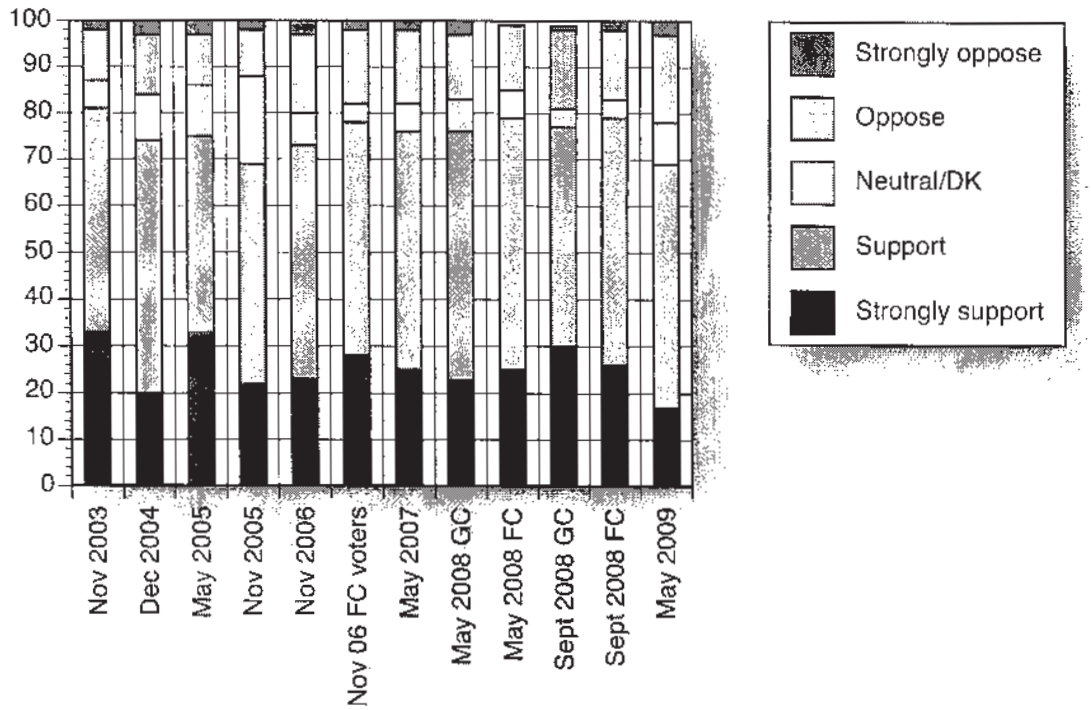


Table 25

	Strongly support	Support	Neutral/DK	Oppose	Strongly oppose
Nov 2003	33	48	6	11	2
Dec 2004	20	54	10	13	3
May 2005	33	42	11	11	3
Nov 2005	22	47	19	10	2
Nov 2006	23	50	7	17	3
Nov 06 FC voters	28	50	4	16	2
May 2007	25	51	6	16	2
May 2008 GC	23	53	8	14	3
May 2008 FC	25	54	6	14	--
Sept 2008 GC	30	47	4	17	1
Sept 2008 FC	26	53	5	15	2
May 2009*	17	52	10	19	3

The phrasing of the May 2009 question was deliberately set to test strength of support for direct election of the CE in times of crisis. Phrasing of the May 2009 survey is in Chart/Table 26 below. There is no statistically significant difference among voters, though conservative FC voters are more inclined to oppose direct CE election. Still, two thirds even of conservative FC voters support direct CE election.

Chart/Table 26 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Directly elect the Chief Executive?

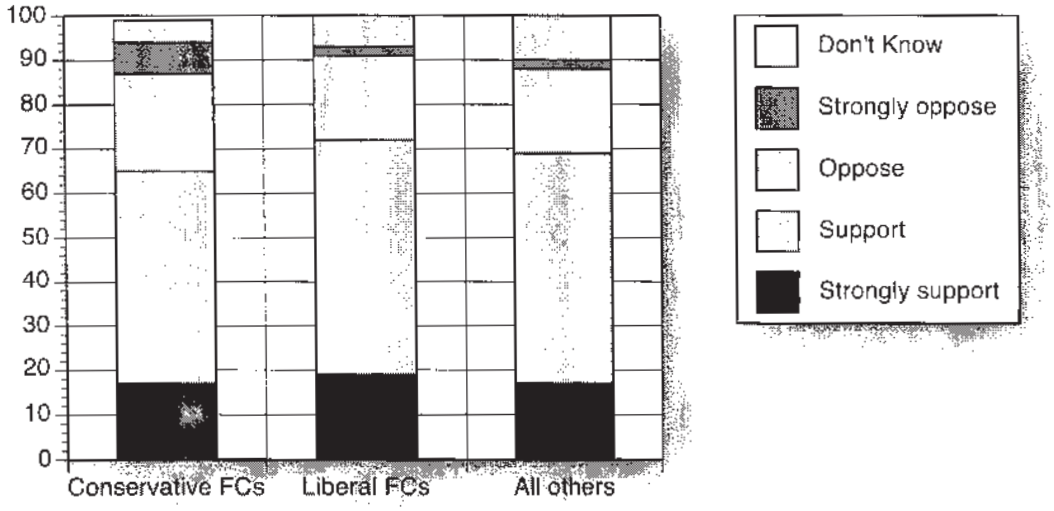


Table 26

Group	Conservative FCs	Liberal FCs	All others
Strongly support	17	19	17
Support	48	53	52
Oppose	22	19	19
Strongly oppose	7	2	2
Don't Know	5	8	10

table contents: Percent of Column Total

Chi-square = 6.628 with 8 df p = 0.5772 NO SIGNFICANT ASSOCIATION

Occupation showed some association of support by category, but mainly among unemployed and service workers. There is no real political significance in this distribution, just a minor statistical significance of association.

Chart/Table 27 Directly elect CE BY Occupation

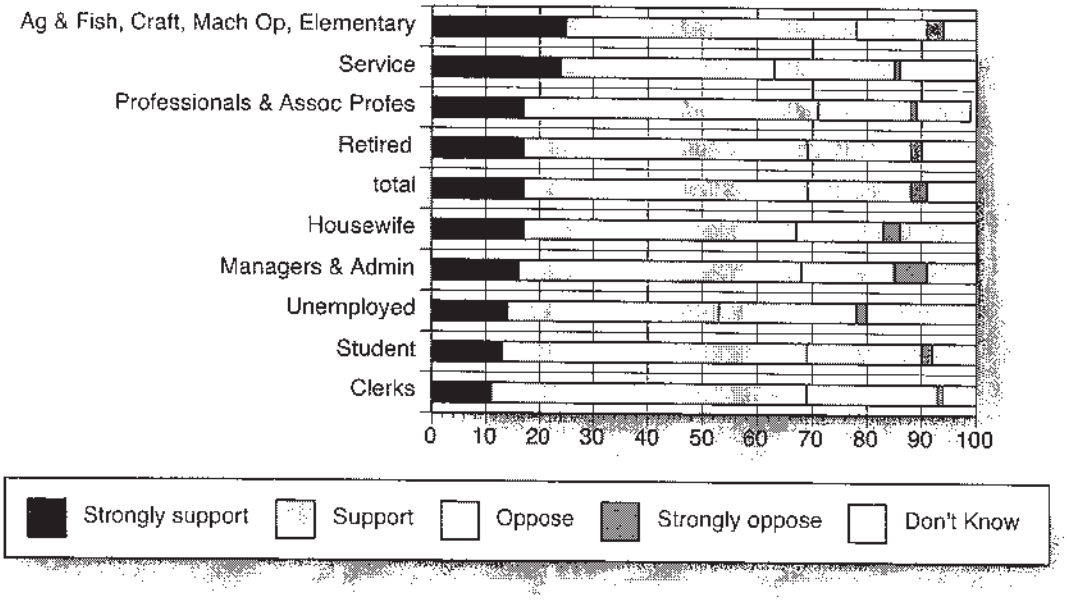


Table 27

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
Managers & Admin	16	52	17	6	9	100
Professionals & Assoc Profession	17	54	17	1	10	100
Clerks	11	58	24	1	7	100
Service	24	39	22	1	14	100
Ag & Fish, Craft, Mach Op, Elementary	25	53	13	3	6	100
Housewife	17	50	16	3	14	100
Retired	17	52	19	2	10	100
Unemployed	14	39	25	2	20	100
Student	13	56	21	2	8	100
total	17	52	19	3	10	100

table contents: Percent of Row Total

Chi-square = 49.22 with 32 df p = 0.0264

One in five men feel very strongly the CE should be directly elected, but the overall level of support and opposition differs little by gender.

Chart/Table 28 Directly elect CE BY Sex

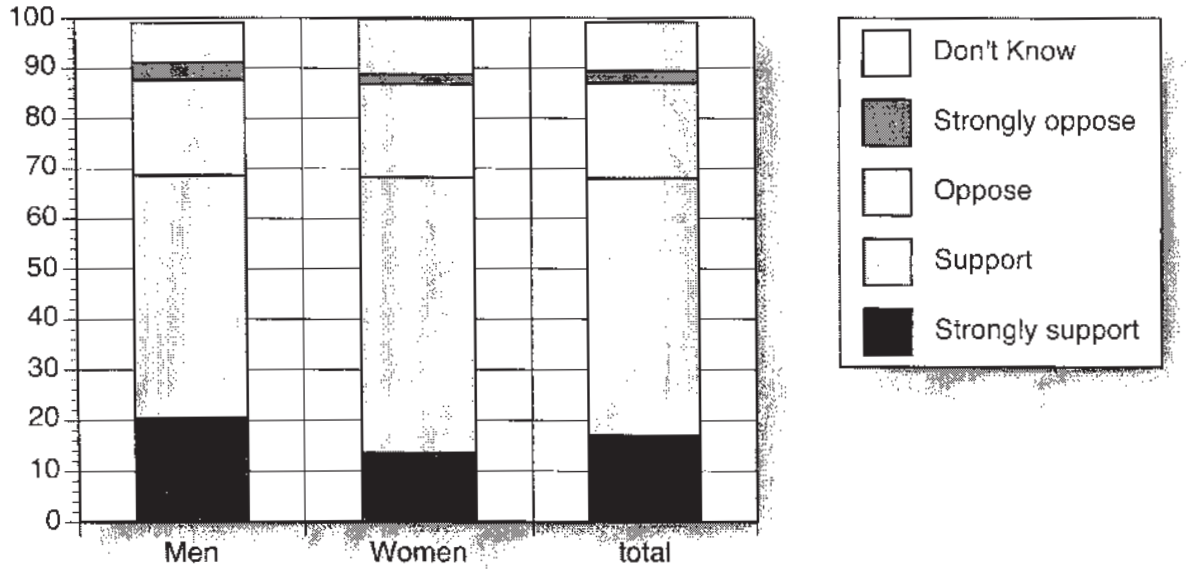


Table 28

	Men	Women	total
Strongly support	21	14	17
Support	48	55	52
Oppose	19	19	19
Strongly oppose	3	2	3
Don't Know	9	11	10
total	100	100	100

table contents: Percent of Column Total

Chi-square = 15.19 with 4 df p = 0.0043

FINDING: *There is little substantial difference by various demographic factors such as gender, age, occupation and so on toward directly electing the CE. Nearly all aspects show significant support above a majority for direct CE election.*

The most controversial aspect of direct election of the Chief Executive lies in the candidate nomination process. Since the Basic Law makes the Chief Executive office both an elective office by Hong Kong voters and an appointive office by Beijing officials, there has been considerable discussion of coordinating processes so that only candidates Beijing officials would appoint would get to run in the first place. Since Beijing officials may and likely will change views in years ahead, such concerns may fade away with liberalization, or may increase with conservative ascendancy in China. Given the nature of Hong Kong voters to support democracy and value their freedoms, but also vote their economic interests, a process that permits a limited number of candidates to pass vetting by a representative nomination committee appears likeliest to gain support.

Alternative arrangements such as nomination achieved by gaining a minimum of elector signatures have been ruled out the July 2007 "Green Paper on Constitutional Reform" as not conforming to the Basic Law. However, threshold qualifications per se are not excluded as long as they apply to members of the nominating committee. They are used in many parliaments and legislatures to exclude fringe parties and candidates. The

same standard appears uncontroversial in Hong Kong for the Chief Executive candidates.

Currently, mainly FC voters compose the nomination committee. FC voters elect 600 of the 800 Chief Executive nomination/election committee representatives. The balance are made up of ex officio members including the 60 Legco members. Phasing out the FC seats and voters then could complicate the CE nomination process even as it simplifies the Legco election process.

One simple way of comprising a CE nominating committee that is "broadly representative" is to put all directly elected DC members and all Legco members on the committee, plus the Hong Kong delegates to the National Peoples Congress. That would mean a committee of about 500 persons. A threshold of nomination by 100 persons would produce a theoretical maximum of 5 candidates from such a committee. There have also been suggestions of having a cap or maximum number of nominations to ensure a competitive election, and this too appears relatively uncontroversial.

Another way of forming the CE Nomination Committee would be to retain the 30 FCs in their 2012 or 2016 expanded and reformed states (see above for details) and, since the reformed FCs would have more equal numbers of voters then, run equal numbers of candidates for election in an FC (20 or more per FC), plus add to the committee the ex officio members to make up the requisite number of nominators for a committee of whatever size desired. *Perhaps the most desirable and acceptable outcome would be to combine all the directly elected DC members, all Legco members, all NPC members, and a number of members returned by the reformed, expanded, and more broadly representative FCs. If so, reforming the FCs by expanding their voter numbers and ending corporate and duplicate votes is vital for the legitimacy of the CE election process.*

The crucial issue for the CE nomination and election process is that it produce an outcome that is accepted as fair, legitimate and authoritative, for one of the major problems facing both CEs and legislators is how to properly check each other's powers while ensuring a process of interaction and coordination, if not cooperation, can develop. This issue was researched and options tested in the survey, and to this critical aspect we turn.

Examining Interactions of Legislative and Executive

In order to test the effect of and support for direct elections as a means to affect the quality of governance, particularly in stressful times, we added questions to those above on directly electing the CE and all Legco members. We also asked if voters should directly elect the Chief Secretary for Administration, the Financial Secretary, and whether Legco should be required to vote on all CE appointments by majority vote. The purpose of these questions was to identify flaws in the executive system and in the executive-legislative system. The results were surprising.

While not at the high levels of support for directly electing the CE, a clear majority supported directly electing the Chief Secretary for Administration.

Chart/Table 29 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Directly elect the Chief Secretary for Administration

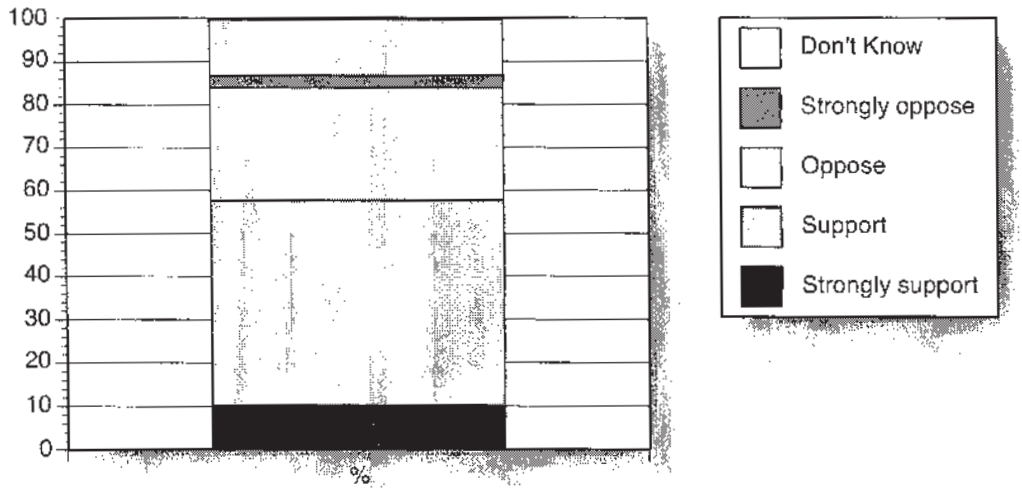


Table 29

Group	Count	%
Strongly support	122	10
Support	572	48
Oppose	316	26
Strongly oppose	34	3
Don't Know	160	13

Unlike for the CE, there were significant differences by several of the demographic characteristics, such as work sector, occupation and income. Chart 30 for example, shows that while the public, private and non-work sectors about equally support directly electing the Chief Secretary for Administration, the public sector shows significantly fewer saying Don't Know and more in opposition.

Chart/Table 30 Directly elect the Chief Secretary for Administration BY Work Sector

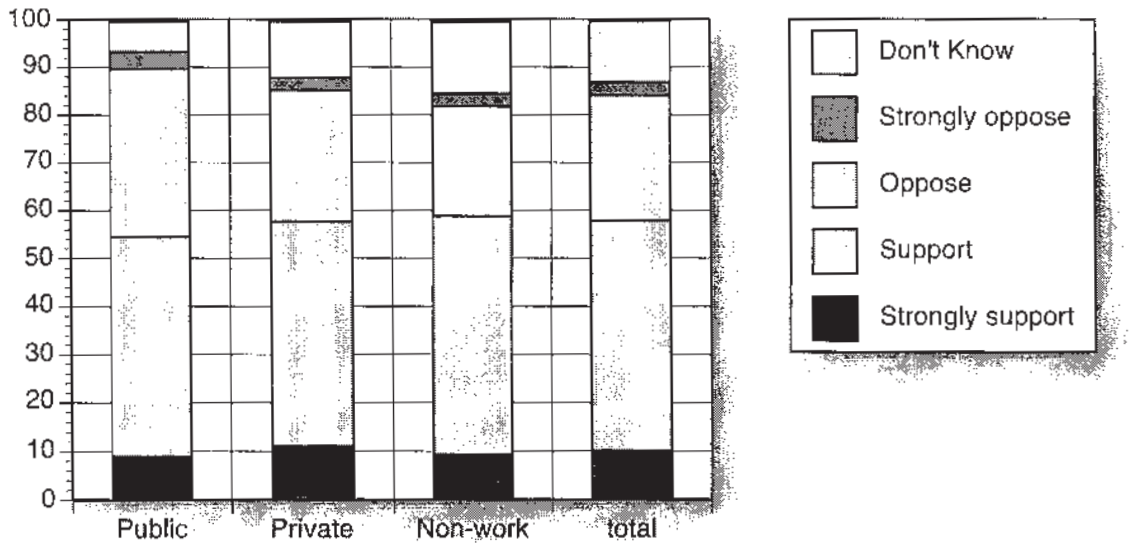


Table 30

	Public	Private	Non-work	total
Strongly support	9	11	9	10
Support	46	46	49	48
Oppose	35	28	23	26
Strongly oppose	4	3	3	3
Don't Know	7	12	16	13
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 15.96 with 8 df p = 0.0430

Chart/Table 31 shows that Managers and Administrators and the unemployed are least supportive of directly electing the Chief Secretary of Administration and are the only categories where support falls under a majority, though in terms of strong support, clerks and students show lower levels than Managers and Adminstrators.

Chart/Table 31 Directly elect the Chief Secretary for Administration BY Occupation

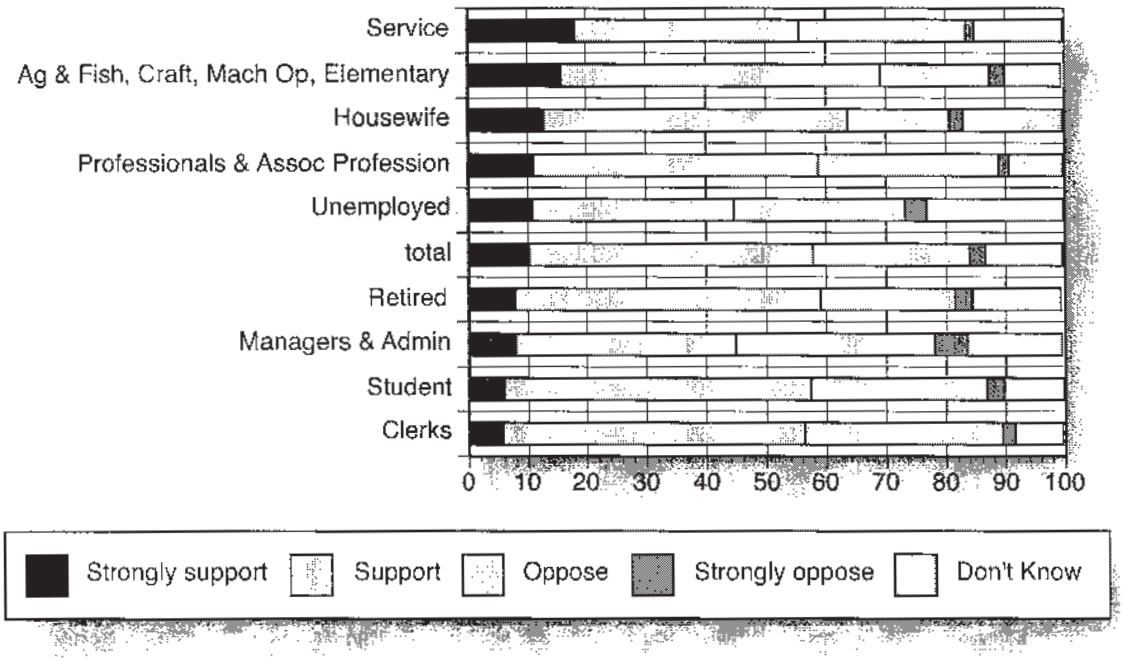


Table 31

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
Managers & Admin	8	37	33	6	17	100
Professionals & Assoc Profession	11	48	30	2	9	100
Clerks	6	51	33	2	8	100
Service	18	38	28	1	15	100
Ag & Fish, Craft, Mach Op, Elementary	16	53	18	3	10	100
Housewife	13	51	17	2	17	100
Retired	8	51	23	3	16	100
Unemployed	11	34	29	4	23	100
Student	6	52	29	3	10	100
total	10	48	26	3	13	100

table contents: Percent of Row Total
Chi-square = 62.06 with 32 df p = 0.0011

Chart/Table 32 shows a significant divergence between those in families earning under $50,000 per month and those earning above that amount on whether to directly elect the Chief Secretary for Administration. The 11 percent of respondents who would not report their income have an almost identical pattern of responses as those earning above $50,000 per month.

Chart/Table 32 Directly elect the Chief Secretary for Administration BY Income

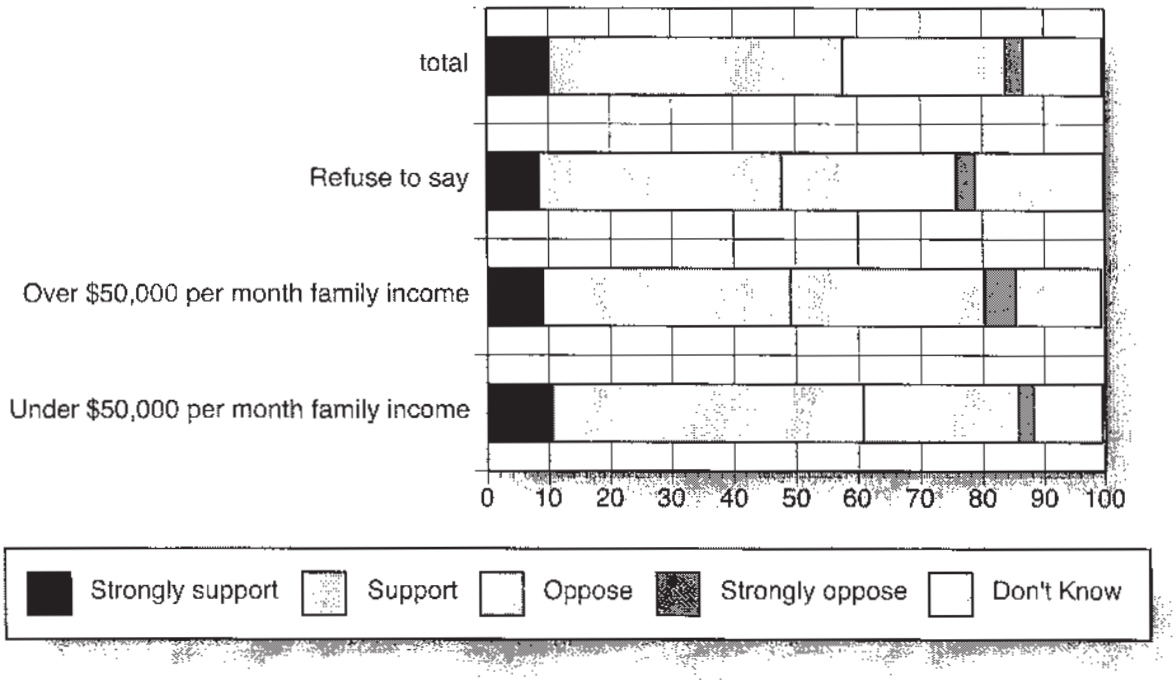


Table 32

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Strongly support	11	9	8	10
Support	50	40	40	48
Oppose	25	31	28	26
Strongly oppose	2	5	3	3
Don't Know	12	15	21	13
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 20.12 with 8 df p = 0.0099

The issue of money also produced very divergent responses among demographic groups on whether or not to apply direct election to the Financial Secretary. In the Hong Kong system the Financial Secretary is a very important person, more akin in influence to the British Chancellor of the Exchequer than the US Secretary of the Treasury. The Financial Secretary makes one of two major government addresses delivered each year to wide viewership and commentary. The first is the Policy Address at the opening of the legislative year in October, made by the Chief Executive. The second is the Budget Address given by the Financial Secretary in February. The Financial Secretary has considerable discretionary authority and the ability to impose spending restraints on other ministers.

Chart/Table 33 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Directly elect the Financial Secretary?

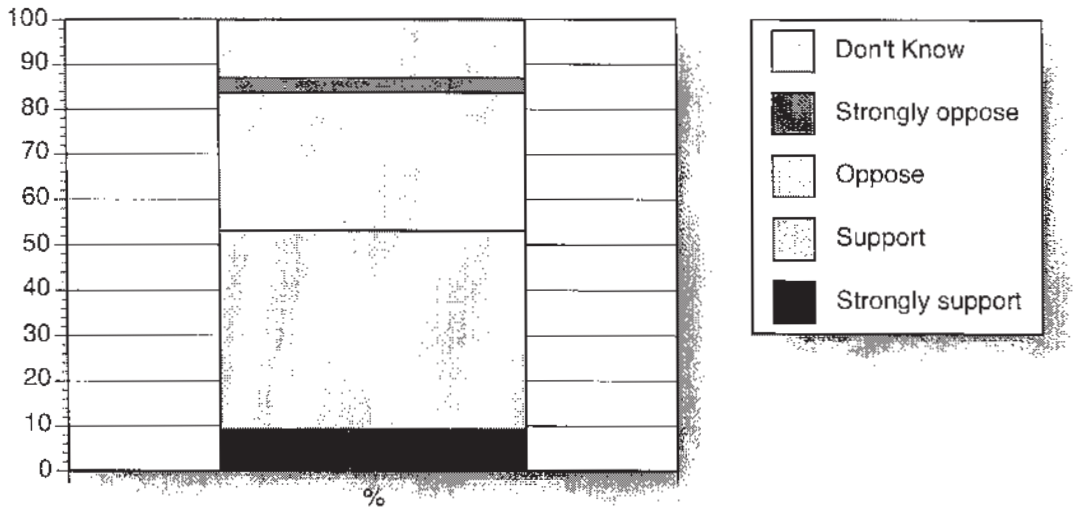


Table 33

Group	Count	%
Strongly support	111	9
Support	528	44
Oppose	369	31
Strongly oppose	39	3
Don't Know	157	13

The non-working sector is considerably more supportive of directly electing the FS than the private or public sector. In the public sector, more oppose than support.

Chart/Table 34 Directly elect the Financial Secretary BY Work Sector

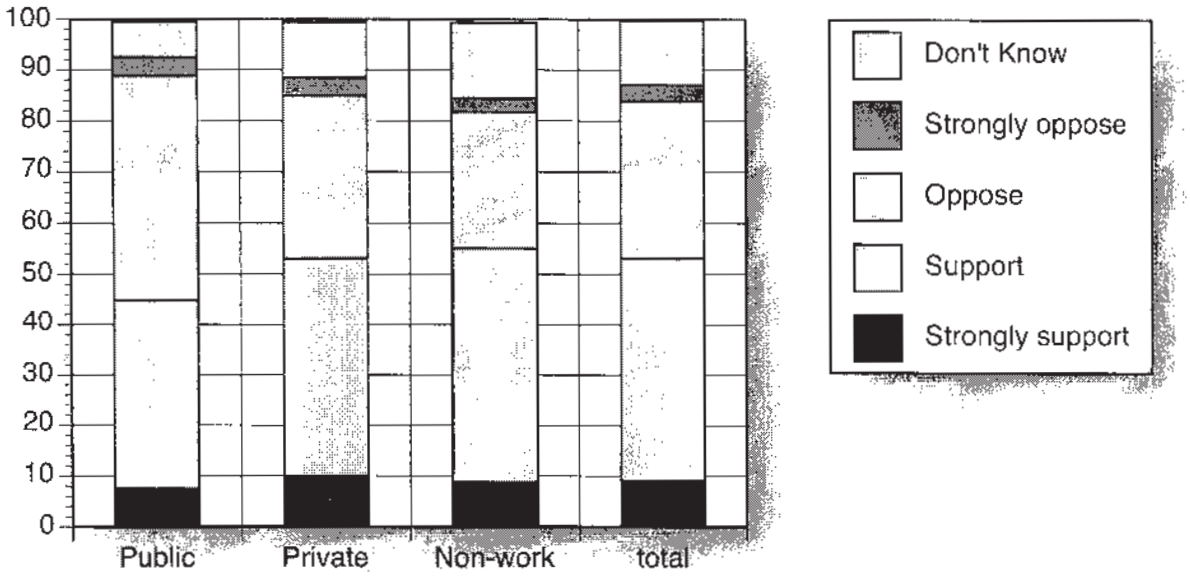


Table 34

	Public	Private	Non-work	total
Strongly support	7	10	9	9
Support	37	43	46	44
Oppose	44	32	27	31
Strongly oppose	4	4	3	3
Don't Know	7	12	16	13
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 21.74 with 8 df p = 0.0054

There appears to be some sense of distance between the civil service and the non-working sector heavy with poor, retirees and other lower income groups. Though as seen in Table 35, the unemployed are less supportive of direct election than many other groups.

Chart/Table 35 Directly elect the Financial Secretary BY Occupation

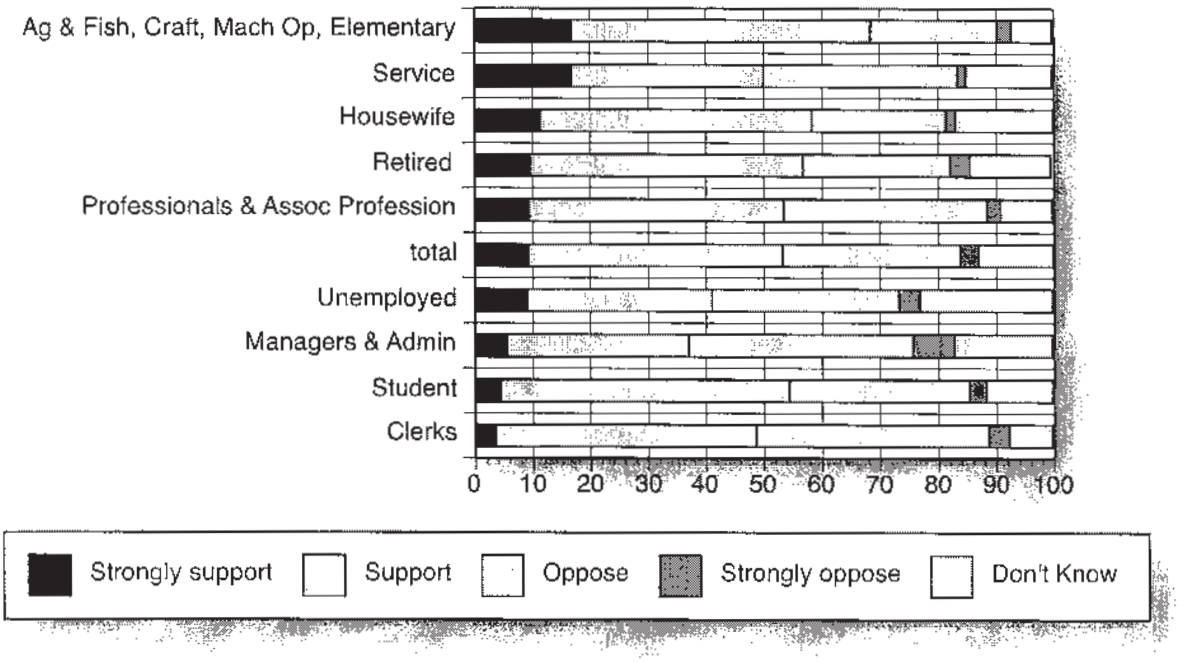


Table 35

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
Managers & Admin	6	32	39	7	17	100
Professionals & Assoc Profession	9	44	35	2	9	100
Clerks	4	45	40	4	8	100
Service	17	33	33	1	15	100
Ag & Fish, Craft, Mach Op, Elementary	17	52	22	3	8	100
Housewife	11	47	23	2	17	100
Retired	10	47	25	3	15	100
Unemployed	9	32	32	4	23	100
Student	4	50	31	3	12	100
total	9	44	31	3	13	100

table contents: Percent of Row Total
Chi-square = 77.18 with 32 df p ≤ 0.0001

The gap between upper income groups and lower income on directly electing the Financial Secretary is very large.

FINDING: *While a majority of all surveyed support direct election of the FS, only 40 percent of those making over $50,000 per month support while 57 percent of those under that mark do. This pinpoints one source of both grievance and fear toward Hong Kong's governance system. Upper income groups support full direct elections for Chief Executive and all members of Legco, but there is concern that extending direct election to the Financial Secretary could subject economic management to political pressures.*

Chart/Table 36 Directly elect the Financial Secretary BY Income

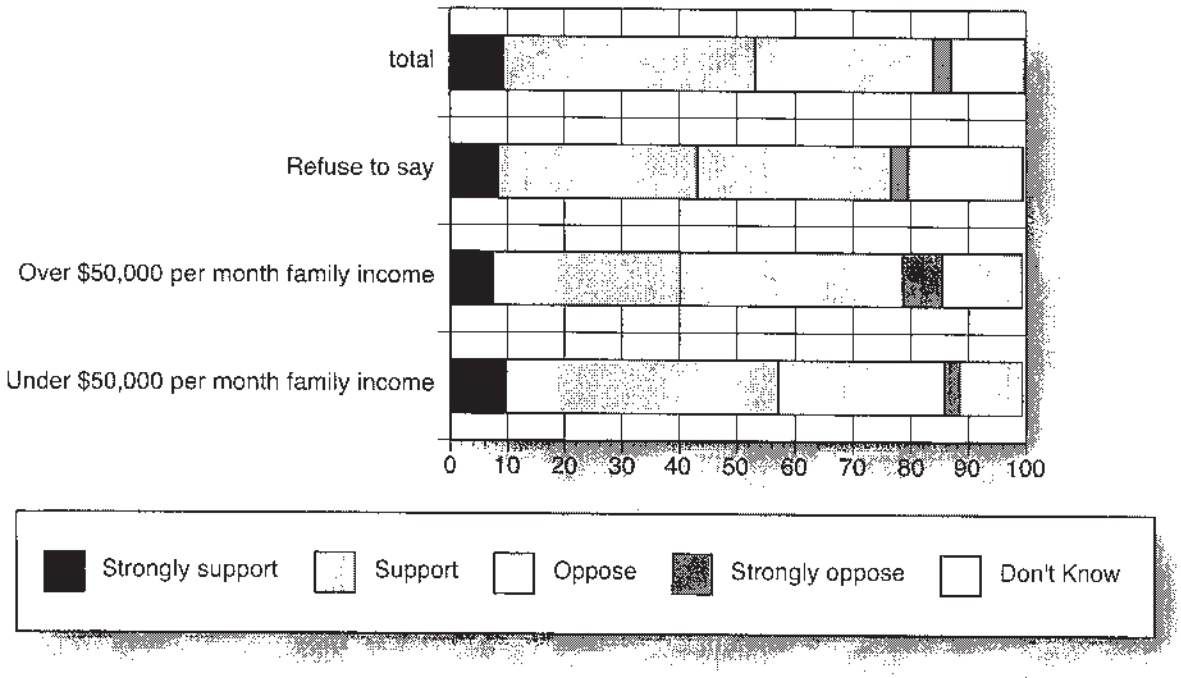


Table 36

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Strongly support	10	7	8	9
Support	47	33	35	44
Oppose	29	38	33	31
Strongly oppose	3	7	3	3
Don't Know	12	15	21	13
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 31.27 with 8 df p = 0.0001

There also appears to be a bit of a gender gap on directly electing the FS also. (See Table 37)

FINDING: *While 50 percent of men support and 37 percent oppose, opening a 13 point gap between support and oppose, 57 percent of women support and only 32 percent oppose, a gap of 25 points or nearly double that of men. There may be evidence here of a strong disagreement between men and women on spending priorities for the government,*

with women thus favoring direct election of the FS as a means to pressure the government to address their concerns more directly.

Table 37 Directly elect the Financial Secretary BY Sex

	Male	Female	total
Strongly support	11	8	9
Support	39	48	44
Oppose	33	29	31
Strongly oppose	4	2	3
Don't Know	13	13	13
total	100	100	100

table contents: Percent of Column Total
Chi-square = 14.64 with 4 df p = 0.0055

The final question in this bank of questions on direct election raised the relationship between the legislators and the Chief Executive directly. Should Legco be required to approve all the CE's appointments by majority vote? Two thirds favored.

Chart/Table 38 In light of the global economic crisis, how much support or opposition would you have to the following reforms to improve accountability and performance: Require Legco to approve all Chief Executive appointments by majority vote

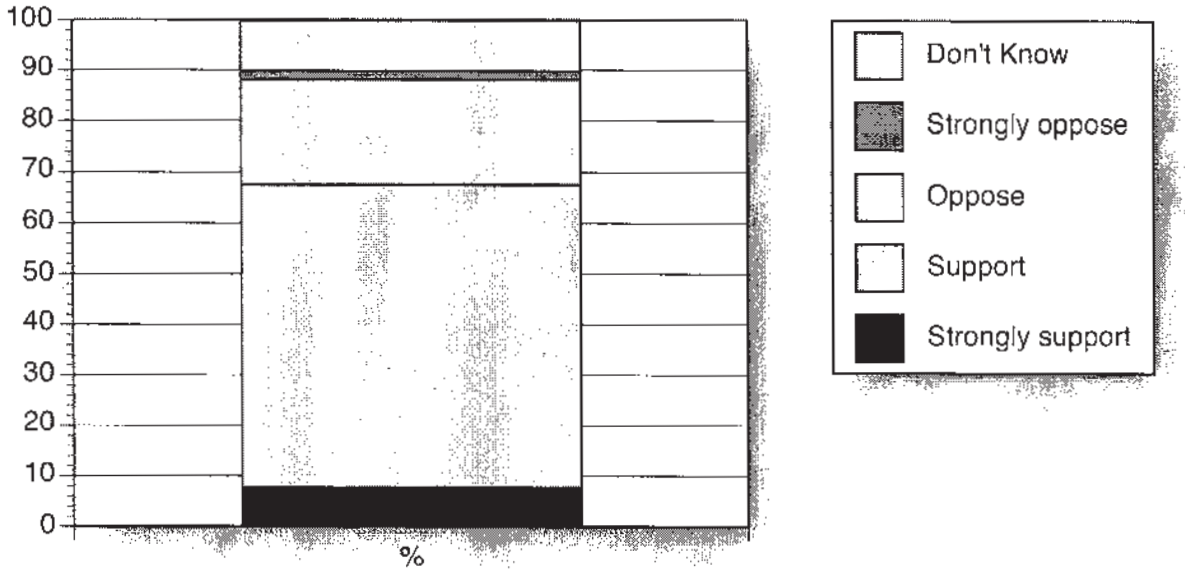


Table 38

Group	Count	%
Strongly support	93	8
Support	720	60
Oppose	248	21
Strongly oppose	20	2
Don't Know	123	10

There are NO significant differences between the public, private and non-working sectors on this issue.

Chart/Table 39 Legco approve all CE appointments BY Work Sector

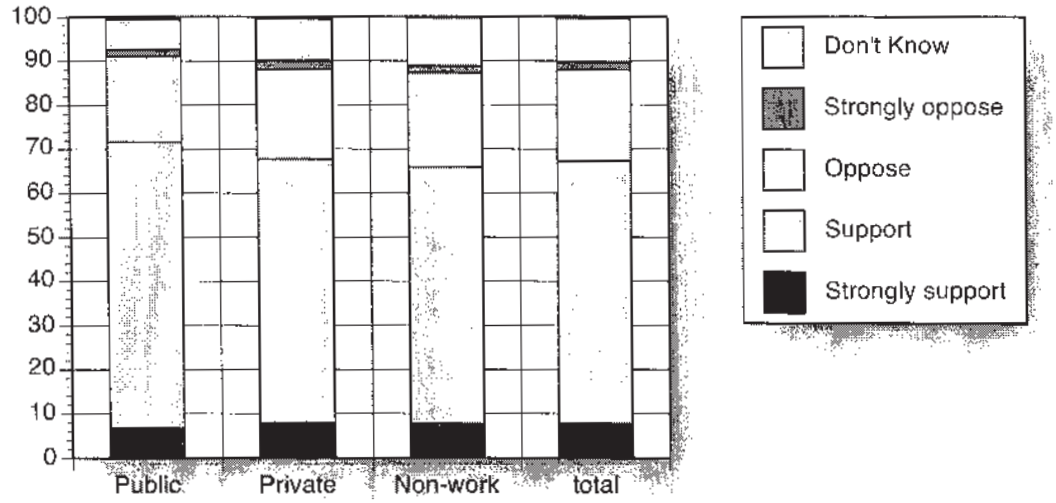


Table 39

	Public	Private	Non-work	total
Strongly support	7	8	8	8
Support	65	60	58	60
Oppose	19	20	21	21
Strongly oppose	1	2	1	2
Don't Know	7	10	11	10
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 3.487 with 8 df p = 0.9002 NO SIGNIFICANT ASSOCIATION

Differences by occupation do not appear significant, with all occupations showing majority support.

Chart/Table 40 Legco approve all CE appointments BY Occupation

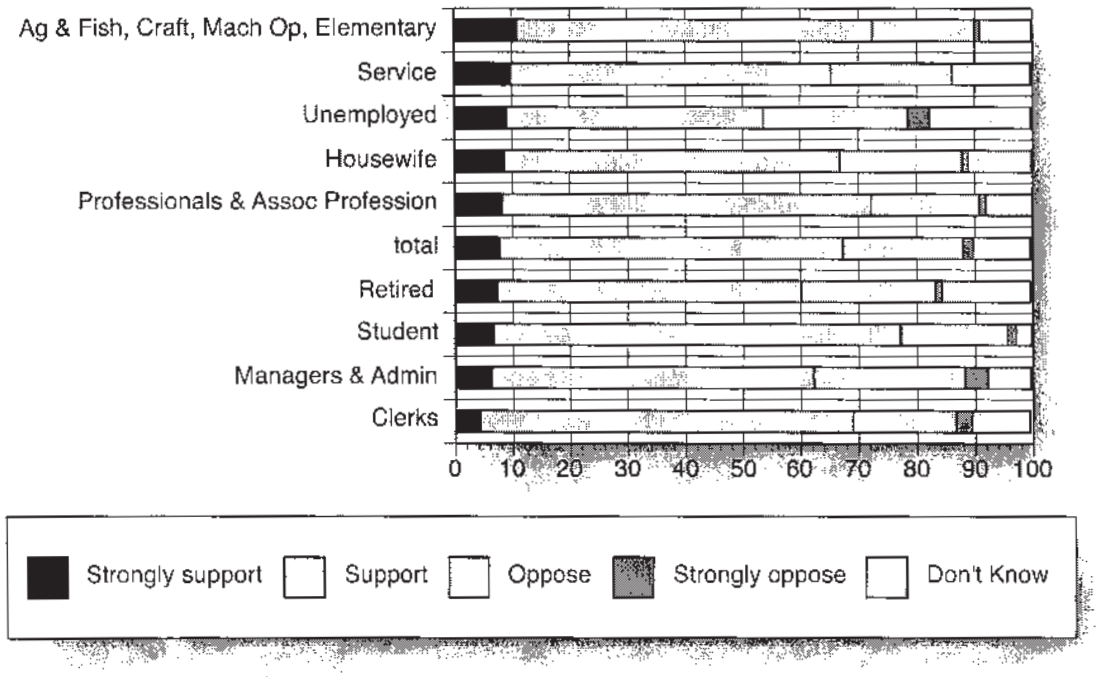


Table 40

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
Managers & Admin	6	56	26	4	8	100
Professionals & Assoc Profession	8	64	19	1	8	100
Clerks	4	65	18	3	11	100
Service	10	56	21	0	14	100
Ag & Fish, Craft, Mach Op, Elementary	11	62	18	1	9	100
Housewife	9	58	21	1	11	100
Retired	7	53	23	1	16	100
Unemployed	9	45	25	4	18	100
Student	7	71	18	1	3	100
total	8	60	21	2	10	100

table contents: Percent of Row Total
Chi-square = 44.68 with 32 df p = 0.0675

There are also small, but not greatly significant differences by income levels.

Chart/Table 41 Legco approve all CE appointments BY Income

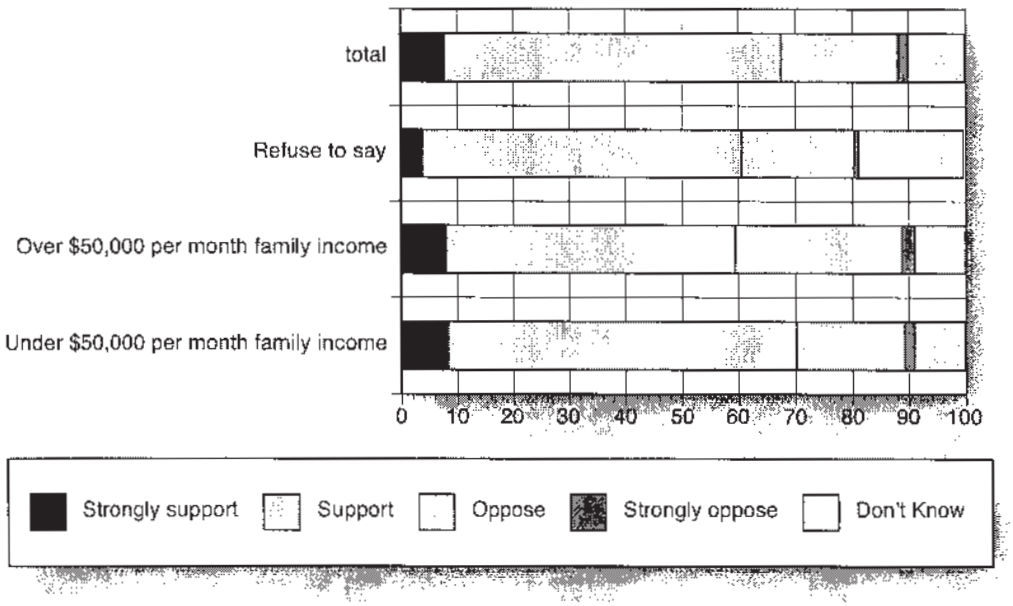


Table 41

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Strongly support	8	8	4	8
Support	62	51	57	60
Oppose	19	29	20	21
Strongly oppose	2	2	1	2
Don't Know	9	9	19	10
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 25.81 with 8 df p = 0.0011

The greatest difference on this issue is among age groups, though all ages show a majority support having Legco approve all CE appointments.

Chart/Table 42 Legco approve all CE appointments BY Age group

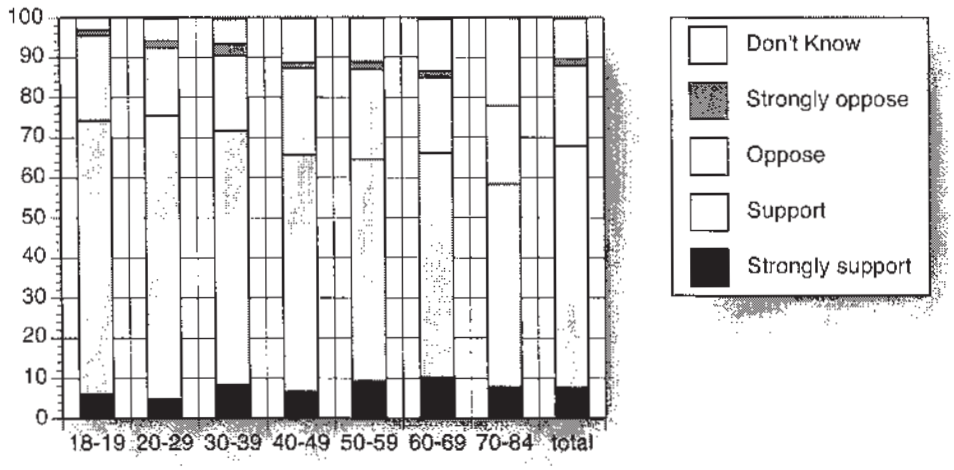


Table 42

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Strongly support	6	5	8	7	9	10	8	8
Support	68	71	63	59	55	56	51	60
Oppose	21	17	19	22	22	19	20	20
Strongly oppose	2	2	3	1	2	2	0	2
Don't Know	3	6	7	11	11	13	22	10
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 37.56 with 24 df p = 0.0384

FINDING: *Two thirds favor requiring Legco to approve all Chief Executive appointments by majority vote. There is no difference by work sector or gender. Minor differences by occupation and income. Among groups under 40 support for requiring Legco to approve the CE's appointments is better than 7 in 10. There appears to be considerable concern over the CE's power to appoint and perhaps the quality of his appointees.*

In sum, while directly electing the CE is uncontroversial for the vast majority, there is no consensus on extending direct election further into the executive branch. There is, however, clear support for increasing Legco's power over executive appointments, and evidence women feel their issues are not being accorded the priority they prefer by the Financial Secretary. These questions indicate problems in the present Executive policy making processes and in Executive-Legislative relationship that need repair. They are not meant as challenges to Beijing's right to confirm senior officials as laid down in the Basic Law. The answers to these questions show that appointing officials, particularly the Financial Secretary, is one means of assuring the wealthy that government will not be used as a political weapon. But the responses also show there are substantial proportions who feel now that government ignores their concerns. By supporting a vote for these officers, they show they wish an adjustment to government priorities in the areas over which they hold responsibility. The direct election of Chief Executive and of all Legco members would likely reduce support for election of ministers, but conversely, continuing to stymie fair and equal influence over government policy making by not moving toward direct elections would increase the sense of alienation the responses to these questions clearly reveal. As David Plouffe, Obama's brilliant campaign manager said in a global webcast on 16 June, survey questions and the responses they reveal are measures of perceptions. The wiser use of survey

methodology is to heed them, and act to address those perceptions of unfairness via fundamental structural changes that lessen the problems they reveal.

VII Influencing Hong Kong's political development

The final bank of questions in Part One asked for respondents to assess the amount of influence of a list of named groups have on Hong Kong's development of democracy. (See Table 43 for list). While three in four considered that Top Beijing Officials had a great deal of influence over Hong Kong's development of democracy, by far the highest influence according to the most respondents, big business, the Chief Executive, public opinion and political parties had almost the same levels of "a great deal of influence" and "some influence" combined. Only Beijing officials and big business garnered a clear majority from all as having a great deal of influence. Even the Chief Executive lagged these two. Local Communist Party members and professionals and experts are deemed as having the least of "a great deal" of influence, with local Communist Party members coming in last overall for influence over Hong Kong's development of democracy. Apparently the idea of a united front Communist conspiracy undermining Hong Kong's democratic development is simply not credible to most.

But that Beijing officials and big business might work together to block local democratic development is far from imaginary. This raises the danger that if frustrations build up, as they have, over democratization's pace and over the degree of majority rule entrenched in the final structure adopted in 2020, such an impression of collusion between business and Beijing could have serious repercussions.

Chart/Table 43 Who do you think has influence over Hong Kong's development of democracy:

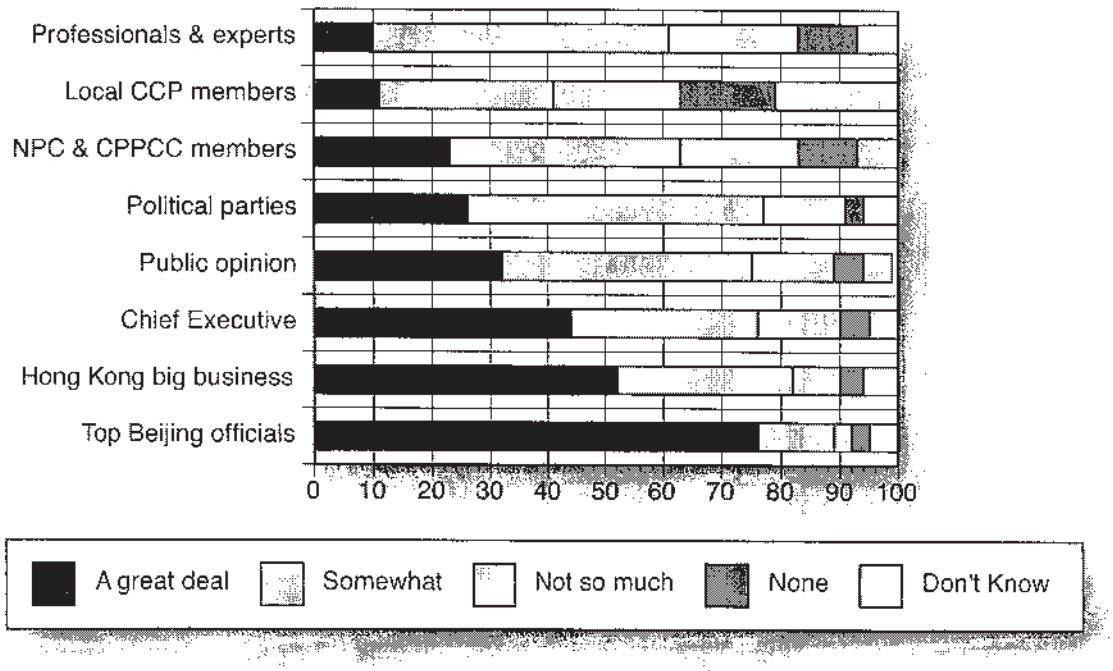


Table 43

	A great deal	Somewhat	Not so much	None	Don't Know	Total
Top Beijing officials	76	13	3	3	5	100
Hong Kong big business	52	30	8	4	6	100
Chief Executive	44	32	14	5	5	100
Public opinion	32	43	14	5	5	100
Political parties	26	51	14	3	6	100
NPC & CPPCC members	23	40	20	10	8	100
Local CCP members	11	30	22	16	21	100
Professionals & experts	10	51	22	10	7	100

There are interesting, and significant, differences in the response patterns of different demographic groups to the questions above. In the sections below we examine how birthplace, work sector, age, occupation and income level affect four of the categories above: influence of top Beijing officials, big business, political parties, and public opinion.

Assessments of influence on democratization BY Birthplace

Interestingly, more respondents born in Hong Kong awarded Beijing officials the greatest influence than those born in Mainland China.

Chart/Table 44 Top Beijing officials influence over Hong Kong's development of democracy BY Birthplace

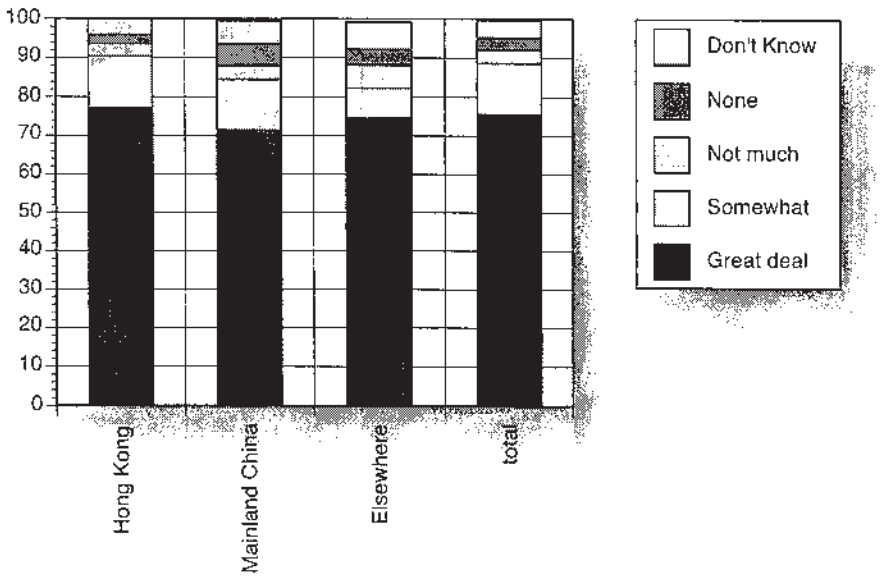


Table 44

	Hong Kong	Mainland China	Elsewhere	total
Great deal	77	71	75	75
Somewhat	13	13	8	13
Not much	3	3	6	3
None	2	6	4	3
Don't Know	4	7	8	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 13.59 with 8 df p = 0.0932

With big business, those born in Hong Kong differed even more with those born in Mainland China and born elsewhere on the great degree of influence exercised by big business over Hong Kong's development of democracy. A clear majority of Hong Kong born (55 percent) saw big business as having a great deal of influence while just 45 percent of mainland born and those born elsewhere made the same assessment.

Chart/Table 45 Big business influence over Hong Kong's development of democracy BY Birthplace

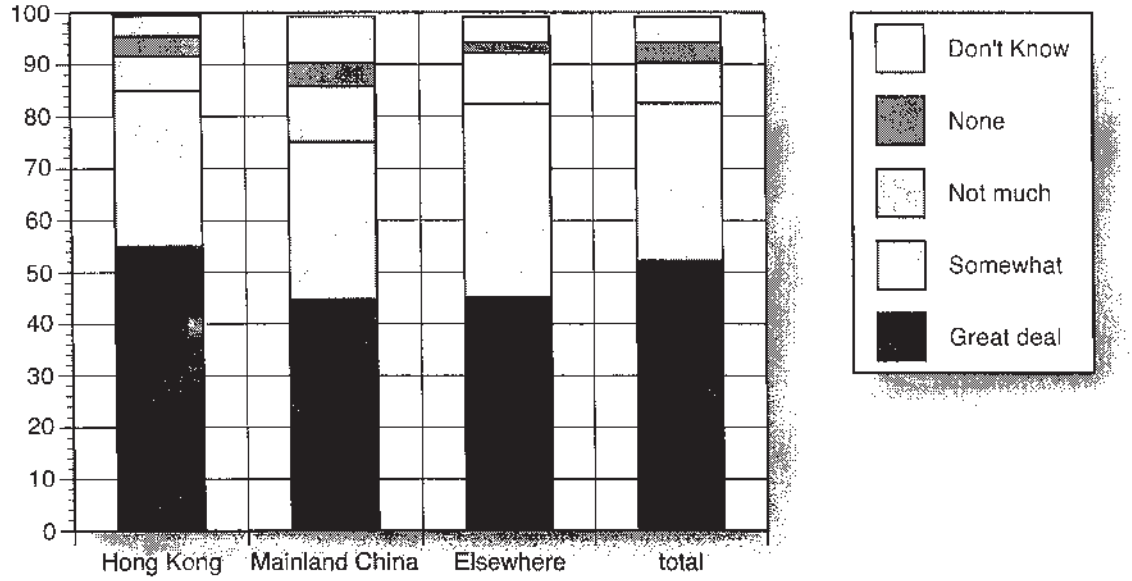


Table 45

	Hong Kong	Mainland China	Elsewhere	total
Great deal	55	45	45	52
Somewhat	30	30	37	30
Not much	7	11	10	8
None	4	4	2	4
Don't Know	5	10	6	6
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 20.97 with 8 df p = 0.0072

Those born in Hong Kong and elsewhere gave political parties more influence than mainland born respondents. And mainland born and those born elsewhere also had much higher percentages of Don't Know responses.

Table 46 Political parties influence over Hong Kong's development of democracy BY Birthplace

	Hong Kong	Mainland China	Elsewhere	total
Great deal	27	23	31	27
Somewhat	52	47	43	51
Not much	14	13	14	14
None	2	7	0	3
Don't Know	4	10	12	6
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 35.23 with 8 df p ≤ 0.0001

On public opinion influence, those born elsewhere had the most giving an assessment of the highest degree of influence, while Hong Kong born had the lowest. Those born on the mainland, however, had considerably more saying public opinion had no influence on development of democracy in Hong Kong.

Chart/Table 47 Public opinion influence over Hong Kong's development of democracy BY Birthplace

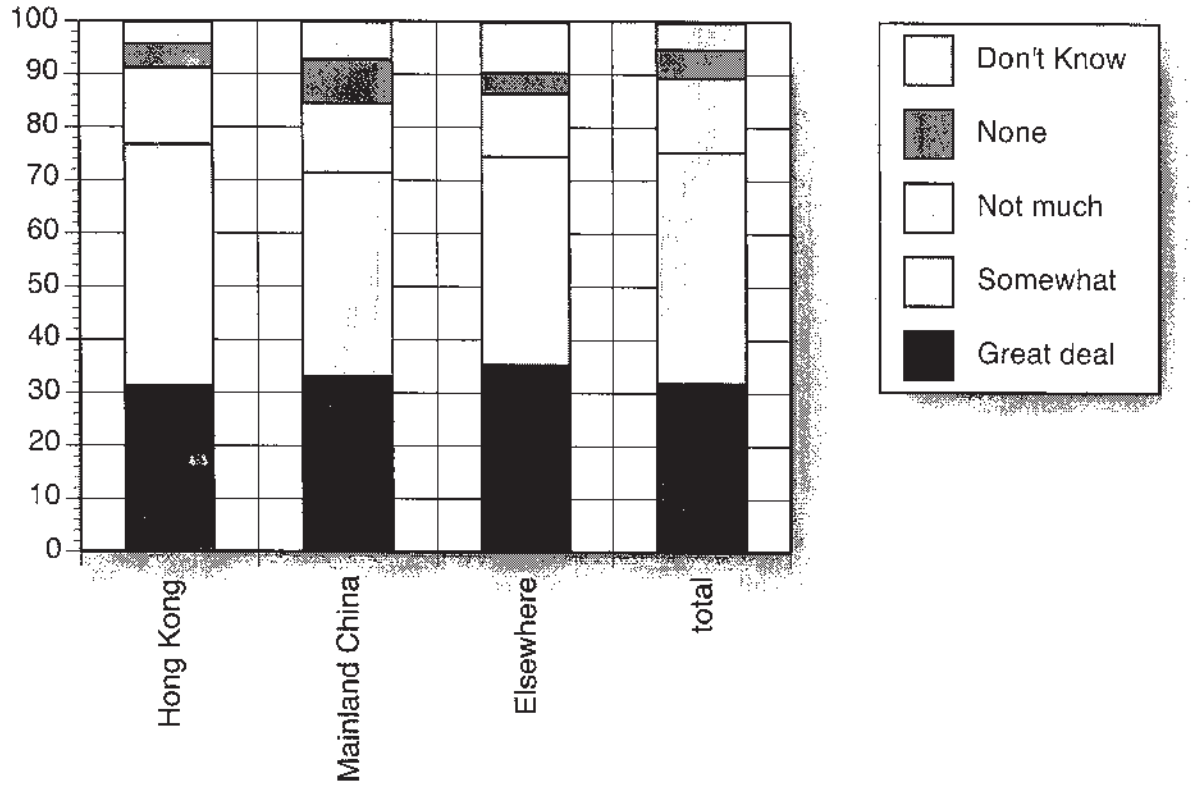


Table 47

	Hong Kong	Mainland China	Elsewhere	total
Great deal	31	33	35	32
Somewhat	45	38	39	43
Not much	15	13	12	14
None	5	8	4	5
Don't Know	4	7	10	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 15.32 with 8 df p = 0.0533

Assessments of influence on democratization BY Work Sector

There is no difference among the work sectors on assessments of Top Beijing official's influence on Hong Kong's development of democracy. All sectors agree by about 7 in 10 that Beijing officials have a great deal of influence.

Table 48 Top Beijing officials influence over Hong Kong's development of democracy BY Work Sector

	Public	Private	Non-working	total
Great deal	78	77	73	76
Somewhat	15	13	12	13
Not much	3	3	4	3
None	1	3	4	3
Don't Know	3	3	7	5
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 10.60 with 8 df p = 0.2251 NO SIGNIFICANT ASSOCIATION

However, more respondents from the Public sector award big business the greatest amount of influence.

Chart/Table 49 Big business influence over Hong Kong's development of democracy BY Work Sector

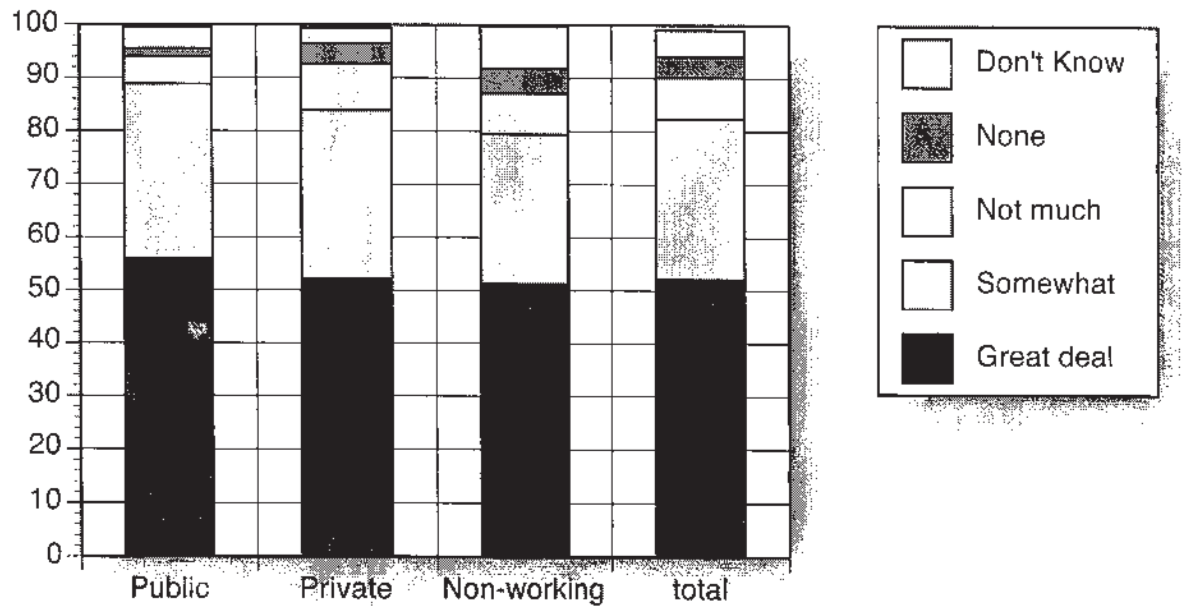


Table 49

	Public	Private	Non-working	total
Great deal	56	52	51	52
Somewhat	33	32	28	30
Not much	5	9	8	8
None	1	4	5	4
Don't Know	4	4	8	6
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 16.85 with 8 df p = 0.0317

And more from the Public Sector respondents also appear to give the political parties more influence over the process. When great deal and some influence are combined, 87 percent of the Public Sector assess political parties as having that degree of influence

while only 74 percent of non-working respondents gave political parties the same influence.

Chart/Table 50 Political party influence over Hong Kong's development of democracy BY Work Sector

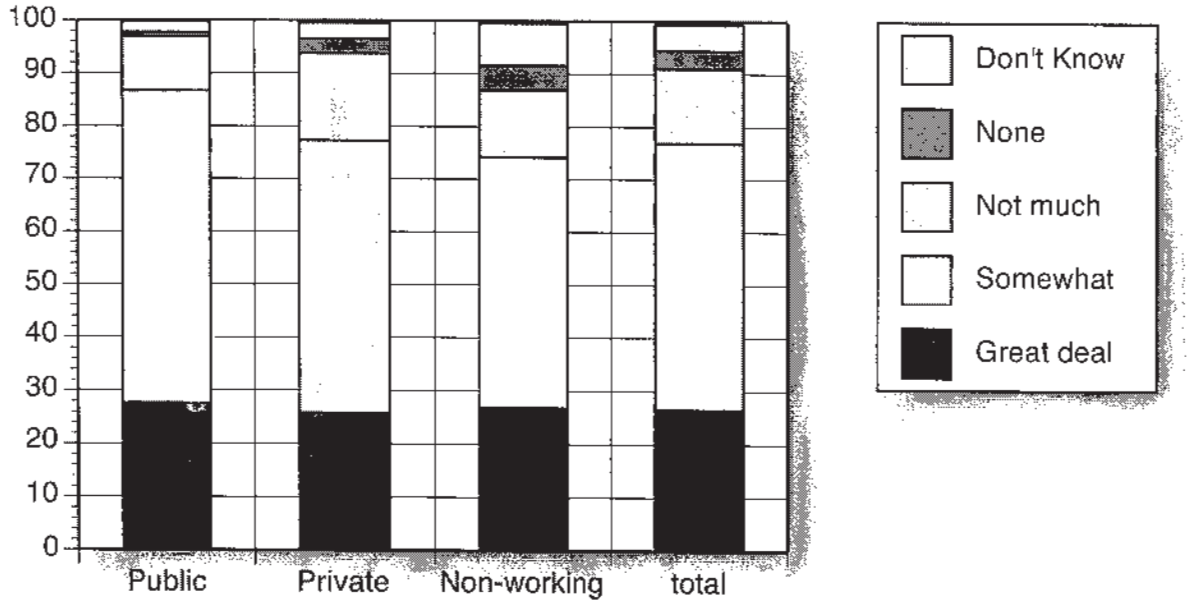


Table 50

	Public	Private	Non-working	total
Great deal	28	26	27	27
Somewhat	59	52	47	50
Not much	10	17	13	14
None	1	3	5	3
Don't Know	2	3	8	6
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 28.29 with 8 df p = 0.0004

While respondents from the public sector agreed by about the same proportions as the other sectors that political parties had a great deal of influence, the public sector differed greatly from the other sectors about that degree of influence from public opinion. Only one in four public sector workers thought public opinion had a great deal of influence on democratic development while one in three from the other sectors thought public opinion had a great deal of influence.

Chart/Table 51 Public opinion influence over Hong Kong's development of democracy BY Work Sector

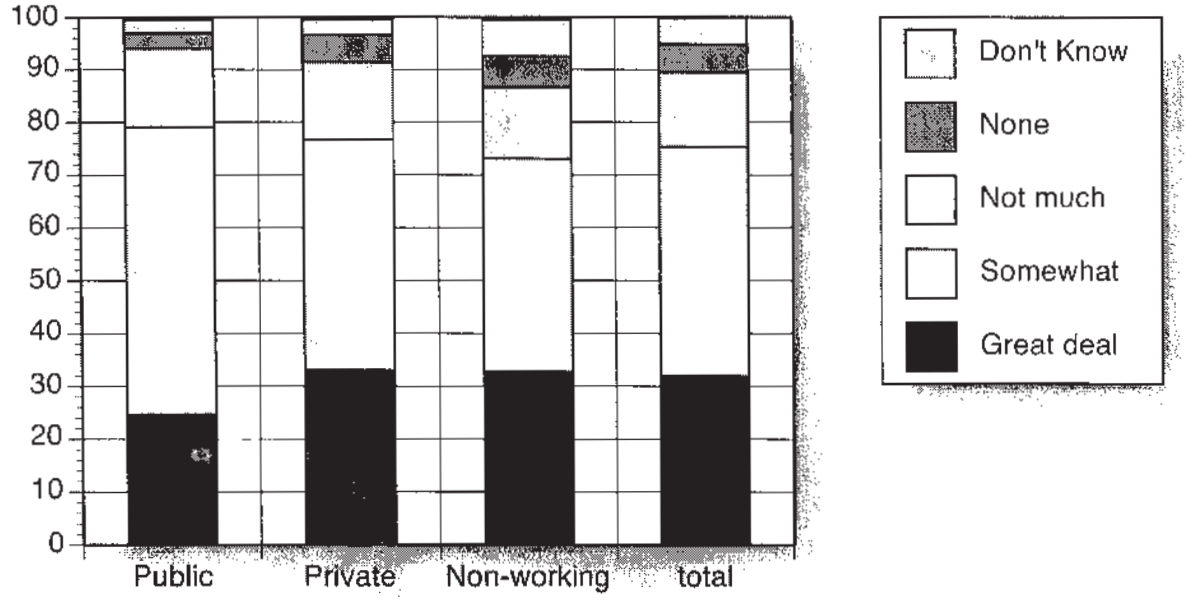


Table 51

	Public	Private	Non-working	total
Great deal	25	33	33	32
Somewhat	55	44	40	43
Not much	15	15	14	14
None	3	5	6	5
Don't Know	3	3	8	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 19.80 with 8 df p = 0.0111

Assessments of influence on democratization BY Income Group

There is a significant difference in the assessments of those who have a monthly income over $50,000 and those making under that mark. Nearly 9 in 10 of the higher income group say Top Beijing officials have a great deal of influence on Hong Kong's development of democracy. While still a clear majority, about 3 in 4 of those earning less than $50,000 per month say Top Beijing officials have the same degree of influence. This means there is a significant degree of difference between the much smaller top layer of income earners about Beijing's control or influence over the process and the much larger in number bottom layers. The potential for miscalculation by these different social groups of what each other's income group thinks and will do could be sizeable. This same gap opens up with age and occupation groups, with younger groups and students having very different views about what aspect has the greatest degree of influence on Hong Kong's development of democracy.

Chart/Table 52 Top Beijing officials influence over Hong Kong's development of democracy BY Income Group

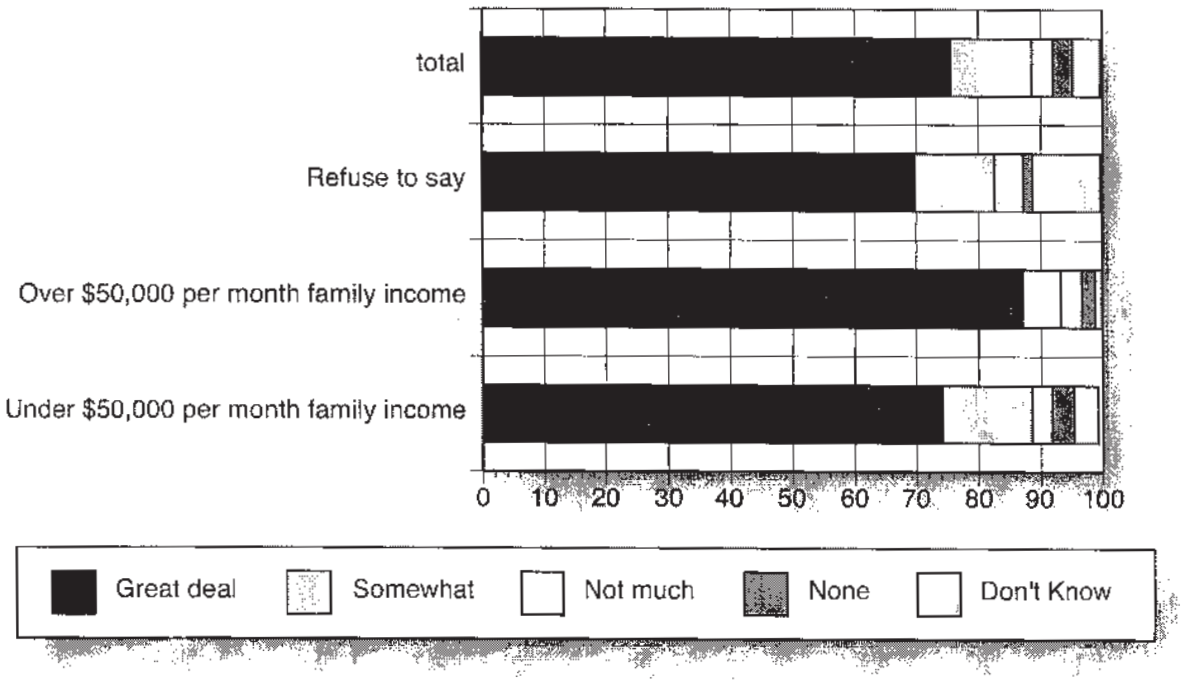


Table 52

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Great deal	74	87	70	76
Somewhat	14	6	13	13
Not much	3	3	5	3
None	4	2	2	3
Don't Know	5	1	11	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 30.47 with 8 df p = 0.0002

There is much more agreement among income groups on the degree of big business influence.

Table 53 Big business influence over Hong Kong's development of democracy BY Income Group

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Great deal	53	53	49	52
Somewhat	30	35	25	30
Not much	8	6	8	8
None	4	4	5	4
Don't Know	5	2	14	6
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 22.46 with 8 df p = 0.0041

On political parties' influence, again lower income groups tend to assign them in larger portions higher degrees of influence.

Table 54 Political party influence over Hong Kong's development of democracy BY Income Group

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Great deal	27	22	31	27
Somewhat	51	60	35	51
Not much	14	15	15	14
None	4	2	4	3
Don't Know	5	1	15	6
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 41.52 with 8 df $p \leq 0.0001$

The income group earning over $50,000 per month has a higher portion saying public opinion has no influence over Hong Kong's development of democracy (19 percent) than the low income group (13 percent). This may not be a dismissive assessment by the higher income group of lower income group's influence on the process, but if it is, again the potential for miscalculation could be significant.

Table 55 Public opinion influence over Hong Kong's development of democracy BY Income Group

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Great deal	32	32	30	32
Somewhat	44	44	39	43
Not much	13	19	14	14
None	6	3	5	5
Don't Know	5	2	13	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 24.05 with 8 df $p = 0.0022$

Assessments of influence on democratization BY Age Group

These gaps in perception among groups described above also appear in terms of age groups. Those in their teens and twenties have a much lower portion assessing Beijing officials as having a great deal of influence than those who are older, except, interestingly, those above age 70.

Chart/Table 56 Top Beijing officials influence over Hong Kong's development of democracy BY Age Group

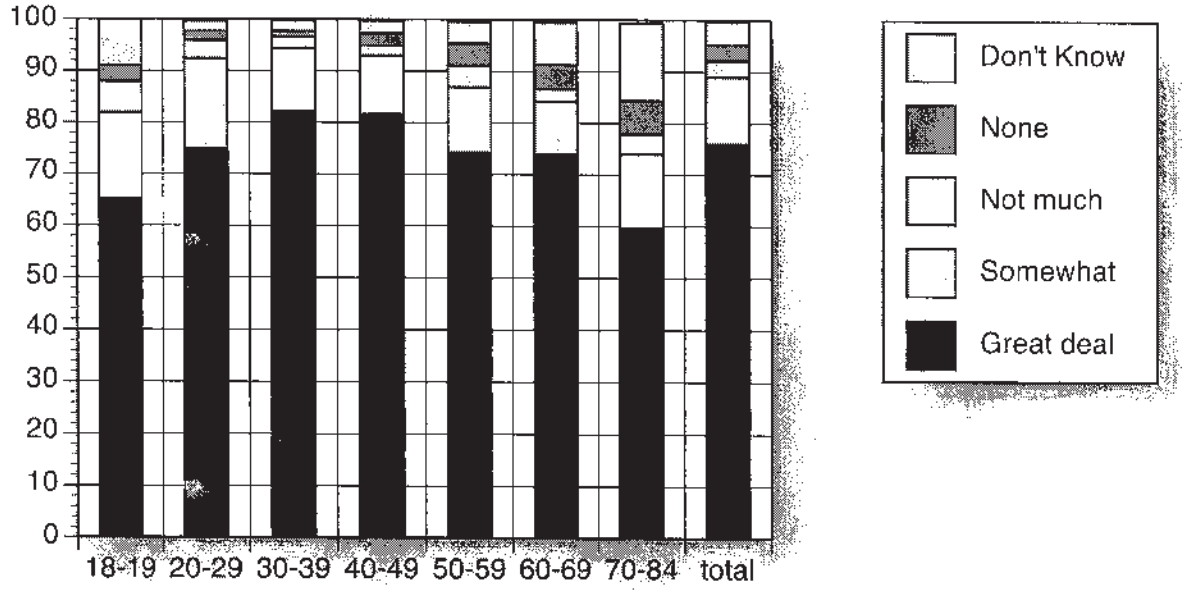


Table 56

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Great deal	65	75	82	82	74	74	60	76
Somewhat	17	18	12	11	13	10	14	13
Not much	6	4	2	2	4	2	4	3
None	3	2	1	2	4	5	6	3
Don't Know	9	2	2	3	5	9	16	5
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 57.52 with 24 df p = 0.0001

Chart/Table 57 Big business influence over Hong Kong's development of democracy BY Age Group

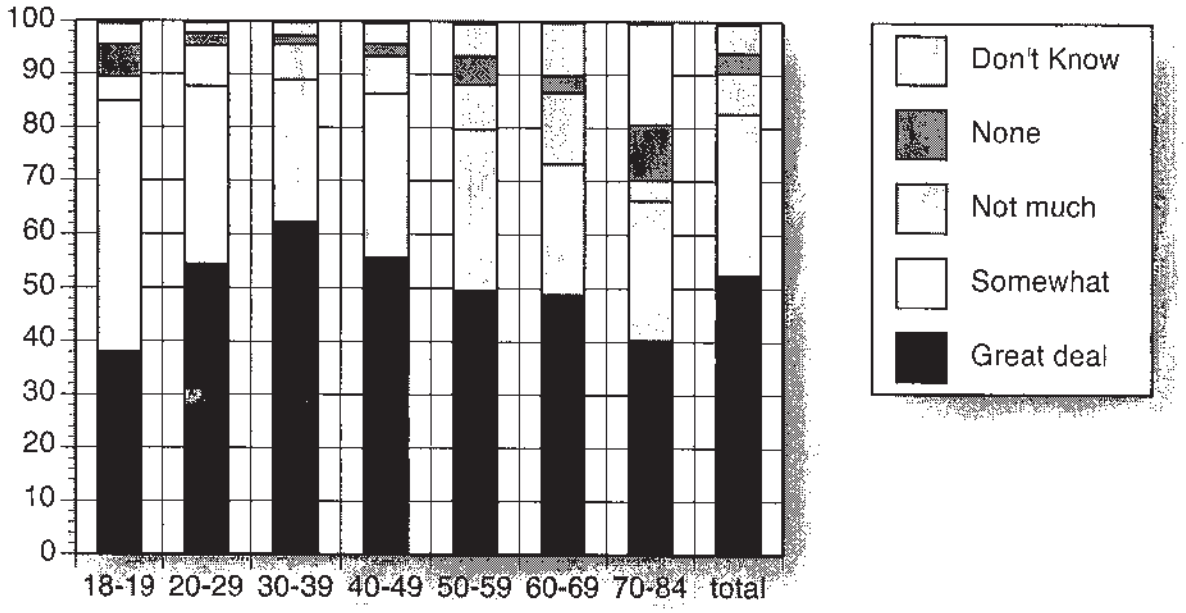


Table 57

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Great deal	38	54	62	56	50	49	40	52
Somewhat	47	33	27	31	30	24	26	30
Not much	5	8	7	7	8	13	4	8
None	6	2	2	2	5	3	10	4
Don't Know	5	2	3	4	7	10	20	6
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 80.06 with 24 df $p \leq 0.0001$

The younger groups are much more willing to ascribe a great deal of influence over democratization to the political parties than older groups.

Chart/Table 58 Political party influence over Hong Kong's development of democracy BY Age Group

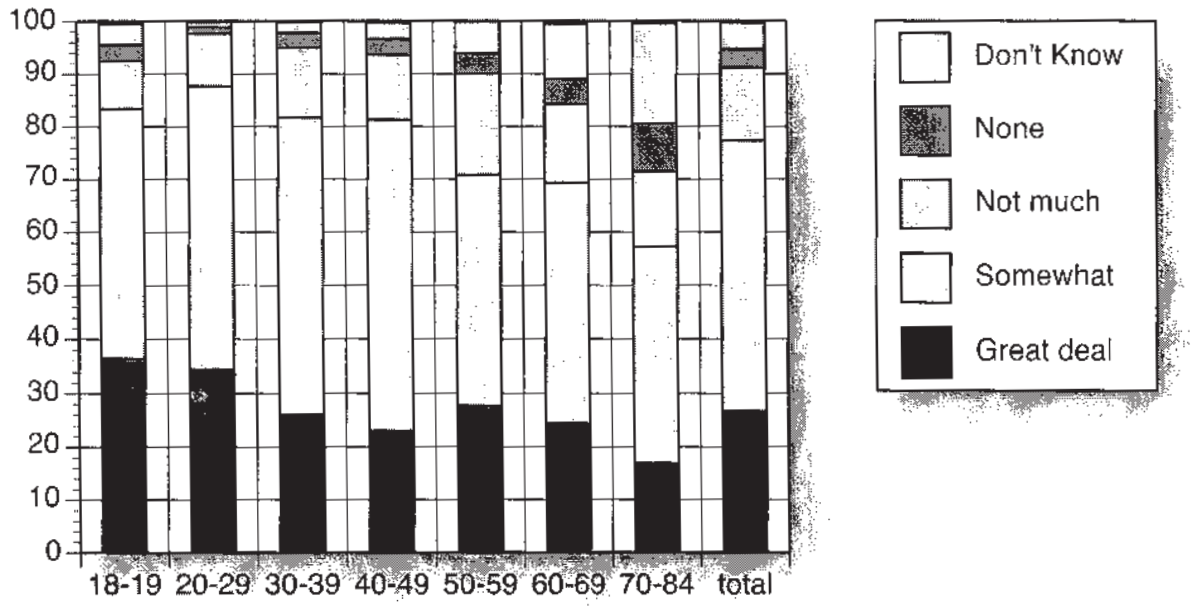


Table 58

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Great deal	36	35	26	23	28	24	17	27
Somewhat	47	53	56	58	43	45	40	51
Not much	9	10	13	12	19	15	14	14
None	3	1	3	3	4	5	9	3
Don't Know	5	1	2	3	6	11	20	5
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 88.21 with 24 df $p \leq 0.0001$

And younger groups assess public opinion as having a great deal of influence are larger than other age groups, though a full third of those surveyed assign it a great deal of influence over the process.

Chart/Table 59 Public opinion influence over Hong Kong's development of democracy BY Age Group

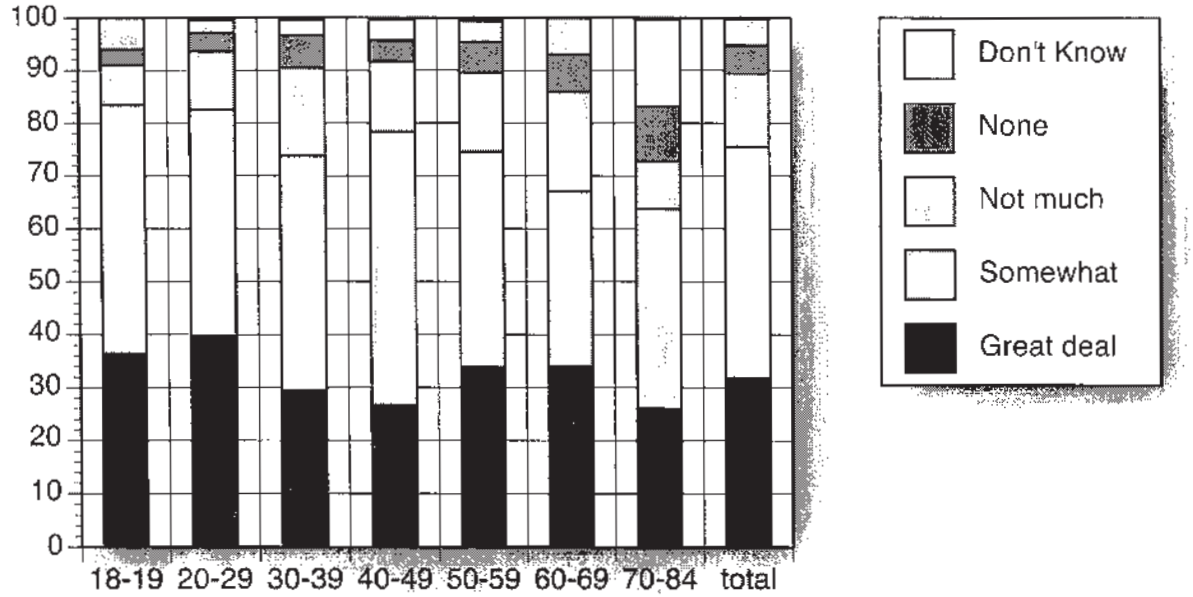


Table 59

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Great deal	36	40	29	27	34	34	26	32
Somewhat	47	43	44	52	41	33	38	44
Not much	8	11	17	13	15	19	9	14
None	3	4	6	4	6	7	10	5
Don't Know	6	3	3	4	5	7	17	5
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 56.59 with 24 df p = 0.0002

Assessments of influence on democratization BY Occupation

Among occupations, students have a considerably smaller portion assessing Top Beijing officials as having a great deal of influence over Hong Kong's democratization.

Table 60 Top Beijing officials influence over Hong Kong's development of democracy BY Occupation

	Great Deal	Some	Not much	None	Don't Know	total
Managers & Admin	83	13	2	1	2	100
Professionals & Assoc Profession	85	9	2	2	2	100
Clerks	78	13	5	2	2	100
Service	71	15	1	4	8	100
Ag & Fish, Craft, Mach Op, Elementary	68	17	3	6	6	100
Housewife	74	11	3	3	9	100
Retired	72	10	3	6	9	100
Unemployed	77	14	4	4	2	100
Student	73	17	5	1	4	100
total	76	13	3	3	5	100

table contents: Percent of Row Total
Chi-square = 51.07 with 32 df p = 0.0175

Table 61 Big business influence over HK's development of democracy BY Occupation

	Great Deal	Some	Not much	None	Don't Know	total
Managers & Admin	55	35	4	4	2	100
Professionals & Assoc Profession	59	30	6	3	2	100
Clerks	54	33	6	4	3	100
Service	47	32	8	3	10	100
Ag & Fish, Craft, Mach Op, Elementary	48	28	16	3	5	100
Housewife	54	27	8	3	9	100
Retired	48	24	8	7	13	100
Unemployed	66	23	5	4	2	100
Student	46	38	7	4	4	100
total	52	30	8	4	6	100

table contents: Percent of Row Total
Chi-square = 67.59 with 32 df p = 0.0002

Students give much more credence to political parties having a great deal of influence over the development of democracy in Hong Kong than other occupations.

Chart/Table 62 Political party influence over Hong Kong's development of democracy BY Occupation

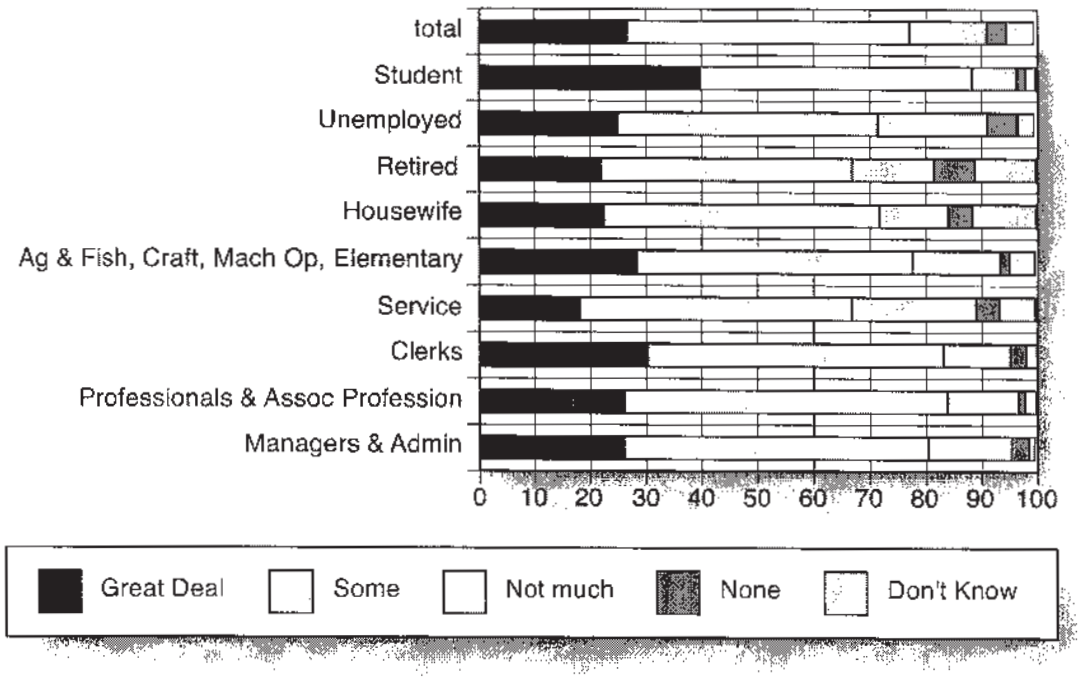


Table 62

	Great Deal	Some	Not much	None	Don't Know	total
Managers & Admin	26	54	15	3	2	100
Professionals & Assoc Profession	26	58	13	1	2	100
Clerks	30	53	12	3	2	100
Service	18	49	22	4	7	100
Ag & Fish, Craft, Mach Op, Elementary	28	49	16	2	5	100
Housewife	23	49	12	4	12	100
Retired	22	45	15	7	11	100
Unemployed	25	46	20	5	4	100
Student	40	49	8	1	2	100
total	27	51	14	3	6	100

table contents: Percent of Row Total
Chi-square = 78.13 with 32 df p ≤ 0.0001

The gap between the business dominated Manager and Administrator occupational category and students over the influence of public opinion is the largest, with the size of the difference next greatest among professionals and blue collar agricultural, craft and machine operators and the unemployed. The gap between business and these other groups on assessing the degree of influence of public opinion over the development of democracy raises a flag of caution over the role of public opinion.

Chart/Table 63 Public opinion influence over Hong Kong's development of democracy BY Occupation

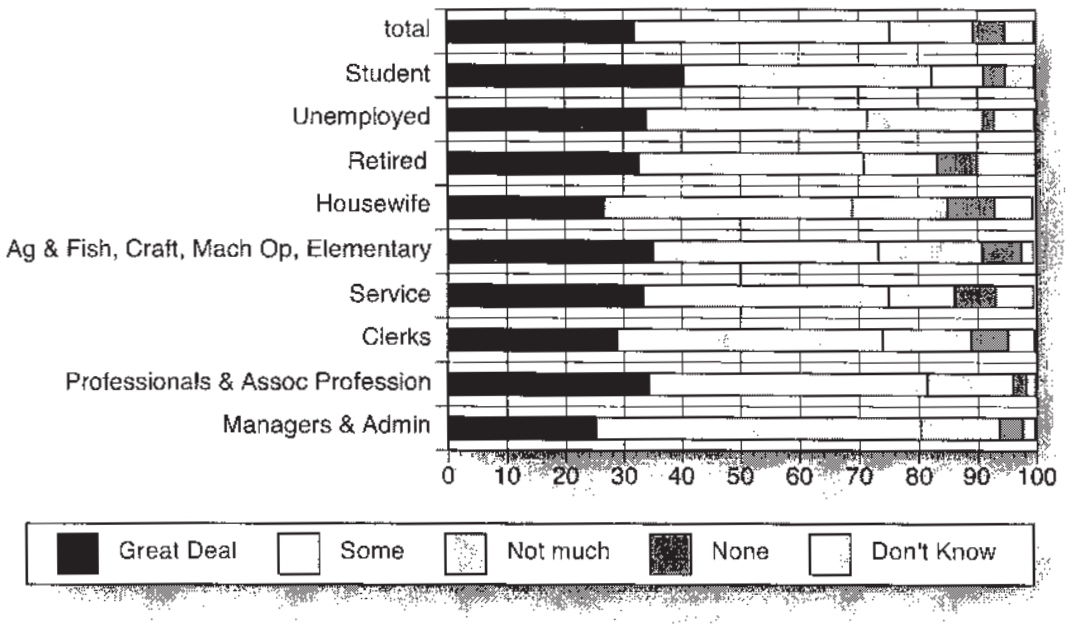


Table 63

	Great Deal	Some	Not much	None	Don't Know	total
Managers & Admin	25	55	13	4	2	100
Professionals & Assoc Profession	34	47	15	2	2	100
Clerks	29	45	15	6	5	100
Service	33	42	11	7	7	100
Ag & Fish, Craft, Mach Op, Elementary	35	38	18	7	3	100
Housewife	27	42	16	8	7	100
Retired	33	38	12	7	10	100
Unemployed	34	38	20	2	7	100
Student	40	42	9	4	5	100
total	32	43	14	5	5	100

table contents: Percent of Row Total

Chi-square = 48.16 with 32 df p = 0.0333

Assessments on who SHOULD have the most influence over Hong Kong's development of democracy

The final question in Part One followed the bank of questions above on how much influence named groups had on the development of democracy in Hong Kong. This was a question on who should have the most influence from the list. It was a ranking or choice question based on a value judgment. This value judgment also sheds light on some of the assessments immediately preceding. As will be seen, the results indicating

gaps between groups above which indicated a possibility of misjudgment will be seen in this final section to be well based.

FINDING: *Table 64 indicates that while a vast majority thought Top Beijing officials HAD the most influence, only 55 percent thought Top Beijing officials SHOULD have the most. It is this considerable difference between the assessments of who has the most influence and the value judgments of who should have the most influence that most clearly indicates the basis for care in the reform process. When set alongside the overwhelming assessments of the unfairness of the policy making process, the value judgment differences among the groups below could be explosive if mishandled.*

Table 64 Who from this list do you think SHOULD have the most influence?

Group	Count	%
Public opinion	139	12
Big business people	74	6
Political parties	88	7
Chief Executive	65	5
Top Beijing officials	663	55
NPC and CPPCC members	32	3
Local CCP members	8	1
Professionals & experts	25	2
Don't Know	110	9

In Table 65 the results of Table 64 are reclassified to permit a sufficient number in each category for reliable cross tabulation to reveal significant associations of variables. The Beijing-related CCP, NPC and CPPCC member assessments are collapsed with other Beijing officials. Overall, about one in five respondents thought local public opinion and political parties should have the most influence.

Table 65 Who from this list do you think SHOULD have the most influence RECLASSIFIED

Group	Count	%
Public opinion/pol parties	227	19
Business	74	6
Chief Executive & experts	90	7
Beijing & related officials	703	58
Don't Know	110	9

Table 66 shows that the average in Table 66 is higher in support of local public opinion and parties among those born on the mainland. Hong Kong born respondents in significantly higher numbers thought Top Beijing officials should have more influence.

Table 66 SHOULD have most influence BY Birthplace

	Hong Kong	Mainland	Elsewhere	total
Public opinion/pol parties	18	23	18	19
Business	6	6	6	6
Chief Executive & experts	8	6	14	7
Beijing & related officials	62	52	51	58
Don't Know	8	13	12	9
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 18.58 with 8 df p = 0.0173

There is also a significant difference of judgment among income groups, with 20 percent of those making under $50,000 per month indicating public opinion and parties should have the most influence versus 14 percent among the wealthier group.

FINDING: *While 75 percent of those making over $50,000 per month thought Top Beijing officials should have the most influence over Hong Kong's development of democracy, only 57 percent of the much more numerous lower income group making less agreed.*

Chart/Table 67 SHOULD have most influence BY Income Group

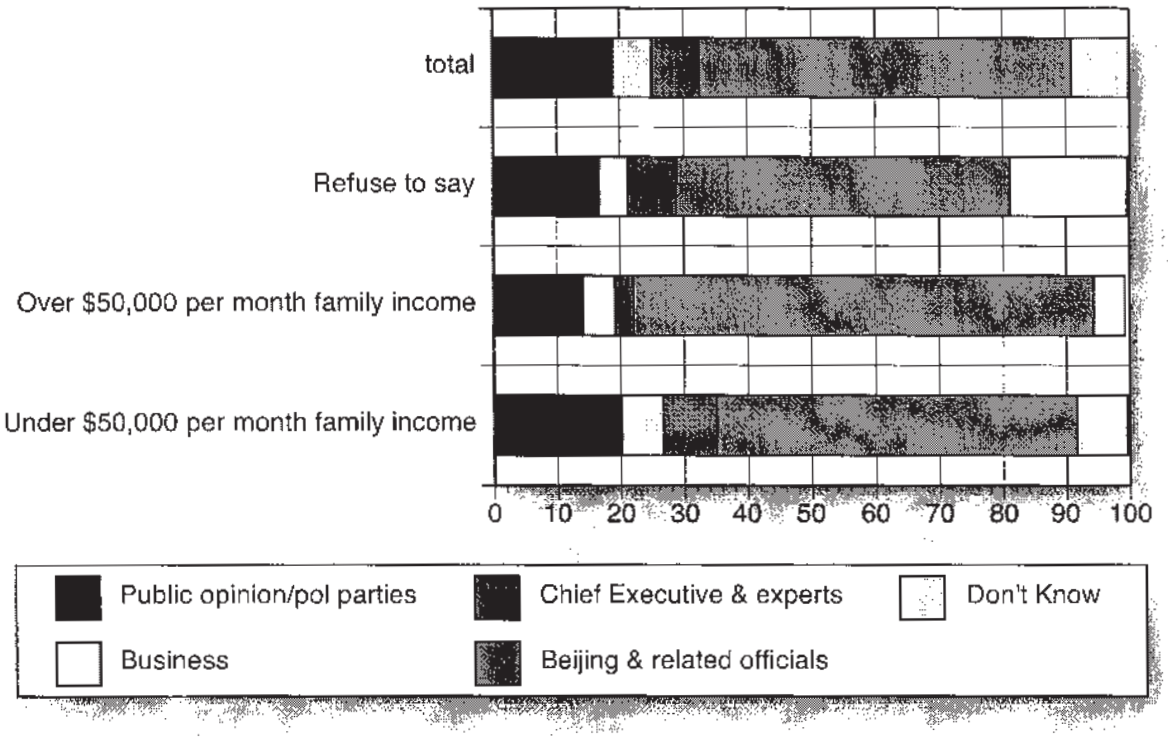


Table 67

	Under $50,000 per month family income	Over $50,000 per month family income	Refuse to say	total
Public opinion/pol parties	20	14	17	19
Business	7	5	5	6
Chief Executive & experts	8	3	8	7
Beijing & related officials	57	75	52	58
Don't Know	8	6	19	9
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 34.50 with 8 df $p \leq 0.0001$

The public sector workers also showed enormous differences from the other sectors on who should have the most influence.

FINDING: *While just 13 percent of the public sector workers thought public opinion and parties should have most influence, 22 percent of the non-working sector made that choice. While 71 percent of the public sector thought Top Beijing officials should have the most influence, just 61 percent of the private sector, and a bare majority of 53 percent of the non-working sector agreed.*

Chart/Table 68 SHOULD have most influence BY Work Sector

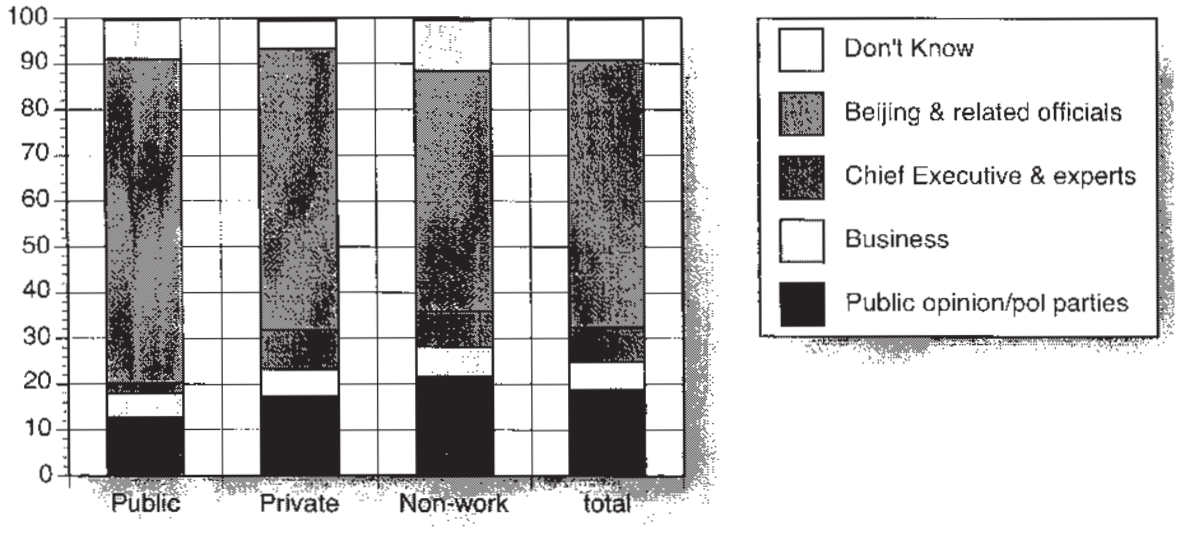


Table 68

	Public	Private	Non-work	total
Public opinion/pol parties	13	17	22	19
Business	5	6	6	6
Chief Executive & experts	2	9	8	7
Beijing & related officials	71	61	53	58
Don't Know	9	7	12	9
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 25.85 with 8 df p = 0.0011

The differences in judgments among age groups the most widely apart.

FINDING: *Among those under 30, over one in four support public opinion and parties having the most influence. The working ages of 30 to 59 were significantly lower in such sentiments. But unrest is driven by the young and those with less responsibilities, not the older and those laden with work and family obligations. The danger is that the government, listening to working groups, and the FCs, dominated by working age and working groups, will make decisions on reform far differing from the sentiments of younger student and retirement aged groups.*

Chart/Table 69 SHOULD have most influence BY Age Group

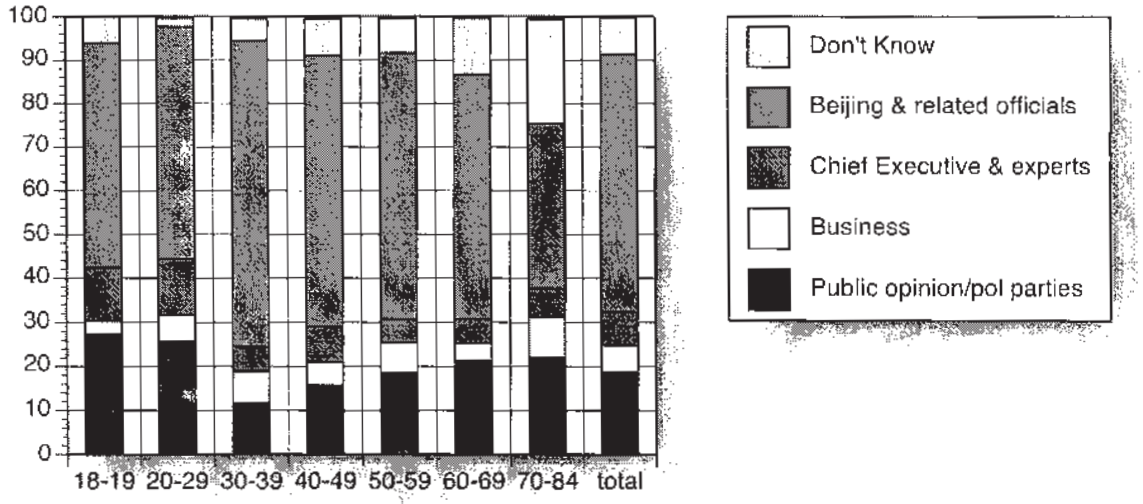


Table 69

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Public opinion/pol parties	27	26	12	16	19	21	22	19
Business	3	6	7	5	7	4	9	6
Chief Executive & experts	12	13	6	8	5	6	6	8
Beijing & related officials	52	53	70	62	61	56	38	59
Don't Know	6	2	6	9	8	13	25	9
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 78.23 with 24 df $p \leq 0.0001$

Nearly a third of students wanted public opinion to dominate while only 14 percent of managers and administrators felt the same.

Chart/Table 70 SHOULD have most influence BY Occupation

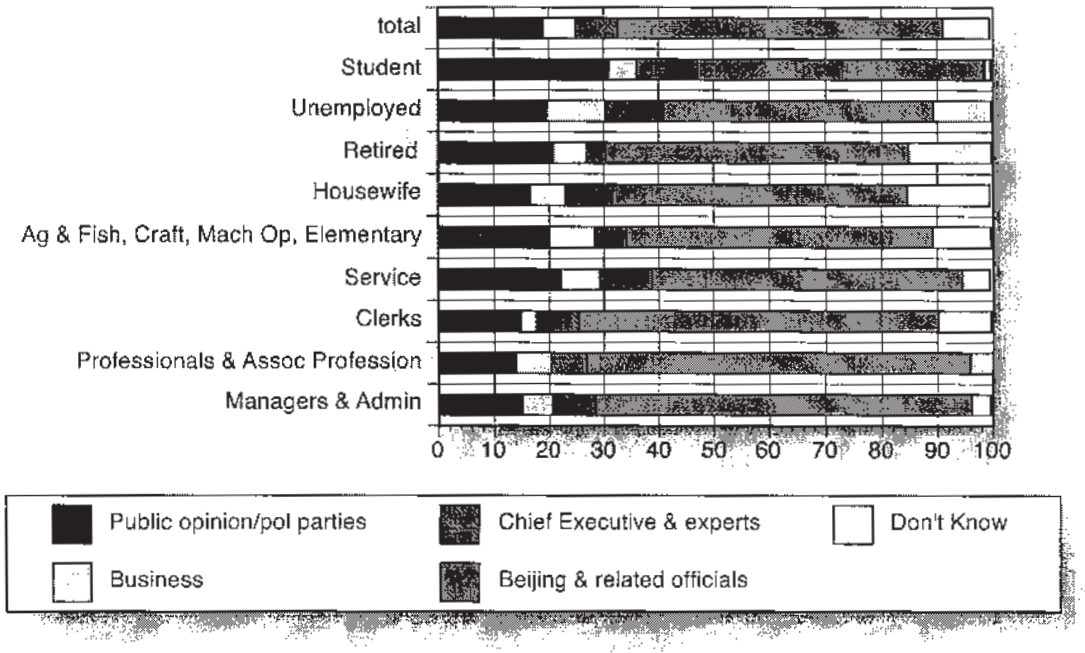


Table 70

	Public opinion/pol parties	Business	Chief Executive & experts	Beijing & related officials	Don't Know	total
Managers & Admin	15	6	8	68	4	100
Professionals & Assoc Profession	14	6	6	69	4	100
Clerks	15	3	8	65	10	100
Service	22	7	10	56	6	100
Ag & Fish, Craft, Mach Op, Elementary	20	8	6	55	11	100
Housewife	17	6	9	53	16	100
Retired	21	6	3	55	15	100
Unemployed	20	11	11	48	11	100
Student	31	5	11	52	1	100
total	19	6	7	59	9	100

table contents: Percent of Row Total
Chi-square = 75.73 with 32 df $p \leq 0.0001$

Table 71 calculates the gap between the percentage according Beijing officials most influence and those who say public opinion should have the most. The size of this gap indicates the degree of differing perspectives between groups. Column one is determined by subtracting the percentage choosing public opinion from the percentage choosing Beijing officials. Column two shows the difference between the results of column one and student's choice of who should have the most influence over Hong Kong's development of democracy.

Table 71 Gaps within groups, Gaps between students and others over who should have the most influence over Hong Kong's development of democracy

	Gap between Beijing over Public opinion	Gap between students and other category
Managers & Admin	53	32
Professionals & Assoc Profession	55	34
Clerks	50	29
Service	34	13
Ag & Fish, Craft, Mach Op, Elementary	35	14
Housewife	36	15
Retired	34	13
Unemployed	28	7
Student	21	--

FINDING: *The gap on whether public opinion or Beijing should have the most influence on Hong Kong's development of democracy between the business and professional occupations which dominate the FCs, who cast the critical votes on democratization, is largest with students, unemployed, retirees and blue collar workers, the groups historically more likely to react.*

PART TWO: Microanalysis of the current governance system

The conclusions and assessments in Part One are based in data from the May 2009 survey or erected on the basis of long term cross-sectional and trend analyses like these below in Part Two that have been conducted by the Hong Kong Transition Project many times and reported in hundreds of reports and publications. (See Hong Kong Transition Project publications lists at http://www.hktp.org for detailed lists of publications by members and the most recent reports). The combination of detailed cross-sectional and trend analysis provides a thorough "health check" into the relationship between the people of Hong Kong and their governance systems.

VIII Problem solving in the current system

People everywhere expect their governments and political parties and leaders to help them solve problems, or at least to champion their cause for help with a problem that faces them or their families. More broadly, societies expect government to take the lead in addressing needs related to education, healthcare, crime, elderly, and the poor. Increasingly governments are expected to take actions to assure a good economy, a sound currency and banking system, and to vigorously root out corruption and fraud in business dealings. The old days of laissez faire and "let the buyer beware" which left consumers without recourse and the government without responsibility have long passed, even in Hong Kong, the "world's freest economy" and longtime bastion of free trade and very limited government. Chart/Table 72 tracks the trends and specific areas of respondent's Hong Kong focused problems of most personal concern.

Chart/Table 72 Which problem of Hong Kong are you most concerned about personally?*

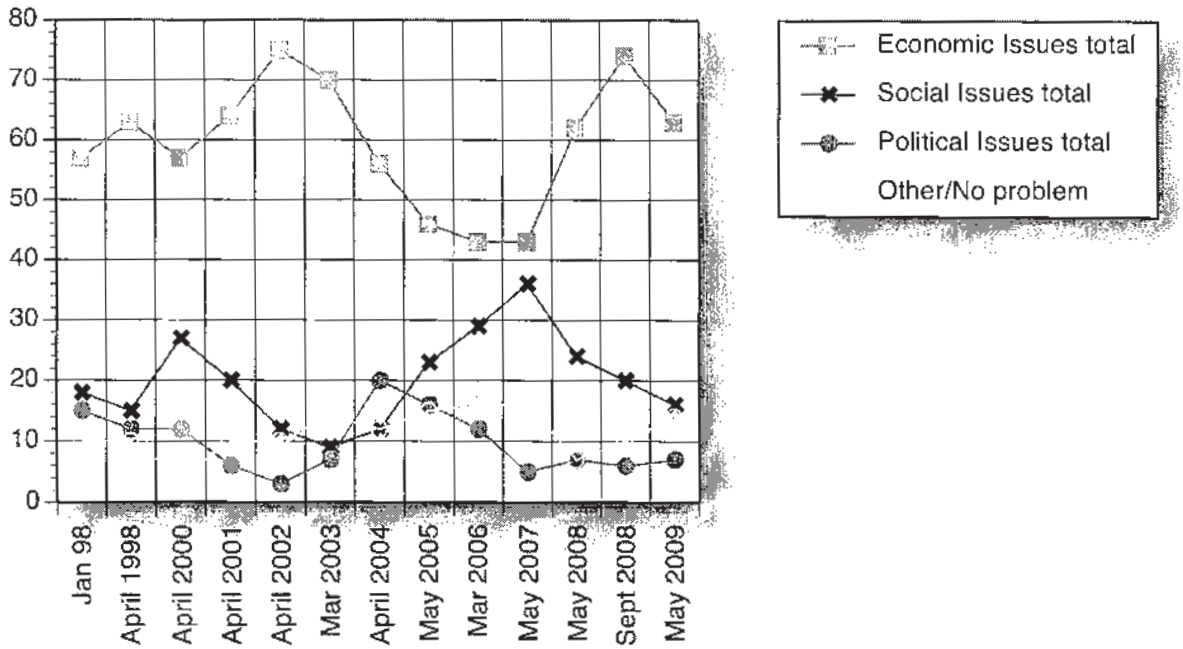


Table 72

	Jan 98	Apr 98	Apr 00	Apr 01	Apr 02	Mar 03	Apr 04	May 05	Mar 06	May 07	May 08	Sept 08	May 09
Economic growth rate	38	32	13	12	14	17	23	12	7	4	11	6	11
Affordable housing	8	4	1	2	--	1		--	1	1	--	--	1
Unemployment	11	27	31	40	53	40	26	26	28	28	16	16	35
Salary cuts, welfare cuts			6	4	3	7	5	4	3	6	7	7	4
Property, stock markets			3	3	1	1	1	2	2	2	3	2	3
Int'l competitiveness			3	2	2	3	1	1	1	2	2	2	3
Other econ.				1	2	1	--	1	1	--			
Inflation											10	34	2
Wealth gap among rich & poor											13**	7	4
Economic Issues total	57	63	57	64	75	70	56	46	43	43	62	74	63
Education	4	3	6	7	6	3	6	9	8	15	6	3	6
Elderly	5	5	3	4	2	1	1	4	3	6	4	2	3
Crime	6	5	6	3	1	2	2	1	2	2	--	1	--
Medical	2	1	2	2	1	1	1	2	5	6	5	3	5
Pollution/overpopulation	1	1	10	4	2	2	2	7	11	7	9	11	2
Social Issues total	18	15	27	20	12	9	12	23	29	36	24	20	16
Corruption	1	1	1	1	--	1	1	1	1	--	--	--	--
Political stability	5	4	4	2	2	2	15	10	5	2	3**	2	3
Freedom of press/speech	2	2	2	1	--	1	1	1	1	1	1	1	1
Freedom to demonstrate	2	1	1	1	--	1	1	--	1	+	--	1	--
Autonomy of HK	2	1	2	1	--	--	1	--	1	+	1	1	1
Fair judges/freedom to travel	3	3	1	--	--	1	--	1	1	+2	1	1	1
Competence of Tung (98-04) Tsang (05-) & civil servants	-	-	1	--	1	1	1	--	1	--	1	--	1
Constitutional development						--		3	1	--		--	
Political Issues total	15	12	12	6	3	7	20	16	12	5	7**	6	7
Other/No Hong Kong problem	10	10	4	10	10	14	12	15	16	16	7	10	14

*Other/no Hong Kong problem: For example, 16 percent said not concerned about a problem in Hong Kong personally in May 2007 or had concerns not of a public affairs nature.

**Wealth gap is not just an economic issue but also a concern with political stability. Arguably, inflation raises issues of political stability as well.

The concern with the wealth gap shown in May 2008 is a hard to classify issue. It clearly has both economic and political associations. Table 73 is recoded according to the categories in Table 72 above, with exception of the wealth gap among being moved to political issues to better test the fairness in policy making findings in Part One. We use the results of the regrouping of problems of most concern in May 2009 to analyze which problems are of most concern to which demographic and associational groups.

Table 73 Regrouping of problem of most concern (May 2009)

Group	Count	%
No Hong Kong/Public Problem	113	9
Economic problem	719	60
Political problem	109	9
Social problem	199	17
Other problem	64	5

FINDING: *There is no significant difference in distribution of Table 73 results by birthplace in Hong Kong, Mainland China or Elsewhere. However, women and men clearly*

do have different areas of concern, with women more focused on social problems (education, elderly, crime, medical and pollution) as might be expected from the gender most affected by and concerned with these issues' effects on themselves and their families.

Table 74 Problem of most concern BY Gender

	Male	Female	total
No problem	10	9	9
Economic problem	63	57	60
Political problem	10	8	9
Social problem	12	21	17
Other problem	5	5	5
total	100	100	100

table contents: Percent of Column Total
Chi-square = 20.64 with 4 df p = 0.0004

Table 75 flips the independent variable from Gender as above to the type of personal concern. Thus two thirds of those with social problem as their greatest concern are female. Men are more likely to name a political or economic problem than females. The "total" figure gives the distribution of the sample by gender. Thus while men make up 49 percent of the sample, they comprise 53 percent of those who named a political problem as of the greatest personal concern.

Table 75 Gender distribution of Problem of most concern

	No problem	Economic problem	Political problem	Social problem	Other problem	total
Male	53	51	53	34	47	49
Female	47	49	47	66	53	51
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 20.64 with 4 df p = 0.0004

Issues of concern by age group vary widely, as shown in Chart/Table 76.

Chart/Table 76 Age Group By Problem of most concern

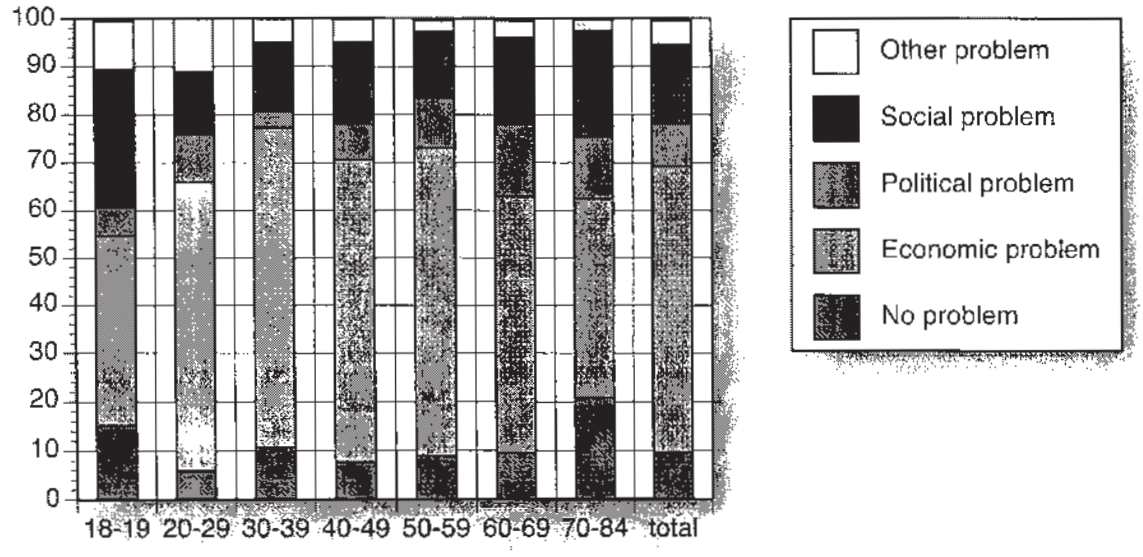


Table 76

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
No problem	15	6	11	8	9	9	21	10
Economic problem	39	60	67	63	64	54	42	60
Political problem	6	10	3	7	10	15	13	9
Social problem	29	13	14	17	14	18	22	16
Other problem	11	11	5	5	3	4	3	5
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 73.56 with 24 df $p \leq 0.0001$

The age groups of 50 and above show much more concern with political issues than the age groups under 50. One might surmise that this is the natural reaction of age to change, with those older being more concerned about disorder caused by changes such as direct elections. However, this is not the case. To make this clear, Table 77 shows the distribution of concerns by age groups, which have regrouped into those under 50 and a group of 50 and up. While 12 percent of those 50 and up cite a political problem as of most concern, those under 50 show only 7 percent citing a political problem.

Table 77 Age Groups distribution of Problem of most concern

	18-49	50-84	total
No problem	9	11	10
Economic problem	61	58	60
Political problem	7	12	9
Social problem	17	16	16
Other problem	7	3	5
total	100	100	100

table contents: Percent of Column Total
Chi-square = 19.03 with 4 df $p = 0.0008$

And in Table 78 we show the distribution by type of problem of the two age groups. Thus a majority of those with political problems are 50 and up.

Table 78 Problem of most concern BY Age group

	No problem	Economic problem	Political problem	Social problem	Other problem	total
18-49	55	62	47	61	78	61
50-84	45	38	53	39	22	39
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 19.03 with 4 df $p = 0.0008$

And so in Chart/Table 79 we show the results of the Age groups by their support or opposition to direct election of the Chief Executive.

FINDING: *Contrary to supposition that conservativism increases with age, those over 50 more strongly support direct election of the Chief Executive than those under age 50.*

While the overall level of support and opposition is the same between age groups, those over 50 show stronger support for direct election of the CE than those under 50.

Chart/Table 79 Support Direct election of Chief Executive by Over/Under 50

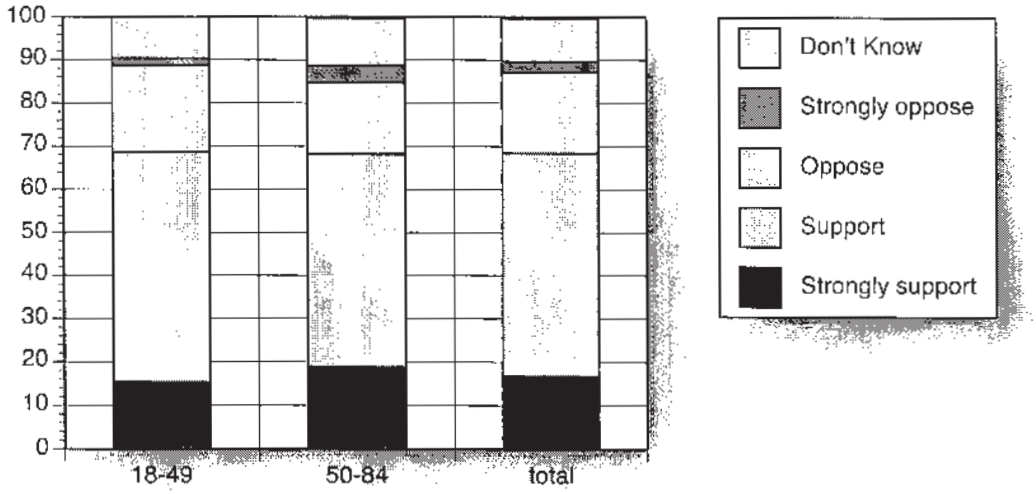


Table 79

	18-49	50-84	total
Strongly support	15	19	17
Support	53	49	52
Oppose	20	17	19
Strongly oppose	2	4	3
Don't Know	10	11	10
total	100	100	100

table contents: Percent of Column Total

Chi-square = 10.91 with 4 df p = 0.0276

The case of over/under 50 attitudes on the direct election of all members of Legco is slightly different.

