

Submission by Hon Eric Li

Strapline: LegCo Rep

Title: Rocky road to political reform

The New Year of 2004 will probably bring mixed blessings to Hong Kong. The economy is likely to improve and the controversial topic of political reform may take centre stage on the wider community's agenda. Despite the obvious political risks involved, I have taken a lead amongst Functional Constituencies in making my own views known publicly, as well as committing my office to a full, professional and impartial survey to serve as a basis of my future actions. In this regard, I have already sought cooperation with the HKSA and had also provisionally contacted an academic institution with a view to commissioning them to design the questionnaire and to provide us with the analysed report.

What I now need to do most is to appeal to your civic-mindedness to take part in the up-coming survey and to register to vote in the 2004 election. I seek the truth in what I do and in time, I will prove that there cannot be any self-interest or personal political agenda. I have already announced that I will not run in a functional constituency in 2008 or earlier. Please let me hear your voice, it counts. I have done a similar but smaller survey in 1998 ahead of others in the field. It can be most illustrative of what the 'normally silent' professional, middle income group really thinks! No doubt, the community, other legislators and the local and the Central Governments will all take a keen interest in the results.

General background

I have recently recorded a Letter to Hong Kong and I think this can serve as a useful background to your crucial vote. The following is a slightly edited and expanded version.

Hong Kong has always been a home to pluralism. That is why different shades of views and cultures have blended harmoniously. However, this is not a state of affairs that can be taken for granted. This balance of constant change and stability is delicate and fragile, and the people of Hong Kong are intelligent and sensitive. They know when the Government is not serving their best interests and their views are being manipulated. Hong Kong thrives on change, provided that the changes are well accepted by the majority, and are professionally managed and gradual.

Despite the faster than expected pace of economic recovery, the community is evidently still looking for changes in the political structure. I believe too that such reforms are essential as there are already worrying signs that one day, if they do become the set pattern, the consequential political inertia may undermine the long term stability of the community.

Concerns that must be addressed include the growing economic inequalities between the affluent and the grass roots, and the reality that the latter group is gaining greater political influences with the increasing number of directly elected seats. One may

argue that the major economic restructuring that is taking place now will inevitably exacerbate an uneven distribution of wealth. The fear is that when the economic and political bases of powers of a community are growing in different directions, it becomes a sure formula for societal conflicts, confrontation and instability.

Secondly, the administration has been unable to secure wide support for its many controversial policies over a sustained period of time. The position has now deteriorated to a stage that any politician or political groups siding with the Government on any issue will automatically be tagged with a negative label by some sector of the mass media. This tactic may be unethical and unfair but it can certainly inflict incalculable damage to the political parties concerned and will further hamper the effectiveness and leadership of Government.

Thirdly, the poor handling of the unpopular article 23 issues has already provided the reformists with a much-needed focus of attention and the best vote catching machinery. A passive and evasive attitude towards political reform is no longer a defensible option.

Any one of these issues, if not dealt with properly are potentially divisive for the community and might fuel calls for more drastic changes than are really necessary. So far, the Administration has remained intolerably evasive and much valuable time has already been lost. However, as all sensible people would agree, there must be a trade off between the pace of political reform and stability. The key question to ask is how fast we can go without compromising the needed stability, for which the support of the reforms by our Central Government is a crucial factor for consideration.

I believe there are many shades of political views amongst the professional middle-income group such as the accountants of Hong Kong. From my own contact with them, I have discovered many would like to be offered a range of options to pick from. Before that happens, the true views of the accountants remain a moving target. However, what is being debated now appears to be only the extremity of views i.e. no change or proceed directly to universal suffrage. A more balanced middle ground is still lacking as an alternative and I see little harm for the community to give it a try. At least, any alternative proposal is better than none and although we cannot hope to get it right in the first round, it will certainly help to trigger some rational debate.

[A] The alternative political reform proposals

I believe that a possible approach is to embark on a phased programme to political reform under a pre-determined timetable. The timetable could then be short circuited by a regular poll of public attitudes and if the views collected show a two-thirds majority in favour of an immediate change to full universal suffrage, such legislative changes should be brought immediately to a vote in the Legislative Council before the next election.

Suggested reforms: The Legislative Council

First phase (2008 &/or 2012): simply add 30 more geographically elected seats. This will give the universally elected members a much greater say especially in rejecting

unpopular Government policies. However, the remaining 30 seats of Functional Constituencies can still be effective in vetoing some of the more drastic initiatives of the reformists; rather like an Upper House in most developed democracies e.g. the Senate in the U.S.A. and The House of Lords in the U.K. The design is a more conservative check and balance structure to allow time for the parties to adjust to the not insignificant changes.