FINDING: *While those who strongly support all members' direct election are significantly higher in the over 50 age group, at 17 percent versus 13 percent, overall support for full direct election is 65 percent in the over 50 versus 71 percent in the under 50.*

Chart/Table 80 Support direct election all members Legco by Over/Under 50

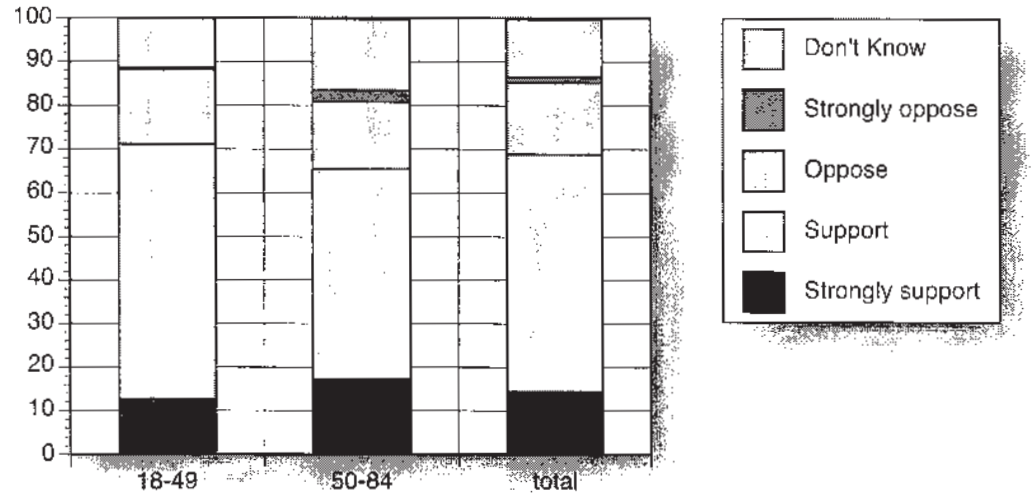


Table 80

	18-49	50-84	total
Strongly support	13	17	14
Support	59	48	55
Oppose	17	15	16
Strongly oppose	0	3	1
Don't Know	12	17	14
total	100	100	100

table contents: Percent of Column Total
Chi-square = 25.87 with 4 df $p \leq 0.0001$

Table 81 shows that more in the public and non-work sector name political problems than in the private sector. The private sector shows significantly higher concerns for economic issues.

Table 81 Work Sector distribution of problems of most concern

	Public	Private	Non-work	total
No problem	5	9	11	9
Economic problem	59	67	53	60
Political problem	11	6	11	9
Social problem	21	12	20	17
Other problem	4	5	6	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 32.18 with 8 df $p \leq 0.0001$

Those making over $50,000 per month family income and those who refuse to say (likely higher income earners) are significantly more likely to cite a political problem as major concern than those making less.

Table 82 Income group distribution of problems of most concern

	Less than $50,000 p month	More than $50,000 p month	Refused to say	total
No problem	10	5	12	9
Economic problem	60	60	55	60
Political problem	8	14	12	9
Social problem	16	17	17	17
Other problem	6	5	3	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 14.38 with 8 df $p = 0.0725$

Chart/Table 83 puts the nature of the concern as the independent variable on top, with those having political problems having a larger portion from those making over $50,000 per month than their average overall (which is 15 percent of the respondents). The refused to say show the same above average proportion concerned about political problems, making their income as likely above $50,000 per month.

Chart/Table 83 Problems of most concern distribution of income groups

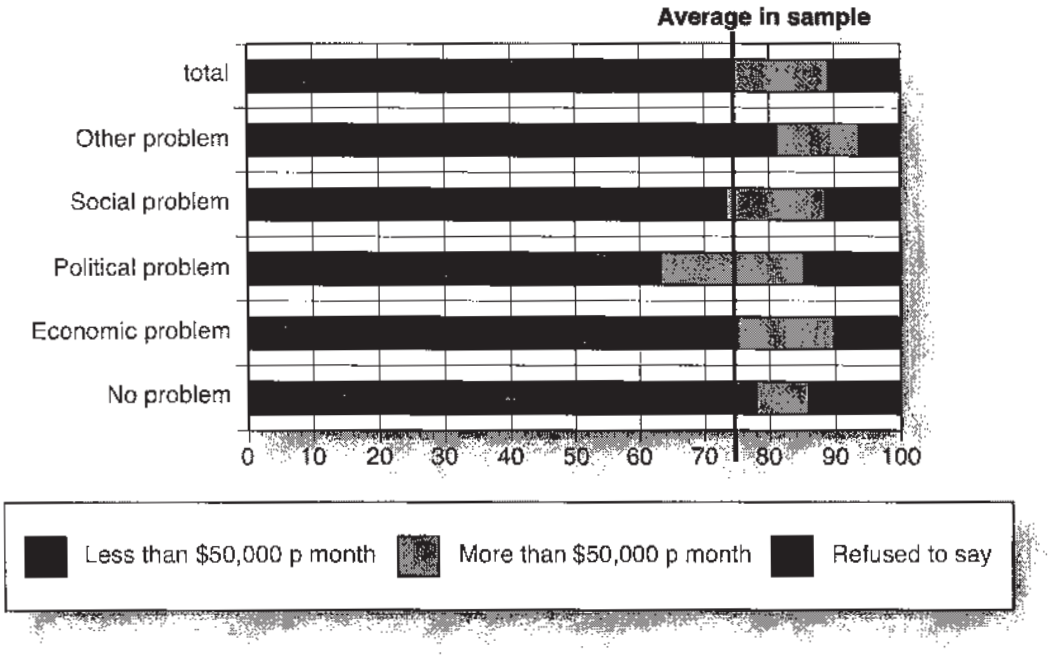


Table 83

	No problem	Economic problem	Political problem	Social problem	Other problem	total
Less than $50,000 p month	78	75	63	73	81	74
More than $50,000 p month	8	15	22	15	13	15
Refused to say	14	10	15	12	6	11
total	100	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 14.38 with 8 df p = 0.0725

FINDING: *Those making above $50,000 per month family income and those likely making more (who refused to say but whose response pattern is almost exactly the same as the higher income group) are significantly more likely to name a political issue as their problem of greatest personal concern.*

Table 84 shows the distribution of the type of personal problem by occupation. Managers and Administrators, service workers, skilled blue collar and, naturally, the unemployed, are significantly more likely to cite an economic related issue as their top personal concern. Retirees and students are more likely to cite a politically related issue as a top concern. Students, professionals and retirees are more likely to cite social problems as top issues than other groups while service workers are much less likely to site such concerns as other groups.

Table 84 Occupation, distribution of Type of personal problem of most concern

	No problem	Economic problem	Political problem	Social problem	Other problem	total
Managers & Admin	8	68	9	13	2	100
Professionals & Assoc Profession	4	62	8	21	5	100
Clerks	8	66	4	16	6	100
Service	15	68	7	6	4	100
Ag & Fish, Craft, Mach Op, Elementary	11	68	8	8	5	100
Housewife	12	58	7	18	4	100
Retired	12	47	15	22	4	100
Unemployed	4	73	7	11	5	100
Student	10	44	12	23	12	100
total	9	60	9	17	5	100

table contents: Percent of Row Total
Chi-square = 77.20 with 32 df $p \leq 0.0001$

Table 85 Certification or no certification to work, distribution of personal concerns

	Req Certificate	No certificate required	Non-work	total
No problem	5	10	11	9
Economic problem	63	67	53	60
Political problem	10	6	11	9
Social problem	18	12	20	17
Other problem	4	5	6	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 31.30 with 8 df $p = 0.0001$

FINDING: *Of those whose job requires no certification or license to practice, disproportionately fewer cite a political or social problem as their top personal concern. Professionals and certified persons whose jobs entail interaction with the government and in associations or groupings of certified persons tend to be more politically and socially conscious. However, those professionals and certified persons not presently in an FC who cite an economic problem as their primary concern, tend to support a vote for their FC more than those who cite political or social problems.*

Table 86 Personal concerns of certified persons without a vote in an FC now, by distribution of support or oppose a vote in an FC

	No problem	Economic problem	Political problem	Social problem	Other problem	total
Support	0	65	56	56	50	58
Oppose	33	20	66	11	17	20
Don't Know	67	16	11	33	33	22
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 14.97 with 8 df $p = 0.0597$

Chart/Table 87 shows that Liberal FC voters tend to show higher levels of concern on political and social issues than Conservative FC voters.

Chart/Table 87 Conservative/Liberal FC voters, distribution of concerns

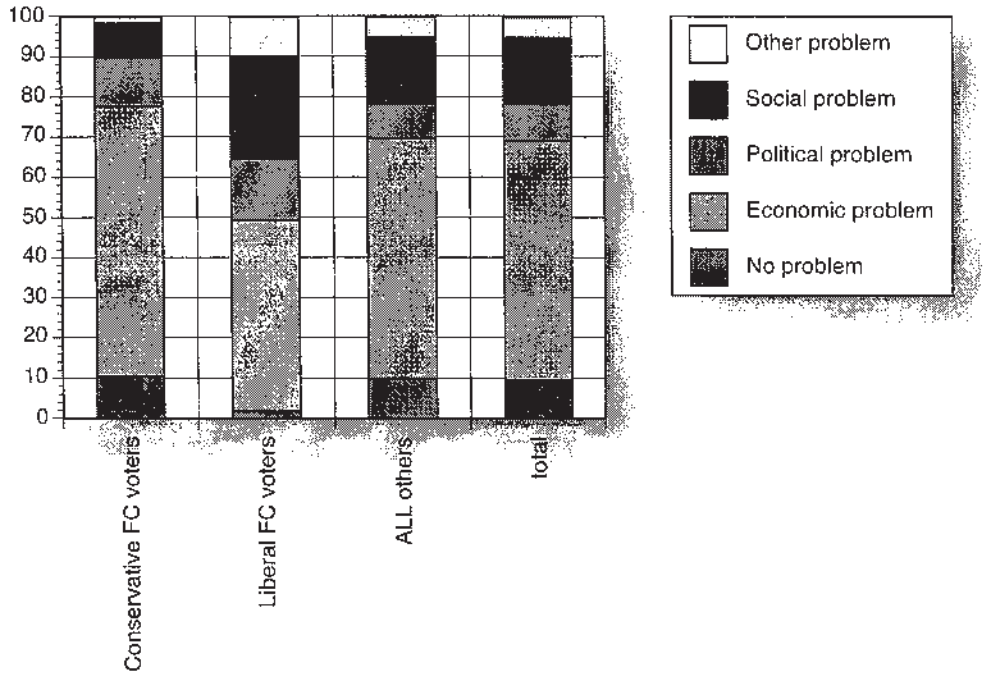


Table 87

	Conservative FC voters	Liberal FC voters	ALL others	total
No problem	10	2	10	9
Economic problem	67	48	60	60
Political problem	12	18	9	9
Social problem	9	25	17	17
Other problem	2	10	5	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 18.42 with 8 df p = 0.0183

Chart/Table 88 shows that one in five are satisfied with government's performance on the problem of most concern to them while two thirds are dissatisfied.

How effective is the Hong Kong Government on addressing respondents problem of most concern?

This next section examines satisfaction and dissatisfaction with Hong Kong Government performance on handling respondents primary problem of personal concern. Chart/Table 88 shows that dissatisfaction significantly outweighs satisfaction, though about 15 percent of the sample had no problem, or were concerned about a problem not related to anything government handled. Age group analysis shows this last group appears more among teens and twenty-somethings and the elderly.

Chart/Table 88 Are you satisfied or dissatisfied with the Government's performance on this problem?

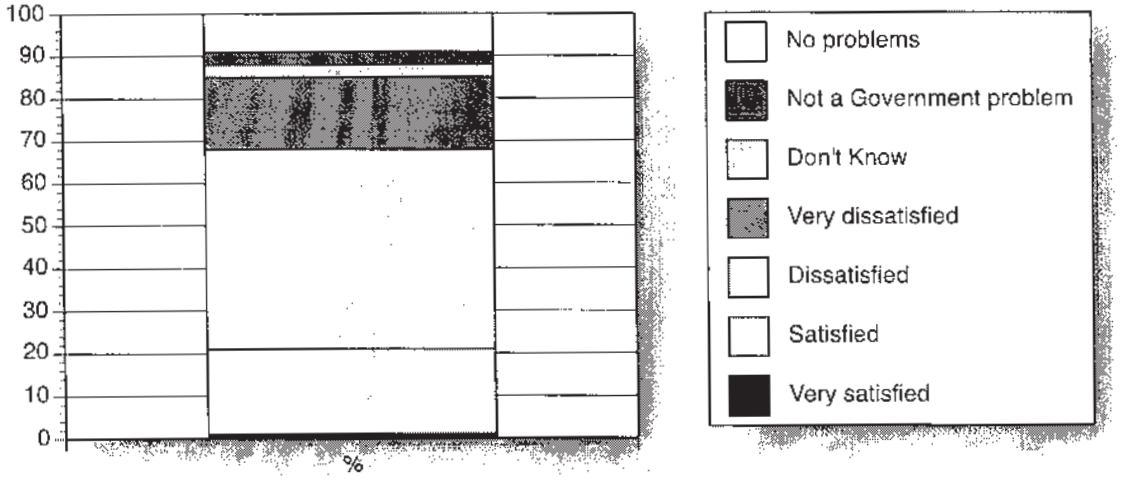


Table 88

Group	Count	%
Very satisfied	8	1
Satisfied	239	20
Dissatisfied	562	47
Very dissatisfied	199	17
Don't Know	47	4
Not a Government problem	36	3
No problems	113	9

We reclassify the results of Table 88 as seen in Table 89 to ensure enough cases in each category for more reliable cross-tab analysis.

Table 89 Satisfaction with Government's performance on problem of most concern RECLASSIFIED

Group	Count	%
Satisfied	247	21
Dissatisfied	562	49
Very dissatisfied	199	17
No problem/Don't Know	149	13

Table 90 shows that more men than women are very dissatisfied with government's performance, but levels of dissatisfaction overall are the same.

Chart/Table 90 Satisfaction with Government's performance on problem of most concern BY Gender

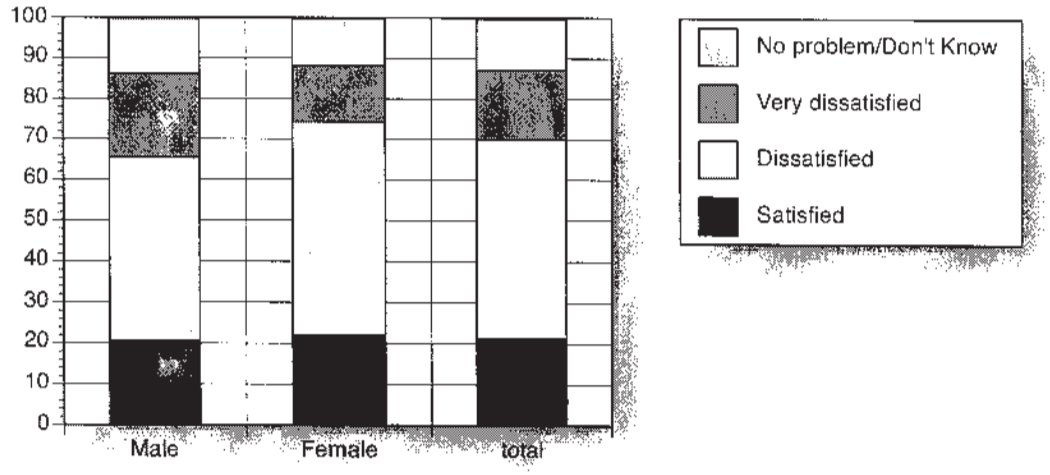


Table 90

	Male	Female	total
Satisfied	21	22	21
Dissatisfied	45	52	49
Very dissatisfied	21	14	17
No problem/Don't Know	14	12	13
total	100	100	100

table contents: Percent of Column Total

Chi-square = 12.61 with 3 df p = 0.0056

Chart/Table 91 Satisfaction with Government's performance on problem of most concern BY Age Group

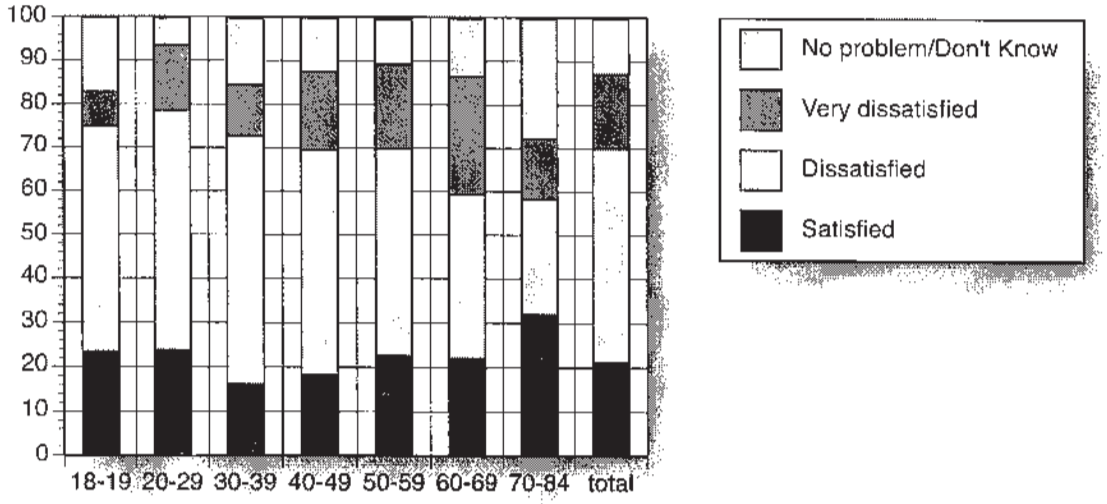


Table 91

	18-19	20-29	30-39	40-49	50-59	60-69	70-84	total
Satisfied	23	24	16	18	23	22	32	21
Dissatisfied	52	55	57	51	47	37	26	49
Very dissatisfied	8	15	12	18	19	27	14	17
No problem/Don't Know	17	7	16	13	11	14	28	13
total	100	100	100	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 58.16 with 18 df p ≤ 0.0001

The private sector is significantly less satisfied with government performance on their problems of most concern than the public or non-working sectors, with, as Chart/Table 93 shows the most dissatisfaction among Professionals.

Chart/Table 92 Satisfaction with Government's performance on problem of most concern BY Work Sector

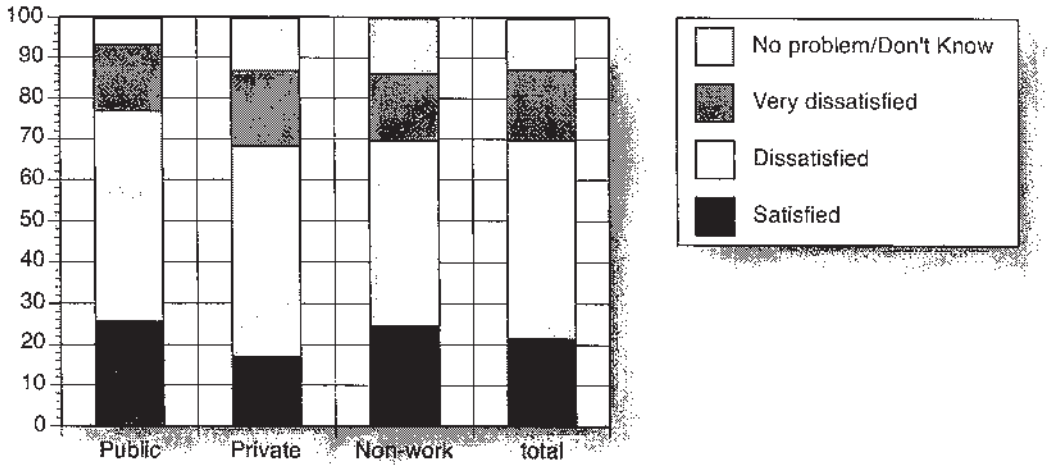


Table 92

	Public	Private	Non-work	total
Satisfied	26	17	25	21
Dissatisfied	51	51	45	48
Very dissatisfied	16	18	16	17
No problem/Don't Know	7	13	14	13
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 14.91 with 6 df p = 0.0210

Chart/Table 93 Satisfaction with Government's performance on problem of most concern BY Occupation

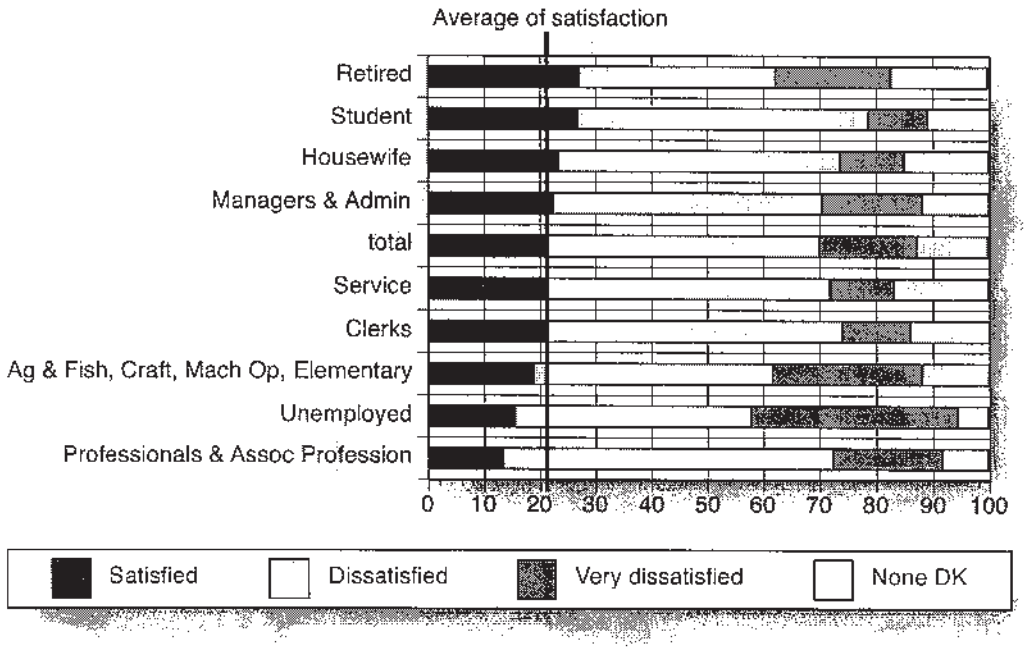


Table 93

	Satisfied	Dissatisfied	Very dissatisfied	No problem/ Don't Know	total
Managers & Admin	22	48	18	12	100
Professionals & Assoc Profession	13	59	19	8	100
Clerks	21	53	12	14	100
Service	21	51	11	17	100
Ag & Fish, Craft, Mach Op, Elementry	19	43	27	12	100
Housewife	23	50	11	15	100
Retired	27	35	21	18	100
Unemployed	15	42	37	6	100
Student	27	52	40	11	100
total	21	49	17	13	100

table contents: Percent of Row Total
Chi-square = 62.73 with 24 df $p \leq 0.0001$

FINDING: *Professionals and unemployed are significantly less satisfied with government performance on their problem of greatest concern.*

Respondents born in Mainland China are more satisfied than those born elsewhere, with the highest level very dissatisfied found in those born elsewhere.

Chart/Table 94 Satisfaction with Government's performance on problem of most concern BY Birthplace

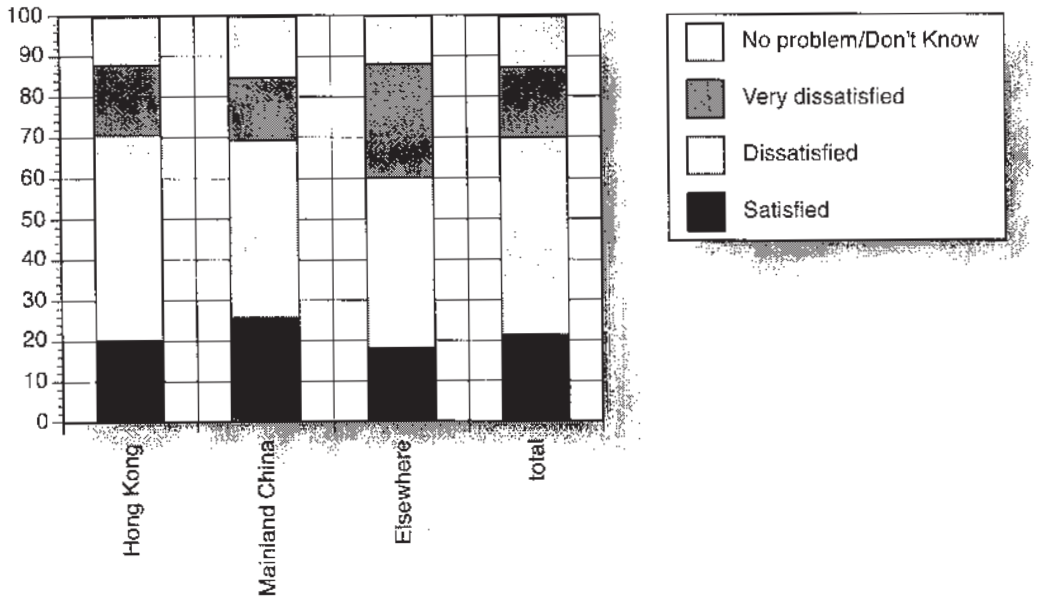


Table 94

	Hong Kong	Mainland China	Elsewhere	total
Satisfied	20	26	18	21
Dissatisfied	51	44	42	49
Very dissatisfied	17	15	28	17
No problem/Don't Know	12	18	12	13
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 11.59 with 6 df $p = 0.0717$

Chart/Table 95 shows that by type of problem, far more who cite a political issue as their prime concern are very dissatisfied with the government's performance on it.

Chart/Table 95 Satisfaction with Government's performance on problem of most concern, distribution by type of concern

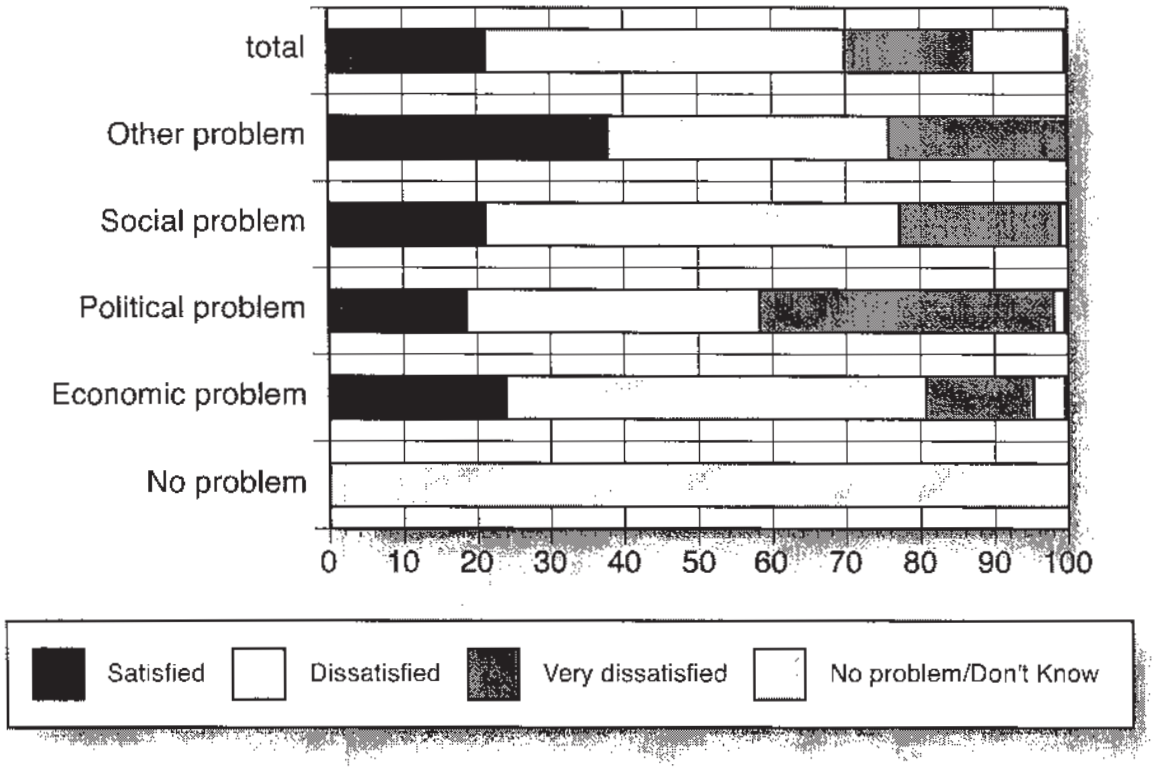


Table 95

	No problem	Economic problem	Political problem	Social problem	Other problem	total
Satisfied	0	24	18	21	38	21
Dissatisfied	0	57	40	56	38	49
Very dissatisfied	0	15	40	22	24	17
No problem/Don't Know	100	5	2	1	0	13
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 902.5 with 12 df $p \leq 0.0001$

FINDING: *The most intense dissatisfaction with government performance in addressing a problem of greatest concern is among those citing a political issue.*

However, in preparing to compare satisfaction with Hong Kong Government performance on handling to that of respondent's assessments of how political parties affect their problem, we look at performance with GC voters pre-election 2008 and post-election in 2009.

FINDING: *Dissatisfaction with Government performance on handling their primary problem of concern has dropped among GC voters while satisfaction has improved from an August 2008 bottom of barely 15 percent satisfied to 21 percent satisfied.*

Chart/Table 96 Satisfaction with Government performance on problem of greatest concern by GC voter, TREND TABLE

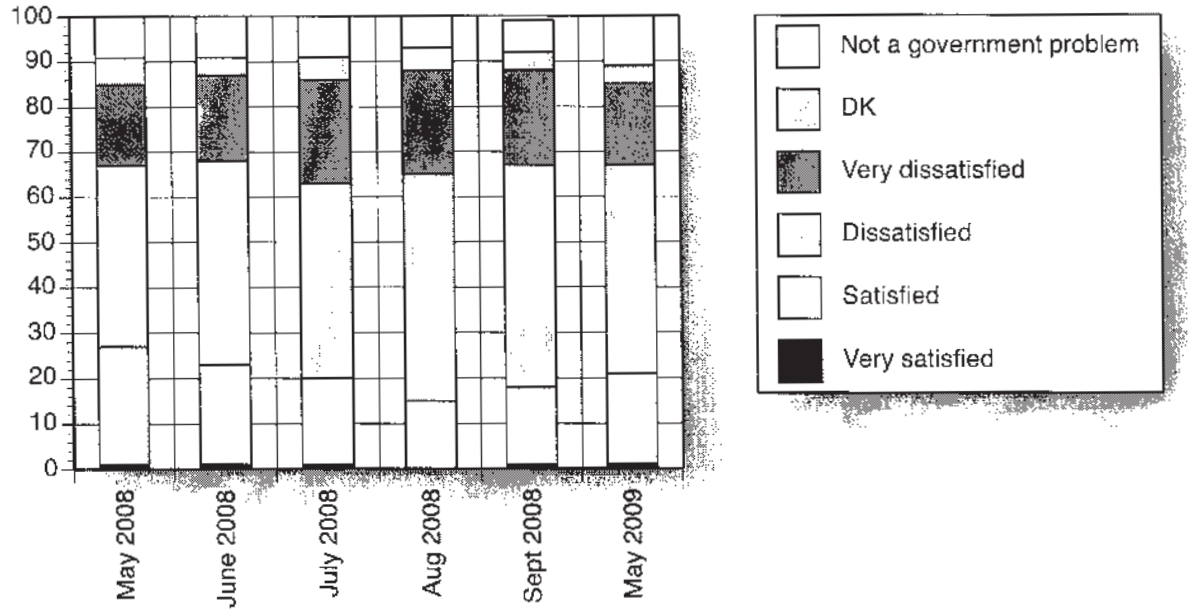


Table 96

	May 2008 GC voters	June 2008 GC voters	July 2008 GC voters	Aug 2008 GC voters	Sept 2008 GC voters	May 2009 GC voters
Very satisfied	1	1	1	--	1	1
Satisfied	26	22	19	15	17	20
Dissatisfied	40	45	43	50	49	46
Very dissatisfied	18	19	23	23	21	18
DK	6	4	5	5	4	4
Not a government problem	9	9	9	7	7	11

How effective are political parties in addressing respondent's problem of most concern?

While the Hong Kong Government has recovered in satisfaction somewhat since the Legco election in September 2008, the same cannot be said for assessments of how political parties affect respondent's personal concerns.

FINDING: *Leading up to the Legco election, and for the first time, a majority saw political parties as having a good or very good effect on their problems. Now, in May 2009, that proportion has dropped by more than half, from 53 percent believing parties had a good effect in September 2008 to 24 percent in May 2009.*

In this section we examine the May 2009 results in more detail to see what happened.

Chart/Table 98 In general, do you think political parties in Hong Kong are having a good effect or a bad effect on your problem? TREND TABLE

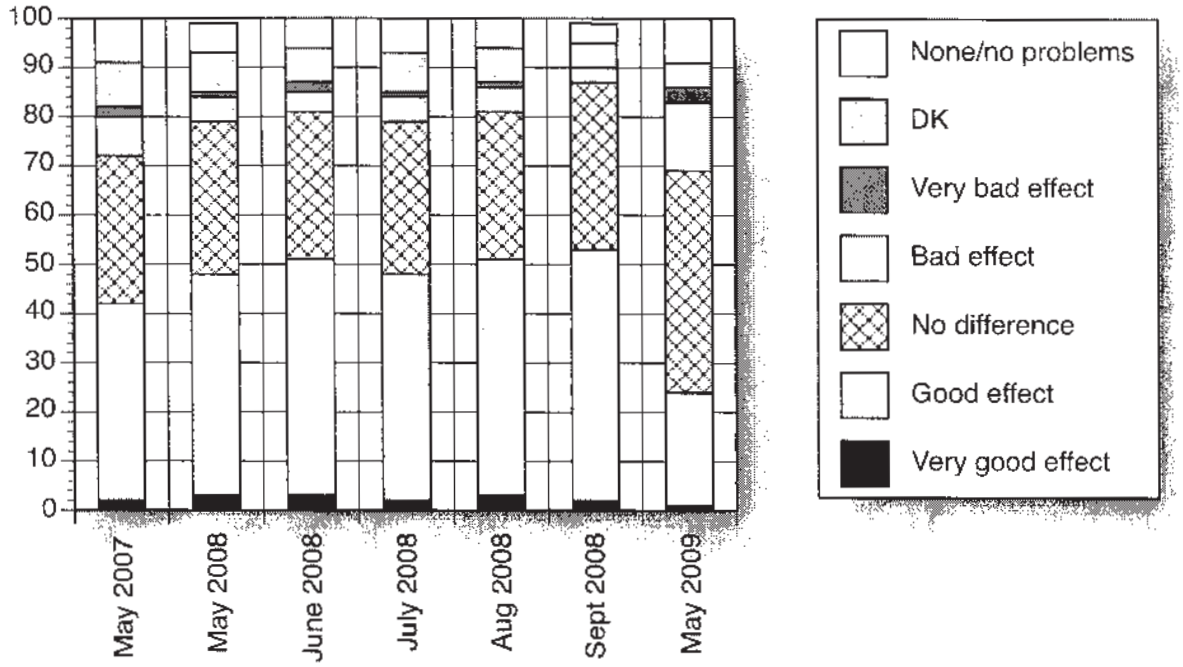


Table 98

	May 2007	May 2008	June 2008	July 2008	Aug 2008	Sept 2008	May 2009
Very good effect	2	3	3	2	3	2	1
Good effect	40	45	48	46	48	51	23
No difference	30	31	31	31	31	34	45
Bad effect	8	5	4	5	5	3	14
Very bad effect	2	1	2	1	1	--	3
DK	9	8	7	8	7	5	5
None/no problems	9	6	6	7	6	4	9

In Table 99 the results for the May 2009 survey are reclassified to permit more accurate cross-tabulation

Table 99 Effect of Political Parties on Problem of most concern RECLASSIFIED

Group	Count	%
Good effect	292	24
No difference	537	45
Bad effect	203	17
No problem/Don't Know	172	14

While the change in assessment of the effect of political parties on their problem of most concern has been dramatic, no problem area shows more negative than positive views. But that parties are deemed to have a good effect on respondents political problems by only 30 percent good effect against 21 percent bad effect is not a strong testimony to the efficacy of political parties in solving political problems.

Chart/Table 100 Distribution of Party effect on problem BY Type of problem

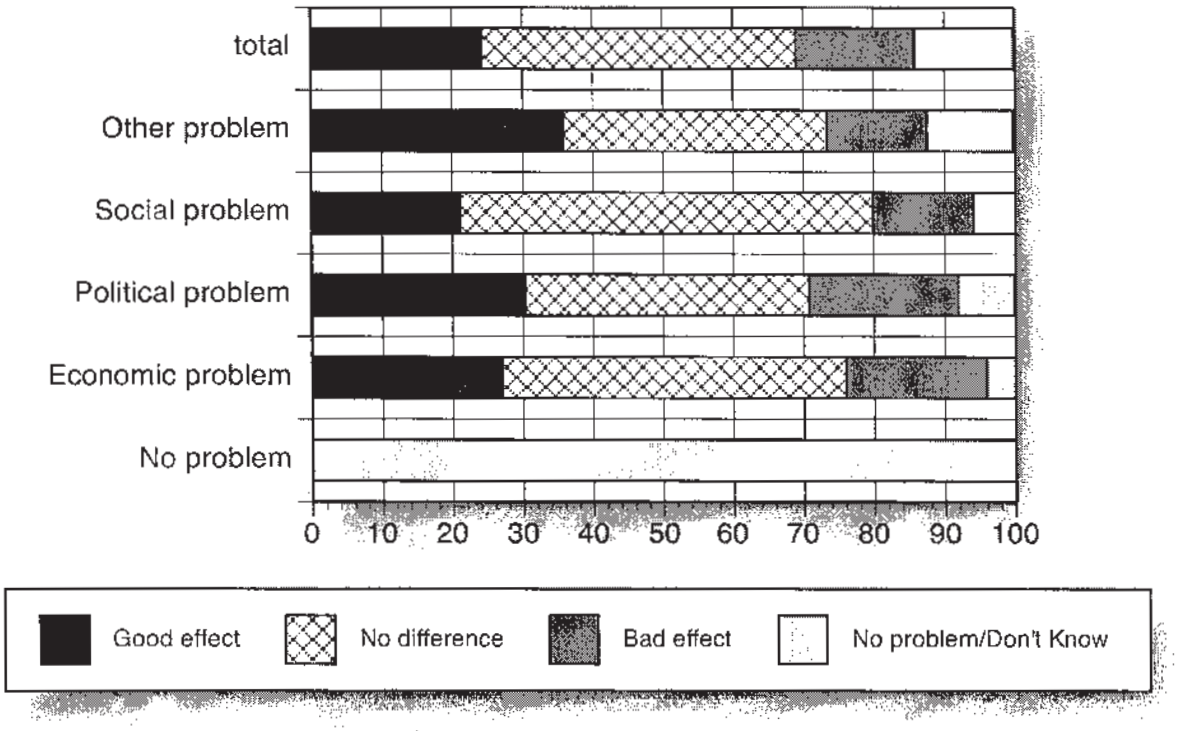


Table 100

	No problem	Economic problem	Political problem	Social problem	Other problem	total
Good effect	0	27	30	21	36	24
No difference	0	49	40	59	38	45
Bad effect	0	20	21	14	14	17
No problem/Don't Know	100	4	8	6	13	14
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 769.6 with 12 df $p \leq 0.0001$

Table 101 shows those over age 50 consider political parties have a bad effect on their problem by a slightly higher margin than those under 50 do.

Table 101 Effect of Political parties on problem of most concern BY Age group

	18-49	50-84	total
Good effect	24	24	24
No difference	48	40	45
Bad effect	16	19	17
No problem/Don't Know	12	18	15
total	100	100	100

table contents: Percent of Column Total
Chi-square = 10.64 with 3 df $p = 0.0138$

In terms of work sector, surprisingly the public sector regards parties as having a good effect on their personal problem of greatest concern by higher margins than the other sectors.

Table 102 Effect of Political parties on problem of most concern BY Work Sector

	Public	Private	Non-work	total
Good effect	28	26	22	24
No difference	51	44	44	45
Bad effect	14	18	16	17
No problem/Don't Know	7	12	18	14
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 14.43 with 6 df p = 0.0252

The unemployed and housewives are the two occupations assessing political parties as having more negative than positive effect on their problems. Students overwhelmingly assess political parties more highly than other sectors, though Professionals are a close second, albeit with higher negative ratings than the students.

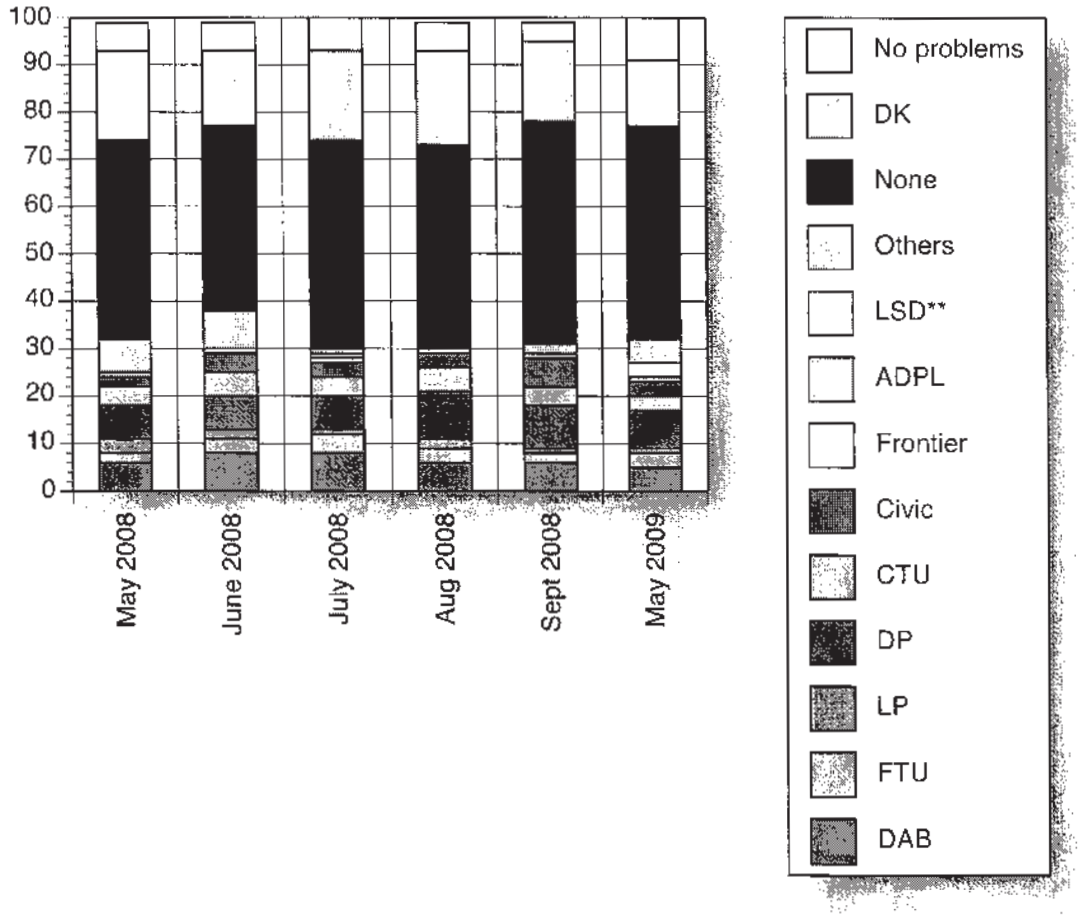
Table 103 Effect of Political parties on problem of most concern BY Occupation

	Good effect	No difference	Bad effect	No problem/Don't Know	total
Managers & Admin	26	41	21	12	100
Professionals & Assoc Profession	30	49	15	6	100
Clerks	24	51	14	11	100
Service	24	40	20	17	100
Ag & Fish, Craft, Mach Op, Elementary	25	40	18	17	100
Housewife	18	43	19	19	100
Retired	21	42	17	20	100
Unemployed	11	52	20	18	100
Student	35	44	9	13	100
total	25	45	17	14	100

table contents: Percent of Row Total
Chi-square = 47.89 with 24 df p = 0.0026

While the general sentiment toward political parties having a good effect on problems has sharply dropped from September 2008, in Table 104 the specific naming of a party as standing up best on a problem remains about the same for parties in general. This question was open-ended, that is, no parties or persons were named after the question was asked. As will be seen below, when a party is named, the response rate citing a specific party rises considerably. The first, open end question and reclassification thereof is the best test of how much to the forefront a party is to a respondent in terms of dealing with their personal problems. The second, "list of names of a party" question tests the public profile or reputation of a party in general.

Chart/Table 104 Do you think there is a political party or person in Hong Kong which stands up best for the problem of greatest concern to you?



Key: Political Parties

DAB	**Democratic Alliance for the Betterment and Progress of Hong Kong**
DP	**Democratic Party**
LP	**Liberal Party**
CP	**Civic Party**
FTU	**Federation of Trade Unions**
CTU	**Confederation of Trade Unions**
ADPL	**Association for Democracy and People's Livelihood**
LSD	**League of Social Democrats**

Table 104

Party	May 2008	June 2008	July 2008	Aug 2008	Sept 2008	May 2009
DAB	6	8	8	6	6	5
FTU	2	3	4	3	2	3
LP***	3	2	1	2	1	1
DP	7	7	7	10	9	8
CTU	4	5	4	5	4	3
Civic	2	4	3	3	6	3
Frontier	--	1	1	--	--	*
ADPL	1	--	1	--	1	1
LSD**						3
Others	7	8	1	1	2	5
None	42	39	44	43	47	45
DK	19	16	19	20	17	14
No problems	6	6	7	6	4	9

*Frontier merged with the Democratic Party after the 2008 Legco election
**League of Social Democrats established in 2008 and won 3 Legco seats in September 2008
***Liberal Party split after it lost all its GC seats

In Table 105 the results of this question from May 2009 are taken and reclassified for further testing with other variables.

Table 105 Do you think there is a political party or person in Hong Kong which stands up best for the problem of greatest concern to you? RECLASSIFIED PARTY GROUPS

Group	Count	%
Pro-democracy	214	18
Pro-government	110	9
Others	60	5
None	536	45
Don't Know	171	14
No Problem	113	9

Chart/Table 106 shows that while those who cite a pro-government party as standing up best for their problem are more satisfied with Hong Kong Government performance than those who cite a pro-democracy party, the portion who are dissatisfied with Government performance on their problem is still significantly larger. This is the case across all classifications, those who cite "others" or "None" or Don't Know.

FINDING: *Political parties of either pro-government or pro-democracy leaning gain more from criticizing Hong Kong Government performance than they would lose, given the present preponderance of dissatisfaction with Government's handling of respondents problem of greatest personal concern.*

Chart/Table 106 Reclassified party groups, distribution of satisfaction with Government performance on their problem of greatest concern

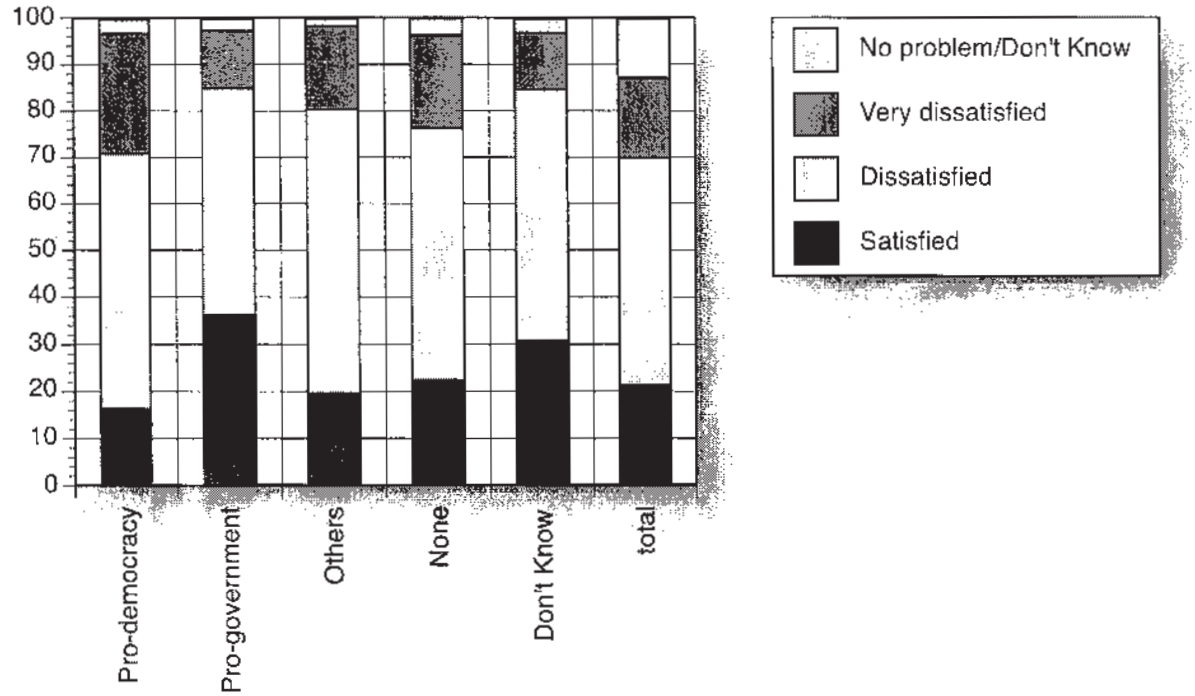


Table 106

	Pro-democracy	Pro-government	Others	None	Don't Know	No Problem	total
Satisfied	16	36	20	22	31	0	21
Dissatisfied	55	49	61	54	54	0	49
Very dissatisfied	26	12	18	20	12	0	17
No problem/ Don't Know	3	3	2	4	3	100	13
total	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 879.0 with 15 df $p \leq 0.0001$

The same test as above, but on the effect of parties on respondent's primary concern, shows pro-democracy party namers are more likely to consider party having a positive effect than other groups. Indeed, the pro-government party naming respondents have a far larger group considering party as having a negative effect on their problem.

Chart/Table 107 Reclassified party groups, distribution of parties effect on personal problem of greatest concern

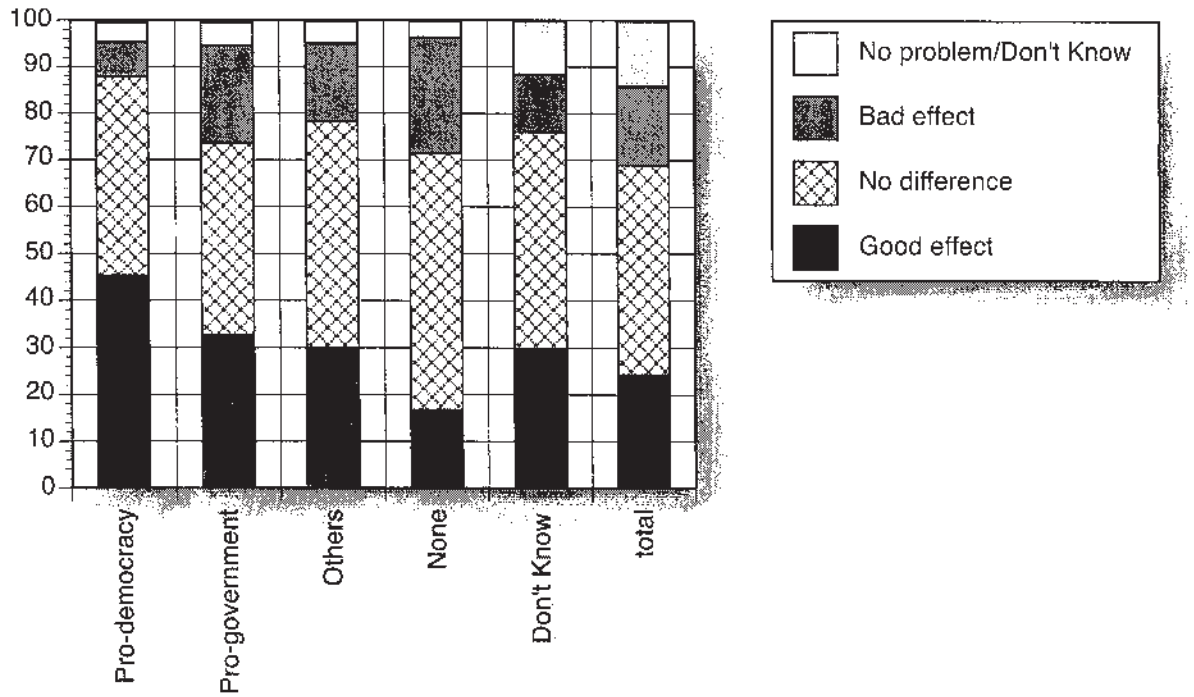


Table 107

	Pro-democracy	Pro-government	Others	None	Don't Know	No Problem	total
Good effect	45	33	30	17	30	0	24
No difference	43	41	48	55	46	0	45
Bad effect	7	21	17	25	12	0	17
No problem/ Don't Know	5	5	5	4	12	100	14
total	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 849.3 with 15 df $p \leq 0.0001$

Unlike the previous section which was based on an open ended question, this section presented respondents with the names of five major parties and additional options of All parties, no parties, or Don't Know. Table 108 shows that the two largest parties the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and the Democratic Party (DP) are evenly matched at 14 and 15 percent of respondents saying one of them best represented their interests. The Civic Party (CivP) came in third with 10 percent of respondents. The League of Social Democrats (LSD), a new pro-democracy party, and the Liberal Party (LP) together recorded less than the CivP.

Table 108 Of the five biggest political parties in Legco (DAB, DP, LSD, LP and Civic Party), which party, if any, do you feel represents or protects your interests best?

Group	Count	%
DAB	173	14
DP	179	15
LSD	63	5
LP	31	3
CivP	122	10
All	30	2
None	466	39
Don't Know	140	12

All up, the pro-government DAB and LP show 17 percent support of the population, that is perhaps of 850,000 people out of a potential voter base of some 5,000,000 adults aged 18 and above with right to vote. The pro-democracy choices garner 30 percent or some 1,500,000 of the theoretical maximum of possible voters. But how do they do in reality with respondents who say they are registered to vote?

Chart/Table 109 Which parties best represent BY Voter status

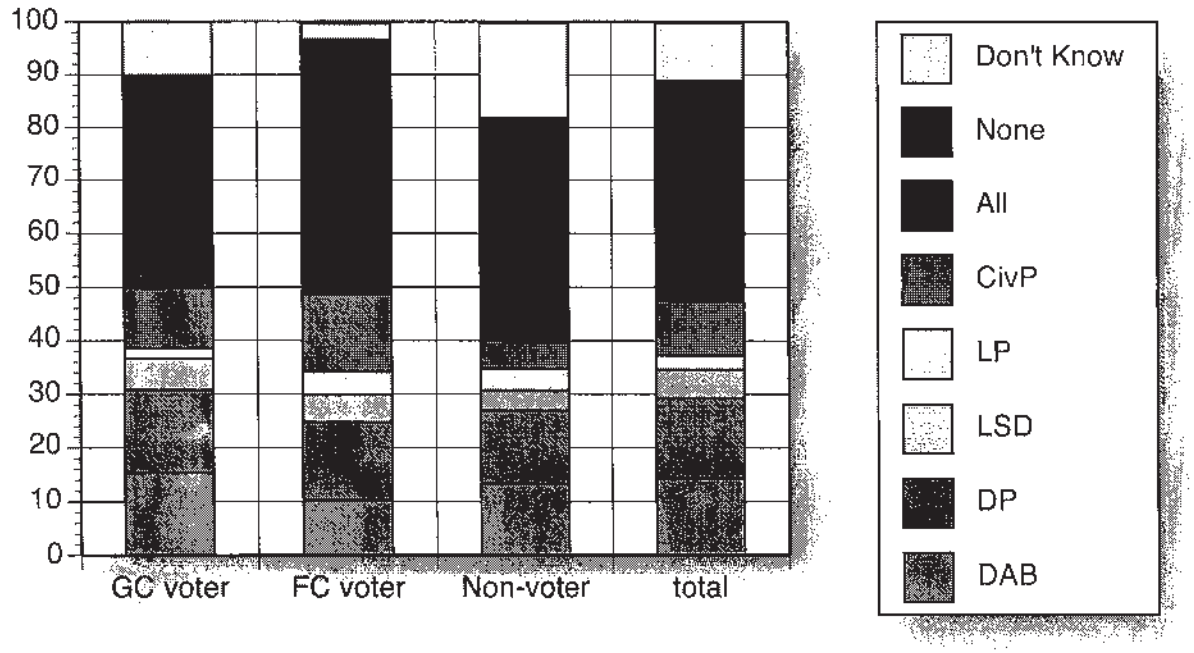


Table 109

	GC voter	FC voter	Non-voter	total
DAB	15	10	13	14
DP	15	15	14	15
LSD	6	5	4	5
LP	2	4	4	3
CivP	11	15	5	10
All	3	4	1	3
None	37	44	41	39
Don't Know	10	3	18	11
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 42.83 with 14 df $p \leq 0.0001$

FINDING: *Among registered voters the DAB does significantly less well among FC voters than GC voters while the Civic Party does significantly better among FC than GC voters. The five parties are chosen by half the registered voters in both blocs as representing them best, leaving half of all registered voters saying no one or they Don't Know who represents them best.*

Chart/Table 110 takes the results of Table 109 and reverses the variables, so that it shows what proportion of respondents who choose each party or category are registered voters or not. The Liberal Party (LP) shows that it is garnering the lowest proportion of people who say it represents them but who are also registered to vote. The Civic Party does the best in delivering registered voters as adherents.

Chart/Table 110 Proportion of party choice BY Voter status

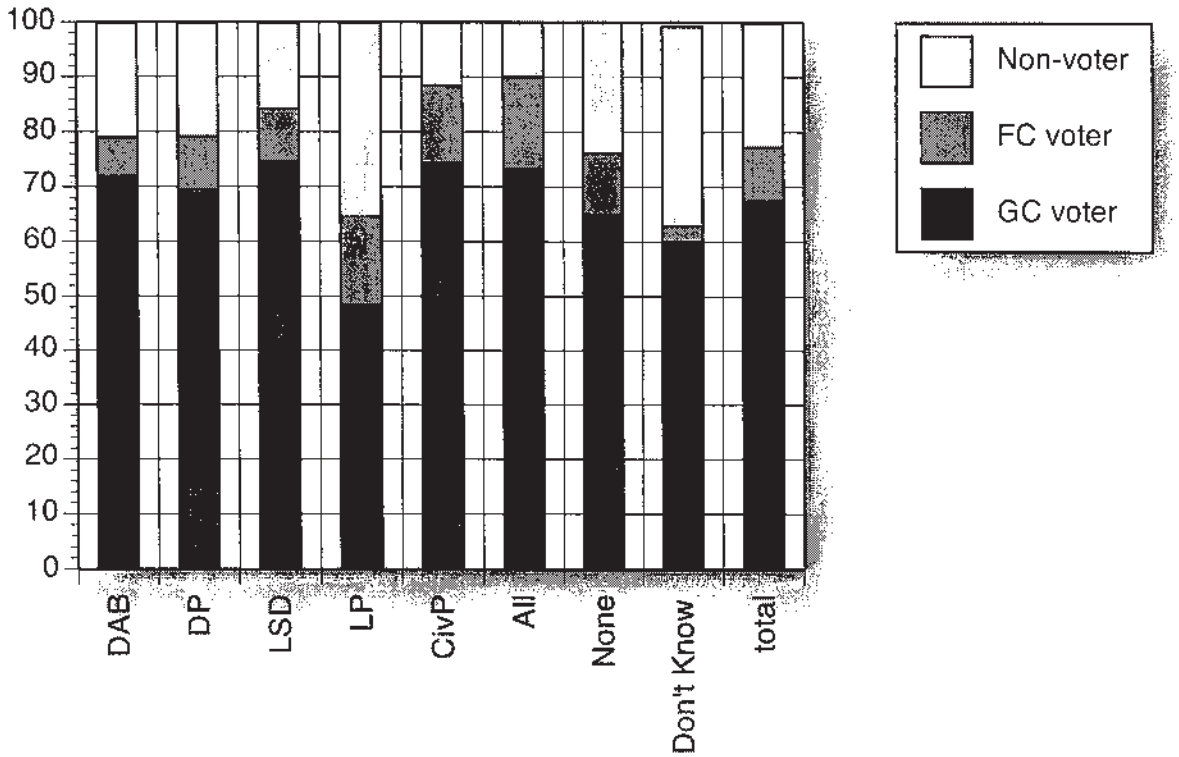


Table 110

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
GC voter	72	70	75	48	74	73	65	60	67
FC voter	7	10	10	16	14	17	11	3	10
Non-voter	21	21	16	36	12	10	24	37	23
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 42.83 with 14 df $p \leq 0.0001$

The "total" in Table 110 reveals that 67 percent of respondents said they were registered to vote in the GCs only and 10 percent in the FCs. This 77 percent of respondents is close to the official registration rate in the 2008 Legco election.

Table 111 shows that men are significantly more likely to name a party as representing their interests than women. The LSD also does exceptionally badly among women.

Chart/Table 111 Which parties best represent BY Gender

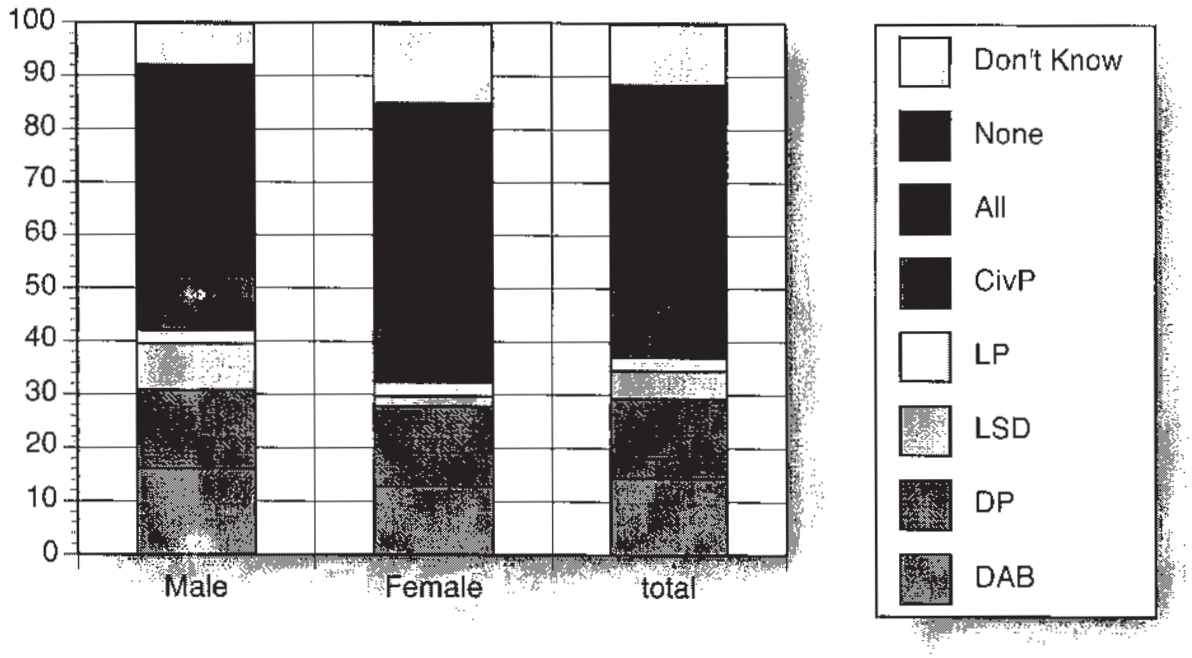


Table 111

	Male	Female	total
DAB	16	13	14
DP	15	15	15
LSD	9	2	5
LP	3	3	3
CivP	10	10	10
All	2	3	2
None	38	40	39
Don't Know	8	15	12
total	100	100	100

table contents: Percent of Column Total
Chi-square = 42.05 with 7 df $p \leq 0.0001$

Chart/Table 112 shows that the LSD and CivP do better with younger groups while the DAB and DP show increased support among those over 50.

Chart/Table 112 Which party represents best BY Age groups

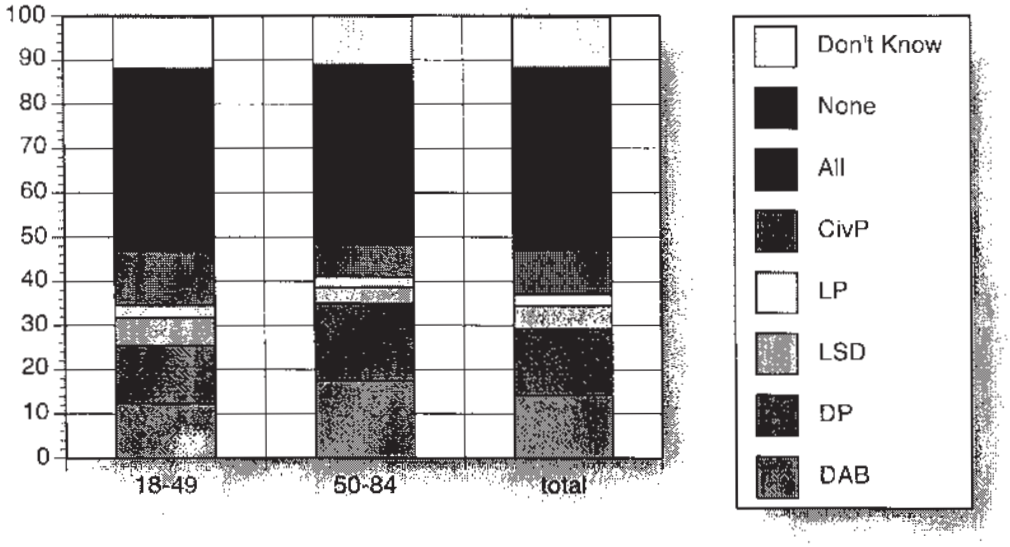


Table 112

	18-49	50-84	total
DAB	12	18	14
DP	13	18	15
LSD	6	4	5
LP	3	2	3
CivP	12	7	10
All	2	3	2
None	39	38	39
Don't Know	12	11	12
total	100	100	100

table contents: Percent of Column Total
Chi-square = 20.18 with 7 df p = 0.0052

Chart/Table 113 Which party best represents BY Work sector

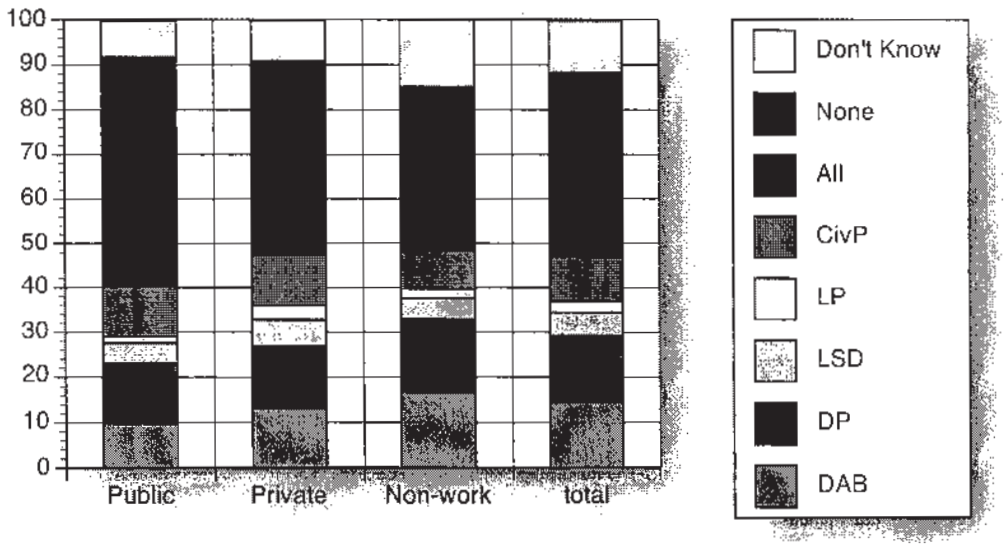


Table 113

	Public	Private	Non-work	total
DAB	10	13	17	14
DP	13	14	16	15
LSD	4	6	5	5
LP	1	3	2	3
CivP	11	12	9	10
All	1	3	3	2
None	51	41	34	39
Don't Know	8	9	15	12
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 30.19 with 14 df p = 0.0072

FINDING: *The political parties gain significantly less support in the public sector than private or non work sectors, by a margin of 10 points.*

The CivP does significantly better among business managers and administrators and professionals than the other parties. The DP has very strong influence among students, while the pro-democracy parties as a whole take 44 percent of student loyalties, the DAB and LP gain only 16 percent.

FINDING: *Occupationally, 61 percent of students cite a party as best representing them, followed by Managers and Administrators at 56 percent, retirees at 54 percent and 49 percent of professionals. The LSD does better among service workers and unemployed, leading all other parties among the unemployed with 13 percent, nearly twice the DAB's 7 percent. The CivP leads all parties among business and professionals, while the DP outpaces by far all other parties among students, taking nearly one in four.*

Table 114 Which party represents best BY Occupation

	Managers & Admin	Profesinals & Assoc	Clerks	Service	Ag & Fish, etc	House wife	Retired	Un employed	Student	total
DAB	13	12	12	13	14	18	21	7	14	15
DP	13	13	14	13	16	10	19	11	23	15
LSD	6	5	3	10	8	1	3	13	8	5
LP	4	1	4	3	3	2	2	2	2	3
CivP	17	16	10	6	5	8	7	5	13	10
All	4	2	2	0	3	4	2	4	1	2
None	39	47	42	44	39	37	35	46	24	39
Don't Know	6	4	13	13	13	19	10	13	16	12
total	100	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 115.7 with 56 df p ≤ 0.0001

For party associations with birthplace and identity, see Chapter XI, **Politics of Identity and Patriotism** below.

Chart/Table 115 presents the results of party representation by religion, showing a clear association of Catholics and especially Protestants with political parties, dominantly the DP and CivP.

Chart/Table 115 Which party represents best BY Religion

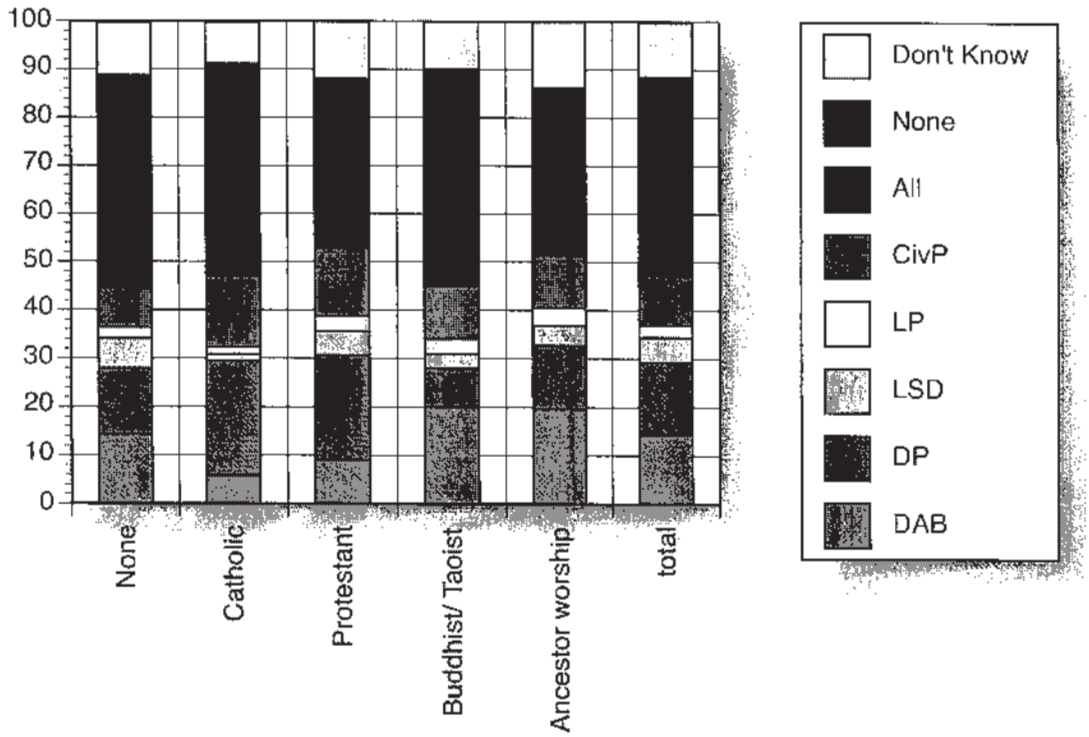


Table 115

	None	Catholic	Protestant	Buddhist/ Taoist	Ancestor worship	total
DAB	14	6	9	20	20	14
DP	14	24	22	8	13	15
LSD	6	1	5	3	4	5
LP	2	1	3	3	4	3
CivP	8	15	14	11	11	10
All	3	3	4	0	2	2
None	42	41	32	45	33	39
Don't Know	11	9	12	10	14	12
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 53.02 with 28 df p = 0.0029

FINDING: *Democratic Party and Civic Party support tends to rise with education.*

Table 116 Which party represents best BY Years of Education

Years of Education	0-6	7-8-9	10-11	12-13	14-15-16 (University)	17-18 (MA/PhD)	total
DAB	16	21	16	21	9	0	14
DP	9	13	17	17	15	15	15
LSD	5	3	5	8	6	2	5
LP	4	2	3	3	3	0	3
CivP	4	6	7	8	16	20	10
All	3	6	1	1	3	7	3
None	41	38	40	28	41	50	39
Don't Know	18	11	16	14	8	7	11
total	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 97.67 with 35 df p ≤ 0.0001

Of those who cite a political problem as their major concern, the DP leads with 19 percent of respondents saying the DP protects their interest best while CivP and DAB take 15 percent each. Pro-democracy parties are chosen by 41 percent of political problem respondents, pro-government by 15 percent. One can infer that most who cite political problems as their primary concern see the government as the source, not the pro-democracy politicians. However, those who cite political problems as their primary concern is quite small, just 7 percent of respondents. (See next Chart/Table)

Chart/Table 117 Which party represents best BY Major Concern

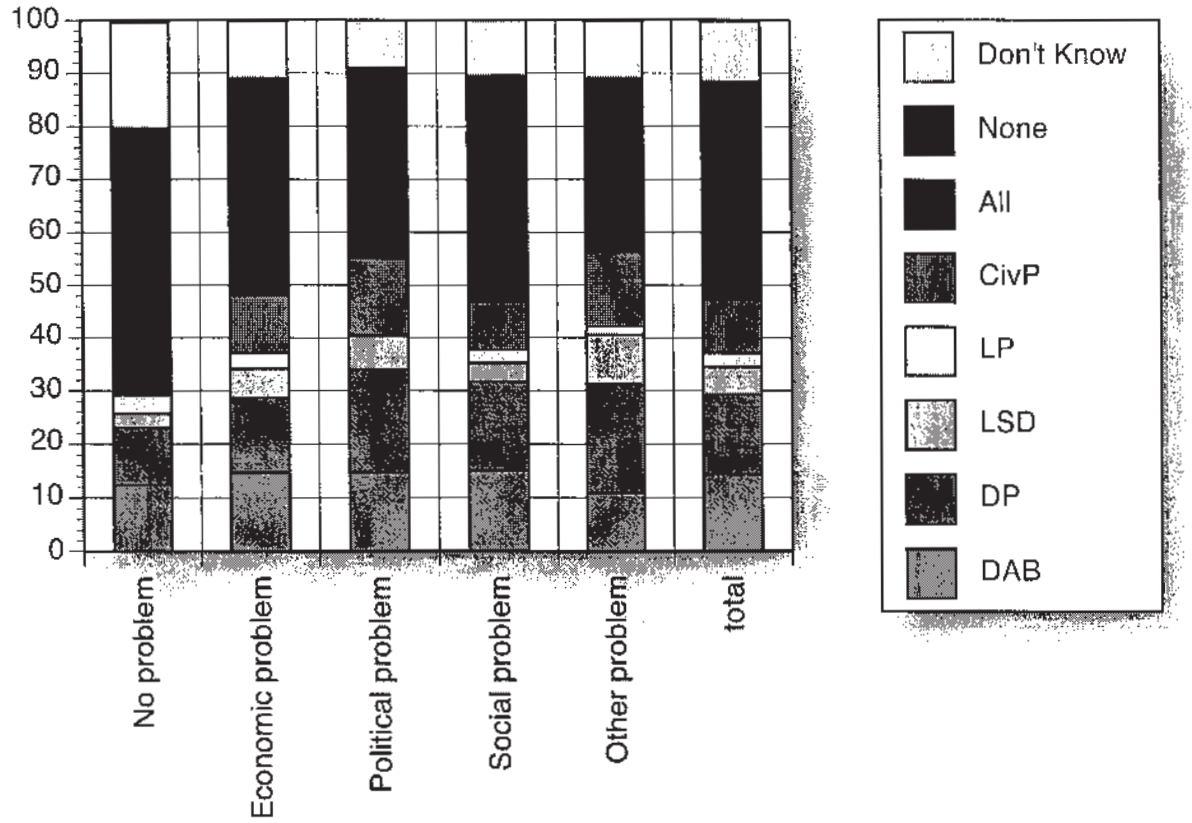


Table 117

	No problem	Economic problem	Political problem	Social problem	Other problem	total
DAB	12	15	15	15	11	14
DP	11	14	19	17	20	15
LSD	3	6	6	4	9	5
LP	4	3	0	3	2	3
CivP	0	11	15	9	14	10
All	4	3	0	2	3	2
None	47	38	36	41	30	39
Don't Know	20	11	9	11	11	12
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 47.22 with 28 df p = 0.0130

Reversing variables from above, Chart/Table 118 shows the distribution across choice of which party represents best of the type of top priority problems for respondents.

Chart/Table 118 Which party represents best BY distribution of type of top problem

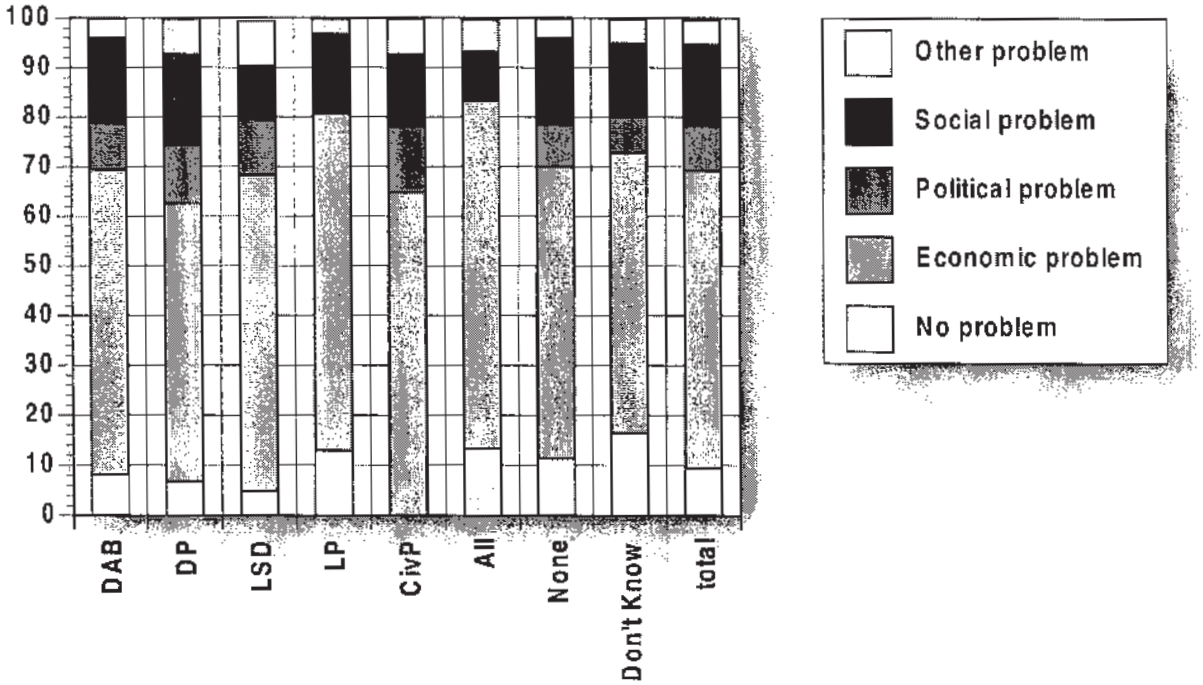


Table 118

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
No problem	8	7	5	13	0	13	11	16	9
Economic problem	61	56	64	68	65	70	59	56	60
Political problem	9	12	11	0	13	0	8	7	9
Social problem	17	18	11	16	15	10	18	15	17
Other problem	4	7	10	3	7	7	4	5	5
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 47.22 with 28 df p = 0.0130

FINDING: *Among all parties, those who cite economic issues as their top personal concern dominate those who say that party best represents their interests. Only Liberal Party shows no respondents with political problems saying they represent their interests.*

FINDING: *There is no statistical difference between parties among those who have lived outside Hong Kong for a year or more. There is no difference between parties of those having Right of Abode abroad or not. "Foreign influence" in this sense is completely missing from the politics of Hong Kong.*

FINDING: *There is a difference by incomes above or below $50,000 per month, with those earning higher amounts saying no party represents their interest by 46 percent to 36 percent of those earning less. The Civic Party portion of higher income, 22 percent of such respondents, matches those of higher incomes citing all other parties combined.*

Chart/Table 119 Which party represents best BY Income group

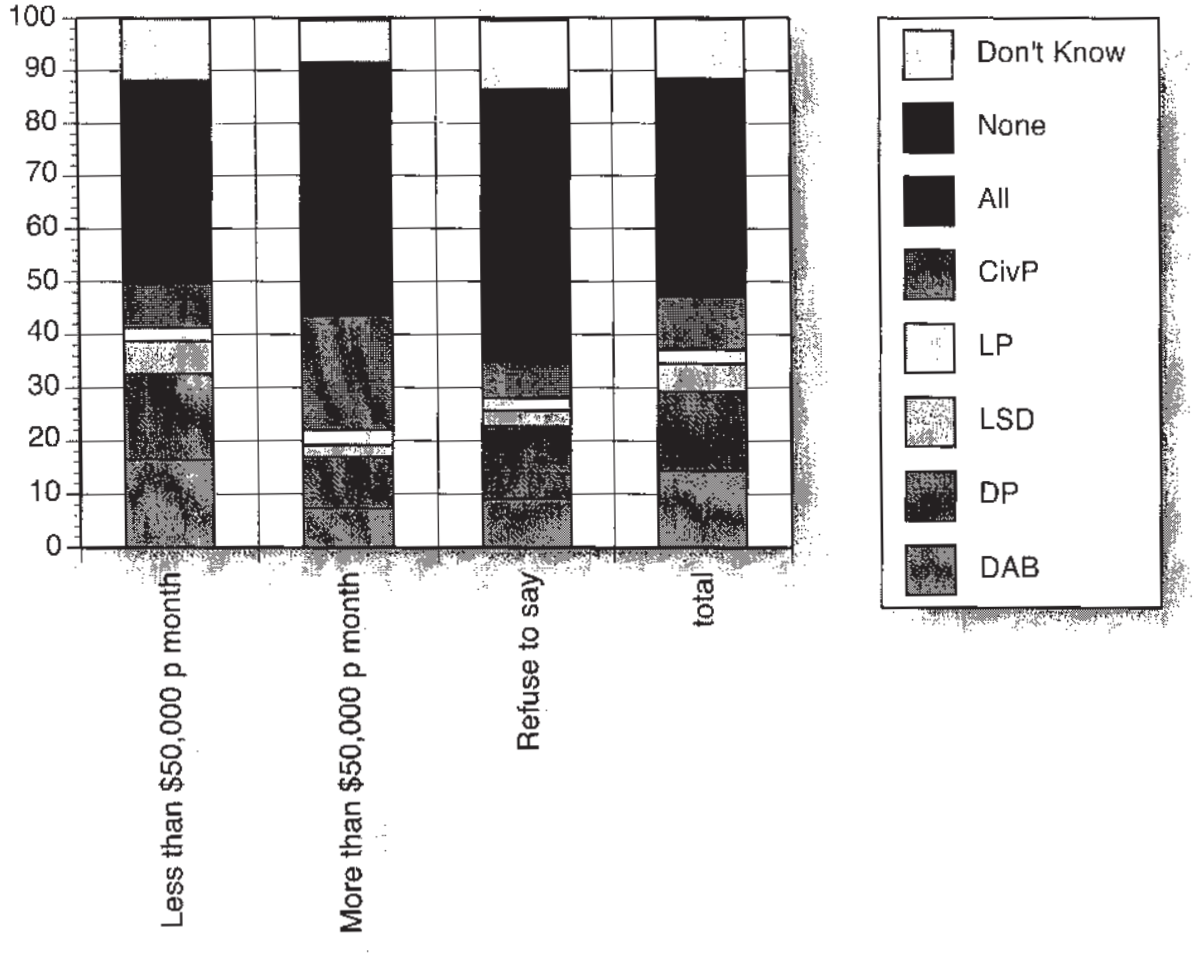


Table 119

	Less than $50,000 p month	More than $50,000 p month	Refuse to say	total
DAB	17	7	9	14
DP	16	10	14	15
LSD	6	2	3	5
LP	3	3	2	3
CivP	8	22	7	10
All	3	2	3	2
None	36	46	49	39
Don't Know	12	8	14	12
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 58.83 with 14 df $p \leq 0.0001$

The LSD has the highest proportion of supporters earning under $50,000 per month in their families while the CivP has the highest proportion of high earners. Those who Refuse to say how much they earn are likely in the high end of earners given that their other responses are much more similar to the responses of high income earners than lower income earners. Thus the significance of having so many in that band saying none of the parties represent them or they Don't Know which do.

Chart/Table 120 Which party represents best BY distribution of Income groups

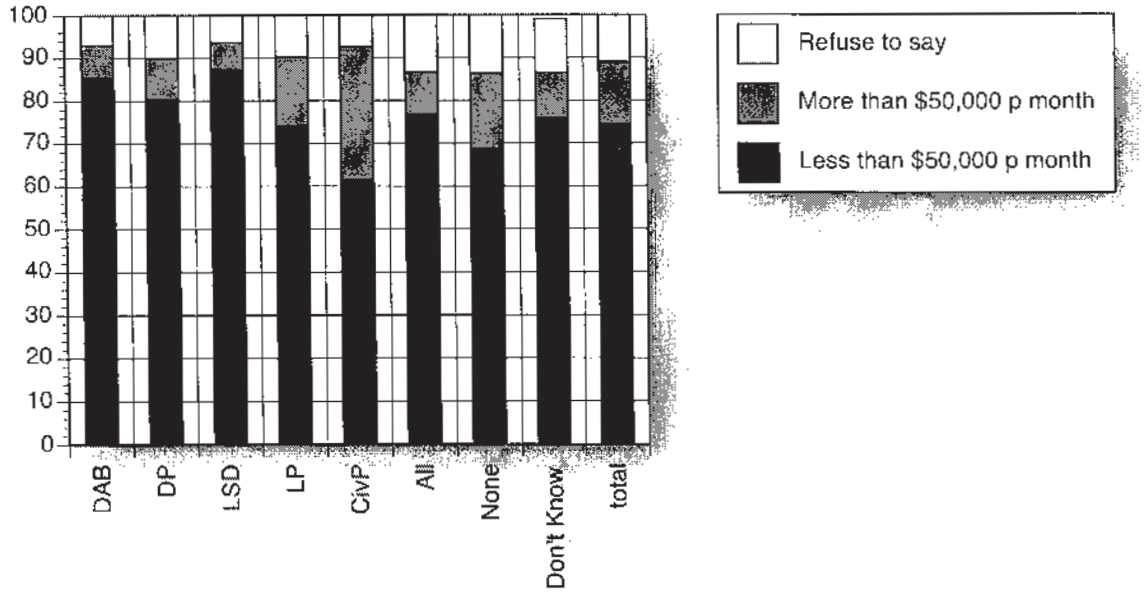


Table 120

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
Less than $50,000 p month	86	80	87	74	62	77	69	76	74
More than $50,000 p month	8	10	6	14	31	10	18	11	15
Refuse to say	7	10	6	10	7	13	14	13	11
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 58.83 with 14 df $p \leq 0.0001$

FINDING: *Though half of respondents cited a party as representing their interests best, and though a third of respondents named a political party, group or person in open ended questions as representing their interests best, only 12 percent of respondents considered themselves a member or even just a supporter of a political party. Just 12 percent of respondents gave money to a political group or party in the previous year.*

The political parties are doing a better job of focusing on problem solving and getting the message out to voters, but they are not enlisting supporters or getting donations at the level of their respondent's choice of them as best representative.

Table 121 Do you consider yourself a supporter or member of a political party in Hong Kong?

Group	Count	%
Yes	150	12
No	1025	85
Maybe	13	1
Don't Know	14	1
Refuse to say	2	0

Could dissatisfaction with the parties or the political system, be behind this "participation gap"? This is the focus of **Chapter IX Satisfaction with the current system**.

IX Satisfaction with the current system

Satisfaction with political parties

The Chart below shows satisfaction with parties ranked by "very dissatisfied" respondents. Clearly in May 2009 the LSD far outranked all other parties in dissatisfaction. The CivP had the highest satisfaction rate.

Chart/Table 122 How satisfied or dissatisfied are you with the following political parties?*

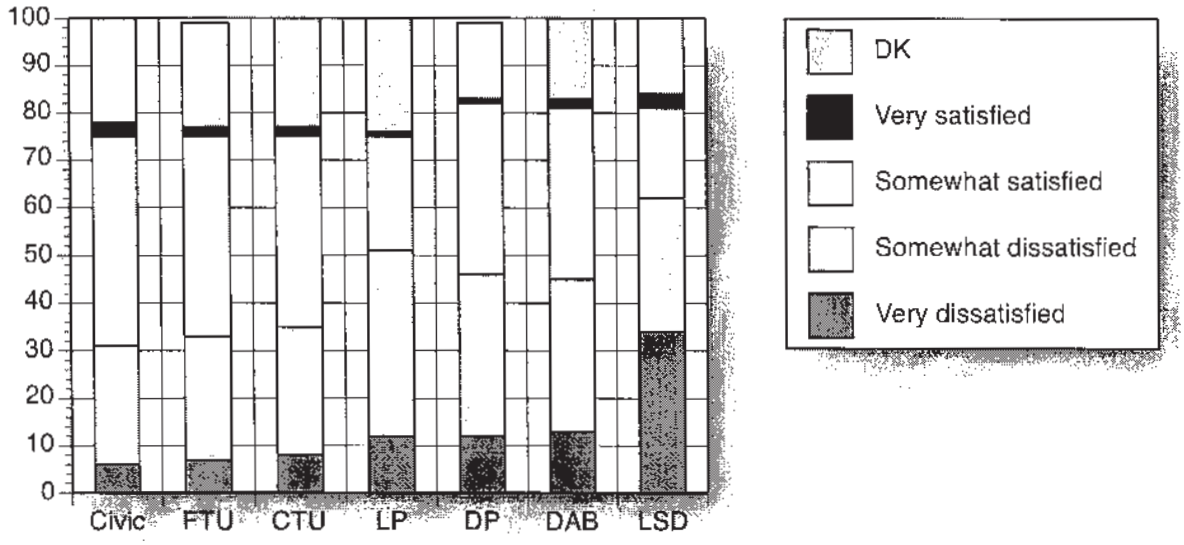


Table 122

Party	Very dissatisfied	Somewhat dissatisfied	Somewhat satisfied	Very satisfied	DK
DAB	13	32	36	2	18
FTU	7	26	42	2	22
LP	12	39	24	1	24
DP	12	34	36	1	16
CTU	8	27	40	2	23
Civic	6	25	44	3	23
LSD	34	28	19	3	16

*Full names of parties plus their party leader read out to respondents
Chart ranked by very dissatisfied
Table sorted by pro-government parties in red; pro-democracy parties in blue

Chart/Table 123 tracks the differences between satisfaction and dissatisfaction over time by removing the Don't Know's from the table above, the subtracting dissatisfaction from satisfaction. A positive number in Table 123 shows in the chart above the "0" center line, indicating more satisfied than dissatisfied, a negative number below that line indicates more dissatisfied than satisfied with the performance of that party.

Chart/Table 123 Comparative satisfaction of parties over time

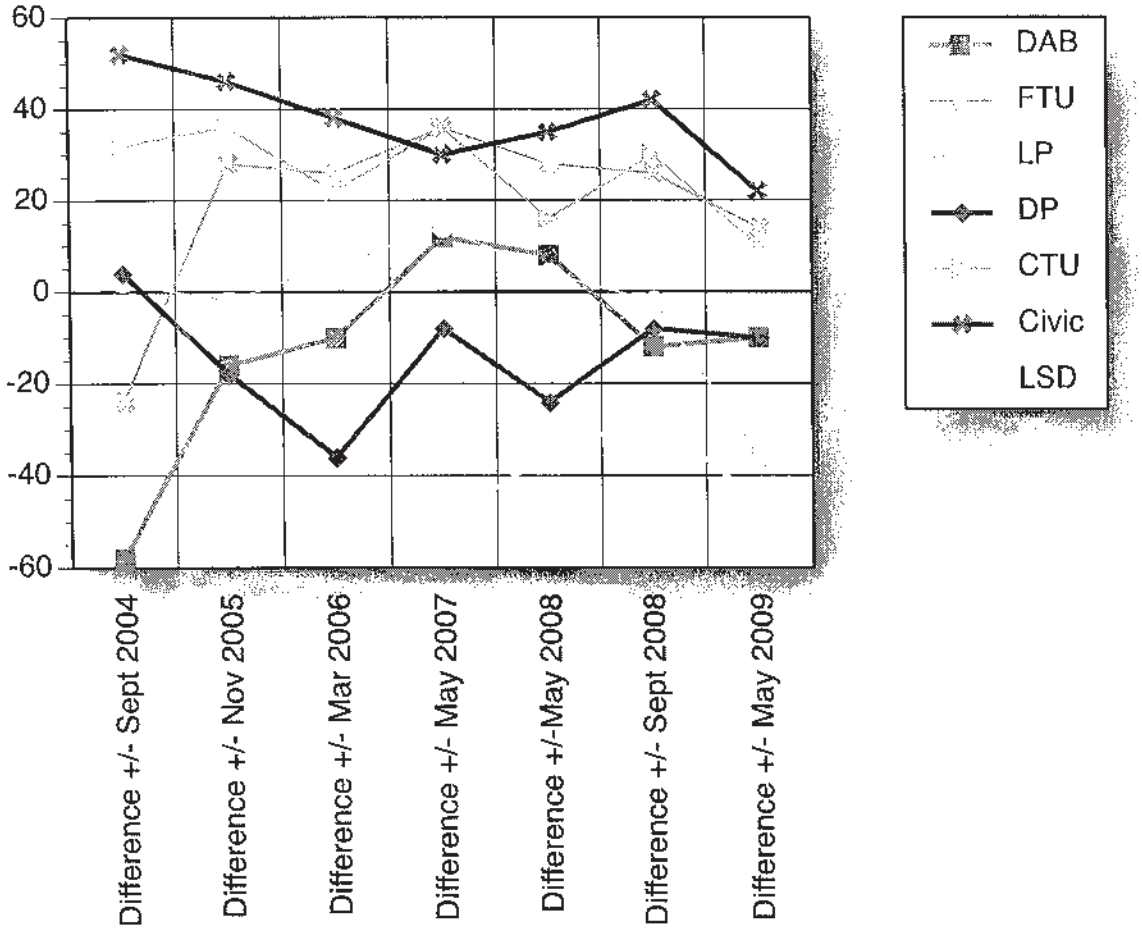


Table 123

Party	Difference +/- Sept 2004	Difference +/- Nov 2005	Difference +/- Mar 2006	Difference +/- May 2007	Difference +/-May 2008	Difference +/- Sept 2008	Difference +/- May 2009
DAB	-58	-16	-10	+12	+8	-12	-10
FTU	-24	+28	+26	+36	+28	+26	+14
LP	+2	-2	+6	+14	+4	-2	-36
DP	+4	-18	-36	-8	-24	-8	-10
CTU	+32	+36	+22	+36	+16	+30	+10
Civic	+52	+46	+38	+30	+35	+42	+22
LSD	--	--	--	-50	-35	-27	-46

FINDING: *The DAB marginally improved in public sentiment, matching the DP. The DAB is the only party showing such an improvement between the September 2008 Legco election and May 2009. The LP shows the steepest drop in satisfaction, down 34 points, CivP shows the second steepest drop in satisfaction, at 20 points down but still in positive territory while LSD shows a close third steepest drop in satisfaction at 19 points down from September 2008, and bottom of the chart with 46 points more dissatisfied than satisfied.*

While the above charts and tables show general public sentiment, the real bottom line for parties are how they fare among the voting public. This in many cases gives a very different result from the above.

Table 124 Voter status BY Satisfaction with performance of the Democratic Party

	GC voters	FC voters	Non-voters	total
Dissatisfied	57	57	46	55
Satisfied	43	43	54	45
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 7.940 with 2 df p = 0.0189

Gap with DP widens among GC and FC voters to -14 points.

Table 125 Voter status BY Satisfaction with performance of the DAB

	GC voters	FC voters	Non-voters	total
Dissatisfied	55	64	46	54
Satisfied	45	36	54	46
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 9.726 with 2 df p = 0.0077

Gap with GC voter stays same, among FC voters is -28 points, considerably worse. Both DP and DAB show more satisfied than dissatisfied among non-voters, and statistically the same margin: 46 percent dissatisfied versus 54 percent satisfied.

Table 126 Voter status BY Satisfaction with performance of the FTU

	GC voters	FC voters	Non-voters	total
Dissatisfied	43	57	35	43
Satisfied	57	43	65	58
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 13.33 with 2 df p = 0.0013

The FTU and CTU are rival unions, the FTU affiliated with the DAB and pro-Central government groups while the CTU is affiliated with the DP and pro-democracy groups. The net 14 point positive margin for the FTU holds among GC voters, but is the reverse among FC voters with 14 points more dissatisfied than satisfied. Among non-voters, FTU has a 30 point positive margin. The CTU holds its 10 point positive margin among GC voters, but also shows a smaller, 6 point more dissatisfied than satisfied margin with FC voters. Its positive margin among non voters is 14 points.

Table 125 Voter status BY Satisfaction with performance of the CTU

	GC voters	FC voters	Non-voters	total
Dissatisfied	45	53	43	45
Satisfied	55	47	57	55
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 2.519 with 2 df p = 0.2838

FINDING: *The Liberal Party, which lost its GC seats in 2008 and then split, leaving it with 3 Legco seats, is at a negative 61 point margin more dissatisfaction than satisfaction among FC voters, once its major support base. At negative 39 points among GC voters, its margin is better but still deeply negative. Among non-voters, it has a 16 point gap of more dissatisfied than satisfied.*

Table 126 Voter status BY Satisfaction with performance of the LP

	GC voters	FC voters	Non-voters	total
Dissatisfied	69	81	58	68
Satisfied	31	19	42	32
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 15.86 with 2 df p = 0.0004

FINDING: *The Civic Party shows a 20 point positive margin with GC voters, but just 14 points positive margin among non-voters. With FC voters, which the party wants to eliminate, it shows 42 points more satisfied than dissatisfied with its performance. It is the only party with a positive margin among FC voters, and that margin is the largest margin of satisfaction over dissatisfaction of any party among any group.*

Table 127 Voter status BY Satisfaction with performance of the CivP

	GC voters	FC voters	Non-voters	total
Dissatisfied	40	29	43	39
Satisfied	60	71	57	61
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 5.514 with 2 df p = 0.0635

FINDING: *The post-election tactics of the LSD have badly damaged its standing with voters, with the party showing 46 points more dissatisfied than satisfied among GC voters, 56 points negative difference among FC voters, and 40 points more dissatisfied than satisfied among non-voters. The LP and LSD are the only parties showing a negative margin with both GC and FC voters and also non-voters.*

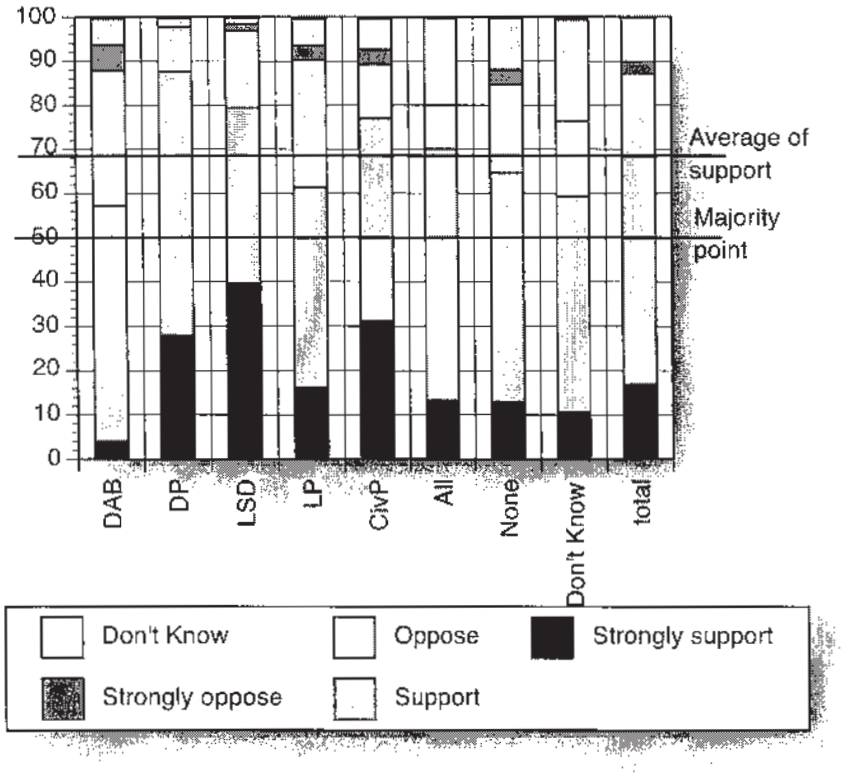
Table 128 Voter status BY Satisfaction with performance of the LSD

	GC voters	FC voters	Non-voters	total
Dissatisfied	73	78	70	73
Satisfied	27	22	30	27
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 2.014 with 2 df p = 0.3652

Chart/Table 129 shows the support for direct CE election by party that best represents, first among all respondents, then in Chart/Table 130 among registered voters only. The differences show that for all parties but the DAB, support for direct CE election is higher among registered voters, for those that choose the LP as best representative, significantly higher, from 61 percent among all to 75 percent among registered voters. (Tables 129 and 130 are next page)

Chart/Table 129 Support for Direct Election of CE BY Party that best represents



Chart/Table 130 Support for Direct Election of CE BY Party that best represents/REGISTERED VOTERS ONLY

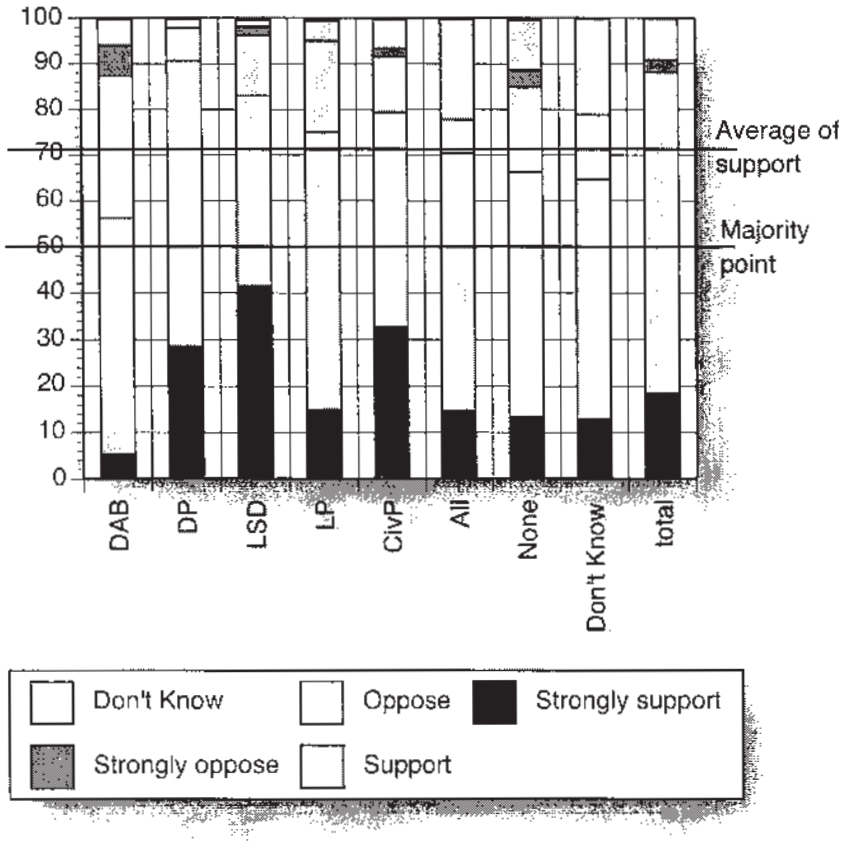


Table 129 (all respondents)

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
Strongly support	4	28	40	16	31	13	13	11	17
Support	53	60	40	45	46	57	52	49	52
Oppose	31	10	18	29	12	10	20	17	19
Strongly oppose	6	0	2	3	3	0	3	0	3
Don't Know	6	2	2	6	7	20	12	24	10
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total Chi-square = 169.5 with 28 df $p \leq 0.0001$

Table 130 (registered voters only)

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
Strongly support	5	29	42	15	33	15	13	13	18
Support	51	62	42	60	47	56	53	52	53
Oppose	31	7	13	20	12	7	19	14	17
Strongly oppose	7	0	2	0	2	0	4	0	3
Don't Know	6	2	2	5	7	22	11	21	9
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total Chi-square = 137.8 with 28 df $p \leq 0.0001$

Tables 131 and 132 show the distribution among parties of those who strongly support, support, oppose or strongly oppose direct CE election, first for all respondents and then for registered voters only. While almost every party has among those who say it represents their interests best opinions on direct CE election that represent all options, clearly the pro-democracy parties show higher portions that support direct election than oppose it. The largest bloc who oppose say no party represents them. Clearly, parties are picked partly for their stance regarding direct elections.

Table 131 Distribution of support/oppose direct CE election among best party that represents respondent (ALL respondents)

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
DAB	3	15	24	31	9	14
DP	25	17	8	0	3	15
LSD	12	4	5	3	1	5
LP	2	2	4	3	2	3
CivP	19	9	7	13	7	10
All	2	3	1	0	5	2
None	29	39	41	50	46	39
Don't Know	7	11	11	0	27	12
total	100	100	100	100	100	100

table contents: Percent of Column Total Chi-square = 169.5 with 28 df $p \leq 0.0001$

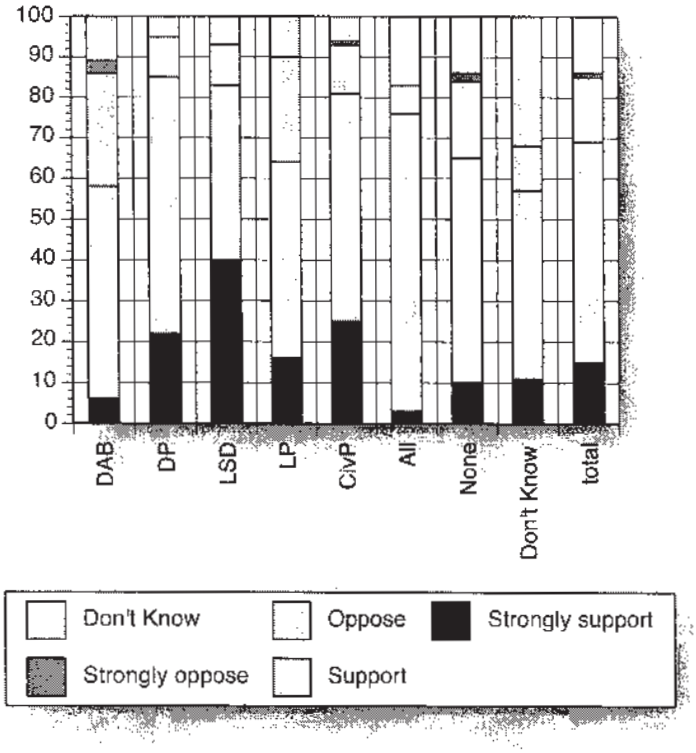
Table 132 Distribution of support/oppose direct CE election among best party that represents respondent (Registered voters only)

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
DAB	4	14	27	36	10	15
DP	24	18	6	0	4	15
LSD	13	5	5	4	1	6
LP	2	2	2	0	1	2
CivP	21	10	8	8	8	12
All	2	3	1	0	7	3
None	28	38	41	52	48	38
Don't Know	7	9	8	0	21	9
total	100	100	100	100	100	100

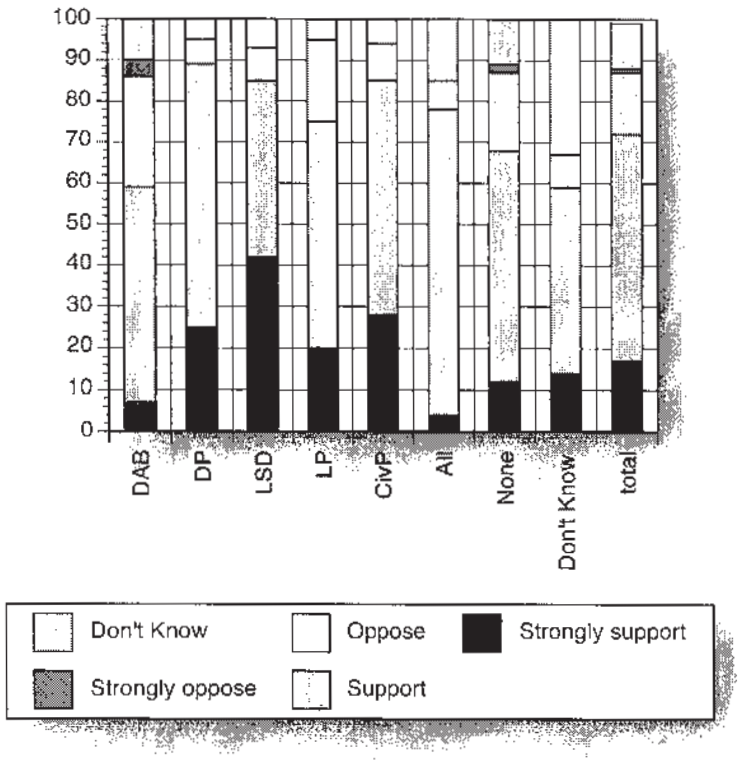
table contents: Percent of Column Total Chi-square = 137.8 with 28 df $p \leq 0.0001$

As with direct elections of the CE, ALL RESPONDENTS preferences differ from REGISTERED VOTERS ONLY regarding direct elections of all members of Legco.

Chart/Table 133 Support for Direct Election of all Legco BY Party that best represents



Chart/Table 134 Support for Direct Election of all Legco BY Party that best represents REGISTERED VOTERS ONLY



Support for direct election of all Legco members rises most with registered voters only from that shown by all respondents among the parties most identified with promoting that stance. Again, only with the LP does this differ as the LP was not known for promoting direct elections and was divided among its membership on the issue. Those who remain are more strongly in support of direct elections (See "Timetables and Destinations" the 2008 NDI report by the Hong Kong Transition Project.)

Table 133 All Respondents

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
Strongly support	6	22	40	16	25	3	10	11	15
Support	52	63	43	48	56	73	55	46	54
Oppose	28	10	10	26	12	7	19	11	16
Strongly oppose	3	0	0	0	1	0	2	0	1
Don't Know	11	5	8	10	6	17	15	32	14
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total Chi-square = 168.2 with 28 df $p \leq 0.0001$

Table 134 Registered voters only

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
Strongly support	7	25	42	20	28	4	12	14	17
Support	52	64	43	55	57	74	56	45	55
Oppose	27	6	8	20	9	7	19	8	15
Strongly oppose	4	0	0	0	0	0	2	0	1
Don't Know	10	5	8	5	6	15	11	33	11
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total Chi-square = 142.1 with 28 df $p \leq 0.0001$

Table 135 Distribution of support/oppose direct CE election among best party that represents respondent (All respondents)

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
DAB	6	14	25	33	12	14
DP	23	17	9	0	6	15
LSD	14	4	3	0	3	5
LP	3	2	4	0	2	3
CivP	18	10	8	7	4	10
All	1	3	1	0	3	2
None	27	39	43	60	43	39
Don't Know	9	10	8	0	29	12
total	100	100	100	100	100	100

table contents: Percent of Column Total Chi-square = 168.2 with 28 df $p \leq 0.0001$

Table 136 Distribution of support/oppose direct CE election among best party that represents respondent (Registered voters only)

	Strongly support	Support	Oppose	Strongly oppose	Don't Know	total
DAB	6	14	26	39	14	15
DP	22	18	7	0	7	15
LSD	14	5	3	0	4	6
LP	3	2	3	0	1	2
CivP	19	12	7	0	6	12
All	1	4	1	0	4	3
None	27	39	47	62	38	38
Don't Know	8	8	5	0	27	9
total	100	100	100	100	100	100

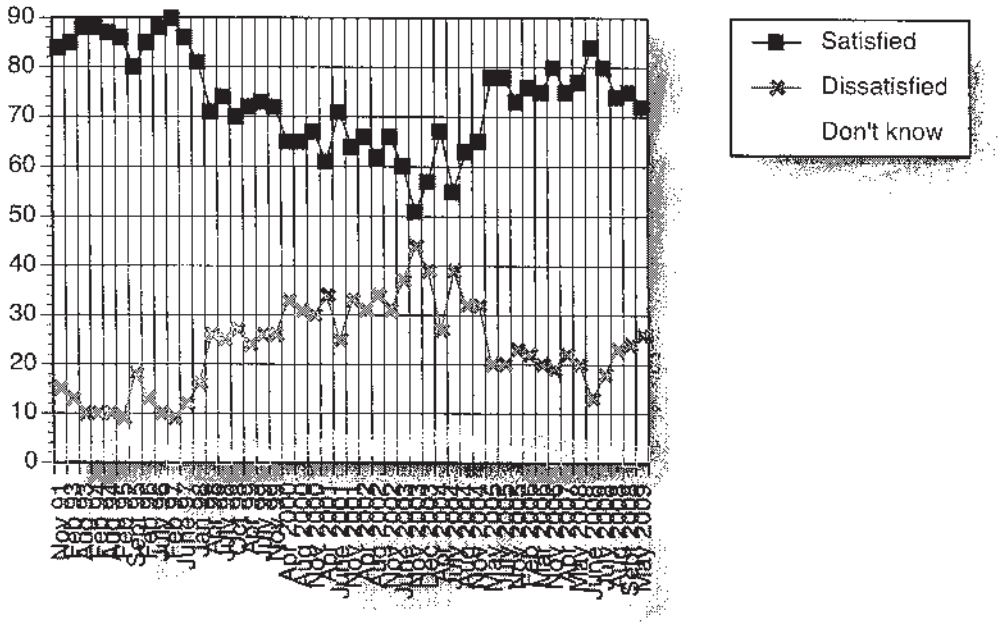
table contents: Percent of Column Total Chi-square = 142.1 with 28 df $p \leq 0.0001$

Satisfaction with government performance

Research has shown links between satisfaction with life and satisfaction with the government.

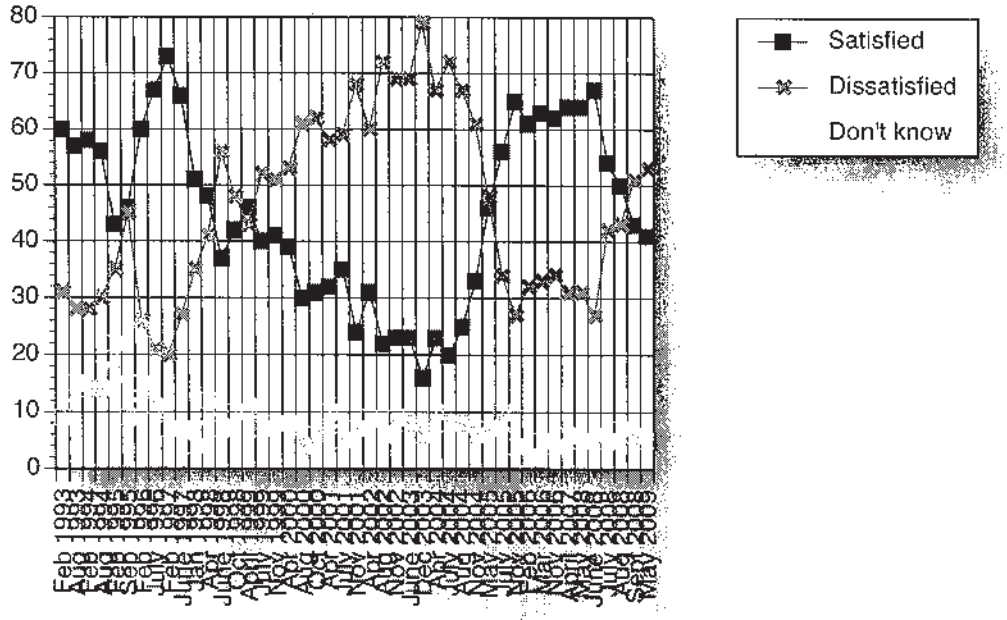
FINDING: *Satisfaction with life in Hong Kong is now at the lowest mark under Chief Executive Donald Tsang, though that mark of 72 percent satisfied was the high point for his predecessor.*

Chart 137 Are you currently satisfied/dissatisfied with your life in Hong Kong?



Just a satisfaction with life has dropped, so has satisfaction with the government.

Chart 138 Are you currently satisfied with the general performance of Hong Kong Government?



FINDING: *A majority are now dissatisfied with the general performance of the Hong Kong Government.*

As seen below, the CE has yet to recover from a government-business collusion dispute in summer 2008. This dispute involved a recently retired senior housing official who had made a controversial decision to award a never occupied public funded housing bloc at a knock down price to a developer after housing market prices collapsed (recovered nicely since), taking a job with that developer. Fury ensued, and with results in this survey demonstrating widespread feelings policy making is unfair, that a majority are dissatisfied with his performance is no surprise.

Chart/Table 139 Are you satisfied or dissatisfied with performance of C. E. Donald Tsang?

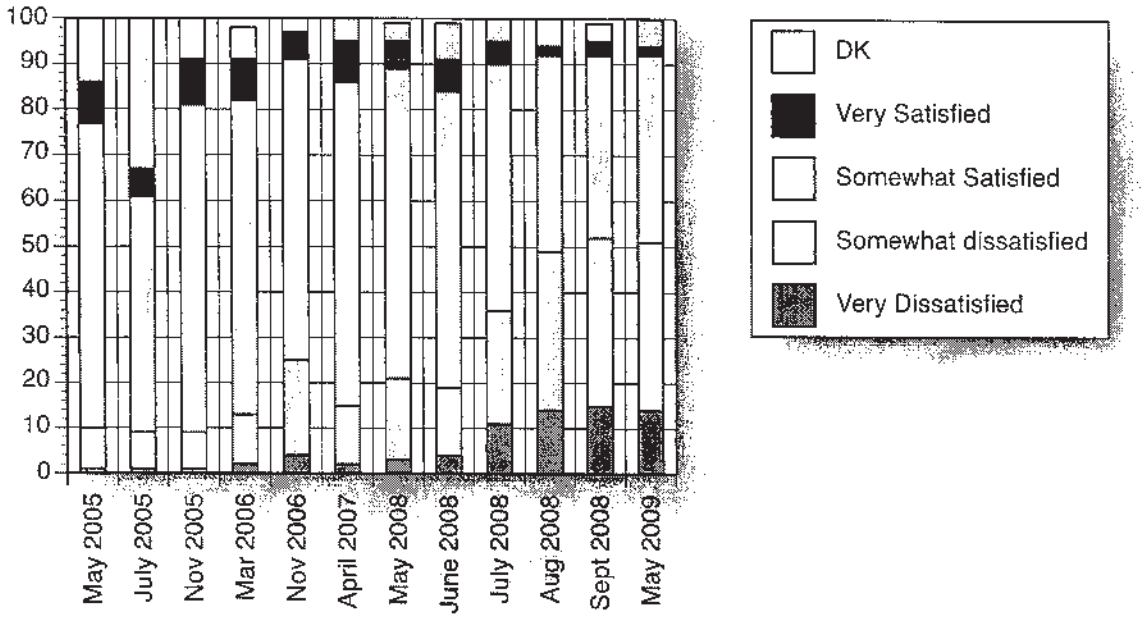


Table 139

	Very Dissatisfied	Somewhat dissatisfied	Somewhat Satisfied	Very Satisfied	DK
May 2005	1	9	67	9	15
July 2005	1	8	52	6	33
Nov 2005	1	8	72	10	9
Mar 2006	2	11	69	9	7
Nov 2006	4	21	66	6	4
April 2007	2	13	71	9	6
May 2008	3	18	68	6	4
June 2008	4	15	65	7	8
July 2008	11	25	54	5	6
Aug 2008	14	35	43	2	6
Sept 2008	15	37	40	3	4
May 2009	14	37	41	2	6

FINDING: *There is deterioration in satisfaction with the Hong Kong Government's handling of relations with Mainland China. But whereas once these were largely attributable to issues of political reform, today they are more matters of Hong Kong being left out of mainland economic planning and the Government not being aggressive enough in cooperating with mainland development. There has been no drop in satisfaction, for example, with how Beijing handles Hong Kong affairs or in how it rules China. The problem appears to be on the Hong Kong side.*

Chart 140 Are you currently satisfied or dissatisfied with the performance of the Hong Kong Government (SAR government) in dealing with the PRC Government?

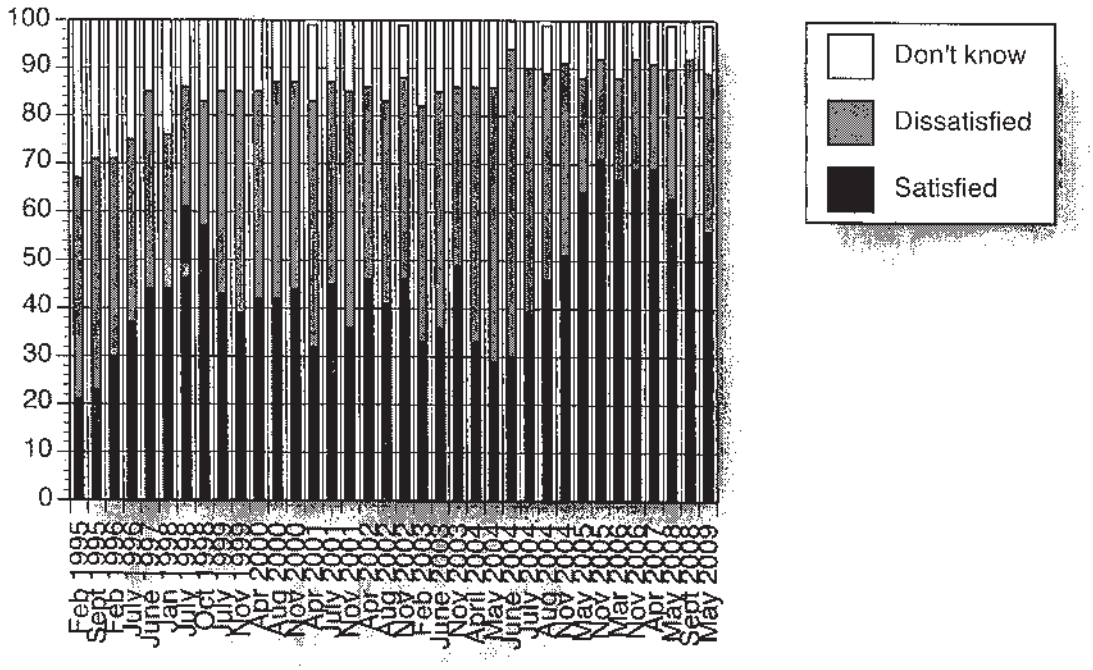


Table 140

	Satisfied	Dissatisfied	Don't know
Feb 1995	21	46	33
Sept 1995	23	48	29
Feb 1996	30	41	29
July 1996	37	38	25
June 1997	44	41	15
Jan 1998	44	32	24
July 1998	61	25	14
Oct 1998	57	26	17
July 1999	43	42	15
Nov 1999	39	46	15
Apr 2000	42	43	15
Aug 2000	42	45	13
Nov 2000	44	43	13
Apr 2001	32	51	17
July 2001	45	42	13
Nov 2001	36	49	16
Apr 2002	46	40	14
Aug 2002	41	42	18
Nov 2002	46	42	11
Feb 2003	33	49	18
June 2003	36	49	15
Nov 2003	49	37	14
April 2004	33	53	14
May 2004	29	57	15
June 2004	30	64	7
July 2004	39	51	10
Aug 2004	46	43	10
Nov 2004	51	40	9
May 2005	64	24	12
Nov 2005	71	21	9
Mar 2006	67	21	12
Nov 2006	69	23	9
Apr 2007	69	22	10
May 2008	63	27	9
Sept 2008	59	33	8
May 2009	56	33	10

Chart/Table 141 Are you currently satisfied or dissatisfied with the performance of the PRC GOV in dealing with Hong Kong affairs

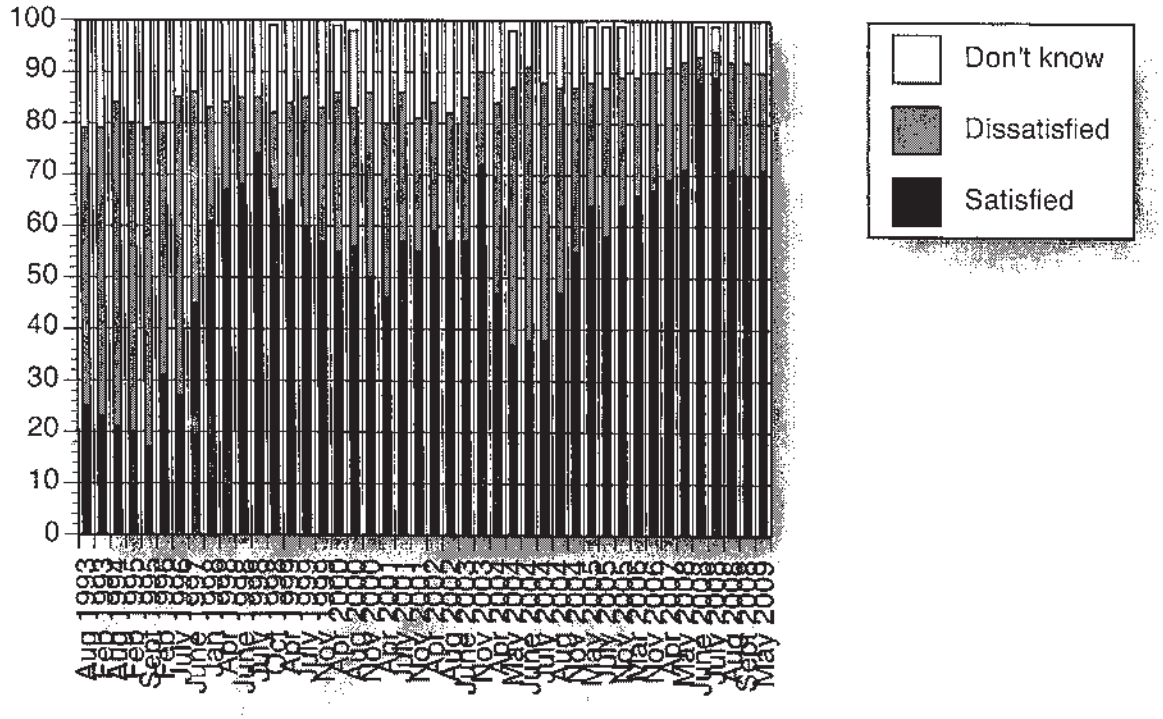
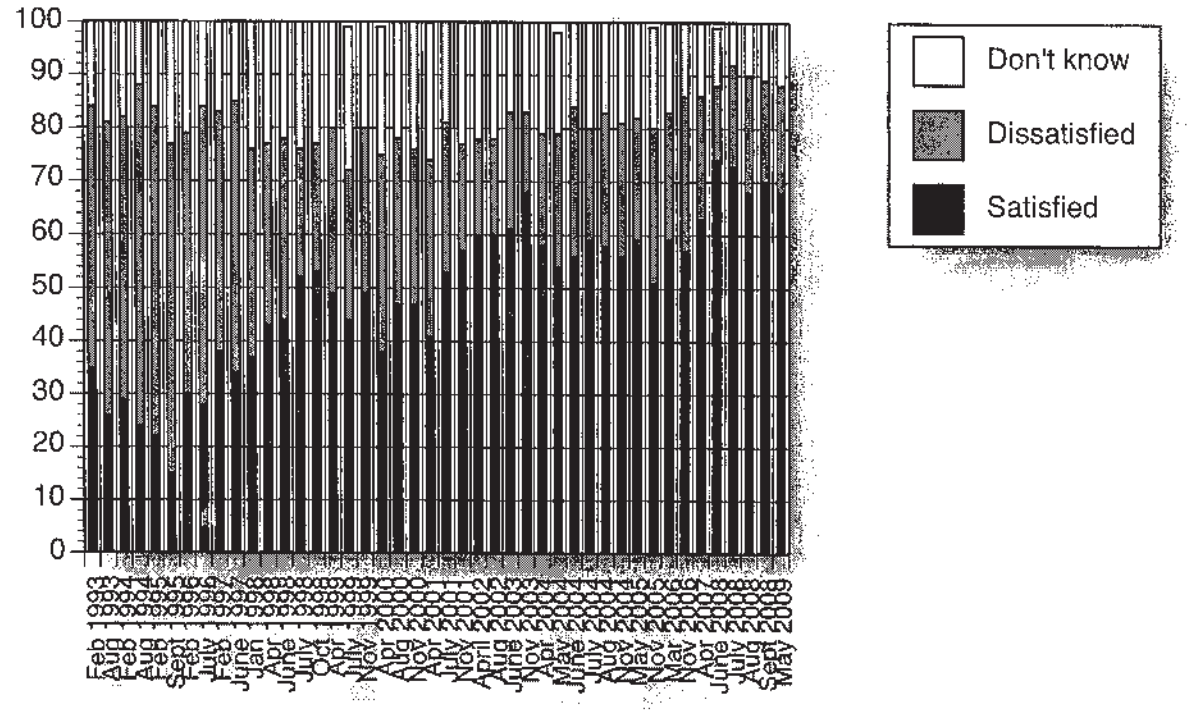


Chart 142 Are you currently satisfied or dissatisfied with the performance of the PRC GOV in ruling China?



Levels of concern with specific issues

Table 143 and Chart/Table 144 compare levels of concern. The items in red in the tables are those which show significant change between August and May.

Table 143 Are you currently worried or not about these specific aspects affecting you, your family or Hong Kong (Aug 2008):

	Not worried	Slightly worried	Somewhat worried	Very worried	Don't Know
Corruption in Hong Kong	66	21	7	3	2
Your employment situation	67	19	7	6	2
Social unrest & street protests	55	27	12	5	1
The rule of law	58	21	12	7	3
Free press	55	26	11	7	1
Overpopulation	40	25	18	15	2
Competitiveness of Hong Kong	30	36	21	11	2
Air & water pollution	10	24	33	31	1

Chart/Table 144 Are you currently worried or not about these specific aspects affecting you, your family or Hong Kong (May 2009):

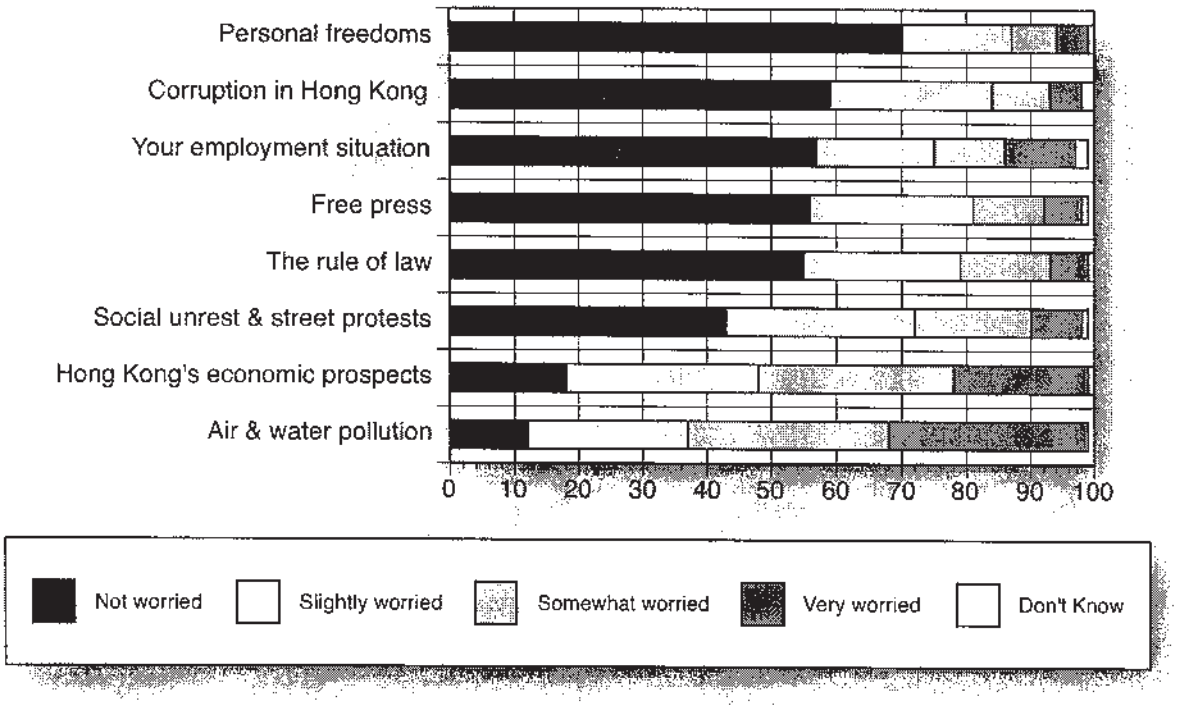


Table 144

	Not worried	Slightly worried	Somewhat worried	Very worried	Don't Know
Corruption in Hong Kong	59	25	9	5	2
Your employment situation	57	18	11	11	2
Social unrest & street protests	43	29	18	8	1
The rule of law	55	24	14	6	1
Free press	56	25	11	6	1
Overpopulation (not asked in May)	-	-	-	-	-
Hong Kong's economic prospects	18	30	30	21	1
Personal freedoms	70	17	7	5	1
Air & water pollution	12	25	31	31	--

Table 145 shows that while worry about corruption has risen from August 2008, it comes last in the rank of worries, with only 1 percent of respondents putting it as their greatest worry.

Table 145 Of the worries mentioned, which worries you the most?

	Not worried
Hong Kong's economic prospects	34
The rule of law	22
Your employment situation	17
Air and water pollution	9
Free press	3
Personal freedoms	3
Crime	2
Corruption in Hong Kong	1
Don't Know	5

Finding: *The concern ranked number one, Hong Kong's economic prospects, and the concern ranked number two, the rule of law (with crime and corruption rankings last by a negligible number) indicate great anxiety about the Hong Kong Government's primary claim to legitimacy: ensuring rule of law and economic opportunity for its citizens. Consequently, for the Government and people of Hong Kong, working out how to cooperate with mainland China on constitutional reform to protect and promote rule of law and achieving cooperation with the only major economy growing significantly despite the greatest global economic crisis since the Great Depression are both challenges and opportunities of paramount importance.*

X Participation and Patriotism: Citizenship and Identity in Hong Kong

Measuring participation and citizenship

The Hong Kong Transition Project and its members have long focused on questions of how the transition from colonial British to Special Administrative Region Chinese rule would affect the self-identity of Hong Kong people. Would they come to see themselves as simply Chinese and China as their mother country, or would Hong Kongers retain that sense of alienation from the rest of China developed during the years of isolation and Cold War?

This is not just a question of academic interest. Identity and patriotism are often closely linked, and patriotism and citizenship—the willingness of people to sacrifice their self interest for the greater good, their willingness to participate voluntarily in the life of the community, their willingness to participate in governance decision-making in order to make their community a better place for themselves, their neighbors and their children—are at the heart of building a stable, legitimate governing structure. In Hong Kong attitudes toward local and national government have been complex and mixed. Events have driven spikes of identity changes one way and another. Following June 4, 1989 for example, while a wave of patriotism toward China and pride of being Chinese

erupted, it was followed by an exodus of nearly half a million Hong Kongers fleeing overseas to get foreign Right of Abode. While about half returned after 1997 (most of those waiting until 1998 and later to do so) many did not. But today, there are many children of these former Hong Kongers coming here to explore their roots.

In psychology one of the signs of mental health is participation and engagement with others. When people began to distance themselves and withdraw from normal activities, it can be a signal of danger. Similarly, the Hong Kong Transition Project has taken various measurements over the years to see if civic participation is weakening or strengthening. Chart/Table 146 shows that participation continues at a healthy level (several indicators were not polled in May 2009 due to length of this questionnaire). The last three columns of Chart/Table 146 show the responses of all questioned, of those registered to vote, and then of those who are voters in the FCs or who require a certificate or registration to practice their livelihood (see Part One above for discussion of these new professions and registered persons).

FINDING: *Those who vote and particularly those who are members of the FCs and new professions show a higher propensity to participate in the organized civic life of the community.*

Chart/Table 146 Have you attended any meetings or activities of one of the following groups in the last six months? (Read list, Yes answers in chart and table)

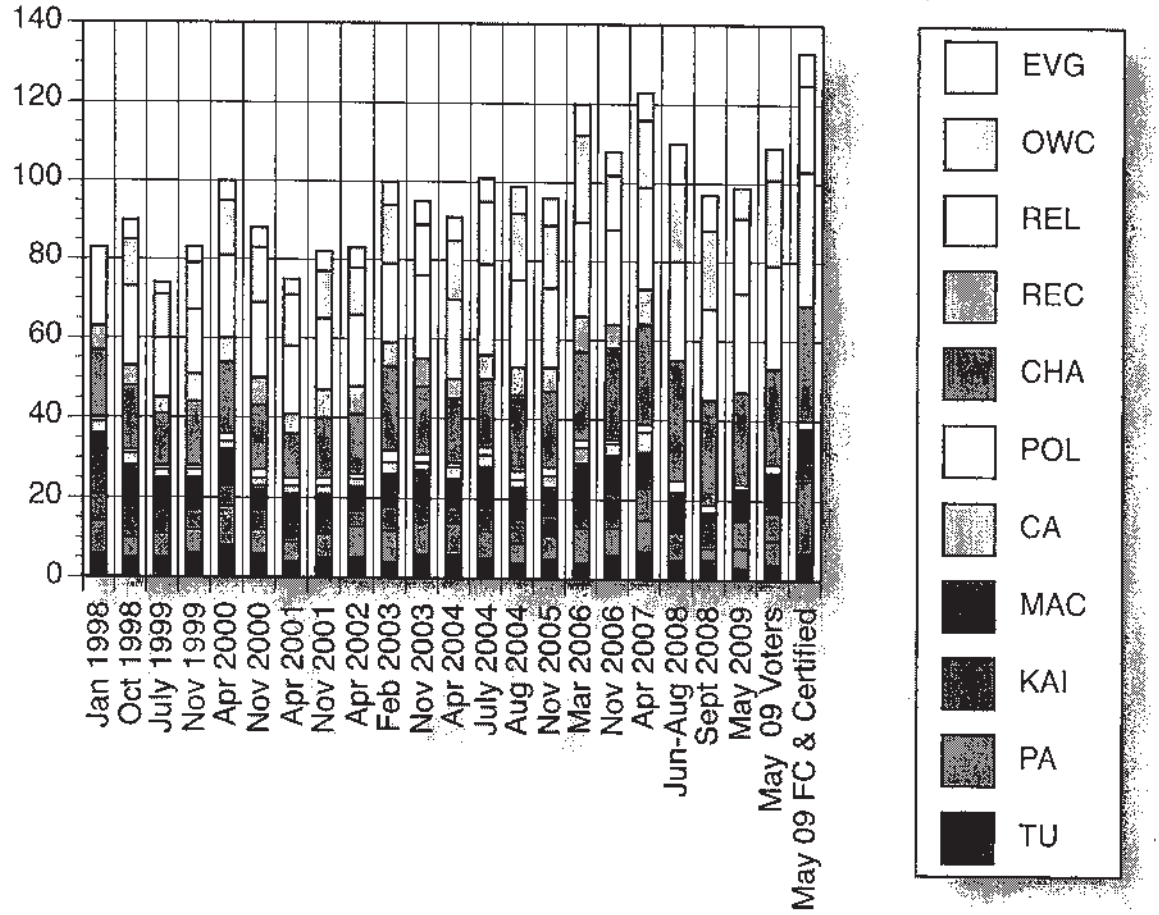


Table 146 Have you attended any meetings or activities of one of the following groups in the last six months? (Percentage reporting membership/ attendance)

	TU	PA	KAI	MAC	CA	POL	CHA	REC	REL	OWC	EVG
Jan 1998	6	8	7	15	3	1	17	6	20		
Oct 1998	5	5	8	10	3	1	16	5	20	12	5
July 1999	5	6	6	8	2	1	13	4	15	11	3
Nov 1999	6	6	5	8	2	1	16	7	16	12	4
Apr 2000	8	10	5	9	2	2	18	6	21	14	5
Nov 2000	6	6	5	6	2	2	16	7	19	14	5
Apr 2001	4	5	5	7	2	2	11	5	17	13	4
Nov 2001	5	6	4	6	2	2	15	7	18	12	5
Apr 2002	5	8	4	6	2	1	15	7	18	12	5
Feb 2003	4	8	6	8	3	3	21	6	20	15	6
Nov 2003	6	8	5	8	2	2	17	7	21	13	6
Apr 2004	6	8	4	7	3	1	16	5	20	15	6
July 2004	5	7	6	10	3	2	17	6	23	16	6
Aug 2004	4	5	6	8	2	2	19	7	22	17	7
Nov 2005	5	6	5	7	3	2	19	6	20	16	7
Mar 2006	4	9	6	10	4	2	22	9	24	22	8
Nov 2006	6	7	9	9	3	1	23	6	24	14	6
Apr 2007	7	8	8	9	5	2	25	9	26	17	7
Jun-Aug 2008	5	7	NA	10	NA	3	30	NA	25	20	10
Sept 2008	5	3	NA	9	NA	2	26	NA	23	20	9
May 2009	3	5	7	8	NA	1	23	NA	25	19	8
May 09 Voters	4	6	7	10	NA	2	24	NA	26	22	8
May 09 FC & Certified	7	18	5	8	NA	2	29	NA	34	22	8

KEY	ABBREV.
Trade Union	**TU**
Professional association	**PA**
Kaifong	**KAI**
Mutual Aid Committee	**MAC**
Clan Association	**CA**
Political/pressure group	**POL**
Charitable Association	**CHA**
Recreational & cultural group	**REC**
Religious group or church	**REL**
Owner's corporation	**OWC**
Environmental group	**EVG**

Similarly to the bank of questions above, Chart/Table 147 has results of a series of questions that examine the health of the formal and informal systems of governance. A withdrawal of participation in contacting government departments or Legco members for help or to express concern would be a symptom to watch. A rise in informal processes such as demonstrations and contacting the media matching a fall in formal processes would signal trouble. We saw a very steep drop in signature campaign participation the year prior to the July 2003 crisis (which saw a huge leap in participation in protests). Signature campaigns are supported when people feel the government will listen to them. Protests and marches are supported when people feel government will not.

The last two columns of the chart and table compare all respondents to the FC voter and certified persons responses. These show higher rates of contacting government departments, signing petitions, and marching in protests than the average person among the FC registered voters and those most like them.

Chart/Table 147 Did you express concern or seek help from any of the following groups in the past 12 months? (% Yes responses only)

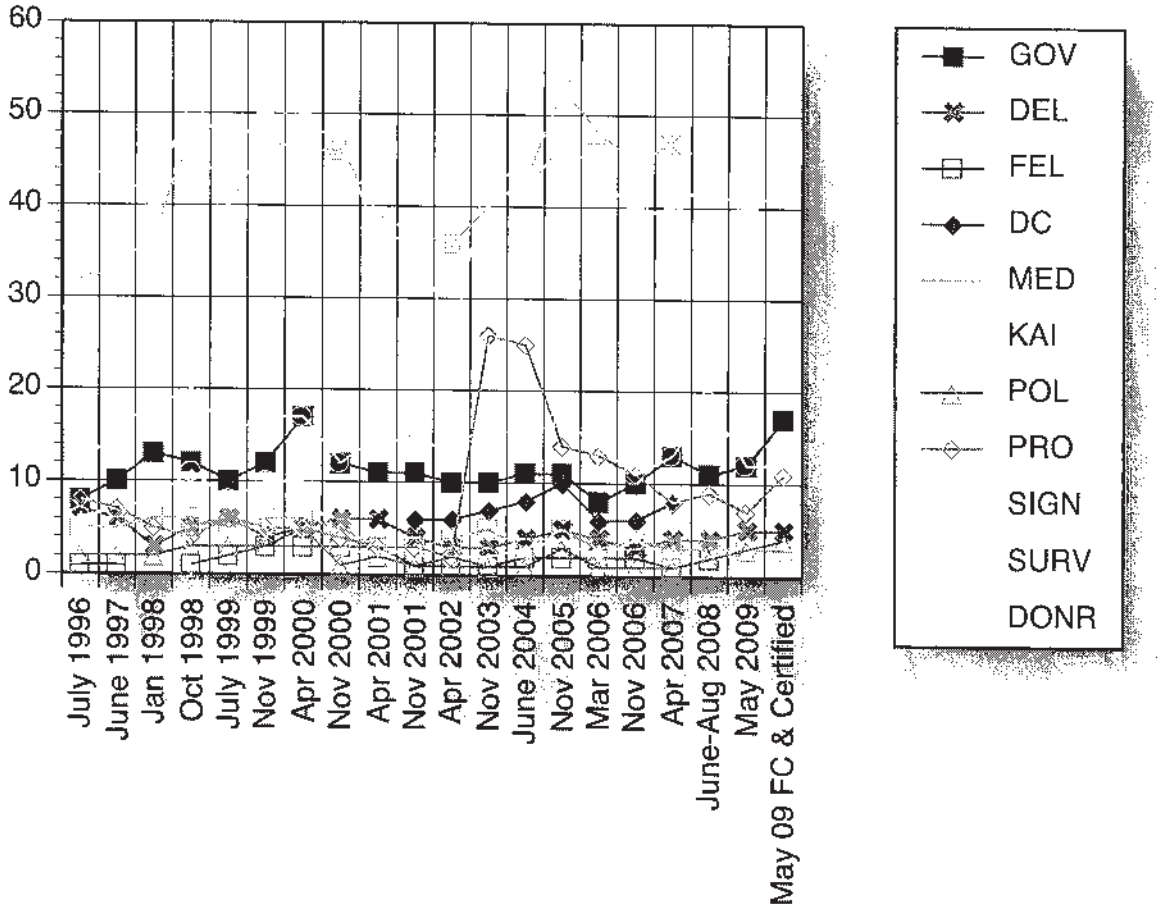


Table 147

	GOV	DEL	FEL	DC	MED	KAI	POL	PRO	SIGN	SURV	DONR
July 1996	8	7	1		5	6	2	8	44	32	11
June 1997	10	6	1		5	7	2	7	43	33	16
Jan 1998	13	3	--		6	8	2	5	41	37	18
Oct 1998	12	5	1		6	11	3	4	52	48	20
July 1999	10	6	2		5	8	3	6	45	40	15
Nov 1999	12	4	3		6	10	3	5	51	47	17
Apr 2000	17	5	3		6	10	5	5	49	46	17
Nov 2000	12	6	3		5	3	1	4	47	46	12
Apr 2001	11	6	3		3	2	2	3	36	39	15
Nov 2001	11	4	1	6	3	3	1	3	37	37	14
Apr 2002	10	3	1	6	4	2	2	2	25	36	14
Nov 2003	10	3	1	7	5	2	1	26	45	40	16
June 2004	11	4	2	8	3	3	1	25	42	43	15
Nov 2005	11	5	2	10	5	4	3	14	47	53	17
Mar 2006	8	4	2	6	3	2	1	13	44	48	14
Nov 2006	10	3	2	6	4	4	1	11	39	45	11
Apr 2007	13	4	1	8	3	2	1	8	40	47	13
June-Aug 2008	11	4	2		3		2	9	43		19
May 2009	12	5	NA	NA	3	NA	3	7	39	NA	12
May 09 FC & Certified	17	5	NA	NA	3	NA	4	11	43	NA	12

***Key on next page**

KEY Table 66	ABBREVIATION
Contact Government Dept.	GOV
Contact Direct Elected Legco rep.	DEL
Contact Legco Funct Rep.	FEL
Contact District Council/Dist officer	DC
Contact Mass Media	MED
Contact local group/Kaifong	KAI
Contact pressure/pol. group	POL
Demonstrate/protest	PRO
Signature Campaign	SIGN
Opinion survey	SURV
Donate to pol. party/pol group	DONR

Measuring attitudes and citizenship

The two tables above show results for questions that probe actions respondents take. Just as important are attitudes, and few are more important in the life of a community than feelings of patriotism and its love of country, community, and culture. Chart/Table 148 probes the condition of attitudes toward China's national day while Chart/Table 149 examines identity. This section then examines the intersection and interaction of feelings of patriotism and identity with other aspects.

Chart/Table 148 How does the celebration of 1st Oct National Day make you feel?

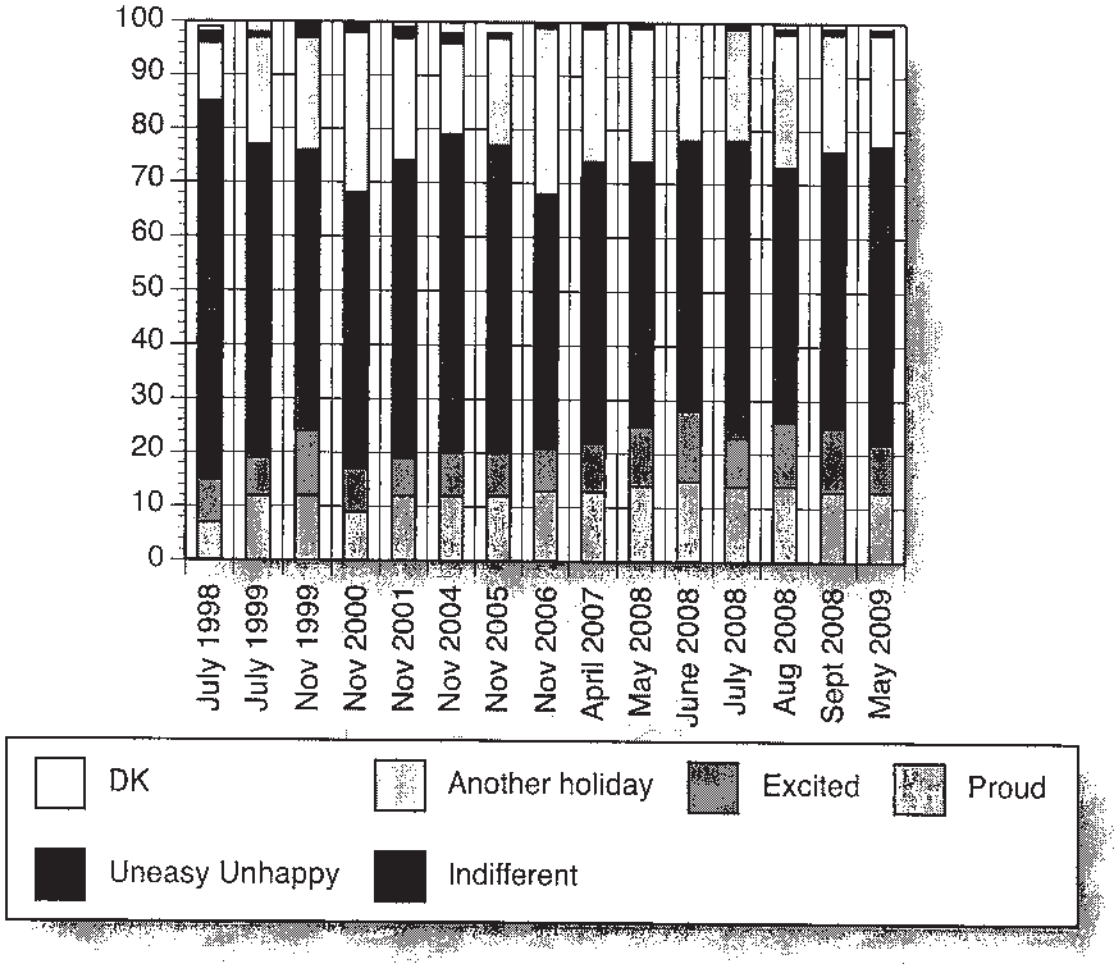
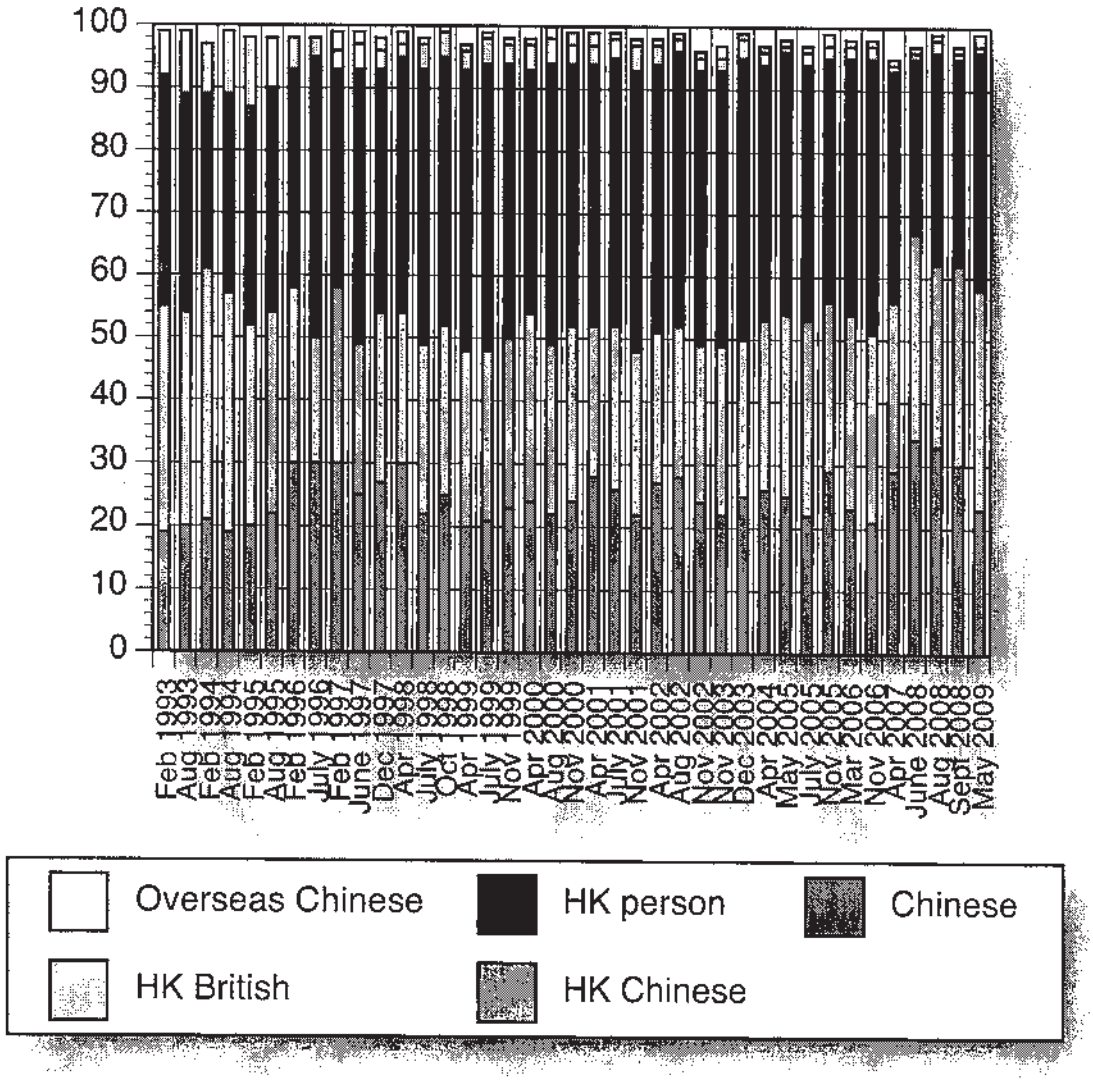


Table 148

	Indifferent	Proud	Excited	Another holiday	Uneasy Unhappy	DK
July 1998	70	7	8	11	2	1
July 1999	58	12	7	20	1	2
Nov 1999	52	12	12	21	2	1
Nov 2000	51	9	8	30	2	-
Nov 2001	55	12	7	23	2	1
Nov 2004	59	12	8	17	2	2
Nov 2005	57	12	8	20	1	--
Nov 2006	47	13	8	31	1	2
April 2007	52	13	9	25	1	1
May 2008	49	14	11	25	1	1
June 2008	50	15	13	22	1	--
July 2008	55	14	9	21	1	--
Aug 2008	47	14	12	25	1	1
Sept 2008	51	13	12	22	1	1
May 2009	55	13	9	21	1	--

Chart/Table 149 The following is a list of how you might describe yourself. Which is the most appropriate description of you?



*Others removed in chart

Table 149

	Chinese	HK Chinese	HK person	HK British	Overseas Chinese	Others
Feb 1993	19	36	37	7		1
Aug 1993	20	34	35	10		1
Feb 1994	21	40	28	8		1
Aug 1994	19	38	32	10		1
Feb 1995	20	32	35	11		1
Aug 1995	22	32	36	8		1
Feb 1996	30	28	35	5		2
July 1996	30	20	45	3		2
Feb 1997	30	28	35	3	3	1
June 1997	25	24	44	4	2	1
Dec 1997	27	27	39	3	2	2
Apr 1998	30	24	41	2	2	2
July 1998	22	27	44	4	1	1
Oct 1998	25	27	43	4	1	1
Apr 1999	20	28	45	3	1	2
July 1999	21	27	46	4	1	1
Nov 1999	23	27	44	3	1	2
Apr 2000	24	30	39	4	1	2
Aug 2000	22	27	45	4	2	1
Nov 2000	24	28	42	3	2	2
Apr 2001	28	24	42	3	2	2
July 2001	26	26	43	3	1	2
Nov 2001	22	26	45	4	1	2
Apr 2002	27	24	43	3	1	2
Aug 2002	28	24	44	2	1	1
Nov 2002	24	25	44	2	1	3
Nov 2003	22	27	44	2	2	4
Dec 2003	25	25	45	3	1	2
Apr 2004	26	27	41	2	1	2
May 2005	25	29	42	1	1	1
July 2005	22	31	41	2	1	2
Nov 2005	29	27	39	2	2	2
Mar 2006	23	31	41	2	1	3
Nov 2006	21	30	44	2	1	2
Apr 2007	29	27	37	1	1	4
June 2008	34	33	28	1	1	2
Aug 2008	33	29	34	2	1	2
Sept 2008	30	32	33	1	1	3
May 2009	23	35	38	1	2	2

Chart/Table 150 How does the celebration of 1st Oct National Day make you feel? May 09

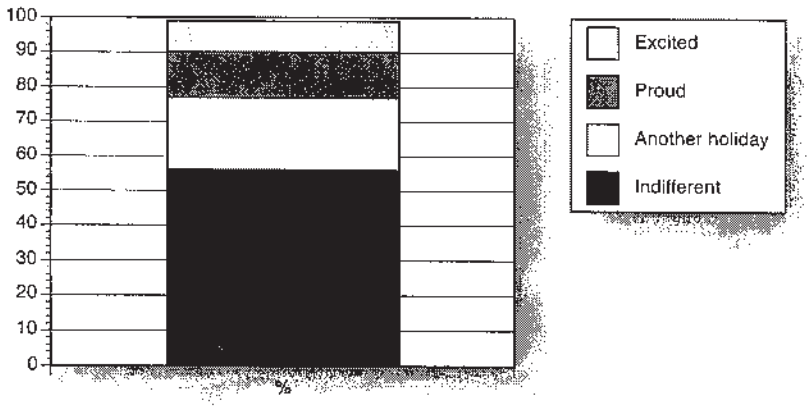


Table 150

Group	Count	%
Indifferent	680	56
Proud	159	13
Excited	108	9
Another holiday	257	21

FINDING: *Choosing to describe one's identity as Chinese correlates most strongly with descriptions of feeling proud and excited on China's National Day. However, even among those saying they are Chinese, such feelings are in the minority with 37 percent of self described Chinese identity feeling proud and excited. Among those describing themselves as a Hong Kong person such feelings occur among 13 percent.*

Chart/Table 151 Identity BY Feelings on China's National Day

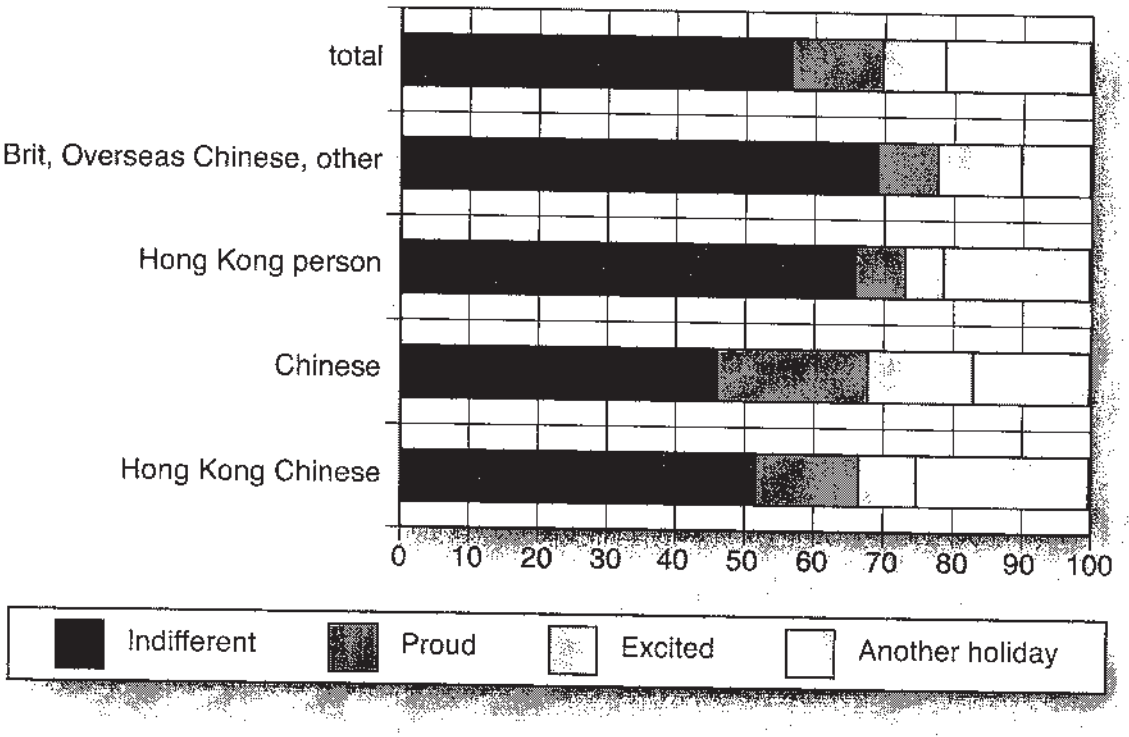


Table 151

	Hong Kong Chinese	Chinese	Hong Kong person	Brit, Overseas Chinese, other	total
Indifferent	52	46	66	69	57
Proud	15	22	7	9	13
Excited	8	15	6	12	9
Another holiday	25	17	22	10	21
total	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 71.74 with 9 df $p \leq 0.0001$

In part, the feelings above among those calling themselves Hong Kong person can be explained by birthplace, for where and when one is born affects emotions. Most Hong Kongers were born when China was not their official mother country. And while few born before 1997 felt Britain was their mother country, many fastened upon Hong Kong as its own unique place. But even many born on Mainland China show little emotional

response to China's National Day, so clearly for most respondents, feelings depend or derive from something more than birthplace. Identity shows stronger association with birthplace than emotions toward National Day, so there appears to be some distinction between a cultural affinity and a political one.

Chart/Table 152 Feelings on China's National Day BY Birthplace

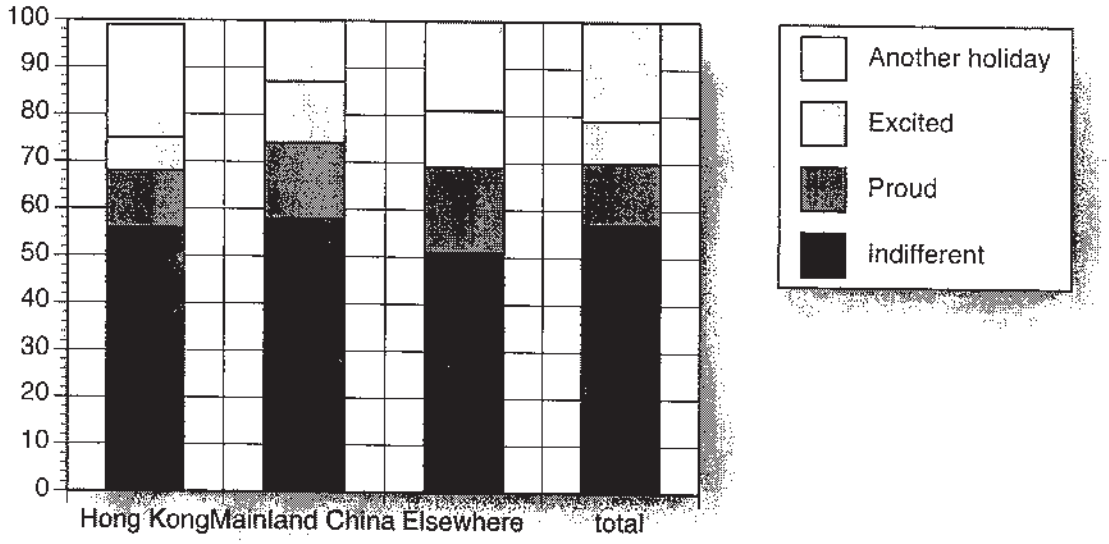


Table 152

	Hong Kong	Mainland China	Elsewhere	total
Indifferent	56	58	51	57
Proud	12	16	18	13
Excited	7	13	12	9
Another holiday	24	13	20	21
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 22.93 with 6 df p = 0.0008

Chart/Table 153 Identity BY Birthplace

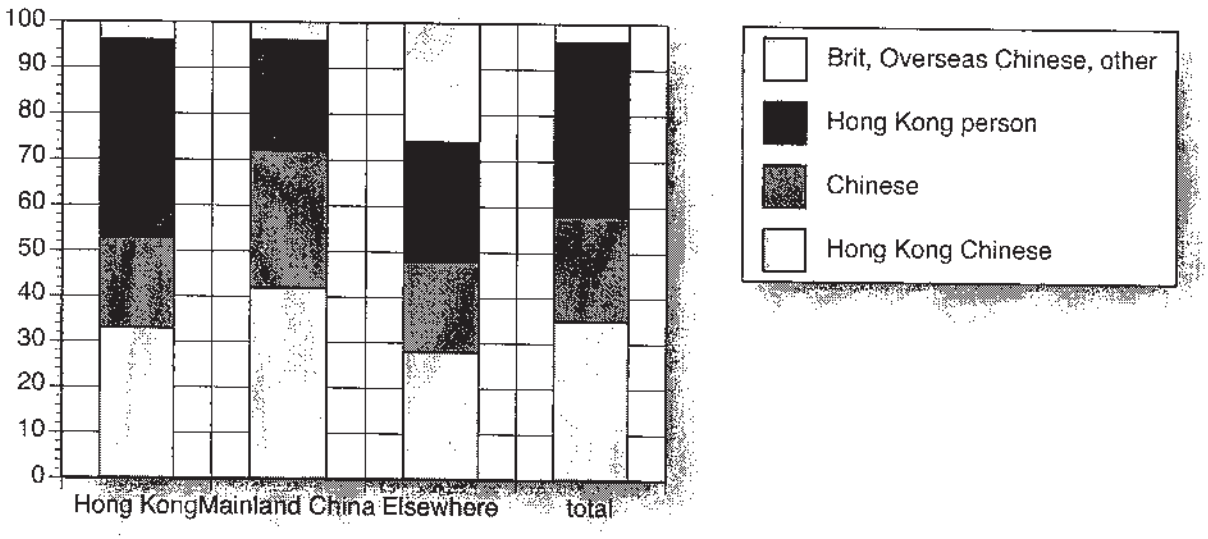


Table 153

	Hong Kong	Mainland China	Elsewhere	total
Hong Kong Chinese	33	42	28	35
Chinese	20	30	20	23
Hong Kong person	43	24	26	38
Brit, Overseas Chinese, other	4	4	28	5
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 94.36 with 6 df $p \leq 0.0001$

In many countries there is what is called identity politics. How people identify themselves whether by sexual orientation, ethnicity, origin, religion and so on plays a big role in which political party they choose to join or support. What is the case in Hong Kong?

FINDING: *There appears to be a very limited degree of identity politics going on between the DAB and the DP, but not among other parties though the LSD shows stronger support among those describing themselves as Hong Kong British or Overseas Chinese.*

Chart/Table 154 Which party best represents BY Identity choices

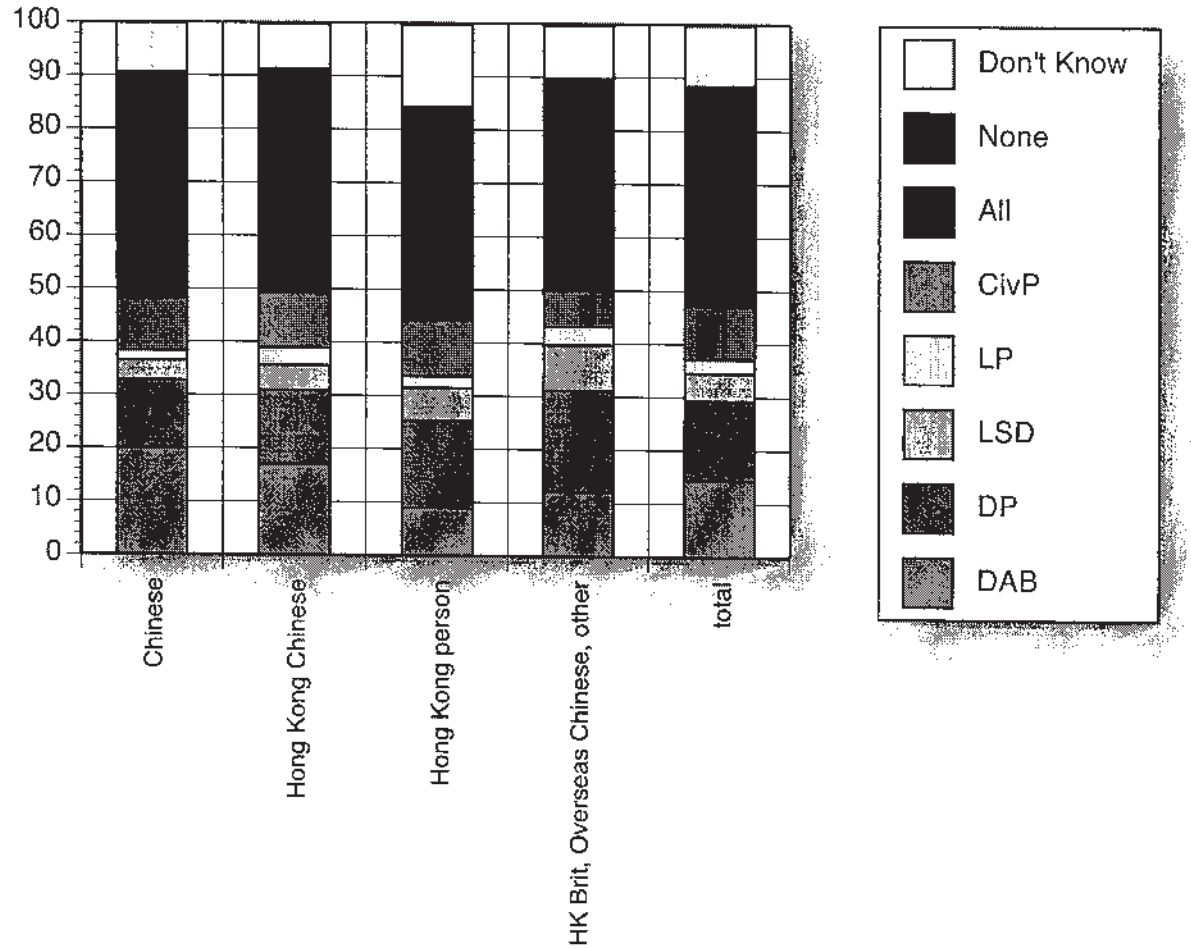


Table 154

	Chinese	Hong Kong Chinese	Hong Kong person	Hong Kong British, Overseas Chinese, other	total
DAB	20	17	9	12	14
DP	13	14	16	19	15
LSD	4	5	6	9	5
LP	2	3	2	3	3
CivP	10	10	11	7	10
All	1	3	3	2	2
None	41	40	37	38	39
Don't Know	10	9	16	10	12
total	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 39.41 with 21 df p = 0.0088

The order of responses for Chinese and Hong Kong Chinese is switched place in Table 154 and the Chart to heighten contrast between those describing themselves as Chinese versus those as Hong Kong person. Chart/Table 154 showed the distribution of party choice by identity. Chart/Table 155 shows the distribution by party of identity choice. So is there a "Chinese" party or a "Hong Kong person" party in Hong Kong? Even the DAB, the supposedly most "pro-China" party, shows less than a third of people who see it as best representing them say their identity is Chinese. Only "Don't Know" respondents show a majority calling themselves by an identity: Hong Kong persons.

Chart/Table 155 Distribution of Identities BY Party best represents

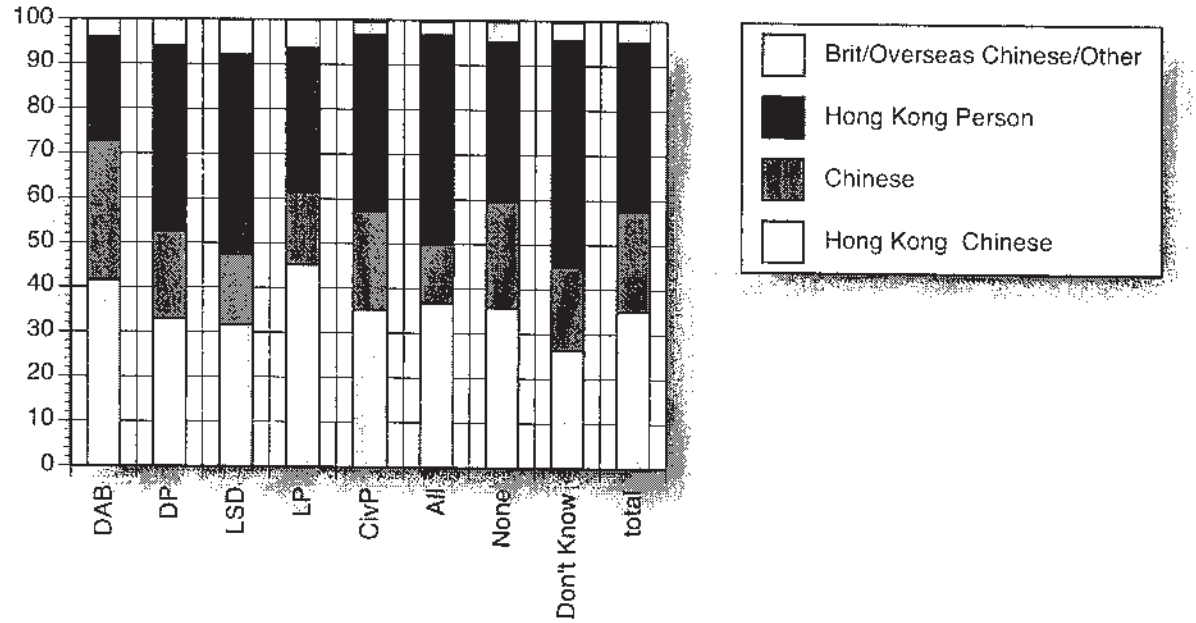


Table 155

	DAB	DP	LSD	LP	CivP	All	None	Don't Know	total
Hong Kong Chinese	42	33	32	45	35	37	36	26	35
Chinese	31	20	16	16	22	13	24	19	23
Hong Kong Person	23	41	44	32	39	47	36	51	38
Brit/Overseas Chinese/Other	4	6	8	6	3	3	5	4	5
total	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 39.41 with 21 df p = 0.0088

Chart/Table 156 Satisfaction with DAB BY Feelings on National Day

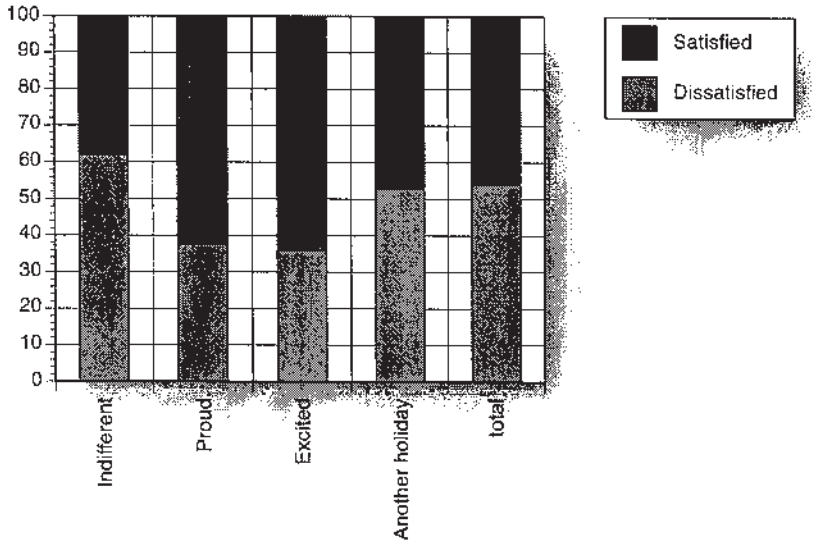


Table 156

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	62	38	36	53	54
Satisfied	38	62	64	47	46
total	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 41.09 with 3 df $p \leq 0.0001$

Table 157 Satisfaction with FTU BY Feelings on National Day

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	49	26	35	41	43
Satisfied	51	74	65	59	57
total	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 24.64 with 3 df $p \leq 0.0001$

Chart/Table 158 Satisfaction with LP BY Feelings on National Day

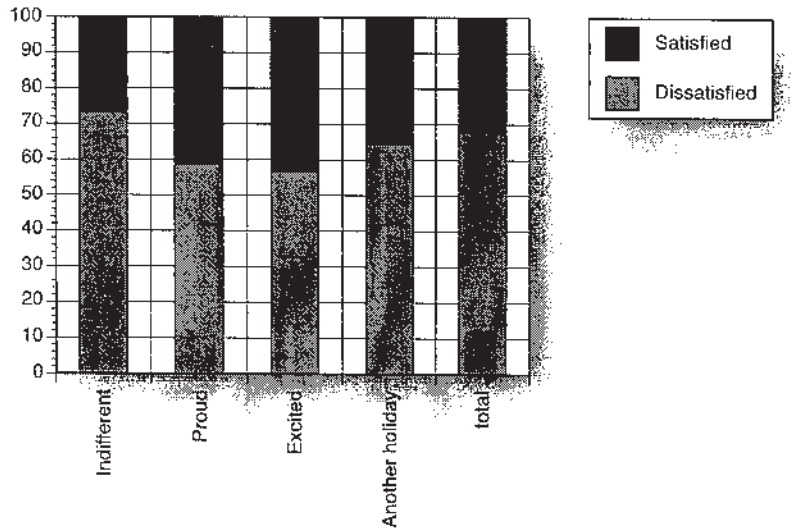


Table 158

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	73	59	57	65	68
Satisfied	27	41	44	36	32
total	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 17.35 with 3 df p = 0.0006

FINDING: *The pro-government parties DAB, FTU and LP show some relationship between satisfaction with their performance and feelings on China's National Day, with those describing themselves proud or excited tending to be more satisfied. The opposite is the case for pro-democracy parties.*

Chart/Table 159 Satisfaction with DP BY Feelings on National Day

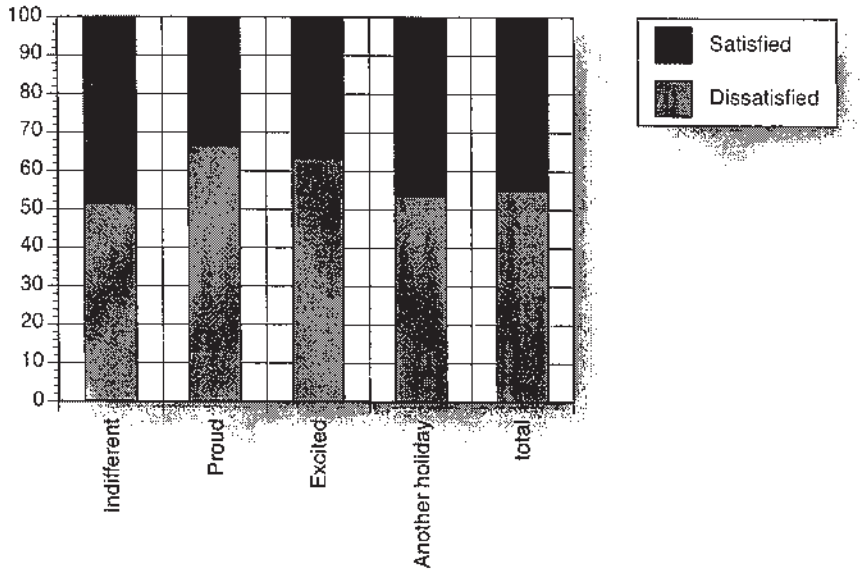


Table 159

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	51	66	63	54	55
Satisfied	49	34	37	46	45
total	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 13.23 with 3 df p = 0.0042

Table 160 Satisfaction with CTU BY Feelings on National Day

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	44	55	50	42	45
Satisfied	56	45	50	58	55
total	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 7.345 with 3 df p = 0.0617

Chart/Table 161 Satisfaction with LSD BY Feelings on National Day

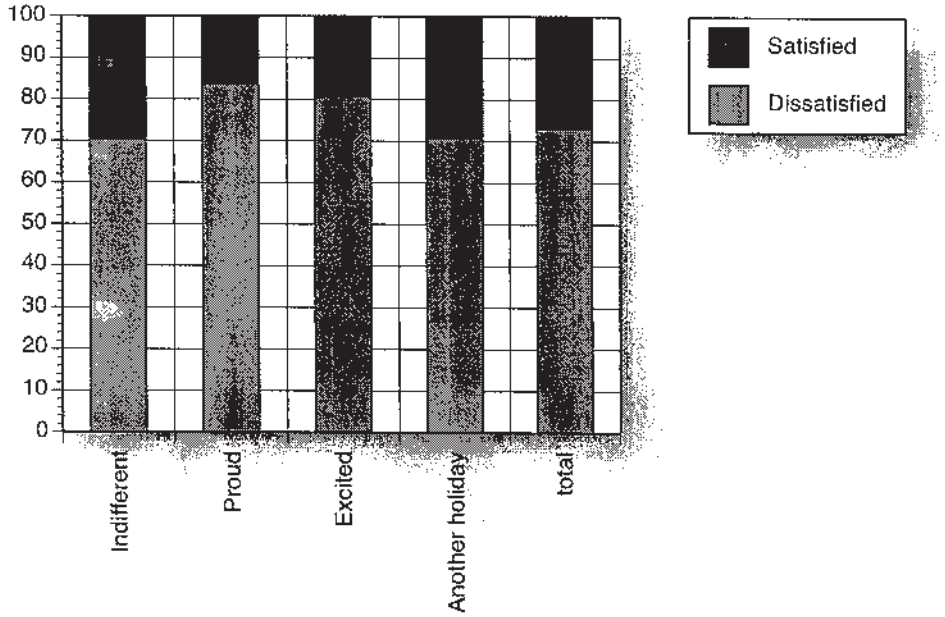


Table 161

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	70	84	81	71	73
Satisfied	30	16	19	29	27
total	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 13.25 with 3 df p = 0.0041

Chart/Table 162 Satisfaction with CivP BY Feelings on National Day

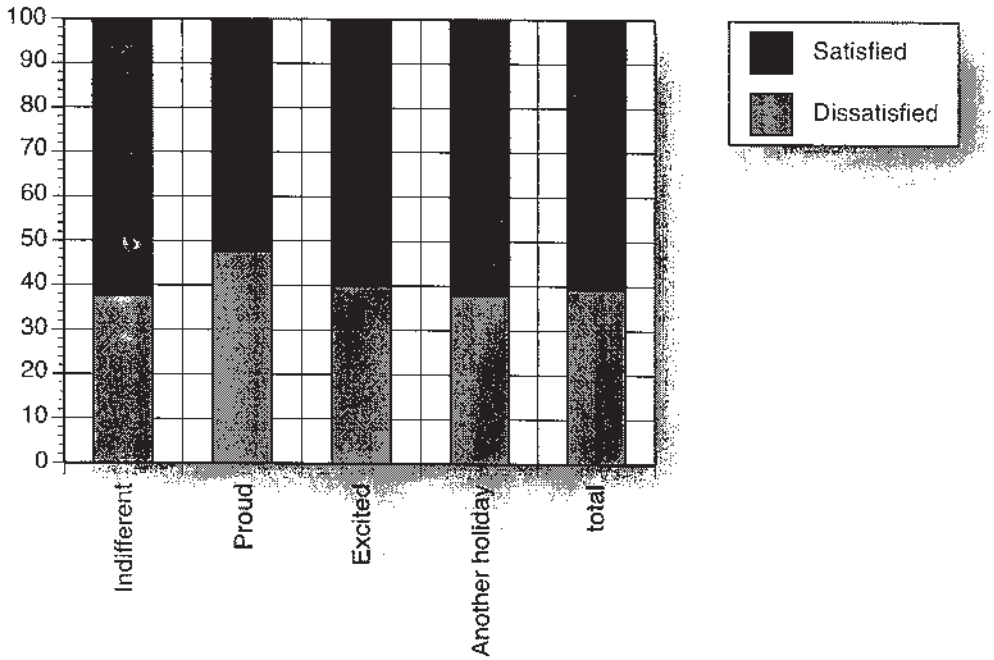


Table 162

	Indifferent	Proud	Excited	Another holiday	total
Dissatisfied	38	48	40	38	39
Satisfied	62	52	60	62	61
total	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 4.544 with 3 df p = 0.2084

While feelings on National Day has a discernable but not major effect on satisfaction with most political parties, what other demographic factors are associated? Gender and Religion do show some association, with Buddhists and Taoist adherents showing somewhat higher proportions feeling proud and excited than other groups.

Table 163 Feelings on National Day BY Gender

	Male	Female	total
Indifferent	57	56	57
Proud	16	11	13
Excited	8	10	9
Another holiday	19	24	21
total	100	100	100

table contents: Percent of Column Total
Chi-square = 8.774 with 3 df p = 0.0325

Chart/Table 164 Feelings on National Day BY Religion

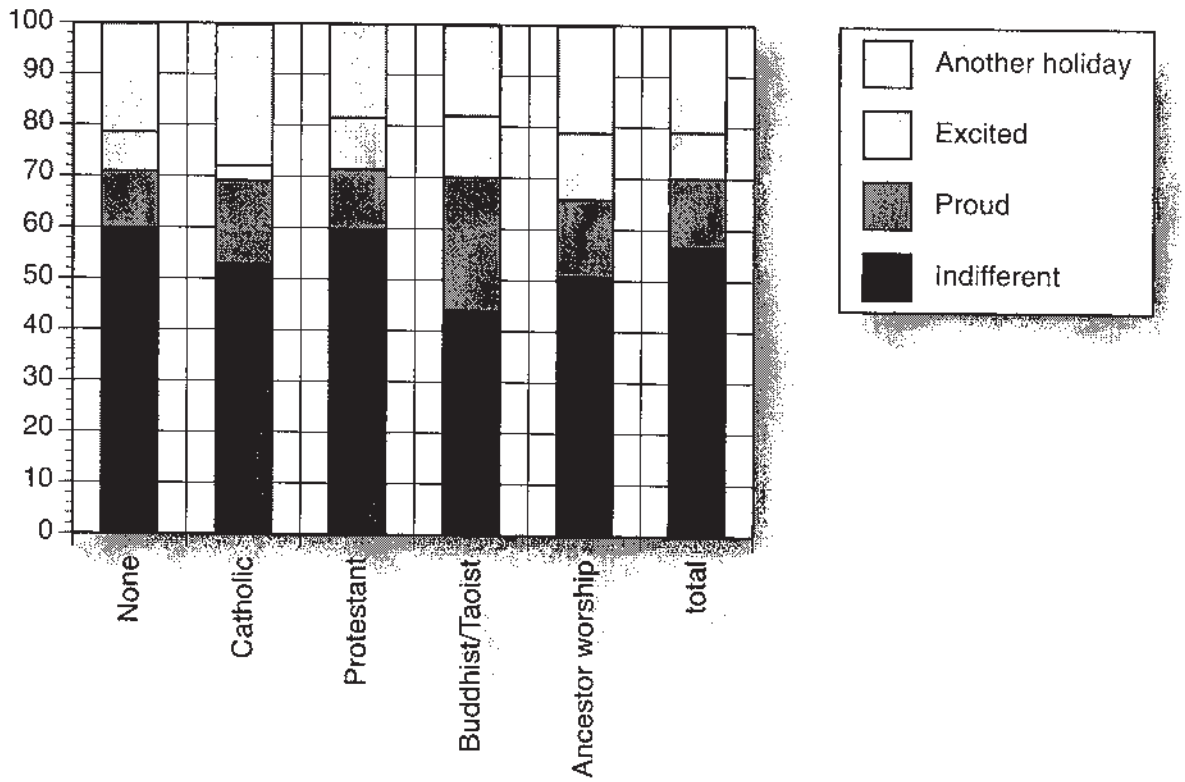


Table 164

	None	Catholic	Protestant	Buddhist/Taoist	Ancestor worship	total
Indifferent	60	53	60	44	51	57
Proud	11	16	12	26	15	13
Excited	8	3	10	12	13	9
Another holiday	22	28	19	18	21	21
total	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 32.95 with 12 df p = 0.0010

Chart/Table 165 shows there is a much higher proportion of respondents over age 50 than under who have feelings of pride and excitement on China's National Day. Feelings of pride and excitement also tend to diminish as education level goes up. (Table 166)

Chart/Table 165 Feelings on National Day BY Age group Under/Over 50

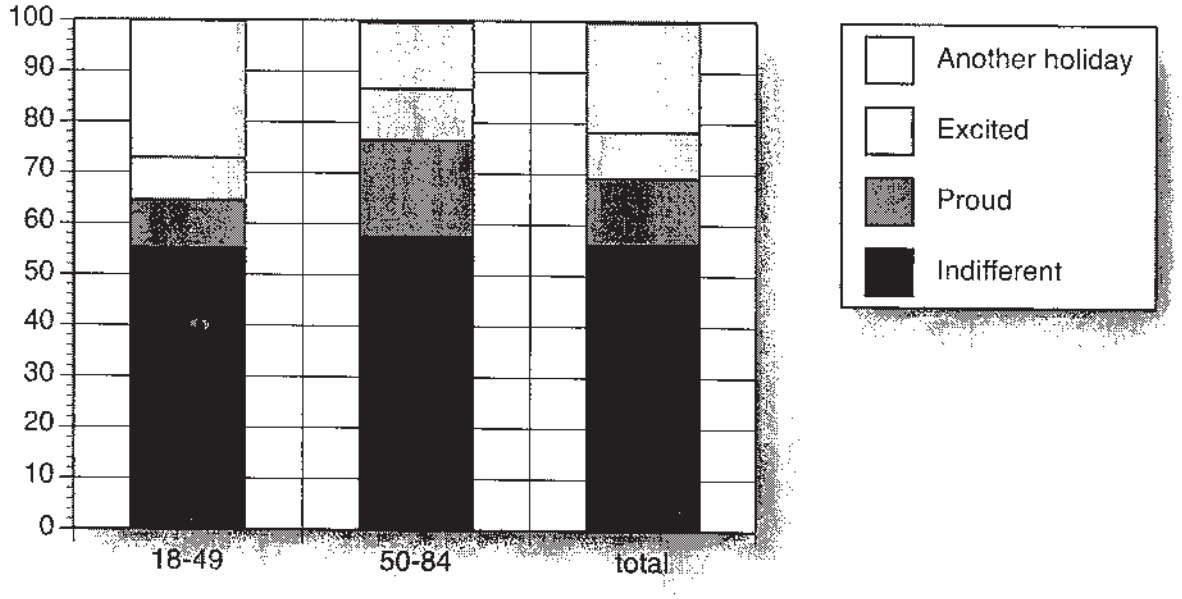


Table 165

	18-49	50-84	total
Indifferent	55	58	56
Proud	9	19	13
Excited	8	10	9
Another holiday	27	13	22
total	100	100	100

table contents: Percent of Column Total
Chi-square = 45.47 with 3 df p ≤ 0.0001

Table 166 Feelings on National Day BY Years of Education

	0-6	7-8-9	10-11	12-13	14-15-16	17-18	total
Indifferent	55	60	59	56	53	63	56
Proud	20	16	11	14	12	13	13
Excited	14	9	9	10	8	2	9
Another holiday	12	15	22	20	28	22	21
total	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 35.04 with 15 df p = 0.0024

FINDING: *Retirees feel most proud on National Day, Students feel least pride and excitement. There is no relationship between feelings on National Day and income.*

Chart/Table 167 Feelings on National Day BY Occupation (Ranked by Proud)

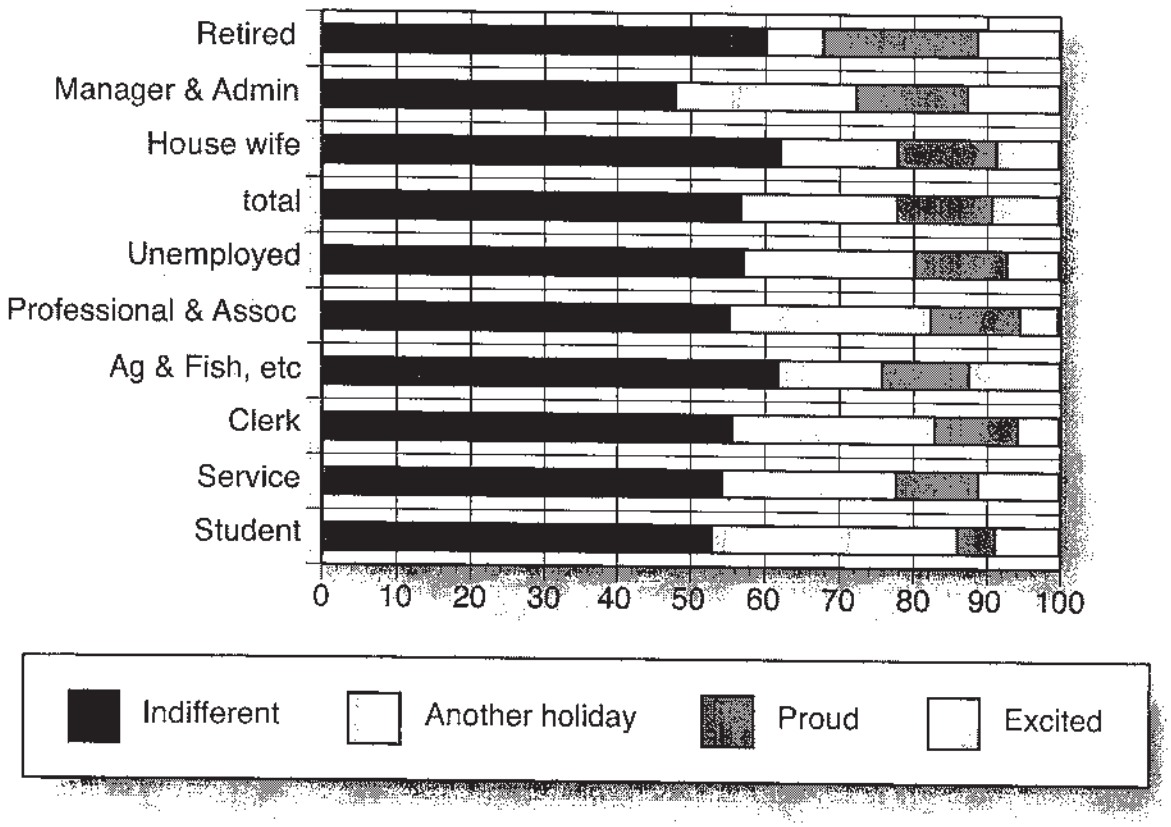


Table 167

	Manager & Admin	Profesinal & Assoc	Clerk	Service	Ag & Fish, etc	House wife	Retired	Un employed	Student	total
Indifferent	48	55	56	54	62	62	60	57	53	57
Proud	15	12	11	11	12	13	21	13	5	13
Excited	13	5	6	11	13	9	11	7	9	9
Another holiday	24	27	28	24	14	16	8	23	33	21
total	100	100	100	100	100	100	100	100	100	100

table contents: Percent of Column Total
Chi-square = 65.14 with 24 df $p \leq 0.0001$

The rich are no more patriotic than the poor, nor the opposite.

Table 168 Feelings on National Day by Income Group

	Under $50,000 p month	Over $50,000 p month	Refused to say	total
Indifferent	57	55	57	57
Proud	14	11	12	13
Excited	9	9	8	9
Another holiday	21	24	23	21
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 2.012 with 6 df $p = 0.9186$ NO ASSOCIATION

FINDING: *Feelings on National Day of Pride and Excitement tend to be associated with higher levels of satisfaction with the performance of the Government and with the CE.*

Chart/Table 169 Feelings on National Day BY Satisfaction with performance of Hong Kong Government

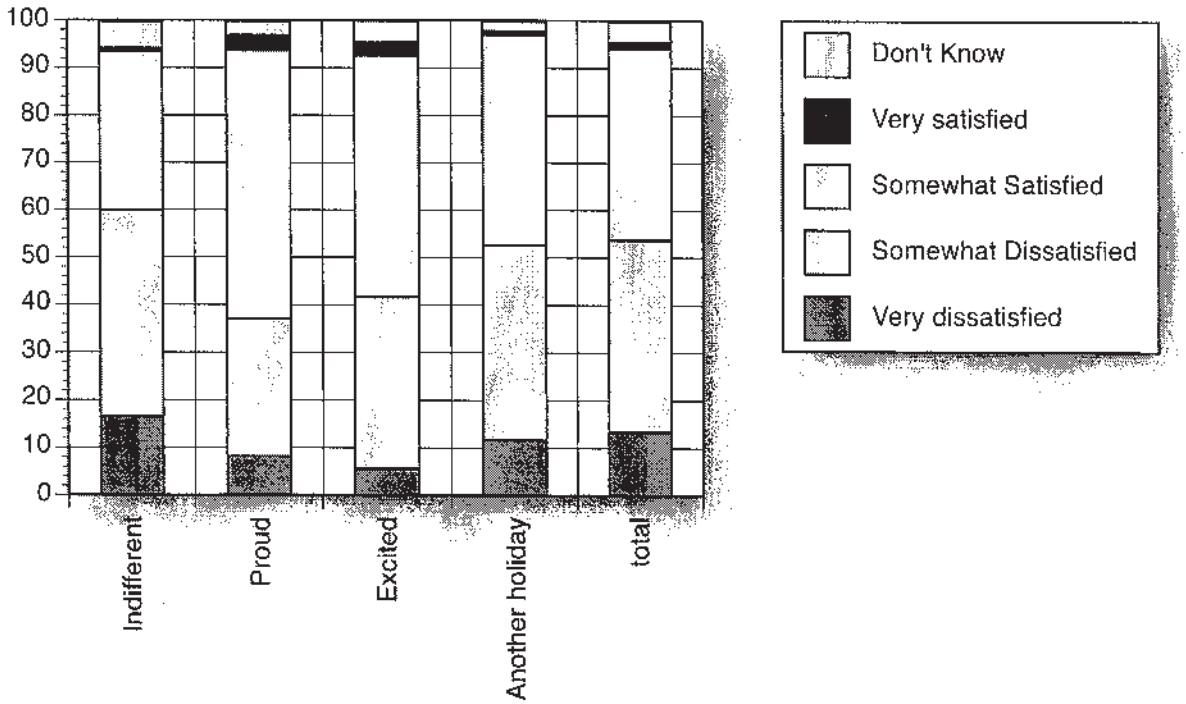


Table 169

	Indifferent	Proud	Excited	Another holiday	total
Very dissatisfied	17	8	6	12	13
Somewhat Dissatisfied	43	29	36	41	40
Somewhat Satisfied	34	57	51	44	40
Very satisfied	1	3	3	1	1
Don't Know	6	3	5	2	5
total	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 57.45 with 12 df $p \leq 0.0001$

Chart/Table 170 Feelings on National Day BY Satisfaction with performance of Chief Executive Donald Tsang

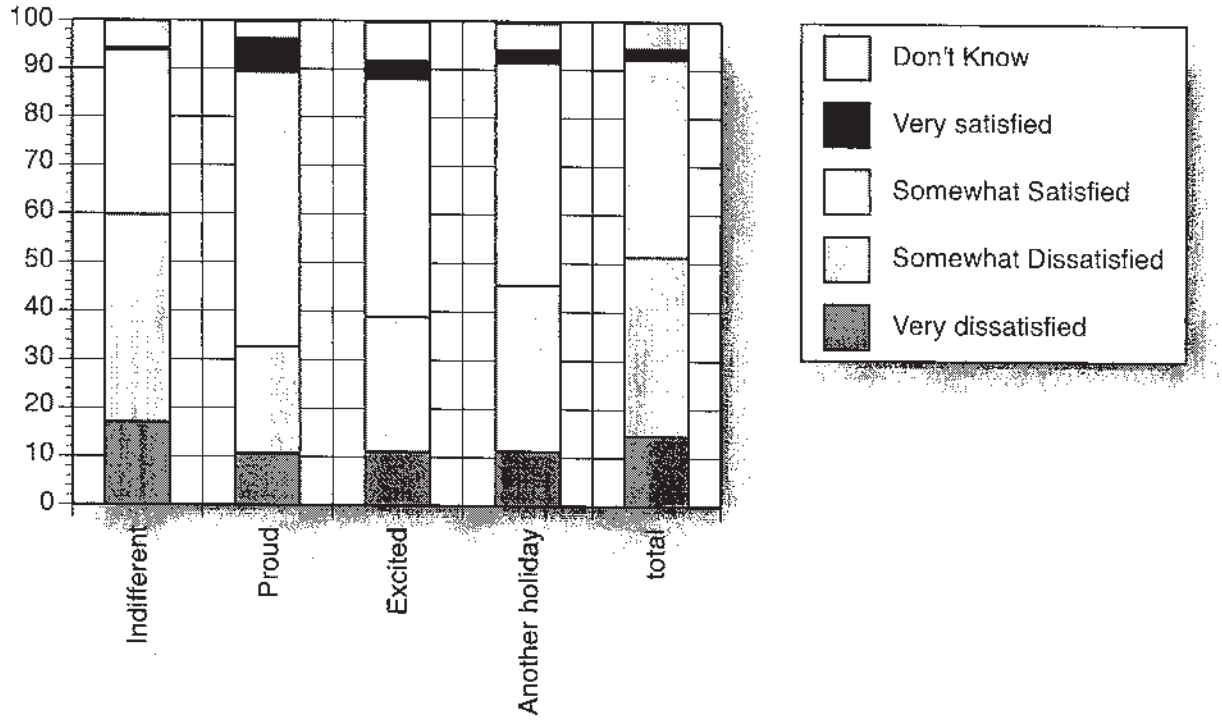


Table 170

	Indifferent	Proud	Excited	Another holiday	total
Very dissatisfied	17	11	11	11	15
Somewhat Dissatisfied	43	22	28	34	37
Somewhat Satisfied	34	57	49	46	41
Very satisfied	1	7	4	3	2
Don't Know	6	4	8	6	6
total	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 75.28 with 12 df $p \leq 0.0001$

Feelings of pride and excitement on China's National Day, one measure of patriotism, show solid relationships with satisfaction with the performance of the Hong Kong Government and Chief Executive. It is in their interest to encourage and call on those sentiments by building trust and confidence in the One Country, Two Systems structure established in 1997. *Feelings of patriotism are currently narrowly based and most prominent among the aged, less educated, and retired. This is not a base for future growth.* Constitutional Reform presents this system its severest test and these feelings of pride and excitement their greatest challenge, for clearly the great majority of Hong Kong people believe the present policy making system is unfair and that expanded direct elections will help fix it. *By promoting fair, frank negotiations of the final form of democracy and fully backing the timetable for direct elections it set down in December 2007, the local and national governments could go some way toward encouraging feelings on China's National Day of pride and excitement among the young, the educated, and the workers: the base of Hong Kong's and China's future.*

XI Demographics of the respondents

Gender

Group	Count	%
Male	585	49
Female	619	51

Age Group

Group	Count	%
18-19	66	6
20-29	171	14
30-39	180	15
40-49	300	25
50-59	260	22
60-69	127	11
70-84	77	7

Marital Status

Group	Count	%
Never married	376	31
Married	802	67
Widowed	6	1
Divorced	16	1
Other	4	--

Religion

Group	Count	%
None	638	53
Catholic	68	6
Protestant	199	17
Buddhist	94	8
Taoist	6	1
Ancestor worship	193	16
Other	6	1

Years of Education

Years of Education	Count	%
0 No schooling	20	2
1	5	--
2	11	2
3	13	2
4	7	2
5	16	2
Primary 6	67	6
7	13	1
8	20	2
9	118	10
10	17	1
11	287	24
12	31	3
13 First Yr Univ	132	11
14	21	2
15	29	2
16 Univ grad (3&4yr courses)	344	29
17 MA	40	3
18 PhD	6	1

Years of Education/Recoded

Group	Count	%
0-6 Primary 6 grad	139	12
7-8-9 F1-F3	151	13
10-11 F4-F5	304	25
12-13 F6-F7 4yr Univ Freshman	163	14
14-15-16 Univ grad	394	33
17-18 Post-grads	46	4

Type of Living Quarters

Group	Count	%
Villa or bungalow	13	1
Private, owner	519	43
Private, rental	81	7
Gov HOS	199	17
Public Housing block	333	28
Mod Village Hse	21	2
Trad Village Hse	20	2
Temporary Hse	3	--
Employer provided	13	1
Other	2	--

Occupation (According to Hong Kong Government categories)

Group	Count	%
Manager & Administrator	127	11
Professional	107	9
Assoc Professional	30	2
Clerks/Secretary	142	12
Service & Sales	72	6
Skilled Ag & Fishery	1	--
Craft, performers	18	1
Plant and machine operators	77	6
Elementary occupation	24	2
Housewife	187	16
Retired	178	15
Unemployed	56	5
Student	136	11
Education sector	35	3
Other	3	--
Refused	11	1

Occupation, Recoded

Group	Count	%
Managers & Admin	127	11
Professionals & Assoc Profession	172	14
Clerks	142	12
Service	72	6
Ag & Fish, Craft, Mach Op, Elementary	120	10
Housewife	187	16
Retired	178	15
Unemployed	56	5
Student	136	11

Work Sector

Group	Count	%
Civil servant	92	8
Privatized public (Housing, Airport Authority)	28	2
Private sector	503	42
Non-profit	14	1
Refuse	10	1
Non-working	557	46

Work Sector Recoded

Group	Count	%
Public (incl non-profit)	134	11
Private	503	42
Non-working	557	47

Income

Group	Count	%
None	82	7
Under 5,000	39	3
5,000-9,999	85	7
10,000-14,999	141	12
15,000-19,999	112	9
20,000-24,999	143	12
25,000-29,999	75	6
30,000-34,999	99	8
35,000-39,999	45	4
40,000-49,999*	74	6
50,000-59,999	58	5
60,000-69,999	34	3
70,000-79,999	17	1
80,000-89,999	13	1
90,000-99,999	11	1
100,000 +	44	4
Refuse	132	11

Identity

Group	Count	%
Hong Kong Chinese	423	35
Chinese	272	23
Hong Kong person	451	37
Hong Kong British	18	1
Overseas Chinese	16	1
Other	24	2

Experience of 1 Year or more living outside Hong Kong

Group	Count	%
Yes	226	19
No	975	81
Refuse	3	--

Location of Experience Outside Hong Kong

Group	Count	%
Not indicated	31	3
UK	36	3
US	20	2
Australia	20	2
Canada	32	3
New Zealand	5	--
Singapore	9	1
Mainland China	52	4
Taiwan	9	1
Macau	12	1
Other	29	2
Refuse	2	--
No experience abroad	947	79

Right of Abode

Group	Count	%
Yes	128	11
No	1073	89
Don't Know	3	--

Methods and contact details

Report written by: Michael E. DeGolyer
Survey administration and Chinese translation: P.K. Cheung
At the 95% confidence level, range of error is plus or minus 3 points for surveys 900-1,200 respondents and 4 points for those 600-800. Completion rates for the surveys range from 28% to 32% of those contacted by telephone. Since the project uses a Kish table to randomly identify the correspondents desired and then schedules a callback if that specific respondent is not at home, the completion rate tends to be lower but the randomization of responses (needed for accurate statistics) tends to be higher than surveys which interview readily available respondents using the next birthday method. Older respondents with this method tend to use traditional Chinese calendar where all "birthdays" are celebrated on the second day of the lunar new year, thus degrading randomization dependent on this method (in lunar calendar using societies in Asia). Respondents are interviewed in Cantonese, Mandarin, English, Hakka and other languages or dialects as they prefer and as interviewers with the language skills needed are available. Other surveys referred to above are Hong Kong Transition Project surveys. The details of those surveys and reports of same may be found on the Hong Kong Transition Project website at http://www.hktp.org

The number of respondents in the HKTP surveys:

N= Nov 91	902					
Feb 93	615	Aug 93 609				
Feb 94	636	Aug 94 640				
Feb 95	647	Aug 95 645				
Feb 96	627	July 96 928			Dec 96 326	
Feb 97	546	June 97 1,129				
Jan 98	700	April 98 852	June 98 625	July 98 647	Oct 98 811	
Apr 99	838	July 99 815			Nov 99 813	
Apr 00	704	Aug 00 625;	Aug 00 1059	Oct 00 721	Nov 00 801	
Apr 01	830	June 01 808	Jul (media) 831	Jul (party) 1029	Nov 01 759	
Apr 02	751	Aug 02 721			Nov 02 814	
Mar 03	790	June 03 776		Nov 03 836	Dec 03 709	
Apr 04	809	May 04 833	June 04* 680	July 04 * 955	July 04* 695	Aug 04* 781
			Sept 04*	Nov 04 773	Dec 04 800	Dec FC** 405 (365)
May 05	829	May FC**376	July 05 810	Nov 05 859		
Mar 06	805	Apr 06 807	July 06 1,106	Nov 06 706	Nov 06 FC** 374	
Apr 07	889	May 07 800				
May 08 GC	714	May 08 FC** 409	June 08 GC 710	June FC 300	July 08 GC 710	July 08 FC 300
Aug 08 GC	705	Aug 08 FC 305	Sept 08 GC 721	Sept FC 304		
May 09	1,205					

*permanent residents, registered voters only (part of a special 2004 election series)
**Functional constituency registered voters (voters in September 2004/2008 Legco election)
†Not all surveys are referred to in trend series.

72 surveys in 19 years for the Hong Kong Transition Project. Other surveys conducted on air pollution (2), mental health, Canadian citizens in Hong Kong, Perspectives of the EU in Hong Kong, and a series on housing prices and expectations.

†All Figures are in percentages unless otherwise stated. The Hong Kong Transition Project is funded via a competitive grant from the Research Grants Council of the University Grants Committee of the Hong Kong Government (HKBU 2168/04H) and since January 2009 by a grant from the Community Development Initiative Foundation. Some of the surveys above during Legco election years 2004 and 2008 were funded or co-funded by Civic Exchange, and National Democratic Institute for International Affairs. None of the institutions mentioned above is responsible for any of the views expressed herein.

From:
To: fso@fso.gov.hk ;

Sent: Friday, July 10, 2009 8:50 PM
Subject: 雙普選

敬啓者：2009年7月7日的特首答問大會，市民感覺，特首的觸角比民主的黨派敏銳很多。防毒危害年青一代，比要求普選吃緊有用。那麼多年，民主的黨派情緒激動、聲嘶力竭的要民主自由，但對影響市民生活的問題，就不太看重，認爲雙普選等於一切，等於民主自由，更是令人感覺另有政治目的。

全民一人一票，不論什麼樣的普選，就是選一個統治者出來。請問要求雙普選的議員，是否經過雙普選選出來，市民就一定有民主自由？選出的人，能否代表每一個市民的意願？若都不能，請不要再嘮嘮叨叨要求那勞民傷財、創造社會衝突的全民一人一票雙普選，或任何類似搞垮香港的要求！大家是否假裝看不見，-望所歸、杰出如美國雙普選出來的總統歐巴馬，上任差不多半年，經濟沒有擺脫負數，走向正增長的-象？最近的失業率，是8.9%的歷史高位？大家是否假裝看不見，世界各國全民選舉引發出來的暴亂？萬一像陳水扁這樣的人當選，易請難送，就害死香港人了！大家不會賣港賣中共求榮吧？

民主是什麼？中共領導人說的最到位，民主是人民當家作主。如果特首聽中央領導的話，就會以人爲本，想民所想，急民所急，辦民所需，解民所難，而且會問人民擁護不擁護，贊成不贊成，高興不高興，答應不答應，這就是最實在的民主。親泛民的何秀蘭問特首，是否聽從中國政府，所以支持大財團，令貧富懸殊，讓人懷疑她是否知道自己在做什麼。普通市民都知道，共產主義要打倒的'帝國主義'與'資本主義'，就是那些濫權斂財的少數人與財團，因爲他們剝削社會的低下層，所以貧富懸殊嚴重。中央領導人一再重申行共產主義。而集資分紅，本來就是共產意識。香港此刻要大幅抬高樓價，大加租金與物價，反大幅-低工資的財團，就是美式管理的典型，正正需要共-主義來解救。所以市民請那些無知的議員，不要被人利用，好好反省，否則請自動引退，免背騙公款的嫌疑。

成龍說香港太自由。基本法賦予市民很多自由。至於實際的言論與新聞自由，這一年來所見所聞，與殖民地時代差不多，確切的說，是喧賓奪主。市民眼中，免費的電視四台，是英美喉舌沒改變。無論什-節目，十之八九，都巧妙地夾雜著呼喚港人懷舊，使認-從前英治更好，儘量踩、誣陷中共與內地，令港人蔑視他們，揚美歐日，令他們高人一等，導人沉淪等的因素。無-翡翠台，七一前一、兩個星期的新聞，開始比較有長進，會報導一些與事件有關而有意義的前因後果，但有報導反說他親中。無-明珠台轉播中央台的時間，遠比亞視少，但報導說他就快變中央台了。不知是扯貓尾，還是逼他回復原貌。市民希望政府考慮把免費的四台之一，如明珠台，除了財經外，專放中央台的節目。因爲發展香港，一般香港人需要多瞭解內地情況。

瀏覽雅虎香港的討論區，看到很多留言被洗板，也見到一些粗言穢語，以-那些被-去的，是因-太粗穢，或因誹謗、騷擾、濫用、恐嚇、淫穢、濫發訊息、商業、廣告或宣傳、離題或有問題的內容。2009/2/5，本人在該區回應溫總理被鞋投擲，留言兩段如下：
1."中國過去可能發生很多不平事，世界上那個地方沒有呢！人們以-'民主自由'的國度沒有嗎？看看歷史，親身去居住體驗吧！放下吧！
溫總理看似簡單的即席兩句說話，就化戾氣-祥和！可以撫平國人的憤怒，也替劍橋和英國無辜的人解圍！值得中國人驕傲吧！"
2. "看看歷史吧！"
2009/3/3 偶然再看，發現1.的留言已被-除。對上文的-除管制，不會是中方的人。本人電郵質詢，再留言才沒有被-。但之後就有報導說雅虎香港沒有言論自由了！其間，離題無聊的重複留言就反被保留。

由此可見，現時香港的言論自由，是只可以表揚美英日，沒有伸張正義與親中的自由。而控制言論新聞自由的，明顯是親英美人士，且是在暗地裏，誣陷中共政府的小人行-，令人鄙視。希望此後，政府可以令這情況改正過來。

香港市民不會-經濟發展而放-理想，但市民不要祗挂在口邊、表面化而空洞的民主自由，不需要勞民傷財、創造社會矛盾與衝突的全民一人一票雙普選，就算到2017年都不需要。香港市民要的是實實在在的，人民當家作主的民主，要的是有公平公正、相對平等的自由。

此致
民主黨主席 議員何俊仁先生電郵: 請傳閱給要求雙普選的議員，謝謝！
行政長官曾蔭權先生 電郵: ，政務司司長 唐英年先生 電郵:
律政司司長 黃仁龍先生 金鐘道政府合署高座4樓 律政司司長辦公室
財政司司長曾俊華 電郵： 議員 何秀蘭女士 電郵：
立法局主席 曾鈺成先生 電郵: 請傳閱與傳市民心聲給立法局議員，謝謝！
行政立法局議員 劉江華先生 電郵: 請傳閱與傳市民心聲給行政局議員，謝謝！
社會民主連-主席 議員黃毓民先生 電郵： 請傳閱要求雙普選人士，謝謝！

香港一市民海寧

2009年7月10日
副本致：
中央政府駐港聯絡辦主任 彭清華先生 香港幹諾道西160號
*律政司函未改何秀蘭原來措詞，現藍色字。

From:
To: ceo@ceo.gov.hk
Sent: Wednesday, July 15, 2009 7:23 PM
Subject: Fw: c創造社會衝突的雙普選 與香港的言論自由

私人函件

有關：創造社會衝突的雙普選 與香港的言論自由 投稿供參考 請傳閱
致：
行政長官 曾蔭權 先生 電郵:
政務司司長 唐英年先生 電郵:
律政司司長 黃仁龍 先生 金鐘道政府合署高座4樓 律政司司長辦公室
財政司司長曾俊華 電郵：
立法局主席 曾鈺成 先生 電郵:
行政立法局議員 劉江華 先生 電郵:
發自：香港一市民海寧
香港一市民 海寧

c創造社會衝突的雙普選 與香港的言論自由.doc

創造社會衝突的雙普選 與香港的言論自由

2009年7月7日的特首答問大會，市民感覺，特首的觸角比民主的黨派敏銳很多。防毒危害年青一代，比要求普選吃緊有用。那麼多年，民主的黨派情緒激動、聲嘶力竭的要民主自由，但對影響市民生活的問題，就不太看重，認為雙普選等於一切，等於民主自由，更是令人感覺另有政治目的。

全民一人一票，不論什麼樣的普選，就是選一個統治者出來。經過雙普選選出來的人，是否能保證每一個市民有民主自由？能否代表每一個市民的意願？若都不能，請議員不要再嘮嘮叨叨要求那勞民傷財、創造社會衝突的全民一人一票雙普選，或任何類似搞垮香港的要求！大家都看見，眾望所歸、傑出如美國雙普選出來的總統歐巴馬，上任差不多半年，經濟沒有擺脫負數，走向正增長的跡象，最近的失業率，是8.9%的歷史高位。大家都看見，世界各國全民選舉引發出來的暴亂！萬一像陳水扁這樣的人當選，就真是自尋煩惱了！

民主是什麼？中共領導人說的最到位，民主是人民當家作主。親泛民的何秀蘭問特首，是否聽從中國政府，所以支持大財團，令貧富懸殊繼續，讓人懷疑她是否知道自己在做什麼。普通市民都知道，共產主義要打倒的‘帝國主義’與‘資本主義’， 就是那些濫權斂財的少數人與財團，因為他們剝削社會的低下層，所以貧富懸殊嚴重。中央領導人一再重申行共產的社會主義。而集民眾之資，經營分紅回報民眾，本來就是共產意識。香港此刻要大幅抬高樓價，大加租金與物價，反大幅減低工資與裁員，就是少數貪婪、沒有道德良心的人所經營的‘資本主義’，自由市場所帶來的惡果，正正需要共產主義來解救。

希望那些迷失的人，好好反省。身為香港的中國人，我們都有一顆善良的心，愛地球，愛人類，但也要分清是非黑白。不應忘本，賣港，賣真正為民的中共政府以求榮！成功賣港資中共後，人家會給你要的民主自由，會寬厚待你嗎？沒人保衛的時候，那背後貪婪、沒有道德的一群會怎樣對付你？人家得牛、漏點醬油給你，還讓自己人唾罵、外國人當狗奴才，遺臭萬年，值得嗎？

這兩個月對中共的瞭解，令我身為中國人深感自豪。儘管貧窮，沒溫飽，沒武器，中國的共產黨先祖，用他們的血肉，靠自己的才智與骨氣，長期作戰，為我們擊退劫殺無度的入侵者，為我們保存了家園，讓我們不用做亡國奴，可以自主，可以堂堂正正，問心無愧的做人！共產政權可以存在，因為他們以民為本，是真正配稱民主的政府。中國共產黨值得中國人驕傲與尊敬，因為他們依靠自己，不欺詐。對下屬的關切，師生間的信任與關愛，認為婦女頂著半邊天，要不必隨夫姓等等，都是實在的中共產物！看真正中國共產黨員的所作所為，可以知道，他們是導人向善的宗教行者或佛的行者。若非缺乏道德良心，或貪婪無度，共產主義一點也不可怕。

成龍說香港太自由。基本法賦予市民很多自由。至於實際的言論與新聞自由，這一年來所見所聞，與殖民地時代差不多，確切的說，是喧賓奪主。市民眼中，免費的電視四台，被培養為英美喉舌沒改變。無論什麼節目，十之八九，都巧妙地夾雜著呼喚港人懷舊，使認為從前英治更好；儘量減少、不提或美化英美的壞；儘量踩、誣陷中共、內地與中國文化，令港人蔑視他們；揚美歐日，令他們高人一等；導人沉淪等的因素。無線翡翠台，七一前一、兩個星期的新聞，開始比較有長進，會報導一些與事件有關有意義的前因後果，但報導反說他親中。無線明珠台轉播中央台的時間，遠比亞視少，但報導說他就快變中央台了。不知是扯貓尾，還是逼他回復原貌。既然這樣，市民希望政府把免費的四台之一，除了財經外，專放中央台的節目。因為發展香港，一般香港人需要多瞭解內地情況，至於歐美的體育節目，並不是很多人喜歡看。

瀏覽雅虎香港的討論區，看到很多留言被洗板，也見到一些粗言穢語，以為那些被刪去的，是因為太粗穢，或因誹謗、騷擾、濫用、恐嚇、淫穢、濫發訊息、商業、廣告或宣傳、離題或有問題的內容。2009/2/5，本人在該區回應溫總理被鞋投擲，留言兩段如下：

1.“中國過去可能發生很多不平事，世界上那個地方沒有呢！人們以為‘民主自由’的國度沒有嗎？看

看歷史，親身去居住體驗吧！放下吧！
溫總理看似簡單的即席兩句說話，就化戾氣為祥和！可以撫平國人的憤怒，也替劍橋和英國無辜的人解圍！值得中國人驕傲吧！”
2. “看看歷史吧！”
2009/3/3 偶然再看，發現 1. 的留言已被刪除。對上文的刪除管制，不會是中方的人。本人電郵質詢，再留言才沒有被刪。但之後就有報導說雅虎香港沒有言論自由了！其間，離題無聊的重複留言就反被保留。

可見現時香港的言論自由，是只可以表揚美英日，踩中國，沒有伸張正義與親中的自由。而控制言論新聞自由的，明顯是親英美人士，且是在暗地裏，自以為是的誣陷中共政府的小人，令人鄙視。

美國能源與商務部長訪華，免費電視臺解讀為要把綠色能源銷售給中國，可能是崇美心理作怪吧！市民覺得更像想引進中國的廢物發沼氣能源系統、向中國取經。。。美國綠色能源若發展得好，污染問題就不會向來大幅超標，還霸主般的置身減少排污行列之外，反過來對其他國家的污染指指點點。

新疆暴亂，英語電視臺一開始便報導為，和平示威演變成武力鎮壓，世界維吾什麼族的人說因為軍警觸怒群眾所至。不知往後，會否像報導西藏暴亂一樣，做恐怖分子的代言人。對憑偏見或有心協助製造其他種族暴亂殺戮的惡毒傳媒，有良心的國家應該繩之於法。教唆或縱容他人犯罪作惡，令其他人過地獄般生活的人，市民深信，最後一定會自吃其果的，多行不義必自斃！

內地說新疆暴亂，是外來勢力策劃與鼓動，香港情況其實也相同。歐美為主導的世界綠色和平環保組織，在香港未通過徵收塑膠袋費的時間，在政府總部懸掛巨型‘氣候逃犯’曾蔭權的通緝令，甚有威逼香港政府就範的意味。而且最近的傳媒，開始有明顯叫曾蔭權下臺的報導。大概是因為曾特首落實關心香港人了，不想通過擾民而費時失事的法規了，不聽英美的話了，所以按常規處理：民望調查插水，大叫他下臺不斷，傳媒報導挑剔、刁難施政此起彼落，工作夥伴及下屬不合作與整蠱，社會出現奇特的罪案。。。，就像對付董建華與中國領導人一樣。香港人十分認同環保，但超級市場塑膠袋收費，怎麼也看不出是有效的好方法！令人對這世界組織的公平公正與地位，甚有保留與失望！

共產國家的人，不看重物質，遠較發達國家的人單純，對於理解為公義的世界組織，多言聽計從。或因國際公約，或對於超市塑膠袋收費，看似小事又環保的做法，不抗拒照辦。但中國並沒有要求香港跟隨。中國政府不會想見香港人的日常生活被擾亂。香港混亂，誰可混水摸魚？誰可得益？

香港雷曼事件，根據報導所得，源頭來自美國滙豐銀行。大家若有注意，除了初期的報導提及過，之後雷曼苦主遊行，都像政治表演。這大半年來，傳媒報導的畫面或聲音大都集中指向中資銀行，甚少提及或斥責滙豐與英美資銀行。若不是英美的勢力影響，怎麼會這樣？近期雷曼苦主矛頭直指星展銀行，聽見有人建議香港學新加坡，禁止出售類似雷曼的票據，才恍然大悟。7 月 12 日中環拉起很多中文大橫額，唱衰星展，還要杯葛新加坡旅遊，大概是新加坡阻礙發達國家的財團與大鱷掠錢，不想香港仿效，還要製造新加坡和香港華人不和了！

香港人會容許讓這一小群貪婪的英美人，雀巢鳩占，利用人性的貪心，擾亂香港嗎？同意他們威逼我們的政府，控制我們的傳媒，蒙閉我們，令我們自相踐踏嗎？

香港市民不會為經濟發展而放棄理想，但市民不要祇掛在口邊、表面化而空洞的民主自由，不需要勞民傷財、創造社會矛盾與衝突的全民一人一票雙普選，2017 年也不需要。香港市民要的是當下，實實在在的，人民當家作主的民主，要的是有公平公正、相對平等的自由！

香港一市民 海寧

2009 年 7 月 14 日

學校的：

胡錦濤主席、温家宝总理： ①

曾荫权 特首：

从台湾 8月8日风雨灾，我们看到，乡长带领村民，集体逃难，避过了一劫。

减少伤亡，是国之幸，民之幸。

台湾是民选社会，我想村长必然，是民选出来的。是民望高才被选上，那么，证明其人在这一群由不认识到认识其人的品行道德好，才能使人们对其投下最有信心的一票，选出来做乡长。（绝無賭选之下而言）

有几特点，和表现：

① 要有自我牺牲精神，即是较無私心。

② 肯有敢言，有主建，頭脑较灵通。

③ 心底带和善，和乐于助人的心。

④ 身体健康，敢于身先士卒，带动为村民，为本区村的人们的利益谋幸福和改善社区。

所以这就是人民自己管理自己，和让其发挥智慧，作为政府或高级领导，作出些

引导和支援（包括技术、政策、资源）

人们的智慧是很高的，因为中国地区物博，我们的老祖都是由族长、部长、队长、村长在各自区域、村络生活，春夏秋冬的复转到今日，我好相信一处方土，养一处人的自然生存道理。请相信人民。扩大人民选自己的领袖，由村长、队长、区长、县长……的发展，自然没有贪污的了。人民的眼睛是好雪亮的，我是有感而发，并無他意。

由台湾九灾中已見灭村了，几日和国呆杉核在山中，晨早就見村长出來找野菜，是他帶領村民上山，逃避了这场灭村之灾。因而感触而言。小姐人，并無野心。只想人民的生活改善，人们能安居乐业，是最大的心願。如有言错，请亲。

也请相信乐港人取消功能组别，

乐港小市民，

梯少祥。

实行双普选，选到任何一派的领袖，2009年8月3日，幸都会要顾全面社会的需求。聪明、正直、善良的领袖，一定做得好。

思匯
CIVIC EXCHANGE

The Hon. John Tsang
Financial Secretary, HKSAR
5/F, Central Government Offices, Main Wing,
Lower Albert Road,
Central,
Hong Kong.

19 August, 2009

Dear Financial Secretary,

Re: Policy Address 2009-10

Thank you for the opportunity to put our views to you on 12 August 2009. Civic Exchange would like to take this opportunity to elaborate on the issues we put forward during the meeting last week.

5. On Constitutional Development

Civic Exchange has conducted extensive research on functionally-based election for Legislative Council, the Chief Executive election and constitutional models since 2003. We appreciate the fact that the Government will revive the discussion on constitutional reform later this year. Based on the experience of the Green Paper consultation, Civic Exchange believes that how issues are framed in the consultation paper will be of essence. We will not repeat our views of the previous consultation here. The Government will need to show in its upcoming public consultation exercise that it is willing to openly and honestly discuss constitutional design with the general public and to give a specific timetable to move towards universal suffrage.

Thank you again for the opportunity to put our views to you.

Yours sincerely,

(Signed)

Yanyan YIP
Chief Operating Officer

24 August 2009

The Honourable Donald Tsang
Chief Executive
Hong Kong Special Administrative Region
Government House
Central
Hong Kong

Donald

Dear Donald,

2009/10 POLICY ADDRESS SUBMISSION

Governance

We understand that the Government will be seeking proposals on political reforms towards the end of the year. We look forward to meeting with your Administration to develop reforms appropriate, pertinent and relevant to the current state of Hong Kong's development which will gradually dovetail with the systems and structures envisaged in the Basic Law. We have forwarded our recommendations on post-retirement work for civil servants and we hope these recommendations will be taken into account as you follow up on the recommendations of the Committee on Review of Post-Service Outside Work for Directorate Civil Servants.

Another important element in ensuring good governance of Hong Kong is the politicization of the bureaucracy and its interface with Exco, Legco and the civil service. The also acknowledges the Government's concern over a deepening polarisation of the Hong Kong community between "business" and ordinary people. We commit ourselves to examine and tackle the root causes of this polarisation, including encouragement to members to review and enhance their programmes of community engagement, and look forward to discussing possible remedies with the Administration in due course.

Finally, and in spite of our call for significant investment on Mainland-based Hong Kong officials, we continue to express concern here in Hong Kong over **the size and cost of the Civil Service.** We call for this issue to be addressed once our economy begins to emerge from the current global recession. We have not seen Civil Service reform on the agenda for many years, and we believe it should not be ignored longer than absolutely necessary.

Yours sincerely,

(Signed)

(Name provided)

Chairman

(Editor's Note: The sender requested anonymity.)

Business and Professionals
Federation of Hong Kong
香港工商專業聯會

25 August 2009

The Hon Sir Donald Tsang, GBM
Chief Executive
The Government of the HKSAR
Central Government Offices
Central, HK

Dear Donald,

Forwarded with this letter is a copy of "Hong Kong 2020 – The Big Picture". Five Task Forces of the Business and Professionals Federation of Hong Kong have been working since the beginning of the year to analyse and compile their reports and put forward their proposals and suggestions on the way forward for Hong Kong. I respectfully now send them to you for your consideration.

Those who compiled the reports have but one thing in mind - the good of Hong Kong. They are all professionals and knowledgeable people and have given many hours of discussion and thought voluntarily to complete these papers. I I hope they will be of value to you.

Yours ever

(Signed)

Sir David Akers-Jones
President

c.c: The Hon Henry Tang, Chief Secretary for Administration

(Editor's Note: Pages 17-35 of the publication are not reproduced in this Appendix because they are not relevant to constitutional development.)

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FOREWORD

These studies and reports are the outcome of many hours of enthusiastic voluntary effort by members of the Business and Professionals Federation of Hong Kong and others not our members who have freely given their support out of their love for Hong Kong and its future. That they have been willing to do this and have made so many constructive and positive contributions at a time when Hong Kong is going through a difficult patch is in itself a strong vote of confidence and a good omen for our future. We hope those, in whose hands we are placed, will consider carefully, our many thoughtful recommendations and proposals.

The pages focus on the governance and development of Hong Kong over the next ten years, but they will have far-reaching consequences stretching far beyond that. They are principally a studied reaction to the great changes taking place throughout China, to our economy and the world generally.

For us the over-arching conclusion is that a world of opportunity awaits us. This is not a time for pessimism. We must treasure our advantages, look outward, not shrink from difficult decisions, seek the common good. We must not grow stale. We must not let our neighbours pass us by.

(Signed)

David Akers-Jones
President

INTRODUCTION

1. It is 10 years since we, the Business and Professionals Federation of Hong Kong (BPF), last took a comprehensive look at Hong Kong and its future. In the ensuing years, Hong Kong has grown in importance as a financial and commercial centre, and the whole of China has witnessed a great awakening. That is the starting point of this present study, it takes place once more against a background of serious concerns, world economic recession, global warming and, as a special distraction, a spreading flu pandemic. With this background to spur us on, we decided we must work quickly to point to those areas of governance we saw as needing change. We gave ourselves six months to complete the work.

2. In years to come, this year of the world financial crisis will be seen as the year which heralded the emergence of China as a major economic power. In the next 10 years and beyond, the focus will turn to China's role in the transformation of the world economy.

3. As China's leading commercial city and its most important source and conduit of foreign trade and investment flows, Hong Kong will doubtlessly find extensive opportunity to take advantage of China's elevated economic stature. Is Hong Kong ready to step up to this calling? The stakes are high. It is whether Hong Kong will seize the initiative and strategically position itself on the crest of China's economic ascent to strengthen its status as an international commercial hub, or whether it will miss the boat and allow its strategic role to be lost forever to eager competitors. Our action today, or inaction as the case may be, will determine the shape of our economy and society far beyond 2020.

4. Against the background of this highly uncertain world economic outlook, it is in fact difficult to find another city outside China that shares Hong Kong's abundance of economic opportunity. There is no doubt much of Hong Kong's unique economic advantage stems from the One Country Two Systems formula that makes the city both an on-shore and off-shore business platform.

5. For example, Hong Kong has an extremely powerful niche to serve as a national financial centre, with its one-of-a-kind combination of unrestricted capital movements, free access to global capital, complete transparency to the national financial regulators, and a natural firewall that shields the Mainland from global financial contagion. But even such a strong advantage will be for naught unless carefully cultivated, with a tax, regulatory, legal and human resource framework that is conducive to business. As another example, Hong Kong's combination of academic freedom and accessibility within China makes it a natural higher education centre in China and in Asia. But making that a reality depends on whether we, as a community, succeed in consolidating our fragmented public university system so that it could work as a unit in the pooling and deployment of resources fully to develop our research and educational capabilities.

6. The point is that Hong Kong does not lack opportunity but it must act upon it. Yet, twelve years after the reversion to Chinese sovereignty, Hong Kong seems to have lost its confidence and its ability to forge consensus for public action. Hong Kong used to impress the world with the

speed we got things done. Now public projects have a way of getting bogged down, from large projects like Kai Tak and West Kowloon to smaller projects such as the cruise terminal and the Wan Chai exhibition centre expansion. Tepid progress with important public projects has in turn deepened pessimism about our long-term future.

7. The BPF initiated this project during the trough of the financial crisis, because we saw the severe recession as having long lasting ramifications for our economy and society. Hong Kong must be ready to respond, to take on the immediate challenge of the economic downturn, to identify and act on new opportunities brought forth by a transformed world economy. Hong Kong is at a crossroads and must act decisively. Government leadership is critical, but public input and support are just as necessary.

8. In our study, we did not set out to predict how industries will realign themselves globally and how our economy will fit in the new landscape. Instead, we identified five policy areas in which Hong Kong must get it right and to chart the course for progress. The five areas are included with recommendations in this publication and may be accessed in full at the BPF website www.bpf.org.hk :

   - Human Capital
   - Infrastructure
   - International
   - Hong Kong Mainland Integration
   - Social Issues

9. These five areas have policy implications that are self-explanatory. Put simply, regardless of what specific industries Hong Kong will develop in the future, be they finance, logistics, tourism, industry Research and Development (R&D), Information Technology (IT), healthcare, arts, entertainment, etc., our economic future depends on 1) human capital and skills, 2) infrastructure, 3) being international, and 4) integration with the Mainland. Finally, 5) social issues are important not only for building a caring society, but if neglected would lead to problems that impede economic progress.

10. The publication contains separate papers on the need for efficient and effective Governance and a section on the Economy outlines the proper parameters for government's role in the economy and some of the strategic considerations for its long term development. Some specific opportunities in the financial and non-financial sectors are outlined, along with the enabling policies necessary for their development.

(Signed)

Wilfred Y W Wong
Chairman

ACKNOWLEDGEMENTS

The Hong Kong 2020 report could not have been completed in such a short period without the combined effort of so many advisors, members, supporters and friends, and we are most grateful to them. We would also like to thank the Advanced Institute for Contemporary China Studies of Baptist University for their contribution. Last but not least, we are especially grateful to Michael Somerville who worked tirelessly throughout.

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SOME MAJOR TOPICS

SECTION I

1. There are some topics which kept coming up in each of our task force groups, all of these areas in which we need to improve our performance or attitudes. They are worth mentioning here.

2. Foremost of these is our position as a Special Administrative Region (SAR) enjoying a separate system - One Country Two Systems - from the rest of the Mainland. Hong Kong with its small population of seven million preserves a capitalist system in a socialist country of over a billion people and retains a different style of government. This in itself is a remarkable privilege, but it is more than that. Since 1997, Hong Kong has been able to keep its lifestyle, law, freedoms and system of government and all those aspects of our lives which are precious to us. Are we inclined to forget the advantages which we receive from this two system arrangement?

3. Through One Country we are exposed both to the opportunities and the competition of our neighbours and of greater China. Two Systems enable us to maintain some of our great strengths, but can inhibit the free flow of people and the best use of opportunities.

4. While we have benefited considerably from our status as a special region, from the support we have received for our economy and from the wealth which has been generated by our entrepreneurs, particularly in the Pearl River Delta (PRD), and from our investments throughout China, we should try more to understand how we are perceived by the Mainland, not always asking for their understanding of difficulties we are experiencing but to look at the big picture to try to deepen our understanding of the rest of China, its people and their difficulties, progress and achievements.

5. To this end, our officials should be given the chance to travel widely in China, not simply to make official visits to Beijing, Guangzhou, Shanghai and the scenic spots but to go to the more remote towns and villages, their hospitals and schools and so forth. As part of this we could do far more too in our schools, universities and throughout the community to spread the use of Putonghua - it is after all the National language. Some things are being done but it needs a greater concerted effort similar to that we attach to the teaching of English.

6. As a world city we must look outwards. Our young people should not just see themselves as citizens of Hong Kong but as citizens of China and the world. And it is the bright citizens of the world that we wish to come, live and work here.

7. How different this is from the world cities with which we compare ourselves, New York, London and nearby Singapore. We put ourselves at a disadvantage. Talented people move to London from parts of the British Isles as the economy demands, the same goes for New York. There is no barbed wire fence to keep them out, no immigration barriers. One of the proposals of the task force on Human Capital is to appoint a Minister. (Whether yet another Minister is required, may be questioned when we are so short of candidates for ministerial appointment). This need

could be recognised in another way by giving it to say, the Minister for Education and for the Bureau to be strengthened with a Deputy or Junior Minister. The main point is that this is an area which needs special attention. Something must be done to implement a Human Capital Growth Plan and to link our immigration policies directly to the plan and to be administered by the appropriate Secretary.

8. The Basic Law emphasises that we are an Executive led administration. What does this mean? The phrase rather suggests crisp, decisive government "in which formal authority is concentrated at the centre and a single source of power is identified." (Burch and Holliday,1995, "The British Cabinet System"). Our Principal Officials would be better drawn from the private sector rather than being mostly, if not quite all, former civil servants who are too close to their former colleagues really to shake the dust of their former employment from their feet. This concentration of power in the Executive used to be the style of government but now that power seems to evaporate when it reaches the Legislative Council (LegCo). The Chief Executive, unlike other Executive led systems, has no power base in the Council in sufficient strength to enable him fully to exercise formal executive authority. There are other things which can be done, there are adjustments and strengthenings which can be made to the administrative base on which the power of the Chief Executive rests.

9. The administrative base is the hard working, dedicated and incorruptible civil service. Why then is there so much public sneering and jeering? So much opposition? Why is there an inability to make our machine move faster while we cast envious public eyes at Singapore and our neighbours in the Mainland. For in this fast moving world speed is of the essence. Is there a reluctance to let go of power and authority to hold on to the reins and, among senior civil servants where all are equal, to pass the files to one another, leaving no one to champion important policies and plans, leaving empty the large open spaces, with their grandiose dreams?

10. But will people want to come here to stay and work? There is no doubt that Hong Kong today is a much more attractive place than it was in 1997. Special efforts – the painting of road bridges which used to be grey and dirty, tree planting and flower beds have brightened up our city. But as we admire the flowers, getting rid of pollution of the air we breathe has defeated us. It has been the subject of lengthy discussion, consultation and analyses, some things have been done but there has not been enough determination to remove this scourge. Why do we allow this to happen? Are we lacking the will to devote more money to get rid of the sources of pollution, which are in our authority and ability to eliminate or reduce, from the trucks on the road, from the ships in our harbour and from our factories with their auxiliary generators in Guangdong? It is distressing to hear tales of families who have turned their back on Hong Kong because the air, which we have no choice but to breathe, turns them away. Self-interest alone should be enough to do what it takes to clean up the polluted air.

11. In our ambition to be a world city, these are some of the issues we have to get right.

GOVERNANCE

SECTION II

Introduction

1. We need to review how Hong Kong is governed or managed today, its strength and weakness, its position as an SAR, the possibilities and parameters for change allowed in our Basic Law, where it is likely we will be in 2020, bearing in mind various constraints, and the road ahead after that. The chief manager of the SAR is the Chief Executive and ultimately, the responsibility for implementing the changes recommended in the following pages rests with him. The recommendations do not give rise to Government expenditure unless extra recruitment is required, they are not made lightly but are the result of deep thought and wide discussion and we believe would be welcome, generally if the slow motion government can be speeded up.

2. In 2009 we have only a short while before 2012 and elections are upon us. Political or constitutional change comes only after long periods of gestation, of public consultation and legislative process and after that a two-thirds majority vote is needed in LegCo to institute any reforms. There are only two windows for change before 2020 when election terms occur. They are in 2012 and 2017. It is not realistic to think of reforms in the middle of a term of office. From statements made in Hong Kong by the Deputy Secretary-General of the Standing Committee of the National People's Congress (NPC), we know that in 2017 the Chief Executive may be elected by universal suffrage. It was not a definite statement, rather, one that implies that if the Basic Law conditions are met, it can happen. It has been said too that it is expected that the LegCo will be directly elected in 2020 although that too, was not specifically mentioned by the NPC statement or its explanation, rather, it says specifically that this shall not happen in 2012, thus dashing the hopes and extinguishing the fire of those who are calling for implementation of Article 68 of the Basic Law in 2012. With regard to 2020, this date is not mentioned either in the statement or the following explanation, what is said is that universal suffrage may take place after direct election for the Chief Executive with no date assigned. We should not waste further time discussing this. From other statements made we can infer that the balancing principle, that is to say the restraint mechanism, behind the presence of the Functional Constituencies group in LegCo, creating a virtual two-group council and the voting method of the two groups are important elements of the SAR democratic system in the eyes of the Standing Committee. For this reason, it has stated emphatically they will be preserved in 2012.

3. It is twelve years since the return of Hong Kong to the Mainland, during this time, there have been a few attempts at change, to adjust the political system, to bring it more in line with people's aspirations and with the Basic Law promises, but, to all intents and purposes, some changes can be no better described than false starts. Looked at objectively in 2009 it is said widely that the governance of Hong Kong is less effective, less decisive now than in 1997. Why is this? The answer to this question may give some clue as to how further change and reform should be approached.

4. The Basic Law of the SAR was drafted during the period between 1985 and 1990, and completed seven years before the handover. In the years previous to 1985, some modest carefully explained reforms were made to the political system by the outgoing British administration. Hong Kong, under the overall charge of a British Governor, was Executive led within a cohesive political framework in which Executive and Legislative Councils worked closely together. Policies and legislation proposed by the Administration were made responsive to public opinion by a comprehensive range of over 500 advisory committees and were implemented with comparative ease after a reasonable period to allow for public debate and acceptance.

5. This was the background against which the Basic Law was drafted. Mainland and Hong Kong members of the Drafting Committee were venturing into unknown territory. The Joint Declaration by the two sovereign nations provided no help other than to say that Hong Kong should have a legislature "constituted by elections". Legislative Council was divided into two numerically equal groups, directly elected and functional and a voting system introduced deliberately to have a restraining influence on the directly elected group.

6. Although Green and White papers issued by the British Administration in 1988 had advocated the elimination method of preferential voting for Legislative Council elections after 1997, at a meeting of the Preliminary Working Committee in December 1993 (Sze-yuen Chung, 2001, Hong Kong's Journey to Reunification - Memoirs of Sze-yuen Chung, The Chinese University Press), Sir S Y Chung said that the SAR should develop its own system and it was subsequently decided that the Party List system for direct elections should be used. This system, while giving everyone and every party an opportunity to secure seats by election, produces a Legislature of disparate elements with no one strong party emerging. Other systems of proportional representation were not fully discussed or evaluated, so what appears to be the most democratic or representative form of direct election stifles the possibility of a strong party emerging and severely hampers the working of an Executive led government. There are examples of the stultifying effect of the List system which may be drawn from other Legislatures, similarly there are examples of how even in Presidential or Executive led systems the Executive has strong party support. Even though his party may not always be in a majority, if frustrated, he then can use his reserve powers as Executive.

7. It was also decided that our Chief Executive should not belong to a political party. Thus, the Chief Executive has no discrete political party support, and in the Legislative Council a disparate array of parties to contend with. It is twelve years since the transfer of sovereignty and it is no exaggeration to say that criticism of the ineffectiveness of the government is common.

Executive Council and Ministers

8. Whereas in former years, Executive Council and its members were centre stage, now they seem to hover in the background and not in the forefront of public life. Changes have been introduced to make the governance of Hong Kong more decisive but regrettably, the reverse

seems to have happened. There were a number of administrative blunders and carelessness and calls for a government official to take the blame. After a delay in responding, the Government introduced a "quasi-ministerial" system in which Heads of Bureaux were given designated responsibility and became accountable. A number of "Ministers" were appointed from the private sector to head these bureaux. They were given little direct support (they had no Deputies) and to some extent the government became dysfunctional.

9. A system of defined Ministerial responsibility is an essential requirement of an Executive led government, whose Ministers should be supported by Deputy Ministers of experience who may be drawn from the civil service (as in Canada) or from outside.

10. A reform of the well nigh invisible Executive Council is needed to raise its and its members' status. "Ministers" of important portfolios drawn from members of the public are needed to include development, education, economics and health.

11. Some Ministers currently have multiple subjects in their portfolios. In others, the portfolio is too broad and seemingly incapable of delegating its parts since there is no competent Deputy to hand. As a result, important and far reaching policies are deferred and put aside in order to deal with the crises that are a daily occurrence in any large organisation. Bureaux should be split and more Ministers, possibly Junior Ministers, created. The Chief Executive needs to be able to stand back from the day to day administration and leave that to his accountable Ministers and their Deputies.

Urban and Regional Councils

12. Hong Kong previously had elected Urban and Regional Councils. These two representative bodies were removed from the political structure because it was said they were redundant now that Legislative Council was elected. They were an important training ground, a stepping stone to higher office, which has not been replaced. Responsibility would henceforth be delegated to the 18 elected District Councils. Although promised, this has not happened to any significant extent. Hong Kong is thus without any central city government and the role of the two Councils has devolved on the Public Service, and its departments and officials.