Second Phase (2012 or 2016): turn the remaining 30 FC seats into Nominating Committees to select no more than 3 candidates each who must then obtain the mandate from the people of Hong Kong in a universally held direct election. This will effectively narrow the gap between the views of the lawmakers from different electoral processes.

Third & Final Phase (2016 or 2024): all 90 seats are opened for universal suffrage.

[A] The Chief Executive

First Phase (2007): turn the 800 members Election Committee into a Nomination Committee and elect no more than 3 candidates for universal suffrage.

Second & Final Phase (2016 or 2024): universal suffrage at the same time as the Legislative Council.

The Basic Law has already incorporated one of my earlier ideas back in 1988, that is; to recognise universal suffrage as the ultimate goal. However, the mini constitution is silent on when can this be achieved. It could be as early as 2007 or as late as 2047. Naturally, this will make the pace of reform the most crucial aspect to be determined.

An alternative proposal (regarding the timing for universal suffrage) that I have suggested for discussion falls somewhere in between the previously mentioned dates, i.e. 2016 to 2024, depending on whether we want each stage to take 1 or 2 elections. A gradual change seems more in line with the spirit of the Basic Law and gives a clearer time frame for all the parties concerned to be prepared for the future. However, I do also recognise that fixing a rigid timetable has its limitations as we may not be able to judge political moods and sentiments so far in advance. That is why I have built in another polling mechanism in every election to short circuit the timetable through the most peaceful and civilized means. However, I must emphasize that the poll is not a referendum as it does not, in itself, determine the final decision. The move towards universal suffrage has still got to make its way through the procedures as prescribed by the Basic Law, i.e. the Legislative Council passing a Bill by a two-thirds majority, the endorsement by the Chief Executive and obtaining the final blessing from the Central Government.

The advantages of my proposal are many:

- 1) It provides a clear and certain middle course for survey and discussion purposes;
- 2) It is very easy to modify e.g. numbers of seats and nominators and the timing of the change in stages can be adjusted to satisfy prevailing preferences;

- 3) It allows time for the Central Government to indicate its disapproval of specific candidates at the nomination stage, thus avoiding a much more serious constitutional crisis later i.e. by electing a Chief Executive who may risk being rejected or cold shouldered by the Central Government;
- 4) The regular polling device allows for a peaceful and rational escape route from a rigid timetable and at the same time, renders disruptive demonstrations unnecessary;
- 5) The move towards universal suffrage for both the Executive and Legislative branches of the Government is synchronised.

I hope that by sharing my ideas with you, I can provide the community with another viable option to choose from. It is also my hope that if the community can settle this matter once and for all, then the July 1st and the New Year marches would have served their useful historical role.

李家祥議員的意見書

政制改革 前路崎嶇
(「給香港的信」—— 2004.1.4)
譯本

在二零零四年首次「給香港的信」開始之前，我誠心祝各位新年快樂，身體健康，事事順利。

香港向來是一個可容納不同元素的社會，不同的觀點及文化因而可以在此融和並存。但是，這一切並非理所當然的。變革與穩定之間的平衡脆弱得很，輕易便會給打破。香港人聰明機靈，他們清楚知道政府何時沒有照顧他們最大的利益，他們的意見何時遭他人利用。與此同時，香港也是一個不斷求變的地方，但這種轉變必須為大部份人所接受及以專業的態度處理，並以循序漸進的步伐推行。

儘管經濟復甦的速度比預期中快，社會仍然期望政治制度有所變革。我也相信這些改革是必須的，因為現時已出現令人擔憂的跡象，假如這些政治問題未能儘快解決，長久下去可能會造成社會不穩。

首先，貧富懸殊的現象越見嚴重，同時，基層對政治的影響力卻不斷增加。雖然有人會反駁，指現時的經濟轉型無可避免會加劇貧富懸殊的問題，但是如果社會的經濟力量及政治力量長期朝著不同方向發展而沒有加以制衡，必定會引發社會衝突與對峙，令社會動盪不安。

再者，由於政府早前長時間內仍無法為一些具爭議性的政策爭取廣大的支持，現時情況已惡化到一個地步，只要任何政客或政黨在任何事務上支持政府的做法，就會自動被某些大眾傳媒機構貼上負面標籤。這種做法或許不道德及不公平，但肯定對有關政黨造成難以估量的損害，更會進一步窒礙政府的管治效率及領導。