The Civil Service

13. Hong Kong prides itself on the quality of its civil service and civil servants but at the time of writing, there are frequent complaints that it is slow to make decisions and this fast moving city is impatient to match the speed of accomplishment of our Mainland neighbours. Undoubtedly, the constraints of corporate governance and prevention of corruption impose their requirements, which tend to slow things down, so too do a watchful media and a critical Legislature. Nevertheless, there are frequent complaints about the unwillingness to make decisions or that the decision requires the participation of the other Bureaux, there seems to be no "champion" of the subject under discussion who can get things moving.

14. There are also numerous complaints about the all too frequent movement of senior officials to another post in the interests of career development as though the concept of individual improvement was divorced from his or her value as a public servant. An examination of the number of even the most senior appointments held by some of the Principal Officials reveals that less than three years seems to be the norm. To remedy this the most senior officials, who by then are reaching the end of their careers, should remain in their posts for at least five years.

15. Administrative Officers (AOs) in the civil service are admired for their ability and dedication. At a mid level they, too, move around all too frequently, again in response to the need to develop their careers. When they have settled into a job and are becoming useful they are moved on. This should stop. Streaming of civil servants as is happening in civil services elsewhere should be considered thus retaining their experience in the Department or Bureau and the collective memory which is so important when new situations arise.

16. Administrative Officers are generalists and in this increasingly complex society should be underpinned by professionals from outside the government to strengthen their arm particularly in the fields of finance, insurance, education, development, infrastructure and technical subjects. Some positions should be professionalised (e.g. Insurance) thus releasing an administrative official for other more suitable work.

17. Finally, the SAR civil service is by nature hierarchical and the pecking order and an individual's seniority may take precedence over others more suitable for promotion. These ingrained inefficiencies are hard to correct and require tough decisions to be made.

Advisory Committees

18. There are over 400 committees and commissions advising the government on its programmes, policies and problems at any one time. In aggregate these committees have a membership of several thousand. They are the eyes and ears of the government and a sounding board for the introduction of new ideas and policies. Some advisory groups are chaired by departmental officials, and in most cases the agenda, minutes and papers are prepared by the officials. This stifles the initiative and innovative abilities of the non-official members. We should be more relaxed, more trustful and let the non-officials take the lead guided by an official deputy as was allowed to take place in District Councils.

19. Little is known of the work of these advisory bodies, who is on them and the number of appointments each member holds, for the most part they publish no account of their meetings and members of the public have little idea of the subjects which are being discussed. This lack of transparency and openness could be easily remedied. The advisory committees should be seen as an essential part of the political structure and their work should be woven into the political fabric by having some members drawn from Legislators. The principal advisory committees, for example Transport, Education, Welfare, should be chaired by Ministers who are members of Executive Council or by their Deputies.

Publicity

20. The Government has a good story to tell. Newspapers with their preference for bad or exciting news prevent new items of general interest from becoming public knowledge. A weekly government newspaper would inform the public about what is going on in the districts about government and vital developments. Such newspapers are now common across the board in many organisations, universities, etc. and government is slow to follow suit. "The Week in Hong Kong" would be of wide interest, and could be a layman's complement to the Gazette.

Bureaucratisation

21. As a result of changes over the past several years, the management of Hong Kong has devolved almost entirely into the hands of those who have spent their whole careers in the public service from the Chief Executive down. In other words there has been a bureaucratisation of governance, a lessening of vitality somewhat, and lessening too, of the injection of new energy and ideas. Instead of making progress to the goals held out by the Basic Law of participation and representative government, Hong Kong, in 2009, seems further away than ever from this objective largely as a result of the introduction of measures ostensibly to improve the management of public affairs but which have had reverse effect.

Change in 2012

22. The need is therefore to introduce changes in 2012 and to heal the present disconnect between the government and the governed. There will be an opportunity in 2012 when fresh elections to Legislative Council take place. 2012 and its aftermath will be years in which Hong Kong should see considerable change and hopefully a significant step forward to the renaissance of an Executive led government.

Legislative Council

23. Hong Kong has a 60 member Legislative Council composed of 30 members elected by a List system of universal suffrage and 30 members by Functional Constituencies.

The Directly Elected

24. For the purposes of direct election the territory is divided into various regions, however the members elected because of their party affiliation are not directly identified by the electorate as their chosen representatives. The List system lacks the advantage of elected members whose sole responsibility is to represent distinct geographical districts. An improvement could be made by either abandoning the List system or, if that be too radical, by electing half the representatives by direct election from geographical districts using the elimination method of preferential voting, i.e. a member for Kwun Tong, a member for Shatin etc., and half by the Party List system. This would be a Mixed system which combines the advantages of both systems. This would bring about a vast improvement over the present arrangements and would bring a much more directly accountable representative system to the Legislative Council.

Functional Constituencies

25. Much has been written and spoken about Functional Constituencies which represent the other numerically equal group in the Legislative Council. They were introduced in 1984 to represent professional associations and business interests as an interim step forward in developing a popularly directly elected government which it was decided at that time would have unpredictable consequences, would abandon the established principle of consensus government and would substitute adversarial politics.

26. Functional Constituencies have been criticised. The registered electors of some functional associations do not fully represent the profession they are supposed to represent, other registered electors of professions consist only of the committee members of the profession or organisation, some functional constituencies in the business sector encourage corporate voting on behalf of companies which have no real existence. There are also strongly argued views that Functional Constituencies do not comply with the requirements of the International Covenant on Civil and Political Rights (ICCPR), this and other criticisms are directed at their shortcomings and their intended purpose is ignored.

27. In their defence it should be emphasised that the Basic Law lays particular emphasis on the representation of all sectors and on the need to safeguard the economy. To this end the representatives elected by the principal industrial and commercial sectors and by social groups bring a wealth of personal knowledge and professional expertise into the Council, such as, architects, doctors, educators and labour unions, among others. The Functional Constituency system directly protects these interests which no other system could similarly guarantee. There is disquiet in some quarters about retaining Functional Constituencies in their current form as though there were something shameful in not conforming to common international norms. We must first look at the reality of our political position and not necessarily follow other systems simply for the sake of conformity. While some functional representatives would be willing to surrender their right to elect a member to the Legislative Council, others will jealously guard that right. Any proposal to eliminate the Functional Constituencies is therefore likely to be bitterly contested and in any case will require a two-thirds majority of the legislators in the Legislative Council before it could happen.

28. The procedures for voting on bills and motions proposed from the floor of the Legislative Council requires a simple majority vote of each of the two groups of members. This introduces a restraining factor similar to that exerted by a Senate in a bicameral system. No doubt with this restraint in mind, on 29 December 2007, the Standing Committee of the Tenth National People's Congress at its 31st session ruled that the method of voting on motions introduced by members was to be retained in 2012. This procedure for voting requiring a simple majority of each of the two groups of the Legislative Council embodies aspects of the two chamber legislative system of very many national legislatures.

Universal Suffrage

29. "The ultimate aim is the election of all the members of the Legislative Council by universal suffrage", Article 68 of the Basic Law says. This Law goes on to say that Annex II of the Basic Law describes the specific method for forming the Legislative Council. Annex II says that after 2007 if there is a need to amend the provisions of the Annex for forming the Council and its procedures for voting "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".

30. What the Standing Committee has said is that "appropriate amendments may be made to the specific method for forming the Legislative Council" in 2012.

31. The conclusions to be drawn from these statements for those who are prepared to read them is that the Functional Constituencies are to be retained in 2012 in the same half and half ratio, that the voting method on motions introduced from the floor is to be retained, but the specified method of forming the Functional Constituencies and the specific method of electing the directly elected half may be changed. Debate therefore should be confined to these two subjects.

32. The debate on what form of Legislative Council the SAR is heading to universal suffrage has therefore been substantially left until after 2012, nevertheless later debate subsequent to 2012 is bound by the same requirement of a two-thirds majority. Furthermore, even introducing a debate on the subject leaves the question wide open of what sort of Legislative Council the Special Administrative Region is to have. The two-group system and the restraint mechanism would disappear with the abolition of the Functional Constituencies. Would this be gradual and orderly progress!? These are very big questions to which no answer has yet been given.

33. A way forward may well be to reform the Functional Constituencies. The list of the present Functional Constituencies covers the whole community but not their registered electorate. There have been many ideas put forward over the years aimed at gradually whittling away at the Functional Constituencies so that they disappear. This is wishful thinking. Another way to move in the direction of a fully directly legislature is by enlarging the representativeness of Functional Constituencies so that virtually the whole electorate is covered.

34. This could be done for example by the amendment of corporate voting, by expanding the registered electoral base of each Functional Constituency and so forth. There is every likelihood that this solution which aims at a more representative status for each Functional Constituency might well be attractive and might pass the two-thirds hurdle!

35. This too would allow for gradual and orderly progress to the ultimate goal. It would allow too, the retention of the two-group Council and for further thought to be given to the desirability to be found in so many democracies of a true two chamber solution.

36. Suffice it to say that there is no one council suits all. All are different from one another. Hong Kong must put forward its own solution.

An Electoral Commission?

37. How the political system should develop after 2012 to move towards universal suffrage if the Functional Constituencies are to be abolished represents a major challenge. It cannot be dealt with by the long drawn out process of consensus building currently in vogue. If no solution capable of achieving a two-thirds majority is reached, it might be necessary to appoint an authoritative Electoral Commission to deliver a solution.

Election of the Chief Executive

38. The BPF has written extensively on this subject, its views are driven not simply by the narrow interest of the SAR but also the need to meet with those of Central Government expressed in the Basic Law that the elected candidate must secure the approval of the Central Government. What better way to ensure this than to require the candidates to have at least a number of nominations from the NPC members of the fourth sector? Of course this is an anathema to politicians with extreme views but these NPC members must be recognised for what they are and as having a special representative responsibility.

39. All candidates should have at least some support from each of the four sectors, professionals, social groups, economic interests, Councillors and NPC delegates. This will lead to the election of candidates who have broad sectoral support, who do not merely represent a narrow party or sectional interest. This is practical politics, the politics of compromise and consensus which we are seeking to achieve.

An illustration of requirements for successful nomination of the Chief Executive in 2012

a) Premises:

Nomination Committee = 800 members (made up of four sectors of 200)

LegCo = 60 members

LegCo members are to remain in the Fourth Sector of the Nomination Committee

b) Requirements recommended by BPF

- Threshold for successful nomination	(12.5% of 800)	=	100
- Support from each of the 4 sectors	(10% of 200)	=	20
- Support from LegCo	(25% of 60)	=	15

Based on the above, the following is the composition of the requirement for successful nomination:

- First, Second & Third Sectors:	20 x 3 sectors	=	60
- Fourth Sector:	15 LegCo + 5	=	20
- From any of the four sectors		=	20
Total nominations			**100**

Notes: Those numbers could be modified: the principle is to nominate candidates with some support from each sector.

40. With regard to the size of the Election Committee, a Committee of 800 is sufficient, to increase it is merely cosmetic, playing with numbers, without any practical effect.

Choice of the Final Candidate

41. After completion of nomination by this process, the final choice between the competing candidates in 2017 should be put to all registered voters to elect the Chief Executive through one man one vote. This would amount to universal suffrage for the election of the Chief Executive. The ultimate goal stated in the Basic Law (Article 45) would then have been achieved. The Chief Executive at the end of the day could legitimately claim that he had wide public support.

42. With regard to the election process, a one-round first-past-the-post voting method may produce a winner with less than 50% of the total vote, the alternative merit of a two-round run-off between the two candidates with the highest number of votes needs careful evaluation. In theory it should produce a majority winner. The possibility of a run-off discourages the coalition of opposing parties during the run up to the first round of the election in the hope of winning in the second round run-off. Political parties making the decision to run their own candidate may have as their goal either to finish in the top two in the first round or to demonstrate an electoral following that can be delivered in the run-off election to one of the top two finishers in exchange for benefits in the future. Studies have shown the percentage of votes received by two leading parties in these circumstances tend to be smaller than those in one-round elections. Moreover, the run-off system encourages the development of political factions rather than major coalitions.

43. For these reasons, the preferred option for the election of Chief Executive is the one-round first-past-the-post voting. In such a system, the candidate with the largest number of votes wins the election. Political forces in these circumstances will tend to form a broad coalition behind the "front-runner" and the opposition will also tend to coalesce behind one "principal" challenger to gather as many votes as possible.

節錄自新界鄉議局對2009/10年度施政報告的期望

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香港特別行政區行政長官
曾蔭權先生鈞鑒：

鄉議局對2009/10年度施政報告的期望

四、穩步拓政制　提升地區管治

1. 穩健地推展政制發展

就全國人大常委會指明本港可於2017年普選行政長官，2020年普選立法會的事宜，本局維持過往的立場，認為政府應以循序漸進、符合香港實際情況的方式作討論，並落實普選的細節。對於有一小撮人建議刪除立法會功能組別的議席，本局並不認同。立法局在1985年開始有功能組別議席選舉，功能組別的議員代表所屬界別人士表達意見，令議會內能有不同的聲音，體現均衡參與的原則，以及《符合》基本法對立法會選舉的設計原則。以鄉議局功能組別為例，鄉議局的代表一直協助政府發展新界地區，表達新界居民的意見，並以繁榮香港為目標。因此本局認為政府應根據人大常委會的決定現時繼續保留功能組別的議席。

今年本港經濟情況略有改善，唯整體經濟仍受前景不明朗影響，特區政府仍需集中全力刺激經濟發展，因此在今年施政報告中不觸及政改的安排亦是可以合理接受的。

新界鄉議局主　　席：劉皇發
副主席：林偉強
張學明

尊敬的特首曾蔭權先生：

首先向您及您的夫人問好！

我今天書信給您的主要目的是表達支持您的－－不在施政報告中提及**2017、2020**年之普選內容的英明決定！

您的決定公佈後，反政的民主派立即用威嚇的語言來要脅您，這正好說明您的英明決定令他們無奈，唯有選擇狗急跳墻的激進行爲……。那麼，就讓他們企圖搞亂香港的真面目暴露在市民的眼前吧！

我原本想質問 反政者，但蘋果日報民眾的討論區被取消了，唯有寄給您參閱：

(以下的質問句可以啓發市民客觀和正義的思維。)

1) "普選"可以保障市民的健康嗎？
2) "普選"可以趕走流感病毒嗎？
3) "普選" 可以扭轉金融海嘯的劣勢嗎？
4) "普選" 可以爲各行各業找到商機嗎？
5) "普選" 可以解決失業的問題嗎？
6) "普選" 可以解決老年人的安居的問題嗎？
7) "普選" 可以爲學生創造出學習的環境嗎？
8) "普選" 可以將受毒害的學生、兒童從毒海中救出來嗎？
9) "普選"可以爲中青年創造出工作的機會嗎？
10) "普選"可以爲失業者解決衣食、住宿的問題嗎？

……

既然那所謂的 "普選"運動，連人民最基本的溫飽問題都不可以解決到，爲什麼那些打着民主旗號的反政者卻死咬不放呢？他們的目的是爲了什麼呢？說穿了他們最終的目的就是奪權！我們回顧昔日數年來，他們究竟做過些什麼呢？搞到香港鬧哄哄，一事不成；報大數、做假帳就有他們份…… ；近期竟 然對講真話的學生們進行打壓、攻擊……。令支持特首、支持政府的香港市民不敢講真心話，他們害怕被他們圍攻，被他們辱罵……。就連政府爲了市民的健康，對不良行爲(如販毒，吸毒、吸煙……等等的行爲)進行嚴厲的打擊的行動，都被他們百般攻擊。然而，因爲以曾蔭權爲首的香港政府的勇於堅持，而得到了市民的贊賞，才令到他們無地自容。他們爲了挽回失去的民心， 於是借民主"普選"大作文章。

那麼，我們就用客觀事實告訴市民：

那打着民主旗號的反政者 好事不做，壞事有餘！對香港的禍害不少，浪費了不少寶貴時間；消耗了不少寶貴的精力；阻礙了香港的政治經濟的迅捷發展！

所謂的民主"普選"運動的"禍害"並不是我們刻意地去醜化它，而是那客觀事實告訴了我們，請遠觀世界：

1) 哪一個搞民主"普選"運動的國家，他們的"人民"是生活在安定和平的環境中呢？相反令該國的國民經濟永遠停滯不前，甚至倒退！即"財匱力盡，民不聊生"

2) 連原本先進的大國，都被民主"普選"運動拖垮了：
請看"蘇聯" 、"美國"不就是最客觀的事實真蹟嗎！

a) 原爲世界上自稱爲軍事最強的"蘇聯"大國 輸給了搞民主"普選"運動的的葉利欣傻總統；令"蘇聯"之大國潰散、令"蘇聯"之美名成爲了歷史 ！

b) 自稱爲國民經濟最強盛的"美國"輸給了民選出來的、大力鼓吹暴力的愚蠢的小布殊總統，令原本富庶的"美國"，其國民經濟一落千丈(銀行破產，企業倒閉，工人失業……)；令其生活富泰的國民落難街頭…… ！

3) 請近看台灣：
由民主普選出來的大貪官陳水扁，絞盡腦汁搜刮民脂，吞併眾財(金錢、珠寶)，忽視城市的基本建設，慫恿破壞環保建築的行爲，故導致 2009 年 8 月 8 日的水災殃及村民被活活埋葬！ 更可悲的是－－今天那大權在握的馬英九先生，天真地以爲：可以借用他在美國學來的"民主"精髓－－"與敵共處"就是"民主和平"的神情話語去感動敵人……；結果，他的脖子上永遠都架着一把"利刀"，隨時都有生命危險，他又怎能救到災民呢？除非他表現出王者風範，除去那把架在他頸子上的"利刀"，否則，他將寸步難行！……也許有一天他會明白－－祇有借助"東風"方能令台灣市民生活安定……

再曰 1)：

我認爲以您爲首的香港政府近期推出的針對各行各業的方針政策完全合乎國計民生。如校園驗毒、全民禁煙計劃 ……等等保障市民健康的運動；爲解決青年失業問題而推出的各種政策；以及公務員的薪酬調整……等等的方案，原本是得到大部份的香港 市民的支持的。然而，他們支持的聲音無法表達出來，爲 什麼呢？是因爲在香港的政客爲了表達他們的存在，與媒體合謀控制住電台，報刊，(連蘋果日報都取消了民眾的討論區……)。政客們爲了利用傳媒工具集聚反對政府的聲音，以壯大他們反政府的力量，所以，不論政府推出的政策是對是錯他們都會發出反對的聲浪，借以打擊政府的威信，否則，他們就會慢慢地被人遺忘了。如果您認爲所推出的政策是完全合乎國計民生的話，就應該堅定地去執行，或許您的堅持有時會令您的民望下跌，不過，其後的歷史結論一定是最好的見證！也就是說：歷史將會見證您是一個真正的爲國爲民而不怕犧牲"名"與"利"的"大英雄"。

再曰２）：近期公務員各部門出現一股反常的行爲－－違反法律規定公務員理應遵守的"公例"－－即"服從"。最令人驚訝的是帶頭違反法規者居然是 各部門有指揮權利的高級公務員！算不算是搞政變呢？值得深思！

那麼：
是誰在幕後扮演他們的總指揮呢？是誰曾經統領過他們呢？誰是您的對 頭人呢？是誰以您爲假想敵呢？ 如果讓您知道了這人是誰，您會怕嗎？

不論您知不知道這人是誰，都不需要怕，祇要您認爲您的所做所爲是合乎國計民生的方針政策，就應該堅定地去執行，做一個有魄力的領導，鑄造一個強勢的政府隊伍，保守住香港不被別有用心的政客攻破，最後一定會得到國家和人民的贊賞。爲歷史增添一頁美好的詩篇和圖畫。此致

敬禮

支持您的香港市民
女中醫　王漁生　敬呈
2009 年 8 月 28 日

曾蔭權 等首：

要求實踐承諾 提供全面普選方案及時間表

2007 年，中央再度拒絕了香港市民爭取民主的訴求，否決 2012 年雙普選，香港社會在普選的問題上，已糾纏超過 20 年，特區政府仍缺乏勇氣向中央爭取在 2012 年推行雙普選，我們對此深感遺憾。

我們一直認為政改方案必需整體全面解決真普選的問題，包括其路線圖和時間表，因此不應局部處理 2012 的政改，當中有以下理據：

1. 人大常委提出了 2017 至 2020 為實施全面普選的時間表，香港市民要求交代目標日期實施的終極方案是理所當然的，亦不會違反人大常委的決定。

2. 若社會就 2017 和 2020 的政改終極方案達成共識，並以此為基礎商討 2012 和 2016 的過渡方案，思路是順理成章，爭議亦會順利解決。否則，沒有終極方案的路線圖，2012 年的任何改變，都可能造成與未來目標不接軌或脫軌的情況，這正是政治發展應該避免的；

3. 有整體時間表和路線圖的諮詢，既能使特首有體面地落實他的競選承諾，亦符合香港的長遠利益，使這個持久爭論和內耗分化的問題得以解決。

同時，特首為免刺激更多市民參加七一大遊行，將政制諮詢押後至本年第四季才進行，更不會在施政報告交代，我們對此已深感不滿。不單如此，日前特首就施政報告開展連串諮詢會，當中與學者會面時，更公開表示年底的政改諮詢，只有 2012 年的兩個選舉安排，不會觸及 2017 年行政長官和 2020 年立法會選舉的安排。

實際上，特首今次對政制改革的拖延已令人無法接受，因此，我們認為何俊仁主席日前提出：「若 2012 政改方案再遭否決，將會要求他辭職，或要他按《基本法》解散立法會及重選，若曾蔭權一旦拒絕解散立法會，便到法庭控告他違反《基本法》。」實有付諸實行的需要。

我們強烈反對特首這種對政制討論的限制和迴避策略。去年，特首會親自出席地區的施政報告諮詢會，今年則只派副局長及政治助理出席這些「蝦兵蟹將」出席，而主題則局限為只談「六大產業」，令人質疑政府諮詢地區的誠意。

我們本認為，只要 2017 年的特首選舉及 2020 年的立法會選舉是「真普選」便有討論空間，但政府如今仍拒絕討論終極方案。因此，我們趁首場「2009-10《施政報告》地區諮詢會」的時候，進行「倒寫河蟹」行動，將準備好的一羅活蟹倒在諮詢場地外，以示對特首三番四次逃避對香港有深遠影響的政制發展，企圖製造假社會和諧氣氛的不滿。

民主黨西貢黨團

西貢區議員范國威　張國強　林少忠　梁　里　柯耀林

社區主任　林咏然　麥子熙　鍾錦麟　鍾恩緒　余漢麟　張寶合　莊雅真　楊雪瑩

2009 年 8 月 28 日

節錄自梁美芬議員就2009-2010年度行政長官施政報告建議書

梁美芬 立法會議員 信箋

Dr Hon Priscilla M F Leung
Member of Legislative Council (Kowloon West)
Barrister (Hong Kong), Arbitrator (CIETAC)

行政長官曾蔭權先生大鑒：

就2009－2010年度行政長官施政報告
立法會議員梁美芬 及 西九新動力 建議書

經歷過去年底的金融海嘯衝擊，本港失業率在今年年中以前不斷上升，社會瀰漫悲觀情緒。及至年中以後，在外圍因素帶動，以及本港股市、樓市轉趨活躍下，本港經濟出現起色，消費市道轉強、樓價飆升、股市活躍、失業率喘定。財政司司長指本港經濟「最壞的時間已經走過」，但市民仍然不能鬆懈，要抓緊時機，捕捉曙光初露的復蘇勢頭。

本人及西九新動力均認為，雖然最壞的時刻已過，但本港經濟依然有很多不穩定的因素，所以對於特首閣下表示今年的施政報告會繼續以經濟議題作為主打，表示同意；但我們對特首表示今年不會「派糖」的說法有所保留，因為經濟雖然回穩，但社會貧富兩極化的趨勢仍然存在，故此一刀切不派糖並不合理，應該改為「有目標、有針對性的向有需要人士派糖」。

我們同時認為，除了經濟外，香港社會最近出現的很多問題，均源於政府施政和管治出現毛病，所以加強政府管治、改善行政立法關係，都是特首急需處理的課題。至於最近甚囂塵上的青少年吸毒問題，以及關係到往後政制發展的2012年選舉過渡安排，也不能掉以輕心。茲闡述我們的建議如下，謹供特首閣下作為參考，冀能予以採納：

十二、政制發展

- 應遵照人大常委會07年12月29日作出的決定，2012年不會實行雙普選；
- 2012年政制發展應以循序漸進為原則，以達致2017年特首普選及最快

2020年立法會普選為目的；

- 2012年立法會選舉要保留功能組別，但應考慮擴大選民人數至100萬，並取消公司票和團體票；
- 2012年立法會議席可考慮增加10席，直選及功能組別各一半；
- 2012年特首選舉同樣應考慮擴大選委會人數。

CDA105

民主黨立法會議員秘書處
Secretariat of Legislative Councillors of The Democratic Party

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敬啓者:

公共政策研究報告：施政報告建議書(09/10)

從 2002 年開始，民主黨會在行政長官發表施政報告前，提供一份完整的施政期望。

今年，我們回顧行政長官曾蔭權的施政，看到一些香港的根本問題仍未獲關注和解決，他的一些承諾亦只是空言。例如：香港貧富懸殊日趨兩極化；嚴重醫療和藥物事故，以及精神病患者傷人事件連串發生，都反映港人健康和生活未得到改善；香港受煙霧影響的日子平均每年超過 50 日，空氣污染嚴重；市民無望置業，青年人更難攀上社會階梯，社會流動性越來越低，「雷曼事件」、「中信泰富事件」等亦暴露出香港財經、金融服務業監管不足，正動搖香港國際金融中心地位。

最近「河蟹事件」、申訴專員公署訓斥機電工程署規章鬆散等，都反映特區政府的專權管治和公務員體制得過且過的心態。

民主黨希望曾蔭權第三份施政報告能正視和處理以上的問題。

落實普選、改革管治、締造公平社會，是民主黨今年施政期望的主題，建議書的政治、經濟、環境、民生篇章，是在不同政策範疇提出了民主黨約 300 項主張和訴求，體現著市民的希望。

就行政長官擬推動六大產業，民主黨在建議書內除提出要鞏固現有四大支柱等五大基本原則外，亦就建議的新產業的發展提出一些原則和具體看法。

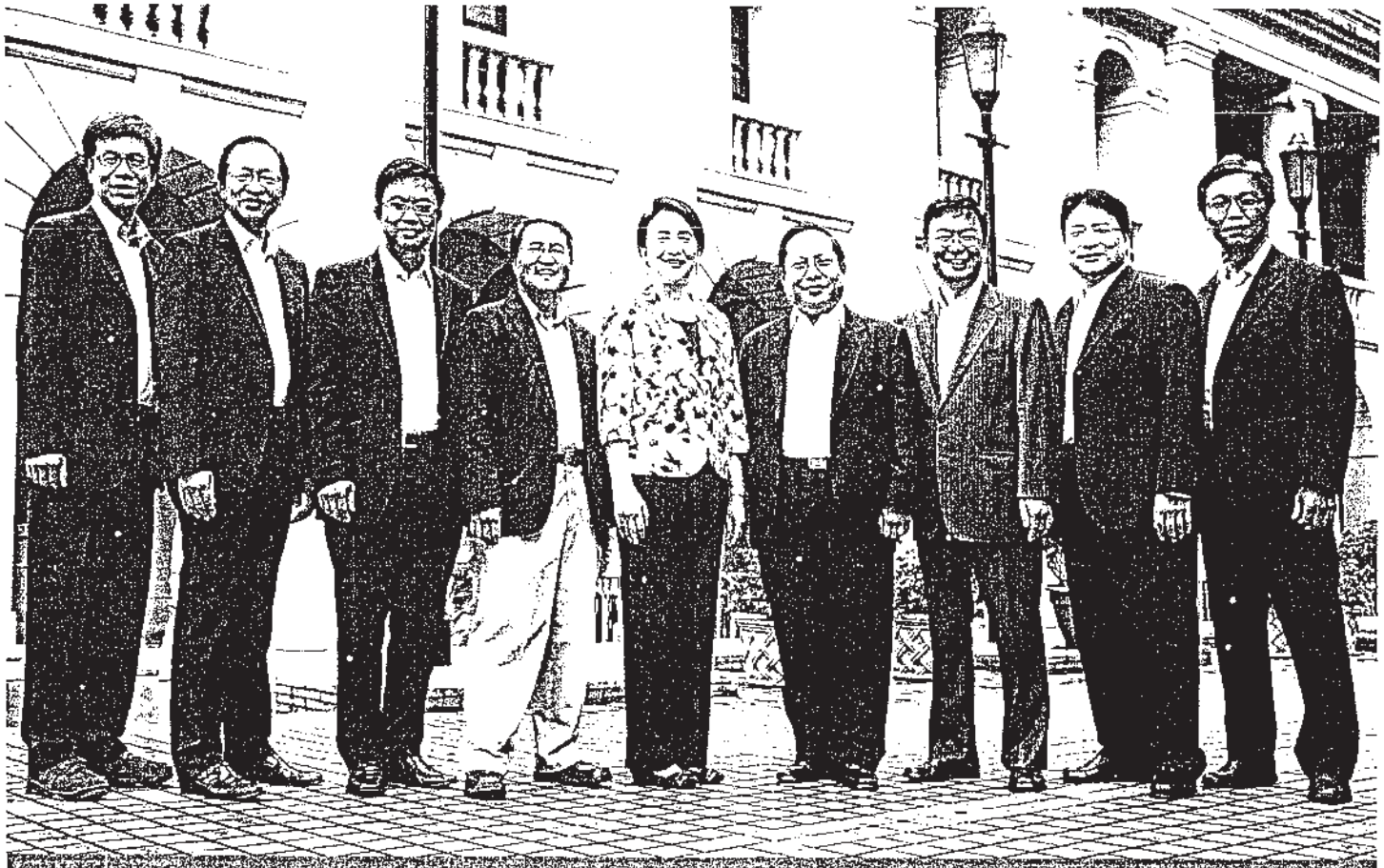
民主黨的建議，貫串著一個重要信念：唯有真正的民主體制下，政府才會認真考慮市民的聲音，行政長官才會接納市民的訴求，唯有民主，市民才可監察政府，立法機關才可制衡政府，問責政治才可建立，市民利益才得到充份的保障和照顧，社會利益得到合理分配。

我們在此謹附上這份施政報告建議書，以供 閣下參考。我們十分願意聆聽多方的意見，亦盼望與社會各界加強聯繫溝通，爲創造民主公平的社會共同努力。

如對建議書內容有任何回應或查詢，請聯絡民主黨立法會議員秘書處職員　　女士，電話：　　，電郵地址：　　。

民主黨主席
何俊仁謹啓

二零零九年九月



落實普選 改革管治 締造公平

民主黨2009/10施政報告建議書

公共政策研究報告

落實普選、改革管治、締造公平社會

從2002年開始，民主黨會在行政長官發表施政報告前，提供一份完整的施政期望。

民主黨的建議，貫串著一個重要信念：唯有真正的民主體制下，政府才會認真考慮市民的聲音，行政長官才會接納市民的訴求。

建立一個民主普選的政制，是香港最重要和急迫的施政基礎，政府不能迴避，行政長官不能卸責，政黨和市民必須盡力爭取。

回歸已12年，香港兩任行政長官都缺乏勇氣和承擔，令香港一次又一次錯過了發展民主的大好機會。在2005年，一個不民主、沒有路線圖和時間表的政制方案被立法會否決。一旦即將發表的政制改革方案，不提出2012雙普選，更沒有路線圖和時間表，而因此再被立法會否決，行政長官作為問責高官之首，責無旁貸，應負起政治責任，為無法落實普選引咎辭職。

民主黨也關心：沒有民主體制下的政府管治，是否能真正做到以民為本？

最近申訴專員公署訓斥機電工程署規章鬆散，暴露公務員體制的崩壞，得過且過的心態。這不是一個部門獨有，更反映特區政府缺乏民主監管的專權管治。他們不將市民的休戚放在心上，例如有屋邨居民投訴房屋署索償，也往往交由第三者的公証行處理了事，從沒真正了解投訴的本質，從沒認真改革行政的失當，改善屋邨管理。

為甚麼政府可以如此？為甚麼政府膽敢如此？因為行政長官並非民選，他的權力並非市民授與，他問責的對象只是中央和小圈子選舉委員會，而不是廣大市民。

因此，沒有民主的問責制，社會利益得不到合理的分配。回歸12年來，行政機關一權獨大，缺乏適當制衡，在專權管治下，政府政策偏袒大財團。一個無須向市民問責的政治領袖，根本不會有推動力，為市民謀福祉，建立一個公平的社會。

沒有民主，市民難以監察政府，立法機關也無法制衡政府，問責政治無法建立，市民利益得不到充份的保障和照顧。

特區政府管治下，香港的堅尼系數是0.53，說明社會加速貧富兩極化，弱勢社群的生活得不到改善，長者的日子越來越艱苦，教育從來不能滿足社會的期望。扶危濟困，教育脫貧，是政府應有之義。不過，政府並非民選，與人心民情脫節，政策缺乏人本關懷精神，讓每個人包括新一代有公平發展的機會，藉個人奮鬥和社會流動不斷改善生活，前無出路，怨氣長存，社會怎能和諧安定與經濟繁榮？

落實普選、改革管治、締造公平社會，是民主黨今年施政期望的主題，建議書的政治、經濟、環境、民生篇章，都貫穿著這個主題，體現著市民的希望。

民主黨立法會議員

二零零九年九月

1. 憲制及政治發展

正發言人：何俊仁
副發言人：劉慧卿

2007年，中央再度拒絕香港市民爭取民主的訴求，否決2012年雙普選，普選問題在香港社會已糾纏超過20年，不容再拖。特區政府缺乏勇氣向中央爭取2012年雙普選，我們對此表示極度遺憾。為免刺激更多市民參加七一大遊行，行政長官將政制諮詢押後至今年第四季才進行，更不會在施政報告交代內容，我們強烈譴責這不負責任的做法。

2005年，行政長官提出的政改方案被立法會否決，便香港政治發展裹足不前。若行政長官即將提出的政改方案再次被立法會否決，作為政治問責高官之首，理應承擔政治責任，引咎辭職。

重點建議

1.1 雖然中央已否決2012雙普選，但主流民意仍希望2012年實施雙普選，政府應與中央磋商，爭取2012年實行雙普選。如有需要，必須就2012、2017及2020的選舉安排一併處理，建立真正普及而平等的選舉。

1.2 將2012年行政長官選舉的提名委員會改由800名選舉委員會委員加上約400名民選區議員共約1200人組成，行政長官由市民透過一人一票選舉產生。2012年的立法會採用混合選舉模式產生，一半議席按分區單議席單票簡單多數制產生；另一半議席由全港單一選區按比例代表制產生，每名選民可投兩票。

1.3 與中央政府商討，在尊重香港中國公民自由出入內地的權利下，恢復被禁止進入內地的香港居民和立法會議員的回鄉權，讓本港中國公民可與內地社會多作交流。

其他建議

2.1 協助建立中央政府與立法會和政治組織的交流機制，透過會面，交流意見，增加互信。

2.2 目前年滿55歲公務員轉任問責局長，可享盡雙重福利，既領取局長高薪及福利，又續領每月長俸和大筆退休金，應盡快制定問責官員的薪酬及福利調整機制，每年評核表現，並規管問責官員離職後的就業安排，以免出現厚待問責官員的情況，亦避免利益輸送和官商勾結。

2.3 修訂問責官員守則，禁止他們干預受資助非政府機構的運作，他們應尊重專業自主，不應向這些機構施壓。

2.4 修訂法例，把一些未納入申訴專員公署調查範圍的主要法定機構如旅遊發展局和貿易發展局包括在內；審計署應審計這些法定機構的財務狀況，加強監察法定機構及公帑不被濫用。

2.5 修訂《行政長官選舉條例》，取消政黨人士在獲選行政長官後須退黨的規定，消除對政黨歧視，增加市民對政黨認許。

2.6 委任在立法會佔有議席的政黨成員加入主要諮詢委員會及法定機構，讓政黨有機會參與制訂政策，促進政黨政治發展。

2.7 改革區議會制度，取消委任及當然議席，撤銷區議會就文康事務的財政及人事限制，使區議會有實質人事管理權、財政自主權及政策決定權，讓區議會有效管理地區設施和服務。

2.8 設立由普選產生的區政專員，統籌及管理地區規劃及社區建設，增加培育政治人才的渠道。

2.9 設立獨立區議會秘書處，為議員提供專業和獨立的議會秘書服務。

2.10 調高區議員酬金水平，向區議員發放任滿酬金和增加區議員營運開支款項，鼓勵有志之士從政。

2.11 設立公職事務委員會，統籌諮詢委員會及法定機構的委任程序，以確保委任過程公開、公平及成員多元化。

2.12 切實執行「六加六」規定，即每人在同一諮詢委員會或法定機構只可出任委員會六年，同一時間不可出任超過六個委員會或法定機構，讓更多人有機會參與。

2.13 設立自我提名程序，讓區議會、青少年、少數族裔及弱勢社群的代表，可自我推薦，加入諮詢委員會及法定機構，表達意見及制訂政策。



政制

行政長官過去承諾及施政建議	現時情況
全力推動香港社會就普選模式達成共識，盡快實現普選。	未能履行承諾，中央於2007年否決2012雙普選。
在2009年初展開政制諮詢。	政府食言，改於2009年第四季才推出政制諮詢。
檢討三司十一局的分工，提高決策透明度。	2008年中，政府進一步擴展政治委任制，增設副局長及政治助理職位，但此舉無助於增加決策的透明度。
提升區議會職能。	只有限度提升區議會職能，包括參與地區設施的管理，以及加強在決定和推行地方小型工程方面的角色，但是，區議會仍然沒有督導政府行政部門的功能，亦沒有獨立秘書處。
要求各部門首長審視現行服務承諾的執行情況和優化處理投訴機制。	未見有任何進展。

人權、自由

行政長官過去承諾及施政建議	現時情況
營造有利社會和諧穩定的環境，捍衛公眾利益、化解矛盾、縮小分歧；維護社會的多元化和提高包容度。	政府雖然制訂了《種族歧視條例》，但飽受歧視的內地新來港人士並沒受保障。
維護市民享有的各種自由。	記者協會和海外研究發現，香港言論自由日漸萎縮，傳媒自我審查情況嚴重，政府拒絕開放大氣電波及對民間電台提出訴訟，更打擊言論自由和表達自由。
確保機會均等，特別是教育機會均等。	近年平機會自我約束，政府委任的主席沒推廣平等機會，且屢次發生負面新聞，令平機會公信力大減。《種族歧視條例》內的豁免條文令少數族裔得不到足夠保障，不少非華語人士因為語言限制，在教育、就業、接受社區服務各方面都得不到平等機會。
保障市民享有的人權和各種基本權利。	聯合國和民間團體多年來要求政府成立獨立及有法定地位的「人權事務委員會」，但政府沒接納。

司法及法律服務

行政長官過去承諾及施政建議	現時情況
捍衛法治。	香港及國際社會不斷建議，法律援助服務應獨立於政府以外，保障審批公正。政府沒接受建議之餘，更把法援署轉由民政事務局接管，做法完全退步。

保安

行政長官過去承諾及施政建議。	現時情況。
保障市民的人權及各種基本權利。	回歸後港人不能自由進出內地及澳門，政府未能提供適時及有效協助。 雖據警方數字，「脫去衣服」搜身做法有減少趨勢，但手法仍被民間團體投訴，需進一步改善。

2009/10年度
施政報告建議

落實普選　改革管治　締造公平

民主黨
2009年9月2日

政制

爭取2012雙普選

- 對於行政長官缺乏勇氣向中央爭取在2012年推行雙普選，我們極度遺憾。行政長官更不會在施政報告交代內容，我們強烈不滿

特首要為政改被否決負責

- 2005年政改方案被立法會否決 → 政制發展裹足不前
- 如果即將提出的政改方案又再被立法會否決 → 行政長官應承擔政治責任，引咎辭職

政制

建議

- 政府應與中央重新磋商，爭取在2012年實行雙普選。如有需要，必須就2012、2017及2020的選舉安排一併處理，建立真正普及而平等的選舉
- 目前有些從公務員轉任問責局長的人士，享盡雙重福利好處，一旦離任問責崗位，又缺乏完善的離職就業安排，應盡快制定規管問責官員離職後的就業安排。並制定問責官員的薪酬及福利調整機制，每年評核他們的表現
- 修訂問責官員守則，禁止他們干預受資助非政府機構的運作，他們應尊重專業自主，不應向這些機構施壓

司法及法律服務

關注問題

- 法改會自回歸以來發表23份報告書，有11份仍未得政府回應

建議

- 把法援署獨立於政府架構以外
- 盡快回應及落實法改會之法律改革建議，包括私隱、保護兒童及家庭、消費者權益等
- 盡快研究及落實集體訴訟、律師按條件收費、廢除包攬訴訟罪等議題
- 合理地申延法援及輔助法援服務

民主黨立法會議員秘書處
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民主黨《施政期望》
落實普選、改革管治、締造公平社會
新聞稿

民主黨立法會議員今日約見行政長官，就來年施政提出約 310 項具體政策建議。

民主黨主席何俊仁指出，唯有真正民主制度，政府才會認真考慮市民聲音，行政長官才會接納市民的施政期望。

就即將發表的政改方案，民主黨提出須落實 2012 年普選，若不能夠，行政長官須向公眾解釋清楚，並提出 2017 及 2020 年的普選時間表和路線圖，進行整體諮詢及一次過提出完整方案，否則社會難達致共識。

我們並促請行政長官須向中央反映港人普選意願，及安排香港政黨到北京，與中央政府就香港普選事宜進行討論。

何主席強調，2005 年行政長官提出的政改方案被立法會否決了一次，2009 年，若改方案再被否決，行政長官作爲問責高官之首，應負起政治責任，爲無法落實普選引咎辭職。若行政長官根據基本法解散立法會，再進行重選，以解決政制發展的困局，民主黨立法會是願意接受挑戰。

最近申訴專員公署訓斥機電工程署規章鬆散，房署轉介索償沒認真跟進，均暴露了公務員體制的崩壞，得過且過的心態。「河蟹事件」反映特區政府的專權管治。「校園自願驗毒計劃」推出倉卒，欠周詳計劃和充足諮詢，施政動輒得咎。

沒有普選機制，問責制認授性低，政府一是用「政治化妝術」，一是施以「政治高壓」，來強行營造社會和諧。沒有民主體制下的政府管治，根本做不到以民爲本。

民生事務方面，在行政長官過去的施政下，香港堅尼系數是 0.53，說明社會加速貧富兩極化，弱勢社群生活得不到改善，長者日子越來越艱苦。行政長官競選時承諾促進社會流動，但教育從來不能滿足社會期望，拖慢青年人攀上社會階梯，窒礙社會流動。

他亦強調以家庭爲核心、維護社會多元化、提高包容度及促進社會流動，但任內堅持停建「居屋」及停止「出售公屋」，不少子女「出身」

後爲免家庭收入超額而搬走，家庭關係逐漸疏離。房署把所有土地資源興建高密度公屋，令居住環境更擠迫及社區單一化，易貧窮化及產生更多社會問題。近年私樓落成量持續下跌，地產商少有勾地，去年更沒拍賣土地，間接製造供不應求，爲私樓抬價，市民難望置業。

改善空氣質素是行政長官另一項重要競選承諾，但香港受煙霧影響的日子卻創新高，平均每年超過 50 日，繁忙地區空氣污染指數日超嚴重。

民主黨促請行政長官重新檢視各項政策，並提出約 310 項具體政策建議予以考慮，包括：

1. 爭取 2012 年實行雙普選；
2. 加強規管問責官員和公務員的離任安排，一視同仁；
3. 成立有民間代表參與的委員會負責招聘平機會主席；
4. 停止損害新聞自由、訂立《資訊自由法》、落實港台獨立；
5. 法援署獨立、研究及落實集體訴訟、落實法改會法律改革建議；
6. 成立金融申訴專員、重整金融市場監管架構、完善公司法例；
7. 設立家庭應急借貸；
8. 制訂《公平競爭法》；
9. 規管服務費預付、設冷靜期、立例督促誠信營商；
10. 加強打擊毒品來源及掃蕩毒品；
11. 訂定最高工時和最低工資、設立全民退休保障計劃；
12. 改善綜援制度，引入「責任福利」（Workfare）計劃；
13. 成立獨立「醫療申訴專員」、增加護老宿位；
14. 設立精神健康局，統籌精神健康範疇的政策制訂；
15. 恢復居屋、制訂房屋政策時，作家庭影響評估；
16. 恢復定期公開拍賣土地；
17. 採取世衛空氣質素指標，制訂達標時間表、設立「低排放區」；
18. 強化地區小型工程會議，加快進度；
19. 訂立《樹木保育法》；
20. 市區重建時須採用混雜社區人口結構策略；
21. 增大學資助學位、放寬大專生資助計劃、增資源推行新高中制；
22. 增撥配對基金予本地藝術界申請；
23. 設立中央機制，制訂各政策、法例和預算時，作婦女影響評估。

就行政長官擬推動六大產業，民主黨認爲這是政府進取積極的表現，但是否由政府排選發展甚麼產業是適合呢？民主黨提出五大原則予行政長官考慮：

1. 先滿足本地需求；
2. 在公平、開放及不壟斷原則下進行；
3. 多利用市場機制、少政府干預；

4. 避免「數碼港」翻板；
5. 鞏固現有產業，不可忽視四大支柱。

就「校園自願驗毒計劃」，我們提出測驗前須有一個自願主動求助的機制給學生參與，參與學生主動接觸校內老師或社工，就戒毒事宜尋求協助，不用選擇驗毒計劃。政府須提供足夠資源予以配合，執法部門則須竭力打擊毒品來源。而驗毒計劃的測試結果只需要給家長知道，不用提供給警方。

民主黨促請行政長官從社會根本政治制度着手，盡快落實民主政制，開放從政途徑，協助香港政黨發展，提供空間給港人議政和從政，爲我們下一代，締造一個公平、開放、融和及可持續發展的民主社會。

就民主黨的施政報告建議書詳細版，請連結往 http://www.dphkwcb.org/pressphoto/20090910945.pdf

民主黨

2009年9月2日

北區民主黨 立法會議員黃成智 北區區議員潘忠賢羅世恩
議員工作隊 社區主任 周錦紹 莫兆麟 李永成 洪寶華 李立航

香港特別行政區政府
行政長官
曾蔭權先生

曾特首：

2007年，中央再度拒絕了香港市民爭取民主的訴求，否決2012年雙普選，香港社會在普選的問題上，已糾纏超過20年，特區政府仍缺乏勇氣向中央爭取在2012年推行雙普選，我們對此深感遺憾。

我們一直認為政改方案必需整體全面解決真普選的問題，包括其路線圖和時間表，因此，不應局部處理2012的政改，當中有以下理據：

1. 人大常委提出了2017至2020為實施全面普選的時間表，香港市民要求交代目標日期實施的終極方案是理所當然的，亦不會違反人大常委的決定；
2. 若社會就2017和2020的政改終極方案達成共識，並以此為基礎商討2012和2016的過渡方案，思路是順理成章，爭議亦會順利解決。否則，沒有終極方案的路線圖，2012年的任何改變，都可能造成與未來目標不接軌或脫軌的情況，這正是政治發展應該避免的；
3. 有整體時間表和路線圖的諮詢，既能使特首有體面地落實他的競選承諾，亦符合香港的長遠利益，使這個持久爭論和內耗分化的問題得以解決。

與此同時，特首為免刺激更多市民參加七一大遊行，將政制諮詢押後至本年第四季才進行，更不會在施政報告交代，我們對此已深感不滿。不單如此，日前特首就施政報告開展連串諮詢會，當中與學者會面時，更公開表示年底的政改諮詢，只有2012年的兩個選舉安排，不會觸及2017年行政長官和2020年立法會選舉的安排。

實際上，特首今次對政制改革的拖延已令人無法接受，因此，我們認為民主黨何俊仁主席日前提出：「若2012政改方案再遭否決，將會要求他辭職，或要他按《基本法》解散立法會及重選，若曾蔭權一旦拒絕解散立法會，便到法庭控告他違反《基本法》。」實有付諸實行的需要。

我們強烈反對特首這種對政制討論的限制和迴避策略。去年，特首會親自出席地區的施政報告諮詢會，今年則只派副局長及政治助理出席諮詢會，而主題則局限為只談「六大產業」，令人質疑政府諮詢地區的誠意。

我們認為，只要2017年的特首選舉及2020年的立法會選舉是「真普選」便有討論空間，但政府如今仍拒絕討論終極方案。我們對特首三番四次逃避對香港有深遠影響的政制發展，企圖製造假社會和諧氣氛的不滿。

北區民主黨議員工作隊
立法會議員 黃成智
北區區議員 潘忠賢 羅世恩
社區主任 周錦紹 莫兆麟 洪寶華
李永成 李立航 譚啟祥

啟

二零零九年九月三日

黃成智立法會議員辦事處

香港社會工作者總工會
Hong Kong Social Workers' General Union

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香港社會工作者總工會

對施政報告中「六大產業」作爲香港經濟的新增長點

意見書

特區政府邀請本會副會長伍銳明出席諮詢會，就特首在 10 月份發表施政報告中有關推動醫療、教育、檢測及認證、創新科技、創意文化及環保等「六大產業」作爲香港經濟的新增長點，本會有以下意見：

1. 面對香港經濟仍然疲弱，未來產業結構面對週邊環境的嚴峻挑戰，本會對政府探討任何能提高本港經濟發展，促進整體市民福祉的方案，到抱支持的態度。

2. 我們認爲，六大產業的發展不可能是「橫空出世」的措施，而必須因應香港的特點、周邊國家及地區的形勢、香港市民的長遠得益來作考慮。

3. 以現時香港貧富懸殊，貧窮人口眾多的情況下，經濟發展的方向必須有利解決這些問題，同時著重讓低下階層能分享經濟成果。因此我們認爲「發展高增值產業才能取得實際經濟成果」只是一個迷思，我們恐怕低下階層未能由此公平地分享經濟成果。

4. 現實是，香港的中年低技術人士、低學歷人士和青年人，正面對極嚴重失業問題。特首必須詳加解釋，在發展「六大產業」時，它們如何幫到這些市民。

5. 我們擔心「六大產業」發展需時，遠水不能救近火。政府應該即時著力協助青少年就業，中小型企業的資金借貸，技術發展及轉型，同時扶助小商戶的生存，例如控制租金飆升，調節領匯屬下商場的租金水平，以免製造更多的市民失業及商鋪結業。

6. 教育產業化有極大的風險。我們認爲普及教育及義務教育是香港的促進社會公平的一個重要制度，必須先做好基本建設，保證市民得到充分的教育資源，讓教育發揮社會階梯、促進社會流動的功能，才能在這個基礎上發展教育產業。具體而言，大學現時自費學額的比例必須降低及控制。

7. 同理，香港基層醫療仍然不足，公、私營醫療系統的關係未有理順，醫療事故頻繁亦反映資源方面的緊缺。究竟何時醫療融資問題能夠明朗？未來如何保障市民的基本醫療？這些問題都是急於處理的。我們反對在這些問題得到處理前，把已經吃緊的醫療資源投到產業化上。

8. 歷史表明，經濟發展如要真正造福社會，必須有其他的社會制度配合：

甲、 我們要求香港必須加快民主步伐，讓政府真正得到市民授權，各類社會政策能充分回應民意，也更符合市民的需要。特首應在施政報告中提出具體香港政制發展的時間表及路線圖；我們認爲，這才是促進香港社會和諧的不二法門；

乙、 自從 2000 年在社會福利界開始推行整筆撥款制度後，香港社會福利制度可以說已發揮不到應有的作用，這主要反映在服務經費不足、服務人手編制緊張、服務機構間缺乏真正的協作。而政府自從 1998 年起停止了社會福利規劃機制後，香港社會福利服務已失去前瞻能力，加上人手不足，往往只能維持最基本的補救服務，見火救火，也不能策劃更多的預防及發展性服務。近日出現的青少年校園濫藥問題、青少年援交問題、在精神病康復者發生的悲劇，以致幾年來天水圍發生的社區問題等，都與社會福利制度缺失有極大的關係。因此，我們要求政府取消整筆撥款，在社會福利政策及服務上要有長遠的規劃及承擔，重新啓動社會福利五年規劃機制。

香港社會工作者總工會
2009 年 9 月 3 日

聯絡及查詢: 伍銳明 (外務副會長，電:)

From:
To: CEO
Sent: Friday, September 04, 2009 7:20 PM
Subject: On the Progress of Democracy in HK

Dear the Correspondence,

Recently, there are some rumor or even threat on the government position in democratic progress. Nothing wrong for HK SAR Government focusing on the year 2012 but government has to show the progress such as road-maps and time tables. Both are essential for project management. Of course, democracy is politic instead of project management.

If you look at Taiwan, Japan and Obama's health care plan, you would really concern on the difficulties of being a democratic government. At least, Chinese culture would bring a great distortion on democracy.

Nevertheless, as a responsible government, HK SAR Government and Chinese Government have to keep their words.

In addition, government has to create more opportunities for citizens to vote on. For example, a part, say 80%, of members of election committee can be elected by HK citizens; and, merging district council and legco together.

Conclusively, the 2012 election should be much closer to the 2017.

Regards,
(Name provided)

(Editor's Note: The sender requested anonymity.)

就行政長官 2009-2010 施政提出建議

何秀蘭
公民起動立法會議員
2009 年 9 月 4 日

I. 推動民主進程，2012 年落實雙普選

建議：

1. 預留最少六個月諮詢期讓社會充份討論並表達對政改方案的意見；
2. 行政長官須向中央政府重申港人儘快落實雙普選的意願；
3. 政改方案諮詢應包括取消立法會分組點票，減少對私人草案的限制，行政長官提名委員會須接受市民直接提名候選人，及 2012 實行雙普選。

II. 提高香港與鄰近地區協作的透明度，並在落實協議前諮詢港人

近年香港與鄰近地區加強協作，但公眾所知的內容細節不多，透明度不足，事前少有諮詢。例如建造廣深港高速鐵路，菜園村居民面臨清拆搬遷才知悉受到工程影响；近日與深圳簽訂前海發展協議，對香港究竟有何影响，未見當局詳細發佈；更有政黨倡議港深兩地金融機構合併，令人擔心兩地法規差異，共同防貪反腐的措施不足，即由行政主導多層面協作，引致港人的權利自由受損。

建議：

1. 定期向議會和公眾滙報香港與內地於中、短期內商討的議程；
2. 在兩地政府簽訂協議前，必須諮詢公眾；
3. 協助兩地法律界加強溝通，一齊提昇法治精神。

III. 制定特殊教育政策

教育局今年四月發信通知特殊教育學校：智障學生年滿 18 歲即須離校。措施引發家長進行司法覆核，雖然行政機關得值，但判詞指出申請司法覆核的學生的個別情況不足以顯示本港特殊教育政策的缺失，而香港沒有集體訴訟，是不能勝訴的原因之一。

教育局著令 18 歲智障同學離校，外國已為智障同學提供教育機會至 22 歲，

(編者註：意見書共 5 頁，第 2-5 頁內容與政制發展無關，不在此刊載。)

新論壇

政改諮詢意見調查

2009 年 9 月 6 日

引言

新論壇在 09 年 8 月 12 日至 9 月 3 日，用音頻電話隨機抽樣，成功完成了 2188 個訪問，了解受訪者對年底政制改革諮詢，以及對五區總辭的意見，是次調查是新論壇一系列有關香港政治文化的持續性調查的其中一項，是次調查結果如下：

1. 明確知道五區總辭者有三成

五區總辭是一個具爭議性的題目。在是次調查發現，有 28.1%受訪者表示，清楚知道五區總辭的建議。(見 Q5) 在知道建議的受訪者中，對五區總辭意見有較清晰立場。當中有 48.2%(296/614)表示支持，表示反對的有 30.3 %(186/614)。(見 Q6)

至於表示對建議“知少少”及“不知道”的受訪者，佔了 66.7%。在這批受訪者中，對五區總辭未見有鮮明立場。只有 35.3% (556/1574)明確表示反對，另有 33.5% (528/1574)表示“視乎情況而定”。

總計 Q6 及 Q7 受訪者，明確表示支持五區總辭的受訪者，佔總受訪人數的 26.7%(585/2188)。明確表示反對五區總辭的受訪者，有 34% (742/2188)。表示視乎情況而定的，也有 29.6%(648/2188)。故此，在現階段，沒有政治派別能在總辭公投議題上，得到主流民意的的支持或反對。 (詳見表 Q5、Q6、Q7)

2. 調查未能反映泛民在總辭公投穩操勝算

儘管有近三成受訪者支持總辭的建議，但綜合 Q3 的觀察，不堅持 2012 年普選，認同較溫和的民主方案的受訪者，仍佔多數。Q11 也發現，有過半市民認爲，“民主派”與中央“企硬”，對促進香港民主沒有幫助。故此，根據此調查的數據推斷，在總辭後的補選中，「泛民主派」的候選人，不一定想當然地得到過去泛民支持者的支持。換言之，泛民在補選中，未必穩操勝算。

3 對目前民主進程的意見

調查發現，受訪者對人大說明後的普選時間表 (在 2017 年普選行政長官，2020 年普選立法會)，沒有太大的不滿。有 46.7%受訪者認爲時間適中，認爲較

慢的，有 29.1%。(詳見 Q10)

4. “翻叮”五號報告書的意見

被問及在刪去所有委任區議員的情況下，受訪者會否接受政府的零五政改方案。有 24.9%表示可以接受。明確表示不接受的有 17.6%。而一部份受訪者(39.5%)表示要“視乎情況而定”。結果一方面反映受訪者不願意在缺乏資料下，對方案表達意見，這亦反映受訪者較爲務實，對不同的方案採取開放態度。(見 Q8)

5. 受訪者支持要有路線圖

被問及受訪者對年底政改諮詢的意見，有 28.3%的受訪者表示，會堅持 2012 年雙普選的堅決立場(見 Q3)。有 58.7%(33.5%+12.9%+12.3%)的受訪者表示，會支持較溫和的民主方案(即要求 2012 年的選舉開放一點)，而當中有 57%(33.5%/58.7%)受訪者希望，方案除了討論 2012 年選舉方法外，還可列出 2017 和 2020 選舉方案的路線圖作討論。另外，在 Q4 亦發現，有近半的受訪者表示，希望將 2017 和 2020 年的選舉方案，列入年底的諮詢之內。

結果顯示，大部份受訪者的民主訴求，與中央政府「按實際情況，推動民主」的看法，沒有太大分歧。而受訪者亦是較希望，對 2017 和 2020 年的政制發展，有表達意見和討論的機會。

6. 港人務實爭取民主

如果將 Q3 及 Q5 綜合分析，大部份的香港人，是以理性，務實和開放的態度，爭取民主發展。調查反映，在促進民主發展的問題上，受訪者不是受著「泛民」的論述所支配。相反，按目前的民意，不同的政治力量有相當大發揮空間，可在民意的光譜上建構主流民意，代表市民發聲。

總結：掌握主流　推動民主發展

是次調查發現，民意沒有就五區總辭及二零一二年選舉方案內容有明確的取向，這亦反映，在現階段未有政治力量(包括「泛民主派」或建制派)，能充分表達主流民意。惟有以下發現，值得注意：

- 有過半數的受訪者(56.8%)，認同「民主派」與中央政府「企硬」，對促進民主發展沒有幫助；
- 有近半受訪者(46.7%)，接納人大提出的普選時間表。
- 有近半數的受訪者(49.2%)表示，希望能對二零一七及二零二零年的選舉方案，有表達意見的機會；

受訪者與中央政府對促進香港民主的看法，沒有明顯的衝突，大部份香港人願意接納一個循序漸進的方案，推動民主。市民希望對未來兩屆的選舉辦法，有表達意見的機會，亦是可以理解的。故此，如有政治力量，能有效表達港人在這方面的意見，採取主動，提出建議，則有機會在建構主港民意上，佔較有利的位置，促進香港民主發展。

詳細調查結果

Q2. 會係今年底，提出 2012 年立法會同行政長官選舉方案。你覺得呢次諮詢，關唔關你事呢？	頻次	%
梗係關我事	1299	59.4
唔係好關我事	538	24.6
全完唔關我事	98	4.5
唔清楚，無意見	253	11.6
總計	2188	100.0

Q3 年底既諮詢，你最想同政府表達個乜野信息呢？	頻次	%
同政府講，要堅持係 2012 年雙普選	620	28.3
2012 年既選舉要民主 d，仲要有 2017 同 2020 年既選舉方案	733	33.5
2012 年既選舉要民主 d，但 2017 同 2020 可以遲 d 先傾	282	12.9
2012 年既選舉唔好大郁，最好係維持現狀	269	12.3
無意見	284	13.0
總計	2188	100.0

Q4 人認爲，係呢次既諮詢，除左傾 2012 年既方案年外，仲要傾埋 2017 年同 2020 年既選舉方法。對於呢個睇法，你既意見係？	頻次	%
支持	1076	49.2
唔支持	420	19.2
無意見	692	31.6
總計	2188	100.0

Q5 你知唔知道，泛民主派議員，考慮緊五區總辭，全民公投，爭取 2012 年普選既建議呢？	頻次	%
都幾清楚知道	614	28.1
知小小 → 跳題至 Q7	808	36.9
唔知道 → 跳題至 Q7	653	29.8
無意見 → 跳題至 Q7	113	5.2
總計	2188	100.0

Q6 (只限 Q 5 答都幾清楚知道) 你有幾支持五區總辭，全民公投既建議呢	頻次	%
支持，請按 1 字	296	48.2
唔支持，請按 2 字	186	30.3
要視乎情況而定	120	19.5
唔清楚 無意見	12	2.0
總計	614	100.0

Q7. (只限 Q 5 答知少少/唔知道/無意見) 五區總辭既建議係，如果政府唔支持 2012 年普選，泛民會係每個選區，搵一位議員辭職，等選民可以透過補選，表達普選訴求。對於呢個建議，你支唔支持呢？	頻次	%
支持，請按 1 字	289	18.4
唔支持，請按 2 字	556	35.3
要視乎情況而定，請按 3 字	528	33.5
唔清楚 無意見，請按 4 字	201	12.8
總計	1574	100.0

Q8　05 年，泛民主派以方案包括委任區議員，同無列出普選時間表爲理由，否決左政府既政改建議。如果今次政府將委任議員剔除，作爲 2012 年既選舉方法，咁你會唔會接受呢？	頻次	%
可以接受	544	24.9
唔會接受	385	17.6
要視乎細節而定	864	39.5
唔清楚 無意見	273	12.5
我想知多零五年方案既內容先答	122	5.6
總計	2188	100.0

Q9　(只限 Q8 回答想多些零五方案) 係 05 年既方案下，立法會會增加 5 個由區議員互選產生既功能組別議席，同 5 個地區直選議席。至於選舉行政長既選舉委員會，會加入所有區議員。如果今次政府將委任區議員剔除，作爲 2012 年既選舉方法，呢個方案，你會唔會接受呢？	頻次	%
接受	14	11.5
唔接受	20	16.4
要視乎細節而定	59	48.4
唔清楚 無意見	29	23.8
總計	122	100.0

Q10 人大說明，香港可以最早係2017年普選行政長官，2020年普選立法會，對於呢個時間表，你認爲係比較慢，比較快，定係適中呢？	頻次	%
比較快	168	7.7
適中	1022	46.7
比較慢	637	29.1
好難講，要視乎細節而定	235	10.7
唔清楚 無意見	126	5.8
總計	2188	100.0

Q11 有人話，民主派同中央政府企硬，對促進香港民主一d幫助都無，你有幾同意呢種講法呢？	頻次	%
好同意	598	27.3
都幾同意	645	29.5
唔同意	571	26.1
好唔同意	117	5.3
唔清楚，無意見	257	11.7
總計	2188	100.0

你認爲下列哪一組「政治力量」最能代表你既利益？	頻次	%
被視爲「親政府」既政黨或政團	357	16.3
泛民主派既政黨或政團	519	23.7
曾蔭權同佢既問責班子	201	9.2
公務員團隊	128	5.9
以上無一個能代表我既利益	983	44.9
總計	2188	100.0

受訪者背景資料

教育程度	頻次	百份比
小學或以下	358	16.4
中學或預科	1210	55.3
大專或以上	620	28.3
總計	2188	100.0

自我階層界定	頻次	百份比
基層	1030	47.1
中產階層	830	37.9
上層	51	2.3
唔知道	277	12.7
總計	2188	100.0

性別	頻次	百份比
男	1131	51.7
女	1057	48.3
總計	2188	100.0

年齡	頻次	百份比
15 至 25 歲	319	14.6
26 至 35 歲	184	8.4
36 至 45 歲	280	12.8
46 至 55 歲	522	23.9
56 至 65 歲	539	24.6
66 至 80 歲	344	15.7
總計	2188	100.0

--- 完 --

From: J Chan
Sent: Monday, September 07, 2009 11:37 AM
To: cmabenq@cmab.gov.hk
Subject: 林瑞麟先生: 香港政改建議

政制及內地事務局局長, 林瑞麟先生:

香港政改建議

1. 普選時間表:

i. **2011年**:

1. 2011年 立法會「專業界別--功能」組別議員提前一年重選, 任期至2015年.

甲、取消功能組別的團體票: 即組別內任何一位僱員, 得到同界別的選民提名, 就可以參選.

乙、取消的功能組別: 商業界、工業界

丙、合併的功能組別:

i. 建築、測量及都市規劃界和地產及建造界合併入工程界

ii. 金融服務界合併入金融界

丁、立法會功能組別議員人數需重新設定: 勞工界改爲一位議員.

戊、立法會功能組別裏的鄉議局、漁農界及區議會共四議席取消. 議員需改選新「區議會」選舉.

己、某一界別的第一位報名的參選人在全港十八區選一區出選, 同一界別的其他參選人就需要在同區出選.

庚、這樣就完成一張功能組別的登記.

辛、選民並非是該界別選民, 而是該地區的區議會劃分的登記選民.

壬、參選人要說服選民相信他會以其專業知識, (不是代表該組別利益), 在立法會爲香港人做事.

癸、全港十八區各區負責完成一張功能組別的登記.

11、各專業界別選出一位議員, 功能組別議員人數爲18位.分別是,

i. 保險界
ii. 航運交通界
iii. 教育界
iv. 法律界
v. 會計界
vi. 醫學界
vii. 衛生服務界
viii. 工程界
ix. 勞工界
x. 社會福利界
xi. 旅遊界
xii. 金融界
xiii. 體育、演藝、文化及出版界
xiv. 進出口界
xv. 紡織及製衣界
xvi. 批發及零售界
xvii. 資訊科技界
xviii. 飲食界

2. 2011年 區議會選舉, 任期至2015年

甲、取消當然及委任議席, 改爲顧問, 沒有投票權

乙、十八區直選405位議員

丙、歡迎鄉議局及漁農界人仕參加.

ii. **2012年**:

1. 2012年 立法會「區議員」功能組別首次選舉:

甲、參選人必須是2011年區議會選舉選出的議員.

乙、經選民或其他議員提名

丙、依立法會地區組別五個分區方式劃分, 各區選出兩人進入立法會. 合共十人.

丁、大區合併細區如下:

i. 香港島：中西區、灣仔區、東區、南區

ii. 九龍東：黃大仙區、觀塘區

iii. 九龍西：油尖旺區、深水埗區、九龍城區

iv. 新界東：北區、大埔區、沙田區、西貢區

v. 新界西：荃灣區、屯門區、元朗區、葵青區、離島區

戊、參選人必須說服合併大區的選民, 參考參選人在過往一年在區議會的政績, 選出議員憑地區經驗(不是代表地區利益), 進入立法會爲香港人做事.

己、選舉制度用比例代表制。

庚、立法會功能組別議員總數爲 **28** 人.

i. 其中18人在2011年「專業界別--功能」組別產生.

ii. 另外10人則在2012年「區議員」功能組別 產生.

2. 2012年 立法會「地區直選」組別議席重選, 任期至2016年.

甲、地區組別議席則降至 相等於功能組別議席的28人.

乙、議席數目建議分佈如下:

i. 香港島：6

ii. 九龍東：4

iii. 九龍西：4

iv. 新界東：7

v. 新界西：7

丙、選舉制度係比例代表制。

丁、凡爭取這一任期屬連任的參選人, 有權選擇另一個參選地區, 但不可以是上一任期所勝出的選區.

戊、參選人必須說服另一選區的選民, 他是爲香港市民做事, 不是爲個別地區, 他是直選議員, 所以每一區選民有權投票選他做議員.

己、採取的新制度是「地區輪選制」.

庚、即是, 於2016或2017年任期完結時, 如果尋求再度連任的後選人, 就必須另選選區參選.

3. 2012年 行政長官選舉, 任期至2017年.

甲、選舉委員會應該解散.

乙、選舉委員會改爲立法會全體議員58人組成.

丙、參選人由選舉委員會簡選產生下任行政長官.

4. 2012年 區議會進行補選 10 議席, 任期至2015年.

iii. **2015或2016年**:

1. 立法會「專業界別--功能」組別重選, 選出18位議員, 任期至2009或2010年.

甲、全港五大區各區負責完成四至七張功能組別的登記.

i. 分別爲

1. 香港島: 6個界別選舉
2. 九龍東：4個界別選舉
3. 九龍西：4個界別選舉
4. 新界東：7個界別選舉
5. 新界西：7個界別選舉

ii. 選民數目拓大至相等於地區組別一樣. 有「地區直選」組別相等的代表性.

乙、此安排也可以訓練出新一批由專業走出來的議員. 尊重了均衡參與的原則.

丙、每個選區選民須填寫4至7張選舉名單.

2. 如某一得選人的選票低於該選區登記選民10%選票, 該選舉名單需要到另一選區重選. 如果依然低於10%選票, 該功能組別議席將會被永久刪除. 而在緊隨其後的立法會「地區直選」議席裏, 則增加一個席位.

3. 以上「功能組別演替法」安排, 將不會再看見「自動當選」的情況出現, 確保每一位議員必須有某一程度的代表性.

4. 以上安排亦適用於「區議員」功能組別選舉.

iv. **2016或2017年**:

1. 立法會「區議員」功能組別 第二次選舉,

甲、同樣選出十位受選民認同政績的區議員進入立法會.

乙、任期至2020或2021年.

丙、「功能組別演替法」適用.

2. 立法會「地區直選」組別議席重選,

甲、任期至2020或2021年.

乙、「地區輪選制」適用. 爭取三度連任的參選人需要選擇第三地區分區出選

丙、共選出最少28位議員.

3. 行政長官選舉, 任期至2021或2022年.

甲、選舉委員會即立法會全體議員58人有提名權

乙、行政長官由全港選民一人一票選出.

v. **2020年後**,

1. 立法會「專業界別--功能」組別可能依據「功能組別演替法」由選民放棄, 而被「地區直選」組別代替.

2. 立法會「區議員」功能組別 也可能依據「功能組別演替法」由選民放棄, 而被「地區直選」組別代替.

3. 行政長官選舉, 也可能不需要選舉委員會提名, 選舉委員會就會解散.

(編者註：來信人同日向行政長官遞交相同的意見書，在此不重覆刊載。)

節錄自民建聯沙田支部對 2009 至 2010 年度施政報告期望

民建聯 DAB 沙田支部 Sha Tin Branch

財經事務及庫務局
梁鳳儀副局長　台鑑：

力促經濟 盡展關懷

民建聯對 2009 至 2010 年度施政報告期望

7. 循序漸進發展政制

- 政府應就 2012 年特首及立法會兩個選舉辦法盡快展開諮詢，以便有更充足時間聽取社會各界意見，從而循序漸進發展香港政制，向 2017 年可以普選特首及其後可以普選立法會的目標邁進一步。

敬希特區政府考慮以上建議，力促經濟，盡展關懷，以利香港發展及社會穩定繁榮。如有任何查詢，歡迎致電 26066900 與本支部聯絡，示覆爲盼！

敬祝
工作愉利！

民建聯沙田支部　謹啓

二零零九年九月七日

新界沙田大圍村南道49號泰安樓1字樓L室
Flat L, 1/F., 49 Tsuen Nam Road, Tai Wai, N.T.
Tel:2606 6900　Fax:2698 2693　E-mail:shatin@dab.org.hk　Web:www.dab.org.hk

真誠為香港

From:
Sent: Tuesday, September 08, 2009 6:16 PM
To: cmabenq@cmab.gov.hk
Cc: CEO
Subject: Fwd: On the Progress of Democracy in HK

Dear the Correspondence,

Recently, the issues on the direct suffrage or the direct election on CE and legco members have been sparking over HK again. Pan-democracy has re-proposed their "Hill-top" election scheme again. I called it "Hill-top" because it was like someone occupied a small hill and claimed its autonomy.

The basic principle of democracy is about ruling by majority. Whatsoever scheme it will be, the CE of HK must have more than 50% vote of HK citizens. At least, this should be added on the scheme proposed by Pan-democracy.

Regards,
(Name provided)

(Editor's Note: The sender requested anonymity.)

節錄自張國柱議員2009「特首施政報告」建議書

立法會張國柱議員辦事處（社會福利界）
Office of Hon Cheung Kwok Che, Legislative Councillor (Social Welfare Functional Constituency)

2009「特首施政報告」建議書

政制發展

行政長官及立法會雙普選是業內社工多年來的期盼，由回歸以來我們一直都希望可以盡快取消功能組別和委任區議員，97後香港經歷了多次的選舉，市民已經成熟和有智慧準備迎接雙普選的來臨；故此，業界對 2012 年雙普選的訴求仍未放棄。去年，行政長官提出因爲金融海嘯的原因，原應在上年提出雙普選的諮詢方案，延至今年年底才推出新的諮詢方案。對此，業界希望該諮詢方案是包括行政長官及立法會所有議席的普選時間表及路線圖，以使社會可以全面討論和回應。

二零零九年九月八日

聯絡人：張國柱　　立法會社福界議員
香港社會工作者總工會會長

節錄自自由黨 2009/10 年施政報告期望

自由黨 2009/10 年施政報告期望

提升競爭力 迎接新挑戰

改善施政發展政制

55. **切實改善施政水平**－政府的管治班子應該加強向公眾問責，及加強行政與立法之間的溝通與合作，並且在制訂及推行政策期間廣納民意，以理順施政。

56. **循序漸進發展政制**－政府在年底應該就 2012 年的行政長官和立法會產生辦法展開全面而深入的公眾諮詢，讓社會就過渡至普選期間的政制方案發展凝聚共識，按照《基本法》循序漸進，穩步向前，使能最快於 2017 年落實普選行政長官，及於 2020 年全面普選立法會。

九龍灣宏泰道 23 號 801-803 室 801-803 Manhattan Place, 23 Wang Tai Road, Kowloon Bay, Kowloon.
電話 Tel:(852) 2869 6833 傳真 Fax:(852) 2533 4238 網址 URL:http://www.liberal.org.hk 電郵 E-mail:liberal@liberal.org.hk

節錄自民協就 09-10 年施政報告提出建議

香港民主民生協進會
Hong Kong Association For Democracy And People's Livelihood

致：香港特別行政區行政長官曾蔭權先生

曾特首：

民協就 09-10 年施政報告提出建議

政制發展

對特首 閣下於一月中的答問大會上，聲言以經濟民生問題行先，決定把政改諮詢拖延至第四季始才展開，民協已表達不滿，而我們認為 特首閣下應履行競選承諾，在任內徹底解決普選問題。而民協過去已就行政長官和立法會普選提出意見，原則是必須遵照《基本法》中有關普選的規定，並符合《聯合國公民權利和政治權利國際公約》第 25 條有關普選闡述，民協希望政府能在展開諮詢後，儘快制定出一個名符其實的普選方案，向中央切實反映港人對民主強烈訴求。

此外，政府必須認真檢討整個管治架構，著眼於下放權力，增加公眾參與，如區議會必須進行徹底改革，取消委任制度，賦予地方行政的權力；而諮詢架構及法定組織應朝向開放、透明的方向發展，不論其政治立場，用人為才；另外，更要投放資源協助民間組織、智囊和政黨等進行政策研究；並改善現行法例，肯定政黨在政治上重要而獨特角色，並大力推動有助政黨發展措施。

並祝
政祺!

香港民主民生協進會
2009 年 9 月 8 日

地址：九龍彌敦道 469-471 號新光商業大廈 1104 室 Rm. 1104, Sunbeam Commercial Bldg., 469-471 Nathan Rd., Kln
電話 Tel: : 2782-2699 傳真 Fax: : 2782-3137 電郵 E-mail: : info@adpl.org.hk 網址：www.adpl.org.hk

節錄自陳偉業議員新聞稿 －2009/2010 年施政報告的期望

日期：2009 年 9 月 8 日

致：各傳媒機構

由：社會民主連線立法會議員陳偉業

新聞稿

2009/2010 年施政報告的期望：
落實普選，還政於民，改善民生，共創和諧

社會民主連線立法會議員陳偉業於今天與曾蔭權會面，就施政報告發表意見。陳偉業議員促請政府當局落實 2012 年全面雙普選，收窄貧富懸殊，提升市民生活質素，並建議政府曾蔭權應落實下列三十個改善民生的措施，使香港成為公義和諧的社會：

(一) 早日落實民主政制，促進言論自由：落實 2012 年雙普選、取消副局長及政治助理、開放大氣電波

1.1 落實 2012 年雙普選

1.1.1 曾蔭權上任後，聲稱會以強政勵治、福為民開作為施政理念，並以政治家自居，然而，政制改革停滯不前卻充份顯示政府的虛怯及軟弱。曾蔭權應該爭取落實 2012 年普選立法會及行政長官，以顯示其政治家的風範，體現強政勵治的施政理念。

1.1.2 過去多年，香港政制改革均停滯不前，縱使香港大部份市民均要求立即落實全面普選立法會所有議席及透過普選產生行政長官，但政府當局也透過多種方法，包括製造假民意、提出違背民意的政改方案以及向中央政府尋求釋法等方法，壓制大部份市民雙普選的訴求。在曾蔭權擔任特首後，情況仍未有改善，曾蔭權只就政制改革方向諮詢市民意見，並沒有推動落實全面普選。如果以現時的香港政制改革與台灣 1980 年代的政治發展相比，更可見政府當局的虛怯及軟弱，台灣在 1980 年代，由蔣經國掌權，雖然蔣經國可以以獨裁手段統治台灣，但他卻冒險推行民主化，包括解除戒嚴令，解除黨禁報禁，大大加快台灣民主發展的步伐。在政制改革事宜上，蔣經國的政治改革，充份反映現時香港政府的自私、虛怯及軟弱。

1.1.3 如曾蔭權要體現強政勵治的施政理念，展示政治家的風範，一掃香港政府自私、虛怯及軟弱的形像，便應該不畏強權，毫不畏縮地立即落實一系列政制改革。該等政制改革包括：

一、立法會於2012 年實行全面普選，同時取消所有功能界別議席，並把議席由60席增加至70席，加強監察政府施政，以及回復立法會應有的職能，廢除《基本法》第74條中對議員提出私人草案的限制及附件二中有關「分組點票的規定」。

二、行政長官應於2012 年實行全面普選，任何符合候選特首資格者，祇須徵集超過百分之五選民聯署支持，就可自動成為候選人。

三、來屆的區議會應取消所有委任議席。此外，區議會必須擴大職權，成為有實權的機構，代表市民管理市政，行使先前被廢除的市政局及區域市政局的權力。

社民連線

參業成 議員辦事處

新界元朗鳳琴街12號好順景大廈第一座44號地鋪
電話：2477-3226　　傳真：2479-7873

致：香港特別行政區　　本處檔號：YLK09-0116
行政長官
曾蔭權 先生, JP, KBE, GBM

由：社會民主連線　參業成 議員
元朗區議員　陳美蓮
黃彩媚 律師
社區幹事　李嘉華　許昭藩　王少嫻　廖任　陳偉文

要求2009年施政報告落實2012年雙普選 普選特首及全體立法會議員 及在元朗推行改善民生設施

敬啟者：

我們知悉　閣下將撰寫2009年度施政報告，推展未來的香港施政方針。我們認為　閣下在競選連任行政長官時，曾承諾加快香港政改方案，可是至今仍未見到任何諮詢；環視世界各地民主潮流浩浩蕩蕩，只有香港民主化落後其他各個國家。故請特首在2009年度施政報告落實2012年雙普選方案，普選行政長官及全體立法會議員。

我們要出2009年度施政報告具體落實下列措施：

（一） 落實2012年雙普選，普選行政長官及全體立法會議員。
（二） 創告就業、改善經濟、增加扶助本港工業發展。
（三） 增加醫護人手及改善醫療失誤情況。
（四） 盡快興建天水圍醫院
（五） 元朗市東（13區）增建體育館及社區會堂、足球場。
（六） 盡快興建博愛迴旋處行車天橋，改善元朗對外交通。
（七） 改善大廈管理，增加資源支援業主立案法團。
（八） 設立失業援助金，解決短期失業問題。
（九） 加強警力，改善治安，增加海關人員，邊境緝毒，截查毒品流入香港。
（十） 從速立法空氣流通指示，防止屏風樓式建築影響周邊環境。

順祝　工作愉快！

參業成
(已蓋印章)

社會民主連線　參業成 議員
元朗區議員　陳美蓮 議員
黃彩媚 律師
社區幹事　李嘉華　許昭藩
王少嫻　廖任　陳偉文
敬啟

2009年9月9日

致：香港特別行政區

行政長官

曾蔭權 先生, JP, KBE, GBM

抗要求 2009 年施政報告落實 2012 年雙普選 普選特首及全體立法會議員 及在元朗推行改善民生設施

社民連綠 立社會民主連線 麥業成 議員
元朗區議員 陳美蓮 議員
黃彩媚 律師
社區幹事 李嘉華 許昭藩
王少嫻 廖任 陳偉文

From: J Chan
To: ceo@ceo.gov.hk
Sent: Thursday, September 10, 2009 11:43 AM
Subject: 政改建議 (二): 行政架構

政改建議 (...續)

2. 行政架構: (有香港特色的行政架構)
   i. 在行政長官經普選產生前, (即2017年前)
      1. 在行政長官經普選產生前, **主要官員問責制**:
         甲、**局長**, (政治任命的內閣成員)
            1. 負責在其政策局主持每周一次, **政策局行政(公開)會議**
               甲、屬公開問責形式
               乙、由**常任秘書長**解釋政策
               丙、邀請立法會相關事務委員會**議員**出席
                  i. 議員有權詢問政策相關問題
                  ii. 立法會相關的事務委員會, 如有需要, 可如以往一樣在立法會舉行.
               丁、局長需表現出問責局長的協調及監察政策推行的能力; 並在局長任主席的情況下, **常任秘書長**應該盡力回答議員的提問.
            2. 局長同樣要負責主持每周一次, **政策局財務(公開)會議**
               甲、屬公開問責形式
               乙、由**常任秘書長**解釋政策
               丙、邀請立法會相關財務委員會**議員**出席
               丁、**審計署**人員有權列席, 及提問
         乙、盡早取消**副局長**及**政治助理**的政治任命.
         丙、出任局長是一種光榮, 薪酬應改爲相等於**副秘書長**, 或**首席助理秘書長**的薪酬.這樣有助提高公務員士氣, 也同時能爭取市民支持.
      2. 在行政長官經普選產生前, **行政會議**:
         甲、應盡早改行內閣制
         乙、成員應保留司長及問責局長（官守成員）
         丙、非官守成員不能兼任立法會議員
   ii. 行政長官經普選產生後, (即2017年前)
      1. **行政長官**經普選產生後, **行政長官**需要在宣誓時,
         甲、除消中央政府頒發的委任狀 (與體現國家主權沒有關係)
         乙、邀請中央政府代表監誓.
         丙、由首席大法官主持宣誓
         丁、誓詞要加入「向特區人民負責」
         戊、誓詞要除消「向中央政府負責」
         己、誓詞要加入「盡力維護一國兩制、高度自治、港人治港」
         庚、誓詞要加入「盡一齊努力維繫國家統一」
         辛、行政長官無需要每年到立法會宣佈施政報告, 因爲競選政綱已經清楚列出其任期內的施政理念. 除非有重大轉變, 行政長官則需要到立法會宣佈**中期報告**.
      2. 行政長官經普選產生後, **主要官員問責制**:
         甲、問責局長由行政長官任命, 他們只向行政長官負責.
         乙、**政策局行政(公開)會議** 及 **政策局財務(公開)會議**, 最少每周開會一次

丙、立法會相關的事務委員會, 取消常設會議,

i. 只保留質詢會議

ii. 於個別失誤事件完成報告後, 有權召開大會, 相議有約束力議案, 要求政策局負上政治責任.

iii. 問責局長要決定政治責任的方式.

iv. 如立法會不滿意局長的決定, 則有權通過不信任議案, 要求行政長官介入.

v. 如立法會不滿意行政長官的決定, 經全數議員通過議案, 有權要求行政長官中止有關問責局長的任命.

丁、問責局長提交議案時, 必須親自出席立法會會議

戊、財政司司長也如以往一樣需要到立法會宣讀每年的財政預算案.

3. 行政長官經普選產生後, 行政會議:

甲、全面取消非官守成員.

乙、只保留司長及問責局長出任內閣成員

丙、行政長官視乎需要邀請各方人仕 (如立法會前議員、各政策委員會或僱問) 充作智囊團, 出席個別的行政僱問會議.

丁、取消「集體負責制」.只保留「保密制」.

(編者註： 來信人同日向政制及內地事務局遞交相同的意見書，在此不重覆刊載。)

余若薇立法會議員辦事處
Office of Audrey Eu, Legislative Council Member

公民黨 CIVIC PARTY

曾蔭權先生
行政長官
香港特別行政區行政長官辦公室
香港禮賓府
中環

傳真號碼：2509 0577

曾先生：

關於：《施政報告》諮詢會補充資料

謝謝您於二零零九年九月十日，邀請本人及公民黨的同僚聆聽公民黨對二零零九/一零年度《施政報告》的期望。

席間，我方曾提及吾黨所建議的東普選路線圖(下稱該路線圖)。現在特此奉函，附載該路線圖的詳情(見附件一)。誠盼　特首您能細閱內容，虛納民意，於任內徹底解決普選安排，造福市民。

鈞安！

（已簽署）

立法會議員余若薇謹啓

二零零九年九月十日

附件 ·

公民黨建議真普選路線圖

1. 普選原則

- 行政長官及所有立法會議席的產生方式須符合國際公認的「普及而平等」的選舉標準，市民應享有自由選舉的權利。
- 行政長官選舉方面，提名委員會的組成須具有廣泛的民意基礎，提名門檻不應過高，在推動開放普及的提名程序前提下，不應有篩選候選人或爲排斥某些政治力量參選而訂出的安排。
- 立法會選舉以全面取消功能組別議席、達至公平選舉爲目標。

2. 普選方案

行政長官：

- 擴大現有選舉委員會之選民基礎後把選舉委員會轉化爲提名委員會；
- 提名委員會在現時接近 800 名選委的基礎上，增加民主成份，取消選舉委員會的「區議會代表」席位，加入約 400 名直選區議員，令選委人數增至約 1160 人；
- 提名門檻亦由現時 100 名選委減至 50 名提名委員會委員；
- 修訂《行政長官選舉條例》，取消政黨成員不能擔任行政長官的限制；
- 按《基本法》第四十四條及第四十五條，任何符合參選資格的人士，在獲得 10 萬名合資格選民提名後，再經提名委員會確認，可成爲合資格特首候選人；
- 行政長官由全港合資格選民一人一票選舉產生，獲得超過一半有效票數的候選人，經中央政府任命後出任行政長官。[1]

立法會：

- 取消所有功能界別議席；
- 取消分組點票；
- 立法會一半議席以單議席單票制分區直選產生，即每區得票最多之候選人當選；
- 另一半議席，在全港單一選區以比例代表制選出。

區議會：

- 取消全部區議會委任議席。

[1] 在候選人眾多的情況下，可能未有候選人能夠取得過半數有效票。因此建議行政長官選舉條例訂立「第二輪投票」的安排，讓選民在第一輪投票中獲得最多票數的兩名候選人中二擇其一。

3. 真普選路線圖

公民黨要求 2012 年落實行政長官及立法會選舉以「一人一票」普選形式進行，並且立即收消所有功能組別。但如果 2012 年無法實現雙普選，則特首必須履行其選舉承諾，在任內徹底解決及交代真普選路線圖。

按照公民黨執委會於 9 月 6 日所公佈「公民黨普選宣言」之陳述，公民黨現倡議真普選路線圖如下，要求政府回應：

行政長官選舉	立法會選舉	區議會選舉
2012 年： - 擴大選舉委員會之選民基礎 - 選舉委員會加入所有直選區議員，增加民主成份 - 取消現時選舉委員會的「區議會代表」席位 - 修訂《行政長官選舉條例》，取消政黨成員不能擔任行政長官的限制	**2012 年：** - 合併性質相近或選民人數較少的功能組別，以產生 30 名議員 - 2012 年選舉後，儘快取消分組點票	**2011 年：** - 全面取消委任議席
不遲於 2017 年： - 按上述第 2 部份「普選方案」之建議普選行政長官	**不遲於 2016 年：** - 增加普選議席 - 減少功能界別議席 [illegible] - 按上述第 2 部份「普選方案」之建議，立法會一半議席以單議席單票制分區直選產生；另一半議席，在全港單一選區以比例代表制選出	

查詢：
余若薇（　　）
梁家傑（　　）
吳弱儀（　　）
陳家洛（　　）

節錄自公民黨對2009/10施政報告的期望及行政摘要

政制發展

兌現普選承諾莫做政制逃兵

- 公民黨要求 2012 年落實行政長官及立法會選舉以「一人一票」普選形式進行，並且立即「取消所有功能組別」，但如果 2012 年無法實現雙普選，特首必須履行選舉承諾在其任內徹底解決及交待 2017、2020 真普選路線圖。
- 不遲於 2017 有真普選，即特首選舉不能有篩選。
- 不遲於 2020 有真普選，即立法會全面取消功能組別。
- 2012 年的政制改革，必須連同 2017 年及 2020 年的政制發展一併討論。
- 在 2017 及 2020 年有真普選的前提下，則 2012 政改可作中途方案討論協商。

改革區議會強化地區議政

- 立即取消區議會委任制。
- 改革區議會選舉制度及選區劃分辦法，令區議員在服務自己的選區之外，亦能顧及整個地區的需要。
- 增加區議員的薪酬及津貼，吸引更多有志之士參加區議會工作，提升區議會的質素。
- 透過增加區議會在地區建設事務上的決策權、將地區設施交由區議會管理，以及令區議會秘書處脫離政府獨立和財政自主等措施，深化區議會改革。

促進政黨發展提升議政質素

- 取消政黨人士不能擔任行政長官的限制。
- 提供足夠資源，讓各黨派能夠從事獨立的政策研究及調查。
- 制訂「非牟利組織法」，為政黨發展提供良好基礎。

（編者註：意見書包括行政摘要共 35 頁，意見書的第 1-2、4-6、8-23 頁及行政摘要的第 3、4、7-10 頁與政制發展無關，不在此刊載。）

施政及管治

實現良好管治提升施政效率

- 全面檢討主要官員問責制。
- 全面檢討委任重要公職人員（如金融事務專員等）的機制，使之成爲公開、公平、公正的制度。
- 完善《公務員守則》，清楚界定政治委任官員及公務員的職責，維持一支中立及專業的公務員隊伍。
- 引入對外招聘高層公務員的做法，讓公務員能夠更貼近社會民情。
- 檢討現時非公務員合約職位的職責和待遇，調整其工作和薪酬至合理水平。如有職位須長期保留，應將之轉爲正式公務員職位。
- 制訂「檔案法」，規定政府部門及公營機構必須妥善保存其檔案和資料，以及制訂公眾查閱該等檔案和資料的渠道。

理順行政與立法關係

- 政府必須一視同仁地尊重立法會每一位議員及黨派的知情權，在重大的政策上盡早通知議會。
- 政府要求立法會或轄下任何委員會召開會議時，必須提供清楚的議程，及盡量準備足夠的資料文件。
- 主要官員應盡量出席立法會內各會議。
- 各政策局應盡快將擬立法的條例草案提交立法會，讓立法會有充足的時間審議條例草案。
- 政府當局須嚴格遵守向立法會提交文件的協定限期。
- 建立憲制慣例，確保立法會內若干對政府有制衡作用的委員會（如政府帳目委員會、財務委員會及其屬下委員會），均由非親政府議員擔任主席。

兩岸三地維持良好關係

- 堅守「一國兩制」的原則。
- 特區政府應盡力爭取所有香港永久居民平等地享有往返內地的權利。
- 加派人手在內地重要省市設立聯絡辦事處，向內地商民推廣香港在經貿、旅遊、文化等方面的服務，亦向香港居民提供在內地營商及生活資訊。
- 加強現時的通報機制，協助內地被拘留港人與家屬接觸，並得到需要的法律支援。

公民黨對 2009/10 施政報告的期望

行政摘要

引言

公民黨認爲普及而平等的選舉制度是促使社會持續發展的政治基石，只有普選，才能讓社會各階層選出心儀的政府，維護其階層的利益。

不過，公民黨認爲奠定政治基石之餘，面對金融風暴陰霾未散，政府仍需集中火力創造就業。特首曾蔭權主張的六大產業，均只能令具有專業知識的打工一族受惠，根本無法顧及每每在經濟衰退中飽受失業裁員打擊的低技術工人。因此，公民黨提出「綠色經濟」，爲不同階層創造 89,000 個就業機會。

與此同時，特區政府亦需履行先進城市的責任，透過一系列環保措施，實現減排，減輕氣候變化。

公民黨就政治、經濟、環境保護、社會民生等 16 個範圍向特首提出一共 224 項建議，以解決香港當前面對的問題。

在未來一年，公民黨希望曾特首能一諾千金，兌現承諾，勿作政制逃兵，莫當氣候逃兵，否則便應負上應有的政治責任，引咎辭職。

政制發展

- 公民黨要求 2012 年落實行政長官及立法會選舉以「一人一票」普選形式進行，並且立即「取消所有功能組別」，但如果 2012 年無法實現雙普選，建議在符合人大常委決定的框架下全力爭取 2017、2020 真普選路線圖，令行政長官的普選不遲於 2017 年實現，立法會的普選不遲於 2020 年實現。

綠色經濟

- 公民黨提出多項綠色經濟及環保措施，希望從節約能源、循環回收和淨化海港等多方面，爲香港創造 89,000 個新職位。

環保

- 公民黨要求就空氣污染物、溫室氣體及可再生能源的供電量制訂更進取的減排目標，並提出二十個可協助達成以上目標的措施。

施政及管治

- 公民黨建議全面檢討主要官員問責制，改善行政與立法關係及加強兩岸三地的關係，以提高施政及管治質素。

經濟及工商發展

- 公民黨認爲政府應增加財務誘因及加大投資科研以發展檢測認證產業及創新科技產業，並且審慎按市場供求研究增加會議展覽設施，盡快完成競爭法立法工作以締造公平競爭環境，於信貸保證、市場推廣、營商管理技巧和內地市場資訊發放等方面加強對中小企業的支援，以及發展多元旅遊業，才能振興工商業發展。

金融及財經事務

- 公民黨建議政府檢討現行的監管制度，成立統一規管機構以規範金融業，並且發展更多元化的金融產品服務，令香港的金融市場有更健康的發展。

Civic Party's Expectation on 2009/10 Policy Address

Executive Summary

Introduction

The Civic Party believes that universal suffrage is the political cornerstone of sustainable social development.

The problems of the financial tsunami are not yet over and the Government ought to put her efforts in job creation. The Six New Promising Industries proposed by Chief Executive may benefit the professional and skilled workers but not the unskilled workers, who usually suffer most during economic downturn. This is why The Civic Party promotes Green Economy to create 89,000 jobs for different classes.

Further, the Government should reduce greenhouse gas emission through a series of environmental-friendly measures to mitigate climate change.

The Civic Party puts forward 224 suggestions, covering 16 areas including political and constitutional reform, economy, social policies and environmental protection.

The Chief Executive must get his job done, both in keeping his electoral promise to resolve the question of universal suffrage during his term and to mitigate climate change. If he fails to keep his electoral pledge, he should resign.

Constitutional Reform

Ø The Civic Party supports universal suffrage for the election of the Chief Executive and Legislative Council in 2012. If this should prove impossible, the Chief Executive must at the very least consult Hong Kong people on the way forward (" a road map") leading to genuine universal suffrage when he puts forward his consultation paper for the 2012 constitutional reform later this year. By genuine universal suffrage, this means no filtering or pre-election for the chief executive election and no functional constituency for the legislative council election.

Green Economy

Ø The Civic Party puts forward Green Economy and Environmental measures to create 89,000 new jobs to improve energy efficiency, recycling and sewage treatment.

Environment

Ø The Civic Party requests higher targets for Air Quality, Greenhouse Gases Emission and Renewable Energy and proposes 20 measures that can help to achieve those objectives.

Governance

The Civic Party suggests a full review of the Principal Officials Accountability System, improving relations of the executive and the legislature, strengthening ties amongst the Mainland, Hong Kong and Taiwan and enhancing the quality of governance.

Economic and Industrial Development

Ø The Civic Party urges the Government to provide more financial incentives, increase investment on research and development of the Testing and Certification Industry and Information & Technology Industry. Think twice on the expansion of Conference & Exhibition facilities. It should pass legislation on fair competition, provide more support to SME in the areas of loan guarantee scheme, marketing, management skills and information of mainland market.

Financial Affairs

Ø The Civic Party recommends that the Government review current regulatory system and establish a single regulatory body to monitor the finance sector. At the same time, the Government should develop more financial products to encourage diversified development of Hong Kong financial market.

基本法研究中心
關於香港特別行政區政府制訂 2012 年行政長官產生辦法時 應否同時討論 2017 年行政長官產生辦法關鍵內容問題的回應

基本法研究中心重申，香港特別行政區政府於制訂 2012 年行政長官產生辦法時，必須同時解釋基本法第四十五條「按民主程序提名」所指爲何這法律問題。有關問題非只涉及 2017 年行政長官產生辦法的具體細節問題，更涉及現屆行政長官如何履行其在基本法第四十八條第二款下，忠實執行基本法第四十五條規定、貫徹落實 2007 年 12 月 29 日人大常委會《關於香港特別行政區行政長官和立法會產生辦法及有關普選問題的決定》決議精神的憲制責任問題：

1 人大常委會《關於香港特別行政區行政長官和立法會產生辦法及有關普選問題的決定》第一條清楚表明：

「…2012 年香港特別行政區第四任行政長官的具體產生辦法…可按照《中華人民共和國香港特別行政區基本法》第四十五條、…和附件一第七條…的規定作出符合循序漸進原則的適當修改。」

我們強調，2012 年有關行政長官產生辦法的修改，必須爲符合循序漸進原則的「適當」修改，而非任何修改。按基本法第四十五條的規定，2017 年行政長官產生辦法必須在 2012 年行政長官產生辦法的基礎上按循序漸進原則修改制訂，2012 年行政長官產生辦法將不能逆轉地制約了 2017 年行政長官產生辦法的具體安排。現屆行政長官在制訂 2012 年行政長官產生辦法時，必須顧及對 2017 行政長官產生辦法安排的深遠影響。

2 人大常委會在《關於香港特別行政區行政長官和立法會產生辦法及有關普選問題的決定》導言中清楚表明，香港最快可於 2017 年普選行政長官。按人大常委會的《決定》，香港特別行政區能否於 2017 年達至普選行政長官的目標，成敗關鍵，在於有關的修改法案（即 2017 年行政長官提名委員會的組成和操作方式）能否爲人大常委會所確定、並於下一屆的立法會議員中獲得三份之二的多數通過。

在基本法第四十五條的指導和制約下，自 2012 年透過選舉委員會產生行政長官，過渡至 2017 年透過提名委員會提名後普選產生行政長官，必然條件有二。一，是 2012 年產生行政長官的選舉委員會組成方式，同時爲人大常委會和下一屆三份之二的立法會議員所接納，順利過渡爲 2017 年

產生行政長官候選人的提名委員會；二，是2017年提名委員會的操作方式，即對「按民主程序提名」的理解（是指參選人透過參與提名委員會所舉行的初選取得提名候選資格、或指參選人取得足夠提名委員會委員簽名取得提名候選資格），同樣爲人大常委會和下一屆三份之二的立法會議員所接納。

對2017年提名委員會操作方式的理解，勢將決定2012年選舉委員會組成方式能否順利過渡爲2017年提名委員會的組成方式這關鍵問題；不提操作方式，期望2012選舉委員會的組成方式順利過渡爲2017提名委員會的組成方式，只是一廂情願的想法。提名委員會的組成和操作方式，二者或缺其一，香港最快於2017年達至普選行政長官的目標必不能達至。

二零零九年九月十五日

基本法研究中心主席
胡漢清

有關: 有關香港特區政府行政長官和立法會

普選模式的一個具體建議

王金殿博士 BBS
2009 年 9 月 18 日

1.0 介紹

香港特區政府於 2007 年中發表 <<政制發展綠皮書>>，總結策發會，特區政府及社會上關於普選路線圖及時間表的討論，並進行了為期 3 個月的公眾諮詢。根據特區政府政制及內地事務局的消息，在 2009 年第 4 季將展開 2012 年行政長官及立法會產生辦法的公眾諮詢，從而推動公眾討論。近日本港的泛民主派就政改問題提出了不同的施壓方案，包括所謂的 <<5 區總辭>> 及 <<3 步曲>>等方案。

本文就 2017 行政長官及 2020 立法會普選模式提出以下具體建議。

2.0 香港政制發展的大前題

筆者認為香港的政治體制發展，應以社會穩定為大前題，尊重法治精神，必須兼顧社會各階層利益，有利於本港經濟發展，造就人們能夠各盡所能各取所得的機制，並應兼顧弱勢社群及發揮仁愛精神。筆者一直倡議的一種適合香港與中國的理想管治模式 為 **“兼顧 公民社會 參與具高透明度的行政主導”**。 如果這模式能在香港成功推行，那麼這將可為珠三角地區，以至整個中國作出示範。公民社會(Civil Society)在這裡是指圍繞共同利益、目標和價值的非強制性行動團體 。 公民社會一般包括不同場所、人物和組織機構，以及多種程度的正規性、自治性權力結構。公民社會通常運作于慈善機構、非政府組織、社區組織、婦女組織、宗教團體、專業協會、工會、自助組織、社會運動團體、商業協會、聯盟等之中。兼顧 “公民社會”參與的目的是促進 “公民社會”對社會發揮建設性作用，例如智囊團及智庫組織的建立，作為執政者在制定政策時的諮詢對象，達致政府部門與公民社會在社會公共事務的合作與互動。高透明度的行政主導，其中“高透明度” 是指要求政府部門作出服務承諾 (Performancc Plcdgc) 及資料披露的機制，這將有利於善用傳媒的監察，保障公平，及維護公眾利益。“行政主導”是指政治架構中行政部門（建制）主導政治議題和立法的安排。就此，如果大家認同 **“兼顧 公民社會 參與具高透明度的行政主導”** 的管治模式適合香港，則相關的政制發展應加以配合。

3.0 「普選」 及 「全面直選」的定義

目前香港社會上大部份聲音將 「普選」 及 「全面直選」 混淆。 筆者認為「直選」是選舉機制:- 一票到底; 「普選」是選舉理念:- 普及而平等，著重均衡參與。政治學上「普選」的定義，在於選民資格會否受到種族，性別，信仰，社會地位和納稅額等的限制，與

權力機關的產生辦法沒必然關係，更沒有特別規定選舉的形式與方法。「普選 (Universal suffrage)」 的定義可參考後述 (Universal suffrage consists of the extension of suffrage, or the right to vote, to all adults, without distinction as to race, sex, belief or social status. source: http://en.wikipedia.org/wiki/universal_suffrage)。 因此，社會上應就「普選」模式取得可接受的共識後，再決定 路線圖 及 時間表；而目前問題的征結在於「普選」模式。

4.0 行政長官的「普選」和 立法會的「普選」

《 基 本 法 》 第四十五條 和 第六十八條，就行政長官和立法會的產生辦法，說明要根據特區的 「實際情況」 和 「循序漸進」 的原則而規定，最終達至行政長官由一個有廣泛代表性的提名委員會按民主程序提名後普選產生，以及全部立法會議員由普選產生的目標。筆者認為上述「行政長官」及「立法會」的「普選」模式可以不同，因其代表不同的政治實體。作不同的普選模式，可讓香港特區有更大的靈活性，去訂立一個有利於香港長遠發展及一國兩制推行的政治體系。

5.0 立法會的「普選」模式（“文職方案”）

基於上述原則，筆者首先討論一下立法會的「普選」模式。任何事物模式的達成，應首先明確其背後的理念。有關立法會普選問題的征結在於 “我們希望香港有一個什麼樣的立法會?”。 毫無疑問立法會功能界別也應是代表香港公民社會的一部分。筆者認為 “立法會的組成應成為代表香港社會正面運作的一個模型”。 在這裡“正面”，指的是好的方面，先進的方面，廉潔的方面，高尚的方面，進步的方面等等。在此模式下，社會上需要「立法會」處理的各種問題，都可以在「立法會」這個平臺上，得到各方面的聲音及代表，去共同探討，辯論及表決。這將達致 “集思廣益；均衡參與”的效果。上述對立法會的定位，應在社會上作廣泛的討論，並可以作出修改，最後希望取得共識。在上述共識的基礎上，檢討目前立法會包括功能團體的組成能否有效達致該效能。隨著可預見的社會發展，2012 年及以後功能團體發展等問題，亦需作進一步探討。筆者建議保持目前立法會功能團體的分組，但在 2017 起取消功能團體的公司票及團體票，改為董事個人票及理事個人票。即所有不同組別的功能團體內，只有董事票，理事票或專業人士票等的個人票。成立 “**立法會功能團體檢討委員會**”，定期檢討 “**立法會功能團體的組成，功能及議員表現**” 並提交檢討報告。“**立法會功能團體檢討委員會**”其組成可參考如下:

- 1/3 由現有立法會功能團體代表互選產生
- 1/3 由現有立法會直選議員互選產生
- 1/3 委員由政府委任 (學院代表為主)
- 在政制事務局下由政府提供秘書處及運作資金

(*上述比例在通過適當諮詢後可作調整*)

要達致上述的立法會組成模式，有以下方法:

i. 就 “立法會的組成應成為代表香港社會正面運作的模型” 在 18 區區議會提

出動議辯論及表決。

ii. 由政制事務局提出諮詢檔，包括 "立法會功能團體檢討委員會" 的組成等。在香港社會作廣泛及深入的討論達成共識。包括應否及如何 "將功能組別團體票轉為功能團體個人票"

iii. 1 人 2 票: 有資格投功能組別個人票的人，可以投功能組別及地區直選，即 2 票；沒有資格投功能組別個人票的人，可以投建議新增設的「地區行政功能組別」(詳見本文下述之第 6.0 項) 及地區直選，即也有 2 票。

6.0 增加「地區行政功能組別」

此建議方案內容為增加一個全港以五大選區劃分（分別為港島區、九龍西、九龍東、新界西及新界東），每個選區設立一個名為「地區行政功能組別」之立法會議席，參選人及提名人須為當區區議員，所有沒有功能組別投票權的選民，可于所在之選區內，一人一票投票，選出代表該區之「地區行政功能組別」之立法會議員。其目的是使所有合資格選民都可以平等地擁有投 2 張選票之權利，達致均衡參與之選舉理念。而該方案之結果將使功能組別之議席數目由三十席增加五席至三十五席，而立法會全部議席也將相應增加至七十席。

上述的 立法會「普選」方案 (簡稱 "文職方案")，因上述方案在筆者任職主席的 "香港行政管理文職人員協會" 社會關注組上作出了討論並取得共識，並在理事會上通過可用該會簡稱 "文職協會"，因而定名為 "文職方案" 筆者認為上述 方案 有以下好處:

i. 能更好地達致政治上的 "均衡參與" 及 "普及而平等" 的精神;
ii. 縮減了因選舉所引起的社會內耗，紛爭並有利於構建和諧社會;
iii. 透過 "立法會功能團體檢討委員會" 的定期檢討，及人大對立法會地區直選及功能組別的比例相同的規定，建立了政制可持續發展的機制。

7.0 市民大眾對「功能界別」的意見

在 2007 年 7 月份，由 22 名民主派立法會議員，委託香港大學民意研究計畫所進行的 2012 年雙普選方案調查， 其中對保留功能界別議席，但改變選舉模式的建議，得到達 33.6% 最多人的支持，詳情如下。(資料來源港大民意網站) 。

[Q6] 假設2012年會普選立法會，有意見認為應該由地區直選議席取代功能界別議席；又有意見認為應該保留功能界別議席，但改變選舉模式；仲有意見認為應該增加區議會在立法會既議席數目。你傾向支持三種意見裏面邊一種？(30/7/2007)

[Q6] Assume that universal suffrage of the LegCo is to be attained in 2012, there is a view that functional constituency (FC) seats shall be replaced by district-based seats returned through direct election. Another proposal suggests the retaining of FC seats but changing its electoral method. A third proposal is to increase the number of seats representing District Councils in LegCo. Which view are you more inclined to? (30/7/2007)

調查日期 Date of survey	由地區直選議席取代功能界別議席 Replacing FC seats by district-based seats returned through direct election	保留功能界別議席，但改變選舉模式 Retaining FC seats but changing the electoral method	增加區議會在立法會既議席數目 Increasing the number of seats representing District Councils in LegCo	唔知／難講 DK/HS	合計 Total
25-26/7/2007	22.9%	33.6%	27.5%	16.0%	100.0%

筆者于 2009 年 9 月 5 日受邀參加一個由民間策略發展委員會，香港民主促進會，浸會大學香港過渡期研究計畫，公共專業聯盟，及民主動力等團體合辦的“政制改革聚焦小組工作坊”。聚焦小組由 6 個小組組成，每組約 10 至 12 人，其中 3 組包括地區直選選民，第 4 組為功能界別選民，第 5 組 為將來或會成為功能界別選民，最後一組為合資格而又活躍于社會的選民。所有參與者來自由浸會大學香港過渡期研究計畫在 2009 年 6、7 月期間舉行的民意調查，從一千八百多個回應者抽選出來。在每組代表總結該組意見時，其中有 2 組參與功能界別相關討論的小組，其結論認為需要保留功能界別，但有關機制需要加以改善。

上述一些由泛民團體自己所進行的較科學化民意調查，都反影了香港市民對立法會功能界別在 “普選”中應否保留問題並不是一刀切的反對。 本文第 6 項 所述之“文職方案”對立法會普選模式的具體建議，能符合以上民意調查中，市民對保留功能界別議席的訴求。

8.0 <<政制發展綠皮書>>對功能界別議席的意見

2007 年特區政府<<政制發展綠皮書>> 第35 頁 4.13 段提出有意見認為，立法會在實行普選時也應以某種形式保留功能界別議席，但可在選舉制度上作改變，並列出以下具體的建議:

(i) 由功能界別提名候選人，然後由全港選民「一人多票」，即一票選地區直選議員，多票選功能界別議員；及

(ii) 把目前在功能界別選舉無投票權的選民納入功能界別，即每名選民「一人兩票」，一票選地區直選議員，另一票選功能界別議員。

筆者認為上述建議都不合適。「一人多票」將做成一個巨大的選舉工程，即每 1 位元功能組別參選人，需向全港 300 萬登記選民拉票，有如特首選舉。如果實行，例如在 2004 年 60 席功能組別選舉中，有 71 位 參選人，每人向全港 300 萬選民發出一份單張，假設單張成本連郵費每份 HK$ 2 元計，每人都需要用上 HK$ 600 萬，71 人即 4 億 2 仟 6 佰萬元，但這只是一份選舉單張。全個選舉工程，這將是一個巨大的社會資源內耗。

再者，上述「一人兩票」即變相的 彭定康 “新 9 組方案”，更甚的是，有需要增加其它所謂新功能組別，例如 「退休人士」,「學生」,「家庭婦女」等。這將是另一個龐大而複雜的諮詢工程及選民登記工作，容易引起紛爭，不利於構建和諧社會。有人認為擴大立法會功能組別選民基礎是體現「普選」中的“均衡參與”。筆者並不認同：因為，立法會「普選」中的“均衡參與”應指宏觀的全社會各行業各階層的參與。各行業及專業功能團體，為選出在立法會代表，而需做出的選民基礎界定，應交由該界別自行決定。上述“文職方案”所提議的 “立法會功能團體檢討委員會” 可作定期檢討，增加各功能組別運作的透明度，及給社會對各功能組別的界定，包括選民基礎等事項作出諮詢及提出意見。

首先，應該考慮的是在法律上“文職方案”是否為「普選」。如果其性質上與 <<政制發展綠皮書>>所述的「一人多票」及「一人兩票」是相同的選舉制度上作的改變，“文職方案”在法律上應是「普選」。第二個問題是相對於「一人多票」及「一人兩票」的可行性及複雜性；有人或者會說“文職方案”的立法會「普選」，世界上並沒有任何先例。不要忘記「一國兩制」也沒有世界先例。香港特區在一國兩制及基本法下，應走出自己的政制發展道路。

9.0 策法會的「普選」共識

目前就筆者的認知，策法會對「普選」的共識是 “一人一票一等值” 。筆者認為上述 “文職方案” 能符合上述 “一人一票一等值” 的相關標準。例如，一個有 60,000 票的地區直選立法會議員，與一個有 3,000 票的工程界功能團體立法會議員，應有同樣的價值 (Value)，他（她）們 在立法會的權益，及所投的票是同樣代表一票有效票。他（她）們都可以自己的認知及理念去作出決定，他（她）們可以自由決定是否需要諮詢他（她）們的所屬選民。所以在立法會的運作上及法理上他（她）們是 “等值”。 致於可能有人會認為 60,000 地區直選票，與 3,000 功能團體選票“成本值 (Cost)” 不等。 筆者認為這只是理念上的問題；60,000 普通市民與 3,000 專業工程師，是否等值， 這是沒有意義的爭論。我們應該關注的是，社會上是否給於每一個人平等機會，去發展各人事業，例如成為專業人士及可以登記成為功能組別人士。 「普選」對社會發展貢獻所引申的，不應只是追求選民人數的“等值”；而應是促進帶領社會進步的功能及動力，在立法會中作均衡及有效的參與。上述 “文職方案”提到的 “**立法會功能團體檢討委員會**”可以成為一個有效機制去平衡 「普選」上 “一人一票一等值”中立法會對社會貢獻的 “均衡值及動力值”，而不只是選民人數的“成本值”。

10.0 行政長官的「普選」模式

《基本法》第四十五條對於行政長官的產生作出了以下規定:

“香港特別行政區行政長官在當地通過選舉或協商產生，由中央人民政府任命。

行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。

行政長官產生的具體辦法由附件一《香港特別行政區行政長官的產生辦法》規定”

在上述條文的規定下，筆者認為可作以下的解釋:

i. “中央人民政府任命” 是一個實質權力，包括否決權。

ii. 條文中的三個字眼：「實際情況」、「循序漸進」和「最終」。「實際情況」

與「循序漸進」是兩者互動的，如「實際情況」許可就「漸進」；如「實際情況」不許可就「不漸進」，「漸進」之中需有「序」。這個「序」既是「程式」又是「秩序」，更應與「實際情況」不可分割。

iii. 行政長官由「普選」產生的最終目標，包括了 3 個元素:

1. 通過一個有廣泛代表性的提名委員會。
2. 按民主程序提名。這裡指的應是提名委員會的內部運作。
3. 最後做一人一票「全面直選式」的「普選」。

筆者認為一個能讓全港有選民資格的選民，以一人一票「全面直選式」機制的「普選」模式去選舉行政長官，是一個最為適合產生香港特區行政長官的最終「普選」模式。

這與上述的立法會「普選」模式不同，因為產生行政長官的單一選舉目標，其對社會因選舉而產生的內耗，將不會太嚴重。對於 2017 年落實行政長官普選，筆者認為社會上對提名委員會的組成及“按民主程序提名”機制的理解及落實將是一個重要環節。筆者認為一個從提名委員會提名後，交予全港登記選民作一人一票「普選」的候選人提名機制，應作認真嚴肅處理。對候選人的各方面的標準，宜緊不宜松。

就此，筆者提出的行政長官「普選」方案如下:

- 對於一個有廣泛代表性提名委員會的組成，應把目前的 800 人選舉委員會或擴大後的相關機制過渡成為提名委員會。兼顧 公民社會 參與的理念也應加以體現。

- 目前提名委員會總人數與候選人所需的提名票比例是 1:8 (12.5%)。作為最終「普選」的提名票比例，應保持目前 1:8 的比例。

- 在完成依上述提名機制的行政長官候選人提名後，提名委員會全體委員應以一人一票，及不記名方式的投票決定以下事項:

  i. 將作全民普選的行政長官候選人人數。人數的提案可依上述 1:8 (12%) 的提名委員會委員聯署提出作表決。(“人數” 定案)
  ii. 依上述候選人人數，選出全民普選的行政長官候選人，交由全港作 1 人 1 票普選行政長官。(“人選” 定案)

- 全港合資格的登記選民，作一人一票的不記名投票，以相對多票者得，選出行政長官。

筆者認為上述筆者提出的行政長官「普選」方案，除了符合基本法，縮減因選舉所引起的

社會內耗外，亦能在最大程度上，避免一個因中央政府不作行政長官任命的憲制危機。

在 2007 年 8 月份，由 22 名民主派立法會議員，委託香港大學民意研究計畫所進行的 2012 年雙普選方案調查。其中提到基本法第 45 條寫明，普選行政長官時，要先經過「一個有廣泛代表性的提名委員會按民主程序提名」。在調查問題中提出 4 個「民主程序」的標準，其中一個標準為 "確保中央政府不接受既候選人不能參選" (民調題目原話)。就該標準有 46.9% 的市民認為重要，詳情如下: (資料來源港大民意網站)。

四項標準 4 standards	重要 Important	一半半／一般 Half-half	唔重要 Not important	唔知/難講 DK/HS	合計 Total
[Q7]確保中央政府不接受既候選人不能參選 * [Q7]To vet out candidates not accepted by central government	46.9%	12.7%	35.4%	5.1%	100.0%

11.0 總結

香港基本法起草委員會主任委員姬鵬飛在一九九〇年三月二十八日把《基本法》草案及有關文件提交第七屆人大會議時就此作出說明：

「香港特別行政區的政治體制，要符合『一國兩制』的原則，要從香港的法律地位和實際情況出發以保障香港的穩定繁榮為目的。為此，必須兼顧社會各階層的利益，有利於資本主義經濟的發展；既保持原政治體制中行之有效的部分，又要循序漸進地逐步發展適合香港情況的民主制度。…」

筆者深信本文上述提出的有關行政長官「普選」方案，及立法會「普選」方案，是一個適合香港在『一國兩制』原則下，符合基本法及香港長遠利益的民主政制。就香港特區政制的「普選」模式及細節，應在本港社會作充分討論，透過科學論證，儘早作出定案，讓香港內部解決了這一個長期爭議的問題，使大家市民可以同心同德，為香港未來發展共同努力。

(編者註：來信人同日向行政長官及政務司司長遞交相同的意見書，在此不重覆刊載。)

公共專業聯盟
The Professional Commons

VI. Universal Suffrage and 2012 Political Reform[47]

Present Situation

105. In the Report on Hong Kong's Constitutional Development by the Chief Executive to the Standing Committee of National People's Congress (hereafter NPCSC) in December 2007, the Chief Executive admitted the wishes of the citizenry for a faster progression towards democracy. However, he still proposed a comparatively slow pace towards democracy in Hong Kong, with which the first Chief Executive will be, at the earliest elected by universal suffrage in 2017, leaving the realization of universal suffrage of the Legislative Council to a later, uncertain date (despite claims by the Chief Executive that this can occur in 2020).

106. There is a general view that the existing Functional Constituencies (hereafter FCs) election in the Legislative Council suffers from three defects: being under-representative; domination of corporate votes in the majority of the FCs, and encouraging narrow interests under the present election arrangement. The FCs must be totally abolished in an ultimate sense. Supporters of FC system used to argue that the existing arrangement can help retain the experiences and expertise from businesses and professionals and, more importantly, their contributory inputs have been proved to be prominent to the long-term development of the territories.

107. In January 2009, the Government announced that it would postpone the public consultation concerning the review of the constitutional arrangements for the method of selection of the Chief Executive and the Legislative Council in 2012, which is scheduled to take place in the first half of 2009, to the fourth quarter of 2009.[48] The postponement has caused a public outcry over the repeated delays in terms of constitutional review.

108. In his comment concerning the method of selecting the Chief Executive, and the Legislative Council in July 2009, the Chief Executive reiterated that the selection of the Chief Executive as well as the Legislative Council through the means of universal suffrage could not be realized in 2012[49]. The further inaction over the constitutional review sparked off controversies and criticisms. In the meantime, a

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[47] The contents of this section are primarily drawn from the previously published research reports of the Professional Commons: *Position Paper on Constitutional Reform in 2012* (Hong Kong: The Professional Commons, May 2008).

[48] (政改諮詢突推遲年底　曾蔭權藉口應付金融海嘯議員炮轟冇誠信再跳港人), Apple Daily, 16 January 2009, p. A2.

[49] <http://www.info.gov.hk/gia/general/200907/07/P200907070265.htm>.

significant proportion of the general public (nearly 40%) still aspires to the universal suffrage in 2012 in an opinion poll published in August 2009.[50]

Principle

109. Given the fact that universal suffrage is our destination in the journey of political development, the political arrangements in 2012, and afterwards, should be strategically planned as a check point concerning progressive democratic changes. The overall electoral system must be more open and democratic in comparison with the previous one and of necessity to head towards fair constituencies, fair candidate nomination procedures and fair voting. Hence, we are in the view that the Government should also consider a certain form of universal suffrage concerning the elections for the selection of the Chief Executive, as well as Legislative Council in the elections in 2012.

Policy Recommendations

a. Introduction of "Comprehensive Functional Constituencies" in Legislative Council Election

110. The Professional Commons proposes a "Comprehensive FC" system should be in place in order to revamp the existing FCs classifications into 6 larger FCs and therefore, restrict the eligible voters to individual citizens only. Within each FC, the voting is by proportional representation system. This system is supposed to avoid the monopolization of seats by large sectors and therefore encourage the formation of groups and tickets across different subsectors, favouring a political platform that can harmonize different interests. The new system will comprise the following components:

- Four large FCs are to consolidate the existing FCs that are categorized according to the nature of the business activities, namely manufacturing and trade; infrastructure, logistics and tourism; business and professional services; community, social and personal services, which account for the 3.7 million of the population.
- Two new FCs could be introduced in favour other non-business sectors, professional or unionized labour voters. One is for adult students and retired persons. Another is for homemakers and economically inactive persons

[50]（中大民調：逾半人盼 2012 政改有共識）, *Ming Pao*, 28 August 2008, A15.

previously not included in FCs. They account for about 2 million of the population.

- All eligible voters in Hong Kong should be able to participate in both the elections of geographical constituencies and FCs. We call this "One-Person-Two-Votes".
- The electorate base of FCs consequently goes up to 5.8 million of voters, which is in unison with that of geographical constituencies.
- The number of seats of each FC is allocated according to its proportion of eligible voters over the total number of eligible voters. The effect of each vote is ideally equal.

b. Comprehensive FCs as the Basis for the Election Committee for Selecting the Chief Executive

111. We propose to keep the number of Election Committee for the selection of Chief Executive to 800. The 200 members from fourth category remain unchanged.[51] The 600 members from various business, industrial and professional categories (first, second and third categories) are to be elected by the same concept of Comprehensive FCs. The number of Election Committee members in each Comprehensive FC is, by proportion, of their eligible voters to the total number of eligible voters. By doing so, every vote will be rendered equal effect.

112. The nomination threshold for an eligible Chief Executive candidate should be no more stringent than the present arrangement, ranging from 50 and 100 Election Committee members.

c. Consultative Member System in the Legislative Council

113. To acknowledge as well as to tap the knowledge and expertise of the business and professional sectors, a consultative member system should be established in order to formalise the current system of expert hearings in the bills committee stages of Legislative Council. The consultative member system is more a standing arrangement than ad-hoc one that gives consultative members a clear responsibilities. The current FCs can maintain their seats in the new system when the new comprehensive FC is established in 2012. However, these members can give opinions only in the

[51] Eligible voters of the fourth category include: Legislative Council members, District Council representatives, Hong Kong Deputies to National People's Congress, representatives of Hong Kong members of National Committee of the Chinese People's Political Consultative Conference.

Legislative Council bills committee meetings. They are not given any voting power and cannot attend Legislative Council meetings and panel meetings.

The Professional Commons
September 2009

2007年对香港政制发展《氛皮书》提点意见

香港回归，我们收到民主自由新空气；同时也闻到一些旧时代残留的废气。现在，有幸对香港特区政制发展方面提点意见，是我的权利和义务。

当我揭开《政制发展氛皮书》细读的时候，有人都把它视为一席自助餐。而我把它比作为一部综合多样菜式的食谱。其中包括有中餐、西餐和中西合璧的菜单。倘若能够因时、因地制宜，认真选中一款美食佳肴，不但有益身心健康，而且可以延年益寿或带来好莲。

《政制发展氛皮书》是特区政府，为曾特首向市民作出的承诺：对政制发展方面，要在短期内给市民一个惊喜。以《基本法》为依归，综合各社会人士、各政党组织，所提的意见，加于归纳总结，再发给市民谨询所得的共识，最后重定如何落实民主选举的大事。

据此，无论在任何情况下，对香港的政制发展，都必须遵守《基本法》对政制方面有关条例，按照香港特区的实际情况，以民主程序，循序渐进，逐步达致"普选"的目标作为大前题。

一九九七年七月一日，中国人民把香港从殖民主义者手中夺回来，成为中华人民共和国领土一部分。为行使国家主权，建立特区政府。为了顾全香港历史的特点和社会结构。实行

"一国两制"法人治港，高度自治的方针政策，五十年不变。所谓"一国两制"是在一个国家统领范围内，容许两种不同社会制度存在，它们既有矛盾又是统一的。至于"法人治港，高度自治"只能给予广大爱港爱国的特区市民所享用，而对于一小撮敌对分子，是无缘享受这种权利。

四十年来，法人经历过艰苦经营，先使特区有了巨大变化和进步。目前形势大好，爱港爱国力量不断壮大，在中央支持和关怀下，特区政府不带锁，全体市民辛劳力劳动和努力，成绩可观，经济发展迅速，伴随祖国一日千里，充满希望，先使特区逐步走向繁荣稳定。市民不但生活得到改善和提高，而且改善享受到言论自由和民主权利，做了当家作主的主人。

但是，必须懂论，这并非可以安枕无忧，天下太平的时候。敌人并没有睡觉，他们不甘心自己的失败，时刻要梦想复辟，回复到殖民地时代。通过各条渠道，各种卑劣手段，进行顽强地抵制和破坏。四十年来，其中突出表现在两个方向（向东或向西）和两条道路的斗争。究竟依照少数复旧者意志，求拜外国势力帮助，坚持走向头路？还是紧跟祖国，依靠广大特区市民，坚决执行《基本法》创建特区，实现更美好的明天。以此，

形成了当前特区故我矛盾的焦点，实质上就是中国人民与殖民地势力斗争的延续。只要解决这种故我矛盾之后，才有天下太平。

香港深受殖民统治百多年，现在虽然回归祖国，但是没有经过重大改革，殖民地残余势力依然根深柢固存在，并逐步演变成一种社会基础。若要清除此类垃圾，非一朝一夕所能做到的事。相对需要经过长期斗争，短则拾几年，长则五十年，甚至更长时间，才能解决包括是。

具体表现，在政制发展方面，有人企图歪曲《基本法》改变香港民主发展的方向和道路，利用不成熟的社会条件，超过政制改革原则，加快夺权步伐，想方设法迫特区政府犯错，不按实际情况出发，冒险制订"双普选"的时间表和绘下去相反道路的路线图。相反没有人这么来据，明知是个骗局，还拿原则作交易，从而丧失一切。这一危险的举措，当然中央不容，特区市民不容，特首和特区政府也没有自这个权。

所谓"普选"即全民直选，到目前为止。世界上没有一个国家和地区，在没有成熟的社会条件下，通过"普选"可以成为理想的民主社会。相反，有些国家和地区，通过普选所得的结果，不是动乱，就是天灾人祸，很始终生活在水深火热之中呻吟叫苦。例如印度经"普选"产生的

总统雅希特，却把印尼社会搞到一塌糊塗，最后只好逃之夭夭。又如菲律宾民选总统埃斯特拉特，只顾个人享受，贪污腐化，吮吸民脂民膏，结果也被人民推倒。再有中东的伊拉克被美英等国侵占之后，在戰乱中搞个"善选"，大批选民被迫，驱赶到票站投票选举，组成一个由外国人操纵的傀儡政府，广大人民群众依然生活在砲火连天，黑暗的昔夜里飢寒交迫之中争扎求存。说到台湾地区的"善选"，扎九年大选期间，香港有对派头目，不是拉到台湾观戰吗？名为"吸取选举经验"其实有两个意图，一方面吸收台独选举经验；另一方面与民进党同站一阵线，给台独分子打气助选。香港这位有对派头目当时面向台湾选民大声叫嚣：恶毒攻击香港特区的"一国两制"，煽动台湾选民，千万不要向学香港特区制度，这番恶言证明有对派与台独分子同一鼻孔出气。至於阵取扁当然是心领神会，恶像不尽。於是採取骯髒手段，用排除外省人的民粹主义煽动極端本土情绪，欺骗群众，蒙混过关，企图"总统"职位，以年混乱统治，家族贪污舞弊，大搞去中国化，试图挑战控掉外国中华民族在台湾的根基，离间两岸滑国同胞的感情和关係。足以搞到灾难叙属，搬起石头打自己的脚，将台湾地区毒致

天怒人怨，沿着独自独道路愈去愈远。陈永斋把自己推上活火山口的边缘，下场如何？最好交由香港敌对派的头目去下结论。以此告戒我们，前车可鉴，切勿重蹈覆辙。

至於香港特区，有人想搬用台湾地区的选举模式，整天吵吵闹闹"争取尽快全面直选"行政长官和立法会议员。总结三届立法会失败的选举，依次递增后颇直选部分，然而完善的选举文化，结果选出来的民选议员，有几少都是原来的敌对分子，甚至有增无减。形成社会渣滓和殖民残余相结合，凝聚成香港特区深度次矛盾，统一与独立，方向路线的对立，能罩着整个立法会，变成唇唇枪舌戟的场所。它们大是大非的问题，築成香港特区民主发展道路的特大障碍。

以上事实阐明要在不成熟的社会条件下，强行推出其选制度，只有失败不会成功。现在香港特区的社会实况，对於政制发展，存有方向性的严重分歧，殖民残余仍然盘踞於特区社会，在不同时期起着不同的作用。於是存有各种不同人物的利益，各类不同的党势力，其中有爱港爱国者；也有主张脱离国家，闹独立的人物。有依法治港，为港人谋取利益的人物；亦有反法乱港的分子。如

此混乱复杂的局面，若然推行"双普选"，到头来必然出现一个"乱"字，唯有那些外来势力和奇佳卖国贼可以坐收渔人之利。对国家和特区市民只有带来不幸和灾难。

因此，对抢那些反中、反特的谁系和人物，都把"普选"视为生命。因为他们要把握香港政治转轨的混乱时机，对他们有利的条件下，对"普选"方面，大造舆论准备和各种活动。故对谁的御用贵人工具，泛民喉舌，有关电台和报章大肆散播各种有关"普选"的舆论，同时还经常组织一班人，从围围逼行到政府总部，声嘶力竭地高喊要"普选"，无他，其一是为了巩固他们既得的利益和地位，继续欺骗特区市民。其二是亲国扬乱香港，乱中夺权，坐享其成。

为此，本人始终认为"普选"并非真正的民主，现在有些人在特定的社会条件下，搞风搞雨，从党性出发，为个人或某集团利益，选择代表本位权益人物的一种形式和手段。所以，香港政治转轨或在相当时间内提出的"普选"制度，已被敌对势力和社会上的野心家利用来迷惑群众，欺骗市民和争权夺利的工具。稍有清醒头脑的人，都不会卖他们的帐而受骗上当。

然而，香港特区的政制发展，既有法制规定，只能遵守《基本法》第四十五条及六十八条所定行事，按实际情况，循序渐进，以民主程序，逐步实现最终达致"双普选"的目标。于香港目前情况，在各取所需的乱局面前，根本不存在"普选"的时间表，不管反对谁如何吵闹，所泡制出籠的各种形式的政制方案都是不切实际的纸上谈兵，估计中央和市民都不会认同和接受。

至於香港特区什么时候，能够达到双普选的条件和目标？应该根据香港特区社会发展的条件成熟与否而定，不能愿望一步到位。客观现实决定香港不但领土的回归，而且还需要求百分之柒拾以上的人心都回归，才有资格谈论普选问题。比如特区立法会议员，通过各种形式入选产生，经过相应时间的发展，爱港爱国人士不断增加，直至拥有三分之二以上席位的时候，可以坐下来讨论普选的议题，这是香港特区历史发展的必然趋势，也是唯一选择普选的条件。

因此，关於《新设书》提出的路线图和普选时间表，只能选择第三类：20—七年或以后没有时间限制，唯一取决於香港历史发展条件是否成熟而定，至於用什么形式选择抓权人？首先必须保证：

(1) 行政长官立法会议员的权力绝对不能落在港独分子的手里。杜绝象印尼的雅加达，菲律宾的埃斯特拉特和台湾地区陈水扁式等人物和事件，在香港特区重演。

(2) 特区政府永不变色，沿着一国两制的道路奋勇前进，建立和谐社会，创建建繁荣安定，法人安居乐业的特别行政区。

(3) 香港特区永远人属於中华人民共和国领土一部分，特区祸与全国人民一道共同奋斗！並驾齐驱，创造我们更美好的明天。

2006年八月廿八日於香港

(署名來函)

庆祝祖国六十周年华旦。

祖国万岁！

2006年九月廿六日

(編者註：來信人要求以不具名方式公開)

致：曾先生

簡談，政改

文法會的功能其實非常奇怪，但我覺得你可合理地要求他們做事功能，方向係過度，基本法應是獨立的，當選不能大被動，只是HK政府裡沒有或可能不懂方向大前提係過度（大環境），缺乏先車頭就對了！文會有一些做法會令→輸嘅係HK人就對了！暴力→會effect民主進展（互罵）會做成彼此分裂及大主題不能實事與統一，所以味做成施，故施不得其（救）囉！→咁即係輸晒香港人，做就大陸市場而已囉！要看曾生你怎麼看了！你的Position only 次於港，皆而已！香港嘅拌腳石，成日弱勢社群，你要佢哋知道弱都要有（人格）才籍得幫吧！乞兒咁上了公屋，不是做一个人，一樣係一个乞兒咁，因習慣生活方式係咁而帶引一些社會上問題（如文化上等）及浪費資源！連所都沒錢買不要上公屋比較好，如床位等有人看管較好，佢哋，係咁喋嘛！不自律喋！

（編者註：來函共7頁，第1-4及6頁與政制發展無關，不在此刊載。）

再說金庸

他的小說很有正面教育意義，我11歲就看，先後到現在都很喜歡"神鵰俠侶"！有真愛？→都係專一啲好！好人？—都有識材能力！江湖？→即現實世界裡！

作者兒子在大學因失意而自殺，不知會否是"DNA"作怪呢！"神鵰俠侶"得人鐘意也方是像楊過小龍女般感情花花世界是沒有，只有從(書)中尋，這也是它"成功"也方！

大家都"憧憬"嘛！

議會

我勸大家都不要分黨分派團結一致弄好咪仲好拉！香港跟本上有很多可發展行業當然是create上，creative方面，只是欠配套及机制而已！

再會！

(已簽署)

11/10/09

中華人民共和國香港特別行政區政府
Hong Kong Special Administrative Region of the People's Republic of China

立法會 LEGISLATIVE COUNCIL
林大輝議員 HON LAM TAI FAI, BBS, JP

香港特別行政區行政長官
曾蔭權先生

曾特首，

新一年的施政報告將於十月中旬公佈。為此，我特地將自己的一些建議和觀點整理成一份建議書，謹隨函送上以供參閱。

衷心希望這份建議書的內容，能在您構想未來的施政藍圖時有所助益，讓香港繼續保持繁榮穩定，人人安居樂業。

祝　工作順利！

（已簽署）

立法會議員 林大輝

2009 年 10 月 2 日
附件：2009-10 年施政報告建議書

林大輝議員
2009 - 10年施政報告
建議書

四. 政制發展持續向前　　遵循均衡參與方針

香港政制發展爭拗多年，終在2007年12月由全國人大常委會作出最終決定，定下落實普選的時間表，即香港可於2017年普選行政長官，之後可在2020年實行立法會普選。

在落實普選之前，我們須要先處理2012年行政長官及立法會的選舉安排，政府計劃就此在本年底公佈方案進行諮詢。我認為：

1. 就2012年行政長官及立法會選舉安排提出的政改方案，是應該比2005年政改方案更為進步，以加速民主進程，為落實2017年行政長官普選打好基礎；及

2. 這份政改方案必定要繼續遵循基本法的規定和基本方針，包括要體現均衡參與，讓社會各界包括工商界保持在政制內的參與。

社會民主連線
League of Social Democrats
九龍尖沙咀金巴利道78號金輝閣2樓A室
電話：2375-5338 傳真：2375-5732
電郵：lsd@lsd.org.hk 網頁：http://www.lsd.org.hk

林瑞麟局長：

社會民主連線刊物

社會民主連線最新出版兩份刊物，分別為《五區總辭 全民公決2012雙普選》政治說帖及《不怕孤立 才可獨立—社民連議會抗爭路線探微》，現附上予 閣下參考，敬請批評指教。如需索取更多上述刊物，請致電 ，與范小姐聯絡。

肅此

祝 政躬康泰

（已簽署）

社會民主連線主席
黃毓民

二零零九年十月七日

（編者註：來函附《不怕孤立 才可獨立—社民連議會抗爭路線探微》，由於與政制發展無關，不在此刊載。）

社民連線
濟弱扶傾・義無反顧

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社會民主連線
五區總辭 全民公決
2012年雙普選

政治說帖

二零零九年九月

社民連線
濟弱扶傾・義無反顧

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「五區總辭　全民公決」方案概要

一、議題

社民連認為，「五區總辭，全民公決」的議題，應確立為「爭取2012年雙普選」，堅持爭取2012年雙普選，是0708年區議會及立法會選舉民主派候選人獲得選民支持的主要原因，也是民主派回應07年底人大否決2012雙普選的共同立場。因此我們沒有理由從此一立場退卻。反之，「2012雙普選」作為公決議題而成功獲得大多數選民認可，我們才能以此為依據，否決任何與民主普選不符的2012政改方案。再者，若香港市民透過「全民公決」，表示人大常委會的決定不符合香港人民的意願，香港人以選票，主動爭取憲法及《基本法》所賦予的權利，這不只是香港民主運動的重大突破，也將會是中國民主運動的里程碑。

二、時機

社民連認為「五區總辭，全民公決」的時機，應該在政府提出2012政改方案之前，甚至現在就可立即總辭。香港特區政府對於政改方案沒有絲毫主導權已是眾所週知，而中央對於保留功能組別及分組點票，以及要用提名委員會確保只有自己屬意的候選人參加行政長官的意圖更是彰彰明甚，是以，我們幾可確定，曾蔭權即將提出的方案是沒有路線圖之餘，其方案的本質也會一如05年「循序漸退」。因此，民主派不必再隨特區政府的假諮詢起舞，盡快實行五區總辭，務必在政府將政改方案提交立法會通過前使公投有結果。

三、人選

社民連建議五區總辭的人選，應按泛民主派各黨目前所佔直選議席比例派出，即民主黨派出兩人，公民黨派出一人，社民連派出一人，最後一人從各獨立議員協商產生。若其他泛民主派盟友會因辭任議員，而使其所屬組織內部出現重大困難而不願參與，社民連的三位議員都願意辭職，希望能促成「五區總辭，全民公決」，把政制發展決定權還給人民。

把政制發展的決定權還給人民！

五區總辭　全民公決　爭取2012年雙普選

一、前言

香港民主運動舉步維艱，主因之一是缺乏民眾的廣泛參與。民眾未有廣泛參與的因素很多：多年的殖民地教育和殖民地封閉體制固然是原因，而中央一再設限，且得到香港既得利益階層的呼應，更令香港市民有很高的政治無能感，但一個更重要的原因是：本地民主運動往往停留在表面的代理層次，未能令民眾透過親身參與來實踐理念、進行反思，令他們明白群眾的力量，可以改變政府政策及改善自己的生活，從而認同民主的好處，以至在七一大遊行的激情過後，民主運動便無以為繼。[1]

如今，我們面臨一個非常重要的歷史關口，因為曾蔭權的特區政府在拖延了足足一年之後，終於要為2012政制發展的中途方案進行社會諮詢。然而，頹敗至亟復甘願當奴的特首，已經發話，這方案將完全與2017及2020年的普選無關。擺在我們面前的是一個完全無助於港人達到最終雙普選的政制爛方案，我們已無可選擇要進行抗爭。

二十年來，民主派用盡所有方法爭取民主，較重要的包括維園八八直選集會，《基本法》草擬期間及八九民運之後，多次提出增加民主成份的政制方案，2003年2004年兩次50萬人上街爭取還政於民，以至2005年12月的爭取普選大遊行。然而，過往爭取民主的方法都效果不彰，民主進程裹足不前，民主派需要考慮提出進一步的有效行動，「五區總辭，全民公決」是目前最可行的出路。

二、本土民運　篳路藍縷

在我們考慮是否以「五區總辭，全民公決」應對這個歷史局面之前，且讓我們先行回顧香港本土民主運動的發展。

香港本土民主運動的發展，首先得力於民間社會對殖民地港英政府種種無理壓迫與剝削的不斷抗爭，這也與香港人本土意識的成長有密切關係。從1956年的雙十節暴動；到1966年4月4日蘇守忠以絕食形式反對天星小輪加價；到1967年溢華郵船公司、南豐紗廠、青洲英泥、新蒲崗香港人造花廠等因解僱職工引起工人強烈抗議，進而演變成香港左派的大規模恐怖襲擊與暴動；到1968年1月20日，中文大學崇基學生會舉行「中文列為官方語文問題」研討會掀起「爭取中文成為法定語文」運動；再到1973年9月2日，數千香港市民在摩士公園舉行「反貪污、捉葛柏」遊行；迄1978年的金禧中學封校引發抗爭事件；這一切事件，雖然有不同程度的民族主義成分，但對本港社群的認同及關懷從而引發對當權者的不滿與抗爭，是非常明顯的。

在這一切運動中，本港學生的參與非常重要。「火紅年代」一詞，正是源自1968年的法國學生運動及後來美國的反越戰運動。當時這些學生運動，驚醒了香港的大專學生，令他們關注社會上的弱勢社群，投入了社會運動……當時不少大專學生都投入這些社會運動中。[2]

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[1] 此段出於社會民主連線2007政綱前言，而2007政綱前身原出於馬嶽教授於2000年為社會民主論壇撰寫之十九頁政綱初稿，此段亦為馬教授所撰，謹此向馬教授致謝。以後若有再引政綱之處，恕不再行點明。
參閱http://www.lsd.org.hk/index.php/doc/policy

[2] 星島通識網：社會體系與公民精神－學運體現承擔精神　04/06/2007
http://edu.singtao.com/lib/article/pop_article_print.asp?id=578&issid=

但自1976年四人幫倒台後，香港的青年學生終於從國家主義的狂熱與迷夢中清醒過來，開始以理性批判的態度看待中國的發展，也將精力集中到本港社會政治的種種問題上。1978年金禧中學封校引發的抗爭，與及隨後的艇戶事件、露宿者事件及葵盛圍鼠患事件等，一再顯示出年輕學生成為參與社會改革的中堅動力；尤其是金禧中學封校，事件聳動全社會，激發中產市民的義憤，支持師生於主教府門外靜坐請願長達多月，可以視為本港民間運動全面面向本地問題的分水嶺。許多畢業生紛紛成為社運分子，其中不少今天仍在我們中間，成為民主派的中堅分子。

踏入八十年代，回歸問題成為了香港社會的主議題，本港民主運動的發展，也開始從對應殖民地港英政府的專權統治，漸漸蛻變為爭取97回歸後港人的人權保障及民主自治。1988年的「爭取全面直選運動」及百萬人簽名「反對大亞灣興建核電廠」事件，可被視為轉向北京當局爭取民主權利的典型例子。而到了89年，波瀾壯闊的北京愛國民主運動再一次喚起了香港人的愛國心和對國內同胞民主人權的關注，令本港的民主運動與祖國民主運動連繫起來，休戚與共。

港人支持89北京民運，已不再是七十年代初受中國官方策動與認可的「認識祖國」活動，而是由民間自發、與祖國廣大人民認同的民間民主運動，它為在親中路線失落後的本土學生運動重新找回了支點，也促使了本土公民運動中的精英分子向本土的政治運動過渡，形成了今天香港立法會內的民主派。

然而，北京當局也是自89年六四慘案之後，開展了長達二十年拖延香港民主發展的過程，不單為了有效管治香港，也為了有效阻截香港的民主發展對中共政權造成衝擊，令本地民運發展充滿陰霾。

北京中央政府在回歸後的香港政制安排上重重設障，將一個僅得薄弱民主成份的立法會及行政長官產生辦法寫進《基本法》中，致有91年香港市民火燒《基本法》定稿的壯烈之舉。雖然其後英方為了西方的利益強行加快97過渡前的政制民主化，而民主派人士也加快整合成民主黨，但本地民主人士已經開始軟弱下來，對為人民爭取最大的民主空間和權利變得怯懦，致有95年立法局全面直選的議案，因民主派議員一票之微的退縮而功敗垂成的敗案！而97年7月1日午夜的鐘聲一響，回歸前最後一屆，也是香港有史以來最民主化的立法局隨即解散，由一個中共欽點且全權控制的臨時立法會取而代之，並將自92至97香港政制民主化的立法成果全部取消，還原多條惡法，重新收縮香港的公民空間 (Public or Civic Space) 至80年代的水平。

三、回歸祖國　民主倒退

中央政府這種推倒重來的策略，再加上它在《基本法》中設限，令回歸後的香港社會猶如孫行者戴了金剛箍，在緊箍咒下動彈不得，公民空間大受拘禁。中央政府只集中統戰香港的權貴商家、《基本法》內訂明的政制無不偏袒他們，令裙帶資本主義得以維持。在這政經脈絡下，產生了小圈子的特首選舉、功能組別佔立法會一半總數、分組點票、行政主導等不義的制度。

九七後的香港，彷彿仍然處於殖民地時代，只是換了主子而已。決策權力仍然高度集中在非民選的特區政府行政部門之內。民選議員不單權力有限，其議席也只佔立法會的一半，而這個局部民選的立法會的政策制訂能力，更受到分組點票及有限提案權的掣肘；在分組點票制度下，立法會不過是橡皮圖章。此外，英人遺下的諮詢架構，也在長官意志愈演愈烈的情況下逐漸失效，令民意更難影響政府施政，遂令香港市民對特區政府、立法會以及各政黨，日漸產生失望的情緒。顯而易見，期盼在不公義的建制內爭取民主，或希望專權的政府落實香港民主，是不切實際的幻想。

回歸十多年，香港人擁有的自由不斷受到侵蝕，《基本法》二十三條立法、七一後名啃封咪、取締民間電台以及廣管局干預港台編輯自主的方針，令這些公民自由受到嚴厲的挑戰。現時香港社會真正獨立的媒體少之又少，而大氣電波卻遲遲未開放。

同時，香港社會發生了一連串重要事件，為香港這個特殊城市的新殖民地歷史，烙下了特殊的印記，其中最重要的，肯定是03及04年7月1日超過五十萬人上街的日子，06年底及07年中本土青年人發起反對拆除天星及皇后碼頭的行動，並因灣仔利東街的清拆引發就市區重建的抗爭，與及09年六四廿週年破紀錄的二十萬人參與維園燭光悼念會等等，這在在反映民間公民社會的潛在力量仍然強大。過去幾年，對市區收樓重建、新界收地基建、政府賤賣領滙、古蹟拆卸的反對運動延綿不斷，一群群在議會建制外的民主及公民運動鬥士已經形成且愈趨成熟。

這也預示了回歸後的香港社會，開始「兩條腿走路」：已經進入主流或官方認可的政治架構的公民運動人士，即現今立法會內的泛民主派，要在議會內與北京當局操控的特區政府及議會內的大小保皇集團進行抗爭，令其少做官商勾結和中外資本勢力勾結的壞事；而另一方面，議會外仍有大量民間人士在各個層面努力工作，一方面喚醒香港市民關注自己的切身權益是否受損受制，另方面也以非黨派的中立角色努力開拓與擴闊公民空間。

四、七一遊行　波瀾壯闊

倘若沒有89年前後兩次一百萬人上街，香港人在03年的七一，也可能欠缺了那份自我想像，可以衝破全民一起上街的心理關口。但從長遠的背景來說，03七一也是承接了香港自二次大戰以後長達60年的公民社會運動的歷史。

當被認為一直以政治冷感的經濟動物自居的香港人，不理高溫曝力擠進只為被警方數算人頭時，亦揭示了議會內的民主派在本土民主運動的關鍵時刻，起不到帶頭的作用。這是自98年市民將民主派重新送進議會後議會民主派的重大失職。七一大遊行竟非由議會內的民主派人士發起，而是由「七一連繫」蛻變而來的民間人權陣線（民陣）發起，也非由議會內的民主派人士鼓動，而是由香港各種民間力量，不單是傳統的社運組織及民運活躍分子，更包括資深傳媒人、律師、記者、醫生，全都出來高調鼓動，才促成超過五十萬人上街。

而且，當遊行人數遠超乎想像，當人民力量充分展現出來的時候，議會內的民主派人士並沒有以更強的姿態迫使特區政府收回廿三條立法。無論在遊行前後，泛民從政者都沒有認真考慮過民間人士呼籲過的集體辭職策略。結果當董建華政府一意孤行要無視五十萬人上街，繼續將廿三條立法草案小修小補後提交立法會，香港自開埠以來英國人締造與留下的高度自由局面其實命懸一線。若非自由黨突然看出順應民意的巨大政治前景而陣前倒戈，廿三條立法草案若通過的話，這六年的香港真不知變成何種局面。

從六年後的今天回望，過去六年不啻是香港公民社會的再出發：首先是部份民間人士成功打入議會，並組成新政黨，擴闊泛民主派的政治光譜；其次，更為重要的，是出現新一代年輕的、更為充滿理想與熱情的社運分子，他們在後馬克斯主義時期卻完全不入自由主義的思想巢臼，有自己一套反殖民地主義思考，而他們作出廣為大眾注意的行動，便是06年底的反拆卸天星碼頭抗爭，與及07年夏曦日持久的反拆卸皇后碼頭抗爭；期間更不斷聲援各區的反市建局的「市區強徵土地重建」計劃。從六年後的今天回望，這些新政黨、新青年、新網絡，與及重拾活力的一些社運機構，及許多一如既往默默耕耘的非政府組織，便構成了回歸後，尤其是03年後香港新公民社會的主要盤面。簡言之，03年七一的年輕一代經已成長。

五、北京權者　重重設障

但正如北京當局在六四慘案後重重設障，03年到今天，中央政府也繼續給議會的民主派出難題，繼續防範香港的民主發展對一黨專政造成衝擊。它採用的策略，除了在經濟上給港人甜頭外，也在某幾項實質的民憤事件上順應香港的民情，這也可被視為正常的拆彈動作，將一切具爆炸性、可令港人上街的事件清除。除了讓董劍揮儀倉皇出走，老董「腳痛」下台外，也讓西九推倒重來，讓紅灣半島不拆；讓楊永強辭職……然而人大卻突然於04年釋法，封殺0708年雙普選，繼而在07年，再用「決定」去扼殺2012年雙普選。整體局面可說是一種懷柔式的封殺 (killing you softly, with his bait)。明顯這是中央政府從背後發功以連消帶打、釜底「加」薪的方式回應香港市民的訴求，將訴求的實物目標放給港人，但卻保留，甚至進一步加強訴求底下《基本法》的政治枷鎖。

本來，《基本法》附件二規定，2007年後香港特區立法會的產生辦法，法案、議案的表決程序，如需對附件的規定進行修改，只須經立法會全體議員三分之二多數通過，行政長官同意，並報全國人民代表大會常務委員會備案就可以。上述《基本法》條文賦予港人爭取0708年雙普選的空間，於是爭取07年普選行政長官和08年普選立法會，成為了民主運動的主軸，甚至保皇黨，如民建聯及自由黨亦曾將0708年雙普選寫入其黨綱中。

但中央政府公然違背「港人治港，高度自治」的承諾，於2004年4月6日，出其不意地以釋法之名義改動《基本法》。人大釋法將修改《基本法》的權力完全收歸人大常委，並於4月26日通過決議，剝奪《基本法》訂明港人在0708年應得的民主普選權利，還讓特區政府其後推出一個既無時間表復缺路線圖的05年政制「發展」方案，以各種公開的壓力及暗中的利誘，企圖令民主派接受，造成港人甘願屈服的既成事實。若非港人在關鍵時刻站出來令民主派歸隊，這個如雞肋般的05年政制「發展」方案，早已填鴨般填進港人的喉頭之中！

但2005年的政改方案遭否決，特區及中央並一眾親共輿論一直將政制發展「原地踏步」的責任推給民主派，這是一種「明屈」的伎倆，類近於新疆當局「招呼」本港記者的做法。民主派卻苦無良策予以有力的駁斥。面對沒有0708年雙普選的既成事實，民主派只好退而求其次，祭出爭取2012年雙普選的旗號，以向市民交代。但旗幟雖在，爭取的策略和勢頭卻付之闕如。中央政府食髓知味，眼見泛民主派對扭曲式釋法沒有作出有力的反抗，於是又再於2007年12月30日，人大常委再作出「決定」，否決2012年雙普選，但為了緩和港人一而再被侮辱與愚弄所產生的可能反彈，中央政府虛與委蛇，拋出了所謂容許港人於2017年及2020年進行雙普選的「期票」，但同時又再一次要求民主派合作，將2017年及2020年雙「普」選能否兌現，與2012的政制「發展」方案能否被民主派接受掛鈎，這無異又是再一次將民主派推到台前，以一個空泛的2017年及2020年承諾，迫使其盡早投降。

香港早就具備雙普選的條件，擁有普及的教育制度、健全的司法制度、自由開放的公共空間等，早於1988年便應實行普選，但是港人的民主訴求一再被打壓，1988年一拖20年至2007年及2008年，現在中央又再拖延十年有多至2017年及2020年，香港人還有幾多個十年？事實擺在眼前，若無法在爭取2012雙普選方面有突破口，港人只會被陰乾同化成一群順民；若無法找到突破口，香港的民主派只會遲早被中和掉(neutralized)，雙普選只會不斷被拖延戰術玩弄，香港永無普選的日子。這是中央政府自03年到今天，給民主派出的大難題。

六、五區總辭　打破困局

面對這樣一個困局，只有一個行動，能將議會內的民主派及全港市民、民間社會聯繫起來，讓人民可以清楚表達對普選的意願，同時也令議會內的民主派獲得人民意願的授權，去繼續向當權者爭取普選的落實。這就是以「五區總辭，全民公決」，藉辭職觸發補選，並在補選中以「2012雙普選」作為單一議題，讓全體選民在補選投票中表態，達到全民公決的目的。這不單足以打破困局，也突顯了議會內的民主派在民主運動上所能發揮的帶頭作用，為整個本土民主運動注入新動力。

此做法各國都有例子可援。當每區有一位立法會議員辭職後，五區各有一空缺席位要進行補選，即全港市民皆可投票，而補選是採用單議席單票制，多票者勝。泛民主派在每區各派一候選人，只設定單一政綱—要求2012雙普選。當選民投票給予泛民主派候選人，即支持2012雙普選，形成實質支持此議題的全民公決。若泛民主派候選人在三個區以上順利當選，或在五區支持票數達到一定的數量，即代表2012雙普選具有相當的民意基礎。對特區政府和中央政府會構成重大壓力，同時在國際間也引起廣泛關注。

民主派的力量來自香港市民，民主運動的力量同樣來自香港市民，「五區總辭，全民公決」是民主運動的一項戰略，透過選票彰顯港人爭取普選的意志及人民力量。「五區總辭」即由五個民主派立法會議員代表獲六成選民授權的民主派辭職，在香港開埠以來是前所未有的行動，必定引起市民大眾、本地及國際傳媒的關注，對北京當局及特區政府構成龐大的壓力。由補選而衍生的全民公決，是全民意志一種清晰的表達，雖然不具法律效力，但其投票結果具有不可摧毀的道德力量，迫使中央及特區政府正視港人爭取普選的訴求。

「五區總辭，全民公決」可以刺激港人反思民主的價值，從而鞏固及壯大民主派的支持，並加強民主運動的力量。無疑，近年香港人的政治意識不斷提高，但是董建華及曾蔭權上任之初的支持度也非常高，及後由於不斷施政失誤才令二人的民望下滑。民主派不得不承認，在政治高壓低下，港人對小圈子特首的施政也存有幻想，民主並未能成為港人最核心的價值。「五區總辭，全民公決」若成事，將是近年香港政制發展的重大事件，不論支持或反對的本港媒體不能不作廣泛報導，以往沉默的大多數，也要反思民主與自身權益的關係，正如六四事件廣泛引發港人對民主的渴求。補選過程是全港每名選民可以參與的過程，選民會接收大量文宣，及第一次面對「選事而非選人」的「全民公決」投票模式，這是最好最難得的公民民主教育。

「五區總辭，全民公決」如能實施，將重挫特區政府的合法性 (legitimacy)。五名立法會議員代表全體泛民主派辭職，是在體制內的不合作運動，對特區政府拒絕落實雙普選的嚴重控訴，其目標的正當性毋容質疑。特區政府將政改原地踏步的責任歸咎泛民主派否決2005年的政改方案，即將進行的政改諮詢，特區政府必然故技重施，聲稱民意支持2017年才落實沒有路線圖的虛幻「普選」承諾。全民公決的結果，是全民意志的體現，具有凌駕所有民調的事實及道德約束力，特區政府不能再以似是而非的民調作狡辯。若全民公決的結果支持2012年雙普選，但特區政府仍然拒絕雙普選，即與全港市民的意志為敵，由小圈子選舉產生的特區政府必再無的合法性和權威可言。

民主派與保皇黨在立法會的得票比例一直維持在六四之比，唯保皇黨以「地區福利主義」組織鐵票，近年得票率不斷上升。「地區福利主義」透過建立地區組織，提供以親中財團捐獻的金錢為後盾的地區性福利，如平價旅遊、文娛活動、派發節日禮品等等小恩小惠，籠絡選民成為選舉的支持鐵票。2007年區議會選舉，民主派大敗，連以地區工作見稱的民協，亦難逃失敗的命運，足見「地區福利主義」的成效顯著。泛民主派的主要應對策略是加強地區工作，但由於雙方的財力懸殊，泛民主派依樣畫葫蘆，以己之短攻敵之長，根本不能改變現況。可以預見，泛民主派2011年區議會選舉的前景並不樂觀。區議會議席不斷萎縮，令泛民主派的立法會議員失去樁腳，將影響泛民主派在立法會選舉的得票率，蠶食泛民主派的立法會議席。「五區總辭，全民公決」，將有助提升全港市民的民主意識，令一般不理會政治的市民醒覺，這樣才可抗衡保皇黨「地區福利主義」對泛民主派票源的蠶食。

「五區總辭，全民公決」將開創香港直接民主實踐的先河。我們不必過分擔心全民公決的結果，即使結果是支持政府的民意佔上風，問題也不大；縱使民主的理想表面上落空了，雙普選的政治目標短期內不能實現，但本港社會的民主化其實向前邁進了一大步，因為全民公決得以確立為最直接的民主政治模式，日後便可成為民主運動的利器，直接影響香港未來的政治發展。由是觀之，這至少也是民主派在政治上退一步、進兩步的妙著。

我們必需向歷史，向人民，向自己有所交待，以「五區總辭，全民公決」，將人民響亮的聲音帶給中央與特區政府

西方政治學經常在思考直接民主與間接民主政治的利弊：一些有理想的政治家，經常嘆息受制於選票而不能放開懷抱去堅持政治理想；反過來，市民也往往覺得政客們對選民的意願維護得不夠，經常發生出賣選民的狀況。然而，擺在我們面前的「五區總辭，全民公決」，卻是一個難得的機會，讓政治家超越選民眼界的理想、與政治家對選民意願的尊重，真正的合二為一。以政治家的有膽識行動，帶動選民勇於將自己的民主意願，以神聖一票的方式表達出來，這是一個民主派可以向歷史交待的機會：

「親愛的全港市民，我們以『五區總辭』的方式，將全民公決的機會還給了你們，希望你們與我們一起，清楚響亮地在這歷史時刻，將要求2012雙普選的聲音，傳給中央政府及全世界知道。」

請不要忘記：我們每一位泛民主派議員，都在08年的選舉中向市民許諾會爭取2012年雙普選，會以2012年雙普選為我們的底線。人民選我們是為了實現選民的意志，我們斷不能為了戀棧權位及懼怕中央而不敢抗爭。面對這時刻，我們必須向自己交待，以行動証明給今天及將來的香港市民看，我們盡了作為香港民主過渡受託人的使命。

為此，社民連不計勝敗，已就立法會功能組別的公司票投票制度申請司法覆核，這是在遊行示威已不濟事的情況下，在議會抗爭以外開闢的另一條戰線。如此拉闊戰場，目的在維持民主運動於不墮。若然官司勝訴，則從憲制上否定了四分一功能組別議員的合法性。這將會是一場很好看的戲碼。另一方面，我們提出「五區總辭，全民公決」方案，這是目前為止最具認受性及代表性，且在現行憲制架構下完全合法的政治行動。

其實，公民黨的張超雄議員，社民連的梁國雄議員，早在2004及2005年已為了爭取0708年雙普選，先後在立法會提出全民公決及全民公決法議案。梁國雄在今年仍為此再接再厲，而何俊仁議員、劉慧卿議員及陳淑莊議員等民主派同寅也分別發言予以支持。作為泛民主派，我們根本沒有任何堂皇又具說服力的理由，去迴避一個我們只要辭掉四分之一議席便可以達成的實質性全民公決。既然現行《基本法》沒設立全民公決機制，既然立法會斷不會通過設立全民公決機制，既然明擺著五區總辭就可以實現全民公決，我們民主派就斷沒理由去迴避實踐它，尤其是有這樣一個現成的可以實踐全民公決的方法，我們卻不去作出應有的犧牲將之實踐給人民參與，是無論如何都說不過去，難以向人民交待的。我們不敢(怕得罪中央政府)或不肯(因戀棧權位)去實踐它，卻在橡皮圖章的立法會中贊成全民公決議案，或緣木求魚要求特首辭職及解散立法會，不怕被市民私下恥笑嗎？全民公決絕對不只是說說而已的免費政治午餐！

「五區總辭，全民公決」是一個只有贏，沒有輸的行動，因為無論選民的所表達的意願如何，那勝利無論如何也是民意的勝利，而非我們民主派一廂情願的勝利。惟有這樣，縱使

人民在補選公投中表達願意接受中央及特區政府的2012年政制方案，中央及特區政府才不致過分玩弄2017年及2020年的普選方案，而令之完全走樣。我們必需向人民交待，將表達人民意願的機會還給人民。

或許有人會問：五區辭職真的能造成實質性的全民公決效果嗎？我們的答案是肯定的：因為若泛民主派輸掉三席以上，立法會三分一的憲制否決權隨即消失；換句話說，市民可以用直接民主的方式，決定接受或否決政府提出的2012年政制「發展」方案。我們的目的是造成全民公決的事實，還政於民，並非企圖預設全民公決的結果。有人會說：「一旦泛民主派輸掉補選，更不利於爭取普選。」我們認為，若市民現階段決定要接受政府的方案，通過實質的全民公決表達暫不爭取全面直選，泛民主派只有尊重民意。所以，我們不怕建制派全力以赴，明刀明槍與高舉普選議題的民主派補選候選人進行對決，只怕他們不敢奉陪。

「五區總辭，全民公決」若能成功進行，且得到大多數選民支持而獲得民主派以普選議題勝出的結果，對民主派來說將是很大的鼓勵；正如以陳太出戰補選成功阻截葉劉往特首寶座邁進一樣，那將會是一場喚醒香港市民民主普選決心，激勵民心士氣的世紀硬仗。若「五區總辭，全民公決」的議題得到選民投票支持，通過了民主派的議題，那就等於昭告天下，香港人清楚地要求民主，若北京當局繼續以各種爛理由「說不」，那麼，阻撓香港民主化的責任，就不在我們民主派是否願意與中央及特區政府合作，而不肯通過那些不倫不類、似有實無的政制「進展」方案；而在於中央政府有沒有聽取民意、重視民意、順應民意，兌現《基本法》乃至《中英聯合聲明》的承諾。

七、結語

面對中央政府為香港市民及民主人士設的「普選期票」死局，我們斷不能坐以待斃。只有當我們敢於作出有創意的大膽行動，敢於不怕得罪權勢，為了真理甚至敢於得罪中央，才能真正立於不敗之地，得以發出先知的有力聲音，打破歷史的規律、革除歷史的宿命，在中華民族全體邁向真正民主政治上，走前一步，向歷史及人民作出應有的交待。

正如德國神學家潘霍華當年冒生命危險回到德國抵抗納粹政權時說：「若我今天不回去與人民一起同受苦難，我將來便沒有資格參與德國的重建！」若我們今天在2012雙普選上沒有盡力爭取，我們便沒資格參與將來香港的民主選舉。我們繼續作為香港民主過渡受託人的合法性，端的視乎我們有沒有打好這場以「五區總辭，全民公決」爭取2012雙普選之戰！

是時候邀請香港的人民出場，將球踢回給中央了！

社會民主連線

「五區總辭，全民公決」答客問

有關民主大原則實踐方面之提問

Q1 為何立法會五區總辭，會變成有效全民公決？

藉辭職觸發補選，並在補選中只採用2012年普選單一政綱，讓全體選民在補選時表態，達到全民公決目的。此做法有外國例子可援，如2005年的日本，首相小泉總純一郎提出的《郵政私有化法案》被參議院否決，他隨即解散眾議院提前大選，小泉明言：解散眾議院的目的是要問選民是否贊成《郵政私有化法案》。在英國曾有兩次著名的總辭，其一發生在1986年，北愛爾蘭十五名統派議員不滿英國政府與愛爾蘭政府達成協議，承認愛爾蘭在北愛問題上具協商角色而觸發集體辭職，其後十四人贏得補選重返議會，但英愛政府按計劃簽署了協議；其二在1983年，英政府計劃解散大倫敦議會，倫敦市長利文斯通連同三名議員辭去議席抗議，後來四人都能藉補選贏回議席，雖則大倫敦議會依然逃不過厄運。

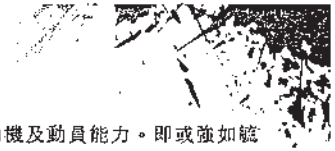
當每區有一位立法會議員辭職後，五區各有一空缺席位要進行補選，即全港市民皆可投票，而補選是採用單議席單票制(多數決制，即多票者勝)。泛民主派在每區各派一候選人，只設定單一政綱，如要求2012雙普選。當選民投票給予泛民主派候選人，即支持2012雙普選，形成實質支持此議題的全民公決。若泛民主派候選人在三個區以上順利當選，或在五區支持票數達到一定的數量，即代表2012雙普選具有相當的民意基礎。

若泛民輸掉3席以上，立法會三分一的憲制否決權隨即消失，換句話說，市民可以用直接民主的方式，決定接受與否政府提出的2012的政制「發展」方案。我們的目的是造成公投的事實，還政於民，並非預設公投結果。李鵬飛說：「一旦泛民輸掉補選，更不利於爭取普選」(2009年7月28日《明報》)，我們認為若市民決定要接受政府的方案，泛民只有尊重民意。

Q2 為何必須以五區總辭的方式來製造全民公決？沒有其他方法實現全民公決嗎？再搞民間全民公決不可行嗎？

因為已經沒有其他可行的方法！

除非我們有能力再鼓動五十萬以上的市民上街，然而看這幾年的七一遊行人數就可以



明白，中央已出動了太多方法去阻截港人上街的種種動機及動員能力。即或強如毓民、大班等名咀，在媒體被多方封殺，更遑論其他泛民主派人士！

「五區總辭，全民公決」是一個手段，亦是一個自我賦權的民主運動。市民可以在不受威脅，平和自由私隱的情況下，表達自己的政治意願和渴望，這正正是全民公決這種直接民主機制的好處，這也是不民主的香港特區《基本法》從未設立全民公決機制的根本原因。

舉辦民間公投，我們認為困難反而會更大，因為牽涉龐大資源，民間根本獨力難支。民間公投若不夠資源，很難做到真正全民公決，認受性也就成疑。若能利用特區政府的資源固然好，但《基本法》沒設立這機制，若要由特區政府或橡皮圖章立法會同意設立全民公決機制並甚至為雙普選進行全民公決，無異與虎謀皮。以補選實現全民公決，是唯一能利用特區政府資源的辦法。

Q3 補選不是全民公決，它脫離憲政現實，也容易流於選人而不選事；而妄圖以之為談判籌碼，不是 很天真嗎？

的確，《基本法》沒有設立公投權，「反全民公決論」論者也會緊咬著這點不放，而保皇黨在對應補選全民公決的競選動員中，也會刻意將選民帶離普選議題。但其實能否真的讓補選變成全民公決的，全繫選民本身。在民主先進的國家，選民將補選變成全民公決，是司空見慣的。很多時候，通過一次的補選投票，令執政黨在一個原本十拿九穩的選區陰溝裡翻船，就可以明白表達對執政黨的不滿。而每每也有執政黨因這種選民訊息的明確表達而提前大選。

因此，是次全民公決本身也是重要的公民社會教育。通過這次全民運動，政府、傳媒、學者及全港市民才能真正就政改問題作一次深入的大辯論，市民才能夠實踐作為現代公民的應有義務，就關乎自身利益的重大議題作出選擇與表態。它所帶動的公民教育及人民動員的效果，甚至將遠超過全民公決的議題本身，足以啓蒙了一整代的香港市民，一如六四經驗或七一大遊行啓蒙了上兩代的市民。它所產生的民意表之認受性及代表性，也將超過之前的選舉。

當然，泛民主派若進行這由補選衍生的全民公決，也的確要盡力告知選民這不是一般意義上的補選，因此其實不是選人而是選議題，那就是香港是否應該盡快有普選！

至於是否以全民公決結果為談判籌碼，中央及特區政府會否真箇理會這結果，那是「反全民公決論」論者以圖減弱或挫折實踐全民公決的意志的說辭。在任何政治角力中，意志的強弱的確是相當重要。就如一個債仔，面對債主臨門的局面，一定會早早放風說無論債主做什麼行動，他都一定不會還債。放風的目的，自然是挫折債主追債的意志。惡形惡相的中央政府、及死皮賴臉的特區政府，自然是將狠話說在前頭，因為他們欠了的，正正是香港人普選權利的債！香港市民除非有正確心理質素認清自己其實是債主，自然不會為此種心理戰術所蠱惑。

其實泛民主派進行「五區總辭，全民公決」所希望顯示的，應該是獲取明確的民意讓中央、特區政府和世界知道，要求中央和特區政府尊重民意，而非作為什麼談判籌碼。

Q4 「五區總辭，全民公決」是浪費公帑之舉嗎？故意以五區總辭迫出補選，是「勞民傷財、愧對選民」嗎？

「反全民公決論」論者批評「五區總辭，全民公決」浪費公帑，估計是次補選花費1億，因此必然是勞民傷財了。

這種輪調可以說是可笑的，因為照這種邏輯，民主先進國家的全民公決都是浪費！試問，參照什麼樣的特區開支浪費，可以將五區總辭形容為「浪費」？對比政府近期的副局長和政治助理委任制度、廣深港高鐵、迪士尼擴建所花掉的公帑？搞「五區總辭，全民公決」，難道還能比特區政府本年底已經預設答案的「2012政改諮詢」更加浪費？

事實是，一次真正可以反映民意的選舉，才是長遠節省社會成本，令社會不用再政治爭拗，讓社會可穩定發展的、最具成本效益的方法。它能夠讓整個社會就一些最一的重要議題作討論，表決和授權，是現代政治的一個有用的工具。正惟如此，民主先進國家的選民根本不會對全民公決作出浪費公帑的批評。

一個沒有民意授權的政府才是枉花市民血汗錢的源頭！在現行市民沒有實在的監察權的制度下，政府浪費納稅人的金錢還少嗎？政府每年開支總額為2000多億，現時立法會的組成及規則，根本沒法讓民選的代議士修訂，更遑論反對政府的撥款要求！因此，泛民主派希望藉雙普選全民公決，促進香港長遠有一個有效回應民意的政府及立法會，倒是長遠確保公帑運用恰當的策略。

Q5 一直以來民意調查都顯示香港市民皆贊成雙普選，而且過去立法會的分區直選，六成選民都支持民主派候選人，不就是六成選民支持盡快落實2012雙普選的鐵證嗎？何需多此一舉搞全民公決？即使五區有六成半人支持民主派候選人，亦不會令中央改變對普選態度。

董建華下台的事實，是對這種論調最好的回應。0304年數十萬人上街，當初很多人都沒想過中央真的會撤換特首，因此若真有六成半選民支持泛民主派的補選全民公決，投下神聖一票，我們相信是會對中央構成不能無視的壓力。

「五區總辭，全民公決」是民主派為市民搭建的一個公平、公開、公正的平台，讓市民來貨真價實地自我表達其民主意願，一旦票投下了而被點算了，其分量實不可與一萬個民調同日而語。相信不會有人贊成用民調去取代選舉，因為一日選票還未投下，所有民調仍是假設性的，都可被反對者反駁，及被當權者蔑視，正如今天香港的情況。但選票投下了，那就是貨真價實的人民意願，是不可輕侮的。

過去立法會選舉中，不同民主派人士提出不同政綱及理念，所以選民會基於不同考慮選擇支持個別候選人。因此，過去立法會選舉民主派的得票，不能明確解讀為反映市民要求盡快落實雙普選。相反，是次補選全民公決，若民主派候選人能統一議題，選民支持民主派便只有一個明確目標，即2012雙普選。因此，全民公決作為直接民主的表達，明顯比參考已往泛民主派得票或民調更科學。

Q6 中央政府最忌的是沒面子。若民主派在「五區總辭，全民公決」成功，無異刮了中央一記響亮的耳光。它若因此跟香港人反臉，全體市民豈不受害？

嚴格來說，中央早已經跟香港人反臉，不然我們今天已經歷過0708雙普選了。可能有市民會憂慮中央給予港人的經濟特權會一夜收回，但不要忘記，香港對台灣仍為有作為「一國兩制」的宣傳作用，中央要對香港實施反經濟政策，無論政治和經濟都會承受不能估計的風險。所以市民應該認識到，民意越強，中央越不敢任意妄為。

Q7 中央政府最樂見的並非全民公決，而是民主派間的分裂。現今「五區總辭，全民公決」尚未成事，民主派的內部矛盾已不斷暴露。若繼續勉強搞下去，豈非正中「阿爺」下懷？民主運動豈不是長遠受損？

的而且確，民主派間存在內部分歧。但是，所有民主派從政者，對爭取2012雙普選的大方向是一致。分歧只屬於技術操作的細節。而且，民主派人士一定要認識到，中央除樂見民主派分裂外，就是民主派不再搞任何抗爭行動。而真正有效的抗爭行動，其實是任何獲取民意，動員民意的行動。基於此，民主派各黨派應就彼此的顧慮作誠懇溝通，理解市民希望民主派各黨派團結一致行動的期望，避免意氣之爭；只要就事實而作出的討論，就算是批評，也不會影響團結。

Q8 香港市民會否肯自己走到前台，對中央政府說不？

市民也未必一定要對中央政府說不，他們也可以對中央授權的特區政府政改方案說是！政改這種政治上的大手術，一般來說必須經過民意授權，才能擺平既得利益者的反對。所以，就算中央授權的特區政府拋出一個較為開明的2012年政改方案，理論上我們仍然應該通過全民公決的方法去確認，或更應該先以全民公決讓民眾表達對政改大方向的選取與授權。經社會上大部分人支持的方案，才能較易維持，以及避免反對者的質疑，如泰國或伊朗等演變成沒完沒了的爭論甚至社會衝突。也就是說，獲取民意是任何民主國家的應有之義，而民主的人民，其民主的主體性及民主的素養，也反映在其會否參與以表達民意。民主派議員若肯團結搭建這樣一個平台來讓市民表達其民主意願，也就問心無愧了。

辭了職再補選，會被保皇黨攻擊為「玩嘢」，倘若市民誤會這是一場「政治騷」，豈非大大削弱了全民公決的效應，並對民主派的長遠形象與發展非常不利？

其實在保皇黨口中，所有民主派政黨發起的抗爭都是「政治騷」。當「五區總辭，全民公決」真正落實時，其震撼程度令本地傳媒很難「冷處理」，我們相信市民可以得到充足資訊，去判斷公決是否值得他們參與。我們更相信許多一直支持民主派從政者的市民，會與民主派議員一起向身邊的親友說明，這一場公投的意義。

有關具體操作要求、策略、應變方案、選後解讀、後續行動方面之提問

Q10 向政府施加壓力，令行政長官按《基本法》五十條解散立法會，會否比五區總辭更進取更有效？

《基本法》第五十條訂明：「香港特別行政區行政長官如拒絕簽署立法會再次通過的法案或立法會拒絕通過政府提出的財政預算案或其他重要法案，經協商仍不能取得一致意見，行政長官可解散立法會。行政長官在解散立法會前，須徵詢行政會議的意見。行政長官在其一任任期內只能解散立法會一次。」條例中訂明「可以」(may)，而不是應該 (should)。不少法律學者亦指出，何謂重要法案應由行政長官決定。因此，行政長官可說擁有解散立法會與否的全權。

現今的立法會議員不能提出有關政制的草案，因此沒辦法在立法會通過一個政制民主化的法案；在可見的將來，政府亦不會因被否決過兩次的法案而解散立法會。所以就算民主派以《基本法》五十條要求解散立法會重選，行政長官亦會以不合法制為由否決。

當然，民主派可以就此提出司法覆核。但是由政改方案推出、諮詢諮和投票，已將近2011年，那時民主派才可以進行司法覆核。要麼輸了，已到2012年。這就變相令民主派在2012年政改諮詢中完全處於被動和無抗爭的狀態。

「五區總辭，全民公決」與其他行動並無矛盾，反而可作其他行動的先聲。

其實，民主派可以首先搞「五區總辭，全民公決」，成功獲取市民對2012年雙普選的民意支持，才去量度特區政府提出的2012年政改方案究竟能否被接受。若不能接受，民主派便可以民意為後盾否決之，屆時再要求行政長官解散立法會重選也不遲。若行政長官不允，還可再來一次民主派全體議員總辭。否則，放著這段未有政改草案的階段完全什麼都不做，便會錯失先機，處於完全被動的狀態。

Q11 要將補選成功轉化為全民公決，必需符合什麼條件？

要將補選成功轉化為全民公決，必需符合以下的條件：

一、 每區須有一民主派議員辭職
二、 民主派須一致推舉五個候選人代表民主派在五區出選
三、 透過所有管道將選舉設定為單一議題
四、 民主派黨派更必需為了民主大局同仇敵愾，真心呼籲各自黨派的支持者投票給民主派共推的共推的各區候選人。

Q12 五區各一民主派議員辭職分階段辭職，會否比五區一同總辭更好？

這次總辭全民公決選舉，我們需要將2012年雙普選設定為選舉議題。初步看來，五區議員同一時間辭職產生的效果比較震撼，引發的政治、傳媒效應比分開辭職大，方便突出選舉議題，所以一同請辭比分階段辭職為佳。

Q13 總辭的時間應在何時？若政府「趁你病攞你命」，趁民主派五區總辭時通過2012年政制「發展」方案，那豈非「弄巧反拙」？

這是民主派必需面對全民公決操作可能出現的多種情況之一。但嚴格來說，政府之「博懵」並不能勾銷全民公決所反映出來的民意，反而更突顯政府企圖通過的2012年政制「發展」方案之反民主性，也凸顯立法會之橡皮圖章本質。

當然，政府偷襲之可能性突顯了總辭時刻的關鍵性。最惡劣的情況，是政府將諮詢期壓縮至三個月或更短，然後脅迫立法會的建制派用最快速度完成所需的立法程序，令政改方案可於2009-10年度的會期完結前交立法會表決，即2010年7月或之前。故此，民主派應盡快取得共識，開始部署各項行動的時間表，使計劃得以成功落實。

此外，盡早總辭亦能釋除公眾擔憂政府偷襲的疑慮，即政府趁民主派議員辭職之際，通過2012年政改方案。根據過往立法會補選的時序，估計政府應不敢將補選拖延超過六個月(請參閱本說帖附錄二—立法會議員辭職補選步驟及有關法例的時間表)，因此，若民主派五位議員能在2009年完結前辭職，便可肯定避免上述的疑慮。

Q14 民主派怎麼籌得近千萬選舉經費？

根據2007年港島區補選的經驗，該區民主派候選人(即陳太)花了約二百萬選舉經費。換言之，要是民主派同時參與五區總辭，便需要近千萬元經費，令不少民主派朋友擔憂不已。

參考回歸後四次投票紀錄，平均有超過95萬選民支持民主派候選人。只要每名選民捐贈10元，民主派便已籌得足夠的選舉經費。因此，民主派當前的首要任務，是要令每位市民清楚明白「五區總辭，全民公決」用意與目的，鼓動更多的群眾議論雙普選，加強全民公決的認受性，而不是怯於經費的來源而踏超不前。

民主派的朋友一定要明白：如果大家把這一次補選全民公決作為一次群眾運動去做的話，根本就不應有資源問題。我們需要對所有市民說：我們將發起五區總辭，補選全民公決運動，但財力不夠，需要大家捐款支持，並列出預算金額，以及承諾捐款只作運動資金，如有餘撥歸慈善團體。這樣一來，民主派朋友固然不愁資金，更重要的是：通過籌款對市民作直接的動員。議員和市民若能一起為同一目標作出犧牲，反能增加這運動成功的機會。

Q15 補選名單怎樣決定？若選民就個別候選人的喜惡投票怎麼辦？若毓民跟長毛辭職參選，選民因厭惡其掟蕉掃場而不選他們怎麼辦？面對動員力強大，鐵票如毛的親中候選人，如何能勝得了？

這就凸顯在選舉中單一議題設定「與及了選題不選人」的重要性。民主派必須同氣連枝、展示空前團結，讓市民清楚這次全民公決是意識形態的對決，要使全港市民明白，他們是用選票抉擇是否支持2012年雙普選的議題，而不是支持某一位候選人。而每一位仍在任的民主派議員，也有義務不分黨派為五區總辭的泛民主派候選人拉票，令補選變成全城關注的雙普選全民公決。

不過補選名單得以落實及公佈前，必先得到當事人同意。另有論者建議，為了展示民主派團結，主要黨應派該黨主席請辭；或每黨最多派一人，以此增加不同民主派團體參與；又或派當區得票最高的議員出戰。就此，我們歡迎各位討論。

我們的立場是，縱然社民連三子總辭，也可讓位於更能將公投意義介紹給市民的民主派候選人出戰此三區。辭職者與出選者不必是同一個人，雖然辭職者因承擔辭職的犧牲應有優先被考慮出選的資格，但若普遍意見認為有更佳人選，絕對可在民主派中協調他人出選。

Q16 若建制派完全不參與或只參與部分選區的補選，民主派便會自動當選，豈不是達不到全民公決之效？

既然不少左派人咽諷民主派五區總辭之舉「自掘墳墓」，建制派理應抓緊機遇，搶佔立法會議席。而且這是保証2012年政制「發展」方案篤定通過的唯一機會，若民建聯不負此重任，則愧對港人和中央。但我們的確不能排除中央不想為五區總辭提供認受性，這也是極可能出現的狀況。民主派應考慮到建制派可能選擇性地避戰，迫使某區民主派候選人唱獨腳戲自動當選，破壞全港市民參與直接民主全民公決的機會，並挫折補選的認受性。對此泛民主派應有適當的對策。

我們的建議是，在任何一區提名日期將屆，而形勢明顯沒有任何人與泛民候選人競爭，我們應派出第二名泛民候選人參選，令補選發生。該第二名候選人同樣以「2012雙普選」為競選的單一議題，將兩名泛民候選人的得票相加，成為在全民公決中支持「2012雙普選」的得票結果。

Q17 在補選進行期間，難道民主派候選人就完全不用回應對手提出的民生議題嗎？

這一次補選，建制派的候選人必然迴避政制議題，將重點放在經濟和政治道德問題（即議員辭職後重選自己的議席是否道德）上。一直以來，建制派都製造政治和經濟議題互相衝突的印象，如推動民主政治會損害經濟等。在這次選舉，民主派候選人回答民生問題時，一定要將民生問題的深層原因帶出。

經濟民生問題是和政府的財政、地政和金融政策息息相關的，與現時政府的組成結構更有密切的關係。現時香港的官商勾結問題嚴重，政策極度不平等地向富商傾斜，歸根究柢是因為香港特區的首長由中央欽點，並由一個八百名商人、人大政協代表、專業利益人士組成的選舉委員會「欽選」出來的！中央政府和行政長官為求得到商人的支持，以香港人的利益酬謝富商。因此民生問題和政制有莫大的關係！民主派候選人回應對手提出的民生議題時必需明確指出這點。所以民主派候選人回應民生議題的最有意義答案是：盡快落實雙普選和政黨政治，以規範及引導商人的政治參與。

Q18 若有一區的民主派候選人落選，是否就代表市民不支持雙普選？

選舉勝負難料，任何候選人都有落敗的機會。但是次全民公決，市民是否支持雙普選，視乎民主派所得的總票數，重點並不在五區民主派候選人都能成功當選。須知這些議員本來只是以比例代表制當選，若說要他們都在補選全民公決勝出重返議會才算贏，實在是過份的要求，這是將補選全民公決產生的民意的解讀立於困境。要通過是次補選全民公決判斷民意，便要因應這是全民公決，重點在議題，不是一般的補選。著重計算的，應該是支持某一議題的選民人數比例。

當然，民主派的議員，不應該因為沒有百分百必勝的把握，而否定實踐全民公決方案，因這是為了實踐民主派議員在之前的選舉承諾—爭取雙普選。為人民服務的立法會議員，難道為了戀棧議席而連些微風險都不敢承擔嗎？相信市民會心中有數。

其實，是否爭取2012年雙普選，由選民親自決定，不管結果如何，我們都尊重選民的抉擇。「香港的前途如何，由港人自決」，這就是今次全民公決的意義與精神。能夠進行一個實質的全民公決，這本身就是民主精神的勝利，也讓香港市民有史以來破天荒第一次體驗真正民主的機會。無論是民主派還是市民，都要從中學習「願選服輸」的態度。因此，不存在「機關算盡地計算全民公決結果以證明泛民主派勝出」的必要，重要的是以實事求是的態度解讀補選全民公決所顯示的民意。

Q19 若補選全民公決的投票率極低，以及民主派總得票不及六成，豈不是予人藉口打擊民主派的認受性？

「反全民公決論」論者常以歷屆選舉泛民主派所得的選票，來預測是次全民公決的投票率，從而令不少泛民主派中人擔憂投票率太低，不單示人以弱，更換來市民不支持雙普選的印象，這等於民主派自掘墳墓，削弱自己的認受性。

但民主派人士一定要認清楚，民主派的認受性是來自哪裡？當然是來自人民！「五區總辭，全民公決」，是讓全港市民以直接民主的方式，表達要落實雙普選訴求的人民意志。推行五區總辭只有單一的議題，選民的每一票便是表達應否落實雙普選的鐵證。選民投票給民主派候選人，主要原因是因為他們對民主的渴望，期望民主派的代議士可為香港爭取盡快落實民主，此乃民主派認受性的基礎。如果在是次全民公決中，民主派只取得這低於歷屆立法會選舉平均的95萬選票，便應承認自己錯估民意，重新考慮自己的定位。

Q20 假設民主派在「五區總辭，全民公決」都勝出了，下一步又該怎樣？

社民連梁國雄曾在多個公開場合提及這個問題。誠如「長毛」所言，現在的主要策略是要落實總辭，真正實現補選全民公決，其結果會形成新一輪的政治形勢。民主派按照新的形勢去評估進行何種策略。而且，為能實現全民公決，社民連可就全民公決的議題再作討論，是以，隨著全民公決議題的調整，其通過後對政治形勢產生的衝擊也有所不同。

但我們必須要提醒香港市民，以補選全民公決爭取民主的對象是中央政府，而香港的民主運動會牽動整個中國的政治格局，因此若民主派在補選全民公決勝出，其下一步的政治行動可以不局限於香港。總而言之，若民主派勝出補選全民公決，下一步要做的，就是決定繼續抗爭的下一階段，還是進入與中央政府討價還價的階段，抑或兩者同時進行。

Q21 有社會知名人士認為五區總辭全民公決是很不智的舉措，不利於爭取雙普選。

香港這商業及高效率社會原本就缺乏深厚的文化根柢，而高效率的追求更令我們流於膚淺與急功近利，缺乏遠大視野也明瞭不到自己的長遠利益。而雖民社會的源流及長期的殖民餵哺式管治，也讓某些人產生根深柢固的畏縮的心理，及等候恩賜的心態。在這種畏縮的心理下，什麼藉理由都可以拿出來否定「五區總辭，全民公決」。這樣空泛的不智罪名，套在公決頭上，對比我們在此列出的理據，究竟是誰不智，讓市民自行判斷好了。

Q22 要是其他民主派不接受「五區總辭，全民公決」方案，社民連怎麼辦？若社民連未能說服泛民主派盟友參加五區總辭，是否代表社民連要與其他民主派的決裂？

泛民主派各黨派爭取2012年雙普選的決心是一致的，但是在手段和策略上，的確存在分歧，就如民主黨和公民黨不大認同我們掟蕉掃場的議會抗爭。然而這個路線上的分歧，不足以動搖我們與民主派各盟友爭取民主和捍衛公義這一共識。為回應市民對民主派團結一致的期許，我們會拿出最大的誠意，說服各位盟友一同落實「五區總辭，全民公決」，只要不是犧牲民主和公義的原則，我們願意作出技術性的讓步和妥協。

附錄一： 民主黨公民黨提出爭取雙普選的策略

(一) 民主黨方案 - 迫使特首解散立法會

民主黨認為《基本法》第五十條訂明，「香港特別行政區行政長官如拒絕簽署立法會再次通過的法案或立法會拒絕通過政府提出的財政預算案或其他重要法案，經協商仍不能取得一致意見，行政長官可解散立法會。」若是2012政改方案再次被否決，行政長官應以重要法案不獲通過為由解散立法會。

特首根據《基本法》第50 及52 條解散立法會進行重選，其政治意義就是：由全港選民用投票決定立法會應否支持政改方案。這實質是一個對政改方案的公投，公投的範圍超越於民主派的五區總辭，而及於立法會的60 議席，讓支持2012 保守方案的保皇黨也承擔其政治責任，面對一個全民選舉決定自己的去留。民主黨認為這方法有三個優點：

一、大選議題清楚，市民知道為何需要進行大選，以及他們投票議決所帶來的信息和後果。

二、各黨派均要參與，並透過大選向選民交代自己對政改的立場。如此，建制派的民建聯、自由黨、專業會議亦不可退縮，不要以為躲在2012　方案背後便安寢無憂。

三、特首自己會備受考驗，因機制下一步便涉及他的去留，所以他每一部署都要思量清楚，不可掉以輕心，以為自己只是中間人，以中央作政治盾牌而漠視港人民主普選的願望，不用負上政治和道義的責任。

(二) 公民黨普選宣言 — 先談判，後補選，再總辭 (2009年9月6日)

公民黨建議全力爭取2017、2020真普選路線圖。而所謂的真普選，即特首選舉候選人不能有篩選機制，以及立法會全面取消功能組別。倘若中央能公開向香港市民承諾在2017、2020有真普選，同時曾蔭權在2012政改方案諮詢文件裡一併提出真普選路線圖，則2012政改可作中途方案討論協商。否則，公民黨建議民主派採用以下「普選路線圖雙辭方案」，團結一致，全力爭取曾蔭權於任內落實真普選路線圖。

第一階段 — 談判

團結民主派，要求曾蔭權於公佈2012中途方案諮詢文件時一併提出真普選路線圖。公民黨將於9月9日倡議具體普選路線圖，要求政府回應。

第二階段 — 補選

假如曾蔭權在諮詢文件中未有提出真普選路線圖，五區各一名泛民主派議員將會同時辭職，並參加補選，以變相公投形式爭取政府提出真普選路線圖，並否決2012政改方案。公民黨初步建議五區補選議員名單：港島區—陳淑莊、九龍東—梁家傑、九龍西—馮檢基、新界東—梁國雄、新界西—李永達。

第三階段 — 總辭

五區補選後，民主派會在民意基礎上，繼續要求曾蔭權在一年時間內提出及落實普選路線圖，否則全體民主派議員將於2011年7月1日總辭，而不會參加補選，表示抗議中央及曾蔭權缺乏誠意推行真普選，同時要求曾蔭權因未能履行其2007年3月競選時的選舉承諾而引咎辭職。

附錄二： 立法會議員辭職補選步驟及有關法例之時間表

議員辭職在行政角度基本上有以下四個步驟：

(1) 辭職、
(2) 刊憲、
(3) 提名、
(4) 選舉日及公佈結果。

由於相關法並無規定選舉日期（541D第8條（1）），以下列出過去兩次補選的實際日期作為參考：

例一：2000年程介南的空缺補選需時三個月；

例二：2007年馬力的空缺補選需時四個月。

步驟	有關法例	重點	時限	例一：2000年程介南空缺	例二：2007年馬力空缺
辭職	542立法會條例 - SECT 14 議員辭去席位的方式 (1) 任何議員可隨時藉向立法會秘書給予書面辭職通知而辭去議員席位。 (2) 辭職通知須由有關議員簽署，否則不具效力。 (3) 辭職通知— (a) 於立法會秘書接獲該通知的日期生效；或 (b) 如指明一個較後的生效日期，則於該較後的日期生效。	立法會秘書接獲該通知的日期生效	0	2000年9月19日不接受席位	2007年8月8日去世
刊憲	542 立法會條例 - SECT 35 立法會議席空缺須予宣布 (Past version on 30/07/1999). (Past version on 03/10/1997). 第VI部 選舉的進行 (1) 立法會秘書必須在知悉立法會議席出現空缺後21天內，藉憲報公告宣布立法會議席出現空缺。 (2) (由1999年第48號第20條廢除)	立法會秘書必須在知悉立法會議席出現空缺後21天內，藉憲報公告宣布立法會議席出現空缺。	1個月內	2000年9月22日（三日）	2007年8月10日（兩日）

步驟	有關法例	重點	時限	例一：2000年程介南空缺	例二：2007年馬力空缺
提名期	541D 標題：選舉管理委員會(選舉程序)(立法會)規例 憲報編號：L.N. 65 of 2000條： 7條文標題：由總選舉事務主任決定提名期 版本日期：05/05/2000 (1)在符合第(2)及(3)款的規定下，提名期須由總選舉事務主任決定。 (2)提名期不得於憲報刊登選舉公告或補選公告(視屬何情況而定)的日期之前開始，而為期不得少於14天，亦不得多於21天。 (2000年第65號法律公告) (3)提名期必須於舉行有關選舉的日期前29天至前42天的期間內結束。	提名期不得於憲報刊登選舉公告或補選公告(視屬何情況而定)的日期之前開始，而為期不得少於14天，亦不得多於21天。 提名期必須於舉行有關選舉的日期前29天至前42天的期間內結束。	由補選日倒數	10月20至11月2日	10月17至31日
提名期	541D 標題：選舉管理委員會(選舉程序)(立法會)規例 憲報編號：L.N. 84 of 2004條： 8條文標題：如須根據《立法會條例》第36條舉行補選總選舉事務主任須刊登補選公告 版本日期：16/07/2004 (1)除《立法會條例》(第542章)第36(2)條另有規定外，在該條例第36(1)(a)、(b)、(c)、(ca)或(cb)條提述的宣布或該條例第36(1)(d)條提述的裁定作出後，總選舉事務主任必須在切實可行範圍內，盡快為舉行該條例第36(1)條所指的補選而按照本條的規定在憲報刊登公告。(2000年第65號法律公告)	(1)除《立法會條例》(第542章)第36(2)條另有規定外，在該條例第36(1)(a)、(b)、(c)、(ca)或(cb)條提述的宣布或該條例第36(1)(d)條提述的裁定作出後，總選舉事務主任必須在切實可行範圍內，盡快為舉行該條例第36(1)條所指的補選而按照本條的規定在憲報刊登公告。(2000年第65號法律公告)	約三個月	2000年12月10日(不足三月)	2007年12月2日(約四個月，因為區選延後兩星期)

步驟	有關法例	重點	時限	例一：2000年程介南空缺	例二：2007年馬力空缺
提名期	(2)如為某個或多於一個地方選區舉行補選，補選公告必須述明該個或每個該等選區的名稱，以及述明在該項補選中須為該個或每個該等選區選出的議員的人數。 (3)如為某個或多於一個功能界別舉行補選，補選公告必須述明該個或每個該等功能界別的名稱，以及述明在該項補選中須為該個或每個該等功能界別選出的議員的人數。 (4)(由2004年第84號法律公告廢除) (5)在第(2)及(3)款提述的每種情況中，補選公告必須述明舉行補選的日期。(2004年第84號法律公告) (6)補選公告亦須述明如就某地方選區或某功能界別獲有效提名的候選人的人數，超逾在有關補選中須為該選區或界別選出的議員的人數，則會在第(5)款提述的有關日期進行投票。 (2004年第84號法律公告) (7)補選公告亦須述明— (a)向選舉主任呈交該項補選的提名表格的限期； (b)呈交提名表格的地點；及 (c)提名表格必須在通常辦公時間內呈交。	約三個月		2007年12月2日(約四個月，因為區選延後兩星期)
提名期	541D 標題：選舉管理委員會(選舉程序)(立法會)規例 憲報編號：L.N. 84 of 2004條： 22條文標題：選舉主任須為施行《立法會條例》第46(1)條而刊登公告 版本日期：16/07/2004 (1)如就某地方選區獲有效提名的候選人的數目不超逾該選區須選出的議席數目，則選舉主任必須在根據第21條為該選區刊登的公告中或在另外刊登的公告中，為施行《立法會條例》(第542章)第46(1)條而宣布該名或該等候選人為就該選區而妥為選出的議員。	自動當選者須在提名期屆滿後14天內在憲報刊登	14日內	2000年12月10日(不足三月)	2007年12月2日(約四個月，因為區選延後兩星期)

步驟	有關法例	重點	時限	例一：2000年程介南空缺	例二：2007年馬力空缺
自動當選	(2)如就某功能界別獲有效提名的候選人的數目不超逾該功能界別須選出的議席數目，則選舉主任必須在根據第21條為該功能界別刊登的公告中或在另外刊登的公告中，為施行《立法會條例》(第542章)第46(1)條而宣布該名或該等候選人為就該功能界別而妥為選出的議員。 (3)(由2004年第84號法律公告廢除) (4)第(1)或(2)款所指的另外刊登的公告必須— (2004年第84號法律公告) (a)在提名期屆滿後14天內在憲報刊登； (b)述明獲宣布為妥為選出的議員的候選人的姓名及主要住址；及 (c)符合指明格式。	自動當選者在提名期屆滿後14天內在憲報刊登	14日內	2000年12月10日（不足三月）	2007年12月2日（約四個月，因為區選延後兩星期）
選舉日及公佈結果	541D 標題：選舉管理委員會(選舉程序)(立法會)規例 憲報編號：L.N. 84 of 2004條 83條文標題：選舉主任須宣布選舉結果 版本日期：16/07/2004 (1)當點票及重新點票(如有的話)完畢並已有選舉結果時，選舉主任須按《立法會條例》(第542章)第49(13)、50(7)及51(7)條的規定宣布在選舉中勝出的各候選人當選。 (2000年第65號法律公告) (2)如在宣布某候選人當選前，選舉主任信納該候選人已去世或喪失當選資格一事已獲證明，則選舉主任— (2004年第84號法律公告) (a)不得宣布該候選人當選；及 (b)(i)在選舉是屬地方選區選舉的情況下，必須— (A) 宣布根據《立法會條例》(第542章)第49(15)條由有關地方選區選出的候選人當選；或	選舉主任須宣布選舉結果	翌日		

步驟	有關法例	重點	時限	例一：2000年程介南空缺	例二：2007年馬力空缺
選舉日及公佈結果	(B) (如不能根據該條選出候選人)按照該條例第46A(3)(a)條宣布該項選舉未能完成，或按照該條例第46A(3)(b)條宣布該項選舉在該條所提述的範圍內未能完成； (ii)在選舉是屬功能界別選舉的情況下，必須按照該條例第46A(3)(a)條宣布該項選舉未能完成，或按照該條例第46A(3)(b)條宣布該項選舉在該條所提述的範圍內未能完成。(2000年第65號法律公告) (2004年第84號法律公告)	選舉主任須宣布選舉結果	翌日		

附錄三： 2007年社會民主連線政改建議書

前言

自回歸以來，行政長官由八百人的小圈子選舉產生；立法會依然有一半的議席由功能組別產生，區議會仍然有超過一百個委任議席，反映香港政治發展並無寸進。

特區政府以「行政主導」為由，推行了一連串不得民心的施政，又強行推出《基本法》第二十三條立法議案，結果觸發2003年七一超過50萬市民上街反對立法的遊行。2004年七一，又有50萬市民上街爭取民主。從兩次遊行，我們可以見到，在一個並非由民主產生、缺乏公民授命的政府，根本不能掌握民情，市民亦沒有足夠的渠道表達自己的意見以及影響政府施政。數以十萬計的市民連年上街，正正反映本港市民對於民主的訴求。社會民主連線認為，任何有關本港政治制度的改革，必須充分顧及上述的元素，回應市民對於開放政制，落實民主的要求。

原則及概念

要討論政治制度的設計，我們必須先討論我們對於政治的基本原則。社會民主連線認為，人人生而平等，每一個獨立的個體，均有權利去決定自己的事情，其中一個最重要能體現個人自主及自由的部份，就是透過政治參與。我們認為，每一個公民必須能平等地參與政治。平等的普選權——即每一個公民都擁有一票，而彼此間的影響力是相等的——在現代的民主社會，已被確認為最基本的人權，以及落實平等參與政治最基本的要求。每一個公民，都可以選出代表自己的議會及政府。

社會民主連線認為，政治制度的改革方案必須立即回應民間要求民主的聲音，實現全面普選。近年，香港社會出現了是否參與小圈子選舉，以及是否以循序漸進的模式達致全面普選的爭論，如逐步開放立法會的直選議席、改革功能組別、擴大選舉委員會及擴闊其選民基礎。然而社會民主連線認為，如根據上述的民主基本原則，我們根本不應該接受一種中間落墨的半民主制度，公然違反平等的普選權利。社會民主連線認為，香港政制必須盡快改革如下:

普選行政長官、普選立法會所有議席、取消區議會委任制

除此之外，政府必須盡量開放權力予各級議會，令各級議會能真正做到收集民意，影響施政，監察政府的目的。

除了代議政制的民主發展外，政制的改革應必須包括參與性民主的發展。數年一度的代議政制選舉，只為間接民主，選民於非選舉期內難以參與政治。而事實上，要落實民主的知情權、參與權、被諮詢權，公民於日常生活的參與，如工作機構、學校、社區等等，亦十分重要。參與性民主的制度及公民社會的擴展，絕對有利於整體民主的發展及鞏固。

本文將集中討論代議政制的改革，下文將闡述社會民主連線對於政改的具體建議。

具體建議

社會民主連線將於下文就 1. 行政長官選舉、 2. 立法會選舉及 3. 區議會選舉提出建議，以供討論。

1. 行政長官的選舉制度

取消現時的選舉委員會制度。任何合資格的市民，只要取得一定數目的合資格選民提名（連署），如5萬人，即可以參選行政長官，由全港市民一人一票產生，取得「絕對多數」者當選。「絕對多數」意指當選者必須取得50%以上的選票，如第一輪投票沒有候選者取得「絕對多數」，則舉行第二輪投票，由第一輪得票最多的兩位候選人角逐。

由於行政長官在《基本法》的設計下擁有極大的權力，為避免出現「少數總統」的情況出現，「絕對多數」的當選規定，有利於政局的穩定，惟壞處便是會使選民的投票意欲下降。

2. 立法會選舉制度

社會民主連線認為，隨本港人口增加，政府及立法會的事務日益繁重，立法會的議員數目應由60席增加至70席。所有議席必須由普選產生，現有的功能組別必須取消，因為小圈子的功能組別選舉，只會助長特權，維護狹窄的界別利益。最重要的，是功能組別的選舉有違一人一票的公平原則。

至於立法會的權力，亦必須提升至合理的水平，廢除制度上對於議員權力的不合理限制，如《基本法》第七十四條限制議員提出私人草案；《基本法》附件二為通過議員提案設下的「分組點票」限制。此外，立法會需擁有彈劾政府主要官員及行政長官的權力，如立法會有超過三分之二的議員通過彈劾案，則該官員必須離職。行政長官的罷免， 則需全民投票通過。

此外，立法會議員必須為全職議員，所有私人的業務必須在任期內交由信託公司看管，以免利益衝突，並更有效地代表選民及監察政府，政府應以提高議員的薪金作為補償，社會民主連線建議立法會議員的薪金應依從公務員首長薪酬D4級別（月薪145,150元起）。

選舉方法方面，社會民主連線則持開放的態度，我們認為需要考慮議會的代表性、議會運作是否暢順、多元包容性、選度是否簡單清楚等問題，本會就此提出3個建議:

2.1 單議席單票制

單議席單票制意指，按議席數目劃分若干選區，由每選區選出一個議席，選舉方法採用「簡單多數制」，由得票最多的候選人當選。舉例而言，若某選區有三位候選人A、B及C，假設A取得35%選票，B取得25%選票，而C則取得40%選票，則多票最多者的C會勝出此議席。

此選舉制度為勝者全勝（winner-takes-all）的零和遊戲（zero-sum game），對較大型的政黨有利，一些較為小型的政黨，即使在每一區均取得30%至40%的選票，亦有機會連一席都無法取得，議席與得票率互不相稱。勝出的政黨往往會出現「過份代表」（over-represent）的情況，其他政黨則嚴重「低度代表」（under-represent）。在此制下，政黨會傾向整合團結，議題會偏向主流單元，出現穩定的「中間政治」。就選民而言，選舉制度簡單易明。至於弊端，則是不利小型政黨及多元多議題的政治。

2.2 比例代表制

比例代表制的設計，主要理念是希望充份反映選民的意願，令對不同議題有不同關注及支持不同政黨的選民，均在議會內擁有自己的代表。其選舉制度為將整個地區劃分為若干選區，每選區選出若干議席，依照各候選名單的得票比例分配議席。舉例而言，若某選區需要選出10個議席，該區有4張名單參選，分別為A、B、C及D。投票之後，4張名單的得票比例依次為10%、20%、40%及30%。根據比例代表制，則A、B、C及D名單均取得議席，A得到1席，B得到2席，C得到4席，D則得到3席，各張得到選民支持的候選名單均有候選人當選，與勝者全勝的單議席單票制制度有明顯分別。

比例代表制即本港現時立法會直選議席的選舉模式，如繼續此模式，可依舊將全港劃分為5大選區，分別為「港島」、「九龍東」、「九龍西」、「新界東」及「新界西」，按人口比例分配所有70個議席（「港島」13席、「九龍東」12席、「九龍西」9席、「新界東」17席及「新界西」19席）。

此制度的優點為可 以容納各種不同的少數聲音，令更加多元的議題可以帶進議會。在紛繁複雜的社會上，有不同的群體、不同的階層、不同的利益、不同的關注點，選舉的目的，就是要令到各種聲音都能夠進入議會，讓不同的聲音均在立法會中擁有自己的代表，在議會中互相辯論。採用比例代表制，便可以令議席的分佈均衡反映市民的投票取向，以及其背後所代表的社會及政治力量，不會單一黨派壟斷立法會的情況。

比例代表制的缺點，則為按得票比例分配的議席，令不同黨派均取得一定數目的議席，權力互相制衡。每次當政府提出草案及議員提出私人草案時，政府及各黨派均需爭取支持，議會內無法組成穩定的執政黨，議會的力量難以整合，可能會影響政府施政的暢順。

2.3 混合模式

融合單議席單票制與比例代表制的混合模式，亦是另一個可以考慮的選舉制度。假設立法會共有70個議席，一半即35個議席在全港35個小選區中以單議席單票制選出，另一半議席，則按人口比例分配到全港五大選區，即「港島」、「九龍東」、「九龍西」、「新界東」及「新界西」以比例代表制選出（例如5個選區的議席分別可以為：「港島」6席、「九龍東」6席、「九龍西」5席、「新界東」8席及「新界西」10席）。

如上所述，單議席單票制有利大型政黨，選舉結果將傾向由少數政黨取得議席，有利議會運作的穩定，而比例代表制則令各種多元聲音進入議會，混合模式可兼取兩者優點。惟混合模式的缺點為令選舉制度變得複雜，每一位選民都需要投下兩票，市民未必能夠習慣適應，令選民卻步，投票率下降。更為嚴重者，可以影響到市民參與的熱情，以及政府的認受性，不利民主的發展。

3. 區議會選舉制度

社會民主連線建議保留現時的單議席單票制選舉制度，惟需立即取消所有區議會委任議席，將節省的資源提供予民選議員，如提高區議員的薪金及申領的開支上限，增加區議員接觸街坊、處理個案及跟進地區事務的資源。

結語

近年，香港市民對普選的訴求已經非常清楚。社會民主連線認為，政府必須盡快作出回應，全面普選行政長官、立法會以及區議會，讓分配政治利益的小圈子選舉成為歷史。社會民主連線認為，憲政制度上的民主，是現代文明社會最基本的人權，未來政府必須思考，如何將民主的理論帶進社會上的各種機構，包括商業機構、社區、學校、工作機構等。

2007年1月15日

中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China
立法會議員劉健儀
Hon. Miriam Lau Kin-Yee, GBS, J.P., Legislative Councillor

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政制及內地事務局局長
林瑞麟 先生, GBS, JP

致: 政制及內地事務局
林瑞麟局長

要求新增地產代理立法會功能界別及將地產代理納入行政長官選舉委員會界別分組

正值 貴局檢討香港2012政制方案之際，本人受地產代理業界聯席會議所托致函 閣下，要求 貴局考慮新增地產代理立法會功能界別及將地產代理納入行政長官選舉委員會界別分組。地產代理業界聯席會議包括六個地產代理業界商會，即地產代理聯會、香港地產代理專業協會、香港地產代理商總會、地產代理管理協會、香港新界地產代理商聯會及香港專業地產顧問商會。

最近本人有機會與地產代理業緊密接觸，對此行業有更深入的了解。本人認為地產代理業對香港的貢獻及重要性是不應被忽略的。

根據土地註冊處的登記資料顯示，在二零零七年樓宇買賣合約共有12萬份，涉及的價值約5千2百50億元，有關樓宇業權佔本地生產總值 9%，可見買賣樓宇物業是本港主要經濟活動之一，而能夠成功促成這些樓宇買賣，實有賴地產代理的努力。

現時本港四千多間的地產代理公司共僱用了 2 萬 6 千多名地產代理。他們分別屬地產代理業界聯席會議轄下六個地產代理業界商會的會員。所有從事地產代理業務的從業員，自 1997 年開始都要遵《地產代理條例》的規定考獲牌照，成為註冊的地產代理，構成一個專業的隊伍。業界更一直不斷積極地透過培訓及持續學習，提升業界的專業水平。

現時立法會功能界別的地產及建造界是以發展商為主，地產代理公司唯一能申請成為立法會選舉選民的途徑可能只有間接地循其他立法會功能界別，如透過商界(一)選出他們的立法會議員，即藉申請為香港總商會會員，成為商界(一)的合資格選民，但這可能只限於一些具規模及大型的地產代理公司才有條件，最終地產代理還是沒有代表聲音在議會。

鑑於地產代理業界對本港的經濟有一定的貢獻及地產代理的專業化，我建議當局在研究未來政改方案時，若有意設立新增立法會功能界別，可考慮新設地產代理界別，讓地產代理業界可以選出他們的代言人進入議會。就算政府無意在 2012 年新增功能界別，本人亦希望政府可將地產代理業納入行政長官選舉委員會界別分組，除肯定業界對本港經濟的重要性，讓他們有權選出代表為其業界投票選出未來的行政長官，還可以增加選舉委員會的廣泛代表性。

本人希望　閣下積極考慮上述建議。如有任何問題，請與本人聯絡，電話：　　。

（已簽署）

劉健儀

二零零九年十月八日

副本送：地產代理業界聯席會議

（編者註：按自由黨通知，此意見書及序號 CDA033 意見書均代表自由黨的立場。）

香港新動力
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香港特別行政區政府政制及內地事務局

尊敬的政制及內地事務局局長林瑞麟先生：

香港新動力《模擬 2009－10 年施政報告》

香港新動力於 1998 年成立，是香港新一代文化協會屬下的一個非牟利青年組織，服務對象爲在職青年、中產人士和大學生。近年，本會以「參政、議政、論政」爲新的發展方向，就香港長遠發展計劃、政府政策及社會熱點問題舉行研討會、工作坊，提供機會讓青年朋友吸收社會經驗、抒發己見。除此以外，本會亦定期舉辦政策及時事研討會及政治人才培訓班，務求爲有志參政、議政、論政的青年朋友提供培訓，爲培養香港未來的管治人才盡一分力。

特首將於 10 月 14 日公佈《2009－10 年施政報告》，本會亦特別成立了一個《模擬 2009－10 年施政報告》起草小組，由一班關注香港未來發展的、來自社會各界的青年，就香港的經濟、民生、生活環境、人才培養及政府管治等方面作出深入的研究及分析，對香港當前面對的問題及挑戰，提出創新、具針對性的建議，並以「把握新機遇　再現新動力」爲主題，制定了一份全面、具前瞻性、有助香港可持續發展的《模擬 2009－10 年施政報告》，供特區政府及社會各界參考。

隨函附上一份《模擬 2009－10 年施政報告》及本會理事會成員名單供　閣下參考。如有任何查詢，請致電　　與本人聯絡。

順頌

政安！

香港新動力

主席　雷紹麟

2009 年 10 月 9 日

附件：

1. 本會理事會及《模擬 2009－10 年施政報告》起草小組成員名單

2. 《模擬 2009－10 年施政報告》摘要

3. 《模擬 2009－10 年施政報告》全文

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《模擬 2009－10 年施政報告》摘要

背景

香港新動力於 1998 年成立，是香港新一代文化協會屬下的一個非牟利青年組織，服務對象爲在職青年、中產人士和大學生。近年，本會以「參政、議政、論政」爲新的發展方向，就香港長遠發展計劃、政府政策及社會熱點問題舉行研討會、工作坊，提供機會讓青年朋友吸收社會經驗、抒發己見。除此以外，本會亦定期舉辦政策及時事研討會及政治人才培訓班，務求爲有志參政、議政、論政的青年朋友提供培訓，爲培養香港未來的管治人才盡一分力。是次項目，我們組織了一班關心及熱衷社會事務的青年，從民間角度出發，結合我們對政府的認知，透過撰寫一份《模擬 2009－10 年施政報告》（下稱：報告），反映我們對政府施政的建議及訴求，期望此報告能爲政府提供參考價值。以下是本報告的重點：

報告重點

(甲) 可持續發展的藍圖

本報告從宏觀角度出發，從全球大趨勢、亞洲國家發展趨勢、以至中國發展趨勢帶出香港的長期和短期挑戰。長期挑戰分別有人口老化、經濟結構單一化和城市競爭優勢差距縮窄等；短期挑戰則有政制發展諮詢工作、應對全球金融危機以及青少年問題等。報告建議以應對問題爲本，從長、短挑戰中確立香港的國際定位，並以解決問題和朝已確立的定位出發，建議實際可行的措施，令香港得以可持續發展。

(乙) 將香港定位爲亞洲首要國際都會

香港必須有一個清晰、明確、可行的發展目標，我們建議以「亞洲首要國際都會」作爲定位。爲此，香港要繼續發展基建，加強港深合作，使人流、物流、資訊流和資金流往來更便捷；香港要繼續加強經濟、環境和文化等方面的發展誘因，吸引和培育更多高質素人才。

(丙) 金融和產業改革

我們建議加強金融多方面的改革和贊成拓展多元產業（以六大優勢產業爲藍本）。

政府應積極研究，重整香港聯繫滙率制度，港元同時與美元及人民幣掛鈎，減低美元波動所帶來的沖擊，以及增加人民幣的國際份額。

我們建議將河套區打造成「深港教育園」。建議由兩地政府投資基建，建設校舍，並邀請世界知名的學府到河套區設立分校。

我們建議推行「綠色生活樂滿分計劃」，鼓勵全港市民通過購買環保產品和參與家居垃圾分類等方式賺取積分（Green Dollar），換取各類獎賞。

香港亦可研究將中藥產業化，舉辦國際級的中藥展覽會吸引買家，與澳門正計劃建設的中藥產業園區協作，發展中藥產業。

(丁) 香港的展覽業

香港可以著力舉辦以發展亞洲市場爲對象、與時尚生活有關的展覽會及市場推廣盛會，如健康保健、綠色生活、時裝品牌、音樂文化藝術、國際美食、紅酒、中藥等。同時，對於香港會議展覽中心及亞洲國際博覽館，政府應評估現時兩個展覽館的使用率和分工，並研究香港整體展覽業未來的發展需求，以免兩個展覽場地惡性競爭，達至善用現有資源和優勢，進行適當的分工和配合，使香港的展覽業務發展更專業化及符合成本效益。

庚、推進民主，有效施政

154. 中央及特區政府清楚了解香港市民對普選的訴求，我們將於年底就 2012 年兩個選舉方法作全面的諮詢。

155. 隨着公民社會的發展，市民對政府施政的要求日漸增加。政府將對問責團隊、公務員團隊，以及現行諮詢架構作全面的檢討，以確保主要官員團隊在政治工作方面得到最大支援，發揮最大效用。

156. 政府將積極提升公務員團隊應對新環境的管治能力，以及完善與問責團隊的合作機制，建立有效的政府管治制度。

157. 爲加強對民意的掌握，政府於上年首次舉行地區行政高峰會，加強區議會及地區人士與主要官員溝通及交流。政府會繼續舉辦地區行政高峰會，以及要求問責官員繼續到各區議會及不同社團聽取意見，協助政策更有效地推行。

158. 政府亦會積極拓寬更多政策的諮詢渠道，如在港鐵站、超級市場、便利店等人流較多的公眾場所設置諮詢文件宣傳欄，增強普羅市民對政策的了解和支持。

159. 政府計劃加強地區管治，調整施政策略，將施政重心下移，擴大民政專員的職權，使其更好的發揮地區管治的領導作用。

荃灣區議會陳琬琛議員
OFFICE OF Chan Yuen Sum
TSUEN WAN DISTRICT COUNCILLOR

荃灣區議會黃家華議員
OFFICE OF WONG KA WA
TSUEN WAN DISTRICT COUNCILL(

本處檔號：50/10/09
來函檔號：

對施政報告之意見

鑑於全球金融海嘯令香港經濟持續不景氣，市民面對沉重的經濟壓力，雖然經濟最壞的時間已過，但基層人士仍受失業及各種問題困擾。因此，本處希望特區政府能就以下問題，提供各項措施，以紓解民困，特首的 2009 年香港特別行政區施政報告將於 10 月 14 日發表，本處採納了一些居民意見，對施政報告有以下訴求及意見:

- 盡快制定普選路線圖盡快與泛民及市民展開溝通。
- 增加老人日間及往宿位服務
- 增加高齡、殘疾津貼受惠人離港日數
- 關注地區貧富懸殊
- 男士待產假期
- 全民退休保障、最低工資
- 綠色經濟(公民黨)、環保經濟，規劃處理環保土地發展
- 增加青少年(託管服務)、長者中心支援
- 運用舊廠廈地區發展
- 增加中年及基層就業機會
- 增加大學資助學位，規劃資優學生教育
- 中小學全面小班教學、車船津貼
- 規劃特殊、更新及少數族裔教育設施增加學位
- 派發高齡及綜援津貼 2 個月、綜援上網資助
- 全球暖化制定改善空氣質素指標
- 清晰規劃市區或鄉郊土地用途，監管處置廢料
- 增加長者醫療卷金額，廣大援助藥物名冊
- 規劃新界及離島醫療服務，增加培訓醫護人員
- 家暴/精神及情緒病人社區支援
- 創造香港尖端醫療專業市場
- 關注青少年問題:就業、失業、培訓、展翅、發進、職訓
- 放大底收入跨區就業交通津貼
- 長者公共交通優惠
- 監察食物安全問題
- 支援科技產業發展：退稅、培訓人才
- 寬免住戶租金(包括窩戶)
- 寬免商戶及街市檔戶租金
- 出售公屋及興建居屋
- 檢討公屋輪候、窩戶、入息限額及計算方法
- 免商業登記費、汽車牌費
- 制定公平競爭法
- 檢討強積金計劃
- 加強金融機構監管
- 回購隧道，解決三條隧道失行

為此，本處專函 特首採納居民意見，專此函達，仔候回覆。

此致
香港特別行政區長官
曾蔭權先生

荃灣區議會議員

（已蓋印章）（已蓋印章）

二零零九年十月九日　　陳琬琛　黃家華　謹啓

荃灣梨木樹邨松樹樓 C 翼地下八號
NO.8 G/F.,Wing C, Chung Shue House, Lei Muk Shue Estate, Tsuen Wan. N.T.

香港特別行政區
香港禮賓府
行政長官辦公室
行政長官曾蔭權先生

曾特首：

請回應香港人對民主普選的訴求

普選為香港市民多年來的訴求，　閣下曾經承諾在 5 年任期內徹底解決普選的問題，但香港市民至今仍未得到任何實則行動。落實普選路線圖是大部分香港市民回歸 10 多年以來的共同訴求，特區政府將於今年年底公佈香港政制發展改革方案，將必引起全港市民關注。

現期盼　閣下能兌現選舉承諾，於年底公佈的政改方案內提供達致沒有篩選、沒有功能組別的普選路線圖，以回應香港人對民主普選的訴求。

專此奉達，並頌
政祺！

（已簽署）

二零零九年十月九日

（編者註：共收到內容相同的意見書共 14 份。當中 5 份意見書分別由陳潔薇、陳梓杰、錢偉健、吳彥強及翁武晶遞交，另外 9 份未能確認來信人是否願意公開其身份及意見。內容相同的其他意見書不在此重複刊登。）

Breaking the Deadlock Saturday 10 October 2009

Informed Reform Panel

Scenarios and Options for Reform

Michael E. DeGolyer
Professor of Government & International Studies, Hong Kong Baptist University
Director, Hong Kong Transition Project (http://www.hktp.org)

1. 2005 negotiations: Reasons for failure?

In brief, the 2005 reform package failed because it had no timetable and no roadmap: the two bottom line demands by pan-democrats. No endpoint was specified, no timeframe was given indicating what "gradual and orderly progress" meant, and no clear commitment to final electoral structures ensuring democratic elections and democratic system was made. Lacking all these, there was consequently no trust that Beijing would fulfill Basic Law stipulations for universal suffrage elections in good faith. Pan-democrats might have accepted the proposals even so, but there must be no appointed District Council (DC) members on the CE Election Committee, pan-democrats demanded. Government, DAB and Liberal Party (LP) wanted to retain DC appointees and give them right to vote for the Chief Executive. Pan democrats believed this put too much influence in the hands of the CE to choose his successor or insure his re-election, and they rejected it as both undemocratic and unseemly and a step backward. There were no comebacks on the government proposals, at least by any formal means. Compromises came very late and were very small. There was no real assurance this was a once offered, never renewed, one vote up or down plan and democrats expected an improved package with chances to lobby and negotiate. But no deal; all bargaining was ruled out even though clearly some took place, but without a government intervention to bring parties and interest groups together to discuss their differences and explore alternatives, the proposal failed. It was, to a great degree, a failure in negotiation. This became one of the very few, almost the only, issue Donald Tsang did not back down on, and pan-democrats felt even further betrayed when no follow up negotiations or re-packaging emerged. And so, Hong Kong made no progress for five years.

While government took a public opinion hit, pan-democrats were also blamed and punished in the 2007 District Council elections, losing many seats gained in 2003. They faced real damage in 2008 Legco elections. Overall the pan-democratic margin was reduced from 26 to 23 seats in the 2008 elections. Government hurt its supporters with the Leung scandal, a former housing dept head hired post-retirement by a developer. Pro-government pro-business candidates and the LP suffered great losses from the government-business collusion charges. Other pro-government candidates and DAB miscalculated public opinion and ran poor campaigns based on their influence with government rather than their check on its powers or its abuses. League of Social Democrats (LSD), especially Raymond Wong was firey in the televised debates and critical of business and government in an effective populist manner. LSD votes rose significantly. A rise in dissatisfaction with government performance from May played to democrats advantage and saved them from losing perhaps 2 to 3 seats in the election.

The key issue was the relationship between government and business; an issue the Functional Constituency system where business has 18 seats and labor only 3 made policy votes structurally unfair. With 8 seats returned by corporate votes of heads or delegates of firms, and with 14 business related seats not even contested in 2008, the old boy structure of business and the elite dominated structure of Hong Kong's government and civil service appeared in high relief to a public increasingly feeling the growing gap in wealth between the top and bottom. In government's relationship with business, the FC current structure has become the poison in the well of public perception.

Yet pan-democrats cannot count on a repeat of their luck of 2008 to happen again in 2012 with a new CE coming in just before the Legco elections. A new CE is likely to be given benefit of the doubt and be riding a wave of support. If that CE is smart and politically astute, he/she could mount a very strong campaign for limited reform that targets pan-democrats as oppositionists to as unwilling to accept incremental progress, if no compromise is reached again. Democrat's criticisms of new CE unlikely to resonate unless there is another very major government mistake in the few months before the 2012 Legco elections. If the public sees democrats reject what a majority consider a "reasonable" package in 2010, then Democrats could be badly damaged in 2012, possibly even losing their 20 seat veto (see hypothetical slogans and arguments by pro-government forces below).

2. 2010 negotiations: This time?

A timetable is in place after Democrats demanded one, though not the 2012 endpoint democrats still demand. No roadmap beyond incremental reforms in 2012 will be given, supposedly. But even pro-government persons want 2016 Legco election and 2017 CE process specified since leaving CE election procedures to "next" CE is to put his/her like 2017 re-election processes in their own partisan hands. This is unseemly and smells of corruption; it risks charges of election manipulation. The "gradual and orderly process" specified in the timetable for 2017 for the CE and 2020 for Legco universal suffrage certainly implies that steps must be taken in 2012 and 2016 to prepare for 2017 CE procedures and 2020 full universal suffrage direct Legco elections as timetable indicates. It is hard to be orderly without direction and pace worked out ahead. There is a fundamental complication if not contradiction in the government and Beijing position.

The government goes into reform negotiations with the public doubting its good faith and also questioning Tsang's promises, so government (and even perhaps more tellingly, Beijing) will likely make further promises about the nature of the 2016/2017 and 2020 elections even though not specifying the actual procedures. These promises of reforms going further in 2017 and 2020 may be enough, particularly if the new CE in 2012 promises reforms and pledges these will be implemented "if voters support him and vote for friendly, pro-reform candidates" in the almost immediately following 2012 Legco election. Beijing may repeat what it did following 2005 with the "Timetable" proclamation if reforms are rejected again, issuing a "Roadmap" as pan-democrats demand, but as with the Timetable, not the one they demand, then going all out to knock pan-democrats out of the veto position in 2012.

Nevertheless, will Democrats veto reforms for 2012 if they do not get a full roadmap to 2017 and 2020? If the public is faced with a Beijing statement that the timeframe of 2017 and 2020 is a hard commitment only if Hong Kong Legco members vote for reform in 2012, who will they blame for failure and postponement of full democracy? Democrats getting blamed again is very likely as in 2008. But this time, due to lack of time between a CE election and a Legco election, opportunity for the government to make a serious mistake is much smaller. All the democrats might accomplish with a veto vote on reform this time is that they will be charged by Beijing, Tsang and other pro-government parties as being responsible for postponing democracy beyond 2017 and 2020 since the "gradual and orderly" proviso will not be fulfilled by abrupt direct election in 2017. The pro-government parties may very well make this a campaign issue in 2012 or, if Democrats resign en masse in 2011 as proposed, in the by-elections for replacement. The 2011 mass resignation proposal plays into the hands of those who accuse the pan-democrats of "all or nothing" stances.

The 2011 mass resignation proposal also gives replacements the advantage of incumbency, and part of the plan is that pan-democrats now in Legco would not run in the by-elections. The likelihood is that pan-democrats would be significantly reduced in number between a 2011 mass resignation to 2012. The odds of getting all 19 Geographic Constituency pan-democrats who are all new to campaigning for Legco elected in by-elections is low. Very likely, pro-government forces would pick up one seat per Legco district in such a by-election, cutting the pan-democratic margin well under the 20 seat veto. The pro-government incumbents would likely argue in the 2012 Legco elections that returning democrats to Legco with 20 seats or more to form a veto on the government would see a postponement to 2021 for direct election of CE and to 2024 for direct election of all members of Legco if progress is not made in 2016-17 CE and Legco elections. There is also no barrier to the government presenting the post 2011 by-elected Legco members with reform proposals for 2012 and getting them passed, making the pan-democrat's plan to make the 2012 elections a referendum on the government's 2012 reform proposals moot. In any case, if the government subsequently to a pan-democratic veto and prior to the 2012 elections moderated its proposals and if supportive candidates pledged to vote for that moderated proposal if elected, it could turn the 2012 election into a referendum on the Democrats and their two veto votes and all or nothing stance. If so, how might the opposition characterize the pan-democrats?

3. Possible anti-pandemocratic slogans and themes if reforms are rejected

The Civic Party has proposed slogans for the "3-stage Fight Plan for Universal Suffrage." These are "Fight for Roadmap" "Veto Fake Democratic Package" and "Vote for Tanya Chan/Alan Leong/Fredrick Fung/Long Hair/Lee Wing tat." This final slogan has already run into problems as several of the named candidates do not support the plan or want to wait to see the reform proposals before agreeing to resign. The Kam Nai-wai affair has complicated this plan to the point Alan Lee considers it dead. In any case, if there is a "5 resign referendum" move and if all the pan-democrats resign in 2011, what sort of slogans might the opposition adopt in response for by-elections and particularly the 2012 elections? The following slogans and arguments are speculative, but not unlikely. They are meant to explore possible means of characterizing the second veto of reform, if

it happens. These possible, if not probable slogans and arguments are not meant to make a pro-government case, but to explore how effectively it could be made. The slogans against a government proposal that simply repeats the 2005 proposals with very little change, leaving in place the current highly unfair "old boy" format of FC elections can be easily imagined and would find strong resonance with the populace if and when further government-business relationship scandals erupt.

Potential Slogans and Arguments:

Can Hong Kong afford its own version of the Cultural Revolution and Great Leap Forward? Haven't we learned in China at great cost that gradual progress and change works while revolutionary leaps do not? Just compare Mao's way of revolutionary leaps with Deng's way of crossing the river by feeling the stones. Revising our whole system of government is a huge risk, and should be done gradually and orderly, not in one big leap to a model never tested in Hong Kong before. And if we adopt a model like Taiwan's, would we end up with a Chen Shui Bien and then what would happen to Hong Kong?

China can do without Hong Kong but can Hong Kong do without China?

Vote for those who support gradual and orderly reform over radical "great leaps forward"

Gradual reform is better than no progress at all

Reasonable compromises will benefit us more than unreasonable demands

A vote for Democrats is a vote for delay in achieving democracy
No reform risks Hong Kong's stability and prosperity. Democrats will accept only radical great leaps instead of gradual progress. Do they really value and protect Hong Kong's prosperity?

Cooperation on politics is essential for cooperation on economics. If we do not cooperate with mainland China on politics, we cannot expect their cooperation and aid on economics since they need Hong Kong less and less and we need them more and more. We cannot continue to let pan-democrats threaten our prosperity by refusing to cooperate.

Democrats really want power, not progress. They vote to protect their interest, not that of the people

Beijing has helped Hong Kong many times; what if it stops doing that due to Hong Kong people electing oppositionists?

Protests produce nothing. If we don't produce, we don't eat. Support productive relations and progressive reform.

What have all the democrat's protests produced?

Democrats demand all or nothing. We have nothing twice because they demand all or nothing. How much more nothing can Hong Kong take?

Democrats claim to support democracy but have twice blocked progress toward it.

(If plan includes expansion of franchise for FCs) Why don't democrats agree to expand the vote to more people? What kind of democrats oppose giving more people the vote? Are pan-democrats real democrats?

If so-called democratic elections like the pan-democrats demand work so well, how do pan-democrats explain George Bush?

If democratic elections like the pan-democrats demand work so well, how do democrats explain how the same way elected government of America wrecked their own economy and the global economy? Do we really want American-style democracy in Hong Kong?

Why does China have the world's largest currency reserves and the US is the world's largest debtor if the kind of elections the pan-democrats demand work so well?

We are part of China, not part of America

Deng Xiaoping proved crossing the river by feeling the stones is a better way. Gradual and orderly is a better way forward than immediate chaos.

A vote for democrats is a vote for confrontation and chaos

Demand all now, risk all, get nothing. Accept some progress, risk nothing and move gradually toward a democracy appropriate to Hong Kong

Better half a bowl of rice now than no rice at all, ever. Democrats demand a full bowl now instead of half now, half later. They are like tantrum-throwing children, impatient and immature. No wonder Beijing doesn't trust the pan-democrat's judgment and Hong Kong people for constantly electing them. We need to convince Beijing we are mature and deserve to have democracy. We can only do that by rejecting pan-democrat's unreasonable demands for instant gratification of their ill-considered worship of American models of democracy that are unsuitable to Chinese and Hong Kong conditions.

Pan-democrats want to take great risks for uncertain rewards. We want to take gradual steps and assess the effects as we go. We want to develop an appropriate and effective form of democracy by testing it and reforming it step by step. Pan-democrats want to make a Great Leap Forward, maybe to disaster, maybe to success, but who knows, and if their plan fails, then what do we do?

These possible, if not probable slogans and arguments could hurt, especially if democrats reject a plan a majority of Hong Kongers consider acceptable. It is critical, therefore, for pan-democrats to consider the contexts of their actions and the reactions of the public, other parties, and the Hong Kong and Beijing governments to their actions prior to taking action. They could very well lose all ability to form constitutional processes going forward by precipitate action.

If demands for a full roadmap are not met, and it is unwise or even dangerous to pursue an all or nothing gambit in reaction, what kind of incremental proposal could lay an acceptable framework for full universal suffrage elections in future?
This should be the key bottom line, not majority public support for a plan or pan-democratic opposition to all and any but the perfect plan, but whether government proposes a plan for 2012 that actually tilts the balance toward full universal suffrage/fully democratic reform instead of away from it, as the system does now. The bottom line for 2012 should not be a by-election referendum on public opinion about specifying all details at every stage all the way ahead, it should be whether a structure is put in place in 2012 that pushes forward instead of pulls backward. If Bejing insists incremental reform is the way forward, and since the global situation provides considerable support for that gradualist policy as a successful means to reform Chinese economic circumstances, we must be sure a gradualist political reform process encourages and unleashes forces that will continue to push for greater and greater reform and democratization. It is this unleashing of pro-reform forces and undermining of anti-reform forces that was Deng Xiaoping's great secret in successfully opening up China's economy. We need to be just as wily and wise as Deng in forging a successful path to opening up China to democracy. Democrats must adapt the Chinese way toward "democracy with Chinese characteristics."

The main source of resistance to universal suffrage elections is in the FCs, so nearly all agree. The greatest opposition to a plan that creates progressivist dynamics in the ongoing reform process lies here, in the FCs. One third or more of FCs must support universal suffrage reforms or it will not go forward. So is there a reform plan that may attract FC and public support that will change the dynamic of Legco deliberations and votes on reforms in future? This, not a roadmap, is the real issue that democrats must not lose sight of. There is no guarantee that any roadmap described and agreed now will actually be implemented by successive regimes. It is far more important to create system dynamics that create growing coalitions that push for more reform. Democracy must be brought in by a democratic movement of mass interest, not just by elite negotiations and a minority engaging in increasingly radical protests. Pan-democrats need to identify forces not yet engaged in the struggle for democracy; they must organize and lead such new forces to realize democratic elections are the best means to protect their own interests and the interests of Hong Kong ; and they must incorporate new leaders of such new forces into the new generation of pan-democratic leaders in the parties and Legco. Since many FC Legco members are in their 60s and 70s and many cannot long continue to hold seats they have long held, it is clear that the greatest opportunities as well as the greatest obstacles to democratization lie in the FC sector. Reforming the FCs to unleash progressive dynamics instead of regressive dynamics must be the primary target for 2012, not a timetable which are essentially promises about an uncertain future made by an undemocratic regime.

4. Reforming the FCs to support instead of resist change in 2012

Expansion of franchise is a standard liberal tactic, tried and proven in case after case.[1] Patten did this in 1995 in Hong Kong and it worked to create a strong democratic dynamic. However, due to Beijing's strong opposition, the 2012 expansion of the franchise cannot be done the same way as Patten's expansion. But is there a way to expand the franchise unlike Patten's plan that also effectively changes the dynamic of "small circle" and mostly uncontested FC seats?

History shows very clearly that the smaller the group that has power, the less willing it is to give up power. Sole dictators seldom retire, and dictatorships seldom vote themselves away. How can the specially empowered FC voters and their representatives, some of whom never face a contested election, be persuaded to vote themselves out of office? And who goes first? That is the fundamental conundrum.

David Plouffe, the brilliant campaign manager for the successful Barack Obama US presidential bid of 2008 said in a global webcast 16 June 2009 that polling should be used to better understand the perceptions and communication habits of voters. Using surveys to simply record opinions was not the best use of the methodology, either for political campaigning or for governance. Surveys should be designed, Plouffe argued, to measure the progress of the means of delivering the messages of a political campaign among various demographic groups, not to determine its content. Similarly, the survey research conducted in Hong Kong April-May and August 2009 which forms the basis of this paper was designed to guide and inform those trying to better craft a campaign to achieve the cracking of the reform conundrum facing Hong Kong.[2]

The problem of how to move from current franchise and elective systems in the Functional Constituencies (FC) to their abolition has so far stymied reforms. Most approaches propose reducing the number of FCs by consolidating current FC voters into fewer seats while adding geographic elected seats to replace them. This introduces the problem of which FCs give up influence first, a move most FC Legco representatives are reluctant to vote for. A tried and true alternative would be to dilute the power of FC representatives and their voters by diluting the power of individuals in each FC by greatly increasing the voter numbers in each existing FC. But the challenge unique to Hong Kong is to do so within the original intentions of the FCs as privileging groups

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[1] See Alessandro Lizzeri and Nicola Persico, "Why did the elites extend the suffrage? Democracy and the Scope of Government, with an application to Britain's 'Age of Reform' *The Quarterly Journal of Economics* (May 2004) available at: http://nicolapersico.com/files/franchise.pdf and cf to Jennifer L. Hochschild, "If democracies need informed voters, why is it democratic to expand enfranchisement," Harvard University Dept of Government working paper, 20 Sept 2009, available at: http://www.wcfia.harvard.edu/sites/default/files/Hochschild_IfDemocracies.pdf There are many examples of this tactic by democrats in many countries.

[2] The Hong Kong Transition Project study was funded by grants from the National Democratic Institute for International Affairs, a US based but globally active NGO promoting democratic practices, and the Community Development Initiative Foundation, a new NGO set up in Hong Kong and funded by Hong Kong donors to monitor and assist the development of democracy in Hong Kong. The follow-up investigation in August 2009 was funded by Pro-Commons, an NGO formed by elected members of the Chief Executive Election Committee in 2007.

crucial to governance and which are already recognized by and interacting with government, thus achieving both a modernization and yet ensuring unleashing dynamics which will push for democratization of the FCs toward majority inclusion and universal suffrage elections. If properly designed, the exclusion of most voters as now would gradually become the inclusion of most voters by 2016, with a small step required to include all voters in 2020.

The key stumbling block appears to be in how this outcome is to be arranged, and whether full direct elections according to the present system of proportional election in five large districts, with no formal connection between Legco, the Executive Council and the Chief Executive or other elective bodies in the present system would address the systemic problems noted in the analysis above and in the many other reports on the shortcomings of the current system by thinktanks and academics.[3] The views of Regina Ip, a former minister under Tung Chee-hwa forced out of office during the Article 23 controversies and from September 2008 a directly elected member of Legco, ring with the authenticity of experience on this issue: "One of the greatest challenges in building a democratic system in Hong Kong lies in the current disconnect and power-based contestation between the executive and legislative branches."[4] This is the issue in determining the contours of the final system meant to be achieved. But it is not necessarily the key issue in the 2012 step. In 2012 the objective needs to be changing the FCs enough to ensure they will support further reform and more progessive CE candidates for the CE Election Committee that will elect the next CE in 2012.

5. Perceptions of the current system

A key lever to enlist support lies in perceptions of unfairness of the present system. Indeed, the sense of unfairness is so deep and widely held that it makes the present system dangerously unstable to leave unreformed. The major source of that perception of unfairness, research shows, lies in the disproportionate influence of the FCs. The survey of April/May 2009 found: In terms of constitutional reform, there is a consensus among more than two thirds of respondents from the key groups concerned –including and especially both Liberal and Conservative FC voters -- that full direct election of all

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[3] The most comprehensive assessment of options and obstacles to systemic reform appears in Sonny Lo Shiu-hing, "The Hong Kong We Want: The Political System You Design from Today to 2047," Hong Kong Democratic Foundation: http://www.hkdf.org/download/roadmap_english_v3_1.pdf See also Civic Exchange, Hong Kong Policy Research Institute and SynergyNet, "Constitutional Reform: 2007/08 and Beyond" (6 Nov 2004) which summarizes a number of political party and think tanks views on reform options: http://www.civic-exchange.org/eng/upload/files/200412_SumConstitutionalReform.pdf On policy making shortcomings, see, for example, Centre for Civil Society and Governance, University of Hong Kong, "From Consultation to Civic Engagement: The Road to Better Policy-making and Governance in Hong Kong," (July 2007) Bauhinia Foundation Research Centre: http://www.bauhinia.org/publications/BFRC-CES-Report.pdf and Christiane Miethe, "A Description and Critical Review of the Policy-Making Process in Hong Kong," Hong Kong Democratic Foundation: http://www.hkdf.org/download/policymaking%20process_in_hk.pdf and cf to "Survey on Leaders of the Civil Society: Attitude towards Post-Handover Governance," (Aug 2007) Synergynet: http://www.synergynet.org.hk/pdf/20080212456_en.pdf

[4] Regina Ip, "MA Dissertation" researched under Larry Diamond, submitted to Stanford University 17 Sept. 2006, at Savantas Policy Institute: http://www.savantas.org/docs/MA_dissertation_English_Final.pdf The quote is on p. 60.

members of Legco would make policy making more fair, more accountable, and more effective.[5]

Chart/Table 1 Would the following make government policies fairer or less fair: Increasing number of eligible voters in the FCs BY Conservative/Liberal regrouping

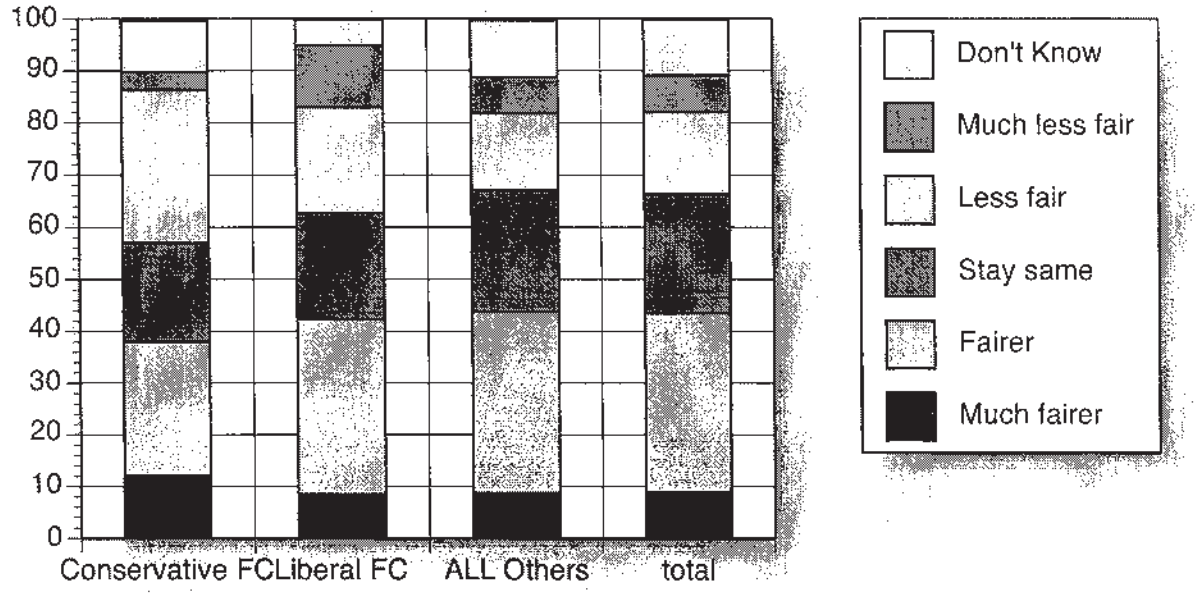


Table 1

	Conservative FC	Liberal FC	ALL Others	total
Much fairer	12	8	9	9
Fairer	26	34	35	35
Stay same	19	20	23	23
Less fair	29	20	15	16
Much less fair	3	12	7	7
Don't Know	10	5	11	11
total	100	100	100	100

table contents: Percent of Column Total
Chi-square = 15.87 with 10 df p = 0.1034

While increasing the number of the FC voters in principle appears to be a step that would not throw new barriers in the way of final abolition, it is not easy, perhaps not even possible, to increase the number of voters in the FCs substantially unless a way can be found to increase the representativeness, ie, broaden the composition, of each FC, particularly if that broadened representation includes compatible or similar types of voters. Chart/Table 2 tests the proposition of broadening each FC by dividing the Conservative and Liberal FCs compared to all others. There appears to be broad

[5] This paper is based on the 155 page report, "Birdcage or Framework: Considering what comes next in constitutional reform" available on the Hong Kong Transition Project website at http://www.hktp.org (and NDI's website and elsewhere). The full details of the survey, methodology, results and respondent demographics will be posted on the site. The Liberal FCs are the few held currently by pro-democracy parties (Law, Education, Social Welfare, Health services), while the Conservative FCs are all others, held by pro-government parties and independents.

consensus among the groups about this issue in that there is no significant difference in their response patterns.

Chart/Table 2 Would the following make government policies fairer or less fair: Widening the representativeness of each FC BY Conservative/Liberal FC/ALL

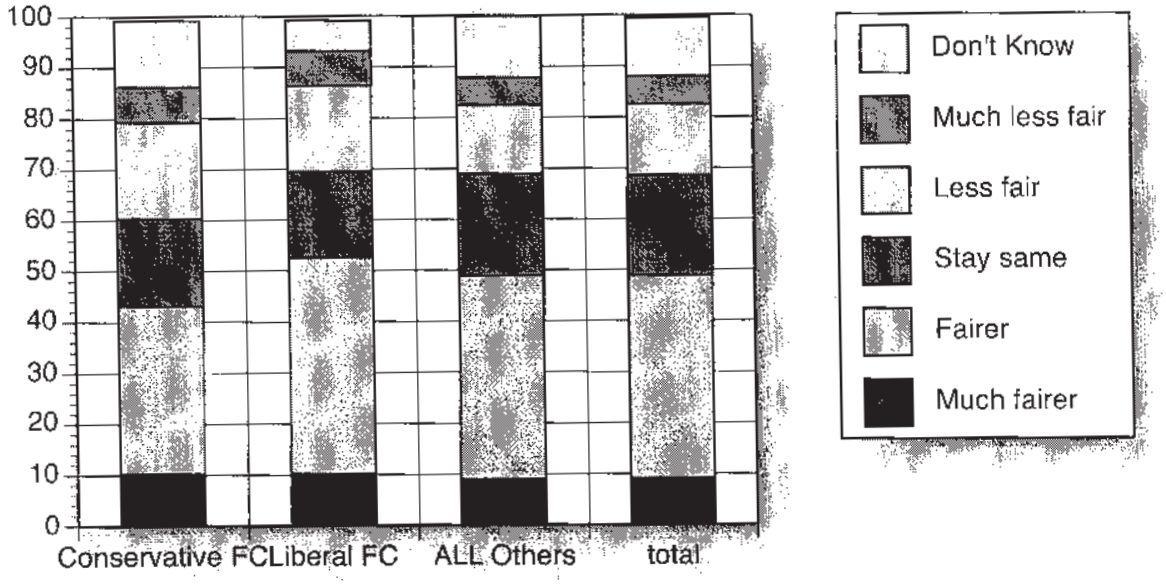


Table 2

	Conservative FC	Liberal FC	ALL Others	total
Much fairer	10	10	9	9
Fairer	33	42	40	40
Stay same	17	17	20	20
Less fair	19	17	14	14
Much less fair	7	7	5	5
Don't Know	14	7	12	12
total	100	100	100	100

table contents: Percent of Column Total

Chi-square = 4.897 with 10 df p = 0.8980 NO SIGNFICANT ASSOCIATION

So, is there any way to increase voters in the FC constituencies and broaden the representativeness of FCs? One possible criteria to add is that since this is a temporary step, with two increments of increase, one in 2012 and one in 2016, the proposed added voters must be easily identifiable, incorporated, and absorbed back into the universal suffrage system in 2020. It would not make much sense to expect government to be willing to expend a huge amount of money researching, identifying, then organizing or setting up new groups who only exist for one or two elections and at most 8 years. Another criteria to consider is whether those groups are of sufficient numbers to comprise a significant step toward full direct elections when they are added. Yet another criteria is whether those groups are easily incorporated into the present FCs. To have to replace or consolidate FCs may be as difficult to achieve as abolition, so a more doable plan might be to add compatible groups to the present 30 FCs, if such are identifiable. So are there pre-existing groups which meet all of these requirements?