此外，廿三條立法處理手法不當，已經製造了機會給「改革派」，令他們成功成為公眾焦點之餘，更助他們贏取選票。對政制改革採取被動迴避的態度以求明哲保身，已不是一個可取的選擇。

以上任何一項如得不到妥善處理，都有可能造成社會分化，而且會造就更多比實際需要更激烈的改革要求。直至現時為止，政府仍然採取極之迴避的態度，浪費了不少寶貴的時間。可是，明智之士都會同意，政制改革及社會穩定兩者之間必定要取得平衡，關鍵是我們能在政改上取得多大的進展而又不用犧牲香港社會的穩定呢？在這一點上，中央政府對政改的支持是考慮的重點。

我相信中產階層的專業人士有很多不同的政治看法及意見，而香港的會計師就是一例。就我個人與他們的接觸而言，我發現很多會計師都希望可以有多種觀點供他們選擇，而在選擇之前，會計師的真正取向其實仍是難以掌握。但是，現時辯論似乎傾向兩極化，要不完全不變，要不直接普選，缺乏一種平衡各方的中間意見。我覺得提出中間的建議對社會並沒壞處，有其他建議總比甚麼也沒有好，雖然不可能一擊即中，令大家達成共識，但最低限度可以帶起一些理性的辯論。

政制改革上的其他建議

我相信一個可行的循序漸進改革方法，就是根據預設的時間表分階段進行政制改革。不過，如果定期的民意調查結果顯示有三分之二的市民支持即時改制，即是與立法會通過政治架構改革的所需票數比例相同，預設時間表就即予「短路」。

立法會

第一階段（2008 或 2012）：額外增加三十個地區直選議席。這樣可使普選的議員有更多的發言權，尤其是在討論不受歡迎的政府政策時，他們的作用尤其明顯。至於保留的三十席功能組別議員，他們仍能有效否決一些由改革派人士提出的過激要求，作用就像大部份已發展的民主國家的上議院一樣，例如美國的參議院及英國的上議院。這種設計是希望透過謹慎的制衡措施，使各界人士可以有時間作出調整，迎接一些重大的轉變。

第二階段（2012 或 2016）：將餘下的三十席功能組別改為提名委員會，每組別分別選出不多於三名的候選人在全民直選中爭取議席。這個安排可以有效地縮窄由不同選舉程序產生的立法會議員的意見差距。

第三及最後階段（2016 或 2024）：全部九十個議席作全面普選。

行政長官

第一階段（2007）：將 800 名成員的選舉委員會改為提名委員會，選出不多於三位候選人進行全面普選。

第二及最後階段（2016 或 2024）：與立法會同時進行會面普選。

我早於 1988 年提出的眾多意見之一——將全面普選列為最終目標——已列入《基本法》之內。但是，《基本法》沒有提及何時要達到這個目標，最快可於 2007 年達到，但最遲又可等待至 2047 年才完成。順利成章地，政改的步伐變成最關鍵的問題。

我提議的政改建議就取其中間，即是 2016 至 2024。循序漸進的改革似乎更符合《基本法》的精神，而且明確的時間表有助各政黨為將來作好準備，但是，我也明白到訂立固定時間表也有其弊端，就是我們未能預先判斷未來的政治氣氛及意向。正因如此，我的建議在每一次選舉中加入了一個民意調查機制，藉此以最和平及文明的方法加快時間表的推行。然而，我必須強調，民意調查並不是公投，因為調查的結果並不會作為最後定案。全面普選的進程依然要根據《基本法》規定的程序進行，即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。

我的建議有以下幾個優點：

- (一) 為民意調查及討論提供一個清晰及中間路線的方案；
- (二) 建議內容易於修改，例如：議席及提名者的數目、各階段時限的變更等均可因應不同的意向而作出調整；
- (三) 讓中央政府早於提名階段即可篩選候選人，避免稍後出現更大的憲制危機，即當選的行政長官可能不獲中央政府接納或遭受冷淡對待。
- (四) 定期的民意調查為固定時間表提供一個和平及理性地解決問題的出路，減少不必要且對公眾秩序造成滋擾的大遊行。
- (五) 政府的行政及立法部門能同步邁向全面普選。

我希望大膽提出這個方案，能為社會提供另一個可行的選擇。同時，我也希望社會能徹底解決這個問題，那麼「七一大遊行」及「元旦大遊行」才能發揮其歷史角色。