In short, yes there is. This solution adds significant numbers to the present FC franchises, is fairly comprehensive in that most will readily fit into existing FCs, and

these new FC voters will, according to survey date, be very likely as or more supportive of abolishing the FCs as the present FC voters. Their inclusion would be a form of modernizing the FCs to reflect Hong Kong's service dominated, increasingly professional workforce rather than drastically changing them, meeting objections of Beijing to changing the nature of the FCs. So while the number of voters overall and in each franchise will significantly increase, the type of voter will not radically change, thus meeting NPC instructions that change toward 2020 must be gradual and orderly.

We designate the potential new FC voters for the professional dominated FCs as "new professionals" and as new certified and registered trades (Certified Persons, or CPs), comprised of people required by the government to obtain and maintain a certification or qualification to practice their livelihood. These new professionals would very likely have been included in the original FCs if their professions had been in existence or in regulation at the time.

The second form of expansion for business dominated FCs and FCs with social or charitable register related membership is to extend voting to all listed officers and trustees of registered firms and charitable boards, whose board members already qualify for voting in Hong Kong and who already vote on the interests of their respective firms and organizations. These members will be restricted to voting in one FC, however many boards upon which they sit.

The third type of FC to expand is labor related. This may be done by extending the vote to recognized and listed union members. Only two FC seats do not fall under one of these three categories, the District Council FC and the Heung Yee Kuk FC. One is largely mass-universal suffrage based indirect election and the other is a special category indirect election by those recognized as a protected minority under the Basic Law. These two require specific reforms or abolition by means not dealt with in this paper.

The next section examines who these potential voters are for the professional related FCs and what their attitudes toward constitutional reforms and joining FC voters would be. The business, charity and labor FC expansions are less problematic in that their means of expansion is readily apparent and much more easily done. There would be no real difference between having one member of a board vote or all officers and trustees vote, as they do so in any case on firm and organization related matters. They are also already reported to the government, so their listings are available and their type of firms are already classified into various FCs. The NDI survey in April 2007 found nearly two to one support for a proposal to reform corporate voting in the business dominated FCs for the 2008 elections, as shown in Table 3. It should be even less controversial for the 2012 elections. The more complex issues of expansion lie in the professional FCs.

Table 3 Do you support or oppose extending corporate voting in the functional constituencies in 2008 Legco election to all company directors and senior management? (April 2007 NDI survey)

Group	Count	%
Strongly support	44	5
Support	450	51
Oppose	228	26
Strongly oppose	36	4
DK	131	15

6. Expanding the FCs with new professionals

The proportion of people in Hong Kong who are certified persons who are logged and registered with the government is quite high, reflecting Hong Kong's significant shift from a factory center toward a dominantly service economy. Over a third of all surveyed in the August 2009 Certified Persons survey indicated they had to have a certification or registration with the governnment of some sort. These persons, or at least most of them, would have been included in the FCs if their professions had existed at the time. But the rise of certified insurance agents, financial advisors, real estate agents, and so on, or licensed plumbers, electricians and other registered technical trades came after the formation of the FCs. But if fishermen deserve membership in the FCs, most assuredly these newly professionalized and newly certified members of Hong Kong's economy do too.

Table 4 Do you have a government-recognized certificate, professional degree or qualification, or does your employer require you to have one in order for you to practice your occupation? For example, are you a registered nurse, electrician, plumber or engineer, listed doctor, licensed insurance or real estate agent, commercially licensed driver, academy trained police officer or the like? Or are you a currently registered Functional Constituency voter?

Group	Count	%
Yes	638	37
No	1066	63

Graphic of Table 4

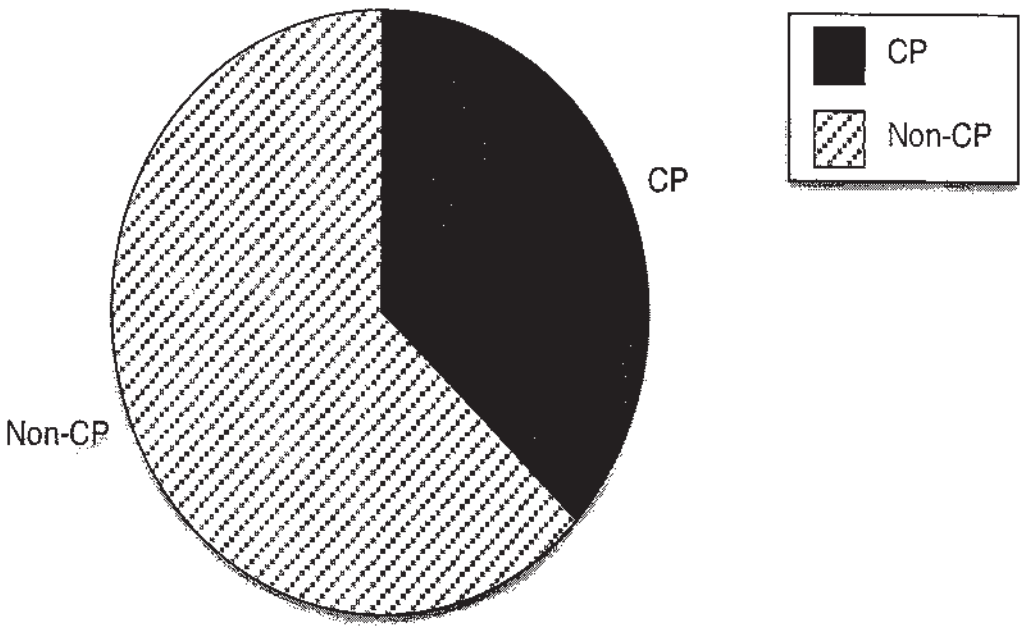


Table 5 and below, unless otherwise indicated, refer to the 638 CPs interviewed in this August 2009 survey. Included in Table 5 are those who are currently FC voters, so this is the total distribution of FC and CP combined.

Table 5 What is your certified, registered or licensed requirement? Total Cases 638

Group	Count	%
Registered nurse	27	4
Listed physician	11	2
Licensed pharmacist	2	0.3
Registered real estate agent	5	1
Registered insurance agent	21	3
Lic. Commercial goods driver	12	2
Lic. Commercial public driver	15	2
Police or other officer	6	1
Registered security guard	24	4
Licensed plumber	14	2
Licensed electrician	10	2
Licensed engineer	7	1
Construction engineer	6	1
Mechanical engineer	4	0.6
Electrical engineer	6	1
Degreed Lecturer	5	1
Certified teacher	88	14
CPA	26	4
Registered social worker	18	3
Certified lawyer	4	0.6
Registered optomistrist	1	0.16
Surveyor	6	1
Lic. Construction worker	19	3
Lic. Financial planner	13	2
Designer	11	2
Other license, cert.	277	43

Table 6 shows very clearly that an overwhelming majority of CPs support expansion of the FC franchise to include their occupation.

Chart/Table 6 If your occupation does not currently have an FC seat or you cannot vote in it, would you support or oppose your profession or licensed/certified occupation to vote in FC elections? Total Cases 638

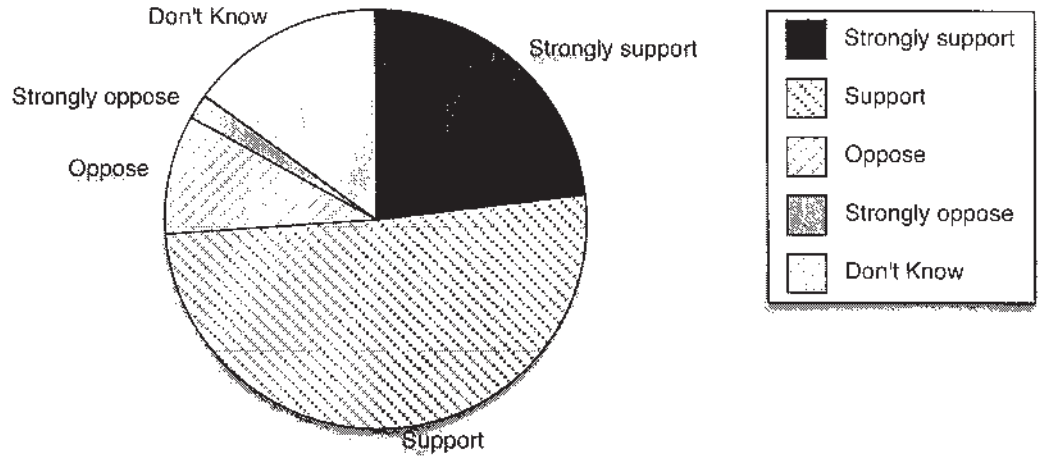


Table 6

Group	Count	%
Strongly support	145	23
Support	328	51
Oppose	57	9
Strongly oppose	15	2
Don't Know	93	15

The critical question is whether those CPs have attitudes conducive to further democratization, or whether once enfranchised, they will resist adding more voters. On the issue of attitudes toward fairness of the present policy making, CPs have nearly the same views as everyone else.

Chart/Table 7 Do you think the government currently makes policies in general fairly, helping or hurting all parties equally, or unfairly, favoring the interests of some over others? Total Cases 634

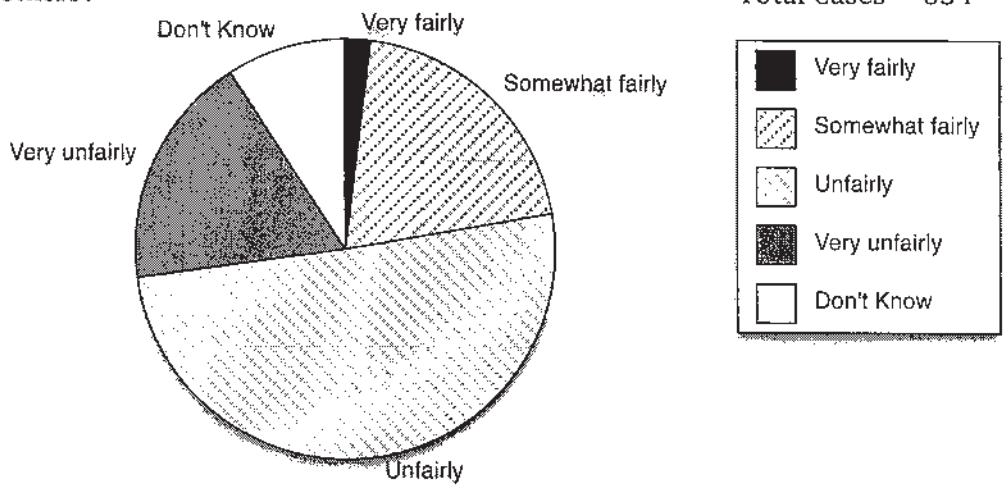


Table 7

Group	Count	%
Very fairly	13	2
Somewhat fairly	127	20
Unfairly	320	50
Very unfairly	115	18
Don't Know	59	9

In Table 8, the proportion of CP persons is compared to Non-CP registered voters in the responses to the fairness of policy-making. The sample is 43 percent CP and 57 percent Non-CP voters. Thus any numbers divergent from those figures indicate proportions above or below their proportion to the sample. Effectively, there is no statistically significant difference between CP and Non-CP respondents on their attitudes toward the fairness or unfairness of the system.

Table 8 Comparison of CP and Non-CP respondents on fairness

Total Cases 1488

	Very fairly	Somewhat fairly	Unfairly	Very unfairly	Don't Know	total
CP	48	37	45	43	43	43
Non-CP	52	63	55	57	57	57
total	100	100	100	100	100	100

table contents: Percent of Column Total

Chi-square = 5.473 with 4 df p = 0.2421 NO SIGNIFICANT DIFFERENCE

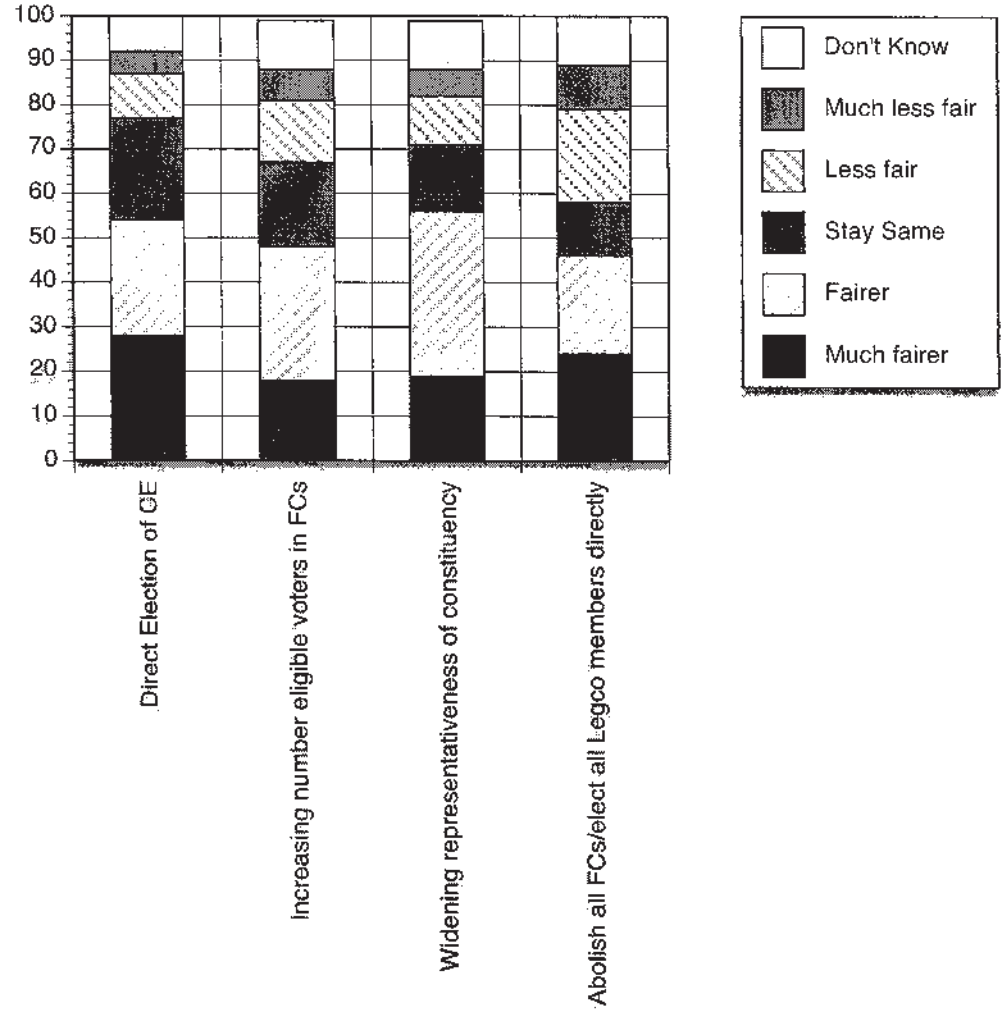
In Table 9 CP and Non-CP respondents are probed for responses to potential changes to the system, and whether these changes would make it fairer or less fair. There are no significant differences between the two groups on direct election of the CE, on increasing the number of eligible voters in the FCs, or on widening the representativeness of each FC constituency. All are strongly supported as making the system fairer instead of unfair. Only on abolishing the FCs and directly electing all members from GCs is there a weakly significant difference. And in this case, Table 10, it shows that 34 percent of CPs versus 28 percent of the Non-CPs think this would make policies less fair. This is a very small difference and well under a majority in both cases, and much of statistical significance is found in the "stay same" category, as shown in Table 10.

Table 9 Would the following make government policies fairer or less fair?

Number = 1488 **Only issues with significant associational differences measured by Chi-square indicated in cross tabs below.

	Much fairer	Fairer	Stay Same	Less fair	Much less fair	Don't Know
Direct Election of CE	28	26	23	10	5	8
Increasing number of eligible voters in FCs	18	30	19	14	7	11
Widening the representativeness of each constituency	19	37	15	11	6	11
**Abolish all FCs and elect all Legco members directly from GCs	24	22	12	21	10	11

Chart of Table 9



Chart/Table 10 Would the following make government policies fairer or less fair: Abolish all FCs and elect all Legco members directly from GCs

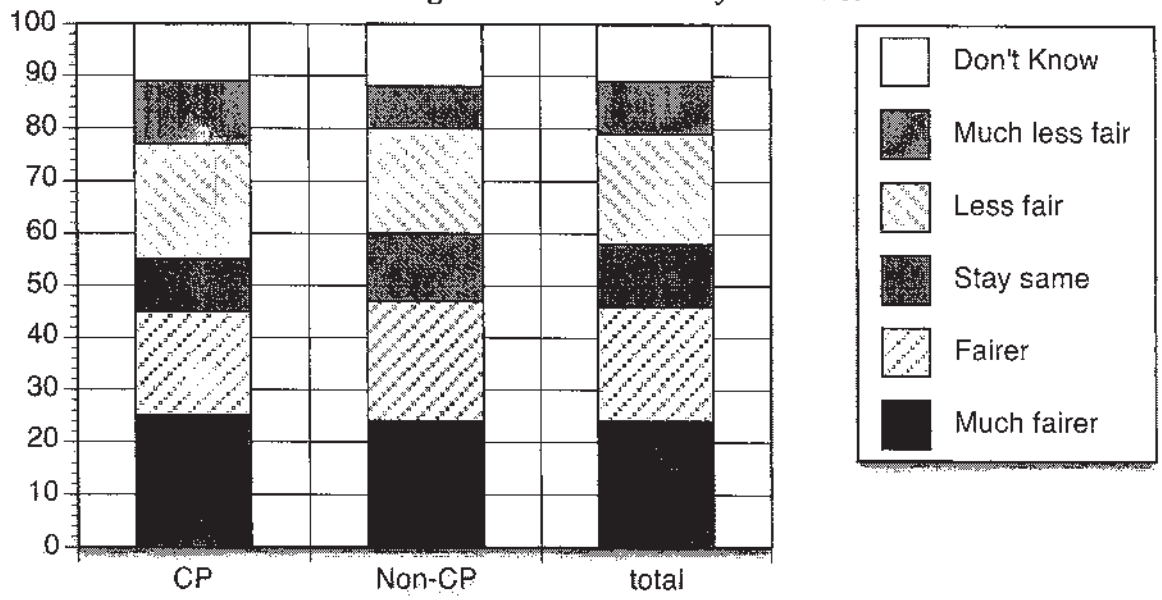


Table 10

	CP	Non-CP	total
Much fairer	25	24	24
Fairer	20	23	22
Stay same	10	13	12
Less fair	22	20	21
Much less fair	12	8	10
Don't Know	11	12	11
total	100	100	100

table contents: Percent of Column Total
Chi-square = 10.05 with 5 df p = 0.0739

When asked directly about abolishing the FCs, there is no difference in responses. Pan-democrats must acknowledge and deal with the reasons that so many voters in both types feel the FCs are unfair, but also oppose abolishing the FCs. A 6 group stratified random focus group study conducted 5 September 2009 by the research team found that many participants felt FC members had an expertise or experience needed by the government. When they learned more about the FCs, for example, that business had 18 seats while labor had only 3, and that FC members tended to vote only to protect their own interests, the participants changed their minds.

Chart/Table 11 Do you support or oppose abolishing the FCs? N=1488

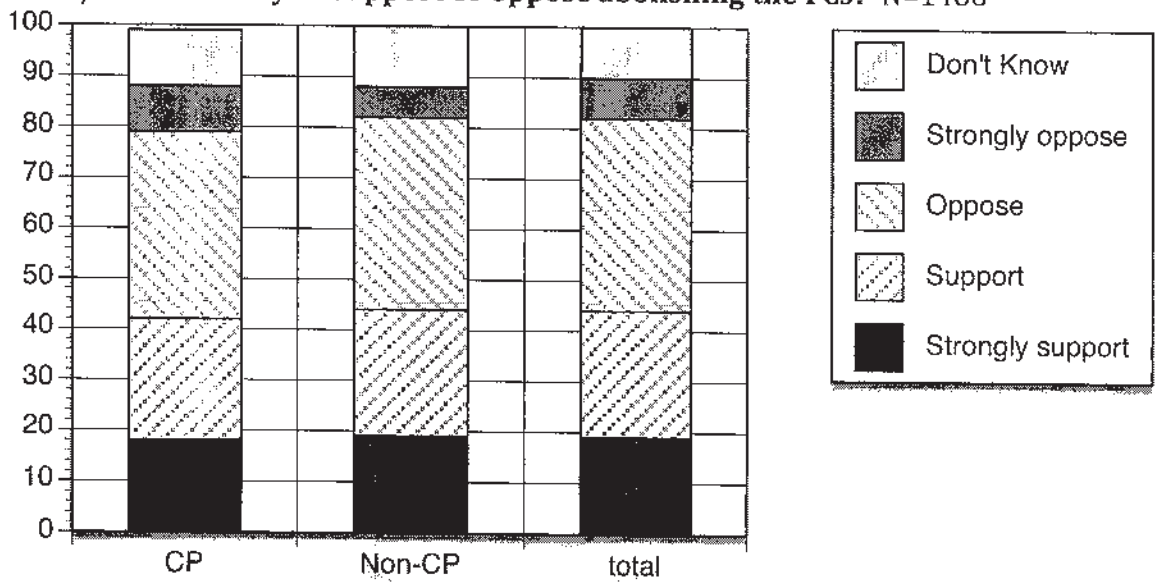


Table 11

	CP	Non-CP	total
Strongly support	18	19	19
Support	24	25	25
Oppose	37	38	38
Strongly oppose	9	6	8
Don't Know	11	12	11
total	100	100	100

table contents: Percent of Column Total
Chi-square = 5.170 with 4 df p = 0.2703 **No Significant Association**

In answer to the question of whether expanding the number of voters in the FCs has an effect of strengthening or weakening resistance to further reform, Tables 12 and 13 show very clearly that *getting the right to vote in an FC increases support for abolition, from 42/44 percent support inTable 11 above to 46/48 percent support in Tables 12 and 13. Opposition to abolition weakens from 46 percent to 40 among current FC voters.*

Chart/Table 12 (For 238 registered FC voters only) If more voters were added to your FC, say up to 50,000 voters so it is much larger, would you support or oppose abolishing it?

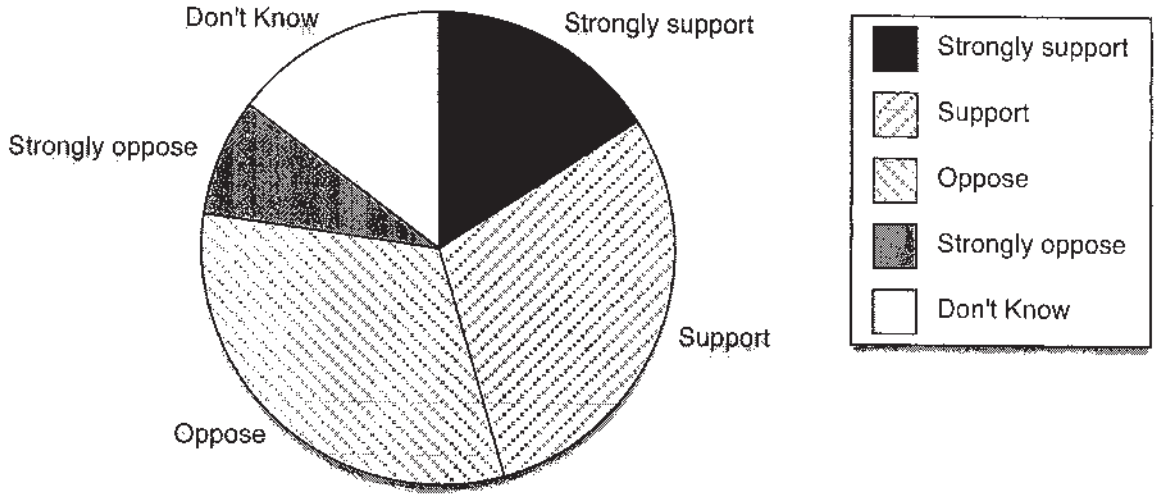


Table 12

Group	Count	%
Strongly support	37	16
Support	71	30
Oppose	75	32
Strongly oppose	18	8
Don't Know	37	15

Chart Table 13 (For GC registered voters, CP and Non-CP) If you got the right to vote in an FC, would you still support or oppose abolishing it? N= 953**

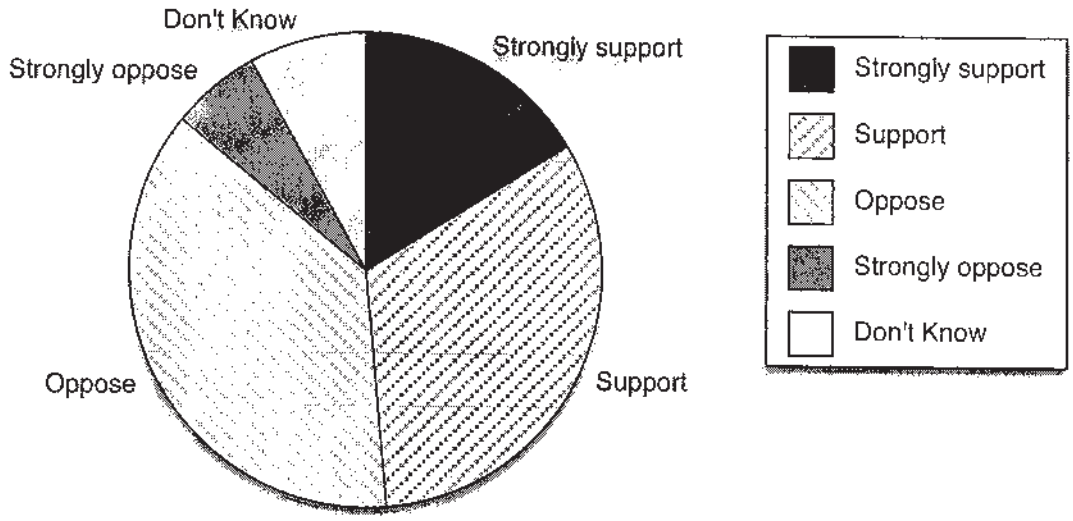


Table 13

Group	Count	%
Strongly support	155	16
Support	306	32
Oppose	357	37
Strongly oppose	54	6
Don't Know	81	8

**No difference, in the slightest, between CP and Non-CP persons on this question.

Chart/Table 14 shows that even among workers, with all non-workers excluded, if the FCs were expanded to include all workers there would still be a slightly stronger support for abolition that if all GC voters alone were polled. Expansion of the FC franchises, therefore, does not pose a barrier to further reform; indeed, it appears to increase support for reform.

Chart/Table 14 If all the people in the workforce could vote in an FC, that is, everyone except retirees, students and others not looking for a job for at least a year could vote in an FC, would you support or oppose abolishing FCs?
Total Cases 1191 (non-workers, retirees and students excluded)

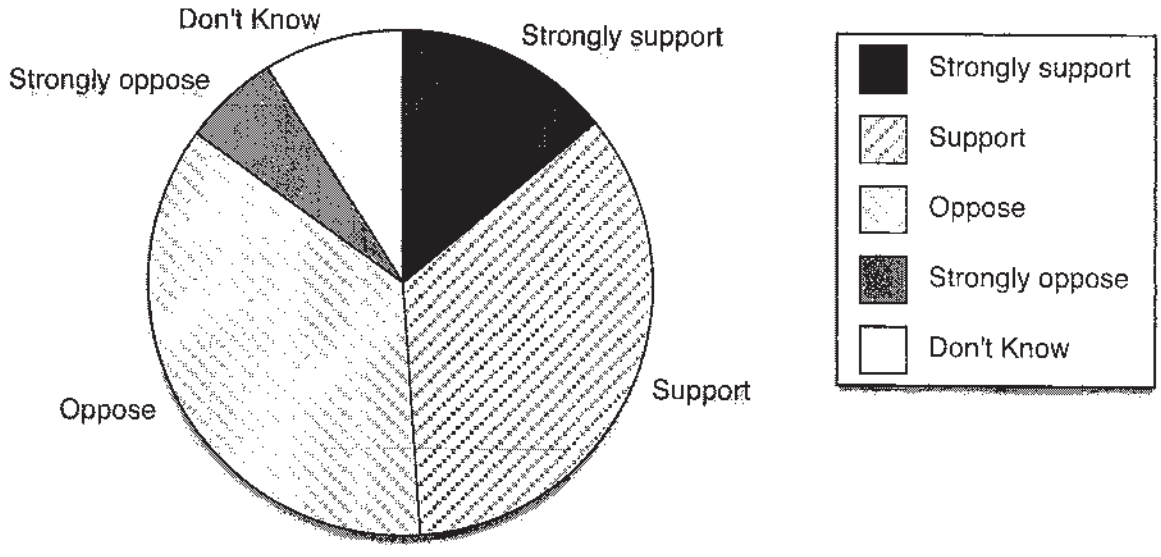


Table 14

Group	Count	%
Strongly support	171	14
Support	418	35
Oppose	424	36
Strongly oppose	69	6
Don't Know	109	9

Members of the certified persons (CP) are also much more likely to be members of a union or professional association than non-CPs, as Table 15 shows.

Table 15 Do you currently belong to any union, association or other professional or occupationally related group? N= 1488

	CP	Non-CP	total
Yes	31	9	19
No	69	91	81
total	100	100	100

table contents: Percent of Column Total
Chi-square = 116.2 with 1 df $p \leq 0.0001$

Expanding the franchise also has only marginal effects on professional interests affecting voting, as shown in Chart/Table 16.

Chart/Table 16 Is professional interest or public interest more important to you in considering voting for or possibly voting for a candidate in a reformed FC?
Total Cases 1488

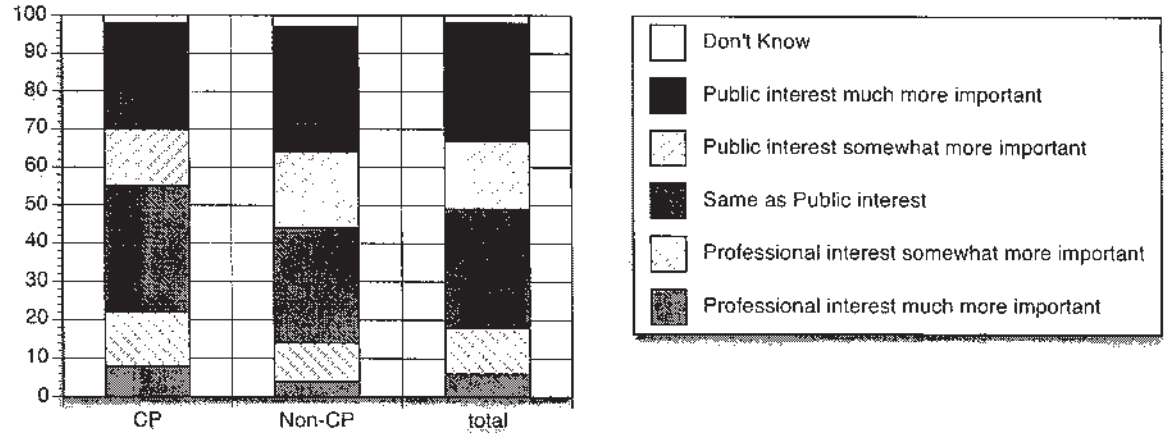


Table 16

	CP	Non-CP	total
Professional interest much more important	8	4	6
Professional interest somewhat more important	14	10	12
Same as Public interest	33	30	31
Public interest somewhat more important	15	20	18
Public interest much more important	28	33	31
Don't Know	2	4	3
total	100	100	100

table contents: Percent of Column Total
Chi-square = 27.27 with 5 df $p \leq 0.0001$

In sum, expanding the FC franchise to include the new professionals and registered and certified persons would stimulate support for further reforms. It would also have other beneficial effects, both for the parties and for the government, as shown in the responses below.

7. Other benefits from FC expansion

Tables 17 and 18 polls those who said they belonged to a professional association or union of some kind (includes a few non-CP union members but the vast majority are CPs). There is clear support from those polled for their organizations to be more involved in community, consultative, and political affairs.

Table 17 Do you support or oppose your professional organization doing more of the following: CP and Non-CP combined results** N= 286

	Strongly support	Support	Oppose	Strongly oppose	Don't Know
Government consultations	39	53	2	--	5
Professional/union organization activities	25	66	2	--	5
Expressing opinion in public via internet, newspaper letter, public forums, radio call in, etc.	21	63	9	1	6
Political and electioneering activities	13	59	19	2	7
Marches, demonstrations	9	53	20	3	14

** For CP and Non-CP comparison on these issues where there is a significant difference in responses, see below

The CP members are much more supportive of participating in government consultations than non-CP association or union members, indicating government could expect more support for and participation in consultations if it expanded the FC franchises by adding CP members.

Table 18 Do you support or oppose your professional organization doing more: Government Consultations (only result with significant differences)

	CP	Non-CP	total
Strongly support	45	27	39
Support	50	61	53
Oppose	--	6	2
Strongly oppose	0	1	--
Don't Know	5	6	5
total	100	100	100

table contents: Percent of Column Total
Chi-square = 17.20 with 4 df p = 0.0018

This expectation is borne our also by Table 19 which comparatively polls CP and non-CP members on participation in various ways. CP members are more active in all aspects

than non-CP members, and this tendency may very well increase with their FC enfranchisement. This would have beneficial effects in terms of system legitimacy and community liaison.

Table 19 How often have you participated in the following public affairs in the previous 12 months? N= 1488

a. Government consultations

	CP	Non-CP	total
None	80	86	84
One time	4	3	4
Less than 5 times	13	9	10
5 to 10 times	2	1	1
More than 10 times	1	--	1
Don't Know	--	--	--
total	100	100	100

table contents: Percent of Column Total
Chi-square = 11.55 with 5 df p = 0.0415

b. Expressing opinion in public via internet, newspaper letter, public forums, radio call in, etc.

	CP	Non-CP	total
None	81	88	85
One time	4	2	3
Less than 5 times	10	6	8
5 to 10 times	2	2	2
More than 10 times	3	2	3
Don't Know	--	--	--
total	100	100	100

table contents: Percent of Column Total
Chi-square = 13.66 with 5 df p = 0.0179

c. Political and electioneering activities

	CP	Non-CP	total
None	74	76	75
One time	18	17	17
Less than 5 times	7	6	7
5 to 10 times	--	--	--
More than 10 times	--	--	--
Don't Know	0	--	--
total	100	100	100

table contents: Percent of Column Total
Chi-square = 2.640 with 5 df p = 0.7552 NO SIGNIFICANT DIFFERENCE

d. Marches, demonstrations

	CP	Non-CP	total
None	79	88	85
One time	10	4	7
Less than 5 times	10	7	8
5 to 10 times	--	--	--
More than 10 times	1	0	--
Don't Know	--	0	--
total	100	100	100

table contents: Percent of Column Total
Chi-square = 31.05 with 5 df $p \leq 0.0001$

8. Conclusion

In sum, expansion of the FC franchises by adding certified persons would very likely have positive effects on governance, and also on support for further reforms going forward. This is as close to a win-win situation for both pro-government and pan-democrats as can be envisioned. And by strengthening governance and contributing toward reducing some of the alienation that appears to be growing (measured by the unfairness of policy-making responses), Beijing will make gains toward the greater stability and more harmonious society it says it wants. Taking this step forward in 2012 would be one of the most concrete ways to improve the atmosphere for subsequent negotiations and to ensure ongoing reforms. Indeed, expansion in this manner would be a step crucial to ensure that even Beijing's promise of the most utopian version of the pan-democrat's ideal democratic model for 2020 could be fulfilled, for Beijing will very likely not impose full universal suffrage democracy on Hong Kong if a majority or very strong plurality, as now exists according to the August survey, oppose abolishing the FCs. As in every other historical case, the survey results demonstrate that expansion of the franchise results in increased support for further expansion of the franchise, in this case, via increased support for abolition of FCs. While the step appears counter-intuitive in the case of Hong Kong's FC practice, expansion in this case also has the same effect as expansion of the franchise has had elsewhere and in other circumstances. It is, arguably, a democratic way forward though it appears to increase anti-democratic elitism by increasing the numbers of those in the elite. But expanding the franchise—and getting more people participating in their own governance—is the very essence of what democracy means. In this case the evidence clearly indicates that expanding the franchise would unleash new pro-reform forces, creating the same model in Hong Kong's political development as Deng Xiaoping invented for China's economic modernization. It is the Chinese, the Hong Kong, and the democratic way forward.

Demographics of the August 2009 CP/Non-CP survey

For full report and demographics of the April 2009 survey, see http://www.hktp.org

Sex

	CP	Non-CP	total
Male	61	48	52
Female	39	53	47
total	100	100	100

table contents: Percent of Column Total
Chi-square = 27.84 with 1 df $p \leq 0.0001$

Age

Total Cases 1781
Count 1745
Mean 45
Median 45
MidRange 51.5000
StdDev 14.5226
Range 67 (18-85)
Lower ith %tile 34
Upper ith %tile 55

Group	Count	%
18-19	16	1
20-29	291	17
30-39	288	17
40-49	456	26
50-59	383	22
60-69	203	12
70-79	80	5
80-85	28	2

Birthplace

Group	Count	%
Hong Kong	1282	72
Mainland China	438	25
Elsewhere	55	3
Refuse to answer (removed)	6	--

Comparative Birthplace

	CP	Non-CP	total
Hong Kong	81	69	73
Mainland China	16	28	24
Elsewhere	3	3	3
total	100	100	100

table contents: Percent of Column Total
Chi-square = 31.34 with 2 df $p \leq 0.0001$

Education (What year of schooling did you finish?)

Group	Count	%
0	28	2
1	5	0.3
2	8	0.4
3	8	0.4
4	13	0.7
5	19	1
6	126	7
7	21	1
8	27	2
9	179	10
10	32	2
11	470	26
12	34	2
13	155	9
14	7	0.4
15	1	--
16	532	30
17	93	5
18	11	1
19	12	1

“台式”與“美式”選舉方法對比

金山阿伯撰文

（一）參選人：美式參選人可多達二十多人，不代表任何政党、種族、宗教、財團，純以個人身份參選。
台式參選人代表党。宋先生被迫退党再組新党才能加入競選。此制必令社會分裂。

（二）候選人的誕生：“美式”是由兩大組評審選出。（不必視爲兩党）必經公開辯論競選過程。
“台式”完全黑箱作業、內部協商認定，完全沒有民主競爭過程。

（三）候選人數：“美式”必是兩個。多一個或少一個對選舉結果都有反效果。
“台式”是未知數，極易造成少數也能當選。但無能無效執政。

（四）投票結果：“美式”必然是皆大歡喜。失敗只是參選人個人。人民大眾因“舊總統下了台、人民消了氣，新總統上了台、人民又有新希望”。人民更團結而不會有對抗。
“台式”因參選人是代表党、“勝王敗寇”作爲政党能不對抗嗎？會自我解散嗎？

不同選舉方式已注定會有不同選舉結果！選舉雖然好，但務必要講究其方式方法。
當今之選舉已不是選人選党而是選政策。

要普選能有預期效果就要學習它的方式方法。但在此亦需指出其虛僞性和愚民性。（A）其競選經費是天文數字，很難擺脫官商不勾結。（B）其議會完全由兩政党掌控。而總統參選人亦只限制在兩党議員身份。因此人民無法參政，最多只是二選一。擺脫不了政党執政事實。

當今訊息年代人民已完全覺醒，人民已是要真正當家作主、全民已實實在在地天天在監控政權是否真正在爲人民服務。當政者已很難再去愚民、再去偏坦財團。人民眼睛是雪亮的，智慧是不會再受蒙騙。不爲民之政權必被民唾棄！無論用何種方式！！！

香港公民：佘金獅（山）

香港菁英會

政制改革發展建議

香港菁英會是由一群北京國家行政學院的同窗所創立，其屬下的政治研究會，爲的是要就香港的政治議題、政策釐定作深入探討研究，以期達至菁英會的宗旨——「匯聚青年精英，研究傳播國情，關注社會熱點，構建時政智庫」。

對於香港的政制事務發展，本研究會尤其關切，並就此作出了研究及探討，期望討論所得的內容，能給予特區政府作爲參考；至於社會民生研究會是以理性的角度去研究及討論社會民生問題，期望做到對症下藥，共建社會的和諧。有關意見歸納如下：

現時社會大眾對於何時普選行政長官及立法會所有議席仍意見紛紜，惟公眾殷切期待香港落實雙普選爲不爭的事實，按過往一直以來的討論，本研究會認爲大多數人較接納、中央亦認同先在 2017 年普選行政長官，2020 年普選立法會所有議席的方案，因此不宜再就時間表問題作出爭論，反之應專心策劃從今天到 2017 年及 2020 年普選的階段性進程。就行政長官選舉、立法會選舉及政治任命等問題，我們嘗試提出以下方案作爲參考：

1. 2012 年行政長官選舉建議方案：

a. 爲朝着普選邁進，我們認爲可將選舉委員會由現時的 800 人增加至 1600 人，透過新增的委員，令選舉委員會具有更廣泛的代表性，有關選委代表數目分佈建議如下：

✧ 工商、金融界別由 200 人增至 300 人

✧ 專業界別由 200 人增至 300 人

✧ 勞工、社會服務、宗教等界別由 200 人增至 300 人

- ✧ 立法會議員、區域性組織代表、香港地區全國人大代表、香港地區全國政協委員代表由 200 人增至 500 人(包括所有民選區議員)
- ✧ 青年團體、大專學生、少數族裔界別新增 200 人

b. 建議將提名門檻降低，由現時不少於 100 名(12.5%)選舉委員可聯合提名一位行政長官候選人，改爲不少於 160 名(10%)選舉委員可聯合提名一位行政長官候選人

c. 行政長官候選人數方面，由於已將提名門檻降低，預計可有數位候選人符合角逐資格

d. 到 2012 年時共 1600 名的選舉委員推選出第四任行政長官；至 2017 年時 1600 名的選舉委員提名行政長官候選人若干名，讓合資格市民 1 人 1 票普選產生第五任行政長官

2. 2012 年立法會選舉建議方案：

a. 我們認爲在 2012 年及 2016 年兩屆立法會選舉，可分階段性研究是否繼續保留或增加減少功能組別議席的可行性，透過循序漸進發展，以達至 2020 年普選立法會所有議席的終極目標

b. 現屆立法會共有 60 位議席，功能組別及分區直選各佔 30 席。按現時實際情況，考慮議席代表的廣泛性問題，就各方的接受程度循序漸進地發展，建議於 2012 年增加立法會議席 10 席至共 70 席，並因應青年團體對社會政治參與日隆的情況，建議增設青年團體界別，聽取多點他們的意見

c. 考慮到立法會議員太多未必能夠提高立法會運作效率，相反可能令支出增加，故建議第五屆(2016 年)及第六屆(2020 年)的立法會維持每屆 70 位議席經已足夠

d. 從現在到 2020 年尚有一段時間，各界仍可就普選細節或是否保留功能組別作出立論

3. 政治委任制方面

a. 認同行政長官委任跟本身理念相近的人士出任官員

b. 建議在不同的政府部門、行政層次或諮詢架構內，廣納不同背景和政見的有能之士，協助政府深化政策研究，以有效提高施政效率及落實政策方針

如對上述意見有任何查詢，請聯絡政治研究會主席白富鴻先生(電話: /電郵：)、社會民生研究會主席洪爲民先生(電話: /電郵：) 或香港菁英會主席施榮忻先生(電話： /電郵：)。

白富鴻

政治研究會主席

洪為民

社會民生研究會主席

施榮忻

香港菁英會主席

二零零九年十月十二日

P.1.

12-10-09.

陳慧娟代局長，

我想了一下，我10月10日给妳写的那封短信很有教育意义，而且我坚信在香港的700萬人当中只有我林伯奋一个人可以写出那么好的短文了，如发表出来，中国政府和中联办都会赞揚你们的水平高，有政治頭脑，完全可以信任的香港高级政府官员。

我和妻子来港谋生和定居36個年头了，因为大学毕业文忍香港政府到2006年才承认有效，所以我只能做体力劳动，好幸"好人天助"，所以現在才能过中下等的"黄金岁月"生活，但我天生的才华在港也得到法官大人和警方的重視，政府庫房也增加两萬元的收入。

我從1951年起在国内報纸上发表文章和報导，在"中山大学周報"上发表大量稿件，可以说也受到全国高校的好评，現在还有原文。

因为我57年前就做过中国中央政府的外交工作，所以比较了解中国政府的立场和态度。我过去信中提过在特区的香港最少50年内不可能搞一人一票选"香港特首"，这完全是香港的极左派造成的，因为他们一定要反对派当特首，香港政府由反对派决定一切大事，最可怕的是香港的青少年和收入较低的劳动者，他们要最低工资、平均分配财富，所以连"长毛"这样的废物也变成了"民选立法会议员"。妳说，将来如果一人一票选特首，萬一"毛长"被选为"特首"，难道强大的中国国家主席会出来和"长毛特首"握手欢迎吗？本人认为，现在的香港已经是过份自由和民主了。本人认为，反对派当中只有一个黑家傑比较聪明。

本人过去写的东西你们可以修改或重写发表，如果你们认为对港人有启发和教育作用。

祝贵局工作顺利！

林伯奮上

2009年10月12日

P.1

15-10-2009

政制及內地事務局

陳慧妍代局長台鑒，

妳好！今天是2009年10月15日，

接到貴局的來仪更感快慰，但接仪前也很火滾，因為在电視上見到曾特首的答問会上那三個"社长联"的议员無理闹事，后来也被保安人员拉走了。看来这些闹事的"立法会议员"完全是靠那些所谓"穷人"的爱戴和支持，这也是特区政府最頭痛的大事。

我完全同意貴局全文发表我对香港选特首的見解，我估计全香港只有我一个人1952年就做中國中央政府的外交工作，比我了解中央政府的立场和观点在外交方面，正如胡主席在國庆节那天严肃地对全球宣佈："我國在任何情况下都不会首先使用核武器"一樣，即犯我國者必敗。

現在的中國領导和國力是世界上最強大的。

祝貴局一切順利！ 林伯奮（已蓋印章）

（編者註：來函共5頁，第5頁與政制發展無關，不在此刊載。）

（信和"回條"今天由陶雲）　　P.2

15-10-2009

陈慧妍小姐，

顺便和你说几句多余的话。我很关心国家和香港大事，但我從未没有给香港"电联办"写过任何东西。

昨在此国国家副主席習近平叫法国等国家访问，受到院主和萝肃的欢迎和接待並叫主要的场合发表主要的讲话，但我扬伯奋叫此示参加国防会议时習副主席尚未出生，他是1953年出生。

昨在的世界法律並不主要，最主要的是国家的实力，特别是国防实力。国家法律有时是开玩笑的，比如如何出席是"民进党"人当所谓"总统"，那大贪污犯陈水扁不但他的事也没有，而且他会抗拒过去当"总统"时贪污得太少了，只有三、四亿港币比起香港的大骗子陈振聪只有六分之一。我认为香港税局应追陈振聪12億港币的税款和罚款，陈是有婦之夫，是犯香港婚姻法。

香港的反对派也係热比亚，标要跟中国政府斗争。

祝好！　　扬伯奋

P.3 15-10-2009

又你们政制局是做政治和法律工作的，所以讨论的一切大事都要按照香港的法律，即 We do everything must according to the Hong Kong Laws. 比如在香港就像在英国一样，就算殺死了十個良民，兇手也不能被判死刑，但如在中国或美国就算殺死一个"三岁小孩子"，法庭也可判兇手死刑，拉去"槍决"或"吊死"。

劝为什么在庭上可以"百战百勝"，这是因为我的言行完全符合香港法律，所以包括周兆熊等所有有关的法官都说我聪明，法律水平高。

今天刘慧卿大声叫着特首告诉北京，香港绝大部份港人要求2012年一人一票直选特首。刘认为刘慧卿的思想和态度和热比亚基本上一样，也说疆人要求独立，不受汉人管理，但她的权力就像伊拉克前总统一样被"布殊总统"拉去处决了。事实上，權力和金錢才是法律的绝大基石，因为在这个世界上听起来似乎任何一个人神的话都有道理。事实上是"热比亚"害死新疆维族人民。 Lin Poh Fern

P.4

15-10-2009

陈慧妍小姐，

我十分清楚，在香港的200萬人當中，只有我林伯奮一个人給你的写那樣的仪，但因为反对派太过激，所以看来香港最少50年内不可能一人一票直选"香港特首"了，但如果不是因为我57年前的History而是由别人給你的写仪50年内不可直选特首，那你的可能认为写信者"神經有问题"可能只看一下就放到"拉圾桶"裡了，对吗？

我 好了，也可能快要离開这个多事的世界了。我也想过，我林伯奮死後香港就沒有别人給政府写这樣大胆的仪了。香港是一个言论十分自由的國際城市，所以你的把我的见解刊登出来，反映个别人对直选的见解也是合情合理和合法的。

我对某些國際大内部的看法和某些領袖和专家的看法完全不同。我认为以巴和强和平共处就等於"猫鼠同笼，一起生活"一樣，絕不可能。

林伯奮

芳致的陈慧妍女士：

你代表局长寿来的信收到，现将回条交回。关於《政制永休書》的意见等於2007年，也已经发给你局，虽然事隔两年，但对意见书的内容分析，立场观点不变。不过对於目前先供形势的发展，有些意见補充：

関於实践特区《双普选》问题，已由人大常委一致通过，暂定2017—2020年实行"双普选"。~~则则~~，~~至~~相对仍然视呼责任社会历史条件是否成熟而定。我理解每个国家都一样，当领土完整和政权受到威胁，危及到国家生死存亡的时候，定会当倾尽全力去打卫。绝没有任何鬆懈和妥协之谈。

因此，现在有人奪權心切，硬要特首赶在2012年提前在未供特区实行"双普选"，有违人大常委决議。要暂特首一年之内实现"普选"路线图，否则~~23~~三个泛民议员将要总辞，不参加補选，迫特首引咎辞退。口气壮大，量完斗胆也不敢总辞，只是挑浪头而已。因为他们那里捡得政府议员这份最苟的工，那笔月薪加津贴拾多万元最可爱的鈔票。辞吧！政制不面，还不是要照旧原地踏步，地球还是照样转动，天不会塌下来。

有说"泛民"一向陈腔滥调，形同录音机"普选"叫了十二年，还不见一丝影而来，以为一旦"普选"就可以选

当嚏世英才，看看伊拉克和阿富汗、英美联策加快民主进程与民善进，选出来的总统都是"贾国贼"。建议拿塊镜子照照自己，别再作梦了，难道中央和广大市民会乖乖地任由一小撮又胡作非为吗？

我不是要蓄意诋毁他们，纵观他们一贯以来的一举一动，看死这些组织都是帮金文文者，唯利是图之流所组合而成。既涣散，又脆弱，为了共同利益，死缠烂打，攻守同盟。但又各怀鬼胎，有利可图，则走在一起，无利可逃，就各奔东西。为了私利经常发生内讧，仿如一群叢林鸟，大难临头各自飞。这是他们的死穴，无药可救。

他们的行为，只有破壞，没有建设。为了达到小集团的利益，可以不择手段，阅听右报和电台，不是天天在骂吗？甚么"弱势"等能呀，吹毛求痴，才揭疮疤，抓住一点无限上线上纲纲，攻其一点，破其餘，枪尽其诬蔑丑化之能事，目的是项莊舞剑，意在沛公，一心搞垮特区政府。

○八年第四届立法会选举之后，蒙分及两派对抗矛盾加剧，从捉鼠掃台和记代最近的表现，犹如台湾立法院蓝绿陈营相似，统独之间对抗斗争激烈。因此，香港立法会两派对立关系，是社会上的一個窃剧。癫狗和

長久的客觀，反映社會上的"癌細胞"不斷擴散，不成熟，造學条件的產物。有指"可見民与造學這個東西，在政客煽惑下，為禍不淺，不但可以改變人的執政，而且可以改變人的身份和國家民族的認同"。因此，不禁使人懷疑2017—2020年香港特区"双普选"的社会条件是否成熟？不妨拭目以待。好了，並祝

工作順利，

身体健康，

市民（署名來函） 上。16-10-2009

（編者註：來信人要求以不具名方式公開）

致：香港特別行政區—政制及內地事務局

Fax to: 2523 3207

我對《政制發展》的意見

黃碧雲博士

（香港理工大學通識教育中心講師）

email:

2009 年 10 月 22 日

1. 香港回歸祖國經已十二年，香港實行一國兩制，在民主發展上應比國內的步伐更為進取明快，以香港民主化的經驗供國家未來政制改革借鑑。香港由八十年代中後期展開的民主代議政制，經過二十多年的發展已到停滯不前的狀態。我認為香港早已具備落實基本法所認可的雙普選目標，大多數港人亦支持香港盡快民主化，特區政府應盡早實施基本法所承諾的雙普選，避免再在民主普選議題上一再拖延，虛耗社會精力和資源。
2. 特首應代表港人向中央政府反映港人對盡快落實行政長官和立法會的雙普選的訴求，及更進取地展開與香港各界諮詢和與民眾對話，以便早日確定香港政制發展的路線圖。我贊成 2012 年推

行市民一人一票普選行政長官，行政長官候選人的提名權應開放給全港市民而不應設限，所有合資格選民均應享有自由地提名行政長官的權利，確保特首選舉是民主、具真正的選擇和競爭性的選舉，避免出現「先篩選、再普選」的違反民主多元競爭的原則。我反對任何再進一步提高行政長官候選人的提名門檻、及預先為候選人數目設限的建議。

3. 香港應盡快建立健全的民主議會制度。中央政府為香港立法會普選所擬定的時間表(最快也要等到 2020 年才可全面實施普選立法會）實脫離香港實況，並不符合港人對盡快民主化的訴求。我贊成 2012 年推行市民一人一票普選全體立法會議員，並取消全部功能團體選舉議席，由地區直選議席代替。

4. 特首應宣佈於下屆取消區議會的所有委任議席，使全體區議員均由一人一票普選產生。

5. 政府應研究如何促進兩性平等參與政治，考慮引入相關機制和誘引，鼓勵女性參選立法會和區議會選舉。中央政策組、政制及內地事務局應就此課題盡早開展研究。

6. 特區政府應向中央政府爭取，使港區人大代表選舉改由港人普選產生，以体現港人參與國事的精神和公民權利。

敬爱的特首：您好！

7月28日给您的信、许小姐已代回信，多谢许小姐百忙之中与我回信，祝工作愉快。

今年的施政报告何以掉以轻心？如果特首把：①建设微易中依然重点。②七大优势产业次之。③先完成2012双选举法。再贯彻、落实2017和2020双普选法案。（这点是特首的责任所在，也是最能取得市民和立法会泛民议员支持的）。④宣佈农历新年向全港每名市民派發2000元现金利是一封。相信特首的施政报告已可顺利拿A。以上四点看看那一点可增補加入施政报告，以期化解目前的危机。令致谢动议得以在立法会通过。

由于目前楼市不断升温，可恢復公开拍卖土地，把每年的土地收入定在1000亿元。

2012的特首选举有变。"親親民建联，疏通泛民派"是未来争取主任的关键。余言再谈，珍重。

22-10-09 辛友信上



23/10/2009 下午 11:46

To @cmab.gov.hk
cc
bcc
Subject Re: Re : 香港人的願望 - 2012 雙普選 [20]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

"一、雖然全國人大已就2012年的選舉安排作出決定，但本人依然認爲，2012年起落實《基本法》中的最終目標，行政長官和立法會全體議員由普選產生，是最能令特區政府更有效施政、最能令香港盡快發展經濟以免落後區內其他經濟體且最有利香港社會發展的方法。

二、作爲任何中途方案，立法會功能組別議席的安排應符合以下三個條件：甲、任何選民在整體功能組別中只能有一票選票，且不應出現公司／團體票；乙、盡量擴大整體功能組別可參與投票的人數；丙、任何組別的合資格選民人數應設有下限（如最少要有一萬人可成爲該組別選民），以杜絕賄選等問題。

三、作爲任何中途方案的行政長官選舉委員會，或全面普選時的特首選舉提名委員會，本人認爲委員會的組成同樣應符合上述立法會功能組別議席安排的三個條件。

四、立法會地區議席方面，本人建議改用類似愛爾蘭的single transferable vote制度；而無論是什麼制度，總之目標是解決目前每區最後一至兩個議席如「擲骰子」般純粹靠運氣的情況，盡量減少選民的策略投票考慮。

五、無論最終新的選舉安排是否涉及區議員，在討論2012年選舉安排時應一併討論區議會委任議員存廢問題，因爲區議會組成跟行政長官和立法會的選舉安排息息相關。

六、在全面普選前，立法會議員數目不應增加。"

謝世民

International Chamber of Commerce · Hong Kong, China 國際商會 · 中國香港區會
The world business organization

By email (scmaoffice@cmab.gov.hk) & By Hand

2 November 2009

Secretary for Constitutional and Mainland Affairs
3rd floor, Main and East Wing,
Central Government Offices,
11 Ice House Street,
Central, Hong Kong

Dear Sir,

Constitutional Development

We submitted our views in October 2007 in response to the Administration's invitation. At the end of Dec 2007, it became known that the Central Government took the position that amendment for poll arrangements in 2012 would be the step towards universal suffrage, that the Chief Executive (CE) might be elected through direct election in 2017 and that LegCo members by 2020.

2. We are deeply disappointed that universal suffrage for both the CE and LegCo members may not take place in 2012. As we pointed out before, Hong Kong is ready for it, having already suffered an earlier delay in 2007.

3. On the other hand, Hong Kong now at least is given a timetable towards universal suffrage, namely for CE in 2017 and for LegCo members, in 2020. On this basis, we urge the government to draw up a plan over time towards full practice of universal suffrage.

4. ICC-HK has anticipated that interim arrangements might be imposed, and has already provided views on such for 2012 in our submission under reference.

5. Having reviewed the issues again in the light of this new development, we believe our proposals for the election of CE in the interim are still valid, (para. 7 of our submission), but where universal suffrage takes place in 2017 for the CE, para. 7 a) i) and ii) should no longer apply by definition.

6. As for election of LegCo members, we have taken into account there will be 2 elections in the interim, ie, 2012 and 2016. Hence, we now propose further refinement to enhance the spirit of progressivity. Thus,

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a. in the 2012 election, the interim election arrangements will be as those contained in our submission under reference, and
b. in the 2016 election, individuals eligible to register as votes in a functional constituency may also vote in a geographical constituency, i.e. have 2 votes, unless functional constituencies are abolished in the 2016 election. In other words, para. 10 b. ii) and iii) should no longer apply.

Moreover, para. 10 g) will apply during the LegCo members election in 2012, but the number of functional constituencies should be further reduced, unless functional constituencies are abolished in the 2016 election. By 2020, there should be no functional constituency in the election arrangements.

7. Finally, we should like to stress once again the fundamental principles in drawing up electoral arrangements set out in para. 5 of our previous submission, namely:

a) they are constructed in line with international instruments on human rights viz the International Covenant in Civil and Political Rights, and the Universal Declaration of Human Rights;

b) they provide the electorate the maximum and equal opportunity to participate;

c) the freedom of choice of the electorate should not be unreasonably or unduly prescribed; and

d) for transitional arrangements, they should be steps forward moving the electoral process closer to universal suffrage - the ultimate goal, rather than placing restrictions contrary to a) , b) and c) above.

Thus, creating additional functional constituencies, involving appointed District Council members or enlarging the nomination committee for electing the CE or the LegCo on a basis deviating from these principles will in effect be a retrogressive step towards universal suffrage and democracy.

8. A copy of our earlier submission is enclosed.

Yours faithfully,

(Signed)

Anthony Chan
Chairman

Enc.

International Chamber of Commerce - Hong Kong, China 國際商會 - 中國香港區會
The world business organization

By Hand

- 8 OCT 2007

Secretary for Constitutional and
Mainland Affairs
3rd Floor, Main Wing,
Central Government Offices,
Lower Albert Road, Central,
Hong Kong

Dear Sir,

Green Paper on Constitutional Development

In response to your invitation for comment on the Green Paper and proposals for constitutional development, we enclose herewith our updated paper on the subject to replace the one sent to you on 2 October for your consideration.

Yours faithfully,

(Signed)

Mary Thomson
Secretary

Enc.

International Chamber of Commerce - Hong Kong, China 國際商會 - 中國香港區會
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Response from International Chamber of Commerce – Hong Kong, China on
The Green Paper on Constitutional Development, 2007

International Chamber of Commerce – Hong Kong, China (ICC-HK) has been invited to express views on the Green Paper on Constitutional Development issued in July 2007. The Paper deals with the application of universal suffrage to the elecion of the Chief Executive (CE) and the Legislative Council (LegCo), raising questions on the model, roadmap and timetable to be adopted.

2. ICC-HK believes that any model, roadmap and timetable are interrelated issues, and they would have to be considered as a whole, and the respective components of any issue cannot be treated in isolation. Similarly the return of sovereignty of Hong Kong to China through the Joint Declaration between China and UK, registered with the United Nations with the subsequent Basic Law have an international perspective such that the terminology used should have a common and international meaning and understanding eg. universal suffrage means one natural person one vote and an equal right of voting for all voters.

3. There is no dispute that ultimately the election of CE or LegCo is by universal suffrage (which implies equal suffrage, too). There is also no dispute to the overriding authority of the Central Government.

4. At the same time, Hong Kong is not short of election experience in the last few decades, and indeed more opportunities are available in more recent years. Election of LegCo began in 1985. According to the Green Paper, in the 2004 LegCo election, the number of registered voters of geographical constituencies increased to 3.21 M, and the turn out rate increased to 55.6%.

The level of education of Hong Kong residents is steadily rising. The spirit of charity, mutual help and volunteering is well and alive, and provides a strong basis for civil society in Hong Kong. There is no evidence that universal suffrage will frustrate or impede the development of a capitalist economy. The rule of law in Hong Kong ranks higher than any other Asian country. As it is reported in the press, the Secretary for Constitutional and Mainland Affairs said that Hong Kong had the fundamental components for universal suffrage. From these perspectives, universal suffrage for both CE and LegCo should be implemented in 2012. The only obstacle, if any, is political not legal, social or economic.

5. If, however, the political ruling is not to introduce universal suffrage yet, interim arrangements will be unavoidable. Irrespective of any eventual political ruling, the following fundamental principles should be the basis of drawing electoral arrangements:

a) they are constructed in line with international instruments on human rights viz the International Convenant in Civil and Political Rights, and the Universal Declaration of Human Rights;

b) they provide the electorate the maximum and equal opportunity to participate;

c) the freedom of choice of the electorate should not be unreasonably or unduly prescribed; and

d) for transitional arrangements, they should be steps forward moving the electoral process closer to universal suffrage - the ultimate goal, rather than placing restrictions contrary to a) , b) and c) above.

6. Assuming that interim arrangements have to be implemented, ICC-HK would like to make the following proposals:

Arrangement for Election of CE

7. According to Article 45 of the Basic Law, there will be a broadly representative nominating committee which will nominate the CE candidate(s) in accordance with democratic procedures. To this end, it is proposed that

a) the nominating committee should consist of the following :
   i. 800 committee members elected by the electorate of LegCo of the relevant time according to the geographical delineation of District Councils and in proportion to the population of the different Districts;
   ii. the Hong Kong delegates of the National People's Congress of the relevant time; and
   iii. the members of LegCo of the relevant time;

b) A registered voter may put forward his name to the nominating committee to stand as a candidate and the nominating committee will nominate any voter to be a candidate for election to the position of Chief Executive who has obtained 12.5% or more of the committee membership as subscribers;

c) a committee member may only subscribe to one candidate;

d) the electorate will vote on the nominated candidates to elect CE by a simple majority;

e) if there is only one candidate, election will still proceed.

Arrangements for Election of LegCo

8. According to Article 68 of the Basic Law, ultimately LegCo should be elected by universal suffrage. Currently LegCo members are returned by district based or functional constituency based direct election. By definition, ultimately election based on functional constituency should cease. The question is whether this can be achieved immediately, ie by the next election in 2012, or through transitional arrangements over time, leading to the ultimate goal. If there has to be a transition to universal suffrage, set out below is an interim method of electing LegCo, but a step forward to universal suffrage compared with the current system.

9. The current structure of the functional constituency is defective and hybrid. Broadlly speaking, functional constituencies may be grouped into those with

a) individual members of bodies voting in their personal capacity;

b) individuals voting in the capacity of representing an organization which is a member of a body specified in the Ordinance;
c) individual District Council members returning a certain number of District Council members to LegCo ; and
d) both individuals and organizational representatives as voters in the same functional constituency.

10. To be closer to the principle of universal suffrage and to remove the anomalies of many functional constituencies, it is proposed that

a) to retain those functional constituencies the voters of which are individuals, eg. professionals like doctors and lawyers; for details, see Annex II of the Green Paper;
b) to extend the right to vote to all entities which possess a valid business registration or which are registered under the Societies Ordinance or other relevant ordinances such that
    i. they have to provide 6 months before the relevant election day proof of having filed a valid tax return, or such valid annual filing as is required under the relevant ordinance in respect of the immediate past year;
    ii. the voters will be individuals who are proprietors, partners or directors of board of incorporated businesses or the governing committee/ council of non-profit and/or charity organizations; and
    iii. these entities elect themselves to any functional constituency with which they have the most substantial connection;

c) to retain the functional constituency of District Council in respect of all the elected members, ie, by either excluding those members appointed by the Administration, or abolishing appointed membership;

d) to retain the Heung Yee Kuk functional constituency;

e) those individuals who are eligible to register as voters of functional constituency may choose either to register as voters of functional constituency or foresake such registration, and instead register as voters in geographical constituency;

f) each individual voter may vote at only one functional constituency; and

g) to group functional constituencies akin in nature with one another into a number of multi-seat functional constituencies with no functional constituency within each multi-seat constituency being guaranteed their own seat and keeping the total number of LegCo functional constituency seats unchanged after the grouping.

Introduction of the Proposal Arrangements for CE and LegCo

11. According to the Basic Law, universal suffrage is the ultimate goal in the election of CE and LegCo. Having regard to para. 4 above, universal suffrage for both should be introduced together particularly since election for CE and LegCo will take place in 2012. If however universal suffrage is not to be introduced in 2012, it is considered that the proposal transitional arrangements should be put in place for conducting these elections in 2012.

12. The foregoing paragraphs try to answer all the questions raised in the Green Paper within the provisions of the Basic Law, and the understanding of it by the Central Government publicly known so far. It is hoped that the proposals in this paper will provide a viable solution to facilitate Hong Kong's development forward in its constitutional arrangements for universal suffrage to lay the foundation for future progress of Hong Kong.

- End -

October 2007

From: **(署名來函)**
To: ceo@ceo.gov.hk
Sent: Thursday, November 05, 2009 10:29 AM
Subject: 致行政長官

功能組別 變成參議院 可否決一次 由直選議員通過議案，這樣可以保持分組投票和 比例不變，第二次直選議員通過議案，功能組別不能否決

以上是政改提議

(編者註：來信人要求以不具名方式公開)

真正普選路線圖應包括：

特首選舉辦法

- 取消現有選舉委員會之區議會代表
- 所有直選區議員成為當然選舉委員會成員
- 不遲於 2016 年把選舉委員會轉化為提名委員會
- 不遲於 2017 年實行普選行政長官

立法會選舉辦法

- 於 2012 年後取消分組點票
- 直選議員將不遲於 2016 年增至立法會三分之二或更多議席
- 不遲於 2020 年取消所有功能組別議席，實行全面直選

（編者註：此意見書由公民黨立法會議員在 2009 年 11 月 6 日與行政長官會面時遞交。）

公民黨建議真普選路線圖

1. 普選原則

- 行政長官及所有立法會議席的產生方式須符合國際公認的「普及而平等」的選舉標準，市民應享有自由選舉的權利。
- 行政長官選舉方面，提名委員會的組成須具有廣泛的民意基礎，提名門檻不應過高，在推動開放普及的提名程序前提下，不應有篩選候選人或爲排斥某些政治力量參選而訂出的安排。
- 立法會選舉以全面取消功能組別議席、達至公平選舉爲目標。

2. 普選方案

行政長官：

- 擴大現有選舉委員會之選民基礎後把選舉委員會轉化爲提名委員會；
- 提名委員會在現時接近 800 名選委的基礎上，增加民主成份，取消選舉委員會的「區議會代表」席位，加入約 400 名直選區議員，令選委人數增至約 1160 人；
- 提名門檻亦由現時 100 名選委減至 50 名提名委員會委員；
- 修訂《行政長官選舉條例》，取消政黨成員不能擔任行政長官的限制；
- 按《基本法》第四十四條及第四十五條，任何符合參選資格的人士，在獲得 10 萬名合資格選民提名後，再經提名委員會確認，可成爲合資格特首候選人；
- 行政長官由全港合資格選民一人一票選舉產生，獲得超過一半有效票數的候選人，經中央政府任命後出任行政長官。[1]

立法會：

- 取消所有功能界別議席；
- 取消分組點票；
- 立法會一半議席以單議席單票制分區直選產生，即每區得票最多之候選人當選；
- 另一半議席，在全港單一選區以比例代表制選出。

區議會：

- 取消全部區議會委任議席。

3. 真普選路線圖

[1] 在候選人眾多的情況下，可能未有候選人能夠取得過半數有效票。因此建議行政長官選舉條例訂立「第二輪投票」的安排，讓選民在第一輪投票中獲得最多票數的兩名候選人中二擇其一。

公民黨要求 2012 年落實行政長官及立法會選舉以「一人一票」普選形式進行，並且立即取消所有功能組別。但如果 2012 年無法實現雙普選，則特首必須履行其選舉承諾，在任內徹底解決及交代真普選路線圖。

按照公民黨執委會於 9 月 6 日所公佈「公民黨普選宣言」之陳述，公民黨現倡議真普選路線圖如下，要求政府回應：

行政長官選舉	立法會選舉	區議會選舉
2012 年： - 擴大選舉委員會之選民基礎 - 選舉委員會加入所有直選區議員，增加民主成份 - 取消現時選舉委員會的「區議會代表」席位 - 修訂《行政長官選舉條例》，取消政黨成員不能擔任行政長官的限制	**2012 年：** - 合併性質相近或選民人數較少的功能組別，以產生 30 名議員 - 2012 年選舉後，儘快取消分組點票	**2011 年：** - 全面取消委任議席
不遲於 2017 年： - 按上述第 2 部份「普選方案」之建議普選行政長官	**不遲於 2016 年：** - 增加普選議席 - 減少功能界別議席	
	不遲於 2020 年： - 按上述第 2 部份「普選方案」之建議，立法會一半議席以單議席單票制分區直選產生；另一半議席，在全港單一選區以比例代表制選出	

> From:
> To: <ceo@ceo.gov.hk>
> Sent: Friday, November 06, 2009 8:02 PM
> Subject: 一點意見
>
>
> 曾先生,
>
> 請參考以下意見:
>
> 2012地區直選:增加18席
> 功能組別:增加18席(由民選區議員投票產生,可提名區議員以外人士)
> 2012立法會議員總數:96位
>
> 特首支持你
>
> 一小市民上

From:
To: CEO ; cso@cso.gov.hk
Sent: Saturday, November 07, 2009 3:58 AM
Subject: 政改方案：時勢所迫，你不能不玩鋪勁了

致行政長官：

本人希望談談香港的政治與歷史。

政改方案行將出台，媒體早已流傳新方案與零五年方案相去不遠，民建聯及經濟動力的建議也是相似。

個人之見，行政長官選委會增加人數未必等同擴大選民基礎，選委會委員也沒有法定基礎不得不根據選民意願投票，因此本人看不到單單增加選委人數便可以理解爲「更民主」，起碼就是不能說服有獨立思考的市民。除非選委像法庭挑陪審團一樣隨機抽出全港選民出任，或者有制度確保所有已登記選民的意願能公平一致地間接透過選委表達，否則在現存選委會制度上做任何改動，都很難令公眾相信是有實質意義的民主化進程。

功能組別也是一個結構上已經不公平的議事代表制度，擴大組別數目本身已是難以服眾，自由黨提出擴大選民基礎的構思是沒有辦法中的辦法，但最好做徹底一點，商界與勞工界別要一起做。至於增加十個立法會議席，並把五個功能組別議席全歸區議會，本人認爲會衍生很多不必要的制度爭議，例如代表區議會的功能組別議員究竟有甚麼選民基礎？他們爲誰代議？把十八區區議會的重點工作提升到立法會上施壓？單純代表他自己的政治立場或者行業利益發聲？另一個已經開火的戰線是委任區議員的代表性與價值：爭論下去，誰都知道建制是會輸給輿論的，後患無窮。

政府大概只有加上選民基礎極大的功能組別才能說服公眾，例如全日制學生、長者卡持有人、殘疾人士、綜援申請人、公屋居民、持牌小販之類、或者是「原有三十個功能組別中沒有第二張選票的所有個人選民」－－不公平由小圈子變成好大的圈子，想像起來好像會有很多社會對立或者爭議，但原則上這就是功能組別的劣根，完全無從解決。簡單來說，如果比例不改，增加立法會議席並無實際意義，原地踏步即使換了更大的鞋子，還是原地踏步。

行政長官必須注意到政改方案關係香港長遠利益與政治發展，關係到未來十年政治進程，也關係到特區政府中短期的公共認受，如果特區政府僅僅提出一個或多個的保守方案，將會爲香港社會埋下不容忽視的政治風險。即使如何抗拒也好，人大對２０１２年兩個選舉的決定我們沒有辦法不乖乖聽從，這是很多人口中的現實與合法方式。在重重框架下，我們如果不能堂堂正正向前邁進，閣下要麼有創意地合法偷步以求公平地取得社會共識，或者是遷就親北京政治派系站在原地扮跑步，但香港整體利益來看難免會後患無窮。

雖然本人苦口婆心最後游說，但扔雞蛋的準備還是很充足的。在政制發展上，我和廣大市民一樣對閣下已經沒有甚麼希望。閣下星期五的講話提到閣下看到市民的願景，我覺得這陣耳邊風吹過還是讓人很心寒。木偶的鼻子現在也可以頂天立地了。

順帶一提，龍應台新書《大江大海一九四九》非常值得一讀再讀再思索，香港在過去六十年在很多人口中演繹成「不可取代的地位」，本人固然認同；過去六十年香港交纏在整個中國歷史蛛網之中，如果把一切關於香港的都抽出來，這個網準會碎掉。遠的，國共對立時香港發生了無數作用深遠的事件，你知道多少？香港絕大部分現存居民都源自邊境以北，孕育於祖國的技術與人才都在香港開花結果，那裡這是怎麼樣的一段歷史呢？還有改革開放後香港無論是意識形態和經濟上都深深影響了中國，那又是怎麼一回事？近的，香港是中國國土上最自由、公民社會最成熟的一片土壤，我們無可避免地將繼續在不同的戲台上，扮演那個「不可或缺」的角色，那會是怎麼的一片光景？

身爲八十後一代，本人覺得香港對自己最切身的歷史與使命都在逃避，都在忘記。閣下時時講旅遊、講文化產業，可是推動時總像在跑步機上有心無力地爬著，何不從月球上看香港，從一片歷史洪流與使命思潮裡看看這個青蛙島，不難發現這些都是香港潛存的核能量，好好發揮便不一樣。香港看來像紐約，但腦袋最深處，跟柏林心有靈犀。

最後還是提提閣下政改真的不是零和遊戲，因爲搞不好只會有雙輸，閣下與整個特區政府團隊也一定會輸得比任何人都慘。小心。

市民
(署名來函)

(編者註：來信人要求以不具名方式公開)

From: (署名來函)
Sent: Sunday, November 08, 2009 1:37 PM
To: cmabenq@cmab.gov.hk
Subject: 本人對2012政制發展的建議。謝！　　先生敬上。

支持 2012 雙選舉現「民主進程」

《2012 雙選舉安排》要告開展諮詢了。誠言，我委實是認爲：既然《人大》已於 12/2007 明確表示，最早的《行政長官普選》、及《立法會全直選》，會在 2017、及 2020 年 "必" 舉行。爲促進「中、港關係 (合理地) 諧和」，避免任何 "不必要" 爭拗，我個人是看一切「政改」，應是尊重在此「終極目標」上設定的。

反而，爲望政府高層，能有效作「減肥纖體」，我卻真十分切望：早日，香港會以如正、副總統選舉模式，作正、副特首之選舉 (使政治問責更 "精簡") 的。另在正、副特首、及《三司》下，問責局應由今 12 個，減至最好 6 個。取消副局長及政治助理職位。各局長、配合 (由公務員升級出任) 常任秘書長，當領導各局。

《特首選舉》上：以 3/2007 之 800 選委小圈子選舉，已能締造「左右交鋒」之二候選人 "良性競爭" 對壘局面，可見，它本身在「提名門檻」上，已見適中。------在此參選資格規定上，《普選特首》大可 "簡易" 循序漸進便達成。如下：

2007 參加特首選舉	2012 參加正、副特首選舉	2017 參加正、副特首普選
最少要獲 100 位選委提名	最少要獲 100 位選委提名	最少要獲 100 位選委提名

至於《立法會選舉》方面：首先，爲免令《公共開支》又要大增，我個人委實是認爲 60 總席位，不應 再增加的。而以 2020 年《普選全體立法會 60 議席》爲 "終極目標" 作衡量，可想象到：它是可以從 未來兩屆逐步增 10 個直選議席，來達成一好恰當的「立法會漸進至全民主化」過程的。這如下：

2008 立法會直選	2012 立法會直選	2016 立法會直選	2020 立法會直選
30 席數	40 席數	50 席數	(全體) 60 席數

隨著立法會 "直選" 議席，從上列 2012 起 "超過一半" 的鋪排來看，可見，《基本法・附件二》是應作修改的了。《功能組別》逐步減少之餘，「分組投票」的規定，實該予以取消。否則，立法會的議席 "漸進直選化" 至使直選席位逐步由逾半、至佔全部之程序，就根本不可能啓動的了！

而另知據規定，各《立法會直選區》席數只可 "頂多 8 個"。故可料，從直選議席增加之勢，《立法會五大直選區》是確有需要再作分拆的了。像 2004 年起，一直是 8 席之《新界西》，實當分拆成譬如《新界西》、《新界南》分區。,,,,,, 只有這樣，各《直選區》才在長遠日後也 不會出現應予席數超出 8 個 此上限了。

(編者註：來信人要求以不具名方式公開)

From: HO Wing Hon
Sent: Sunday, November 08, 2009 9:26 PM
To: cmabenq@cmab.gov.hk
Subject: 增加立法會議席數目是違反基本法的規定

致：政制及內地事務局局長 (cmabenq@cmab.gov.hk)
大部份立法會議員（因立法會網站上的議員通訊錄並未列出全部議員電郵）
部份傳媒

2005年當局發表政改諮詢文件，提出增加立法會議席到七十人的建議，當年本人曾就此向高等法院原訟庭提出司法覆核申請，其法理基礎十分簡單：

> 基本法附件二「香港特別行政區立法會的產生辦法和表決程序」條文的第一句清楚規定：「香港特別行政區立法會議員每屆60 人」，而附件二其他條文，是關於立法會「產生辦法」及「法案表決程序」的規定及其修改之方法，沒有任何地方提及「議席數目」的改變，而整本基本法除了只有一處提及議席爲六十之外，附件二，以至整本基本法，均沒有任何條文容許立法會「議席數目」可以偏離60之數，因此本人認爲任何政改方案，均不能偏離立法會「議席數目」爲六十的基礎，否則即使獲得通過，也會因爲是違反基本法而失效 。

但由於當時文件只屬諮詢性質，並非行政當局的議決並執行之事項，因此申請未獲法院接納。

鑑於當局準備發表政改諮詢文件，本人現特函提出要求，在有關政改諮詢文件內，就立法會議席數目的規定，明確列出本人的意見（以上方格內）。

何榮漢博士

From: (沒有署名)
Sent: Monday, November 09, 2009 11:47 PM
To: cmabenq@cmab.gov.hk
Subject: 何秀蘭的十萬大軍

何秀蘭的十萬大軍

泛民主派於9月7日舉行「武林大會」，討論本港未來的政制改革，立法會的六十個議席，建議三十席由全港分區單議席單票制產生，另外三十席是全港單一選區按比例代表制產生。行政長官選舉，建議提名委員會人數由800人，再增加400位民選區議員，參選人只需獲得50票提名，或10萬名選民提名，即可獲資格參選特首。

議員何秀蘭倡議10萬名選民提名即可獲資格參選特首，表明是希望受市民歡迎的人能夠參選，理由冠冕堂皇但想法幼稚；中央對特區政制事務雖然已經無憲制權力，但如決心要在行政長官選舉制度加入「篩選機制」，可以出「橫手」，莫說10萬名選民提名，即使一百萬選民提名，也難敵中央的如來神掌；只有堅持《基本法》的規定，才可抗拒「篩選機制」。

10萬名選民提名即可獲資格參選，香港有三百多萬選民，理論值可產生三十多名候選人，有冇搞錯？提議不但難於操作，並且間接肯定和接受提名委員會是一個「篩選機制」，咁乜低B嘅思維，點樣爭取普選？何秀蘭帶著十萬大軍，不是支持普選而是攻打民主，認真搞笑。

民協前主席馮檢基認爲，《基本法》要求選舉委員會提名參選人，若只由10萬名選民提名，可能違反《基本法》原意，需要再作研究。何秀蘭辯稱，選民提名後仍要提名委員會確認，因此是符合《基本法》；提名委員會的職能只是提名候選人，並無確認與否的權力，何秀蘭愈描愈黑。

除10萬名選民提名可參選特首外，泛民主派的共識方案，是回應07年《政制發展綠皮書》的主張；作爲終極方案，只建議提名委員會的法定人數，對提名委員會的「廣泛代表性」及產生方法沒有立場，共識方案欠缺積極進取的精神；民選立法會議員和區議員自動成爲提名委員，在普選的條件下，也是法理難容的事情，泛民繼續逃避討論《基本法》。

03年「七一」之後，行政長官產生辦法的修改，一直被引導在「按循序漸進的原則……最終達至由提名委員會按民主程序提名後普選產生」的框架內討論，而不是根據第二屆具體產生辦法的基礎上討論可修改的範圍，亦從來不討論「一個有廣泛代表性的提名委員會」的代表性，泛民主派也樂於奉陪，導致百花齊放引來群魔亂舞。

泛民建議提名委員會人數由800人，再增加400位民選區議員，以及10萬名選民提名即可獲資格參選，是建基於《公民權利和政治權利國際公約》，「在符合國際民主原則下，則其組成和提名程序必須徹底消除任何對政治或其他見解的區分限制。」，……「按現時普遍看法，現有選舉委員會可於二〇一七年轉化爲提名委員會。……參照一些國家先立的標準，經政黨或相當數目的市民推薦，由提名委員會提名。」

雖然千般不對總是說在林瑞麟口裏，但林瑞麟有一句人話——香港的普選是由《基本法》規定，不是由國際人權公約規定。泛民陣營一再以《公民權利和政治權利國際公約》辯證普選的定義而「執迷不悟」，是普選議題爭拗不休的重要原因，造成落實普選的障礙；泛民一直逃避討論《基本法》，原因值得思考。

建議現有選舉委員會可於二〇一七年轉化爲提名委員會，不但違反《基本法》第四十五條的規定，並且是「俾位人哋入」。行政長官的現行產生辦法，是由選舉委員會提名候選人，現行選舉是指定界別的有限度間接選舉，選舉委員是以界別代表的資格提名候選人，立法會議員也是以政界代表的資格而不是以選民代表的身分提名候選人。

「最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。」行政長官由普選產生，是由選舉委員一人一票選出行政長官，達至由全港選民一人一票選出行政長官，是由有限度間接選舉達至全民直接選舉；第四十五條規定由一個有廣泛代表性的提名委員會提名候選人，提名委員會的廣泛代表性，必須能夠代全港選民。

現行的選舉委員會，是根據附件一第三條的規定，「各界別法定團體根據選舉法規定的分配名額和選舉辦法自行選出選舉委員會委員」，選舉委員的提名資格是依附於選舉權，是各界別法定團體根據選舉法自行選舉產生，提名權是經過選舉授權；普選的提名委員會是代表全港選民，提名委員的提名資格必須經全港選民譔舉授權，是第四十五條對附件一具體產生辦法的修改。

現行產生辦法由選舉委員會提名，以及普選由提名委員會提名，都不是「篩選機制」，而是建立一套可操作的選舉制度；一個經全港選民選舉產生的提名委員會提名，由全港選民一人一票選出行政長官，絕由對符合《公民權利和政治權利國際公約》普及而平等的原則。

「最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。」是由有限度間接選舉達至全民直接選舉，是由選舉委員會提各達至由提名委員會提名，是取消選舉委員會成立提名委員會，這是第四十五條對附件一具體產生辦法的修改。

在一國兩制的條件下，全國政協和全國人大都不是香港特別行政區的政治體制，港區政協委員及人大代表的代表性是中央賦予，又怎能夠代表全香港選民？由指定界別小圈子選舉產生的代表，亦不能夠代表全港選民；在普選的條件下，選舉委員會已經不存在，原指定界別的選舉權和提名權都已灰飛煙滅，爲何還要建議現有的選舉委員會可於二〇一七年轉化爲提名委員會，泛民應該向社會解釋。

終審法院首席法官李國能宣布提早退休，根據《基本法》第90條規定，終審法院法官的任命，須報全國人大常委會備案。對於《基本法》寫明終審法院法官任命交人大常委會備案，內地「四大護法」之一的許崇德表明，「備案」即是讓人大常委會知道的意思，不存在批准與否問題。許崇德是王振民的師傅，都是04年「解法」的主將，許崇德藉機表態，並不簡單。

《基本法》共有五個「備案」的規定，「備案」是否須被審核，取決於接收單位在《基本法》有無相關的憲制權力。《基本法》只有第十七條的「備案」須被審核，審核的範圍與權限都寫得非常清楚，其餘四個「備案」都是讓中央知道的意思。「備案即是讓人大常委會知道的意思，不存在批准與否問題」，許崇德爲何於此時「幡然醒悟」藉機表態，是值得研究的課題。“備案並不等同於同意”是梁美芬教授的金句，收到許崇德的信息，梁美芬應該撼頭埋牆。

2004年4月6 日全國人大常委會主動「解法」，規定附一和附件二如需修改，行政長官須向全國人大常委會提出報告，由人大常委會依照《基本法》第四十五條和第六十八條規定，「根據香港特別行政區的實際情況和循序漸進的原則」確定，特區完成修改程序，最後由全國人民代表大會常務委員會「依法批准或者備案」，該修改方可生效。

從《基本法》第四十五條和第六十八條及附件一和附件二的規定細心分析，可清楚看到全國人大

常委會法治侏儒的野蠻與荒謬；人大常委會是通過「釋法」，掠奪特區人民的政治權利，剝奪特區的自治權，將附一和附件二修改的制動權及決定權據爲己有，顛覆國家的憲政制度。

中國憲法第六十二條第十三項規定，「決定特別行政區的設立及其制度」，是全國人民代表大會的職權；第「三十一條（2）規定：「在特別行政區內實行的制度按照具體情況由全國人民代表大會以法律規定」，是制定《基本法》的法律依據；實行的制度按照具體情況以法律規定，附件一及附件二規定的具體產生辦法，是全國人民代表大會按照具體情況法律規定香港特區實行的政治制度，最終達至普選，是在附件一及附件二具體產生辦法的基礎上達至普選。

香港是特別行政區，《基本法》是一部特別的憲法，是一部授權與限權同在的法律，對香港特別行政區授權對中央限權，授權與限權，是按照中央與香港特別行政區的管治權而規定。認識《基本法》，應該依循國家的憲政制度，從香港特區的法律地位，以及從一國兩制高度自治的立法目的，解讀條文的法律含義。

《基本法》第四十五條：
香港特別行政區行政長官在當地通過選舉或協商產生，由中央人民政府任命。
行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。
行政長官產生的具體辦法由附件一《香港特別行政區行政長官的產生辦法》規定。

第四十五條（1）：香港特別行政區行政長官在當地通過選舉或協商產生，由中央人民政府任命。

四十五條（1）「行政長官在當地通過選舉或協商產生」，是中英聯合聲明附件一第一項的規定。
第一屆行政長官必須在1997年7月1日回歸前產生，由於香港特別行政區尚未成立，並無條件制定選舉法，「根據香港特別行政區的實際情況」，第一屆行政長官或協商產生。第一屆行政長由「推選委員會」提名後選舉產生，推選委員會由籌備委員會協商產生，「或協商產生」，是制訂第一屆行政長官的產生辦法的法理依據。

四十五條（1）：「由中央人民政府任命。」《香港特別行政區第一屆政府和立法會產生辦法的決定》第一條規定：「香港特別行政區第一屆政府和立法會根據體現國家主權、平穩過渡的原則產生。」香港特區第一屆政府的建立，是包括中央人民政府任命行政長官和主要官員，《決定》第一條的法律定義十分清晰，中央人民政府的任命，是體現主權而不是行使主權，因此，《基本法》第十五條規定——「中央人民政府依照本法第四章的規定任命香港特別行政區行政長官和行政機關的主要官員。」

中央人民政府必須任命按照香港特別行政區協商或選舉產生的行政長官，以及必須按照行政長官的提名任命主要官員，是以中央和香港特別行政區的關係。任命是體現國家主權，行使主權是直接委任，如殖民地時期的港督是由英國直接委任，是行使主權。

03年「七一」之後，源於權慾薰心的貪婪，任命被解釋爲行使主權，任命是可任命和拒絕任命，爲免中央拒絕任命出現憲政危機，因此行政長官選舉候人須中央確認，意圖使普選行政長官在可預知結果的條件下進行，剝奪香港人民的自治權。

國家的一切權力屬於人民，行政長官最終由全港選民選舉產生的提名委員會提名之後，通過全港

選民一人一票選出，是香港人民行使自治權的方式，是全國人民代表大會按照具體情況以法律規定香港特別行政區實行的政治制度。監察政府和監督憲法的實施，是立法會議員的天職，可惜立法會議員個個都扮啞仔。

第四十五條（2）：行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。

四十五條（2）「行政長官的產生辦法根據香港特別行政區的實際情況……而規定」，「根據香港特別行政區的實際情況」，制訂第一屆行政長官具體產生辦法規劃的描述；第一屆行政長官必須在1997年7月1日回歸前產生，由於香港特別行政區尚未成立，因此，「根據香港特別行政區的實際情況」，第一屆行政長官的產生，是全國人大常委會委任「籌備委員會」，由「籌備委員會」協商產生「推選委員會」，由推選委員會公開提名後通過選委一人一票選出行政長官。

四十五條（2）：「行政長官的產生辦法根據……循序漸進的原則而規定，……行政長官產生的具體辦法由附件一規定。」「根據循序漸進的原則而規定」，是制訂第二屆行政長官具體產生辦法規劃的描述，「循序漸進」是對第一屆行政長官產生辦法修改的原則。

第一屆行政長官由「推選委員會」選舉產生，第二屆行政長官由「選舉委員會」選舉產生，這是循序漸進之一；「推選委員會」由協商產生，「選舉委員會」由指定界別選舉產生，這是循序漸進之二；推選委員會由四百人組成，選舉委員會由八百人組成，這是循序漸進之三。

「行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定……行政長官產生的具體辦法由附件一規定」，「據香港特別行政區的實際情況和循序漸進的原則」，是制訂第一及第二屆行政長官產生辦法具體規劃的描述。

第二屆行政長官的產生辦法由附件一具體規定，第二屆的具體產生辦法，是由選舉委員會按民主程序公開提名候選人，由選舉委員通過一人一票選出行政長官。選舉委員會是根據附件一第三條的規定：「各界別法定團體根據選舉法規定的分配名額和選舉辦法自行選出選舉委員會委員」，第二屆行政長官的產生辦法是指定界別的小圈子間接選舉。

第四十五條（2）：「最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。」行政長官產生的具體辦法由附件一規定，「最終達至由普選產生」，是在具體辦法的基礎上，最終達至行政長官由普選產生。

「行政長官最終達至由普選產生」，是由具體產生辦法的指定界別間接選舉，達至全港選民直接選舉，是由選舉委員會提名候選人後通過一人一票選出行政長官，達至全港選民提名候選人後通過一人一票選出行政長官。

第二屆的具體產生辦法（現行產生辦法），由選舉委員會提名候選人，「行政長官最終達至由普選產生」，是由全港選民提名候選人，由選民自行提名候選人，在技術上屬不可操作的模式，因此，必須設立提名委員會按民主程序提名限制候選人數。「行政長官最終達至由普選產生」，是取消由指定界別選舉產生的選舉委員會，成立由全港選民選舉產生的提名委員會。

具體產生辦法規定由選舉委員會提名候選人，選舉委員會是由指定界別根據選舉法的規定自行選出，「行政長官最終達至由普選產生」，是由提名委員會提名候選人，因此必須修改或重新制定選舉法，由全港選民通過選舉產生提名委員會，這是全國人民代表大會按照具體情況以法律規定

香港特別行政區實行的普選制度。

提名人的廣泛代表性：

第一屆行政長官由「推選委員會」提名候選人，《香港特別行政區第一屆政府和立法會產生辦法的決定》第三條規定：「推選委員會全部由香港永久性居民組成，必須具有廣泛代表性……，」推選委員會由籌備委員會協商產生，第一屆提名人（推選委員會）的廣泛代表性，是由籌委會賦予。

附件一第一條規定：「行政長官由一個具有廣泛代表性的選舉委員會根據本法選出。」第二屆行政長官由「選舉委員會」提名候選人，選舉委員會是由指定界別按照附件一第三條「各界別法定團體根據選舉法規定的分配名額和選舉辦法自行選出選舉委員會委員」的規定產生；第二屆行政長官提名人（選選委員會）的廣泛代表性，是代表附件一規定的指定界別。

「行政長官最終達至由普選產生」，第四十五條規定普選由提名委員會提名候選人，普選是由全港選民直接選舉，提名委員會的廣泛代表性，必須是能夠代表全港選民。第二屆提名人「選舉委員會」根據選舉法選出，普選的提名委員會，不可能循序漸退回到第一屆的模式由協商產生，三百多萬選也不可能協商，而必須由選舉產生，也只有由全港選民一人一票選出提名委員會，其廣泛代表性才能符合代表全港選民的要求。

在普選的條件下，選舉委員會已經被取消，原指定界別的選舉權和提名權都已灰飛煙滅；因此，建議普選時將現有的選舉委員會轉化爲提名委員會，絕對是荒謬的主張。

按民主程序提名：

《香港特別行政區第一屆政府和立法會產生辦法的決定》第四條規定，第一任行政長官，由推選委員會在當地以協商方式、或協商後提名選舉產生。第一屆的提名，「根據香港特別行政區的實際情況」，只規定「協商後提名」，提名門檻並無具體規定。

附件一（具體產生辦法）第四條規定：「不少於一百名的選舉委員可聯合提名行政長官候選人。每名委員只可提出一名候選人。」「每名委員只可提出一名候選人」，是提名必須公開的規定；「不少於一百名的選舉委員可聯合提名候選人」，是提名門檻，目的是規定候選人應具有一定的代表性以及達至限制候選人數的效果。「聯合公開提名」，是第四十五條的「按民主程序提名」的描述，是具體產生辦法規定的提名方式。

普選只規定提名委員會「按民主程序提名」，是將候選人數及提名門檻留待香港特區自決，不幸被「別有用心」的人鑽空子，意圖將「按民主程序提名」設定爲篩選機制。

08年喬曉陽曾經表示：「以特首而言，法定有個提名辦法，並不等於提名安排，不能只講提名安排，不說民主程序；而2012年若不能向前進一步，亦不符合基本法循序漸進的原則，否則“2017年普選行政長官須再延後”。」喬曉陽要求代理人以「民主程序提名」設定爲「篩選機制」，是司馬昭之心路人皆見。

第四十五條（2）的「循序漸進」，是指在具體產生辦法（現行產生辦法）由指定界別的小圈子間接選舉，最終達至由全港選民直接選舉；「循序漸進」是由選舉委員會按民主程序提名後選舉，最終達至由代表全港選民的提名委員會按民主程序提名，由全港選民直接選舉。具體產生辦

法規定的「聯合公開提名」，已是最民主的提名方式，並無「循序漸進」的規定，「聯合公開提名」還可以怎樣循序漸進，相信只有喬曉陽自己知道。

基本法委員會的香港成員陳弘毅教授表示，對候選人進行「初選」也符合按民主程序提名；附件一的具體產生辦法，規定選舉委員會按民主程序提名後選舉，選委擁有提名權與選舉權是明文規定；第四十五條（2）的規定由提名委員會提名候選人，由全港選民直接選舉，提名委員會只有提名權而並無選舉的職能，絕對不可以通過「初選」提名候選人。「初選」提名相對於「聯合公開提名」亦是樣循序漸退，陳弘毅是港大法學院教授，但對《基本法》的論說大都是談奇怪論，使人懷疑陳弘毅是另類材料造成的教授。

《基本法》第四十五條（2）規定：「行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。」在附件一具體產生辦法的基礎上，最終達至由代表全港選民的提名委員會按民主程序提名，由全港選民通過一人一票選出行政長官，是行政長官最終達至由普選產生的規定，是全國人民代表大會按照具體情況以法律規定香港特別行政區實行的普選制度。除非可以提出比「聯合公開提名」更民主的提名方式，否則，「聯合公開提名」已是按民主程序提名的終極模式。

普選的提名委員會，參選人必須是合資格的香港選民，能夠代表全港選民的廣泛代表性提名委員會，必須由全港選民通過一人一票選出，也只有通過選民通過一人一票選出，才可符合廣泛代表性的要求，全港單一選區選舉是廣泛代表性的最大值。

爲使選舉有競爭性，提名規格應設定上下限。提名委員會的人數，應先確定行政長官候選人數及提名門檻，這是特區政府應展開全面而深入諮詢的議題，而不是由曾蔭權和林瑞麟磨合，泡製一個含山埃的菠蘿包及一個含砒霜的雞尾包，利用市民對《基本法》的無知，引誘然市民選擇。“民可使之由而不能使之知”，曾蔭權的理念與泛民的思維不謀而合。

附件一第七條規定：「二〇〇七年以後各任行政長官的產生辦法如需修改，須經立法會全體議員三分之二多數通過，行政長官同意，並報全國人民代表大會常務委員會批准。」第四十五條（2）規定，行政長官最終達至由普選產生，「如需修改」，應該是向普選目標推進的修改。

附件一第七條規定，「如需修改，須經立法會全體議員三分之二多數通過，」“三分之二多數通過”，不是立法會議員個人提案的的表決程序，“三分之二多數通過”已清晰標示立法會議員並無修改提案權。

“須經立法會全體議員三分之二多數通過” 立法會議員無權提案修改，誰可提交修改議案要求香港特區立法會通過？在一國兩制的條下，絕對不是中央人民政府或全國人大常委會，而是香港特別行政區政府，特區政府受行政長官領導，修改提案是行政長官的憲制權力。《基本法》的立法精神，「如而修改」的啓動應取決於多數民意，但曾蔭權是密當奴的忠實擁躉，「如而修改」的啓動權及修改的決定權，都已拱手讓予中央。

「二〇〇七年以後各任行政長官的產生辦法如需修改，須經立法會全體議員三分之二多數通過，行政長官同意，」“須經立法會全體議員三分之二多數通過” 三分之二多數通過是修改憲法的規格，經立法會全體議員三分之二多數通過，是等同於全國人大代表三分之二多數通過，行政長官同意只是需符合特區的憲政制度。特區的修改權，是由《基本法》第二十條“香港特別行政區可享有全國人民代表大會授予的其他權力”得到授權。

附件一第七條規定：「二〇〇七年以後各任行政長官的產生辦法如需修改，須經立法會全體議員三分之二多數通過，行政長官同意，並報全國人民代表大會常務委員會批准。」“立法會通過行政長官同意” 是香港特別行政區的立法程序，立法會通過行政長官同意已完立法程序，是已可實行的有效法案。“並報全國人民代表大會常務委員會批批准”，只是讓人大常委會知道的意思，不存在批准與否問題。

“如需修改，須經立法會全體議員三分之二多數通過及行政長官同意”，已,清晰標示中央人民政府及全國人大常委會並無憲制權力和角色。2004年4月6 日全國人大常委會主動「釋法」，規定附一和附件二如需修改，行政長官須向全國人大常委會提出報告，由人大常委會「根據香港特別行政區的實際情況和循序漸進的原則」確定；特區完成修改程序，最後由全國人民代表大會常務委員會「依法批准或者備案」，該修改方可生效。

《基本法》第一百五十九條明確規定：「本法的修改權屬於全國人民代表大會。」全國人大常委會並未獲得授權，又何來權力批准附件一的修改？立法會通過行政長官同意，是香港特別行政區的立法程序，是自治權範圍內事務的標誌；2004年4月6 日的「釋法」，全國人大常委會是將附件一及附件二的修改啓動權和決定權據爲己有，剝奪香港特區的自治權，顛覆國家的憲政制度，人大常委會是強盜中的強盜。

全國人大常委差不多個個都是石器時代的侏儒，生存的時空與相對現代文明的香港距離十萬八千年，以人大常委會的條件，又憑什麼標準「根據香港特別行政區的實際情況」作出判斷？人大常委會的憲制權力又出自何處？中央有足夠的政治影響力決定香港的普選時間，人大常委會竟然通過「釋法」，剝奪特區的自治權，踐踏《基本法》，破壞一國兩制，顛覆國家的憲政制度，人大常委會法治侏儒及野蠻的強盜作風表露無遺，「釋法」爲香港回歸史寫下最醜惡的一頁。

一九八九年二月公佈的《基本法》草案，附件一、二建議，在第三屆行政長官及第四屆立法會任內，通過全體選民投票的方式，以決定行政長官及全部立法會議員，是否以普選產生，而投票結果報全國人大常委會備案。最後定稿，附件一的修改，被改爲「報全國人民代表大會常務委員會批准」。

「備案」只是讓人大常委會知道的意思，不存在批准與否問題。由備案改爲批准，是違反一國兩制，違反國家的憲政制度，荒謬絕倫。

由備案改爲批准，也不能產生批准的法律效力，《基本法》的修改權屬於全國人民代表大會，全國人大常委會並無憲制權力批准附件一的修改，此是荒謬之一；立法會通過行政長官同意，是香港特別行政區的立法程序，是自治權範圍內事務的標誌，立法會通過行政長官同意，立法程序已完成，法案已經生效實施，人大常委會又怎能夠批准香港特別行政區已經實施的法案？此是荒謬之二；在一國兩制的條件下，香港特別行政區立法會通過的法律和議案，中央任何機構都無憲制權力批准，備案改爲批准，此是荒謬之三，是語無倫次的修改。

普選的路線圖和模式，全國人民代表大會在《基本法》已作出明確規定，認爲《基本法》沒有規定如何普選，是「偉大同志」搞搞新意思。03年七一之後，行政長官和立法會的普選一直被引導在環繞「循序漸進」及「普選」的定義爭拗，而不是引導市民根據附件一及附件二具體產生辦法的基礎上討論可修改的範圍，導致百花齊放引來群魔亂舞。

泛民主派也樂於奉陪，只是不斷強調， 普選須符合以《公民權利和政治權利國際公約》普及而平等的原則，N咁多種選舉模式，都能夠符合普及而平等的原則，泛民的主張係「俾位人哋

入」。泛民一直逃避討論《基本法》，水清則無魚，如普選的具體規定成爲市民的普遍認知，普選的定義已無爭拗的空間，也再無人可藉普選議題「抽水」。

曾蔭權早前與自由黨議員會面，諮詢施政報告的意見，政改方面，主席劉健儀要求政府展開全面而深入的諮詢，讓社會凝聚共識，按照《基本法》循序漸進；自由黨雖然保守，但仍然服從《基本法》。

反觀泛民陣營提出的行政長官選舉終極方案，竟然「自製篩選機制」，又要求中央公開向香港市民承諾，2017行政長官選舉，是沒有「篩選機制」的真普選；泛民一直逃避討論《基本法》，不斷打悲情牌，呼籲市民支持爭取真普選，泛民似乎樂見市民對《基本法》及政制問題的認知普遍模糊，使普選議題成爲永遠飄揚的旗幟。

一些泛民人士自鳴爲民主「流血流汗」二十多年，譏諷陳方安生忽然民主；但從現實和時光隧道可以發現，泛民不少都是冇原則、冇抱負、冇政治智慧的三無人員，高舉民主旗幟，不過是爲議席打拼。

明報——泛民普選終極方案 倡10萬選民提名可選特首及取消功能界別：
http://specials.mingpao.com/cfm/News.cfm?SpecialsID=137&News=cabb901b23ff0544cafa45133a5c7520acdec5673af4562e8088l9792a6674088e8c

許崇德——備案就是打個電話話我知：
http://news.sina.com.hk/cgi-bin/nw/show.cgi/925/3/1/1253364/1.html

《基本法》附例（第一屆行政長官產生辦法）：
http://www.basiclaw.gov.hk/tc/basiclawtext/attached_4.html

《基本法》附件一（第二屆行政長官產生辦法）；
http://www.basiclaw.gov.hk/tc/basiclawtext/annex_1.html

《基本法》第四十五條
http://www.basiclaw.gov.hk/tc/basiclawtext/chapter_4.html

全國人大常委會審議香港基本法附件條款解釋草案
http://big5.fmprc.gov.cn/gate/big5/www.fmcoprc.gov.hk/chn/yglz/zyjh/t82377.htm

全國人大常委會2004年4月「釋法」：
http://people.com.cn/BIG5/14576/28320/32776/32780/2432623.html

喬曉陽——民主程序須循序漸進，否則2017年普選行政長官須再延後：
http://www.cn.chinareviewnews.com/crn-webapp/search/allDetail.jsp?id=100589785&sw=%E4%B9%94%E6%99%93%E9%98%B3

曾蔭權見自由黨諮詢施政報告意見：
http://www.rthk.org.hk/rthk/news/expressnews/20090908/news_20090908_55_610659.htm

中華人民共和國憲法：
http://bo.io.gov.mo/bo/i/1999/constituicao/index_cn.asp

From: KwokKi YUEN
Sent: Monday, November 09, 2009 1:45 PM
To: cmabenq@cmab.gov.hk
Subject: My deliberated bilingual proposal for 2012 Constitutional Development. Yours sincerely. Mr. Yuen


suffrage.doc


suffrage_e.doc

作者：阮國基

支持 2012 雙選舉，啓向「民主進程」。

《2012 雙選舉安排》要告開展諮詢了。------ 誠言，我個人是委實認爲，既然《人大》已於 12/2007 明確表示，最早的《行政長官普選》、及《立法會全直選》，會在 2017、及 2020 年 "必" 舉行。爲促進「中、港關係 (合理地) 諧和」，避免任何不必要爭拗，我是看一切「政改」，應真以尊重此「終極目標」作設定的。

反而，爲望政府高層，能有效作「減肥纖體」，我卻真十分切望：早日，香港會以如正、副總統選舉模式，作正、副特首之選舉 (使政治問責更 "精簡") 的。另在正、副特首、及《三司》下，問責局應由今 12 個，減至最好 6 個。取消副局長及政治助理職位。各局長、配合 (由公務員升級出任) 常任秘書長，當領導各局。

在《特首選舉》上：以 3/2007 之 800 選委小圈子選舉 已能締造「左右交鋒」之二候選人 "良性競爭" 對壘局面，可見，它本身之「提名門檻」，已是適中。在此參選資格最低規定之上，「普選特首」大可簡易「循序漸進」便達成。如下：

	最少獲《選舉委員》提名數目
2007 年參加行政長官選舉	100 個 (或選委總數 1/8)
2012 年參加正、副行政長官選舉	100 個 (或選委總數 1/8)
2017 年參加正、副行政長官 "普選"	100 個 (或選委總數 1/8)

至於《立法會選舉》方面：首先，爲免令《公共開支》又要長期大增，我個人委實是認爲 60 總席位 不應 再增的。而以 2020 年《立法會全 60 席直選產生》爲 "終極目標" 作衡量，可想象到：它是可從 未來 3 屆逐步增 10 個直選議席，來達成一好恰當的「立法會漸進至全民主化」過程的。這如下：

	總席數
2008 立法會《地方直選》	30 個
2012 立法會《地方直選》	40 個
2016 立法會《地方直選》	50 個
2020 立法會《地方直選》	(全體) 60 個

隨著立法會 "直選" 議席，從上列 2012 起之 40 個、是 "超過一半" 的鋪排來看，可見，《基本法・附件二》是應作修改的了。《功能組別》該逐步減少。另「分組投票」的規定，實該予以取消。否則，立法會的議席 "漸進直選化" 至直選席位逐步由逾半、至佔全部之程序，就根本不可能啓動的了！

而另知據規定，各《立法會直選區》席數只可 "頂多 8 個"。故可料，從直選議席增加之勢，《立法會・五大直選區》是確有需要再作分拆了。像 2004 年起，一直是 8 席的《新界西》，實當分拆成譬如《新界西》、《新界南》分區。,,,,,, 只有這樣，各《直選區》才在長遠日後，也 不會呈應予席數超出 8 個 此上限了。

作者：阮國基

Support "democratic progress" in 2 suffrages of 2012

Consultation for the Arrangements of 2012's two Suffrages has to be initiated. Actually, I do honestly deem, under the People's Congress of China had announced that, the earliest "Universal Suffrage of Chief Executive/ s" & "General elections of the whole Legislative Council" of Hong Kong will, be able to take place in 2017 & 2020, all "constitutional development" of HK, ought to be really set upon the base of the "ultimate aim" for respect to China's authorities.

Contrarily, I do highly expect that, the top regime of HK Govt. will be at a 'strong-slim': By introduction of 1st-string, & Vice-Chief Executive election (as 1st-string-president with vice-president) for concision on political accountability in HK, no. of Bureaux should be reduced from present 12, to more ideal 6. ,,,,,,

For Chief Executive's election, under "left-right (benignant) competition" could already come true in the 2007 CE's Election of the small-circle 800-membership's election-committee, such "nominative threshold" seems to be apt, for future electoral prescription of CE & Vice-CE (2 official posts), as below:

	Min. nominations obtained from Election-Commissioners
Be candidate in 2007 CE's election	100 (1/8 of that Election-Committee)
Be candidates in 2012 1st-string, &Vice-CEs' election	100 (or 1/8 of all Election-Commissioners)
Be candidates in 2017 1st-string, &Vice-CEs' Universal-Suffrage	100 (or 1/8 of all Election-Commissioners)

As for Legislative Council Elections, I think it can take a "progressive democracy" by a "3-steps' way", to achieve the ultimate all-direct-elected membership of the Legislative Council of HK in 2020, as below:

	Total no. of seats
2008 Legislative Council Geographical-Constitutency	30 ones
2012 Legislative Council Geographical-Constitutency	40 ones
2016 Legislative Council Geographical-Constitutency	50 ones
2020 Legislative Council Geographical-Constitutency	(Whole) 60 ones

By 'over-half' will be for geographical-constituent seats in Legislative Council from 2012, obviously, the Appendix II of Basic Law ought to be revised. Beside the gradual-dwindle of Functional-Constituency, the prescription of "divisional votes" shall be cancelled. Otherwise, that "progressive democracy" of LegCo, from (proposed) over-half in 2012 to full will NOT be able to start!

In addition, by the no. of seats in a geographical-constituency of Legislative Council, is prescribed at 8 for its max., the 5-Large Geographical Constituencies of LegCo ought to be further divided. Like New Territories West, can be divided into NT-West & NT-South. Then, every geographical-constituency in LegCo Elections will in long-term, NOT appear that the seats ought to allocated be >8.

Author: YUEN Kwok-Ki

二〇〇九年十一月
November 2009

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二零一二年行政長官及立法會產生辦法諮詢文件

Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 Consultation Document

附錄二

策略發展委員會政制發展專題小組討論文件及意見摘要

Appendix II

Discussion papers and summary of views of the Task Group on Constitutional Development of the Commission on Strategic Development

二零零九年十一月

November 2009

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(I) 討論文件 (Discussion Papers)

序號 Serial No.	標題 Subject	會議日期 Date of Meeting
CDB001	未來會議的討論議題 Issues to be Discussed at Future Meetings (文件編號 Paper Ref: CSD/TGCD/1/2008)	第一次會議 1st Meeting 28.2.2008
CDB002	2012 年行政長官的產生辦法： 選舉委員會的人數和組成及提名安排 Method for Electing the Chief Executive in 2012 – Size and Composition of the Election Committee and Nominating Arrangements (文件編號 Paper Ref: CSD/TGCD/2/2008)	第一次會議 1st Meeting 28.2.2008
CDB003	2012 年立法會的產生辦法 Method for Forming the Legislative Council in 2012 (文件編號 Paper Ref: CSD/TGCD/3/2008)	第二次會議 2nd Meeting 27.3.2008
CDB004	2012年立法會產生辦法的進一步討論 Further Discussion on the Method for Forming the Legislative Council in 2012 (文件編號 Paper Ref: CSD/TGCD/4/2008)	第三次會議 3rd Meeting 25.4.2008
CDB005	有關2012年行政長官的產生辦法 – 意見歸納 Summary of discussions on the method for electing the Chief Executive in 2012 (文件編號 Paper Ref: CSD/TGCD/5/2008)	第四次會議 4th Meeting 27.6.2008
CDB006	有關 2012 年立法會的產生辦法 – 意見歸納 Summary of discussions on the method for forming the Legislative Council in 2012 (文件編號 Paper Ref: CSD/TGCD/6/2008)	第四次會議 4th Meeting 27.6.2008

(II) 意見摘要 (Summary of the views expressed at the meetings)

序號 Serial No.	標題 Subject	會議日期 Date of Meeting
CDB007	第一次會議 – 意見摘要 Summary of the views expressed at the first meeting	28.2.2008
CDB008	第二次會議 – 意見摘要 Summary of the views expressed at the second meeting	27.3.2008
CDB009	第三次會議 – 意見摘要 Summary of the views expressed at the third meeting	25.4.2008
CDB010	工作坊 – 意見摘要 Summary of the views expressed at the workshop	29.5.2008
CDB011	第四次會議 – 意見摘要 Summary of the views expressed in the fourth meeting	27.6.2008

2008年2月28日會議　　文件編號：CSD/TGCD/1/2008

策略發展委員會
政制發展專題小組

未來會議的討論議題

目的

本文件載列專題小組將於未來會議的討論議題，供委員備悉。

背景

2. 全國人民代表大會常務委員會(人大常委會)於2007年12月29日所作的《決定》，明確香港可於2017年普選行政長官，而在行政長官普選後，立法會全部議員可於2020年由普選產生。為落實普選，我們首先要處理當如何修改2012年的兩個選舉辦法。就此，行政長官特別成立本專題小組，在人大常委會《決定》的框架內，討論2012年的兩個選舉辦法。

3. 專題小組將於2008年2月28日舉行首次會議，其後將每月舉行一次會議。我們期望專題小組可於今年年中左右完成討論。

專題小組將討論的議題

4. 在是次會議，專題小組將討論2012年行政長官的產生辦法，包括選舉委員會的人數和組成及提名安排的不同方案(CSD/TGCD/2/2008)。

5. 往後會議的討論議題如下：

會議	討論議題	討論事宜
三月及四月	2012 年立法會的產生辦法	(i) 分區直選及功能界別的議席數目。 (ii) 功能界別的選民範圍及數目。 (iii) 應否維持有百分之二十可由持有外國居留權人士出任立法會議員的安排。
五月	工作坊	聽取學者、智庫，以及不同團體和人士就 2012 年兩個產生辦法提出的意見
六月	總結討論	

6. 請委員備悉上文第 5 段所列專題小組將討論的議題的清單。

政制及內地事務局
2008 年 2 月

For the meeting on 28 February 2008 Paper No : CSD/TGCD/1/2008

Commission on Strategic Development
Task Group on Constitutional Development

Issues to be Discussed at Future Meetings

Purpose

This paper invites Members to note the issues to be discussed at future meetings of this Task Group.

Background

2. The Decision made by the Standing Committee of the National People's Congress ("NPCSC") on 29 December 2007 makes it clear that the Chief Executive ("CE") may be elected by universal suffrage in 2017, and that after the CE is elected by universal suffrage, all members of the Legislative Council ("LegCo") may also be elected by universal suffrage in 2020. In attaining universal suffrage, we should first deal with the issue of how the two electoral methods for 2012 should be amended. In this regard, the CE has appointed this Task Group to discuss specifically the two electoral methods for 2012 within the framework set out by NPCSC's Decision.

3. The Task Group will hold its first meeting on 28 February 2008, and will meet once every month thereafter. We hope that the Task Group will complete discussions around the middle of this year.

Issues to be Discussed at Future Meetings

4. At this meeting, the Task Group will discuss issues relating to the method for electing the CE in 2012, including different options for the size and composition of the Election Committee and the nominating arrangements (CSD/TGCD/2/2008).

5. Issues to be discussed at future meetings are as follows:

Meetings	Discussion topics	Issues to be discussed
March & April	Electoral method for forming LegCo in 2012	(i) Number of geographical constituency and functional constituency (FC) seats. (ii) Delineation and size of the electorate of FCs. (iii) Whether the provision that the proportion of members who have the right of abode in foreign countries does not exceed 20 percent of the total membership of LegCo should be maintained.
May	Workshop	To listen to the views of academics, think tanks, as well as different organizations and individuals on the two electoral methods for 2012.
June	Conclusion of discussions	

6. Members are invited to note the list of issues for discussion as set out in paragraph 5 above.

Constitutional and Mainland Affairs Bureau
February 2008

2008年2月28日會議　　文件編號：CSD/TGCD/2/2008

策略發展委員會
政制發展專題小組

2012年行政長官的產生辦法：
選舉委員會的人數和組成及提名安排

引言

全國人民代表大會常務委員會(人大常委會)於2007年12月29日通過《關於香港特別行政區2012年行政長官和立法會產生辦法及有關普選問題的決定》(《決定》)，明確了香港達至普選的時間表。根據《決定》，香港可於2017年普選行政長官，而在行政長官普選後，立法會全部議員可於2020年由普選產生。

2. 與此同時，有關2012年行政長官和立法會的產生方法，《決定》訂明：

> "2012年香港特別行政區第四任行政長官的選舉，不實行由普選產生的辦法。2012年香港特別行政區第五屆立法會的選舉，不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議員各佔半數的比例維持不變，立法會對法案、議案的表決程序維持不變。在此前提下，2012年香港特別行政區第四任行政長官的具體產生辦法和2012年香港特別行政區第五屆立法會的具體產生辦法，可按照《中華人民共和國香港特別行政區基本法》第四十五條、第六十八條的規定和附件一第七條、附件二第三條的規定作出符合循序漸進原則的適當修改。"

3. 為落實普選，我們首先要在《決定》的框架下，處理如何修改2012年兩個選舉辦法，使選舉制度可進一步民主化，並

為邁向2017年普選行政長官和2020年普選立法會打好基礎。我們建議委員分階段討論2012年行政長官及立法會選舉辦法可如何修改。

4. 有關2012年的行政長官選舉，雖然《決定》已訂明不實行由普選產生的辦法，但仍留有足夠空間對選舉辦法作修改，提升民主成分，並作為邁向2017年普選的中途站。因此，委員在討論如何修改有關產生辦法時，應以《基本法》附件一的現行規定為基礎[1]，但可研究在選舉委員會的人數和組成及提名安排上根據香港特區的實際情況作出符合循序漸進原則的適當調整。就此，我們建議委員在符合《基本法》及《決定》的前提下，考慮以下的關鍵議題：

(a) 選舉委員會的委員人數；

(b) 如何在不同界別分配議席；

(c) 界別分組的組成，例如，應否增設新的界別分組，或把個別界別分組分拆或合併；

(d) 選舉委員會的選民基礎；及

(e) 提名行政長官候選人的安排。

5. 我們歸納了過去政制發展專責小組就2007年行政長官產生辦法和《政制發展綠皮書》就行政長官普選進行公眾諮詢所收集到的意見，以及上屆策略發展委員會管治及政治發展委員會的討論。據此，我們就上文第4段提出的關鍵議題列出不同方案，方便委員討論。

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[1] 根據《基本法》附件一，行政長官由一個有廣泛代表性的選舉委員會根據《基本法》選出，由中央人民政府任命。在提名候選人方面，規定不少於100名選舉委員可聯合提名行政長官候選人。每名委員只可提出一名候選人。

選舉委員會的現行組成

6. 根據《基本法》附件一的規定，行政長官由一個有廣泛代表性的選舉委員會根據《基本法》選出，由中央人民政府任命。

7. 選舉委員會委員共 800 人，由下列四個界別人士組成：

• 工商、金融界	200 人
• 專業界	200 人
• 勞工、社會服務、宗教等界	200 人
• 立法會議員、區域性組織代表、香港地區全國人大代表、香港地區全國政協委員的代表	200 人

8. 根據《基本法》附件一的規定，選舉委員會各個界別的劃分，以及每個界別中何種組織可以產生選舉委員的名額，由特區根據民主、開放的原則制定選舉法加以規定。各界別法定團體根據選舉法規定的分配名額和選舉辦法自行選出選舉委員會委員。

9. 《行政長官選舉條例》(第 569 章)按照《基本法》附件一的規定，就行政長官選舉，包括選舉委員會的組成，訂定詳細的法例規定和程序。選舉委員會的四個界別，由 38 個界別分組組成(詳情見附件一)。

2012 年選舉委員會的人數和組成

10. 正如上文第 2 段所述，2012 年行政長官的產生辦法應按照《基本法》第 45 條及附件一的規定作出符合循序漸進原則的適當修改。此外，根據《決定》，在實行行政長官普選時，須組成一個有廣泛代表性的提名委員會。提名委員會可參照《基本法》附件一有關選舉委員會的現行規定組成。

11. 在討論 2012 年選舉委員會的委員人數及組成時，我們建議考慮以下因素：

(i) 能否符合《基本法》附件一「具有廣泛代表性」的規定；及

(ii) 如何能加強選舉委員會的代表性及認受性。

(a) 選舉委員會的委員人數

12. 現時《基本法》附件一訂明選舉委員會共 800 人。當政制發展專責小組就 2007 年行政長官產生辦法進行公眾諮詢時，社會上較多意見認為應該增加選舉委員會的委員人數。

13. 至於上屆策發會的討論，以及《政制發展綠皮書》的公眾諮詢結果，就提名委員會的人數而言，較多意見支持提名委員會由 800 人或多於 800 人組成。雖然有政黨曾提出由少於 800 人組成提名委員會(由 60 名立法會議員組成)，但該建議在社會上沒有太大支持，而提出的政黨現在已支持由 1200 人組成提名委員會。

14. 我們建議委員集中討論由 800 人及多於 800 人組成 2012 年選舉委員會的方案。

(i) 由 800 人組成選舉委員會

15. 過去就 2007 年行政長官產生辦法所收集到的建議中，有意見提出選舉委員會人數應維持 800 人，理據包括：

(i) 目前的選舉委員會已具廣泛代表性；及

(ii) 若委員人數太多會令委員會運作困難。

(ii) 由多於 800 人組成選舉委員會

16. 過去就 2007 年行政長官產生辦法所收集到的意見中，認為應該增加選舉委員會委員人數的主要理據包括：

(i) 加強選舉委員會的代表性及認受性；

(ii) 讓更多社會人士參與，包括更多不同階層的代表；

(iii) 符合循序漸進及均衡參與的原則；及

(iv) 作為邁向普選的過渡安排。

17. 就具體人數，過去我們收到有不同意見：

(i) 過去就 2007 年行政長官產生辦法所收集到的建議中，較多意見提出把選舉委員會的人數增至 1200 或 1600 人，原因是這可讓更多社會各界人士參與，加強選舉委員會的代表性，亦可讓選舉委員會覆蓋更大的選民範圍及數目。亦有意見認為這可體現循序漸進原則；及

(ii) 就行政長官普選模式收集到的建議中，較多意見提出提名委員會由 1200 或 1600 人組成，以增強其代表性和認受性。亦有意見提出提名委員會人數應維持 800 人，或增至 1000 或 1800 人等。

(b) 如何在不同界別分配議席

18. 按照人大常委會的《決定》，在實行行政長官普選時，提名委員會可參照《基本法》附件一有關選舉委員會的現行規定組成。人大常委會副秘書長喬曉陽在去年 12 月 29 日在香港舉行的座談會上，說明人大常委會的《決定》「明確提名委員會可參照選舉委員會組成，就是要保持選舉委員會由四大界別組成的基本要素」。

19. 事實上，過去在有關 2007 年行政長官選舉辦法及行政長官普選模式的公眾諮詢中，不少意見認為選舉委員會及提名委員會應維持現有四個界別的組成，其中理據包括可確保均衡參與及

平衡各方利益。因此，我們建議委員在討論 2012 年選舉委員會的組成時，應以委員會維持目前四個界別為基礎，但可討論在不同界別的議席分配。

20. 至於如何在不同界別分配議席，過去所收集的相關意見提出了以下的主要方案。

(i) 維持四個界別的席位數目均等

21. 目前，四個界別在選舉委員會中各佔 25%的席位，即各有 200 個委員。假如增加選舉委員會的人數，一個方案是四個界別的席位平均地增加，維持四個界別的席位數目均等。

(ii) 調整四個界別席位數目的比例

22. 可考慮調整目前每個界別各佔 25%席位的比例，例如，過去就 2007 年行政長官產生辦法所收集到的意見中，有建議認為不同界別的委員人數毋須維持相同比例。此外，在行政長官普選模式的公眾諮詢中，有建議提出在擴大提名委員會人數時，可增加第一界別(即工商、金融界別)人數比例至 35%，以反映商界對香港的貢獻。

(iii) 增加區議員的席位數目

23. 目前區議員在選舉委員會內佔 42 個席位，過去有意見提出可考慮增加區議員所佔的席位數目，例如加入全體區議員或民選區議員，原因是由於區議員有民意基礎，這可增強市民在選舉委員會的參與。

(c) 界別分組的重組

24. 就選舉委員會現行的組成安排，過去有意見提出應考慮增加、分拆或合併某些界別分組，以反映社會發展。我們建議在討論相關方案時，應顧及下列因素：

(i) 能配合社會的發展及回應社會的訴求；

(ii) 切實可行，不會在社會引起極大爭議；及

(iii) 有關界別在社會上的重要性和代表性。

增加新的界別分組

25. 過去有建議提出可考慮增加新的界別分組，把席位分配予目前在選舉委員會未有代表的界別，以增強委員會的代表性。我們收集到不同有關增加新界別分組的意見，例如：

(i) 婦女界
有意見認為現時選舉委員會中女性參與比率偏低，不足以代表婦女界，所以建議增加婦女界的代表。

(ii) 青年界
有意見認為青年是社會未來的棟樑，並且佔人口的相當比重。青年團體一直推動加強青年參與公共事務，使他們成為成熟、有責任感、有貢獻的公民，因此建議在選舉委員會中加入青年的代表，提高青年人的政治意識。

(iii) 中小企界
有意見認為香港的中小型企業佔本港企業總數98%以上，並且僱用了大量的就業人口，對香港經濟穩定及發展起了積極的作用。因此，提出在選舉委員會中增設中小企的代表。

(iv) 輔助專業界
現時選舉委員會的第二界別為專業界，當中有 10 個界別分組[2]。有意見指部分輔助專業或其他行業在

[2] 十個專業界別分組分別為：會計界、建築、測量及都市規劃界、中醫

選舉委員會並無相關的界別分組(例如工程監督、建築設計技師、統計師等)，因此提出增設輔助專業人員界。

分拆現有界別分組

26. 過去有意見提出分拆現時在同一界別分組內的不同行業，使這些不同行業可各自選出其在選舉委員會的代表，令某些行業不會因選民數目較少而在選舉委員會內沒有來自本身的代表。就此，可考慮增設新的界別分組，或在現有的界別分組加入小組[3]，每個小組有一定數目的指定席位由其所屬分組撥出。

27. 我們收集到不同有關分拆界別分組的建議，例如：

(i) 醫學界

醫學界是由註冊醫生和註冊牙醫組成。由於醫生選民人數較多，過去該界別分組的選舉委員會委員都主要是醫生。因此，有意見認為應把牙醫界從現有醫學界分拆出來。

(ii) 衞生服務界

衞生服務界是主要由護士和其他醫療專業組成。由於護士選民人數較多，過去該界別分組的選舉委員會委員都主要是護士。因此，有意見認為應把醫療專業界從現有衞生服務界分拆出來。

合併現有界別分組

28. 過去有意見提出合併個別現有界別分組，例如，合併工

界、教育界、工程界、衞生服務界、高等教育界、資訊科技界、法律界、醫學界。

[3] 目前，體育、演藝、文化及出版界界別分組的委員席位平均分配給該界別分組的四個小組，即體育、演藝、文化及出版小組。

業及商界、金融及金融服務界、地產及建造界和建築、測量、都市規劃界等的可能性。

(d) 選舉委員會的選民基礎

29. 根據2007年正式登記冊的數字，選舉委員會的合資格投票人約為217,496，包括15,572團體及201,924個別人士(見附件二)。

30. 過去有意見認為目前800人的選舉委員會已具廣泛代表性，但亦有意見提出，為了加強選舉委員會的代表性，應考慮如何擴大其選民基礎。

31. 若委員認為應擴大選舉委員會的選民基礎，可討論以下我們曾收到的建議。

(i) 調整界別分組的選民範圍

32. 為配合行業的發展，過去有意見提出可考慮調整某些界別分組內合資格的選民範圍，例如現時中醫界的選民為指定中醫團體的中醫成員，有意見提出把選民範圍改為根據《中醫藥條例》(第549章)註冊的註冊中醫。

33. 此外，部分界別分組內的行業會按照從業員的學歷、經驗等界定選民資格。有意見提議放寬選民資格，例如，工程界的選民範圍是根據《工程師註冊條例》(第409章)註冊的專業工程師，及有權在香港工程師學會的大會上表決的會員。有建議提出把香港工程師學會的仲會員及初級會員納入成為工程界的選民基礎之內。

34. 亦有意見提出在個別界別分組加入界別中新興的行業，例如有意見提出把物業管理納入地產及建造界別分組。

(ii) 把「公司/團體票」轉為「董事/個人票」

35. 過去我們收到意見提出把「公司/團體票」轉為「董事/個人票」，以擴大選民基礎，加強選舉委員會的民主成份。不過，我們亦收到意見反對把團體票改為個人票，認為這不符合設立相關界別分組的原意。

提名行政長官候選人的現行規定

36. 《基本法》附件一規定不少於100名選舉委員(即選舉委員會總人數的八分之一)可聯合提名行政長官候選人。每名委員只可提出一名候選人。

2012年行政長官選舉的提名安排

37. 過去在有關2007年行政長官選舉辦法的公眾諮詢中，對於應否調節提名行政長官候選人所需的委員數目有不同意見，包括：

(i) 提名所需委員人數應維持100名，在增加選舉委員會委員數目的情況下，這等同建議降低提名所需人數的比例；

(ii) 提名所需人數應維持於佔總人數八分之一的比例，如果選舉委員會人數有所增加，所需提名人數亦應有所提高，以確保候選人有足夠支持；

(iii) 應減少提名所需人數，這可讓更多人士參與選舉；及

(iv) 應增加提名所需人數，這可提高行政長官候選人的代表性。

38. 過去亦有建議提出應考慮是否為提名所需委員數目設立上限。提出應設立提名上限的意見認為，這可讓更多有意參選的人士參與選舉。不過，亦有意見認為不應增設提名上限，以免影響選舉委員提名的權利，及沒有必要限制候選人可以得到的提名

數目。

總結

39. 有關 2012 年的選舉委員會的人數和組成及提名行政長官候選人的安排，特區政府就上文第 10-38 段所述的議題未有任何既定立場。我們建議委員聚焦討論：

(i) 選舉委員會的人數應維持 800 人或多於 800 人；

(ii) 應如何在不同界別分配議席，例如應否維持四個界別席位數目均等、調整四個界別的席位數目，或增加區議員的席位數目；

(iii) 應否增加、分拆或合併個別界別分組；

(iv) 應否(及如何)調整選民基礎；及

(v) 應否調節提名行政長官候選人所需的委員數目及應否設立提名上限。

40. 就以上問題，我們樂意聽取委員的意見。

政制及內地事務局
2008 年 2 月

附件一

選舉委員會的組成

第一界別(工商、金融界)

	界別分組	委員數目
1.	飲食界	11
2.	商界(第一)	12
3.	商界(第二)	12
4.	香港僱主聯合會	11
5.	金融界	12
6.	金融服務界	12
7.	香港中國企業協會	11
8.	酒店界	11
9.	進出口界	12
10.	工業界(第一)	12
11.	工業界(第二)	12
12.	保險界	12
13.	地產及建造界	12
14.	紡織及製衣界	12
15.	旅遊界	12
16.	航運交通界	12
17.	批發及零售界	12

第二界別(專業界)

	界別分組	委員數目
18.	會計界	20
19.	建築、測量及都市規劃界	20
20.	中醫界	20
21.	教育界	20
22.	工程界	20
23.	衞生服務界	20
24.	高等教育界	20
25.	資訊科技界	20
26.	法律界	20
27.	醫學界	20

第三界別(勞工、社會服務、宗教等界)

	界別分組	委員數目
28.	漁農界	40
29.	勞工界	40
30.	宗教界*	40
31.	社會福利界	40
32.	體育、演藝、文化及出版界	40

第四界別(立法會議員、區域性組織代表、香港地區全國人大代表、香港地區全國政協委員的代表)

	界別分組	委員數目
33.	全國人民代表大會	36
34.	立法會	60
35.	中國人民政治協商會議	41
36.	鄉議局	21
37.	港九各區議會	21
38.	新界各區議會	21

* 宗教界界別分組六個指定團體提名的委員人數如下：

	委員數目
• 天主教香港教區	(7 人)
• 中華回教博愛社	(6 人)
• 香港基督教協進會	(7 人)
• 香港道教聯合會	(6 人)
• 孔教學院	(7 人)
• 香港佛教聯合會	(7 人)

附件二

選舉委員會界別分組投票人
(2007年正式登記冊的數字)

名稱		已登記為投票人的數目		
		團體	個人	總數
第一界別				
1	飲食界	474	7,530	8,004
2	商界 (第一)	1,008		1,008
3	商界 (第二)	723	994	1,717
4	香港僱主聯合會	112		112
5	金融界	131		131
6	金融服務界	569		569
7	香港中國企業協會	309	8	317
8	酒店界	95		95
9	進出口界	778	585	1,363
10	工業界 (第一)	751	0	751
11	工業界 (第二)	522		522
12	保險界	138		138
13	地產及建造界	431	304	735
14	紡織及製衣界	3,721	88	3,809
15	旅遊界	872		872
16	航運交通界	180		180
17	批發及零售界	1,726	2,474	4,200
	小計	12,540	11,983	24,523
第二界別				
1	會計界		20,326	20,326
2	建築、測量及都市規劃界		5,556	5,556
3	中醫界		4,162	4,162
4	教育界		77,851	77,851
5	工程界		7,688	7,688

名稱		已登記為投票人的數目		
		團體	個人	總數
6	衞生服務界		35,369	35,369
7	高等教育界		6,735	6,735
8	資訊科技界	260	4,709	4,969
9	法律界		5,480	5,480
10	醫學界		9,952	9,952
	小計	260	177,828	178,088
第三界別				
1	漁農界	160		160
2	勞工界	556		556
3	社會福利界	250	11,327	11,577
4	體育、演藝、文化及出版界	1,806	79	1,885
	小計	2,772	11,406	14,178
第四界別				
1	中國人民政治協商會議		120	120
2	鄉議局		147	147
3	港九各區議會		216	216
4	新界各區議會		224	224
	小計		707	707
	總數	**15,572**	**201,924**	**217,496**

For the meeting on 28 February 2008 Paper No：CSD/TGCD/2/2008

Commission on Strategic Development
Task Group on Constitutional Development

Method for Electing the Chief Executive in 2012 - Size and Composition of the Election Committee and Nominating Arrangements

Introduction

On 29 December 2007, the Standing Committee of the National People's Congress ("NPCSC") adopted the "Decision on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage" ("the Decision"), which makes clear the timetable for attaining universal suffrage in Hong Kong. According to the Decision, the Chief Executive ("CE") may be elected by universal suffrage in 2017 and, after the CE has been elected by universal suffrage, all members of the Legislative Council ("LegCo") may be elected by universal suffrage in 2020.

2. At the same time, regarding the methods for electing the CE and for forming LegCo in 2012, the Decision provides that:

> "The election of the fourth CE of the Hong Kong Special Administrative Region ("HKSAR") in the year 2012 shall not be implemented by the method of universal suffrage. The election of the fifth term LegCo of the HKSAR in the year 2012 shall not be implemented by the method of electing all the members by universal suffrage. The half-and-half ratio between members returned by functional constituencies and members returned by geographical constituencies through direct elections shall remain unchanged. The procedures for voting on bills and motions in the LegCo shall remain unchanged. Subject to the aforementioned, appropriate amendments conforming to the principle of gradual and orderly progress may be made to the specific method for selecting the fourth CE of the HKSAR in the year 2012 and the specific method for forming the fifth term LegCo of the HKSAR in the year 2012 in accordance with the provisions of Articles 45 and 68, and those of Article 7 of Annex I and Article III of Annex II to the Basic Law of the HKSAR of the People's Republic of China."

3. In attaining universal suffrage, we should first deal with the issue of how the two electoral methods for 2012 should be amended within the framework set out by the Decision, so as to allow the electoral system to be further democratised. This will lay a solid foundation for attaining universal suffrage for the CE in 2017 and for the LegCo in 2020. We suggest members address in different stages as to how the electoral methods for electing the CE and for forming LegCo in 2012 should be amended.

4. Regarding the CE election in 2012, although the Decision stipulates that it shall not be implemented by the method of universal suffrage, there is still ample room for making amendments to the electoral method to enhance its democratic elements. This will serve as a midway station en route to universal suffrage in 2017. Hence, in discussing how the concerned electoral method should be amended, while members should take the existing provisions of Annex I to the Basic Law as the basis[1], consideration can be given to making appropriate adjustments conforming to the principle of gradual and orderly progress to the size and composition of the Election Committee and the nominating arrangements in the light of the actual situation in Hong Kong. In this regard, on the basis that the Basic Law and the Decision must be complied with, we suggest members consider the following key issues:

(a) size of the Election Committee;

(b) how the seats should be allocated among different sectors;

(c) composition of the subsectors, e.g. whether new subsectors should be established or whether individual subsectors should be split or merged;

(d) electorate base of the Election Committee; and

(e) arrangements for nominating CE candidates.

5. To facilitate members' discussion, we have consolidated the views collected during the public consultation exercise conducted by the Constitutional Development Task Force ("the Task Force") on the method for electing the CE in 2007 and those collected during the public consultation on the Green Paper on Constitutional Development ("the Green Paper") regarding the election of the CE by universal suffrage, as well as those expressed at the discussion of the Committee on Governance and Political Development of the previous Commission

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[1] In accordance with Annex I to the Basic Law, the CE shall be elected by a broadly representative Election Committee in accordance with the Basic Law and appointed by the Central People's Government. Regarding the nomination of candidates, candidates for the office of CE may be nominated jointly by not less than 100 members of the Election Committee. Each member may nominate only one candidate.

on Strategic Development ("CSD"). On this basis, we have set out various options regarding the key issues mentioned in paragraph 4 above.

Current Composition of the Election Committee

6. In accordance with the provisions of Annex I to the Basic Law, the CE shall be elected by a broadly representative Election Committee in accordance with the Basic Law and appointed by the Central People's Government.

7. The 800-member Election Committee is composed of members from the following four 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

8. In accordance with the provisions of Annex I to the Basic Law, the delimitation of the various sectors of the Election Committee, 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 HKSAR 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.

9. The Chief Executive Election Ordinance (Cap. 569) stipulates, in accordance with the provisions of Annex I to the Basic Law, the detailed statutory requirements and procedures governing the election of the CE, including the composition of the Election Committee. The four sectors of the Election Committee are constituted by 38 subsectors (please refer to Annex I for details).

Size and Composition of the Election Committee in 2012

10. As mentioned in paragraph 2 above, appropriate amendments conforming to the principle of gradual and orderly progress and in compliance

with the provisions of Article 45 and Annex I of the Basic Law should be made to the method for selecting the CE in 2012. Moreover, according to the Decision, in selecting the CE by the method of universal suffrage, a broadly representative nominating committee shall be formed. The nominating committee may be formed with reference to the current provisions regarding the Election Committee in Annex I to the Basic Law.

11. In discussing the size and composition of the Election Committee in 2012, we suggest that the following factors be taken into account:

(i) whether the requirement of "broadly representative" as set out in Annex I to the Basic Law can be complied with; and

(ii) how to enhance the representativeness and legitimacy of the Election Committee.

(a) Size of the Election Committee

12. At present, Annex I to the Basic Law prescribes that the Election Committee shall be composed of 800 members. During the public consultation on the method for electing the CE in 2007 conducted by the Task Force, there were more views within the community that the number of members of the Election Committee should be increased.

13. As for the discussion of the previous term CSD and the results of the public consultation on the Green Paper, regarding the size of the nominating committee, there were more views supporting that the nominating committee should be composed of 800 or more than 800 members. Although a political party had once proposed forming the nominating committee by less than 800 members (by 60 LegCo members), the proposal did not receive much support within the community, and the political party which put forth the proposal now supports the formation of the nominating committee by 1200 members.

14. We suggest that members focus the discussion on the options of forming the Election Committee in 2012 by 800 or more than 800 members.

(i) Forming the Election Committee by 800 members

15. Among the proposals received previously on the method for electing the CE in 2007, there are views that the size of the Election Committee should remain at 800 members. The reasons include:

(i) the existing Election Committee already has broad representation; and

(ii) too large a membership will cause operational difficulties for the committee.

(ii) Forming the Election Committee by more than 800 members

16. Among the proposals received previously on the method for electing the CE in 2007, the major reasons for enlarging the size of the Election Committee include:

(i) to enhance the representativeness and legitimacy of the Election Committee;

(ii) to allow wider participation of the community, including representatives of different strata of society;

(iii) to be consistent with the principle of gradual and orderly progress and balanced participation; and

(iv) to serve as a transitional arrangement leading to universal suffrage.

17. Regarding the specific number of members, we have previously received diverse views:

(i) among the proposals received previously on the method for electing the CE in 2007, there are more views suggesting that the number of members of the Election Committee should be increased to 1200 or 1600. The reasons are that an expanded Election Committee may allow greater participation by more people from different sectors of the community, thereby enhancing the representativeness of the Election Committee. This may also broaden the electorate base of the Election Committee. There are also views that this can realize the principle of gradual and orderly progress; and

(ii) among the proposals received on the models for implementing universal suffrage for the CE, there are more views suggesting that the nominating committee should be formed by 1200 or 1600 members, so as to enhance its representativeness and legitimacy. There are also views suggesting that the size of the nominating committee should remain at 800 members, or should be expanded to 1000 or 1800 members, etc.

(b) <u>How the seats should be allocated to different sectors</u>

18. According to the NPCSC's Decision, in selecting the CE by the

method of universal suffrage, the nominating committee may be formed with reference to the current provisions regarding the Election Committee in Annex I to the Basic Law. In the seminar held on 29 December last year, Mr Qiao Xiaoyang, Deputy Secretary-General of the NPCSC, explained that the NPCSC's Decision "has made it clear that the nominating committee may be formed with reference to the current Election Committee, that is the basic element of forming the Election Committee by the four sectors should be preserved".

19. As a matter of fact, in the previous public consultation exercises on the method for electing the CE in 2007 and that for implementing universal suffrage for the CE, there are quite a number of views which suggest that the existing composition of four sectors should be maintained for the Election Committee and the nominating committee. The reasons include, amongst others, that this can ensure balanced participation and representation of the interests of different sectors of the community. Hence, we suggest that members discuss the composition of the Election Committee to be formed in 2012 on the basis that the four existing sectors would be maintained, but the allocation of seats among the sectors can be discussed.

20. On the allocation of seats among different sectors, the major options put forth by the relevant proposals received previously are as follows.

(i) Maintaining equal number of seats in the four sectors

21. Currently, each of the four sectors takes up 25% of the seats of the Election Committee, i.e. each sector comprises 200 members. If the size of the Election Committee is enlarged, one option is to increase the number of seats of the four sectors evenly, maintaining the arrangement that the four sectors take up an equal number of seats.

(ii) Adjusting the proportion of seats among the four sectors

22. Consideration can be given to adjusting the existing proportion that each sector takes up 25% of the seats. For example, among the proposals received previously on the method for electing the CE in 2007, there are views which suggest that it is not necessary to maintain the same proportion of seats among different sectors. Moreover, in the public consultation on the model for implementing universal suffrage for the CE, there are views suggesting that, if the size of the nominating committee is enlarged, the percentage of members of the First Sector (i.e. the industrial, commercial and financial sector) should be increased to 35%, so as to reflect the contribution made by the business sector to Hong Kong.

(iii) Increasing the number of seats allocated to District Council members

23. At present, District Council members take up 42 seats of the Election Committee. We have previously received proposals that consideration can be given to increasing the number of seats allocated to District Council members (e.g. to include all District Council members or only elected District Council members in the Election Committee). The reason is that as District Council members have a public mandate, this can enhance public participation in the Election Committee.

(c) Reorganising the subsectors

24. Regarding the current composition of the Election Committee, we have previously received proposals that consideration should be given to increasing the number of subsectors, splitting or merging certain subsectors, so as to reflect the development of society. In discussing the relevant options, we suggest taking into account the following factors:

(i) whether the option can tie in with the development of society and respond to public aspiration;

(ii) whether the option is practicable and will not give rise to very serious dispute within the community; and

(iii) the importance and representativeness of the concerned sectors in society.

Establishing new subsectors

25. We have previously received proposals that consideration should be given to establishing new subsectors, with the additional seats allocated to sectors which are currently not represented in the Election Committee. This is to enhance the representativeness of the Election Committee. We have received various proposals relating to establishment of new subsectors, with the following examples.

(i) Women subsector

There are views that women's participation in the current Election Committee is relatively low, and that women are underrepresented. Hence, there is a suggestion that a subsector for women should be established.

(ii) Youth subsector

There are views that youth are the future pillars of society and

represent a substantial portion of the population. Youth groups have been promoting participation of young people in public affairs, so as to enable them to become mature and responsible citizens who will contribute to the community. Hence, there is a suggestion that a subsector for youth should be added to the Election Committee, so as to enhance the political awareness of young people.

(iii) Small and medium enterprises (SMEs) subsector

There are views that the SMEs account for over 98% of the total number of enterprises in Hong Kong, and employ a substantial portion of the labour force. SMEs have made positive contribution to the stability and development of the Hong Kong economy. Hence, there is a suggestion that a subsector representing the SMEs should be added to the Election Committee.

(iv) Auxiliary profession subsector

In the current Election Committee, the Second Sector comprises 10 professional subsectors[2]. There are views that as some auxiliary professions and other occupations are not represented by any subsector of the Election Committee (e.g. clerks of works, architectural technologists, statisticians, etc), a subsector for auxiliary professions should be established.

Splitting the existing subsectors

26. We have previously received proposals that certain subsectors comprising different trades should be split. This can allow different trades to elect their own representatives to the Election Committee, so that certain trades will not fail to be represented in the Election Committee due to their relatively small number of electors. In this regard, consideration can be given to establishing new subsectors, or forming sub-subsectors under the existing subsectors[3]. Each sub-subsector will be allocated a specified number of designated seats from the subsector which it belongs to.

27. We have received various proposals on the splitting of subsectors, with the following examples.

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[2] The 10 professional subsectors are: Accountancy, Architectural, Surveying and Planning, Chinese Medicine, Education, Engineering, Health Services, Higher Education, Information Technology, Legal, and Medical subsectors.

[3] Currently, the seats allocated to the Sports, performing arts, culture and publication subsector are divided equally among the four sub-subsectors constituting that subsector, namely sports, performing arts, culture and publication sub-subsectors.

(i) Medical subsector

The Medical subsector is constituted by registered doctors and registered dentists. Given doctors comprise a larger portion of the subsector electors, Election Committee members previously elected to represent the subsector are mainly doctors. Hence, there is a suggestion that dentists should be split from the current Medical subsector.

(ii) Health Services subsector

The Health Services subsector comprises mainly nurses and other health professionals. Given nurses comprise a larger portion of the subsector electors, Election Committee members previously elected to represent the subsector are mainly nurses. Hence, there is a suggestion that health professionals should be split from the existing Health Services subsector.

Merging the existing subsectors

28. We have previously received proposals suggesting that individual subsectors should be merged, for example, the possibility of merging the Industrial subsector with the Commerce subsector, the Finance subsector with the Financial Services subsector, the Real Estate and Construction subsector with the Architectural, Surveying and Planning subsector, etc.

(d) Electorate Base of the Election Committee

29. According to the figures of the 2007 final register of voters, there are 217,496 eligible voters of the Election Committee, including 15,572 bodies and 201,924 individuals (please refer to Annex II).

30. We have previously received proposals that the existing 800-member Election Committee is already broadly representative. However, there are also views that consideration should be given to expanding the electorate base, so as to enhance the representativeness of the Election Committee.

31. If members consider that the electorate base of the Election Committee should be expanded, members may discuss the following proposals that we have received previously.

(i) Adjusting the delineation of subsector electorate

32. We have previously received proposals suggesting that, to tie in with

the development of various trades, consideration may be given to adjusting the delineation of the electorate of certain subsectors. For example, at present, the electors of the Chinese Medicine subsector are Chinese medicine practitioners of designated Chinese medical bodies. There is a suggestion that the delineation of the electorate should be amended to include all registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap. 549).

33. Moreover, the eligibility of electors of some subsectors is defined by academic qualifications, experiences, etc. of the professionals of the relevant trades. There are views that the eligibility criteria of electors should be relaxed. For example, the Engineering subsector is composed of professional engineers registered under the Engineers Registration Ordinance (Cap. 409) and members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution. There is a suggestion that associate and junior members of the Hong Kong Institution of Engineers should also be included as part of the electorate base.

34. Also, there are views that emerging business should be included in the relevant subsectors; for example, there is a suggestion that estate management should be included among the constituents of the Real Estate and Construction subsector.

(ii) Replacing corporate votes with director's or individual's votes

35. We have previously received proposals suggesting that corporate votes should be replaced with director's or individual's votes, so as to broaden the electorate base and enhance the democratic elements of the Election Committee. However, we have also received views objecting to the replacement of corporate votes with individual's votes for the reason that this will not be consistent with the original intent of establishing the relevant subsectors.

Existing requirements for nominating CE candidates

36. Annex I to the Basic Law provides that candidates for the office of CE may be nominated jointly by not fewer than 100 members of the Election Committee (i.e. one-eighth of total membership of the Election Committee). Each member may nominate only one candidate.

Nominating arrangements for the CE election in 2012

37. In the previous public consultation on the method for electing the CE in 2007, there are diverse views on whether the number of subscribers for nominating CE candidates should be adjusted, including:

(i) the requirement of not less than 100 subscribers should be maintained. If the number of Election Committee members is increased, the threshold in proportional terms will in practice be lowered;

(ii) the number of subscribers required should be maintained at the ratio of one-eighth of total membership. If the number of Election Committee members is increased, the number of subscribers should also be increased to ensure that candidates have sufficient support;

(iii) the number of subscribers required should be reduced to allow more potential candidates to take part in the election; and

(iv) the number of subscribers should be increased to enhance the representativeness of CE candidates.

38. We have previously received proposals suggesting that consideration should be given to setting an upper limit for the number of subscribers, so as to enable more potential candidates to take part in the election. However, there are views that such a limit should not be put in place, so as not to affect the right of members of Election Committee to nominate candidates, and that it is not necessary to restrict the number of nominations that a candidate may obtain.

Conclusion

39. Regarding the size and composition of the Election Committee and the arrangements for nominating CE candidates in 2012, the HKSAR Government does not have any established position on the issues set out in paragraphs 10-38 above. We suggest that members focus the discussion on:

(i) whether the size of the Election Committee should be maintained at 800 members or should be expanded to more than 800 members;

(ii) how the seats should be allocated to different sectors, for example, whether the arrangement that the four sectors take up an equal number of seats should be maintained, whether the proportion of seats in the four sectors should be adjusted, or whether the number of seats allocated to District Council members should be increased;

(iii) whether new subsectors should be established, and whether certain subsectors should be split or merged;

(iv) whether (and if so, how) the electorate base should be adjusted; and

(v) whether the number of subscribers for nominating CE candidates

should be adjusted, and whether an upper limit should be set for the number of subscribers.

40. We welcome members' views on these issues.

Constitutional and Mainland Affairs Bureau
February 2008

Annex I

Composition of the Election Committee

First Sector (Industrial, commercial and financial sectors)

	Subsector	Number of members
1.	Catering	11
2.	Commercial (First)	12
3.	Commercial (Second)	12
4.	Employers' Federation of Hong Kong	11
5.	Finance	12
6.	Financial services	12
7.	Hong Kong Chinese Enterprises Association	11
8.	Hotel	11
9.	Import and export	12
10.	Industrial (First)	12
11.	Industrial (Second)	12
12.	Insurance	12
13.	Real estate and construction	12
14.	Textiles and garment	12
15.	Tourism	12
16.	Transport	12
17.	Wholesale and retail	12

Second Sector (The professions)

	Subsector	Number of members
18.	Accountancy	20
19.	Architectural, surveying and planning	20
20.	Chinese medicine	20
21.	Education	20
22.	Engineering	20
23.	Health services	20
24.	Higher education	20
25.	Information technology	20
26.	Legal	20
27.	Medical	20

Third Sector (Labour, social services, religious and other sectors)

	Subsector	Number of members
28.	Agriculture and fisheries	40
29.	Labour	40
30.	Religious*	40
31.	Social welfare	40
32.	Sports, performing arts, culture and publication	40

Fourth Sector **(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)**

	Subsector	Number of members
33.	National People's Congress	36
34.	Legislative Council	60
35.	Chinese People's Political Consultative Conference	41
36.	Heung Yee Kuk	21
37.	Hong Kong and Kowloon District Councils	21
38.	New Territories District Councils	21

* The number of members to be nominated by each of the six designated bodies of the religious subsector are as follows:

	Number of members
Catholic Diocese of Hong Kong	7
Chinese Muslim Cultural and Fraternal Association	6
Hong Kong Christian Council	7
The Hong Kong Taoist Association	6
The Confucian Academy	7
The Hong Kong Buddhist Association	7

Annex II

The Voters for Election Committee Subsectors (Number of 2007 Final Register of Voters)

Name of Subsectors		Number of Registered Voters		
		Bodies	**Individual**	**Total**
First Sector				
1	Catering	474	7,530	8,004
2	Commercial (First)	1,008		1,008
3	Commercial (Second)	723	994	1,717
4	Employers' Federation of Hong Kong	112		112
5	Finance	131		131
6	Financial Services	569		569
7	Hong Kong Chinese Enterprises Association	309	8	317
8	Hotel	95		95
9	Import and Export	778	585	1,363
10	Industrial (First)	751	0	751
11	Industrial (Second)	522		522
12	Insurance	138		138
13	Real Estate and Construction	431	304	735
14	Textiles and Garment	3,721	88	3,809
15	Tourism	872		872
16	Transport	180		180
17	Wholesale and Retail	1,726	2,474	4,200
	Sub-total	12,540	11,983	24,523
Second Sector				
1	Accountancy		20,326	20,326
2	Architectural, Surveying and Planning		5,556	5,556

Name of Subsectors		Number of Registered Voters		
		Bodies	**Individual**	**Total**
3	Chinese Medicine		4,162	4,162
4	Education		77,851	77,851
5	Engineering		7,688	7,688
6	Health Services		35,369	35,369
7	Higher Education		6,735	6,735
8	Information Technology	260	4,709	4,969
9	Legal		5,480	5,480
10	Medical		9,952	9,952
	Sub-total	260	177,828	178,088
Third Sector				
1	Agriculture and Fisheries	160		160
2	Labour	556		556
3	Social Welfare	250	11,327	11,577
4	Sports, Performing Arts, Culture and Publication	1,806	79	1,885
	Sub-total	2,772	11,406	14,178
Fourth Sector				
1	Chinese People's Political Consultative Conference		120	120
2	Heung Yee Kuk		147	147
3	Hong Kong and Kowloon District Councils		216	216
4	New Territories District Councils		224	224
	Sub-total		707	707
	Total	**15,572**	**201,924**	**217,496**

2008 年 3 月 27 日會議　　文件編號：CSD/TGCD/3/2008

策略發展委員會
政制發展專題小組

2012 年立法會的產生辦法

引言

委員於上一次的會議上，已就 2012 年行政長官的產生辦法作討論(文件 CSD/TGCD/2/2008)。本文件旨在提供背景資料，讓委員討論在符合《基本法》及全國人民代表大會常務委員會(人大常委會)於去年 12 月 29 日通過的《決定》下，2012 年立法會的產生辦法。

2. 根據《決定》，香港可於 2017 年普選行政長官，而在行政長官普選後，立法會全部議員，可於 2020 年由普選產生。

3. 至於有關 2012 年立法會選舉，《決定》訂明：

> "2012 年香港特別行政區第五屆立法會的選舉，不實行全部議員由普選產生的辦法，功能團體和分區直選產生的議員各佔半數的比例維持不變，立法會對法案、議案的表決程序維持不變。"

根據《決定》，2012 年第五屆立法會的具體產生辦法，可按照《基本法》第六十八條的規定和附件二第三條的規定作出符合循序漸進原則的適當修改。

4. 有關 2012 年立法會選舉，雖然《決定》已訂明不實行全部議員由普選產生的辦法，而功能團體和分區直選產生的議員各佔半數的比例維持不變，但仍有足夠空間對選

舉辦法作修改，提升民主成分。在符合《基本法》及《決定》的前提下，我們建議委員討論以下的關鍵議題：

(a) 立法會議席數目；

(b) 分區直選所產生的議席數目；

(c) 功能界別選舉所產生的議席數目；

(d) 功能界別的選民範圍及數目；及

(e) 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

5. 我們歸納了過去政制發展專責小組(專責小組)就2008年立法會產生辦法進行公眾諮詢所收集的意見，就上文第4段提出的關鍵議題列出不同方案，方便委員討論。

立法會的現行組成

6. 根據《基本法》附件二的規定，立法會議員每屆60人。附件二訂明首三屆立法會的組成，而就第三屆立法會的組成而言，分區直選和功能界別選舉產生的議席數目各為30席。

7. 至於2008年第四屆立法會，根據人大常委會2004年4月6日的《解釋》，《基本法》附件二中規定的立法會產生辦法如果不作修改，《基本法》附件二關於第三屆立法會產生辦法的規定和附件二關於法案、議案的表決程序的規定仍然適用。由於特區政府在2005年提出修改2008年立法會選舉的建議方案，未能達到《基本法》要求獲立法會全體議員三分之二多數通過，第四屆的立法會產生辦法將維持不變。

8. 《立法會條例》(第542章)按照《基本法》附件二

的規定，就地方選區的劃界、分區直選的選舉方法、功能界別的劃分、其議席分配和選舉方法等訂出詳細規定。

9. 分區直選方面，《立法會條例》規定地方選區數目須為五個。30個分區直選產生的議席大致上按選區的人口比例分佈，詳情如下：

地方選區	議席數目[1]
香港島	6
九龍東	4
九龍西	5
新界東	7
新界西	8

10. 地方選區選舉採用比例代表制下的名單投票制，並以最大餘額方法計算選舉結果。候選人以名單形式參選，每份名單的候選人人數最多可達有關選區所設的議席數目。每名選民可投一票，支持一份參選名單。議席按照各份名單獲得的票數分配。

11. 功能界別選舉方面，《立法會條例》規定設立28個功能界別，詳見附件一。除勞工界功能界別佔三個議席外，其他所有功能界別各佔一議席。

2012年立法會的產生辦法

12. 在討論2012年立法會的產生辦法時，我們建議委員應考慮以下因素：

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1 由於九龍西地方選區的人口預算將超越九龍東的人口，選舉管理委員會建議在2008年起將九龍西地方選區的議席數目由四個增加至五個，而九龍東地方選區的議席數目將由五個減少至四個。其餘三個地方選區的議席數目則維持不變。實施上述建議的法例經已獲立法會通過。

(i) 須符合人大常委會的《決定》，即功能團體和分區直選產生的議員各佔半數的比例維持不變；及

(ii) 如何按照循序漸進的原則，使選舉辦法進一步民主化。

(a) 立法會的議席數目

13. 當專責小組就 2008 年立法會產生辦法進行公眾諮詢時，大部分收集到的意見是認為應增加或維持現時立法會的議席數目，因此，我們建議委員集中討論增加或維持現有議席數目這兩種方案。委員可參考外國立法機關每個議席相對人口的數字，詳情見附件二。

(i) 增加議席數目

14. 在過去專責小組收到的意見中，提出應增加議席數目的主要理據包括：

(i) 進一步加強立法會的廣泛代表性；

(ii) 有利更多社會人士參政，以培養更多政治人才；及

(iii) 配合立法會實際工作需要，有利於提高服務水平及效率，並可加強監察政府效能。

15. 至於具體的議席數目，在過去專責小組收到的意見中，較多提出將議席增加至 70 或 80 席；主要理據是可增加立法會的代表性，鼓勵更多人參選及分擔立法會的工作。

(ii) 維持現有議席數目

16. 在過去專責小組收到的意見中，亦有提出應把議席

數目維持60席，主要理據包括：

(i) 避免增加公帑支出和拖慢議事效率；及

(ii) 增加整體議席數目必然引致功能界別議席有所增加，日後在邁向最終普選的目標時，要取消新增的功能界別議席時困難倍增。

(b) 分區直選所產生的議席數目

17. 在專責小組收到關於支持增加議席數目的意見中，有建議提出增加分區直選議席至35席，理據是每個現行地方選區都可加一席。此外，有意見認為應按人口比例平均分配這五個新增議席。

18. 亦有意見提出分區直選議席應增加至40席，使每個地區選區可增加兩個議席。此外，有意見認為新增議席應按人口比例分配。

(c) 功能界別選舉所產生的議席數目

19. 在過去專責小組收到的意見中，有提出應按香港的實際情況，適量增加功能界別選舉產生的議席數目。主要理據包括：

(i) 擴大至未有代表的功能界別，可增加社會人士的參與，從而增加立法會的代表性和認受性；

(ii) 各界別、階層的代表有更多參政、議政的機會，以致立法會能更全面反映他們的意見，發揮監察政府的功能；及

(iii) 功能界別選舉產生的議員，能夠為議會提供專業的經驗。

20. 至於具體的議席數目，較多意見認為可把功能界別議席增至35或40席。

21. 不過，亦有意見認為不應增加功能界別議席數目，或認為應減少這些議席數目，主要理據包括：

(i) 增加功能界別議席與《基本法》中規定邁向全面普選的最終目標有衝突；及

(ii) 建議增加的功能界別種類繁多，如何取捨可能會引起社會爭拗。

(d) 功能界別的選民範圍及數目

22. 根據2007年正式登記冊的數字，功能界別共有約213,000名已登記選民，包括約15,000個團體及約198,000名個別人士。詳情見附件三。

23. 在過去專責小組曾收到的建議，有意見認為應維持目前功能界別選民範圍及數目，或取消一些選民數目較少的界別。

24. 不過，較多意見認為應擴大功能界別的選民範圍，理據包括：

(i) 增强功能界別選舉的代表性、涵蓋不同界別及照顧不同階層的利益；

(ii) 增加選舉的認受性；

(iii) 可作為邁向普選的過渡安排。

25. 至於如何擴大功能界別的選民範圍及數目，在過去

專責小組收集到的意見，主要有以下四方面[2]：

(i) 加入新增界別；

(ii) 增加現時區議會在功能界別的議席數目；

(iii) 把公司/團體票改為董事/個人票；及

(iv) 分拆或合併某些現有功能界別。

(i) 加入新增界別

26. 若功能界別議席數目有所增加，有意見認為應加入新增界別。若委員認為可考慮加入新增界別，我們建議應顧及下列因素：

(i) 能配合社會的發展及回應社會的訴求；

(ii) 立法會整體組成符合「兼顧各階層利益」的原則；

(iii) 切實可行，不會在社會引起極大爭議；及

(iv) 有關界別在社會上的重要性和代表性。

27. 過去專責小組曾收到不同有關增加新界別的建議，例如：

(i) 僱主界，讓僱主和僱員能在議會中均有代表；

(ii) 中醫中藥界，以反映該界別的重要性，確認其專業地位；

[2] 近日有意見提出應檢討目前某些功能界別的組成和選民基礎。這屬於選舉的詳細安排，將來可作進一步研究。

(iii) 婦女界，以在議會內反映她們的聲音；

(iv) 中小企界，以確認他們對香港經濟的貢獻；及

(v) 輔助專業界，以確認他們的貢獻，並在議會內反映他們的聲音。

(ii) 增加現時區議會在功能界別的議席數目

28. 在過去專責小組曾收到的建議中，有意見提出應考慮增加現時區議會在功能界別的議席數目，以透過區議會增加功能界別的代表性。

29. 不過，亦有意見認為應取消區議會的功能界別，因為這與功能界別以職業性質劃分的概念不符。

(iii) 把公司/團體票改為董事/個人票

30. 在過去專責小組曾收到的建議中，有意見提出應考慮把功能界別選舉中的團體票改為個人票，主要理據包括：

(i) 有關功能界別所增加的選民將能更廣泛反映該行業或界別內的意見。此舉亦可擴闊選民基礎，從而提高整體參與性和認受性；及

(ii) 改為個人投票後，公司東主或團體負責人仍可繼續登記為該功能界別的個人選民，其投票權不受影響。

31. 至於採用何種方式，我們過去收到的具體意見不多，有意見認為投票權應給予公司董事或團體的負責人；亦有意見認為應給予僱員或從業員。

32. 不過，亦有意見認為不應將團體票改為個人票，原

因是這不符合設立功能界別的原意。

(iv) 分拆或合併現有界別

33. 在過去專責小組曾收到的建議中，有意見認為應分拆一些功能界別，例如：

(i) 地產及建造界：由於地產界和建造業無論在政策、督導監管形式等各方面，分別都很大。因此，有需要將兩者分拆。

(ii) 體育、演藝、文化及出版界：現時界別所涵蓋的範圍太闊，分拆後可讓個別組別的意見得到充份反映。

34. 此外，有意見提出應合併及重組某些界別，例如合併金融界及金融服務界。

(e) 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排

35. 根據《基本法》第 67 條，非中國籍的香港特別行政區永久性居民和在外國有居留權的香港特別行政區永久性居民也可以當選為立法會議員，其所佔比例不得超過立法會全體議員的百分之二十[3]。就 2012 年組成的立法會，委員可考慮應否調整有關安排。

36. 在過去專責小組收集到的建議中，有意見認為應保留目前的安排，以維持香港作為國際大都會的形象，有利

[3] 《立法會條例》容許非中國籍的香港永久性居民和在外國有居留權的香港永久性居民循以下 12 個功能界別（相等於百分之二十的立法會議席）參加立法會選舉：(1)保險界、(2)法律界、(3)會計界、(4)工程界、(5)建築、測量及都市規劃界、(6)地產及建造界、(7)旅遊界、(8)商界（第一）、(9)工業界（第一）、(10)金融界、(11)金融服務界和(12)進出口界。

吸納人才，而且比例也屬合理。

37. 不過，亦有意見認為應逐漸減少有關比例或完全取消可由非中國籍或持有外國居留權的香港永久性居民當議員的安排，以保證立法會議員效忠香港特別行政區、顯示有關人士對香港有承擔、及有利於落實「港人治港」。

總結

38. 有關2012年立法會選舉的安排，特區政府就上文第12至37段所述的議題未有任何既定立場。我們建議委員聚焦討論：

(a) 應否維持或增加立法會議席數目，包括分區直選及功能界別選舉產生的議席數目；

(b) 應否(及如何)擴大功能界別的選民範圍，包括：

(i) 應否(及如何)加入新增功能界別;

(ii) 應否增加現時區議會在功能界別的議席數目；

(iii) 應否把公司/團體票改為董事/個人票；及

(iv) 應否分拆或合併一些現有功能界別；

(c) 應否(及如何)調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

39. 我們樂意聽取委員的意見。

政制及內地事務局
2008年3月

附件一

《立法會條例》下規定設立的28個功能界別

(1) 鄉議局
(2) 漁農界
(3) 保險界
(4) 航運交通界
(5) 教育界
(6) 法律界
(7) 會計界
(8) 醫學界
(9) 衞生服務界
(10) 工程界
(11) 建築、測量及都市規劃界
(12) 勞工界
(13) 社會福利界
(14) 地產及建造界
(15) 旅遊界
(16) 商界（第一）
(17) 商界（第二）
(18) 工業界（第一）
(19) 工業界（第二）
(20) 金融界
(21) 金融服務界
(22) 體育、演藝、文化及出版界
(23) 進出口界
(24) 紡織及製衣界
(25) 批發及零售界
(26) 資訊科技界
(27) 飲食界
(28) 區議會

附件二

外國立法機關
每個議席相對的人口

國家	人口[1]	立法機構的法定議席數目[2]	每個議席相對的人口
瑞典	9,119,000	349	26,129
芬蘭	5,276,900	200	26,385
挪威	4,698,100	169	27,799
丹麥	5,442,100	179	30,403
新西蘭	4,178,500	120[3]	34,821
葡萄牙	10,623,000	230	46,187
新加坡	4,436,300	96[4]	46,211
以色列	6,927,700	120	57,731
香港	6,963,100	60	116,052
韓國	48,223,900	299	161,284

1 人口數據來自聯合國統計部 http://unstats.un.org/unsd/demographic/products/socind/population.htm)及香港特別行政區政府統計處的資料(http://www.censtatd.gov.hk/home/index_tc.jsp)。

2 資料來自 PARLINE 資料庫(http://www.ipu.org/parline-e/parlinesearch.asp)。

3 現屆新西蘭國會共有 121 名成員。

4 現屆新加坡國會共有 94 名成員。

附件三

功能界別選民
(2007 年正式登記冊的數字)

名稱		已登記選民的數目		
		團體	個人	總數
1.	鄉議局		151	151
2.	漁農界	160		160
3.	保險界	141		141
4.	航運交通界	180		180
5.	教育界		84,639	84,639
6.	法律界		5,483	5,483
7.	會計界		20,329	20,329
8.	醫學界		9,954	9,954
9.	衞生服務界		35,391	35,391
10.	工程界		7,688	7,688
11.	建築、測量及都市規劃界		5,559	5,559
12.	勞工界	556		556
13.	社會福利界		11,329	11,329
14.	地產及建造界	432	313	745
15.	旅遊界	976		976
16.	商界（第一）	1,053		1,053
17.	商界（第二）	737	1,015	1,752
18.	工業界（第一）	761	0	761
19.	工業界（第二）	527		527
20.	金融界	134		134
21.	金融服務界	569		569
22.	體育、演藝、文化及出版界	1,814	80	1,894
23.	進出口界	793	596	1,389
24.	紡織及製衣界	3,724	88	3,812
25.	批發及零售界	1,736	2,486	4,222
26.	資訊科技界	264	4,712	4,976

27.	飲食界	478	7,535	8,013
28.	區議會		442	442
	總數	**15,035**	**197,790**	**212,825**

For the meeting on 27 March 2008 Paper No: CSD/TGCD/3/2008

Commission on Strategic Development
Task Group on Constitutional Development

Method for Forming the Legislative Council in 2012

Introduction

At the last meeting, members discussed the method for electing the Chief Executive ("CE") in 2012 (Paper CSD/TGCD/2/2008). This paper provides background information to facilitate members' discussion on the method for forming the Legislative Council ("LegCo") in 2012, on the basis that the Basic Law and the Decision adopted by the Standing Committee of the National People's Congress ("NPCSC") must be complied with.

2. According to the Decision, the CE may be elected by universal suffrage in 2017 and, after the CE has been elected by universal suffrage, all members of LegCo may be elected by universal suffrage in 2020.

3. Regarding the LegCo election in 2012, the Decision provides that:

> "The election of the fifth term LegCo of the HKSAR in the year 2012 shall not be implemented by the method of electing all the members by universal suffrage. The half-and-half ratio between members returned by functional constituencies ("FCs") and members returned by geographical constituencies ("GCs") through direct elections shall remain unchanged."

According to the Decision, appropriate amendments conforming to the principle of gradual and orderly progress may be made to the specific method for forming the fifth term LegCo in the year 2012, in accordance with the provisions of Article 68 and Article III of Annex II to the Basic Law.

4. Regarding the LegCo election in 2012, although the Decision stipulates that it shall not be implemented by the method of universal suffrage, and the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged,

there is still ample room for making amendments to the electoral method to enhance its democratic elements. On the basis that the Basic Law and the Decision must be complied with, we suggest members discuss the following key issues:

(a) the number of seats in LegCo;

(b) the number of seats returned by GCs through direct elections;

(c) the number of seats returned by FCs;

(d) the delineation and size of the electorate of FCs; and

(e) whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

5. To facilitate members' discussion, we have consolidated the views collected during the public consultation exercise conducted by the Constitutional Development Task Force ("the Task Force") on the method for forming the LegCo in 2008. On this basis, we have set out various options regarding the key issues mentioned in paragraph 4 above.

Current Composition of LegCo

6. In accordance with the provisions of Annex II to the Basic Law, LegCo shall be composed of 60 members in each term. Annex II prescribes the composition of LegCo in its first three terms. Regarding the composition of the third term LegCo, the number of seats returned by GCs through direct elections and by FCs is both 30.

7. As for the fourth term LegCo to be formed in 2008, according to NPCSC's Interpretation of 6 April 2004, if no amendment is made to the method for forming LegCo, the provisions relating to the method for forming the third term LegCo and the provisions relating to its procedures for voting on bills and motions in Annex II to the Basic Law will still be applicable. As the proposed package put forth by the HKSAR Government in 2005 to amend the electoral method for forming LegCo in 2008 was not endorsed by the two-thirds majority support of all LegCo Members required by the Basic Law, the electoral method for the fourth term LegCo

will remain unchanged.

8. In accordance with the provisions of Annex II to the Basic Law, the Legislative Council Ordinance (Cap. 542) specifies detailed statutory provisions on the division of GCs and the voting method for direct elections therein, the delimitation of functional sectors, their seat allocation and election methods, etc.

9. As regards direct geographical elections, the Legislative Council Ordinance stipulates that there are to be five GCs. In general, the 30 seats to be returned by GCs through direct elections are distributed among the constituencies in accordance with their population distribution. Details are as follows:

Geographical Constituency	**Number of Seats**[1]
Hong Kong Island	6
Kowloon East	4
Kowloon West	5
New Territories East	7
New Territories West	8

10. For elections in GCs, the list voting system operating under the largest remainder formula, which is a form of proportional representation voting system, is adopted. Under this system, candidates contest the election in the form of lists. Each list may consist of any number of candidates up to the number of seats in the relevant constituency. An elector is entitled to cast one vote for a list. Seats are distributed among the lists according to the number of votes obtained by the respective lists.

11. For FC elections, the Legislative Council Ordinance provides for the establishment of 28 FCs (please refer to Annex I for details). Except for the Labour FC which returns three members, all FCs return one member each.

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[1] As the projected population of the Kowloon West GC exceeds that of the Kowloon East GC, the Electoral Affairs Commission has proposed that, starting from 2008, the number of GC seats for the Kowloon West GC should be increased from four to five, and that the number of GC seats for the Kowloon East GC be decreased from five to four. The number of seats in the remaining three GCs should remain unchanged. The legislation for implementing the above proposal has been passed by LegCo.

Method for Forming LegCo in 2012

12. In discussing the method for forming LegCo in 2012, we suggest that members take into account the following factors:

(i) the provisions of NPCSC's Decision (i.e. the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged) must be complied with; and

(ii) how to further democratize the electoral method in accordance with the principle of gradual and orderly progress.

(a) Number of Seats in LegCo

13. During the public consultation on the method for forming LegCo in 2008, most of the views collected by the Task Force are that the number of seats in LegCo should be increased or should remain unchanged. Hence, we suggest members focus the discussion on the options of increasing or maintaining the existing number of seats. Members may make reference to the population-to-seat ratio of overseas legislatures (please refer to Annex II for details).

(i) Increasing the Number of Seats

14. Among the proposals received previously by the Task Force, the major reasons for increasing the number of seats include:

(i) to enhance further the representativeness of LegCo;

(ii) to enable more people to participate in politics, so as to nurture more political talent; and

(iii) to meet the operational requirements of LegCo, improve the quality and efficiency of its service, and enhance its effectiveness in monitoring the performance of the government.

15. As regards the specific number of seats, among the proposals collected previously by the Task Force, there are more views that the number of seats should be increased to 70 or 80. The major reasons include

that this could enhance the representativeness of LegCo, and encourage more people to participate in the election and share out the workload of LegCo.

(ii) Maintaining the Existing Number of Seats

16. Among the proposals collected previously by the Task Force, there are also views that the number of seats should remain at 60. The major reasons include:

(i) this could avoid incurring additional public expenditure and hampering its efficiency; and

(ii) an overall increase in the number of seats will inevitably lead to an increase in the number of FC seats. It will be more difficult to abolish the newly-created FCs when the time comes for attaining universal suffrage in future.

(b) Number of Seats Returned by GCs through Direct Elections

17. Among the proposals received by the Task Force supporting an increase in the number of seats, there are views that the number of seats returned by GCs through direct elections should be increased to 35 for the reason that this will add one additional seat to each GC. Moreover, there are views that the five additional seats should be allocated in proportion to population.

18. There are also views that the number of seats returned by GCs should be increased to 40, so that each GC could have two additional seats. Moreover, there are views that the additional seats should be allocated in proportion to population.

(c) Number of Seats Returned by FCs

19. Among the proposals collected previously by the Task Force, some suggest that a suitable increase in the number of FC seats should be made in the light of the actual situation in Hong Kong. The major reasons include:

(i) if sectors previously not represented could be included, this would widen public participation and enhance the representativeness and legitimacy of the LegCo;

(ii) more opportunities could be provided for representatives of different sectors and strata to participate in politics, so that their views could be more fully reflected and their role in monitoring the performance of the government enhanced; and

(iii) members returned through FCs could provide professional expertise to the legislature.

20. As for the specific number of seats, there are more views that the number of FC seats should be increased to 35 or 40.

21. However, there are also views that the number of seats returned by FCs should not be increased or should be reduced. The major reasons include:

(i) increasing the number of seats returned by FCs will not be consistent with the ultimate aim of universal suffrage prescribed in the Basic Law; and

(ii) as there is a myriad of suggestions on new FCs, the selection process itself may give rise to controversy within the community.

(d) Delineation and Size of the Electorate of FCs

22. According to the figures of the 2007 final register of voters, there are about 213,000 registered electors for the FCs, including about 15,000 bodies and about 198,000 individuals (please refer to Annex III for details).

23. Among the proposals received previously by the Task Force, there are views that the delineation and size of the electorate of FCs should remain unchanged, or certain FCs with a smaller electorate size should be abolished.

24. However, there are more views that the electorate of FCs should be broadened. The reasons include:

(i) to enhance the representativeness of FC elections, to cover a wider range of sectors, and to take care of the interests of different strata of the community;

(ii) to enhance the legitimacy of the elections;

(iii) to serve as a transitional arrangement leading to universal suffrage.

25. As to how the electorate base and size of FCs should be broadened, the proposals collected previously by the Task Force cover the following four areas[2]:

(i) establishing new FCs;

(ii) increasing the number of FC seats allocated to District Councils;

(iii) replacing corporate votes with director's or individual's votes; and

(iv) splitting or merging certain existing FCs.

(i) Establishing New FCs

26. There are views that new FCs should be established to take up the increase in the number of seats returned by FCs. If members agree that consideration could be given to establishing new FCs, we suggest that the following factors should be taken into account:

(i) whether the option can tie in with the development of society and respond to public aspiration;

(ii) whether the overall composition of LegCo can comply with the principle of "meeting the interests of different sectors of society";

(iii) whether the option is practicable and will not give rise to very serious dispute within the community; and

(iv) the importance and representativeness of the sectors concerned within the community.

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[2] Recently, there have been views that the composition and electorate base of certain FCs should be reviewed. This is related to the detailed electoral arrangements, which can be further examined in future.

27. The Task Force received previously various proposals relating to establishment of new FCs, with the following examples:

(i) Employer FC – this could allow both employers and employees to have their own representatives in the legislature;

(ii) Chinese medicine practitioners and the Chinese medicine industry FC – this would reflect the importance of the sector and recognize its professional status;

(iii) Women FC – this could allow women to reflect their views in the legislature;

(iv) Small and Medium Enterprises FC – this would recognize their contribution to the Hong Kong economy; and

(v) Auxiliary profession FC – this would recognize their contribution and allow them to reflect their views in the legislature.

(ii) Increasing the Number of FC Seats allocated to District Councils

28. Among the proposals received previously by the Task Force, there are views that consideration should be given to increasing the number of FC seats allocated to the District Councils, so as to enhance the representativeness of FCs through the District Councils.

29. However, there are also views that the District Council FC should be abolished, because it is not consistent with the concept of defining FCs by occupational nature.

(iii) Replacing corporate votes with director's or individual's votes

30. Among the proposals received previously by the Task Force, there are views that consideration should be given to replacing corporate votes with individual votes in the FC election. The major reasons include:

(i) such new electors in the FCs to be included will represent more widely the views of the relevant industries or sectors. This will broaden the electorate base of the FCs, and

enhance overall participation as well as the legitimacy of the election; and

(ii) with the change to individual voting, owners of corporations and responsible persons of organizations could continue to be electors of the relevant sectors.

31. We have not received many concrete proposals as to how the above could be implemented. There are views that voting rights should be given to the directors of companies or responsible persons of corporate bodies. There are also views that they should be given to employees or trade practitioners.

32. However, there are also views that corporate votes should not be replaced with individual votes, because this will not be consistent with the original intention of setting up the FCs.

(iv) Splitting or merging the Existing Sectors

33. Among the proposals received previously by the Task Force, there are views that some of the existing FCs should be split, with the following examples.

(i) Real Estate and Construction FC – there are great differences in the policies and the mode of supervision and monitoring, etc between the real estate and the construction industry. Hence, there is a need to split the two.

(ii) Sports, Performing Arts, Culture and Publication FC – the coverage of the existing FC is too broad. Splitting the FC could allow the views of the different sectors to be fully reflected.

34. In addition, there are views that certain FCs should be merged or reorganized, for example, merging the Finance FC and the Financial Services FC.

(e) Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted

35. According to Article 67 of the Basic Law, permanent residents of

the HKSAR who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of LegCo, provided that the proportion of such members does not exceed 20 percent of the total membership of the Council[3]. Regarding the composition of LegCo formed in 2012, members may consider whether the relevant arrangement should be adjusted.

36. Among the proposal collected previously by the Task Force, there are views that the current arrangement should be maintained. The reasons are that this would help maintain the image of Hong Kong as an international city, which would be conducive to attracting talents. Also, the current proportion is considered reasonable.

37. However, there are also views that the number and proportion of seats which may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be gradually reduced and eventually eliminated. This would ensure the allegiance of LegCo Members and their commitment to Hong Kong, and would be conducive to the implementation of "Hong Kong people ruling Hong Kong".

Conclusion

38. Regarding the LegCo election in 2012, the HKSAR Government does not have any established position on the issues set out in paragraphs 12-37 above. We suggest that members focus the discussion on:

(a) whether the number of seats in LegCo, including the number of seats returned by GCs through direct elections and FCs, should be maintained or increased;

(b) whether (and if so, how) the electorate base of FCs should be broadened, including :

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[3] According to the Legislative Council Ordinance, individuals who are not of Chinese nationality or who have the right of abode in foreign countries may join LegCo election through the following 12 FCs (equivalent to 20percent of LegCo seats): (1) Insurance, (2) Legal, (3) Accountancy, (4) Engineering, (5) Architectural, Surveying and Planning, (6) Real Estate and Construction , (7) Tourism, (8) Commercial (first), (9) Industrial (first), (10) Finance, (11) Finance Services ; and (12) Import and Export.

(i) whether (and if so, how) new FCs should be established;

(ii) whether the number of FC seats allocated to District Councils should be increased;

(iii) whether corporate votes should be replaced with director's or individual's votes; and

(iv) whether certain existing FCs should be split or merged;

(c) whether (and if so, how) the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

39. We welcome members' views on these issues.

Constitutional and Mainland Affairs Bureau
March 2008

Annex I

The 28 Functional Constituencies Established under the Provisions of the Legislative Council Ordinance

(1)	Heung Yee Kuk	(15)	Tourism
(2)	Agriculture and Fisheries	(16)	Commercial (first)
(3)	Insurance	(17)	Commercial (second)
(4)	Transport	(18)	Industrial (first)
(5)	Education	(19)	Industrial (second)
(6)	Legal	(20)	Finance
(7)	Accountancy	(21)	Finance Services
(8)	Medical	(22)	Sports, Performing Arts, Culture and Publication
(9)	Health Services	(23)	Import and Export
(10)	Engineering	(24)	Textiles and Garment
(11)	Architectural, Surveying and Planning	(25)	Wholesale and Retail
(12)	Labour	(26)	Information Technology
(13)	Social Welfare	(27)	Catering
(14)	Real Estate and Construction	(28)	District Council

Annex II

Population-to-Seat Ratio of Overseas Legislature

Country	Population[1]	Statutory Number of Seats[2] of the Legislature	Population-to-Seat Ratio
Sweden	9,119,000	349	26,129
Finland	5,276,900	200	26,385
Norway	4,698,100	169	27,799
Denmark	5,442,100	179	30,403
New Zealand	4,178,500	120[3]	34,821
Portugal	10,623,000	230	46,187
Singapore	4,436,300	96[4]	46,211
Israel	6,927,700	120	57,731
Hong Kong	6,963,100	60	116,052
South Korea	48,223,900	299	161,284

1 The population figures are extracted from the United Nations Statistic Division (http://unstats.un.org/unsd/demographic/products/socind/population.htm) and the Census and Statistics Department of HKSAR Government (http://www.censtatd.gov.hk/home/index.jsp).

2 Source of information: PARLINE database (http://www.ipu.org/parline-e/parlinesearch.asp).

3 There are 121 members in the current term Parliament.

4 There are 94 members in the current term Parliament.

Annex III

The Electors for Functional Constituencies
(Number of 2007 Final Register)

Name		Number of Electors Registered		
		Bodies	**Individuals**	**Total**
1.	Heung Yee Kuk		151	151
2.	Agriculture and Fisheries	160		160
3.	Insurance	141		141
4.	Transport	180		180
5.	Education		84,639	84,639
6.	Legal		5,483	5,483
7.	Accountancy		20,329	20,329
8.	Medical		9,954	9,954
9.	Health Services		35,391	35,391
10.	Engineering		7,688	7,688
11.	Architectural, Surveying and Planning		5,559	5,559
12.	Labour	556		556
13.	Social Welfare		11,329	11,329
14.	Real Estate and Construction	432	313	745
15.	Tourism	976		976

16.	Commercial (first)	1,053		1,053
17.	Commercial (second)	737	1,015	1,752
18.	Industrial (first)	761	0	761
19.	Industrial (second)	527		527
20.	Finance	134		134
21.	Finance Services	569		569
22.	Sports, Performing Arts, Culture and Publication	1,814	80	1,894
23.	Import and Export	793	596	1,389
24.	Textiles and Garment	3,724	88	3,812
25.	Wholesale and Retail	1,736	2,486	4,222
26.	Information Technology	264	4,712	4,976
27.	Catering	478	7,535	8,013
28.	District Council		442	442
	Total	**15,035**	**197,790**	**212,825**

2008 年 4 月 25 日會議　　文件編號：CSD/TGCD/4/2008

策略發展委員會
政制發展專題小組

2012 年立法會產生辦法的進一步討論

引言

委員於上次會議就 2012 年立法會的產生辦法作出初步討論。本文件旨在歸納委員提出的意見，讓委員能更聚焦地作進一步討論。

2. 在上次會議上，委員集中討論了以下的重點議題：

(a) 立法會議席數目；

(b) 功能界別的選民範圍；及

(c) 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

3. 在文件「2012 年立法會的產生辦法」(CSD/TGCD/3/2008)，我們建議委員在討論 2012 年立法會的產生辦法時，應考慮以下因素：

(i) 須符合人大常委會的《決定》，即功能團體和分區直選產生的議員各佔半數的比例維持不變；及

(ii) 如何按照循序漸進的原則，使選舉辦法進一步民主化。

4. 在上次會議上，有委員提出除了上述的因素外，委員亦須考慮2012年的選舉方案應有利逐步邁向普選，不應局限將來討論的空間和進一步發展。

上次會議討論的意見歸納

(a) 立法會的議席數目

5. 於上次會議上，較多委員認為可考慮在2012年增加立法會的議席數目，主要理據包括：

(i) 配合立法會實際工作需要，有利提高服務水平及效率；

(ii) 與外國的議會比較，香港人口相對議席的比例較高；及

(iii) 有利更多社會人士參政，以培養更多政治人才。

6. 至於具體的議席數目，較多委員提出增加至70席或80席。

(b) 功能界別的選民範圍

7. 若立法會的議席數目增至70或80席，按照人大常委會的《決定》，分區直選及功能界別所產生的議席，應各增加5或10席。

8. 在上次會議上，委員集中討論應如何擴大功能界別選民的範圍。就此，委員提出主要的考慮因素包括：

(i) 能增加立法會的代表性和認受性；

(ii) 能符合「均衡參與」的原則；

(iii) 能盡量減少社會爭拗。

9. 若功能界別議席數目有所增加，就如何處理新增的功能界別議席及擴大功能界別選民的範圍，委員提出了以下的主要方案：

(i) 加入新增界別；

(ii) 增加現時區議會在功能界別的議席數目；

(iii) 把公司/團體票改為董事/個人票；及

(iv) 分拆及合併某些現有功能界別。

(i) <u>加入新增界別</u>

10. 有委員認為，若功能界別議席數目有所增加，應加入新增界別，而非增加區議會在功能界別的議席數目，主要原因包括：

(i) 區議會與其他功能界別不同，後者以職業及界別性質劃分，而增加區議會議席不完全符合「均衡參與」的原則；

(ii) 在現階段給予不同界別更多機會參與立法會的工作，能有助這些界別代表為將來參與普選作準備；

(iii) 增加區議會在功能界別的議席數目，選民基礎會與新增的地區直選議席的選民基礎重覆，因其本質是地區選舉而非功能界別選舉；及

(iv) 若把新增的功能界別議席分配給不同界別，可能會減少社會爭拗。

11. 至於加入的新增界別，委員提出了不同具體建議，包括：

(i) 家庭崗位勞動者；

(ii) 婦女

(iii) 青年；

(iv) 退休人士；

(v) 基層團體、社團；

(vi) 中小企；

(vii) 創意產業界；

(viii) 中醫中藥界；及

(ix) 中資企業。

(ii) 增加現時區議會在功能界別的議席數目

12. 不過，有委員則建議，若功能界別議席數目有所增加，應增加區議會在功能界別的議席數目，主要原因包括：

(i) 區議員的選民基礎較廣，能增強功能界別的民主成分及代表性；

(ii) 區議員亦有其重要的社會功能，若增加他們在立法會的議席數目，將有助培育區議員中的政治人才；

(iii) 政府於2005年提出把新增功能界別議席全數由區議員互選產生的方案，當時獲得六成市民支持，而特區政府亦認為方案符合《基本法》循序漸進的原則。

(iii) 把公司/團體票改為董事/屬會/個人票

13. 有委員提出應考慮把公司/團體票改為董事/屬會票，以擴大功能界別的選民基礎。亦有委員建議按不同界別的情況決定有關界別是否需要作出這個安排。

14. 但有委員認為董事是由公司委任，把公司票改為董事票作用不大。有個別委員則提出可考慮把公司/團體票改為個人票。

15. 有委員認為若增加立法會的議席數目，應可不必改變現有功能界別的選民基礎；但亦有委員認為應擴大選民基礎而非增加議席數目，因為前者所涉及的改動較小，而社會人士亦不會反對，可減少爭拗。

(iv) 分拆或合併某些現有功能界別

16. 有委員提出可考慮分拆某些現有功能界別，例如把體育、演藝、文化及出版界分拆。

17. 不過，有委員則認為分拆或合併功能界別較為複雜，社會未有足夠時間作充分討論。

(c) 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排

18. 就應否於2012年調整有百分之二十的議席可由非中國籍和持有外國居留權人士出任的安排，委員提出了不同意見。有委員認為應保留目前安排，原因包括：

(i) 這可維持香港作為國際大都會的形象；

(ii) 目前移民熱潮已過，非中國籍和持有外國居留權人士的立法會議員實際上不多；及

(iii) 這是「一國兩制」下容許立法會吸納不同人才的特別安排。

19. 不過，亦有委員認為應逐步減少有關比例或完全取消這個安排，原因包括：

(i) 有關安排只屬過渡性質，應分階段減少有關比例及長遠(特別在實行普選後)取消這個安排；及

(ii) 外國議會很少有類似的安排。

總結

20. 有關2012年立法會選舉的方案，須按照人大常委會去年12月29日的《決定》制訂，只要是能加強立法會的代表性及公眾參與，應能為落實普選鋪路。我們建議委員繼續討論相關的議題，並以上次會議的討論為基礎，聚焦探討下列議題：

(a) 若增加立法會的議席數目，應增加至70席或80席；

(b) 若功能界別議席數目有所增加，應如何處理新增的功能界別議席，及應否擴大功能界別選民的範圍；及

(c) 應否(及如何)調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

21. 我們樂意聽取委員的意見。

政制及內地事務局
2008 年 4 月

For the meeting on 25 April 2008 Paper No: CSD/TGCD/4/2008

Commission on Strategic Development
Task Group on Constitutional Development

Further Discussion on the Method for Forming the Legislative Council in 2012

Introduction

At the last meeting, members held preliminary discussion on the method for forming the Legislative Council ("LegCo") in 2012 . This paper summarizes members' views to facilitate further discussion in a focused manner.

2. At the last meeting, members focused discussion on the following key issues:

(a) the number of seats in LegCo;

(b) the delineation of the electorate of functional constituencies ("FCs"); and

(c) whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

3. In the paper "Method for Forming the Legislative Council in 2012" (CSD/TGCD/3/2008), we suggested that members should take into account the following factors in discussing the method for forming LegCo in 2012:

(i) the provisions of the Decision of the Standing Committee of the National People's Congress ("NPCSC") (i.e. the half-and-half ratio between members returned by FCs and members returned by geographical constituencies ("GCs') through direct elections shall remain unchanged) must be

complied with; and

(ii) how to further democratize the electoral method in accordance with the principle of gradual and orderly progress.

4. At the last meeting, some members suggested that, apart from the above factors, members should also take into account that the options of the electoral method for 2012 should be conducive to attaining universal suffrage, and should not limit the room for discussion and constrain further development in future.

Summary of Views expressed during discussion at the Last Meeting

(a) Number of Seats in LegCo

5. At the last meeting, more members were of the view that consideration could be given to increasing the number of LegCo seats in 2012. The main reasons included:

(i) meeting the operational requirements of LegCo, and improving the quality and efficiency of its service;

(ii) the population-to-seat ratio of Hong Kong is relatively higher than those of overseas legislatures; and

(iii) enabling more people to participate in politics, so as to nurture more political talent.

6. As regards the specific number of seats, more members suggested increasing the number to 70 or 80.

(b) The Delineation of the Electorate of FCs

7. If the number of LegCo seats was to be increased to 70 or 80, in accordance with NPCSC's Decision, the number of seats returned by GCs through direct elections and FCs should each be increased by 5 or 10.

8. At the last meeting, members focused discussion on how to broaden the electorate base of FCs. In this regard, the key considerations suggested by members included:

(i) the representativeness and legitimacy of LegCo could be enhanced;

(ii) the principle of "balanced participation" could be complied with;

(iii) controversy within the community could be minimized.

9. If the number of FC seats was to be increased, members had put forth the following main proposals, as regards how the additional FC seats should be dealt with and how the electorate base of FCs could be broadened:

(i) establishing new FCs;

(ii) increasing the existing number of FC seats allocated to District Councils;

(iii) replacing corporate votes with director's or individual's votes; and

(iv) splitting or merging certain existing FCs.

(i) <u>Establishing New FCs</u>

10. Some members considered that if the number of FC seats was to be increased, new FCs should be established, rather than increase the number of FC seats allocated to District Councils. The major reasons included:

(i) the nature of District Councils was different from that of other FCs as the latter were defined by the nature of occupation and sector. Increasing the number of seats allocated to the District Councils would not be entirely consistent with the principle of "balanced participation";

(ii) providing more opportunities for different sectors to participate in the work of LegCo at this stage could help their representatives get prepared for participating in universal suffrage in future;

(iii) if the number of FC seats allocated to the District Councils was to be increased, the electorate base of these FC seats would duplicate with that of the new seats returned by GCs through direct elections, because the nature of District Council election was similar to that of GC, but not FC, election; and

(iv) it might minimize controversy within the community if the newly established FC seats were to be allocated to different sectors.

11. Members had put forth different specific proposals on the establishment of new FCs, including:

(i) Home-makers;

(ii) Women;

(iii) Youth;

(iv) Retirees;

(v) Grassroot and social groups;

(vi) Small and medium enterprises;

(vii) Creative industries;

(viii) Chinese medicine practitioners and Chinese medicine industry; and

(ix) Chinese enterprises.

(ii) Increasing the Existing Number of FC seats allocated to District Councils

12. However, some members suggested that if the number of FC seats was to be increased, the number of FC seats allocated to District Councils should be increased. The major reasons included:

(i) given the wider electorate base of District Council members, this could enhance the democratic elements and representativeness of FCs;

(ii) District Council members performed an important social function. Increasing the number of LegCo seats for District Council members would help nurture political talents among them;

(iii) the proposal put forth by the Government in 2005 to allow all new FC seats to be returned through elections by District Council members from among themselves was supported by 60% of the public. Also, the HKSAR Government considered that the proposal was consistent with the principle of gradual and orderly progress, as prescribed under the Basic Law.

(iii) Replacing Corporate Votes with Director's / Association's / Individual's Votes

13. Some members suggested that consideration should be given to replacing corporate votes with director's / association's votes, so as to broaden the electorate base of FCs. However, some members suggested that the need for such arrangement for different sectors should be considered by taking into account the circumstances of individual sectors.

14. However, a member considered that replacing corporate votes with director's votes would not serve a useful purpose, as directors were appointed by the companies. A member suggested that corporate votes be replaced by individual's votes.

15. Some members considered that it would not be necessary to change the electorate base of the existing FCs, if the number of LegCo seats was to be increased. However, there were views that consideration should be given to expanding the electorate base of the FCs, rather than increasing the number of seats because the former would involve fewer changes and would unlikely attract objection among the community, and would, thus, minimize controversy.

(iv) Splitting or merging the Existing Sectors

16. A member suggested that consideration could be given to splitting some existing FCs, e.g. the Sports, Performing Arts, Culture and Publication FC.

17. However, some members considered that splitting or merging the existing sectors would be relatively more complicated and that there would not be sufficient time for the community to discuss the issue.

(c) Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted

18. Members held diverse views on whether the arrangement that 20 percent of LegCo seats might be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries should be adjusted. Some members considered that the current arrangement should be maintained. The reasons included:

(i) this could maintain the image of Hong Kong as an international city;

(ii) the wave of emigration had already passed and in practice, there were only very few LegCo members who were not of Chinese nationality or who had the right of abode in foreign countries; and

(iii) this was a special arrangement under "One Country, Two Systems" to allow LegCo to attract different talents.

19. However, there were also members who considered that the concerned percentage should be gradually reduced or the arrangement should be abolished. The reasons included:

(i) this was only a transitional arrangement. The relevant percentage should be reduced in phases and the arrangement should be abolished in the long run (particularly when universal suffrage had been implemented); and

(ii) such an arrangement was not common among overseas legislatures.

Conclusion

20. Any option of the electoral method for forming LegCo in 2012 should be formulated in accordance with NPCSC's Decision of 29 December 2007. Provided that the proposal could enhance the representativeness of LegCo and public participation, it would be able to pave way for attaining universal suffrage. We suggest that members should continue to discuss the relevant issues and, on the basis of the discussion at the last meeting, focus discussion on the following issues:

(a) if the number of LegCo seats is to be increased, whether it should be increased to 70 or 80;

(b) if the number of FC seats is to be increased, how should the additional FC seats be dealt with, and whether the electorate base of FCs should be broadened; and

(c) whether (and how) the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

21. We would welcome members' views on these issues.

Constitutional and Mainland Affairs Bureau
April 2008

2008年6月27日會議　　文件編號：CSD/TGCD/5/2008

策略發展委員會
政制發展專題小組

有關2012年行政長官的產生辦法 －
意見歸納

引言

全國人民代表大會常務委員會(人大常委會) 於 2007 年 12 月 29 日所作的《決定》，明確香港可於 2017 年普選行政長官，而在行政長官普選後，立法會全部議員可於 2020 年由普選產生。人大常委會的《決定》亦訂明在 2012 年雖然不實行普選，但可按照《基本法》對兩個選舉辦法作出符合循序漸進原則的適當修改。

2. 按照人大常委會的《決定》，在落實普選前，我們須先處理如何修改 2012 年兩個選舉辦法。就此，行政長官特別在策略發展委員會下成立政制發展專題小組，在人大常委會決定的框架內，討論 2012 年的兩個選舉辦法。特區政府將於今年第四季歸納就修改 2012 年兩個選舉辦法可考慮的方案，並盡早作下一輪的公眾諮詢。

3. 專題小組分別於今年二月及三月，開展了有關 2012 年行政長官及立法會產生辦法的討論，並在五月份的工作坊中聽取了不同團體和智庫的意見。本文件旨在歸納委員過去就 2012 年行政長官產生辦法所提出的意見，以作為特區政府草擬下一輪公眾諮詢文件的基礎。

2012 年行政長官的產生辦法

4. 委員在過去的會議及工作坊中，討論了以下有關 2012 年行政長官選舉辦法的關鍵議題：

(a) 選舉委員會的委員人數及組成；

(b) 選舉委員會的選民基礎；

(c) 界別分組的重組；及

(d) 提名行政長官候選人的安排。

<u>一般意見</u>

5. 委員普遍認同 2012 年的選舉委員會應過渡成為 2017 年普選行政長官時的提名委員會，這將有利兩套選舉安排的銜接，並且符合《決定》的有關規定。

6. 有委員認為 2012 年選舉辦法的民主程度應在目前的基礎上有明顯進步，這將有利落實普選，但不同黨派應求同存異，以達成共識。亦有委員認為 2012 年的選舉辦法應能讓不同政見的人士參與選舉。

7. 不過，有委員則認為 2012 年行政長官選舉的安排不應作大幅度改變，主要原因包括：

(a) 2017 年便已普選行政長官，2012 年的選舉委員會只是運作一次，不應作大改動；及

(b) 由現在到 2012 年只有四年半，若要對選舉安排作根本性改動，社會未有足夠時間作充分討論。

選舉委員會的人數

8. 在討論 2012 年選舉委員會的委員人數及組成時，委員考慮了以下因素：

(a) 能否符合《基本法》附件一「具有廣泛代表性」的規定；及

(b) 如何能加強選舉委員會的代表性及認受性。

9. 有關選舉委員會的人數，委員的討論聚焦於以下兩種方案，但對於採取何種方案，則未有一致意見：

(a) 由 800 人組成選舉委員會；及

(b) 由多於 800 人組成選舉委員會。

(a) 由 800 人組成選舉委員會

10. 部分委員認為選舉委員會的委員人數應維持 800 人，主要理據包括：

(a) 增加委員人數會使選舉過程變得複雜，不一定對香港社會有利，愈少改動可減少社會爭拗；及

(b) 即使增加委員會的人數，所代表的選民基礎與 800 人的委員會並無分別，因此無需要增加委員人數。

(b) 由多於 800 人組成選舉委員會

11. 部分委員建議增加選舉委員會的委員人數，主要原因包括：

(a) 當政府在 2005 年就 2007/08 建議方案諮詢公眾時，大部分市民支持增加選舉委員會人數；

(b) 選舉委員會人數需要因應社會發展而作出調整；及

(c) 讓更多社會各界人士參與，可增加委員會的廣泛代表性和認受性，讓市民大眾有更多空間及機會參與行政長官選舉。

12. 委員曾提出的具體建議包括把委員會人數增至 1000 人、1200 至 1600 人及 1800 人。

13. 不過，有委員認為選舉委員會的委員人數並非最關鍵，反而是應擴大選民基礎，以增加選舉的民主成分。

選舉委員會的組成

14. 關於選舉委員會的組成，委員在討論有關議題時，考慮了人大常委會副秘書長喬曉陽在去年 12 月 29 日在香港舉行的座談會上，說明人大常委會的《決定》「明確提名委員會可參照選舉委員會組成，就是要保持選舉委員會由四大界別組成的基本要素」。

15. 委員普遍認同選舉委員會的組成要按照《基本法》，符合均衡參與的原則。就此，委員普遍認同維持選舉委員會由四個界別組成。

16. 就如何在不同界別分配議席，委員持不同意見：

(a) 部分委員建議維持現有四大界別的席位數目均等(例如四個界別的席位平均地增加)，以符合均衡參與的原則；及

(b) 部分委員建議調整四個界別席位數目的比例，例如：

(i) 把第一至第三界別各增加 200 個席位，但第四界別可加入全部民選區議員。

有委員則認為應加入全體區議員，不應排除委任區議員；但有委員認為不宜在第四界別加入全體區議員，因為這會改變四個界別的平衡。

(ii) 為配合社會經濟的發展，有委員建議考慮增加工商、金融界的委員數目比例。不過，有委員則認

為目前選舉委員會的組成，已側重工商和專業界別。

界別分組的重組

17. 委員亦初步討論了應否增加、分拆或合併某些界別分組。就此，委員提出了不同的意見：

(a) 有委員建議可考慮增加新的界別分組，把席位分配予目前在選舉委員會未有代表的界別，以增強委員會的代表性。具體建議包括婦女界、青年界、中小企界、輔助專業界、中港貿易界等；及

(b) 亦有委員建議分拆某些現有界別分組，例如把「體育、演藝、文化及出版界」界別分組分拆成為「體育界」及「演藝、文化及出版界」兩個界別分組。

18. 不過，也有意見認為增加、分拆或合併界別分組頗具爭議性，而2012年組成的選舉委員會已是普選前的最後一屆，故毋須重組界別分組。

選舉委員會的選民基礎

19. 關於選舉委員會的選民基礎，部分委員認為應擴大選民基礎，以增強選舉委員會的代表性。至於如何擴大選民基礎，委員提出了不同意見：

(a) 有委員建議把「公司票」轉為「董事/行政人員票」，因為這可擴大選舉委員會的選民基礎，並建議考慮限制每間公司的董事/行政人員票數量和每名董事/行政人員可投票的次數，以及規定每間公司只可隸屬一個界別分組，以確保有關界別委員的代表性；

(b) 有委員認為把「公司票」轉為「董事/行政人員/個人票」，會使這些界別分組議席的競爭性將提升，而另外一些界別分組的選民基礎將維持不變，這將會導致選舉委員會不同界別的競爭性不平衡，可能引致不公；

(c) 由於大部分區議員由三百多萬選民選出，有委員提出把區議員納入選舉委員會，以擴闊選民基礎；及

(d) 有意見認為若擴大選民基礎，必須與相關業界有充分討論。若未能與業界達成共識，則不應作任何改動。

20. 不過，亦有委員提出，由於社會未能有足夠時間討論如何對選民基礎作出調整，維持目前選民基礎不變會較為合適。

<u>提名行政長官候選人的安排</u>

提名門檻

21. 較多委員認為提名門檻應維持目前選舉委員會總人數的八分之一，因為目前的規定已容許足夠競爭性。亦有委員提出提名門檻不應低於現時的規定，以免出現過多候選人，浪費社會資源。

22. 亦有委員建議降低提名門檻(例如，調低至總人數的十分之一)，可減少參選的阻礙，使 2012 年的選舉進一步民主化。

其他提名規定

23. 有委員建議設立提名上限(例如，委員會總人數的八分之一或四分之一)，以容許更多有意參選的人士有機會獲得提名。不過，有委員則持相反意見。

24. 此外，有委員提出規定候選人須在每個界別都取得一定數目的提名(例如每位參選人需要得到委員會四分之一的委員提名，並在四大界別分別取得四分之一的提名)，以確保候選人在不同界別和階層都有一定支持，而候選人不只代表某一界別的利益，符合兼顧社會各階層利益的原則。然而，有委員擔心此建議會令某些界別有否決權，增加參選的難度，並引起很大爭議。

總結

25. 總結上文，委員過去就 2012 年行政長官產生辦法的討論重點歸納如下。

選舉委員會的人數

(a) 委員普遍認同 2012 年的選舉委員會應過渡成為 2017 年普選行政長官時的提名委員會。

(b) 就選舉委員會的人數方面，部分委員認為應維持 800 人；亦有部分委員認為應增加委員人數(例如，增至 1000、1200 至 1600 或 1800 人)。

選舉委員會的組成

(c) 委員普遍認同選舉委員會的組成要按照《基本法》，符合「均衡參與」的原則，就此，委員普遍認同維持選舉委員會由四個界別組成。

(d) 至於如何在不同界別分配議席，部分委員認為應維持現有四大界別的議席數目均等；但亦有部分委員認為應調整四個界別議席數目的比例。

界別分組的重組

(e) 就應否增加、分拆或合併某些界別分組，委員提出了不同建議，但未有一致意見。

選舉委員會的選民基礎

(f) 部分委員認為應擴大選民基礎，以增強選舉委員會的代表性。至於如何擴大選民基礎，委員提出了不同意見。

(g) 不過，亦有委員提出由於社會未有足夠時間討論如何對選民基礎作出調整，維持目前選民基礎不變會較為合適。

提名安排

(h) 較多委員認為提名門檻應維持目前選舉委員會總人數的八分之一。

(i) 不過，亦有委員提出可考慮降低或提高提名門檻。

(j) 委員曾討論應否設立提名上限及其他提名規定，但未有一致意見。

政制及內地事務局
2008 年 6 月

For the meeting on 27 June 2008 Paper No: CSD/TGCD/5/2008

Commission on Strategic Development
Task Group on Constitutional Development

Summary of discussions on the method for electing the Chief Executive in 2012

Introduction

The Decision adopted by the Standing Committee of the National People's Congress ("NPCSC") on 29 December 2007 makes it clear that the Chief Executive ("CE") may be elected by universal suffrage in 2017, and that after the CE is elected by universal suffrage, all members of the Legislative Council ("LegCo") may also be elected by universal suffrage in 2020. Although NPCSC's Decision stipulates that the elections in 2012 shall not be implemented by the method of universal suffrage, it provides that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods for 2012 in accordance with the provisions of the Basic Law.

2. In accordance with NPCSC's Decision, in attaining universal suffrage, we should first deal with the issue of how the two electoral methods for 2012 should be amended. In this regard, the CE has appointed the Task Group on Constitutional Development under the Commission on Strategic Development to discuss specifically the two electoral methods for 2012 within the framework set out by NPCSC's Decision. The HKSAR Government will, in the fourth quarter of this year, consolidate options which may be considered for amending the two electoral methods for 2012 and conduct another round of public consultation as early as possible.

3. The Task Group commenced discussion on the methods for electing the CE and for forming LegCo in 2012 in February and March this year respectively. A workshop was held in May to allow members to listen to the views of various organizations and think tanks. This paper aims to summarize members' views on the method for electing the CE in 2012. This will provide a basis for the HKSAR Government to prepare the document for the next round of public consultation.

Method for electing the Chief Executive in 2012

4. At previous meetings and workshop, members discussed the following key issues relating to the method for electing the CE in 2012:

(a) size and composition of the Election Committee;

(b) electorate base of the Election Committee;

(c) reorganizing the subsectors; and

(d) arrangements for nominating CE candidates.

General Views

5. Members generally agreed that the Election Committee for 2012 should be transformed into the nominating committee when universal suffrage for the CE was implemented in 2017, so that the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017 and would be consistent with the Decision.

6. Some members considered that the democratic elements of the electoral method for 2012 should be enhanced significantly, which would be conducive to attaining universal suffrage. Nonetheless, various political parties should seek to build on common ground and accommodate mutual differences so as to reach consensus. Also, some members considered that the electoral method for 2012 should allow people of different political stances to participate in the election.

7. However, some members considered that substantial changes to the electoral arrangements for 2012 should not be made. The major reasons included:

(a) as universal suffrage for the CE would be implemented by 2017, the Election Committee for 2012, which would only operate once, should not be subject to substantial changes; and

(b) as there were only four and a half years left from now to 2012, there would not be sufficient time for the community to discuss thoroughly on any fundamental changes to be made to the electoral arrangements.

Size of the Election Committee

8. In discussing the size and composition of the Election Committee in 2012, members had taken into account the following factors:

(a) whether the requirement of "broadly representative" as set out in Annex I to the Basic Law could be complied with; and

(b) how to enhance the representativeness and legitimacy of the Election Committee.

9. Regarding the size of the Election Committee, members focused the discussion on the following two types of options. However, they held diverse views on which option should be adopted:

(a) forming the Election Committee by 800 members; and

(b) forming the Election Committee by more than 800 members.

(a) Forming the Election Committee by 800 members

10. Some members considered that the size of the Election Committee should maintain at 800 members. The major reasons included:

(a) expanding the size of the Election Committee would complicate the electoral process, which might not be beneficial to the Hong Kong community. Minimizing changes could help reduce disputes within the community; and

(b) the electorate base of an expanded Election Committee would be no different from that with 800 members. Hence, it would not be necessary to expand the size of the Committee.

(b) Forming the Election Committee by more than 800 members

11. Some members suggested that the size of the Election Committee should be expanded. The major reasons included:

(a) the majority of the public supported the proposal to expand the size of the Election Committee when the Government consulted the public on the package of proposals for 2007/08;

(b) adjustment should be made to the size of the Election Committee to tie in with the development of society; and

(c) greater public participation would enhance the representativeness and legitimacy of the Election Committee. This could allow more room and opportunities for the public to take part in the CE election.

12. Specific proposals put forth by members included increasing the number of the Election Committee members to 1000, 1200-1600 and 1800.

13. However, some members considered that the most crucial issue was the electorate base, rather than the size, of the Election Committee, which should be broadened to enhance the democratic elements of the election.

Composition of the Election Committee

14. As regards the composition of the Election Committee, in discussing the relevant issues, members considered the explanation made by Mr Qiao Xiaoyang, Deputy Secretary-General of the NPCSC, in the seminar held in Hong Kong on 29 December last year, that the NPCSC's Decision "has made it clear that the nominating committee may be formed with reference to the current Election Committee, that is the basic element of forming the Election Committee by the four sectors should be preserved."

15. Members generally agreed that the Election Committee should be formed in accordance with the Basic Law and in compliance with the principle of balanced participation. In this regard, members generally agreed that the Election Committee should be formed by maintaining the current composition of four sectors.

16. On the allocation of seats among different sectors, members held diverse views:

(a) some members suggested that the existing arrangement that the four sectors took up an equal number of seats should be maintained (e.g. to increase the number of seats of the four sectors evenly) so as to comply with the principle of balanced participation; and

(b) some members suggested that the proportion of seats among the four sectors should be adjusted. For example:

(i) The number of seats of the First, Second and Third Sector should each be increased by 200, while the Fourth Sector should include all elected District Council members.

There were, however, views that all District Council members should be included, i.e. appointed District Council members should not be excluded, while there were also views that the Fourth Sector should not include all District Council members because this would change the balance among the four sectors.

(ii) There were views that consideration could be given to increasing the proportion of members from the industrial, commercial and financial sectors to tie in with Hong Kong's economic development. However, there were views that the existing composition of the Election Committee was already slanted towards the industrial, commercial and professional sectors.

Reorganizing the subsectors

17. Members held preliminary discussions on whether certain subsectors should be established, split or merged. In this regard, members expressed different views:

(a) there were suggestions that consideration should be given to establishing new subsectors, with the additional seats allocated to sectors which were currently not represented in the Election Committee. This could enhance the representativeness of the Election Committee. Specific proposals included subsectors for women, youths, small and medium enterprises, auxiliary profession, Hong Kong-Mainland trade, etc.; and

(b) there were also suggestions that certain existing subsectors should be split, for example, the sports, performing arts, culture and publication subsector should be split into two subsectors – one for sports and the other for performing arts, culture and publication.

18. However, there were also views that it would be rather controversial to establish, split or merge the subsectors. As the Election Committee to be formed in 2012 would be the last one before implementation of universal suffrage, it would not be necessary to reorganize the subsectors.

Electorate Base of the Election Committee

19. Regarding the electorate base of the Election Committee, some members considered that it should be expanded, so as to enhance the representativeness of the Election Committee. As to how the electorate base should be expanded, members expressed different views:

(a) there were views that corporate votes should be replaced with director's / executive's votes because this could broaden the electorate base of the Election Committee. Consideration could be given to limit the number of director's / executive's votes for each company and the number of votes each director / executive would be entitled to, and to require that each company could only vote in one subsector. This could ensure that the members were representative of the relevant sectors;

(b) there were views that if corporate votes were replaced with director's / executive's / individual's votes, while the competitiveness of the relevant subsectors would be enhanced, the electorate base of other subsectors would remain unchanged. This would result in imbalance of competitiveness among different sectors of the Election Committee, which might give rise to unfairness;

(c) as the majority of District Council members were returned by some three million voters, there were views that District Council members should be included in the Election Committee so as to broaden its electorate base; and

(d) there were views that it would be necessary to have sufficient discussion with the relevant sectors on the broadening of electorate base. If consensus could not be reached with the relevant sectors, no changes should be made.

20. However, there were also views that as the community would not have sufficient time to discuss how the electorate base should be adjusted, it would be more appropriate to maintain the existing electorate base.

Arrangements for nominating CE candidates

Nomination threshold

21. More members considered that the nomination threshold should be maintained at one-eighth of the total membership of the Election Committee because the existing requirement already allowed sufficient room for competition. There were also views that the nomination threshold should not be lower than the current level to avoid having too many candidates, which would give rise to a waste of community resources.

22. However, there were views that the nomination threshold should be lowered (e.g. to be lowered to one-tenth of the total membership) to minimize the barrier for participating in the election and to further democratize the election in 2012.

Other nomination requirements

23. There were views that an upper limit for the number of subscribers for nominating a CE candidate should be set (e.g. one-eighth or one-fourth of the total membership), which could enable more potential candidates to take part in the election. However, some members held opposing views.

24. Moreover, there were views that candidates should be required to obtain a certain number of nominations in each sector (e.g. each candidate should be required to obtain nominations from one-fourth of all members of the Election Committee, and at the same time, obtain nominations from one-fourth of members in each of the four sectors) to ensure that the candidates had a certain level of support from different sectors and strata. Also, as the candidates would not represent only one single sector, this would be consistent with the principle of meeting the interests of different sectors of society. However, there were views that this would amount to giving certain sectors a veto power, which would make it more difficult for people to take part in the election and would cause great disputes.

Conclusion

25. To conclude, members' previous discussions on the method for electing the CE in 2012 are summarized below.

Size of the Election Committee

(a) Members generally agreed that the Election Committee for 2012 should be transformed into the nominating committee when universal suffrage for the CE was implemented in 2017.

(b) Regarding the size of the Election Committee, some members considered that the size should remain at 800 members, while some considered that the size should be expanded (e.g. to increase to 1000, 1200-1600 or 1800 members).

Composition of the Election Committee

(c) Members generally agreed that the Election Committee should be formed in accordance with the Basic Law and in compliance with the principle of balanced participation. In this regard, members generally agreed that the Election Committee should be formed by maintaining the current composition of four sectors.

(d) On the allocation of seats among different sectors, some members considered that the existing arrangement that the four sectors took up an equal number of seats should be maintained, while some considered that the proportion of seats among the four sectors should be adjusted.

Reorganizing the subsectors

(e) On whether certain subsectors should be established, split or merged, members had put forth different proposals and held diverse views on this issue.

Electorate base of the Election Committee

(f) Some members considered that the electorate base should be broadened to enhance the representativeness of the Election Committee. As to how the electorate base should be expanded, members had expressed diverse views.

(g) However, some members considered that as the community would not have sufficient time to discuss how the electorate base should be adjusted, it would be more appropriate to maintain the existing electorate base.

Nomination arrangements

(h) More members considered that the existing nomination threshold should be maintained at one-eighth of the total membership of the Election Committee.

(i) However, some members suggested that consideration should be given to lowering or increasing the nomination threshold.

(j) Members discussed whether an upper limit or other nominating requirements should be set and held diverse views on this issue.

Constitutional and Mainland Affairs Bureau
June 2008

2008年6月27日會議　　文件編號：CSD/TGCD/6/2008

策略發展委員會
政制發展專題小組

有關2012年立法會的產生辦法 －
意見歸納

引言

正如「有關2012年行政長官的產生辦法 － 意見歸納」的文件(文件 CSD/TGCD/5/2008)所述，專題小組委員在過去數個月聚焦討論了2012年的兩個產生辦法。

2. 本文件旨在歸納委員過去就2012年立法會產生辦法所提出的意見，以作為特區政府草擬下一輪公眾諮詢文件的基礎。

2012年立法會的產生辦法

3. 委員在過去的會議及工作坊中，討論了以下有關2012年立法會產生辦法的關鍵議題：

(a) 立法會議席數目；

(b) 功能界別的選民範圍；及

(c) 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

4. 委員在討論2012年立法會的產生辦法時，考慮了以下因素：

(a) 須符合人大常委會去年12月所作的《決定》，即功能團體和分區直選產生的議員各佔半數的比例維持不變；及

(b) 如何按照循序漸進的原則，使選舉辦法進一步民主化。

5. 委員亦認同在考慮2012年的選舉方案，應顧及有利逐步邁向普選，不應局限將來討論的空間和進一步發展。

立法會議席數目

6. 在過去的討論中，較多委員認為應在2012年增加立法會的議席數目，主要理據包括：

(a) 隨著人口增長，立法會的工作日益繁重。增加立法會議席可配合立法會的實際工作需要；

(b) 擴闊參政渠道，容許更多不同背景、經驗和意見的人士參政，有利培養政治人才，長遠亦有利政黨發展；

(c) 與外國的議會比較，香港人口相對議席的比例較高；及

(d) 加強立法會反映各方面民意的功能，增加民主成分和市民的參與。

7. 至於具體的議席數目，較多委員認為應增至70席，原因包括這是一個較謹慎的做法，日後如有需要可按實際情況及循序漸進的原則再考慮增加議席。

8. 亦有委員認為應增至80席，以提供更多機會培育政治人材及促進政黨發展。但有意見認為，若一次過增加20席，可能會引起太大變化。

9. 不過，有個別委員認為應維持立法會議席為60席，主要原因是在功能界別的存廢問題未有定案前，不宜增加議席數目，以免在加入哪些新功能界別、應否增加個別界別的議席等議題上引起社會爭拗。

功能界別的選民範圍

10. 若立法會的議席數目增至70或80席，按照人大常委會的《決定》，分區直選及功能界別所產生的議席，應各增加5或10席。

11. 委員普遍認同在考慮功能界別的選民範圍時，主要顧及的因素包括：

(a) 能增加立法會的代表性和認受性；

(b) 能符合「均衡參與」的原則；及

(c) 能盡量減少社會爭拗。

12. 若功能界別議席數目有所增加，委員對於應如何處理新增的功能界別議席，未有一致意見。委員曾討論的方案包括：

(a) 加入新增界別；

(b) 增加區議會在功能界別的議席數目；

(c) 把公司/團體票改為董事/行政人員/屬會/個人票；及

(d) 重組某些現有功能界別。

(a) 加入新增界別

13. 有委員認為，若功能界別議席數目有所增加，應加入現時未被納入功能界別的界別，原因包括：

(a) 在現階段給予更多界別的代表有機會參與立法會的工作，能有助這些界別代表為將來參與普選作準備；

(b) 若把新增的功能界別議席分配給不同界別，可能會減少社會爭拗。

14. 至於加入的新增界別，委員提出了不同具體建議，包括：

(a) 家庭崗位勞動者；

(b) 婦女；

(c) 青年；

(d) 退休人士；

(e) 基層團體、社團；

(f) 中小企；

(g) 文化、創意產業界；

(h) 中醫藥界；

(i) 中資企業；

(j) 安老服務界；

(k) 公務員；

(l) 僱主聯會。

15. 不過，有委員認為部分界別(例如，中小企界及文化、創意企業界)已包含在現有的選民範圍內，毋須再另行增加這些界別。

16. 亦有委員提議新增的功能界別議席，可參照「新九組」的安排，以大幅度擴大選民基礎。

17. 不過，有委員反對增加新的功能界別，認為選擇性地加入一些新的界別會引起社會爭議，亦會製造更多既得利益者。若最終普選時會取消功能界別，愈多界別只會令問題愈加複雜。

(ii) 增加現時區議會在功能界別的議席數目

18. 有委員認為，若功能界別議席數目有所增加，應增加現時區議會在功能界別的議席數目，因為：

(a) 區議員的選民基礎較廣，能增強功能界別的民主成分及代表性，對香港的民主發展有利；

(b) 區議員亦有其重要的社會功能，若增加他們在立法會的議席數目，將有助培育區議員中的政治人才，亦可促進政黨發展；

(c) 政府於 2005 年提出把新增功能界別議席全數由區議員互選產生的方案，當時獲得六成市民支持；及

(d) 增加區議會在立法會的議席數目，實際上能減少其他功能界別議員的比例，對於立法會將來就在達至普選時應如何處理功能界別，有助達成共識。

19. 委員普遍認為立法會的區議會代表應由區議員互選產生，但亦有意見認為委任議員不應參與有關選舉。

20. 不過，部分委員反對增加區議會在功能界別的議席數目，原因包括：

(a) 增加區議會在功能界別的議席數目，選民基礎會與新增的地區直選議席的選民基礎重覆，因其本質是地區選舉而非功能界別選舉；

(b) 區議會與其他功能界別不同，後者以職業及界別性質劃分，而增加區議會議席不完全符合「均衡參與」的原則；及

(c) 具質素的區議員可透過立法會地區直選參選，毋須在功能界別佔有更多的區議會議席。

(c) 把公司/團體票改為董事/行政人員/屬會/個人票

21. 委員在把公司/團體票改為董事/行政人員/屬會/個人票方面，意見紛紜：

(a) 有委員建議以董事/行政人員票取代公司票，及把團體擴大至包括團體的屬會，因為這可擴大功能界別的選民基礎，並建議考慮限制每間公司的董事/行政人員票數量和每名董事/行政人員可投票的次數，以及規定每間公司只可隸屬一個功能界別，以確保有關界別議員的代表性。

不過，有委員認為董事是由公司委任，把公司票改為董事票作用不大；

(b) 有委員提出把個人票給予業界工作者，也有建議把公司/團體票改為個人票，以增加選舉的民主成分；

(c) 不過，有意見認為公司/團體票是香港選舉的特色，增設董事/個人票反而不符合功能界別選舉的原意，不但會增加「種票」風險，更會削弱有關界別議員的代表性。亦有委員這個安排只屬政治姿態，無助改變公眾對功能界別選舉的看法；及

(d) 有委員建議按不同界別的情況決定有關界別是否需要作出這個安排。

(d) 重組某些現有功能界別

22. 對於應否重組某些現有功能界別，委員持不同意見。

23. 有委員認為可考慮分拆現有功能界別，例如「體育、演藝、文化及出版界」、「地產及建造界」和「建築、測量及都市規劃界」；但亦有委員反對分拆現有功能界別，認為此舉並沒有擴大功能界別的選民基礎，卻會增加某些界別的現

有議席數目，對加強市民的參與並無幫助。

24. 在委員提出可考慮合併及重組某些功能界別，但有委員表示反對，例如合併醫學界和衞生服務界，會對選民人數較少的界別不公平，亦會引起社會爭議。

25. 另有委員認為分拆或合併功能界別較為複雜，社會未有足夠時間作充分討論。

<u>應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排</u>

26. 對於應否修改立法會功能界別容許百分之二十的立法會議員可由非中國籍和持有外國居留權人士出任的安排，有兩方面意見。

27. 有委員認為可以維持現有安排，理據包括：

(a) 有關安排是「一國兩制」下容許立法會吸納不同人才的特別安排，反映香港的包容性和多元化；

(b) 這個安排多年來運作暢順，而目前移民熱潮已過，非中國籍和持有外國居留權人士的立法會議員實際上不多，因此並無迫切改變現有安排。

反之，改變現有安排可能會給予國際社會一個錯誤印象，以為香港排斥非中國籍人士，故此有關安排目前可予以保留，並可於檢討功能界別的長遠路向時一併檢討；

(c) 有關安排可繼續只適用於功能界別議席。

28. 不過，亦有委員認為應逐步減少有關比例或長遠完全取消這個安排，原因包括：

(a) 有關安排只屬過渡性質，應分階段減少有關比例及長遠(特別在實行普選後)取消這個安排；

及

(b) 外國議會很少有類似的安排。

29. 整體而言，委員普遍認為改變有關安排並無迫切性。

總結

30. 總結上文，委員就2012年立法會產生辦法的討論重點歸納如下。

立法會議席數目

(a) 較多委員認為應增加議席數目。較多委員認為應增至70席，也有委員認為應增至80席。

(b) 不過，有個別委員認為應維持現時立法會的60席。

立法會的選民範圍

(c) 委員普遍認同在考慮功能界別的選民範圍時，須顧及能增加立法會的代表性和認受性，及符合「均衡參與」的原則。

(d) 不過，對於應如何處理新增的功能界別議席，則未有一致意見。曾討論的方案包括：

(i) 加入新增界別；

(ii) 增加區議員互選立法會議席的數目；

(iii) 把公司/團體票改為董事/行政人員/屬會/個人票；及

(iv) 重組某些現有功能界別。

應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排

(e) 對於應否調整有關安排，兩方面意見都有。整體而言，委員普遍認為改變有關安排並無迫切性。

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Commission on Strategic Development
Task Group on Constitutional Development

Summary of discussions on the method for forming the Legislative Council in 2012

Introduction

As stated in the paper "Summary of discussions on method for electing the Chief Executive in 2012" (Paper No: CSD/TGCD/5/2008), in the past few months, the Task Group focused its discussion on the two electoral methods for 2012.

2. This paper aims to summarize members' views on the method for forming the Legislative Council ("LegCo") in 2012. This will provide a basis for the HKSAR Government to prepare the document for the next round of public consultation.

Method for forming the Legislative Council in 2012

3. At previous meetings and workshop, members discussed the following key issues relating to the electoral method for LegCo in 2012:

(a) the number of seats in LegCo;

(b) the delineation of the electorate of functional constituencies ("FCs"); and

(c) whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted.

4. In discussing the method for forming LegCo in 2012, members have taken into account the following factors:

(a) the provisions of the Decision of the Standing Committee of the National People's Congress

("NPCSC") adopted last December (i.e. the half-and-half ratio between members returned by FCs and members returned by geographical constituencies ("GCs") through direct elections shall remain unchanged) must be complied with; and

(b) how to further democratize the electoral method in accordance with the principle of gradual and orderly progress.

5. Members also agreed that, in considering the options of the electoral method for 2012, we should take into account that they should be conducive to attaining universal suffrage in a gradual manner and that they should not limit the room for discussion and further development in future.

Number of seats in LegCo

6. In previous discussions, more members considered that the number of seats of LegCo should be increased in 2012. The major reasons included:

(a) the workload of LegCo had increased with population growth. Increasing the number of LegCo seats could meet the operational requirements of LegCo;

(b) broadening the avenues for political participation, which could enable more people of different backgrounds, experiences and stances to participate in politics. This would be conducive to nurturing political talents and development of political parties in the long run;

(c) the population-to-seat ratio of Hong Kong is relatively higher than those of overseas legislatures; and

(d) enhancing the function of LegCo in reflecting a full spectrum of public opinions and increasing the democratic elements and public participation.

7. As regards the specific number of seats, more members considered that the number should be increased to 70, with reasons

included that it would be a more prudent approach and, if necessary, consideration could be given to further increasing the number of seats in future in accordance with the principle of gradual and orderly progress and in the light of the actual situation.

8. Some members considered that the number of LegCo seats should be increased to 80, so as to provide more opportunities for nurturing political talents and for promoting political development. However, there were views that increasing 20 seats in one go would be too great a change.

9. However, individual members considered that the number of LegCo seats should remain at 60 seats. The major reason was that, before a final view had been taken on how to deal with the FCs, it would not be appropriate to increase the number of LegCo seats. Otherwise, there would be disputes within the community over issues such as what new FCs should be established and whether the number of seats returned by individual FCs should be increased.

The Delineation of the Electorate of FCs

10. If the number of LegCo seats was to be increased to 70 or 80, in accordance with NPCSC's Decision, the number of seats returned by GCs through direct elections and FCs should each be increased by 5 or 10.

11. Members generally agreed that, in considering the delineation of the electorate of FCs, the key factors that should be taken into account included:

(a) the representativeness and legitimacy of LegCo could be enhanced;

(b) the principle of "balanced participation" could be complied with; and

(c) controversy within the community could be minimized.

12. As regards how the additional FC seats should be dealt with if the number of FC seats was to be increased, members held diverse views. The proposals discussed by members included:

(a) establishing new FCs;

(b) increasing the existing number of FC seats allocated to District Councils;

(c) replacing corporate votes with director's / executive's / association's / individual's vote; and

(d) reorganising certain existing FCs.

(a) Establishing new FCs

13. Some members considered that if the number of FC seats was to be increased, new FCs should be established for sectors which were currently not represented. The reasons included:

(a) providing more opportunities for different sectors to participate in the work of the LegCo at this stage could help their representatives get prepared for participating in universal suffrage in future;

(b) it might minimize controversies within the community if the newly created FC seats were to be allocated to different sectors.

14. Members had put forth different specific proposals on the establishment of new FCs, including:

(a) Home-makers;

(b) Women;

(c) Youth;

(d) Retirees;

(e) Grassroot and social groups;

(f) Small and medium enterprises;

(g) Cultural and creative industries;

(h) Chinese medicine practitioners and Chinese medicine industry;

(i) Chinese enterprises;

(j) Elderly service;

(k) Civil service;

(l) Employers' associations.

15. However, some members considered that some of these sectors (e.g. small and medium enterprises, cultural and creative industries) were already included in the existing electorate, and that it would not be necessary to establish new FCs for these sectors.

16. There were also views that reference could be made to the arrangements of the "nine new FCs" in establishing new FC seats, so as to broaden the electorate base significantly.

17. However, some members opposed to the proposal of establishing new FCs because by including new sectors selectively would give rise to controversy within the community and would create more vested interest groups. If FCs were to be abolished eventually when universal suffrage was implemented, the existence of more FCs would only make the issue more complicated.

(ii) Increasing the Existing Number of FC seats allocated to District Councils

18. Some members considered that if the number of FC seats was to be increased, the number of FC seats allocated to District Councils should be increased because:

(a) given the wider electorate base of District Council members, this could enhance the democratic elements and representativeness of FCs, which would be conducive to Hong Kong's democratic development;

(b) District Council members performed an important social function. Increasing the number of LegCo seats for District Council members would help nurture

political talents among them and promote the development of political parties;

(c) the proposal put forth by the Government in 2005 to allow all new FC seats to be returned through elections by District Council members from among themselves was supported by 60% of the public; and

(d) increasing the number of FC seats allocated to District Councils would in effect reduce the proportion of members of other FCs. This could help forge consensus within LegCo on how the FCs should be dealt with when universal suffrage was implemented.

19. Members generally agreed that District Council representatives in LegCo should be returned through elections by District Council members from among themselves. However, there were views that appointed members should not be allowed to participate in the election.

20. However, some members opposed to increasing the number of FC seats allocated to District Councils. The reasons included:

(a) if the number of FC seats allocated to the District Councils was to be increased, the electorate base of these FC seats would duplicate with that of the new seats returned by GCs through direct elections, because the nature of District Council election was similar to that of GC, but not FC, election;

(b) the nature of District Councils was different from that of other FCs as the latter were defined by the nature of occupation and sector. Increasing the number of seats allocated to the District Councils would not be entirely consistent with the principle of "balanced participation"; and

(c) high calibre District Council members could stand for LegCo direct elections through the GCs. It would not be necessary to allocate more FC seats to District Councils.

(c) Replacing corporate votes with director's / executive's / association's / individual's votes

21. Regarding the proposal of replacing corporate votes with director's / executive's / association's / individual's votes, members held diverse views:

(a) there were views that corporate votes should be replaced with director's/executive's votes and the scope of organizations should be broadened to cover affiliated associations because this could broaden the electorate base of FCs. Consideration could be given to limit the number of director's / executive's votes for each company and the number of votes each director / executive would be entitled to, and to require that each company could only vote in one subsector. This could ensure that the members were representative of the relevant sectors.

However, there were views that replacing corporate votes with director's votes would not serve a useful purpose, as directors were appointed by the companies;

(b) there were views that individual's votes should be given to trade practitioners and that corporate votes should be replaced with individual's votes, so as to enhance the democratic elements of the election;

(c) however, there were views that corporate voting was a unique feature of Hong Kong's elections. Replacing corporate votes with director's / individual's votes was not consistent with the original intent of introducing FC elections. Not only would this increase the risk of "vote planting", but also render the relevant FC members less representative. There were also views that such arrangement would be no more than a political gesture, which would not help change the public perception of FC elections; and

(d) there were views that the need for such arrangement for different sectors should be considered by taking into account the circumstances of individual sectors.

(d) Reorganising certain existing FCs

22. On whether certain existing FCs should be reorganised, members held diverse views.

23. Some members considered that certain existing FCs could be split (e.g. Sports, Performing Arts, Culture and Publication, Real Estate and Construction, and Architectural, Surveying and Planning). However, some members opposed to splitting the existing FCs because, rather than broadening the electorate base of the FCs, the proposal would increase the number of seats returned by certain FCs. This would not be conducive to enhancing public participation.

24. There were views that consideration should be given to merging or reorganizing certain FCs. However, some members opposed to the proposal (e.g. merging the Medical and Health Services FCs) for reasons that it would be unfair to constituencies with a smaller electorate size, and that it would give rise to controversy within the community.

25. Some members considered that splitting or merging FCs would be relatively more complicated and that there would not be sufficient time for the community to discuss the issue thoroughly.

Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted

26. Members held diverse views on whether the arrangement that 20 percent of LegCo seats might be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries should be adjusted.

27. Some members considered that the current arrangement should be maintained. The reasons included:

(a) this was a special arrangement under "One Country, Two Systems" to allow LegCo to attract different talents, which reflected Hong Kong's inclusive and pluralistic culture;

(b) this arrangement had been working smoothly. As the wave of emigration had already passed and in practice,

there were only very few LegCo Members who were not of Chinese nationality or who had the right of abode in foreign countries, there was no imminent need to change the arrangement.

On the contrary, making changes to the existing arrangement might give the international community a false impression that Hong Kong rejected people who were not of Chinese nationality. Hence, the existing arrangement should be maintained at the present stage and could be reviewed in the context of reviewing the future of FCs; and

(c) the arrangement should continue to be applicable to only FC seats.

28. However, there were also members who considered that the concerned percentage should be gradually reduced or the arrangement should be abolished in the long run. The reasons included:

(a) this was only a transitional arrangement. The relevant percentage should be reduced in phases and the arrangement should be abolished in the long run (particularly when universal suffrage had been implemented); and

(b) such an arrangement was not common among overseas legislatures.

29. Generally speaking, members considered that there was no imminent need for changing the relevant arrangement.

Conclusion

30. To conclude, members' previous discussions on the method for forming the LegCo in 2012 are summarized below.

Number of seats in LegCo

(a) More members considered that the number of seats of LegCo should be increased. More members considered

that the number should be increased to 70 seats, while some considered that it should be increased to 80.

(b) However, individual members considered that the number of LegCo seats should remain at 60 seats.

The Delineation of the Electorate of FCs

(c) Members generally agreed that, in considering the delineation of the electorate of FC, we should take into account that the representativeness and legitimacy of LegCo should be enhanced, and the principle of "balanced participation" should be complied with.

(d) However, as regards how the additional FC seats should be dealt with if the number of FC seats was to be increased, members held diverse views. Proposals which had been discussed by members included:

(i) establishing new FCs;

(ii) increasing the existing number of FC seats allocated to District Councils;

(iii) replacing corporate votes with director's / executive's / association's / individual's votes; and

(iv) reorganising certain existing FCs.

Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of babied in foreign countries should be adjusted

(e) Members held diverse views on whether such arrangement should be adjusted. Members generally agreed that there was no imminent need for changing the relevant arrangement.

Constitutional and Mainland Affairs Bureau
June 2008

策略發展委員會
政制發展專題小組第一次會議
2008年2月28日

意見摘要

召集人歡迎委員出席策略發展委員會政制發展專題小組(專題小組)第一次會議。他表示：

(a) 全國人民代表大會常務委員會的《決定》明確香港可於2017年普選行政長官，而在行政長官普選後，立法會全部議員可以在2020年由普選產生。與此同時，2012年的兩個選舉辦法可作出符合循序漸進原則的適當修改。

(b) 特區政府就如何修改2012年兩個選舉辦法，目前並無定案。委員可以在《決定》的框架下，討論2012年的兩個選舉辦法，並於今年年中左右完成討論。特區政府期望能於今年第四季歸納就修改2012年兩個選舉辦法可考慮的方案，盡早展開下一輪的公眾諮詢。

<u>未來會議的討論議題(文件編號：CSD/TGCD/1/2008)</u>

2. 有委員認為應先討論普選模式，並在達成共識後才研究作為中途站的2012年選舉辦法。亦有委員認為應一併討論2012年選舉辦法及2017年的普選模式。

3. 不過，有委員表示，2017年的普選與2012年的選舉辦法並無必然關係，不應作綑綁式討論。有委員認為專題小組應集中研究2012年的選舉辦法，但若在過程中觸及2017年的普選模式，亦不須迴避有關討論，委員可就普選模式作交流。

4. 此外，有委員建議增加會議次數，讓委員能就相關議題作充分討論。亦有委員認為專題小組不需在今年六月前完成有關討論。有委員提出毋須在第四屆立法會於今年九月產生之前，急於處理2012兩個選舉辦法。

5. 政制及內地事務局局長回應表示，《決定》已明確可在2017年及2020年分別落實普選行政長官及立法會，現階段應先由第三任行政長官開展處理2012年兩個選舉辦法的有關工作，並在約2010年與第四屆立法會處理有關《基本法》附件一和附件二的修訂。隨後，2012年產生的行政長官會與第五屆立法會共同處理2017年行政長官的普選，而由普選產生的行政長官，則會與第六屆立法會共同處理2020年普選立法會的安排。按部就班地處理這個議題的做法是恰當的。

6. 政制及內地事務局局長認為，若2012年組成的選舉委員會可過渡成為2017年的提名委員會，將有利兩個選舉辦法的銜接。特區政府為了充分利用未來四年半的時間，已透過專題小組開展有關2012年兩個選舉辦法的討論，並會在今年秋季過後，決定何時進行下一輪的公眾諮詢。特區政府希望通過更多的醞釀和討論，在社會內凝聚共識。

7. 召集人補充，為了讓公眾盡早參與2012年兩個選舉辦法的討論，專題小組的工作不宜拖得太長。他希望專題小組的討論結果能有助收窄公眾諮詢的討論範圍。他表示，專題小組的討論開放，希望委員能集中討論2012年兩個選舉辦法，但若委員提出關於普選模式的看法，我們會聽取。

2012年行政長官的產生辦法：選舉委員會的人數和組成及提名安排(文件編號：CSD/TGCD/2/2008)

一般意見

8. 整體而言，不少委員認為2012年的選舉委員會的組成應過渡至2017年的提名委員會，這將有利兩套選舉安排的銜接。

9. 有委員認為2012年選舉辦法的民主程度，應在目前的基礎上有明顯進步。有委員表示2012年的選舉辦法應能讓不同政見的人士參與選舉。有委員同意2012年的政制應向前發展，這將有利落實普選，但不同黨派應求同存異，以達成共識。

10. 有委員提出可以政府於2005年提出修改2007年行政長官及2008年立法會選舉辦法的建議方案為基礎，去討論2012年的選舉辦法。他認為建議方案當時獲得六成市民支持，而中

央及特區政府亦認為方案符合《基本法》循序漸進的原則，值得進一步考慮。不過，有委員認為若現在重新提出2005年的方案，將再挑起應否把所有區議員納入選舉委員會的爭拗，導致社會分化。亦有委員認為2012年的方案應較2005年的建議方案更為民主。

11. 不過，有委員認為既然在2017年便已普選行政長官，2012年的選舉安排不宜作大幅度的改動。有委員表示贊同，並認為由於選舉委員會及提名委員會的性質不同，2012年的選舉委員會只是運作一次，不應作大改動。亦有委員認為由現在到2012年只有四年半，若要對選舉安排作根本性改動，社會未有足夠時間作充分討論，因此維持目前的安排可能較為合適。

12. 有委員認為在討論2012年的選舉辦法時，應顧及《基本法》有關循序漸進和均衡參與的原則，並應為香港社會不同界別以至中央接受。

選舉委員會的委員人數

13. 有委員認為不應增加選舉委員會的委員人數，原因是這會使選舉過程變得複雜，不一定對香港社會有利。有委員表示贊同，認為愈少改動可減少社會爭拗。此外，有委員認為即使增加選舉委員會的人數，所代表的選民基礎與800人的委員會並無分別，因此無需要增加委員人數。

14. 有委員則建議可增加選舉委員會的委員人數，主要原因包括當政府在2005年就2007/08建議方案諮詢公眾時，大部分市民支持增加選舉委員會人數，以及選舉委員會人數需要因應社會發展而作出調整。具體的建議包括把人數增至1000人、1200至1600人及1800人。

15. 不過，有委員認為選舉委員會的委員人數並非最關鍵，反而是應擴大選民基礎，以增加選舉的民主成分。

如何在不同界別分配議席

16. 部分委員認為應維持目前選舉委員會四個界別的席位數目均等不變，以符合均衡參與的原則。有委員提出不宜在第四界別加入全體區議員，因為這會改變四個界別的平衡。

17. 不過，有委員則提出可調整四個界別席位數目的比例，例如，有委員建議第一至第三界別各增加 200 個席位，但第四界別可加入全部 405 名民選區議員。有委員則提出在第四界別加入全體區議員，不應排除委任區議員。

18. 此外，有委員提出可按照不同界別對香港的本地生產總值的貢獻的比例來分配席位數目。有委員表示為配合社會經濟的發展，可考慮增加工商、金融界的委員數目比例，但有委員反對此建議。

界別分組的重組

19. 有委員認為在四大界別的基礎上，可考慮增加新的界別分組，把席位分配予目前在選舉委員會未有代表的界別(例如，婦女界、青年界、中小企界、輔助專業界、中港貿易界)，以擴大選民基礎及增強選舉委員會的代表性。

20. 有委員認為分拆界別分組比合併較容易令市民接受。亦有委員提議把「體育、演藝、文化及出版界」界別分組分拆，成為「體育界」及「演藝、文化及出版界」兩個界別分組。

21. 不過，亦有委員認為由於 2012 年組成的選舉委員會是普選前的最後一屆，因此毋須重組界別分組。

選舉委員會的選民基礎

22. 部分委員認為應擴大選民基礎，以增強選舉委員會的代表性。

23. 至於如何擴大選民基礎，有委員建議把「公司票」轉為「董事/行政人員票」，但非轉為「個人票」。但有委員反對此建議，認為董事只代表個人，而且有些人士一人身兼多間公司的董事，可能會引起不公。亦有委員認為把「公司票」轉為「董事/行政人員票」，過程過於複雜。有委員則認為若在選舉委員會的部分界別分組把「公司/團體票」轉為「董事/個人票」，這些界別分組議席的競爭性將提升，而另外一些界別分組的選民基礎將維持不變，這將會導致選舉委員會不同界別的競爭性不平

衡，可能引致不公。

24. 有委員並不反對擴大選民基礎，但認為必須與相關業界有充分討論。若未能與業界達成共識，則不應作任何改動。

25. 有委員則認為選舉委員會委員的產生辦法，可能牽涉功能團體議席的產生辦法，亦可能影響均衡參與的現況，故此應按「先易後難」的原則，暫緩處理。亦有委員認為由於社會未能有足夠時間討論如何對選民基礎作出調整，維持目前選民基礎不變較為合適。

2012 年提名行政長官的提名安排

26. 部分委員認為 2012 年行政長官選舉的提名門檻應維持選舉委員會總人數的八分之一，因為目前的規定已容許足夠競爭性。有委員認為在 2012 年應維持目前的提名門檻，但可考慮在 2017 年實行普選時，把提名門檻降低至十六分之一，以鼓勵更多人參與普選。

27. 亦有委員認為不應提高提名門檻，甚至應該降低，使 2012 年的選舉進一步民主化。

28. 不過，有委員認為提名門檻不應低於現時的規定，以免產生過多候選人，浪費社會資源。有委員表示，為保障各階層利益和均衡參與，2012 年行政長官選舉的候選人應限制在 2 至 4 人內；每位參選人需要得到委員會四分之一的委員提名，並在四大界別分別取得四分之一的提名。然而，有委員擔心此建議會令某些界別有否決權，增加參選的難度，並引起很大爭議。

29. 此外，有委員認為行政長官候選人所需的提名數目應設上限，以容許多些候選人參與選舉；但亦有委員不贊同此建議。

總結

30. 召集人表示，中央訂出明確的普選時間表，回應了香港市民對普選的訴求。現時在社會上及立法會內的普遍意見是希望各界能求同存異，盡快就 2012 的選舉辦法達成共識。

31. 就委員的討論，召集人總結如下：

(1) 雖然專題小組對 2012 年行政長官的具體產生辦法仍然意見紛紜，但委員普遍希望 2012 年的選舉委員會可過渡至 2017 年的提名委員會，此安排有利兩個選舉辦法的銜接；

(2) 不少委員認同 2012 年選舉委員會的組成應符合「均衡參與」的原則。部分委員提出如何組成選舉委員會較委員會的人數更為重要；

(3) 對於應否及如何擴大選民基礎的爭議較大，需要聽取多方面的意見；

(4) 對於提名門檻及候選人的數目，須進一步研究。

32. 召集人表示，秘書處會歸納各委員所發表的意見。下一次會議的日期暫定於三月底舉行。

33. 出席會議人士名單載於附件。

策略發展委員會秘書處
2008 年 3 月

Summary of the views expressed at the First Meeting of the Task Group on Constitutional Development of the Commission on Strategic Development held on 28 February 2008

(Translation)

The Convenor welcomed Members to the first meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development. He made the following points:

(a) The Decision of the Standing Committee of the National People's Congress (NPCSC) had made clear that the Chief Executive (CE) might be elected by universal suffrage in 2017 and, after the CE had been elected by universal suffrage, all members of the Legislative Council (LegCo) might be elected by universal suffrage in 2020. At the same time, appropriate amendments conforming to the principle of gradual and orderly progress might be made to the two electoral methods for 2012.

(b) At present, the HKSAR Government had not formed any views on how the two electoral methods for 2012 should be amended. Members could discuss the two electoral methods for 2012 within the framework set out by the Decision and complete discussions around the middle of this year. The HKSAR Government hoped to consolidate the options which might be considered for amending the two electoral methods for 2012 in the fourth quarter of 2008 and to conduct another round of public consultation as early as possible.

Issues to be Discussed at Future Meetings (Paper Ref: CSD/TGCD/1/2008)

2. A Member opined that models for implementing universal suffrage should be discussed first and after consensus had been reached, members should then study the electoral methods for 2012 which would act as a midway station. Another Member was of the opinion that the electoral methods for 2012 and models for implementing universal suffrage in 2017 should be discussed together.

3. However, a Member pointed out that there was no necessary connection between universal suffrage in 2017 and the electoral methods for 2012, and that the two issues should not be bundled together. A Member considered that the task group should focus on studying the electoral methods for 2012. Nevertheless, there was no need to avoid discussing models for implementing universal suffrage in 2017 if the issue was touched on during discussion. In such case, members might exchange views on that issue.

4. Moreover, a Member suggested that the task group should meet more frequently to enable members to have thorough discussions on related issues. Another Member considered that there was no need for the task group to conclude the discussion by June this year. A Member pointed out that there was no need to hurry on the issue of the two electoral methods for 2012 before the formation of the fourth term LegCo in September this year.

5. In response, the Secretary for Constitutional and Mainland Affairs (SCMA) said that the Decision had made it clear that universal suffrage for the CE and the LegCo could be implemented in 2017 and 2020 respectively. At the present stage, the third term CE should first deal with issues relating to the two electoral methods for 2012. He should deal with the amendments to Annexes I and II to the Basic Law together with the fourth term LegCo around 2010. The CE elected in 2012 would then work with the fifth term LegCo on the implementation of universal suffrage for the 2017 CE election; whereas the CE elected by universal suffrage would work with the sixth term LegCo on the arrangements for implementing universal suffrage for the 2020 LegCo election. It was appropriate to deal with this issue step by step.

6. The SCMA was of the view that if the Election Committee to be formed in 2012 could be transformed into the nominating committee in 2017, the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017. To fully utilise the next four and a half years, the HKSAR Government had commenced discussions on the two electoral methods for 2012 through the Task Group and would decide after this autumn on when to conduct the next round of public consultation. The HKSAR Government hoped to forge consensus within the community through more deliberations and discussions.

7. The Convenor added that to facilitate early participation of the public in discussions on the two electoral methods for 2012, the work of the Task Group should not drag on for too long. He hoped that the discussion conclusions of the Task Group would help narrow the scope of discussion for

public consultation. He pointed out that discussion of the Task Group would be open and hoped that Members would focus on discussing the two electoral methods for 2012. However, the Administration would also listen to Members' views on the models for implementing universal suffrage.

Method for Electing the Chief Executive in 2012 - Size and Composition of the Election Committee and Nominating Arrangements (Paper Ref: CSD/TGCD/2/2008)

General Views

8. Overall, quite a number of Members took the view that the composition of the Election Committee for 2012 should transform into the nominating committee for 2017, so that the electoral arrangements in 2012 could complement those for implementing universal suffrage for the CE in 2017.

9. A Member opined that the degree of democracy in the electoral method for 2012 should show obvious improvement over the existing basis. Another Member commented that the electoral method for 2012 should allow people with different political views to participate. A Member agreed that the constitutional system for 2012 should move forward, which would be conducive to the implementation of universal suffrage. However, various parties should seek to build on common ground and accommodate mutual differences so as to reach consensus.

10. A Member noted that the package of proposals for amending the electoral methods for the 2007 CE election and the 2008 LegCo election put forth by the Government in 2005 might be used as a basis for discussing the electoral methods for 2012. He considered the package worthy of further contemplation as it was then supported by 60 % of members of the public, and deemed by both the Central Authorities and the SAR Government to be in compliance with the principle of "gradual and orderly progress" as laid down in the Basic Law. However, a Member was of the view that if the 2005 package was put up again now, further disputes might be aroused over the question of whether all District Council (DC) members should be included into the Election Committee, thus leading to social division. There was also a Member who expressed that the package of proposals for 2012 should be more democratic than the 2005 package.

11. However, a Member opined that as the CE would be elected by universal suffrage in 2017, it might not be appropriate to introduce

substantial changes to the electoral arrangements for 2012. Another Member shared this view and remarked that given the different nature of the Election Committee and the nominating committee, the Election Committee for 2012, which was to operate only once, should not be subject to great changes. A Member was of the view that 2012 was only four and a half years from now and there would not be sufficient time for the community to have thorough deliberations on fundamental changes, if any, to the electoral arrangements. In view of this, it might be more appropriate to maintain the existing arrangements.

12. There were suggestions that the discussion of the electoral methods for 2012 should take into account the principles of gradual and orderly progress and balanced participation as stipulated in the Basic Law. The electoral methods should be acceptable to different sectors of society as well as the Central Authorities.

Size of the Election Committee

13. A Member opined that the size of the Election Committee should not be expanded as too large a membership would make the election process complicated and might not be beneficial to the Hong Kong community. Another Member agreed and remarked that with fewer changes, there would be fewer social controversies. Besides, a Member was of the view that even with a larger membership size, the Election Committee still represented an electorate base no different from the one represented by a committee of 800 members. As such, there was no need to expand the size of the Election Committee.

14. There were suggestions that the size of the Election Committee should be expanded. The major reasons included that the majority of public had supported this in 2005 when the package of proposals for 2007/08 was put forth by the Government for public consultation, and adjustment to the size of the Election Committee would be necessary in order to tie in with social development. Specific proposals included increasing the size to 1 000 members, between 1 200 and 1 600 members, and to 1 800 members.

15. However, there were views that the most pivotal issue was not the size of the Election Committee, but the electorate base, which should be broadened in order to enhance the democratic element in the election.

How the seats should be distributed among different sectors

16. Some Members suggested maintaining the existing arrangement that the four sectors took up an equal number of seats in the Election Committee so as to comply with the principle of balanced participation. A Member held the view that it was undesirable to include all DC members in the Fourth Sector, for this would upset the balance among the four sectors.

17. However, some Members proposed adjusting the proportion of seats among the four sectors. For instance, a Member suggested that the number of seats in each of the First, Second and Third Sectors be increased by 200 while all the 405 elected DC members should be included in the Fourth Sector. Another Member suggested that all DC members should be included in the Fourth Sector, i.e. appointed DC members should not be excluded.

18. In addition, a Member opined that the seats could be allocated based on the respective sectors' contribution to the gross domestic product of Hong Kong. A member expressed that consideration might be given to increasing the proportion of members from the industrial, commercial and financial sectors so as to tie in with Hong Kong's economic development, but a member objected to this proposal.

Reorganising the subsectors

19. A Member considered that on the basis of the four sectors, consideration should be given to establishing new subsectors, with the additional seats allocated to sectors which are currently not represented in the Election Committee (e.g. Women subsector, Youth subsector, Small and Medium Enterprises subsector, Auxiliary profession subsector, Hong Kong-Mainland trade subsector), so as to expand the electorate base and enhance the representativeness of the Election Committee.

20. A Member was of the view that the public would find the splitting of subsectors more easily acceptable than the merging of subsectors. A Member proposed to split the Sports, performing arts, culture and publication subsector into a Sports subsector and a Performing arts, culture and publication subsector.

21. However, a Member opined that reorganisation of subsectors was unnecessary as the Election Committee to be formed in 2012 would be the last one before universal suffrage.

Electorate Base of the Election Committee

22. Some Members considered that the electorate base should be expanded, so as to enhance the representativeness of the Election Committee.

23. As to how the electorate base should be expanded, a Member suggested that the corporate votes should be replaced with director's/executive's votes, but not individual's votes. However, another Member opposed to the idea, arguing that a director only represented himself personally and that there were cases of one individual serving as director in many different companies, which might result in unfairness. Another member raised that the process of replacing corporate votes with director's/executive's votes would be too complicated. A Member considered that if the corporate votes in some of the subsectors of the Election Committee were replaced with director's/executive's votes, the competitiveness of these subsectors would be enhanced. With the electorate base of other subsectors remaining unchanged, this would result in an imbalance of competitiveness among different sectors of the Election Committee, giving rise to potential unfairness.

24. While not objecting to the idea of expanding the electorate base, a Member considered that adequate discussion should be conducted with the relevant industry sectors. The member added that in the absence of consensus with the industry sectors, no changes should be made.

25. Noting that the method for returning members of the Election Committee might have an impact on the method for returning the functional constituency seats and might thus affect the current situation of balanced participation, a Member suggested that an approach of "resolving the simple issues before the difficult ones" should be adopted and that this issue should be dealt with later. Another Member was of the view that as the community would not have sufficient time to discuss on how the electorate base should be adjusted, it was more appropriate to maintain the existing electorate base.

Nominating arrangements for the 2012 CE election

26. Some Members considered that the nomination threshold for the 2012 CE election should be maintained at one-eighth of the total membership of the Election Committee as the existing requirements already allowed enough room for competition. A Member was of the view that the existing nomination threshold should be maintained for 2012, but consideration might be given to lowering it to one-sixteenth of the total membership of the

Election Committee when implementing universal suffrage in 2017, in order to encourage more potential candidates to stand for the election.

27. A Member opined that the nomination threshold should not be raised. On the contrary, it might even be appropriate to have it lowered in order to further democratise the election in 2012.

28. Nevertheless, a Member considered that the nomination threshold should not be lower than the current level so as to avoid having too many candidates standing for election and wasting community resources. A Member expressed that the number of candidates standing for the 2012 CE election should be limited to between 2 and 4 for the purpose of protecting the interests of different sectors and ensuring balanced participation. Each candidate should be required to obtain subscription from one-fourth of all the members of the Election Committee as well as subscription from one-fourth of the members in each of the four sectors. However, a Member was concerned that this suggestion would amount to giving particular sectors a veto power, making it more difficult for people to take part in the election and causing great controversies.

29. Furthermore, there were suggestions that an upper limit for the number of subscribers for nominating a CE candidate should be set, so as to enable more potential candidates to take part in the election, but there were also opposing views.

Conclusion

30. The Convenor said that in response to the aspirations of the Hong Kong people for universal suffrage, the Central Authorities had made clear the timetable for attaining universal suffrage in Hong Kong. Now, the general view of the community and the LegCo was that various sectors should seek to build on common ground and accommodate mutual differences so as to reach consensus on the electoral methods for 2012 as soon as possible.

31. The Chairman drew the following conclusions on Members' discussions:

(1) While the Task Group still had diverse views regarding the specific method for electing the CE in 2012, Members generally hoped that the Election Committee for 2012 could be transformed into the nominating committee for 2017. This could

allow the electoral arrangements in 2012 to complement those for implementing universal suffrage for the CE in 2017;

(2) Quite a number of Members agreed that the composition of the Election Committee for 2012 should comply with the principle of "balanced participation". Some Members raised that the composition of the Election Committee was a more important issue than the size of the Committee;

(3) The issue of whether and how the electorate base should be expanded was more controversial, on which more views should be collected;

(4) The issue of nomination threshold and the number of candidates would need to be further studied.

32. The Convenor said that the Secretariat would sum up the views expressed by Members. The next meeting was tentatively scheduled for late March.

33. The attendance list is attached at Annex.

Secretariat to the Commission on Strategic Development
March 2008

附件

Annex

策略發展委員會
政制發展專題小組
第一次會議
2008 年 2 月 28 日

First Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
28 February 2008

出席人士
Attendance List

召集人 :
Convenor :

Mr TANG Ying-yen, Henry, GBS, JP Chief Secretary for Administration	政務司司長 唐英年先生, GBS, JP

官方委員 :
Official Members :

Mr LAM Sui-lung, Stephen, JP Secretary for Constitutional and Mainland Affairs	政制及內地事務局局長 林瑞麟先生, JP
Prof LAU Siu-kai, JP Head, Central Policy Unit	中央政策組首席顧問 劉兆佳教授, JP

列席人士 :
In Attendance :

Mr LAW Chi-kong, Joshua, JP Permanent Secretary for Constitutional and Mainland Affairs	政制及內地事務局常任秘書長 羅智光先生, JP
Mr HO Kin-wah, Arthur, JP Deputy Secretary for Constitutional & Mainland Affairs (1)	政制及內地事務局副秘書長(1) 何健華先生, JP
Mr CHAN Wai-man, Darryl Press Secretary to Chief Secretary for Administration	政務司司長新聞秘書 陳維民先生

非官方委員 :
Non-official Members :

Sir AKERS-JONES, David, GBM, JP	鍾逸傑爵士, GBM, JP
Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, JP
Prof CHEN Hung-yee, Albert, JP	陳弘毅教授, JP
Mr CHEUNG Chi-kong	張志剛先生
Mr CHOW Yung, Robert, BBS	周融先生, BBS
The Hon EU Yuet-mee, Audrey, JP	余若薇議員, JP
Ms FANG Meng-sang, Christine, JP	方敏生女士, JP
Mr HOO, Alan, SBS, JP	胡漢清先生, SBS, JP
Mrs IP LAU Suk-yee, Regina, GBS, JP	葉劉淑儀女士, GBS, JP
Ms KO Po-ling, MH, JP	高寶齡女士, MH, JP
Mr LAU Nai-keung	劉廼強先生
The Hon LEE Cheuk-yan	李卓人議員
The Hon LEE Wing-tat	李永達議員
Dr LI Ka-cheung, Eric, GBS, JP	李家祥博士, GBS, JP
Mr LIE-A-CHEONG Tai-chong, David, JP	李大壯先生, JP
Mr LO Wing-hung, BBS	盧永雄先生, BBS
The Hon SHEK Lai-him, Abraham, SBS, JP	石禮謙議員, SBS, JP
Dr SHIH Tai-cho, Louis	史泰祖醫生
Mr SHIH Wing-ching, JP	施永青先生, JP
Mr TAM Kwok-kiu, MH, JP	譚國僑先生, MH, JP
Miss TAM Wai-chu, Maria, GBS, JP	譚惠珠女士, GBS, JP
The Hon TIEN Pei-chun, James, GBS, JP	田北俊議員, GBS, JP
The Hon TSANG Yok-sing, Jasper, GBS, JP	曾鈺成議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
Mr WOO Kwong-ching, Peter, GBS, JP	吳光正先生, GBS, JP
Dr YUNG Wing-ki, Samuel, MH, JP	容永祺博士, MH, JP
Dr ZHOU Ba-jun	周八駿博士

秘書 :
Secretary :

Mr Raymond TAM	譚志源先生

<u>因事未能出席</u>
<u>Apologies</u>

Dr LAW Chi-kwong, SBS, JP	羅致光博士, SBS, JP
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP	黎定基先生, SBS, JP
Mr WU Ting-yuk, Anthony, JP	胡定旭先生, JP

策略發展委員會
政制發展專題小組第二次會議
2008年3月27日

意見摘要

召集人歡迎委員出席策略發展委員會政制發展專題小組(專題小組)第二次會議。

續議事項

2. 召集人表示秘書處已把第一次會議的意見摘要發送給各委員，及向立法會秘書處提供了是次會議的討論文件。政制及內地事務局局長於3月17日出席了立法會政制事務委員會會議，聽取立法會議員對2012年行政長官產生辦法的意見。往後，特區政府除了透過專題小組推動2012年兩個選舉辦法的討論外，亦會繼續聽取立法會的意見，集思廣益。

2012年立法會的產生辦法（文件編號：CSD/TGCD/3/2008）

一般意見

3. 有委員認為在討論2012年立法會產生辦法前，應先討論2020年立法會的普選模式及路線圖，特別是如何處理功能界別的問題。有委員提出若功能界別在達至普選時會被取消，2012年的立法會選舉便應改變現時產生功能界別議席的安排，或應把所有新增的功能界別議席分配給區議員。但若在達至普選時將保留功能界別，則應把新增的功能界別議席分配予不同界別，並研究如何可加強功能界別的民主成分。

4. 不過，有委員不贊成先討論普選模式才研究2012年選舉辦法的做法，因為目前社會對普選模式未有共識，因此應先集中討論2012年的選舉辦法，以取得進展，及後將有空間再就普選議題作討論。亦有委員提出2012年的選舉辦法不應局限將來討論普選模式的空間。

5. 有委員認為在實行立法會普選時應取消功能界別。不過，也有委員認為可進一步討論保留功能界別議席是否必定不

符合普選的原則。

6. 有委員建議在實行立法會普選時，可考慮「一人兩票」，一半議席以分區直選產生，另一半議席以全港單一選區名單比例代表制產生，以網羅各行業的精英加入政壇，並強化政黨的角色。

7. 有委員贊成在普選時可採取「一人兩票」的模式，例如可擴大功能界別的選民範圍，讓全港選民都可在地區直選及所屬的功能界別投票。亦有委員提出可考慮每個功能界別組成選舉團產生議席。然而，有委員認為「一人兩票」的方案只能給予選民平等的投票權，但非提名權。

8. 此外，有委員建議分三個階段逐步取消區議會委任議席，到達至普選時全面取消委任議席。

立法會議席數目

9. 較多委員贊成增加立法會議席數目。有意見認為應增加議席至 70 或 80 席，即分區直選及功能界別各增加佔 5 或 10 席。

10. 支持增加議席的委員認為，增加立法會議席數目能有助應付立法會繁重的工作，配合立法會實際工作需要。此外，增加議席數目可容許更多不同背景、經驗和意見的人士參政，有利培育政治人才。亦有委員提出此建議更可加強立法會反映各方面民意的功能。也有委員指出，香港人口相對議席的比例較其他地方高，有空間增加議席數目。

擴大功能界別的選民範圍

11. 委員理解人大常委會的《決定》訂明 2012 年立法會選舉的功能團體和分區直選產生的議員各佔半數的比例維持不變。

12. 有關如何擴大選民基礎，委員認為有關安排須符合「均衡參與」的原則、增加立法會的代表性和認受性及盡量減少社會爭拗。

13. 有委員認為在2012年擴大功能界別的選民基礎，較增加功能界別議席的改動較小，社會人士亦不應反對，是較可行的方法。

14. 有委員認為若增加立法會的議席數目，應可不必改變現有功能界別的選民基礎；但亦有委員認為應擴大選民基礎而非增加議席數目。

新增功能界別

15. 有委員認為若功能界別議席數目有所增加，應加入新增界別，這能兼顧各階層的利益，以逐步發展至符合香港實際情況的民主參與。此外，有委員認為若把新增的功能界別議席分配給更多不同界別，可能會減少社會爭拗。亦有委員指出，在現階段給予不同界別更多機會參與立法會的工作，能有助這些界別代表為將來參與普選作準備。

16. 至於加入的新增界別，委員提出了不同具體建議，包括：

- 基層團體、社團；
- 婦女；
- 青年；
- 中小企；
- 創意產業；
- 中醫藥；
- 家庭崗位勞動者；
- 退休人士；及
- 中資企業。

區議會在功能界別的議席數目

17. 有委員提出若功能界別議席數目有所增加，應增加區議會在功能界別的議席數目，因為爭議性應較增加新的功能界別為小。亦有委員提出由於大部分區議員是由地區直選產生，選民基礎較廣，可增強立法會的民主成分。有委員認為，區議員亦有其社會功能，若增加他們在立法會的議席數目，將有助培育區議員中的政治人才。此外，有委員指出政府於2005年提出把新增功能界別議席全數由區議員互選產生的方案，當時獲

得六成市民支持，而特區政府亦認為方案符合《基本法》循序漸進的原則。

18. 然而，有委員反對有關建議，認為區議會並不代表任何功能團體，缺乏有關的功能性和行業性。再者，區議會的選民基礎會與地區直選議席的選民基礎重覆，地區性的民生訴求已可透過地區直選產生的立法會議員反映。也有委員認為具質素的區議員可透過立法會地區直選參選，毋須在功能界別佔有更多的區議會議席。

19. 有個別委員提出區議會功能界別議席可由區議員作為選舉團，而候選人未必一定為區議員，這安排是間選的一種，理論上可行。

公司/團體票改為董事/個人票

20. 有委員認為，在確保立法會選舉在循序漸進、公平和均衡參與的大前提下，可考慮把團體票擴闊至包含團體的屬會及把公司票擴闊至公司董事，以增加功能界別選舉的民主成分。不過，有委員認為董事是由公司委任，把公司票改為董事票作用不大。另外，有個別委員表示贊同把公司/團體票改為個人票。

21. 此外，有委員認為把公司/團體票改為董事/個人票的建議，應按各界別的特性和需要作個別考慮。

分拆/合併現有功能界別

22. 有委員認為應檢討現時功能界別的劃分，以決定有否需要重組或增加任何界別。

23. 有個別委員認為可考慮分拆現有功能界別，例如「體育、演藝、文化及出版界」。不過，有委員則認為分拆或合併功能界別較為複雜，社會未有足夠時間作充分討論。

非中國籍和持有外國居留權人士出任立法會議員的安排

24. 部分委員認為容許百分之二十的立法會議員可由非中國籍和持有外國居留權人士出任的安排，只是香港回歸祖國

初期的一項過渡性安排，應分階段減少有關比例，特別在實行普選後，取消這個安排。另外，有委員指出其他地方的議會很少有類似的安排。

25. 但也有委員認為有關安排是「一國兩制」中容許立法會吸納不同人才的特別安排，反映香港的包容性和多元化，應予以保留。有委員表示目前移民熱潮已過，非中國籍和持有外國居留權人士的立法會議員實際上不多。有不少委員認為應由市民自行選擇是否投票予非中國籍和持有外國居留權人士。

總結

26. 召集人表示，是次會議中較多委員傾向支持增加立法會議席，而且在如何處理功能界別的選民範圍方面亦作出了初步討論。雖然有部分委員要求先行定下2020年立法會的普選模式，但有關的議題難以在短期內達成共識。故此，現時的討論應先聚焦在2012年的選舉安排上，以縮窄分歧。

27. 召集人表示，下次會議會繼續集中討論2012年立法會的組成方式。委員若對是次的討論有任何補充意見，可以以書面方式提交，秘書處會安排把有關意見轉發給各專題小組委員。

28. 出席會議人士名單載於附件。

策略發展委員會秘書處
2008年4月

Summary of views expressed at the Second Meeting of the Task Group on Constitutional Development of the Commission on Strategic Development held on 27 March 2008

(Translation)

The Convenor welcomed Members to the second meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development (CSD).

Matters Arising

2. The Convenor told the meeting that the CSD Secretariat had forwarded to Members a summary of views expressed at the first meeting. It had also submitted the discussion paper of this meeting to the Legislative Council (LegCo) Secretariat. The Secretary for Constitutional and Mainland Affairs (SCMA) attended the meeting of the LegCo Panel on Constitutional Affairs on 17 March to listen to the views of LegCo members on the method for electing the Chief Executive (CE) in 2012. In future, apart from promoting discussions on the two electoral methods for 2012 through the Task Group, the HKSAR Government would continue to hear from the LegCo in order to gauge a wide range of views.

Method for Forming the Legislative Council in 2012 (Paper Ref: CSD/TGCD/3/2008)

General Views

3. Some members considered that before proceeding to discuss the method for forming the LegCo in 2012, the model and roadmap for implementing universal suffrage for forming the LegCo in 2020, especially on how to deal with the functional constituencies (FCs), should be discussed first. A Member raised that if the FCs were to be abolished upon universal suffrage, the existing arrangements for returning FC seats should be changed for the LegCo election in 2012, or alternatively, all the newly created FC seats should be allocated to District Council (DC) members. However, if the FCs were to be retained when universal suffrage was attained, the additional FC seats should then be distributed

among different sectors, and ways to enhance the democratic elements in the FCs should be explored.

4. However, some Members disagreed with the approach of discussing the models for implementing universal suffrage before considering the electoral methods for 2012 as the community has yet to reach a consensus on the models for implementing universal suffrage. Discussion now should thus be focused on the electoral methods for 2012 in order to achieve progress, after which there would be room for discussing the issue of universal suffrage. There were views that the electoral methods for 2012 should not limit the room for discussing the models for implementing universal suffrage in future.

5. A Member took the view that the FCs should be abolished when implementing universal suffrage for the LegCo. However, another Member opined that further discussion could be conducted on whether retaining the FC seats would necessarily violate the principle of universal suffrage.

6. A Member suggested that the "one-person-two-votes" system should be considered when universal suffrage was implemented for the LegCo, whereby half of the seats would be returned by geographical constituencies (GCs) through direct elections, and the other half by a list proportional representation system where the whole of Hong Kong would form a single constituency. The system would serve to attract elites from all sectors of the community to enter the political circle and strengthen the role of political parties.

7. A Member supported adopting the model of "one-person-two-votes" when implementing universal suffrage. As an example, the Member suggested broadening the electorate base of the FCs so that voters across the territory could vote in the GCs through direct elections as well as in the FCs to which they belonged. Another Member suggested that consideration might be given to forming an electoral college in each of the FCs for returning the seats. However, a Member opined that the "one-person-two-votes" proposal could only give the voters equal voting rights but not equal right to nominate candidates.

8. Furthermore, a Member suggested that the appointed DC seats should be abolished gradually in three phases with a view to abolishing the appointed DC seats when universal suffrage is implemented.

Number of seats in LegCo

9. More Members were inclined towards increasing the number of LegCo seats. There was a view that the number should be increased to 70 or 80, which meant the number of seats returned by GCs and FCs would each be increased by 5 or 10.

10. Members supporting an increase in the number of seats were of the view that it would help cope with the heavy workload of the LegCo and meet its operational requirements. Furthermore, increasing the number of seats would allow more people with different backgrounds, experiences and views to participate in politics, which was conducive to the nurturing of political talents. A Member also raised that this proposal would enhance the LegCo function of reflecting a full spectrum of public opinions. A Member pointed out that since the population-to-seat ratio of Hong Kong was higher than that of other places, there was room for increasing the number of seats.

Expanding the Electorate Base of FCs

11. Members understood that the NPCSC's Decision provided that in the 2012 LegCo election, the half-and-half ratio between members returned by FCs and members returned by GCs through direct elections shall remain unchanged.

12. As to how the electorate base of FCs should be expanded, Members were of the view that the arrangements must comply with the principle of "balanced participation", with the representativeness and legitimacy of the LegCo enhanced and controversies within the community minimised.

13. A Member opined that compared with increasing the number of FC seats, expanding the electorate base of FCs in 2012 would involve fewer changes. This method, to which the community at large should have no objection, was more practicable.

14. A Member held that the existing electorate base of FCs needed not be changed if the number of LegCo seats was to be increased, but another Member considered that the electorate base should be expanded rather than increasing the number of seats.

Establishing New FCs

15. A Member opined that if the number of seats returned by FCs was to be increased, new FCs should be established. This could meet the interests of different sectors of society and facilitate gradual development of a system of democratic participation that would suit the actual situation in Hong Kong. Besides, a Member reckoned that there might be fewer controversies within the community if the newly created FC seats were distributed among more sectors. Another Member pointed out that providing different sectors with more opportunities to participate in the work of the LegCo at the present stage would be conducive to getting the representatives of the sectors prepared for participation in universal suffrage in future.

16. With respect to the new sectors to be established, specific proposals put forward by Members included:

- grass-root and social groups;
- women;
- youth;
- small and medium enterprises;
- creative industries;
- Chinese medicine;
- home-makers;
- retirees; and
- Chinese enterprises.

Number of FC seats allocated to DCs

17. A Member suggested that if the number of FC seats was to be increased, the number of FC seats allocated to DCs should be increased as this would be less controversial than establishing new FCs. Another Member remarked that this could enhance the LegCo's democratic elements as most DC members were returned by GCs through direct elections and had a broader electorate base. A Member opined that DC members had their social functions and increasing the number of their seats in LegCo would help develop political talents among them. In addition, a Member pointed out that the proposal put forth by the Government in 2005 to return all the newly added FC seats through elections by DC members from among themselves received 60% public support at the time and that the proposal was considered by the HKSAR Government to be conforming

to the principle of gradual and orderly progress as stipulated in the Basic Law.

18. However, there were objections to the proposal on the ground that the DCs did not represent any FCs or serve any specific functional sectors or industries. Moreover, a member considered that the electorate base of DCs would overlap with that of the LegCo seats returned by GCs through direct elections, and that aspirations at district level on people's livelihood could already be reflected by those LegCo members who were returned by GCs through direct elections. There was also the view that since high calibre DC members could stand for direct elections in the GCs of the LegCo, there was no need to allocate additional FC seats to the DCs.

19. A Member suggested that the seats of the DC FC could be returned by an electoral college formed by DC members, but the candidates needed not be DC members. This was a kind of indirect election which was feasible in theory.

Replacing Corporate Votes with Director's or Individual's Votes

20. A Member opined that on the basis that LegCo elections should be carried out in accordance with the principles of gradual and orderly progress, fairness and balanced participation, consideration could be given to broadening the scope of corporate votes to include affiliated associations and directors of companies, so as to enhance the democratic elements of the FC elections. However, a Member pointed out that as directors were appointed by companies, it would not make much difference to replace corporate votes with director's votes. A Member agreed to the proposal of replacing corporate votes with individual's votes.

21. Besides, a member remarked that the proposal of replacing corporate votes with director's or individual's votes should be considered in the light of the respective characteristics and needs of individual sectors.

Splitting/Merging existing FCs

22. A Member reckoned that the existing delimitation of FCs should be reviewed to determine whether any sector needed to be reorganised or added.

23. A Member was of the view that the splitting of existing FCs (such as the Sports, performing arts, culture and publication FC) could be considered. However, another Member was of the view that the splitting or merging of FCs was relatively complicated and there would not be sufficient time for thorough discussions within the community.

Arrangement that LegCo seats may be taken up by individuals who are not of Chinese nationality or who have the right of abode in foreign countries

24. Regarding the arrangement that 20% of LegCo seats may be taken up by individuals who are not of Chinese nationality or who have the right of abode in foreign countries, some Members opined that it was only a transitional arrangement for the initial stage of Hong Kong's reunification with the motherland, and that the proportion of such seats should be reduced by phases, with the arrangement eventually abolished upon the implementation of universal suffrage. Besides, a Member pointed out that similar arrangements were rarely found in other legislatures.

25. However, there were also views that the arrangement should be maintained as it was a special arrangement under "One Country, Two Systems" to allow LegCo to attract different talents and reflect Hong Kong's inclusive and pluralistic culture. A Member remarked that the wave of emigration had already passed and in practice, there were only very few LegCo members who were not of Chinese nationality or who had the right of abode in foreign countries. Quite a number of Members considered that it should be left up to the public to decide whether to vote for those who are not of a Chinese nationality or who have the right of abode in foreign countries.

Conclusion

26. The Convenor concluded that at this meeting, more Members were inclined to support increasing the number of LegCo seats and there had also been preliminary discussions on how to deal with the electorate base of FCs. Although some Members requested to first work out the model for forming the LegCo in 2020 by universal suffrage, it would be difficult to reach a consensus on this issue within a short period of time. As such, current discussions should focus on the 2012 electoral arrangements to narrow the differences.

27. The Convenor indicated that the next meeting would continue to focus on the method for forming the LegCo in 2012. Additional comments from Members pertaining to this discussion session could be submitted in written form, which would then be circulated by the Secretariat to all Members of the Task Group.

28. An attendance list is attached at Annex.

Secretariat to the Commission on Strategic Development
April 2008

附件
Annex

策略發展委員會
政制發展專題小組
第二次會議
2008 年 3 月 27 日

Second Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
27 March 2008

出席人士
Attendance List

召集人 :
Convenor :

Mr TANG Ying-yen, Henry, GBS, JP Chief Secretary for Administration	政務司司長 唐英年先生, GBS, JP

官方委員 :
Official Members :

Mr LAM Sui-lung, Stephen, JP Secretary for Constitutional and Mainland Affairs	政制及內地事務局局長 林瑞麟先生, JP
Prof LAU Siu-kai, JP Head, Central Policy Unit	中央政策組首席顧問 劉兆佳教授, JP

列席人士 :
In Attendance :

Mr LAW Chi-kong, Joshua, JP Permanent Secretary for Constitutional and Mainland Affairs	政制及內地事務局 常任秘書長 羅智光先生, JP
Mr HO Kin-wah, Arthur, JP Deputy Secretary for Constitutional & Mainland Affairs (1)	政制及內地事務局 副秘書長(1) 何健華先生, JP
Mr FAN Wai-ming, Raymond Secretary to the Commission on Strategic Development (Designate)	策略發展委員會秘書(候任) 范偉明先生

Mr CHAN Wai-man, Darryl Press Secretary to Chief Secretary for Administration	政務司司長新聞秘書 陳維民先生

非官方委員 :
Non-official Members :

Sir AKERS-JONES, David, GBM, JP	鍾逸傑爵士, GBM, JP
Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, JP
Prof CHEN Hung-yee, Albert, JP	陳弘毅教授, JP
Mr CHEUNG Chi-kong	張志剛先生
Mr CHOW Yung, Robert, BBS	周融先生, BBS
The Hon EU Yuet-mee, Audrey, JP	余若薇議員, JP
Ms FANG Meng-sang, Christine, JP	方敏生女士, JP
Mr HOO, Alan, SBS, JP	胡漢清先生, SBS, JP
Mrs IP LAU Suk-yee, Regina, GBS, JP	葉劉淑儀女士, GBS, JP
Ms KO Po-ling, MH, JP	高寶齡女士, MH, JP
Mr LAU Nai-keung	劉廼強先生
Dr LAW Chi-kwong, SBS, JP	羅致光博士, SBS, JP
The Hon LEE Cheuk-yan	李卓人議員
Dr LI Ka-cheung, Eric, GBS, JP	李家祥博士, GBS, JP
Mr LIE-A-CHEONG Tai-chong, David, JP	李大壯先生, JP
Mr LO Wing-hung, BBS	盧永雄先生, BBS
The Hon SHEK Lai-him, Abraham, SBS, JP	石禮謙議員, SBS, JP
Dr SHIH Tai-cho, Louis	史泰祖醫生
Mr SHIH Wing-ching, JP	施永青先生, JP
Miss TAM Wai-chu, Maria, GBS, JP	譚惠珠女士, GBS, JP
The Hon TSANG Yok-sing, Jasper, GBS, JP	曾鈺成議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
Mr WOO Kwong-ching, Peter, GBS, JP	吳光正先生, GBS, JP
Mr WU Ting-yuk, Anthony, JP	胡定旭先生, JP
Dr ZHOU Ba-jun	周八駿博士

秘書 :
Secretary :

Mr Raymond TAM	譚志源先生

因事未能出席
Apologies

The Hon LEE Wing-tat	李永達議員
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP	黎定基先生, SBS, JP
Mr TAM Kwok-kiu, MH, JP	譚國僑先生, MH, JP
The Hon TIEN Pei-chun, James, GBS, JP	田北俊議員, GBS, JP
Dr YUNG Wing-ki, Samuel, MH, JP	容永祺博士, MH, JP

策略發展委員會
政制發展專題小組第三次會議
2008年4月25日

意見摘要

召集人歡迎委員出席策略發展委員會政制發展專題小組(專題小組)第三次會議。

續議事項

2. 召集人表示秘書處已把第二次會議的意見摘要發送給各委員，及向立法會秘書處提供了是次會議的討論文件。

2012年立法會產生辦法的進一步討論
(文件編號：CSD/TGCD/4/2008)

3. 召集人表示，上次會議中有委員提出2012年的立法會產生辦法應有利逐步邁向普選，不應局限將來討論的空間和進一步發展。以上次會議的討論為基礎，召集人建議專題小組在是次會議進一步聚焦討論2012年立法會具體產生辦法的相關議題：

(a) 若增加立法會的議席數目，應增加至70席或80席；

(b) 若功能界別議席數目有所增加，應如何處理新增的功能界別議席，及應否擴大功能界別選民的範圍；及

(c) 應否及如何調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

立法會議席數目

4. 較多委員認為應增加立法會議席，以擴大選民基礎，加強立法會選舉的民主成分；再者，現時的人手並未能應付日益繁重的議會工作。當中，較多委員認為2012年立法會議席數

目應增至 70 席，因為先增加 10 個議席是一個較謹慎的做法，如有需要，日後可按實際情況及社會主流意見，按循序漸進的原則在 2016 年再增加議席，例如再增加 10 席。

5. 有委員則認為 2012 年立法會議席數目應增至 80 席，以便有更多的機會作人材培訓，令政黨第二梯隊的成員有更多參政的機會。不過，也有委員認為若一下子增加 20 席，這個數量的變化會太大，可能會引起立法會在性質上的變化，屆時亦難以作出調較。

6. 不過，也有委員認為應維持現時立法會的 60 個議席數目；但若增加議席，他們亦不會反對。有委員表示，在普選時功能界別的存廢問題有所定案前，不宜在現階段增加立法會議席數目，以免在加入哪些新功能界別、應否增加個別界別的議席等議題上引起社會爭拗。

<u>功能界別的選民範圍</u>

7. 委員普遍贊同立法會的組成應符合「均衡參與」的原則，但對於應如何處理新增的功能界別議席則持不同意見。有委員認為新增的功能界別議席應分配予新的界別，有委員則認為應全數給予區議會，也有意見認為可部份分配予新界別，部份分配予區議會。

8. 有委員建議把新增的五席功能界別議席按以下比例分配—

- 工商界別(兩席)、專業界別(兩席)及基層團體(一席)；
- 體育界別(一席)、演藝界別(一席)、文化界別(一席)、中小企(一席)及區議會(一席)；或
- 區議會(兩席)及其他界別(三席)。

9. 有委員認為普選時功能界別的存廢問題會影響到 2012 年的立法會組成安排。有意見認為功能界別只代表一少撮人的利益，不利社會的整體福祉，普選時不應再存在。但亦有意見認為功能界別選舉符合香港的實際情況及需要，而功能界別議員與分區直選產生的議員同樣經歷過選舉洗禮和為立法會

工作作出了貢獻，故此應該繼續存在。委員認為，只要於普選時採用「一人兩票」的安排，即每名合資格選民分別於分區直選和功能界別選舉中各有一票，這亦是公平、透明的安排。

10. 另外，有委員建議政府全面檢討現時的功能界別選舉，加入更多民主成分以符合國際人權公約的規定，並加強公眾參與。

(i) 加入新增界別

11. 為達至均衡參與及為香港未來的發展著想，有委員認為可考慮增加現時未被納入功能界別的組別。亦有委員認為在2012年增加功能界別議席可讓更多不同界別的代表參政，增加他們的練歷，為普選奠下基礎。

12. 至於新增的界別，有委員提議下列的組別－

- 中資企業
- 文化、創意企業
- 中醫藥
- 基層團體
- 中小企
- 婦女團體
- 家庭崗位勞動者
- 退休人士
- 安老服務界
- 公務員
- 僱主聯會

13. 然而，亦有委員認為中小企界及文化、創意企業界已包含在商界的選民範圍內，無需再另行增加這些界別。

14. 有委員則提議要增加哪些功能界別應取決於有關界別對香港的本地生產總值（GDP）的貢獻及其社會功能。

15. 有委員認為新增功能界別議席之百分之二十五應撥予商界；亦有委員反對有關建議，認為現時商界已在立法會功能界別中佔有數個席位，無需再進一步增加其代表。

16. 此外，也有委員提議2012年的新增功能界別議席可考慮參照「新九組」的安排，因為可以有較大的選民基礎。

17. 不過，有委員反對增加新的功能界別，並認為選擇性地加入一些新的界別會引起社會爭議。而若最終普選時會取消功能界別，則愈多的界別會令問題更加複雜。

(ii) 增加現時區議會在功能界別的議席數目

18. 有委員支持把新增的功能界別議席全數撥給區議會，因區議會具有廣泛代表性，加強區議會在立法會內的議席對香港未來的民主發展有利，而且有關建議有民意支持，亦會為中央所接受。此外，增加區議會功能議席亦可促進政黨發展，培育人才。委員一般建議區議會代表由區議員互選產生，但亦有意見認為委任議員不應參與有關選舉。

19. 另一方面，部分委員反對增加區議會在功能界別的議席數目，認為不適宜重複區議會在立法會的代表性，而且認為此做法不符合均衡參與的原則。亦有委員質疑區議會是否屬於功能團體，並認為區議員應循地區直選的途徑擠身立法會。

(iii) 把公司/團體票改為董事/屬會/個人票

20. 委員在把公司/團體票改為董事/屬會/個人票方面的意見分歧。有委員贊成以董事票取代公司票，因為這可擴大功能界別的選民基礎；亦有委員提出把個人票給予業界工作者，因為可增加選舉的民主成分。至於董事票方面，有委員建議限制每間公司的董事票數量和每名董事可投票的次數，以及規定每間公司只可隸屬一個功能界別，以確保有關界別議員的代表性。

21. 但亦有委員反對此舉，認為公司/團體票是香港特色，增設董事/個人票反而不符合功能界別選舉的原意，不但會增加「種票」風險，更會削弱有關界別議員的代表性。亦有委員認為有關修改只屬政治姿態，無助改變公眾對功能界別選舉的看法。

(iv) 分拆或合併某些現有功能界別

22. 有委員認為應該分拆某些功能界別，例如體育、演藝、文化及出版界，地產及建造界和建築、測量及都市規劃界。但亦有委員反對分拆現有功能界別，認為此舉並沒有擴大功能界別的選民基礎，卻會增加某些界別的現有議席數目，對加強市民的參與並無幫助。有委員認為功能界別最終應以擴闊選民基礎為目標，並以「一人兩票」方式由普選產生。

23. 有委員反對合併任何功能界別，例如合併醫學界和衞生服務界，認為會對一些選民人數較少的界別不公平，而且會引起社會爭議。

應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排

24. 大部份委員對於是否需要修改立法會功能界別容許百分之二十的立法會議員可由非中國籍和持有外國居留權人士出任的安排，並無太大意見。

25. 有委員認為香港是世界城市，匯聚各地人才，有關安排反映了香港的特色。再者，這個安排多年來運作暢順，而目前立法會內擁有外國居留權的議員數目又不多，因此並無迫切需要進行修改。相反，修改可能會給予國際社會一個錯誤印象，以為香港排斥非中國籍人士，故此有關安排目前可予以保留，並可於檢討功能界別的長遠路向時一併檢討。委員亦認為有關安排應一如以往，只適用於功能界別議席。

26. 亦有委員認為有關安排只屬香港回歸祖國初期的一項過渡性安排，長遠應該取消。有委員提議由2012年起循序漸進地把非中國籍和持有外國居留權人士可佔的議席減少，至2020年全部取消。亦有委員建議重新分配可容許非中國籍和持有外國居留權人士擔任議員的功能界別。

27. 有委員表示改變有關安排可能會涉及《基本法》和《立法會條例》的修改。

總結

28. 政制及內地事務局局長表示，策發會政制發展專題小組就2012年行政長官及立法會產生辦法的討論非常有用，現階段醞釀的意見，可作為日後政府諮詢公眾的基礎。

29. 召集人感謝委員就是次會議的議題發表意見。他表示知悉部分委員要求政府先行定下2020年的選舉路線圖，但有關的議題難以在短期內達成共識。若果堅持在2020年的選舉路線圖方面先有共識才討論2012年的選舉安排，只會令有關工作原地踏步。

30. 召集人表示，小組將會於五月舉辦工作坊，聽取學者、智庫及不同團體和人士就2012年行政長官和立法會產生辦法的意見。秘書處會會於稍後通知委員有關詳情。

31. 出席會議人士名單載於附件。

策略發展委員會秘書處
2008年6月

Summary of views expressed at the Third Meeting of the Task Group on Constitutional Development of the Commission on Strategic Development held on 25 April 2008

(Translation)

The Convenor welcomed members to the third meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development (CSD).

Matters Arising

2. The Convenor told the meeting that the CSD Secretariat had forwarded to members a summary of views expressed at the second meeting. It had also submitted the discussion paper of this meeting to the Legislative Council (LegCo) Secretariat.

Further Discussion on the Method for Forming the Legislative Council in 2012 (Paper No: CSD/TGCD/4/2008)

3. The Convenor said that, at the last meeting, some members had put forth the view that the method for forming the LegCo in 2012 should be conducive to attaining universal suffrage, and should not limit the room for discussion and constrain further development in future. On the basis of the discussion at the last meeting, the Convenor suggested that the Task Group further discuss the specific method for forming the LegCo in 2012 at this meeting, focusing on the following relevant issues:

(a) if the number of LegCo seats was to be increased, whether it should be increased to 70 or 80;

(b) if the number of functional constituency (FC) seats was to be increased, how the additional FC seats should be dealt with, and whether the electorate base of FCs should be broadened; and

(c) whether and how the arrangement that 20 percent of LegCo seats could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries should be adjusted.

Number of LegCo Seats

4. More members were of the view that the number of LegCo seats should be increased to expand the electorate base and enhance the democratic elements of LegCo elections, and that the existing number of LegCo members could no longer cope with the increasing workload of LegCo. Among them, more members supported increasing the number of LegCo seats to 70 in 2012 because it would be more prudent to increase the number of seats by ten initially and, where necessary, the number could be further increased, say by ten, in 2016 in accordance with the principle of gradual and orderly progress in the light of the actual situation and the prevailing views of the community.

5. Some members suggested increasing the number of LegCo seats to 80 in 2012 with a view to nurturing talent by creating more opportunities for political participation for the succession teams of political parties. However, there were views that increasing 20 seats in one go would be too great a change, which might in turn change the nature of the LegCo, and it would be difficult to make any adjustments afterwards.

6. On the other hand, there were views that the existing number of LegCo seats, i.e. 60, should remain unchanged, although they would not object to an increase, if any. Some members remarked that, before a final view had been taken on how to deal with the FCs, it would not be appropriate to increase the number of LegCo seats. Otherwise, controversy might arise in society over issues such as what new FCs should be established and whether the number of seats returned by a particular FC should be increased.

The Delineation of the Electorate of FCs

7. While members generally agreed that the composition of LegCo should be in line with the principle of "balanced participation", they held different views on how the additional FC seats should be dealt with. Some members opined that the new FC seats should be allocated to new FCs, while some advocated the allocation of all the new seats to District Councils (DCs). Some other members were of the view that the new seats could be divided among new FCs and DCs.

8. Some members suggested that the five new FC seats be allocated in the following proportion:

- Commercial and industrial (two seats), professional (two seats) and grassroot groups (one seat);

- Sports (one seat), performing arts (one seat), culture (one seat), small and medium enterprises (one seat) and DCs (one seat); or

- DCs (two seats) and other sectors (three seats).

9. There were views that the retention or abolition of FCs upon the introduction of universal suffrage would have a bearing on the composition of LegCo in 2012. Some members opined that FCs should be abolished when universal suffrage was introduced since they only represented the interests of a small group of people and were not conducive to the well-being of our society as a whole. On the other hand, there were also views supported the retention of FC seats since FC elections suited Hong Kong's actual situation and needs, and both the members returned by FCs and those returned by geographical constituencies (GCs) through direct elections had to go through the process of election and could equally contribute to the work of LegCo. Members agreed that FC elections could be regarded as fair and transparent as long as the "one-person-two-votes" system (i.e. each eligible elector was allowed to cast one vote in a GC and another in an FC) was adopted as the method of universal suffrage.

10. In addition, a member suggested the Government to conduct a comprehensive review on the existing FC elections with a view to introducing more democratic elements to ensure compliance with various international human rights treaties and allow greater public participation.

(i) Establishing New FCs

11. To achieve balanced participation and in the interest of Hong Kong's future development, some members opined that consideration could be given to establishing new FCs comprising sectors currently not included. Some members were also of the view that increasing the number of FC seats in 2012 could lay the foundation for universal suffrage by enabling more representatives from different sectors to participate and gain experience in political affairs.

12. Some members suggested establishing the following new FCs:

- Chinese enterprises
- Cultural and creative industries
- Chinese medicine practitioners and Chinese medicine industry
- Grassroot groups
- Small and medium enterprises

- Women's groups
- Home-makers
- Retirees
- Elderly service
- Civil service
- Employers' associations

13. However, some members remarked that there was no need to establish new FCs for small and medium enterprises and cultural and creative industries since they were already included in the electorate of the Commercial FCs.

14. A member suggested that new FCs be established according to the respective sectors' contribution to the gross domestic product (GDP) of Hong Kong and their social functions.

15. A member proposed that 25% of the new FC seats be allocated to the commercial sector. However, another member objected to the proposal on the grounds that the commercial sector was already represented in the LegCo by several seats returned by FCs and there was no need to further increase their representation.

16. There were also views that reference could be made to the arrangements of the "nine new FCs" in adding new FC seats in 2012, so as to broaden the electorate base.

17. However, some members objected to the establishment of new FCs. They thought that the selective inclusion of some new constituencies would be controversial, and the greater the number of FCs, the more complicated the issue would be if FCs were to be abolished when universal suffrage was ultimately achieved.

(ii) *Increasing the Existing Number of FC seats allocated to District Councils (DCs)*

18. Some members supported the proposal to allocate all new FC seats to DCs. Since DCs had broad representation, increasing the number of LegCo seats returned by DCs would facilitate the democratic development of Hong Kong. The proposal had also won public support and would be acceptable to the Central Authorities. Furthermore, increasing the number of FC seats returned by DCs would facilitate the development of political parties and the

nurture of talent. Members in general suggested that DC representatives be returned through elections among DC members, while some members considered that appointed DC members should not participate in the elections.

19. On the other hand, some members objected to an increase in the number of FC seats allocated to DCs. They thought that it was inappropriate to have the DCs doubly represented in the LegCo and that such arrangement would be inconsistent with the principle of "balanced participation". Some members also queried whether DCs were functional bodies and believed that DC members who wanted to become LegCo members should do so through direct geographical elections.

(iii) Replacing Corporate Votes with Director's/Association's/Individual's Votes

20. Members held different views on the replacement of corporate votes with director's/association's/individual's votes. Some Members supported the replacement of corporate votes with director's votes, believing that this could broaden the electorate base of FCs, while a member suggested that individual's votes should be allocated to trade practitioners so as to enhance the democratic elements of the elections. As for director's votes, there was a suggestion of limiting the number of director's votes for each company and the number of votes that each director would be entitled to, and requiring that each company could only vote in one FC. This could ensure that the members were representative of the relevant sectors.

21. However, some members objected to the proposal, claiming that corporate voting was a unique feature of Hong Kong's elections. They remarked that the creation of director's/individual's votes was inconsistent with the original intent of introducing FC elections, and would not only increase the risk of "vote planting", but also render the members returned by the relevant constituency less representative. A member considered the proposed modification no more than a political gesture, which would not help change the public perception of FC elections.

(iv) Splitting or Merging Some of the Existing FCs

22. Some members were of the view that some FCs (such as Sports, Performing Arts, Culture and Publication, Real Estate and Construction, and Architectural, Surveying and Planning) should be split up. However, some members objected to the splitting of existing FCs, saying that instead of expanding the electorate base of FCs, it would increase the number of seats returned by certain FCs, which would not help enhance public participation.

Some members considered that the ultimate goal should be broadening the electorate base of FCs, with the FC seats returned by universal suffrage under the "one-person-two-votes" system.

23. There were views which objected to the merging of FCs (e.g. merging the Medical FC and Health Services FC) for the reason that it would be unfair to constituencies with a small electorate size and would arouse controversy among the public.

Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted

24. Most members had no strong views on whether to amend the arrangement that 20 percent of LegCo seats could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries, currently only applicable to FCs.

25. Some members considered that this arrangement reflected the characteristics of Hong Kong as a world city pooling talent from all over the world. Furthermore, since this arrangement had been working smoothly over the years and not many incumbent LegCo members had the right of abode in foreign countries, there seemed to be no imminent need for amendment. On the contrary, amending the arrangement might give the international community a false impression that Hong Kong rejected people who were not of Chinese nationality. In view of this, the arrangement should be maintained and could be reviewed in the context of reviewing the future of FCs. Members also considered that the arrangement should continue to be applicable to only FC seats.

26. Some members thought that the arrangement should be abolished in the long term since it was only a transitional arrangement for the initial stage of Hong Kong's reunification with the motherland. Some members suggested reducing the number of such seats from 2012 in a gradual and orderly manner towards total abolition in 2020, while a member suggested reallocating such seats among FCs.

27. A member remarked that altering the arrangement might involve amendment to the Basic Law and Legislative Council Ordinance.

Conclusion

28. The Secretary for Constitutional and Mainland Affairs said that the discussions by the Task Group on Constitutional Development of the Commission on Strategic Development on the methods for electing the Chief Executive and forming the LegCo in 2012 were very useful and the views collected at this stage could form the basis for public consultation by the Government in future.

29. The Convenor thanked members for their views on the issues discussed at the meeting. He noted that some members requested that the Government work out the roadmap for elections in 2020 first, but it would be difficult to reach a consensus on the issue within a short period of time. If it was insisted that a consensus on the roadmap for elections in 2020 had to be reached before the election arrangements for 2012 could be discussed, no progress could be made in this area of work.

30. The Convenor told the meeting that the Task Group would organise a workshop in May to listen to the views of academics, think tanks, as well as different organisations and individuals on the methods for electing the Chief Executive and forming the LegCo in 2012. The Secretariat would inform members of the details later.

31. The attendance list is attached at Annex.

Secretariat to the Commission on Strategic Development
June 2008

Annex
附件

策略發展委員會
政制發展專題小組
第三次會議
2008 年 4 月 25 日

Third Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
25 April 2008

出席人士
Attendance List

召集人 :
Convenor :

Mr TANG Ying-yen, Henry, GBS, JP Chief Secretary for Administration	政務司司長 唐英年先生, GBS, JP

官方委員 :
Official Members :

Mr LAM Sui-lung, Stephen, JP Secretary for Constitutional and Mainland Affairs	政制及內地事務局局長 林瑞麟先生, JP
Prof LAU Siu-kai, JP Head, Central Policy Unit	中央政策組首席顧問 劉兆佳教授, JP

列席人士 :
In Attendance :

Mr HO Kin-wah, Arthur, JP Acting Permanent Secretary for Constitutional and Mainland Affairs	署理政制及內地事務局常任秘書長 何健華先生, JP
Mr CHAN Wai-man, Darryl Press Secretary to Chief Secretary for Administration	政務司司長新聞秘書 陳維民先生

非官方委員 :
Non-official Members :

Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, JP
Prof CHEN Hung-yee, Albert, JP	陳弘毅教授, JP
Mr CHEUNG Chi-kong	張志剛先生
Mr CHOW Yung, Robert, BBS	周融先生, BBS
The Hon EU Yuet-mee, Audrey, JP	余若薇議員, JP
Mr HOO, Alan, SBS, JP	胡漢清先生, SBS, JP
Mrs IP LAU Suk-yee, Regina, GBS, JP	葉劉淑儀女士, GBS, JP
Ms KO Po-ling, MH, JP	高寶齡女士, MH, JP
Dr LAW Chi-kwong, SBS, JP	羅致光博士, SBS, JP
The Hon LEE Wing-tat	李永達議員
Dr LI Ka-cheung, Eric, GBS, JP	李家祥博士, GBS, JP
Mr LO Wing-hung, BBS	盧永雄先生, BBS
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP	黎定基先生, SBS, JP
The Hon SHEK Lai-him, Abraham, SBS, JP	石禮謙議員, SBS, JP
Dr SHIH Tai-cho, Louis	史泰祖醫生
Mr SHIH Wing-ching, JP	施永青先生, JP
Mr TAM Kwok-kiu, MH, JP	譚國僑先生, MH, JP
Miss TAM Wai-chu, Maria, GBS, JP	譚惠珠女士, GBS, JP
The Hon TIEN Pei-chun, James, GBS, JP	田北俊議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
Mr WOO Kwong-ching, Peter, GBS, JP	吳光正先生, GBS, JP
Mr WU Ting-yuk, Anthony, JP	胡定旭先生, JP
Dr YUNG Wing-ki, Samuel, MH, JP	容永祺博士, MH, JP
Dr ZHOU Ba-jun	周八駿博士

秘書 :
Secretary :

Mr Raymond FAN	范偉明先生

因事未能出席
Apologies

Sir AKERS-JONES, David, GBM, JP	鍾逸傑爵士, GBM, JP
Ms FANG Meng-sang, Christine, JP	方敏生女士, JP
Mr LAU Nai-keung	劉廼強先生
The Hon LEE Cheuk-yan	李卓人議員
Mr LIE-A-CHEONG Tai-chong, David, JP	李大壯先生, JP
The Hon TSANG Yok-sing, Jasper, GBS, JP	曾鈺成議員, GBS, JP

策略發展委員會政制發展專題小組工作坊
2008 年 5 月 29 日

意見摘要

召集人歡迎各委員及嘉賓出席策略發展委員會政制發展專題小組(專題小組)的工作坊，並簡介舉辦是次工作坊的目的、出席的嘉賓講者，以及工作坊的程序。

嘉賓講者之意見

2. 各嘉賓講者就 2012 年行政長官和立法會的產生辦法所發表的意見重點如下－

陳方安生議員及其核心小組（核心小組）

3. 陳議員認為為 2012 年的行政長官和立法會選舉安排的修改，必須要為 2017 年普選行政長官和 2020 年普選立法會作出配合。就此，政府須確保香港的普選符合《公民權利和政治權利國際公約》（《公約》）第廿五條所載的有關定義。她認為立法會功能界別選舉有違該定義，在達至普選時應予以廢除。政府需要就廢除功能界別訂下時間表。

4. 就立法會的產生辦法方面，陳議員認為，既然將來需要廢除功能界別，故此不贊成在 2012 年增加立法會功能界別的議席數目；她亦不同意增加由區議員互選產生的立法會議席，因為區議會並不代表任何功能界別。她認為 2012 年選舉辦法的重點應在於擴大功能界別的選民基礎及增加立法會議員的民意授權及認受性。其中核心小組認為：

(i) 重新界定公司票的定義，即向現時只擁有一票的公司、協會及機構的董事局、執行及/或管理委員會的所有成員賦予投票權；

(ii) 將現有功能界別整合為 10 個新組別，每個功能組別議席的選民基礎能因此而擴大，從而增加議席的認受性。

5. 至於行政長官選舉方面，核心小組大致上同意選舉委員會過渡成為 2017 年提名委員會。小組認為無需增加提名委員會的人數，然而政府需要擴大提名委員會的代表性。另外，行政長官候選人的最低提名人數應訂為提名委員會全體委員的百分之十，但參選人在每個界別取得的提名人數並無最低限制。

6. 在非中國籍和持有外國居留權人士出任立法會議員方面，陳議員指出有關安排由《基本法》第 67 條而非附件二訂明，可見並非一項短期措施或過渡性安排。她認為大部分非華裔香港人都很難取得中國籍，修改現時非中國籍和持有外國居留權人士出任立法會議員的安排會剝奪他們參選立法會的權利，違反全民公平普選的原則。

7. 陳議員的講稿原文（只有英文版本）載於附件一。

香港工商專業聯會（工商專聯）

8. 工商專聯代表鍾逸傑爵士認為，任何提倡與《決定》不符的制度或於 2012 年實施全民普選的建議都並不合適。

9. 在立法會議席數目方面，工商專聯贊成由現時的 60 席增加至 70 席，地區直選和功能界別各增 5 席。鍾爵士認為新增的 5 個功能界別議席應撥予真正的功能組別，而非由地區直選產生的區議會。他建議政府考慮增加新的功能界別，如代表各婦女團體及組織的婦女聯會界別，及中小企界別等。另外，政府可考慮分拆以下界別：

(i) 演藝、文化及出版界應與體育界分拆；

(編者註: 附件一以意見書形式刊登於二零一二年行政長官及立法會產生辦法諮詢文件附錄一「公眾意見」內(序號：CDA049)，故此不在此附錄重覆刊登。)

(ii) 建築及都市規劃界應與測量界分拆；

(iii) 地產界應與建造界分拆。

10. 此外，鍾爵士亦提出下列建議，以改善及擴大現有界別：

(i) 容許已退休的專業人士繼續擁有其所屬界別的投票權；

(ii) 已登記及註冊的保險經紀應可享有其所屬界別的投票權；

(iii) 政府應謹慎考慮有關改革公司票安排的各項建議，並盡快作出回應。

11. 鍾爵士認為有多種不同的方法可提升功能界別的公信力，而宗旨應該是盡量令最多的選民參與投票，以達至「一人兩票」的制度。若能於 2012 或 2017 年實施「一人兩票」，則將來可更容易達至立法會由全民普選產生的目標。

12. 鍾爵士表示，工商專聯認為 2012 年行政長官選舉候選人應得到選舉委員會每個界別的一定支持，以確保候選人不只代表某一界別的利益。另外，選舉委員會委員人數亦毋須增加。

13. 就行政長官實行普選時的投票安排，工商專聯建議以一輪的「得票最多者當選」投票制產生。工商專聯對有關進行兩輪選舉的方式表示保留，認為有關方式不一定可以產生一個得到大多數支持的當選人，而且可能會鼓勵政黨派系分裂。

14. 鍾爵士亦提議政府在專題小組解散後委任一個小組，詳細考慮從專題小組的會議及工作坊上收集到的意見，

整合成實質的建議，供政府考慮。

15. 工商專聯的建議書的原文（只有英文版本）載於附件三。

香港民主發展網絡（民網）

16. 民網代表馬嶽教授表示，若政府最終的目標是達至全面普選，則需改動 2012 年的選舉方法，特別是功能界別的安排。民網反對增加新的功能界別或擴大功能界別的選民基礎，認為不應再製造更多既得利益者，令將來取消功能界別議席變得更加複雜。

17. 民網支持 2012 年立法會議席增至 70 席，2016 年增至 80 席。所有功能界別議席中，一半應由區議會的民選和當然議員以單一可轉移票制產生，另一半則由傳統功能界別合併而成。原則包括－

(i) 合併業務或行業性質相近者；

(ii) 合併界別選民人數較為接近者。

18. 在行政長官選舉方面，馬教授強調提名程序應符合民主原則，以及符合國際上公認的民主原則。提名原則應以民主政治的「不排拒」（non-exclusive）為原則，即提名制度的設計不應為排拒某些政治力量參選而作出。

19. 另一位代表蔡子強先生表示，國際認同的最基本的普選特徵有 9 項，包括：

(a) 所有成年人都享有投票權；

(b) 每票的影響力大致相等；

(編者註: 附件二以意見書形式刊登於二零一二年行政長官及立法會產生辦法諮詢文件附錄一「公眾意見」內(序號：CDA052)，故此不在此附錄重覆刊登。)

(c) 選舉要定期舉行，而相隔的時間必需合理；

(d) 所有議席同時由選舉產生；

(e) 選舉要為選民提供實質的選擇；

(f) 候選人可在免受恐嚇的情況下自由表達其政見及宣傳其政綱，而選民亦可自由參與有關討論；

(g) 選民可自由和進行無記名投票；

(h) 選舉過程應大公無私；

(i) 所有當選人都可以留任至其任期終結。

20. 觀乎香港社會近期的討論，蔡先生認為有些建議與上述的原則相違背，他認為需要留意即使所有人均有投票權，每票的影響力應大致上相等，不應出現大幅度的差距。此外，他認為不應該出現有某些社群提名候選人的權利被限制或扭曲的情況。

21. 民網的建議全文（只有中文版本）載於附件三。

香港專業及資深行政人員協會（協會）

22. 協會代表史泰祖醫生表示，由於公眾普遍期望 2012 年兩個選舉為最終普選的中途站，因此，選舉辦法不宜原地踏步，應循序漸進地朝著 2017 年普選行政長官及 2020 年普選立法會的目標進發。

23. 在行政長官選舉方面，協會認為選舉委員會由現時的 800 人增加至約 1,200 人，並應加入全體區議員，因為大部份區議員是由三百多萬選民選出，具有民主成份及民意基礎。若區議員委任制未必取消，則應尊重委任區議員，把他

(編者註: 附件三以意見書形式刊登於二零一二年行政長官及立法會產生辦法諮詢文件附錄一「公眾意見」內(序號：CDA039)，故此不在此附錄重覆刊登。)

們亦列入選舉委員會中。另外，協會建議維持現行的界別分組安排，以避免令情況進一步複雜化。

24. 至於把「公司/團體票」改為「董事/個人票」的問題，由於每間公司的規模和架構各有不同，董事人數懸殊，難以避免「種票」情況；加上不少社會人士身兼多家公司的董事，若把團體票改為個人票，有可能出現一人多票的情況，造成大量選民重疊計算，因此不宜把團體票改為個人票。

25. 行政長官選舉的提名安排方面，協會建議提名所需人數仍然維持為委員會總人數的八分之一。協會亦支持 2012 年選舉委員會直接過渡成為 2017 年行政長官普選的提名委員會。

26. 立法會議席數目方面，協會認為在考慮擴大功能界別的代表性，以及不違反循序漸進的原則下，可於 2012 年由現時的 60 席增至 70 席，地區直選及功能界別各增五席，此後逐步增加議席數目，以鼓勵更多有志者參政，培養政治人才，長遠利好政黨發展。五個新增功能界別議席，由全體區議員透過互選產生，以擴闊議席的選民基礎；此方案在 2005 年已為廣泛討論，可再作考慮。

27. 關於非中國籍和持有外國居留權的議員比例方面，協會建議維持現行百分之二十的限制安排，以維持香港國際化的形象。

28. 協會的建議全文（只有中文版本）載於附件四。

公共專業聯盟（聯盟）

29. 聯盟的代表梁兆昌先生表示，2012 年的選舉是一個過渡安排，有關選舉辦法應與 2017 年普選行政長官和 2020 年普選立法會銜接。他指出，現時社會有多個不同的選舉方案，故有需要建立一套比較不同方案的指標。

30. 聯盟就 2012 年立法會選舉方法提出下列建議：

(編者註: 附件四以意見書形式刊登於二零一二年行政長官及立法會產生辦法諮詢文件附錄一「公眾意見」內(序號：CDA042)，故此不在此附錄重覆刊登。)

(i) 功能界別的議席可維持30席，但亦不反對把數目增加至35席；

(ii) 擴大功能界別的選民基礎，以個人票取締公司票；

(iii) 所有合資格的選民均可參與地方選舉和功能組別選舉，即「一人兩票」；

(iv) 改革現有的功能組別制度，以「全面功能組別制度」取代，不增加因經濟功能劃分的新功能界別。現有的功能界別應合併成為四個大功能界別，另設兩個新的功能界別，以容納該些不以經濟職能劃分的人士，擴大選民基礎。新增的界別包括「成年學生和退休人士」及「家務工作者」。六大功能界別的議席數量以其各自的選民人數作分配，以達至票值相等的目標。

31. 就2012年行政長官選舉，聯盟提出以下建議：

(i) 現時選舉委員會的四大界別中，第四界別委員人數可維持不變；而其他三個以經濟職能劃分的界別的600名委員，則採用全面功能組別的產生辦法，即每個功能界別的委員數目按該組別選民人數分配；

(ii) 行政長官候選人的提名門檻不應較現時的安排苛刻，每名候選人只需獲得50名選舉委員會委員的支持，而提名人數上限則為100人；

(iii) 任何「篩選」或「預選」的機制都會剝奪市民投票選出理想候選人的權利及部分人士的參選權利，故不宜施行。

32. 聯盟亦建議在立法會機制內設立一個類似「政協」的諮詢架構，以提供平台讓專業人士和商界人士向立法會提出意見，而不需要循功能界別的途徑進入立法會，以避免既得利益立場的偏頗。

33. 聯盟的建議全文載於附件五。

匯賢智庫

34. 匯賢智庫代表陳岳鵬先生表示，匯賢智庫的基本立場，是希望香港可以在《基本法》的框架內，不斷發展一個優質的民主政制，早日落實雙普選。由於全國人大常委會已於去年 12 月決定了香港達至普選的時間表，故此匯賢智庫希望未來政府、立法會和社會各界可以凝聚共識，制定出一套切實可行、中央政府和香港不同界別都能夠接受的普選方案，落實在 2017 年普選行政長官和 2020 年普選全體立法會議員。

35. 對於 2012 年行政長官的選舉辦法，匯賢智庫的意見如下：

(i) 選舉委員會委員人數應由現時的 800 人，增加至 1,800 人，以讓更多社會人士參與，和加強選舉委員會的認受性，體現循序漸進的原則；

(ii) 在均衡參與的原則下，現時選舉委員會的四個界別應予以保留；

(iii) 建議第一至第三界別，即工商、金融界，專業界，勞工、社會服務、宗教等界的委員人數應按現有的分配方式增加一倍，由 200 人增加至 400 人；

(編者註: 附件五以意見書形式刊登於二零一二年行政長官及立法會產生辦法諮詢文件附錄一「公眾意見」內(序號：CDA044)，故此不在此附錄重覆刊登。)

(iv) 至於第四界別，除了包括現時已經是成員的全體立法會議員、全數港區全國人大代表、港區全國政協委員代表、鄉議局代表之外，還應加入全數民選區議會議員，令此界別人數由現時的 200 人增加至 600 人。此舉可把選舉委員會的選民基礎將會由現時的 20 多萬，大幅擴展至超過 300 萬人，增強選舉委員會的代表性；

(v) 以上述形式組成的選舉委員會，可過渡成為 2017 年的提名委員會，方便兩個選舉辦法的銜接；

(vi) 行政長官選舉候選人的提名門檻應由現時的八分之一降低至十分之一，而提名上限為 450 名(即四分之一)，務求令選舉在有競爭的情況下舉行。每名候選人都應該同時在每個界別中獲得最少百分之十的委員提名，以確保當選者能兼顧社會各界的利益；

(vii) 獲得足夠提名的人士將正式成為候選人，由選舉委員會成員在簡單多數的原則下，一人一票選出行政長官。如果提名期結束時只有一名候選人獲足夠提名，該名候選人將自動當選成為行政長官。

36. 立法會選舉辦法方面，匯賢智庫建議 2020 年立法會實施全面普選時，功能組別應予以廢除，改為實行一人兩票的制度，即每名選民均有兩票，一票為比例代表制下的分區直選票，另一票是以全香港作為單一選區的名單比例代表制選票。他認為該制度公平和符合民主精神，並體現「兼顧社會各階層利益」及「有利於資本主義經濟的發展」兩項原則。

37. 匯賢智庫對 2012 年立法會產生辦法的具體建議如下：

(i) 立法會議席數目由現時的60個增加至80個；

(ii) 新增的20個議席中，10個撥入地區議席，按人口比例分配，另外10個則撥入功能界別議席；

(iii) 新增的功能界別議席的分配，應基於以下原則考慮：

(a) 為了提高功能組別選舉的認受性和代表性，應該擴大功能界別的選民基礎和範圍；

(b) 而擴大有關的選民基礎和範圍時，應該考慮給予更多選民直接參與功能界別投票的機會，以進一步提升一人兩票這個模式的廣泛程度；

故此，新增的功能界別議席，應擴大至三個現時在立法會未有涵蓋的、並以職業性質劃分的新界別，包括公務員、中小企和安老服務業。

38. 陳先生的講稿原文（只有中文版本）載於附件六。

專題小組委員與嘉賓講者之討論

一般意見

39. 委員普遍認同2012年的選舉方案應為邁向全面普選鋪路，並且應符合《基本法》和人大常委會的《決定》。

40. 回應民網指香港的選舉制度不符合某些國際公認的基本原則，有委員認為政治制度是演變出來的，需要根據不同地方本身的實際情況，加上有關政治力量的互動演變而成一套可為各方接受的模式。他期望香港的民主能逐步邁向理

(編者註: 附件六以意見書形式刊登於二零一二年行政長官及立法會產生辦法諮詢文件附錄一「公眾意見」內(序號：CDA050)，故此不在此附錄重覆刊登。)

想，並表示一套制度未能符合所有的最高標準不等於它不能接受。

2012年行政長官產生辦法

41. 委員普遍認同2012年的選舉委員會在2017年可過渡成為提名委員會。不過，有委員提出，既然2017年已普選行政長官，2012年行政長官選舉無需作太大改動。

42. 與此同時，亦有部份委員認為，就選舉委員會的人數和組成方面，應增加委員人數，並可參考2005年的政改方案，加入全體區議員。

43. 有委員建議行政長官參選人只需取得選舉委員會百分之十的提名，便可成為候選人，減少參選的阻礙；否則，太高的門檻可能會減少候選人的選擇。此外，有委員表示不贊成有關要求參選人必須取得政協或人大界別一定數目提名的建議。

2012年立法會產生辦法

44. 較多委員認為應在2012年增加立法會的議席數目，增加立法會的民主成份。當中，較多委員認為應增至70席，也有建議指可考慮在2016年循序漸進地再增加至80席。

45. 有委員認為聯盟及匯賢智庫提出設立新的功能界別，會製造更多既得利益者，進一步深化現時功能界別的問題，令有關討論複雜化。就此，有關團體的回應如下：

(i) 聯盟代表黎廣德先生表示，建議新增的兩個界別分別約有一百萬名選民，可反映香港社會的多元取向和意見。由該等功能界別產生的議員需要靠攏社會的主流意見，不會只集中於一少撮人的利益。

(ii) 匯賢智庫陳岳鵬先生表示會詳細研究有關意見，但匯賢智庫的最終目標是達至「一人兩票」。增加建議的新界別可望在人大常委會的決定框架下，增加功能界別的代表性和認受性，減低社會爭議。

46. 另外，也有委員認為新增的功能界別議席應由區議員互選產生，主要原因包括：

(i) 相較其他功能界別，區議會的界別利益較小；

(ii) 有助提高功能界別的代表性和認受性；

(iii) 加強立法會的民主成分；

(iv) 任何合併、增加、或刪除功能界別的建議都有其理據，必然會引起爭論；

(v) 增加區議會在立法會的議席數目，實際上能減少其他功能界別議員的比例，對於立法會將來就在達至普選時應如何處理功能界別，有助達成共識。

47. 有委員認為公司票應改為公司董事票，因為在運作上會較為容易。

48. 至於有關由非中國籍和持有外國居留權人士出任立法會議員的安排，有委員不贊成修改有關安排，並擔心此舉會影響香港作為世界城市的形象。

49. 有委員提出現時立法會容許屬於12個功能界別的議席由非中國籍和持有外國居留權的人士出任，不清楚此安排會否有違《公約》第二十五條有關公平選舉的原則。就此，

陳方安生議員認為，改變有關安排需要修改《基本法》，而現時有關 2012 年選舉安排的討論已甚富爭議性，不宜再另開新戰線；而且她亦認為《基本法》的有關規定合理，故此不會倡議改變該項安排。

長遠安排

50. 在討論 2012 年的選舉辦法時，委員亦有談及有關普選原則和兩個選舉辦法的長遠安排。討論要點如下：

(i) 有委員指出，香港並非主權獨立的地方，在普選安排上必須符合《基本法》及中央對香港的基本政策方針，包括「均衡參與」和「行政主導」。

(ii) 有意見認為政府有需要就普選的定義和原則，作出進一步討論，以期在社會內凝聚共識。

(iii) 有意見指「一人三十一票」的建議並不可行，也有委員認為可考慮以「一人兩票」的方案來落實立法會普選。

(iv) 有委員認為普選立法會時功能界別應予以廢除。不過，也有委員表示功能界別的既得利益者對香港的發展有相當的貢獻。

51. 回應陳方安生議員指保留不實施《公約》第二十五條(丑)款的聲明只是反映香港在 1976 年時的情況，現時香港已經回歸祖國，中央可考慮撤回該聲明；有委員認為《公約》只是通過《基本法》才能在香港生效，而保留不實施某些條款的聲明實際上仍然存在，而且《公約》只是列出有關原則，而非制度；每個政府都會依照其實際情況發展政制。

總結

52. 召集人感謝各位委員和嘉賓講者參與是次工作坊，並分享他們就 2012 年行政長官及立法會的產生辦法的意見。雖然大家對具體的選舉辦法持有不同的意見，但有三個基礎為大家所認同的，包括(1)任何修改均需符合全國人大常委會去年的《決定》；(2)應按照《基本法》「循序漸進」的原則作適當修改，以切合香港的實際情況；及(3) 2012 年的兩個選舉辦法應進一步民主化。

53. 召集人表示，現時政府首要處理的，是就 2012 年的選舉方法盡快完成根據《基本法》需進行「五步曲」餘下的三步。是次工作坊有助政府聽取有關團體就選舉方案的重要議題的意見，為下一階段的公眾諮詢作準備。

54. 出席會議人士名單載於附件七。

策略發展委員會秘書處
2008 年 6 月

Summary of views expressed at
the Workshop of the Task Group on Constitutional Development
of the Commission on Strategic Development
held on 29 May 2008

(Translation)

The Convenor welcomed Members and guest speakers to the workshop of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development (CSD) and gave a brief introduction to the purpose, the guest speakers and the programme of the workshop.

Views expressed by guest speakers

2. Views expressed by guest speakers on the methods for electing the Chief Executive (CE) and forming the Legislative Council (LegCo) in 2012 are set out as follows:

The Hon Mrs Anson Chan and her Core Group (the Core Group)

3. The Hon Mrs Anson Chan remarked that the amendments to the methods for electing the CE and forming the LegCo in 2012 must pave the way for attaining universal suffrage for the CE in 2017 and for the LegCo in 2020. In this regard, the Government should ensure that universal suffrage in Hong Kong would be consistent with the definition laid down in Article 25 of the International Covenant on Civil and Political Rights (ICCPR). She took the view that the LegCo functional constituency (FC) elections were inconsistent with the definition and should be abolished when universal suffrage was attained. The Government should draw up a timetable for abolishing the FCs.

4. Regarding the method for forming the LegCo, the Hon Mrs Anson Chan did not support increasing the number of FC seats in 2012 given that the FCs would have to be abolished eventually. Furthermore, she did not support adding more seats elected from among District Council (DC) members since DCs did not represent any functional sectors. She

thought that the emphasis of the electoral method for 2012 should be on broadening the electorate base of the FCs and strengthening the mandate and legitimacy of the LegCo members. The Core Group suggested that:

(i) corporate voting be redefined to encompass all members of the boards of directors, executive and/or management committees of those companies, associations and organisations which currently exercised a single corporate vote;

(ii) the existing FCs be re-organised into ten new groups to expand the electorate base and enhance the legitimacy of each FC seat.

5. Regarding the CE election, the Core Group was in broad agreement with the idea that the present CE Election Committee should evolve into the Nominating Committee. The Core Group considered that there was no need to increase the size of the Nominating Committee, but it was essential to broaden its electorate base to make it more representative. In addition, it was recommended that the minimum number of nominations required of each CE candidate should be fixed at 10% of the size of the Nominating Committee, and there should be no requirement on candidates to obtain a minimum number of nominations in each sector.

6. On the arrangement that some LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries, the Hon Mrs Anson Chan pointed out that such arrangement was not intended to be a short term or transitional measure as evident from the fact that the provision was set down in Article 67 instead of Annex II to the Basic Law. She added that the majority of non-ethnic Chinese permanent residents of Hong Kong were unlikely to qualify for Chinese nationality, and therefore changing the current arrangement which allowed people who were not of Chinese nationality or who had the right of abode in foreign countries to become LegCo members would deprive those people of the right to stand for election, violating the principle of fair and universal suffrage.

7. The full text of the presentation by the Hon Mrs Anson Chan (in English only) is at Annex I.

(Editor's note: Annex I has been published as a public submission in Appendix I of the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("Public Views") (serial number: CDA049), hence, it is not reproduced in this Appendix.)

The Business and Professionals Federation of Hong Kong (BPF)

8. Sir David Akers-Jones, representative of the BPF, considered it inappropriate to promote a system that is inconsistent with the Decision or to advocate universal suffrage for all in 2012.

9. Regarding the size of LegCo, the BPF supported increasing the number of LegCo seats from the existing 60 to 70, with five additional seats to be returned by geographical constituencies (GCs) through direct elections and the other five returned by FCs. Sir David Akers-Jones considered that the five newly created FC seats should be allocated to genuine FCs but not the DCs which were returned by district-based direct elections. He recommended that consideration could be given to creating new FCs, such as the Women's Federation, which represented various women organisations and associations, and the small and medium enterprises sector. Furthermore, consideration could also be given to splitting the following FCs:

(i) splitting performing arts, culture and publication from sports ;

(ii) splitting architecture and planning from surveying; and

(iii) splitting real estate and construction.

10. In addition, Sir David Akers-Jones made the following suggestions to improve and expand the existing FCs:

(i) Retired professionals should be allowed to retain their voting rights in their respective FCs;

(ii) Registered and accredited agents in the insurance industry should be allowed to vote in their FC;

(iii) The Government should carefully consider proposals for reforming corporate voting and make a response as soon as possible.

11. Sir David Akers-Jones reckoned that there were many ways to improve the credibility of the FC system. The aim should be to allow as many people as possible to vote, leading to a system whereby each person had two votes. If "one-person-two-votes" could be implemented in 2012 or 2017, it would be easier to segue in later years to a more conventional form of universal suffrage.

12. On the CE election in 2012, the BPF considered that candidates should be required to have at least some support from each sector in the Election Committee to ensure that they did not merely represent specific sectoral interests. In addition, it was not necessary to expand the size of the Election Committee.

13. On the voting arrangements for electing the CE by universal suffrage, the BPF suggested adopting a one-round "first-past-the-post" voting method. The BPF expressed reservation about a two-round run-off system in that it might not produce a winner with majority support and might encourage segregation of political parties.

14. Sir David Akers-Jones suggested that a small group be appointed after the dissolution of the Task Group to carefully consider the views collected from the meetings and workshop of the Task Group and put forward firm proposals for the Government's consideration.

15. The full text of the submission by the BPF (in English only) is at Annex II.

The Hong Kong Democratic Development Network (HKDDN)

16. Professor Ma Ngok, representative of the HKDDN, remarked that if the Government's ultimate goal was to achieve universal suffrage, it would be necessary to amend the electoral methods for 2012, in particular the arrangements for FCs. HKDDN objected to establishing new FCs or broadening the electorate base of FCs for fear that more vested interests would be created, which would not be conducive to the abolition of FCs in future.

(Editor's note: Annex II has been published as a public submission in Appendix I of the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("Public Views") (serial number: CDA052), hence, it is not reproduced in this Appendix.)

17. HKDDN supported increasing the number of LegCo seats to 70 in 2012, and to 80 in 2016. Among all FC seats, about half should be returned through elections among elected and ex-official DC members by a single transferable vote system while the remaining half should be returned by FCs formed by merging the traditional ones. The principles included:

(i) merging FCs that were similar in the nature of business or trade;

(ii) merging FCs which have comparable numbers of voters.

18. On the CE election, Professor Ma Ngok emphasised that the nomination procedures should be democratic and consistent with the internationally recognised principles of democracy. The "non-exclusive" principle of democratic politics should be followed, i.e. the nomination system should not be designed to exclude certain political groups.

19. Mr Ivan Choy, another representative of the HKDDN, said that universal suffrage had the following nine fundamental and internationally recognised characteristics:

(a) all adults should have the right to vote;

(b) each vote should carry more or less the same weight;

(c) elections should be held on a regular basis at reasonable intervals;

(d) all seats should be returned by election at the same time;

(e) voters should be given genuine choices in the election;

(f) candidates should be free to express their views and promote their platforms without fear of being threatened whereas voters should be free to engage in the relevant discussion;

(g) voters should be free to cast their votes in a secret ballot;

(h) the election process should be fair and impartial;

(i) all the elected candidates should be allowed to stay in office until the end of their terms.

20. Mr Ivan Choy commented that some of the proposals put forward in the recent discussions in the community had deviated from the above principles. He was of the view that, where all people had the right to vote, each vote should carry more or less equal weight and there should not be any substantial difference in the weight carried. Moreover, he warned against the restriction or distortion of the right of certain groups in the community to nominate candidates.

21. The full text of the submission of the HKDDN (in Chinese only) is at Annex III.

The Hong Kong Professionals and Senior Executives Association (HKPASEA)

22. Dr Louis Shih, representative of the HKPASEA, said that since the two elections in 2012 were generally expected to be an intermediate phase before the ultimate implementation of universal suffrage, it was undesirable to maintain status quo in respect of the electoral methods. Instead, Hong Kong should move towards the goal of implementing universal suffrage for the CE in 2017 and for the LegCo in 2020 in a gradual and orderly manner.

23. Regarding the CE election, the HKPASEA considered that the size of the Election Committee should be increased from the existing 800 to about 1,200, and that all DC members should be included in the Election Committee since most of them were elected by over three million voters. They had a public mandate and there was a democratic element in their election. If appointed DC seats were not abolished, appointed DC members should be recognised and included in the Election Committee as well. HKPASEA also suggested that the existing organisation of subsectors should remain unchanged to avoid further complication.

(Editor's note: Annex III has been published as a public submission in Appendix I of the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("Public Views") (serial number: CDA039), hence, it is not reproduced in this Appendix.)

24. On the issue of replacing corporate vote with director's/individual's vote, since companies differ in size and structure, and the number of directors varied greatly, it was difficult to prevent "vote planting". Moreover, many people served as directors in many different companies at the same time. If corporate votes were to be replaced by individual's votes, some people might have more than one vote, resulting in serious double counting. It was therefore undesirable to replace corporate votes with individual's votes.

25. On the nominating arrangements for CE election, it was suggested that the number of nominations required should be maintained at one-eighth of the size of the Nominating Committee. The HKPASEA supported the direct transformation of the Election Committee of 2012 into the Nominating Committee in 2017.

26. Regarding the number of LegCo seats, the HKPASEA considered that, on the basis of broadening the representativeness of FCs without breaching the principle of gradual and orderly progress, the number of LegCo seats could be increased from the existing 60 to 70 in 2012, with 5 additional seats returned by GCs through direct elections and the other 5 by FCs. Thereafter, the number of seats could be further increased progressively to encourage more people to pursue a political career and to nurture political talents. It would be conducive to the development of political parties in the long term. The five new FC seats should be returned by elections among all DC members to enlarge the electorate base. This proposal was widely discussed in 2005 and could be further considered.

27. On the proportion of members who are not of Chinese nationality or who have the right of abode in foreign countries, the HKPASEA suggested that the existing 20 percent cap should be retained to uphold Hong Kong's image as an international city.

28. The full text of the submission of the HKPASEA (in Chinese only) is at Annex IV.

(Editor's note: Annex IV has been published as a public submission in Appendix I of the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("Public Views") (serial number: CDA042), hence, it is not reproduced in this Appendix.)

The Professional Commons

29. Mr Leung Siu-cheong, representative of the Professional Commons, commented that the 2012 elections were transitional arrangements, which should complement those for electing the CE and for forming the LegCo by universal suffrage in 2017 and 2020 respectively. He pointed out that, since there were many different proposals on electoral arrangements, it was necessary to devise a set of yardsticks for comparing the proposals.

30. Regarding the electoral method for forming the LegCo in 2012, the Professional Commons put forward the following proposals:

(i) the number of FC seats could remain at 30 or be increased to 35;

(ii) the electorate base of FCs should be broadened by replacing corporate votes with individual's votes;

(iii) all eligible voters should be allowed to vote in both GC and FC elections, i.e. one-person-two-votes;

(iv) the existing FC system should be revamped into a "Comprehensive FC" system. No new FCs based on economic functions should be created and the existing FCs should be merged to form four large FCs. Two new FCs not based on economic functions should be created to expand the electorate base. The new FCs to be created include "Adult Students and Retired Persons" and "Homemakers". The number of seats returned by each of the six large FCs should be in proportion to its number of eligible voters so that each vote would carry equal weight.

31. Regarding the CE election in 2012, the Professional Commons put forward the following proposals:

(i) Among the existing four sectors of the Election Committee, the number of members of the Fourth sector could remain

unchanged, whereas the 600 members of the other three sectors, which were defined according to economic functions, should be elected under a system similar to the proposed Comprehensive FC system. The number of members to be returned by each of the sectors should be in proportion to the number of voters;

(ii) The nomination threshold for CE candidates should not be more stringent than the existing one. Each candidate should be required to secure the support of 50 members only, while the upper limit on the number of subscribers should be set at 100;

(iii) Any mechanism of pre-screening or pre-election should be avoided because it would deprive the public of the right to vote for their preferred candidates and deprive some people of the right to stand for election.

32. The Professional Commons recommended that a consultative framework similar to the Chinese People's Political Consultative Conference should be established under the LegCo to provide a platform for the professionals and the business sector to give inputs to the LegCo, thus obviating the need for them to join the LegCo through FC elections and avoiding any bias towards the vested interests.

33. The full text of the proposals of the Professional Commons is at Annex V.

The Savantas Policy Institute (SPI)

34. Mr Ronald Chan, representative of the SPI, stated the basic stance of the SPI of hoping to see the continuous development of a quality democratic political system and the early implementation of universal suffrage for the CE and LegCo in Hong Kong under the framework of the Basic Law. As the Standing Committee of the National People's Congress (NPCSC) had decided in December last year the timetable for attaining universal suffrage in Hong Kong, the SPI hoped that the Government, the LegCo and different sectors within the community could forge a consensus and come up with a set of practicable proposals for universal suffrage

(Editor's note: Annex V has been published as a public submission in Appendix I of the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("Public Views") (serial number: CDA044), hence, it is not reproduced in this Appendix.)

acceptable to the Central Government and different sectors in Hong Kong, with a view to implementing universal suffrage for the CE in 2017 and for all LegCo members in 2020.

35. Regarding the method for electing the CE in 2012, the SPI expressed the following views:

(i) The size of the Election Committee should be increased from the existing 800 to 1,800 members to allow wider participation of the community and enhance the legitimacy of the Election Committee whilst implementing the principle of gradual and orderly progress;

(ii) The existing four sectors of the Election Committee should be retained under the principle of balanced participation;

(iii) The size of the First, Second and Third Sectors (i.e. the industrial, commercial and financial sectors; the professions; and the labour, social services, religious and other sectors) should be doubled from 200 to 400 members while maintaining the existing seat allocation formula;

(iv) As for the Fourth Sector, which currently comprised all LegCo members, all Hong Kong deputies to the National People's Congress, representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference and members of the Heung Yee Kuk, its size should be increased from the existing 200 to 600 members by including all elected DC members. This would substantially expand the electorate base of the Election Committee from some 200,000 voters to more than 3 millions, thereby enhancing its representativeness;

(v) An Election Committee established in the aforesaid way could be transformed into the Nominating Committee in 2017 so that the electoral method for 2012 could complement that for 2017;

(vi) The nomination threshold for CE candidates, presently set at one-eighth of the size of the Election Committee, should be lowered to one-tenth, while the upper limit on the number of subscribers should be set at 450 (i.e. one quarter of the size of the Election Committee), so as to attain a contested election. Each candidate should be required to secure nominations from at least one-tenth of the members in each of the sectors so as to ensure that the successful candidate could represent the interests of all sectors;

(vii) Any person who secured the required number of nominations should be qualified for formal candidacy. The CE should be elected by a simple majority of the members of the Election Committee on the basis of "one-person-one-vote". If only one candidate secured the required number of nominations at the end of the nomination period, that candidate should be elected *ipso facto* as the CE.

36. On the electoral method for the LegCo, Mr Ronald Chan remarked that the SPI proposed the abolition of FCs and adoption of a "one-person-two-votes" system when universal suffrage was implemented for all LegCo members in 2020. Under the "one-person-two-votes" system, each voter would have two votes, one for direct GC elections under proportional representation system and the other for election through a Hong Kong-wide, proportional representation-list system. He hailed such a system as fair and democratic, embodying the two principles of "meeting the interests of different sectors of society" and "facilitating the development of the capitalist economy".

37. Regarding the method for forming the LegCo in 2012, the SPI put forward the following specific proposals:

(i) The number of LegCo seats should be increased from the existing 60 to 80;

(ii) Out of the 20 newly created seats, 10 seats should be allocated to GCs in proportion to the size of population, while the other 10 should be allocated to FCs;

(iii) The following principles should be followed in allocating the newly created FC seats:

(a) The electorate base and delineation of electorate of FCs should be broadened to enhance the legitimacy and representativeness of FC seats;

(b) In broadening the electorate base and delineation of electorate, consideration should be given to allowing more voters to participate directly in FC elections, so as to expand the scope of the "one-person-two-votes" system.

In view of the above, the newly created FC seats should represent three new sectors, namely, the civil service, small and medium enterprises and elderly services, which were delineated according to the nature of occupation and were currently not represented in the LegCo.

38. The full text of Mr Ronald Chan's presentation (in Chinese only) is at Annex VI.

Discussion between Task Group Members and guest speakers

General Views

39. Members generally agreed that the 2012 electoral arrangements should pave the way for full universal suffrage, and be consistent with the Basic Law and the Decision of the NPCSC.

40. In response to HKDDN's comment that the electoral system of Hong Kong did not comply with some of the internationally recognised basic principles, a member opined that the formation of a political system was an evolutionary process. An acceptable model would be developed in accordance with the actual situation of that specific place and would evolve interactively with the political forces concerned. He expected that the democracy of Hong Kong could gradually move towards the ideal, and he

(Editor's note: Annex VI has been published as a public submission in Appendix I of the Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("Public Views") (serial number: CDA050), hence, it is not reproduced in this Appendix.)

hold the view that a system which did not entirely meet all highest standards would not necessarily mean that it was unacceptable.

Method for Electing the Chief Executive in 2012

41. Members generally agreed that the Election Committee for 2012 could be transformed into the Nominating Committee in 2017. However, a member argued that as the CE would be elected by universal suffrage in 2017, there should be no need to introduce substantial changes to the 2012 CE election.

42. Meanwhile, regarding the size and composition of the Election Committee, some members considered that the size of the Election Committee should be enlarged and that reference could be made to the 2005 reform package to include all DC members in the Election Committee.

43. A member suggested that any person who was able to secure nominations from one-tenth of the members of the Election Committee should be allowed to become a CE candidate. This could reduce the hurdle for participating in the election. Otherwise, a higher threshold might reduce the choice of candidates. In addition, a member did not agree with the proposal of requiring a candidate to secure a certain number of nominations from the sector comprising 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.

Method for forming the LegCo in 2012

44. More members considered that the number of LegCo seats should be increased in 2012 to enhance the democratic elements of the LegCo. Among them, more suggested increasing the number of seats to 70 in 2012. There was also a suggestion that consideration could be given to increasing the number of seats further to 80 in 2016 in a gradual and orderly manner.

45. A member commented that the proposals put forward by the Professional Commons and the SPI to establish new FCs would result in more people with vested interests, further aggravating the existing problems regarding FCs and complicating the issue. The two organisations responded as follows:

(i) Mr Albert Lai of the Professional Commons remarked that the two proposed FCs with an electorate base of approximately 1 million voters each could reflect the diverse perspectives and views of Hong Kong society. Members returned by such FCs would have to stay close to the mainstream views in society instead of focusing on the interests of a small group of people.

(ii) Mr Ronald Chan of the SPI responded that the SPI would consider the views carefully, but reiterated that the ultimate goal was "one-person-two-votes". The establishment of the proposed FCs was expected to enhance the representativeness and legitimacy of FCs within the framework of the Decision of the NPCSC, thereby reducing controversy in the community.

46. Furthermore, some members expressed the view that the newly established FC seats should be returned by elections among DC members mainly for the following reasons:

(i) The DCs would have less sectoral interests when compared with other FCs;

(ii) The representativeness and legitimacy of FCs would be enhanced;

(iii) The democratic elements in the LegCo would be enhanced;

(iv) Every proposal for the merging, addition or abolition of FCs would have its own reasons and would inevitably be a bone of contention;

(v) Increasing the number of FC seats allocated to DCs would in effect reduce the proportion of members of other FCs. This

could help forge consensus within LegCo on how the FCs should be dealt with when universal suffrage was implemented.

47. A member supported replacing corporate votes with director's votes as it would be easier to operate.

48. As for the arrangement that some LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries, some members did not agree to revising the arrangement, expressing concern that Hong Kong's image as a world city might be affected as a result.

49. A member raised the question of whether the existing practice of allowing 12 LegCo seats to be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries, would be inconsistent with the principle of fair election as provided by Article 25 of ICCPR. The Hon Mrs Anson Chan expressed that amendments to the Basic Law would be needed to make changes to the arrangement. She did not consider it suitable to start a new debate on this issue since the discussion on the electoral methods for 2012 had already involved many controversial and complex issues. She considered the relevant provisions of the Basic Law reasonable and therefore would not advocate any change to the arrangement.

Long-term arrangements

50. In discussing the electoral methods for 2012, members touched on the principles of universal suffrage and the long-term arrangements of the two electoral methods. The major points of discussion are as follows:

(i) There were views that, as Hong Kong was not an independent sovereign state, the arrangements for implementing universal suffrage had to be consistent with the Basic Law and the basic policies adopted by the Central Authorities regarding Hong Kong, which included the principles of "balanced participation" and an "executive-led" system.

(ii) A member considered it important for the Government to conduct further discussion on the definition and principles of universal suffrage, with a view to forging a consensus within the community.

(iii) A member considered the proposal of "one-person-thirty-one-votes" not feasible, while another member suggested that consideration could be given to implementing universal suffrage for the LegCo by adopting the "one-person-two-votes" option.

(iv) Some members supported the abolition of FCs when universal suffrage was implemented for the LegCo. However, some members hold the view that those with vested interests within FCs have made considerable contributions to the development of Hong Kong.

51. The Hon Mrs Anson Chan pointed out that the declaration reserving the right not to apply Article 25(b) of the ICCPR only reflected the situation of Hong Kong in 1976, now that Hong Kong had reunified with the motherland, the Central Authorities could consider withdrawing the declaration. A member responded that the ICCPR could remain in force in Hong Kong only by virtue of the Basic Law, and that the declaration reserving the right not to apply certain articles of the ICCPR was actually still in effect. Besides, the ICCPR only set out the principles, not the system. It was up to individual governments to develop their political systems having regard to their own circumstances.

Conclusion

52. The Convenor thanked members and the guest speakers for participating in the workshop and sharing their views on the methods for electing the CE and for forming the LegCo in 2012. Although there were diverse views on the specific electoral methods, consensus had been reached on three basic principles, namely, (1) any amendments should be consistent with the Decision made by the NPCSC last year; (2) appropriate amendments conforming to the principle of "gradual and orderly progress" under the Basic Law should be made in the light of the actual situation in

Hong Kong; and (3) the two electoral methods for 2012 should be further democratised.

53. The Convenor said that the foremost task of the Government at this stage was to complete as soon as possible the remaining three of the "five steps" required by the Basic Law in respect of the electoral methods for 2012. The workshop facilitated the Government in its preparation for the next round of public consultation by bringing to the attention of the Government the views of various organisations on the important issues concerning the electoral methods.

54. The attendance list is at Annex VII.

Secretariat to the Commission on Strategic Development
June 2008

附件七
Annex 7

策略發展委員會
政制發展專題小組
工作坊
2008 年 5 月 29 日

Workshop of the
Task Group on Constitutional Development
of the Commission on Strategic Development
29 May 2008

出席人士
Attendance List

召集人 :
Convenor :

Mr TANG Ying-yen, Henry, GBS, JP Chief Secretary for Administration	政務司司長 唐英年先生, GBS, JP

官方委員 :
Official Members :

Mr LAM Sui-lung, Stephen, JP Secretary for Constitutional and Mainland Affairs	政制及內地事務局局長 林瑞麟先生, JP
Prof LAU Siu-kai, JP Head, Central Policy Unit	中央政策組首席顧問 劉兆佳教授, JP

列席人士 :
In Attendance :

Mr LAW Chi-kong, Joshua, JP Permanent Secretary for Constitutional and Mainland Affairs	政制及內地事務局 常任秘書長 羅智光先生, JP
Mr HO Kin-wah, Arthur, JP Deputy Secretary for Constitutional & Mainland Affairs (1)	政制及內地事務局 副秘書長(1) 何健華先生, JP

非官方委員 :
Non-official Members :

Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, JP
Prof CHEN Hung-yee, Albert, JP	陳弘毅教授, JP
Mr CHEUNG Chi-kong	張志剛先生
Mr CHOW Yung, Robert, BBS	周融先生, BBS
Ms FANG Meng-sang, Christine, JP	方敏生女士, JP
Mr HOO, Alan, SBS, JP	胡漢清先生, SBS, JP
Mr LAU Nai-keung	劉廼強先生
Dr LAW Chi-kwong, SBS, JP	羅致光博士, SBS, JP
The Hon LEE Wing-tat	李永達議員
Dr LI Ka-cheung, Eric, GBS, JP	李家祥博士, GBS, JP
Mr LO Wing-hung, BBS	盧永雄先生, BBS
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP	黎定基先生, SBS, JP
Mr SHIH Wing-ching, JP	施永青先生, JP
Miss TAM Wai-chu, Maria, GBS, JP	譚惠珠女士, GBS, JP
Dr YUNG Wing-ki, Samuel, MH, JP	容永祺博士, MH, JP
Dr ZHOU Ba-jun	周八駿博士

嘉賓講者 :
Guest Speakers :

Hon Mrs Anson Chan and Her Core Group	陳方安生女士及其核心小組
The Hon Mrs Anson CHAN, GBM, JP	陳方安生議員, GBM, JP
Mrs Elizabeth BOSHER	布簡瓊女士
Business and Professionals Federation of Hong Kong	香港工商專業聯會
Sir David AKERS-JONES, GBM, JP	鍾逸傑爵士, GBM, JP
Ms Connie HUI	許仲瑩女士
Hong Kong Democratic Development Network	香港民主發展網絡
Prof MA Ngok	馬嶽教授
Mr Ivan CHOY	蔡子強先生
Hong Kong Professionals and Senior Executives Association	香港專業及資深行政人員協會
Dr SHIH Tai-cho, Louis	史泰祖醫生

The Professional Commons	公共專業聯盟
Mr Albert LAI	黎廣德先生
Mr Dennis KWOK	郭榮鏗先生
Mr S C LEUNG	梁兆昌先生
Savantas Policy Institute	匯賢智庫
Mr Ronald CHAN	陳岳鵬先生

秘書 :
Secretary :

Mr Raymond FAN	范偉明先生

因事未能出席
Apologies

The Hon EU Yuet-mee, Audrey, JP	余若薇議員, JP
Mrs IP LAU Suk-yee, Regina, GBS, JP	葉劉淑儀女士, GBS, JP
Ms KO Po-ling, MH, JP	高寶齡女士, MH, JP
The Hon LEE Cheuk-yan	李卓人議員
Mr LIE-A-CHEONG Tai-chong, David, JP	李大壯先生, JP
The Hon SHEK Lai-him, Abraham, SBS, JP	石禮謙議員, SBS, JP
Mr TAM Kwok-kiu, MH, JP	譚國僑先生, MH, JP
The Hon TIEN Pei-chun, James, GBS, JP	田北俊議員, GBS, JP
The Hon TSANG Yok-sing, Jasper, GBS, JP	曾鈺成議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
Mr WOO Kwong-ching, Peter, GBS, JP	吳光正先生, GBS, JP
Mr WU Ting-yuk, Anthony, JP	胡定旭先生, JP

策略發展委員會
政制發展專題小組第四次會議
2008 年 6 月 27 日

意見摘要

召集人歡迎委員出席策略發展委員會政制發展專題小組(專題小組)第四次會議。

續議事項

2. 召集人表示，秘書處已把上一次會議的意見摘要發送給各委員。是次會議兩份討論文件歸納了委員過去就 2012 年行政長官及立法會產生辦法所提出的意見，以作為特區政府草擬下一輪公眾諮詢文件的基礎。

有關 2012 年行政長官的產生辦法 – 意見歸納（文件編號：CSD/TGCD/5/2008）

有關 2012 年立法會的產生辦法 – 意見歸納（文件編號：CSD/TGCD/6/2008）

3. 委員進行討論前，召集人發表以下意見：

(a) 就 2012 年行政長官選舉而言，在過去的討論中，委員普遍認為：

(i) 2012 年的選舉委員會應過渡成為 2017 年普選行政長官時的提名委員會；

(ii) 應維持 2012 年選舉委員會由四個界別組成；及

(iii) 較多委員認為提名門檻應維持目前選舉委員會總人數的八分之一。

(b) 有關2012年行政長官選舉辦法，委員仍未有一致意見的議題，包括：

(i) 應維持或增加選舉委員會的人數；

(ii) 應如何分配不同界別的議席；

(iii) 應否重組某些界別分組；

(iv) 應否擴大選民基礎；及

(v) 應否設立提名上限及其他提名規定。

(c) 在立法會選舉方面，較多委員認為應增加議席數目，當中較多意見認為應增至70席。不過，委員就部份議題仍然有不同意見：

(i) 應如何處理新增的功能界別議席；及

(ii) 應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排。

4. 召集人邀請委員就兩份討論文件發表意見。委員的意見歸納如下。

一般意見

5. 有委員認為應根據全國人民代表大會常務委員會(人大常委會)去年所作的決定，就2012年的選舉辦法作適當的修改，但修改程度不應太大；如非必要，亦不應就兩個選舉辦法作根本性的修改。在推動進一步發展民主的同時，有關的修改亦應按照《基本法》及人大常委會的決定，符合均衡參與和循序漸進的原則。

6. 有委員認為2012年的選舉應大力加速民主步伐，以增加政府的認受性及其民意授權基礎，令兩個選舉辦法更具代表性。

7. 有委員表示部分議題在專題小組內亦未能取得共識，擔心在社會層面更難達成共識。他認為市民希望見到政制發展的討論有進展，不希望因著某些過分進取的目標而令其停滯不前，造成內耗。故此，政府應以踏實、保守的方式處理2012年的兩個選舉方案，以獲得公眾及立法會的支持。

8. 有委員建議政府就2012的兩個選舉辦法諮詢公眾時，應盡量聚焦討論重點，避免展開太多戰線。兩個選舉辦法不應作太多的修改，避免因個別修改建議不獲通過而令選舉安排變得不完整或不平衡。

9. 有委員認為2012年的兩個選舉辦法是邁向普選、擴大民主步伐的一個重要中途站。

10. 有委員指不同人士對2012年的兩個選舉辦法會有不同意見，公眾諮詢文件應以為市民提供不同的可考慮方案作前提。另有委員提出專題小組的討論正能協助政府整合作下一輪公眾諮詢的基礎，並為各議題提供選擇，收窄公眾諮詢的討論範圍，使之更為聚焦。有不同的委員建議政府在撰寫下一輪的公眾諮詢文件時，應考慮：

(a) 加入公眾諮詢的目的和框架；

(b) 載列《基本法》中與行政長官及立法會選舉和其長遠安排相關的條文，如第45及68條；

(c) 列述人大常委會所定下的五個修改選舉辦法的程序；及

(d) 加入普選的定義。

2012年行政長官的產生辦法

有關選舉委員會

11. 較多委員贊成增加選舉委員會的委員人數，以提高選舉委員會的民主成分。

12. 有委員認為選舉委員會應維持現有的四個界別，保持均衡參與。有意見則建議考慮調整各界別的比例，例如在第四界別中加入全體區議員，以加強選舉委員會的民主成分。

13. 就有關分拆現有的界別分組，有委員認為此建議具爭議性；如非必要，不應在2012年進行。

提名上限及其他提名規定

14. 有意見認為提名門檻應維持在現時總人數的八分之一，以避免不必要的爭拗；也有意見認為門檻應降低提名門檻至十分之一。

15. 有委員希望政府在撰寫諮詢文件時，可考慮就「提名門檻」加上註釋，表明2017年行政長官普選時的「民主程序」未必等同於「提名門檻」，以免市民混淆。

16. 有委員認為應設提名票的上限不超過全體委員人數的一半。

17. 委員普遍認為2012年的選舉委員會應過渡成為2017年普選行政長官時的提名委員會。但有個別委員認為「過渡」與「參照」並非等同，若兩個委員會皆具廣泛代表性則可能會成事，但現時可能是過份樂觀。

2012年立法會的產生辦法

立法會議席數目

18. 大多數就此項目發言的委員均贊成增加立法會的議席，提供更多的議政機會，以培養政治人才，並且可應付日益繁重的議會工作。提出的具體建議包括增加至70或80席。

19. 不過，有委員則表示增加議席不等同於擴大選民基礎，並認為選民基礎較議席數目更為重要。

議席分配及選民範圍

20. 有委員認為新增的地區直選議席應按分區人口比例分配。

21. 至於功能界別議席方面，有委員認為所有新增功能界別議席應由全體區議員互選產生；此建議在2005年時得到市民支持，並獲中央認同符合《基本法》，更可以體現「以民為本」的理念，而此建議的爭議性亦相對較少，可令選舉制度進一步民主化。然而，有委員認為此建議不應包括委任區議員在內。亦有委員認為增加區議會在立法會的代表只會重覆地方選區的選民基礎，未有擴大選民基礎。

22. 有委員認為新增的功能界別議席應給予現時在立法會未有代表的界別，以增加議會內的不同聲音，達至均衡參與。不過，也有委員擔心增加新的功能界別可能會「易請難送」，窒礙邁向普選的目標。

23. 有委員提出把公司/團體票改為董事/行政人員/屬會/個人票的建議在技術上需要面對很大的困難，故認為2012年的兩個選舉辦法無需在這方面作出修改。有委員則建議新增的功能界別議席應由個人/董事票選出。

應否調整有百分之二十可由非中國籍和持有外國居留權人士出任立法會議員的安排

24. 委員在此議題上仍然有不同的意見。有委員認為改變現有安排與否，須視乎今年稍後的立法會選舉中，候選人的國籍問題會否引起關注。此外，也有委員指現有安排符合《基本法》，不應與副局長/政治助理國籍事件混為一談。

25. 較多委員認為有關調整並無迫切性，而選民亦可在選舉中自由選擇是否投票予非中國籍和持有外國居留權人士。但亦有意見認為新增的席位不應再容許由非中國籍和持有外國居留權人士擔任。

26. 有委員認為現有的國籍安排可能未必符合普選的平等參選權，與《公民權利和政治權利國際公約》第25條有關公平選舉的原則不相一致。該委員建議政府可考慮把容許由非中國籍和持有外國居留權人士出任的立法會議席減少，或平均分配予地區直選及功能界別。就此，政制及內地事務局局長指出《基本法》第39條及第67條分別就相關國際公約適用於香港及立法會組成作規定，非中國籍的香港特別行政區永久性居民和在外國有居留權的香港特別行政區永久性居民也可以當選為香港特別行政區立法會議員，其所佔比例不得超過立法會全體議員的百分之二十。局長表示百分之二十是一個上限。

27. 此外，有意見指2012年的選舉辦法應聚焦於推動香港政制的進一步發展，故此議題不應成為未來有關公眾諮詢的重點，以免把事情複雜化。

其他

28. 就長遠安排方面，有委員提及普選模式可考慮採用「一人兩票」制，一票選地區直選議員，另一票選全港性單一名單。

總結

29. 召集人感謝委員出席是次會議及發表意見，令下一輪公眾諮詢可更深入和更聚焦於2012年選舉辦法的重點項目，並希望各委員繼續積極參與有關討論。

30. 出席會議人士名單載於附件。

策略發展委員會秘書處
2008年8月

Summary of views expressed at
the Fourth Meeting
of the Task Group on Constitutional Development
of the Commission on Strategic Development
Held on 27 June 2008

(Translation)

The Convenor welcomed members to the fourth meeting of the Task Group on Constitutional Development (Task Group) of the Commission on Strategic Development (CSD).

Matters Arising

2. The Convenor told the meeting that the CSD Secretariat had forwarded to members a summary of views expressed at the last meeting. The two discussion papers of this meeting had summarised members' views expressed at the previous meetings on the methods for electing the Chief Executive (CE) and forming the Legislative Council (LegCo) in 2012, which would form the basis for drafting the document for the next round of public consultation by the Government.

Summary of Discussions on the Method for Electing the Chief Executive in 2012 (Paper No: CSD/TGCD/5/2008)

Summary of Discussions on the Method for Forming the Legislative Council in 2012 (Paper No: CSD/TGCD/6/2008)

3. The Convenor made the following remarks before members' discussion:

(a) Regarding the CE election in 2012, members generally held the following views in the previous discussions:

(i) the CE Election Committee for 2012 should be transformed into the Nominating Committee when universal suffrage for the CE was implemented in 2017;

(ii) the Election Committee should be formed by maintaining the current composition of four sectors; and

(iii) more members considered that the nomination threshold should be maintained at one-eighth of the size of the Election Committee.

(b) Regarding the method for electing the CE in 2012, consensus had yet to be reached among members on the following issues:

(i) whether the size of the Election Committee should be maintained or expanded;

(ii) how seats should be allocated among different sectors;

(iii) whether certain subsectors should be reorganised;

(iv) whether the electorate base should be broadened; and

(v) whether an upper limit on the number of subscribers for nominating a CE candidate or other nominating requirements should be introduced.

(c) On LegCo election, more members considered that the number of LegCo seats should be increased. Among them, there were more who took the view that the number of seats should be increased to 70. However, members still held diverse views on the following issues:

(i) how the newly created functional constituency (FC) seats should be dealt with; and

(ii) whether the arrangement that 20 percent of LegCo seats could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries should be adjusted.

4. The Convenor invited members to express their views on the two discussion papers. Members' views are summarised below.

General Views

5. A member expressed the view that appropriate amendments should be made to the electoral methods for 2012 in accordance with the Decision adopted by the Standing Committee of the National People's Congress ("NPCSC") last year. However, the amendments should not be excessive, and no fundamental changes to the two electoral methods should be made unless absolutely necessary. While promoting further democratic development, the amendments should conform to the principles of balanced participation and gradual and orderly progress in accordance with the provisions of the Basic Law and the NPCSC's Decision.

6. A member considered that the pace of democratic development should be accelerated vigorously in the 2012 elections in order to strengthen the legitimacy and mandate of the Government and broaden the representativeness of the two electoral methods.

7. Noting that consensus had yet to be reached within the Task Group on some issues, a member expressed concern that it would be even more difficult to forge consensus in the community on those issues. He believed that the public would like to see the discussion on constitutional development making progress rather than being bogged down by some overly aggressive objectives, which would waste the efforts of Hong Kong people. Therefore, the Government should adopt a pragmatic and conservative approach when dealing with the two electoral methods for 2012 in order to secure the support of the public and LegCo.

8. A member suggested that, when consulting the public on the two electoral methods for 2012, the Government should try to focus public discussion on the key elements and avoid starting up debates over too many issues. In addition, there should not be excessive amendments to the two electoral methods. Otherwise a fragmented and imbalanced electoral arrangement would be resulted if certain proposed amendments were rejected.

9. Some members considered the two elections in 2012 an important intermediate phase before the implementation of universal suffrage in the course of democratisation.

10. A member pointed out that there were different views among the public on the two electoral methods for 2012 and the public consultation document should primarily aim at putting forward different options for public consideration. Another member remarked that the discussions of the Task Group could provide the basis for the next round of public consultation by the Government. They could also assist the Government in drawing up options on various issues, thus focusing and narrowing the scope of public discussion. Various members suggested that in drafting the document for the next round of public consultation, the Government should consider:

(a) setting out the purpose and framework of the public consultation;

(b) quoting the Basic Law provisions relating to the CE and LegCo elections and their long-term arrangements, such as Articles 45 and 68;

(c) listing the five steps for amending the electoral methods as specified by the NPCSC; and

(d) stating the definition of universal suffrage.

Method for Electing the CE in 2012

Election Committee

11. More members supported increasing the size of the Election Committee to enhance its democratic elements.

12. Some members considered that the existing four sectors forming the Election Committee should be maintained for the continuation of balanced participation. However, it was suggested that consideration

should be given to adjusting the proportion of the four sectors by, for example, including all District Council (DC) members in the Fourth Sector to enhance the democratic elements of the Election Committee.

13. Regarding the splitting of the existing subsectors, a member reckoned that the suggestion was controversial and should not be implemented in 2012 unless absolutely necessary.

Upper limit on the number of subscribers and other nomination requirements

14. There was a view that the nomination threshold should be maintained at the present level of one-eighth of the size of the Election Committee to avoid unnecessary disputes, whereas there was also a view that it should be lowered to one-tenth of the total membership.

15. A member hoped that in preparing the consultation document, the Government could consider adding an explanatory note to the term "nomination threshold" to make it clear that the "democratic procedures" for electing the CE by universal suffrage in 2017 would not necessarily be equivalent to a "nomination threshold" so as to avoid public confusion.

16. A member considered that an upper limit on the number of subscribers should be set at half of the size of the Election Committee.

17. Members generally agreed that the Election Committee for 2012 should be transformed into the Nominating Committee when universal suffrage for the CE was implemented in 2017. However, individual members considered that "transformed into" was not equivalent to "formed with reference to". Transformation would be possible if both committees had broad representation, but it might be too optimistic to expect this at the present stage.

Method for forming LegCo in 2012

Number of seats in LegCo

18. Most of the members who commented on this issue supported increasing the number of LegCo seats in order to nurture political talents by providing more opportunities for political participation, and to cope with the increasing workload of LegCo. Specific proposals put forth included increasing the number of seats to 70 or 80.

19. However, a member remarked that increasing the number of seats did not mean broadening the electorate base, and that the electorate base was more important than the number of seats.

Allocation of seats and the delineation of the electorate

20. A member opined that the new seats returned by geographical constituencies (GCs) through direct elections should be allocated in proportion to the population of each constituency.

21. As for FC seats, a member expressed the view that all new FC seats should be returned by elections among all DC members. This proposal had been supported by the public in 2005 and recognised by the Central Authorities as consistent with the Basic Law, and could realise the "people-based" concept. Furthermore, this proposal was less controversial and could further democratise the electoral system. However, a member considered that this proposed arrangement should not apply to appointed DC members. Another member opined that increasing DCs' representation in LegCo would only duplicate, rather than broaden, the electorate base of GCs.

22. A member considered that the new FC seats should be allocated to sectors currently not represented in LegCo, so as to bring the voices of more sectors into LegCo and achieve the principle of balanced participation. However, another member expressed concern that new FC seats might be easy to create but difficult to abolish, thus impeding the progress towards universal suffrage.

23. A member remarked that since the proposal of replacing corporate votes with director's/executive's/association's/individual's votes would involve great technical difficulties, no such change should be made to the two electoral methods for 2012. Another member suggested that the additional FC seats should be returned by individual's/director's votes.

Whether the arrangement that 20 percent of LegCo seats may be returned by individuals who are not of Chinese nationality or who have the right of abode in foreign countries should be adjusted

24. Members held different views on this issue. A member opined that any change to the existing arrangement should depend on whether there was public concern over the nationality of the candidates in the LegCo election to be held later this year. Another member commented that the existing arrangement was consistent with the Basic Law and should not be linked to the nationality issue of Under Secretaries/Political Assistants.

25. More members reckoned that there was no imminent need for adjustment and voters were free to choose whether to vote for individuals who were not of Chinese nationality or who had the right of abode in foreign countries in the election. However, there was also a view that the additional seats should not be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries.

26. A member considered that the existing arrangement relating to nationality might not be in compliance with the equal right to be elected at elections by universal suffrage, thus inconsistent with the principle of fair election enshrined in Article 25 of the International Covenant on Civil and Political Rights. The member suggested that the Government could consider reducing the number of seats that could be returned by individuals who were not of Chinese nationality or who had the right of abode in foreign countries. Alternatively, such seats could be divided equally between the GCs and the FCs. In this connection, the Secretary for Constitutional and Mainland Affairs pointed out that Article 39 of the Basic Law provided for the application of the relevant international covenants to Hong Kong while Article 67 provided for the composition of LegCo,

stipulating that HKSAR permanent residents who were not of Chinese nationality or who had the right of abode in foreign countries could also be elected LegCo members, provided that the proportion of such members did not exceed 20% of the size of LegCo. He added that 20% was the upper limit.

27. There was also a view that the electoral methods for 2012 should aim to take forward Hong Kong's further constitutional development. To avoid complicating the matter, this issue should not be made the focus of public consultation in future.

Others

28. Regarding long-term arrangements, a member expressed the view that consideration could be given to adopting a "one-person-two-votes" system as the model for implementing universal suffrage, under which one vote was to return a directly elected GC member and the other to return a candidate on a territory-wide single list.

Conclusion

29. The Convenor thanked members for attending the meeting and expressing their views, which would enable the next round of public consultation to focus more on and go deeper into the key elements of the electoral methods for 2012. He hoped that members would continue to take part in the discussion actively.

30. The attendance list is at Annex.

Secretariat to the Commission on Strategic Development
August 2008

附件
Annex

策略發展委員會
政制發展專題小組
第四次會議
2008 年 6 月 27 日

Fourth Meeting of the
Task Group on Constitutional Development
of the Commission on Strategic Development
27 June 2008

出席人士
Attendance List

召集人 :
Convenor :

Mr TANG Ying-yen, Henry, GBS, JP Chief Secretary for Administration	政務司司長 唐英年先生, GBS, JP

官方委員 :
Official Members :

Mr LAM Sui-lung, Stephen, JP Secretary for Constitutional and Mainland Affairs	政制及內地事務局局長 林瑞麟先生, JP
Prof LAU Siu-kai, JP Head, Central Policy Unit	中央政策組首席顧問 劉兆佳教授, JP

列席人士 :
In Attendance :

Mr LAW Chi-kong, Joshua, JP Permanent Secretary for Constitutional and Mainland Affairs	政制及內地事務局 常任秘書長 羅智光先生, JP
Mr TAM Chi-yuen, Raymond Under Secretary for Constitutional and Mainland Affairs	政制及內地事務局副局長 譚志源先生
Mr HO Kin-wah, Arthur, JP Deputy Secretary for Constitutional and Mainland Affairs (1)	政制及內地事務局 副秘書長(1) 何健華先生, JP

非官方委員 :
Non-official Members :

Sir AKERS-JONES, David, GBM, JP	鍾逸傑爵士, GBM, JP
Mr CHAN Chung-bun, Bunny, BBS, JP	陳振彬先生, BBS, JP
Mr CHEUNG Chi-kong	張志剛先生
Mr CHOW Yung, Robert, BBS	周融先生, BBS
The Hon EU Yuet-mee, Audrey, JP	余若薇議員, JP
Ms FANG Meng-sang, Christine, JP	方敏生女士, JP
Mr HOO, Alan, SBS, JP	胡漢清先生, SBS, JP
Mrs IP LAU Suk-yee, Regina, GBS, JP	葉劉淑儀女士, GBS, JP
Ms KO Po-ling, MH, JP	高寶齡女士, MH, JP
Dr LAW Chi-kwong, SBS, JP	羅致光博士, SBS, JP
The Hon LEE Wing-tat	李永達議員
Dr LI Ka-cheung, Eric, GBS, JP	李家祥博士, GBS, JP
Mr LIE-A-CHEONG Tai-chong, David, JP	李大壯先生, JP
Mr LO Wing-hung, BBS	盧永雄先生, BBS
Mr NIGHTINGALE, Anthony John Liddell, SBS, JP	黎定基先生, SBS, JP
Dr SHIH Tai-cho, Louis	史泰祖醫生
The Hon TSANG Yok-sing, Jasper, GBS, JP	曾鈺成議員, GBS, JP
Mr WONG Kwok-kin, BBS	黃國健先生, BBS
Dr YUNG Wing-ki, Samuel, MH, JP	容永祺博士, MH, JP
Dr ZHOU Ba-jun	周八駿博士

秘書 :
Secretary :

Mr Raymond FAN	范偉明先生

因事未能出席
Apologies

Prof CHEN Hung-yee, Albert, JP	陳弘毅教授, JP
Mr LAU Nai-keung	劉廼強先生
The Hon LEE Cheuk-yan	李卓人議員
The Hon SHEK Lai-him, Abraham, SBS, JP	石禮謙議員, SBS, JP
Mr SHIH Wing-ching, JP	施永青先生, JP
Mr TAM Kwok-kiu, MH, JP	譚國僑先生, MH, JP
Miss TAM Wai-chu, Maria, GBS, JP	譚惠珠女士, GBS, JP
The Hon TIEN Pei-chun, James, GBS, JP	田北俊議員, GBS, JP
Mr WOO Kwong-ching, Peter, GBS, JP	吳光正先生, GBS, JP
Mr WU Ting-yuk, Anthony, JP	胡定旭先生, JP

二〇〇九年十一月
November 2009

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