

策略發展委員會  
管治及政治發展委員會  
二零零五年十一月二十九日第一次會議

席上意見摘要

我們應根據《基本法》、“一國兩制”原則，以及中央政府對香港特別行政區的基本政策，盡早達至普選。行政長官的計劃，是由管治及政治發展委員會（“委員會”）先行討論普選的原則和概念，然後討論行政長官及立法會的選舉模式或安排，目標是在二零零七年年初，即在他任期內，完成討論。委員對行政長官的計劃普遍表示歡迎，但認為所需時間應盡量縮短。

2. 相對於立法會普選，行政長官普選的複雜程度應該較低，社會對有關發展路向達成共識的機會也較大，因此應該先討論和推行。當行政長官是由普選產生，在位者會有更強的民意基礎，並更容易策動社會力量。這樣將有助加強管治和更有利“行政主導”政治體制內的其他政治發展，例如政府職位的政治任命和政黨發展。最重要的問題，是如何確保有廣泛代表性的提名委員會的組成，能兼顧社會各階層的利益。

3. 關於立法會由普選產生的議題，有委員關注到兩院制未必符合《基本法》有關產生立法機關的規定，有關的法律問題，應予以澄清。亦有委員指出，既然在草擬《基本法》時已經詳細研究兩院制，而最終沒有採納，現在不應浪費時間重新研究一次。鑑於建立選民基礎需要時間，工商界擔心假如普選推行過急，他們在立法機關不會得到足夠的代表議席。他們傾向循序漸進，並相信功能界別可確保社會各階層的利益得到反映，並發揮制衡作用。

4. 關於普選路線圖的具體意見：

- 有關普選的建議，應基於《基本法》、《中英聯合聲明》和《中華人民共和國憲法》所訂明的憲制架構。路線圖的定義應該清楚表述，避免產生誤解和不切實的期望。
- 除少數委員有不同看法外，席上意見都認為應先討論路線圖，然後才討論時間表。在法律架構和相關制度尚未制定前便訂定時間表，實在流於倉促。社會對這些事項仍未取得共識，而且也需要諮詢中央當局。
- 功能界別日後的角色和組成問題，應根據其對社會的貢獻，以及在確保可兼顧社會各階層的利益的前提下，仔細研究。達至普選前的過渡安排可包括：擴大各個功能界別的選民基礎；減少功能界別的數目；引入兩院制（第一議院由普選產生，第二議院則由功能界別選出的成員組成）。
- 委員會應舉行更多會議，以便在任期內，討論普選路線圖和時間表。委員會如能早日完成討論，將可促成對未來路向的共識。
- 委員會除討論原則和概念外，也應討論具體建議。如普選路線圖和時間表能在行政長官任內提出，對行政長官和社會也有好處。

#### 5. 關於立法機關採用兩院制的具體意見：

- 兩院制可兼顧社會各階層（包括少數人士及弱勢社羣等）的利益。可研究一些非聯邦制政府實行兩院制的經驗。
- 除非兩院制只是達至普選前的過渡措施，否則兩院制可能與《基本法》（例如第六十八條）有抵觸。應先行澄清這憲制問題，以促進進一步的討論。
- 兩院制會令政府效率下降，並導致立法機關內出現“次等”議員，造成分化。

- 第二議院的議員，可以憑個人社會身分，例如家庭主婦、白領僱員等，經選舉產生。
- 當年草擬《基本法》時，已放棄採納兩院制作為產生香港特別行政區立法機關的模式。內地與香港的立法機關基本上採用單院制。

6. 關於委員會應討論的議題的具體意見：

- 根據最新的政制發展建議，檢討區議會的角色和職能，包括二零零七年區議會選舉的機制。
- 決策局的協調職能和政府有效實施政策的能力。
- 諮詢組織的角色和職能，包括在培養政治人才方面所擔當的角色，以及有關的委任制度；增加參與政治事務的其他途徑。
- 在“一國兩制”下香港與內地的關係。

7. 關於委員會運作模式的具體意見：

- 應舉行更多會議，俾能深入討論個別議題。
- 秘書處應確定要優先探討的議題，並成立工作小組進行研究和討論，然後向委員會匯報，以便全體委員討論。委員可選擇加入任何工作小組。
- 應更着力鼓勵青年人深入認識政制發展和參與有關討論，例如利用現有架構和機制、設立網頁，為青年人提供相關資訊，並讓他們表達意見。

8. 政制事務局局長發表的意見：

- 當局對於立法機關應否採用兩院制並無預定立場。即使再次研究這種模式，我們必須維持《基本法》第六十八條的規定，即最終達至立法會全部議員由普選產生的目標。
- 關於培養政治人才方面，政府已採取行動落實行政長官在《施政報告》所作的承諾，例如建議擴大選舉委員會，以包括全體區議員，並建議增加立法會功能界別的議席，由區議員互選產生（政制發展專責小組第五號報告的建議）；在政府內開設少量政治任命職位；開闢更多渠道讓區議會及市民參與地區事務的管理。

#### 9. 行政長官發表的意見：

- 委員會應制訂切實的工作計劃，集中研究政制發展，特別是行政長官和立法會普選的安排，並提出一些結論，供當局參考和制訂具體建議，讓公眾進一步討論。普選的原則、概念和選舉模式未得到處理前，不可能討論普選時間表。
- 期望委員會能在他任期內分兩階段處理普選這個重要問題。由現在至明年夏季為第一階段，集中處理有關原則和概念的問題，目標是在明年夏季完成討論。第二階段則研究行政長官和立法會的普選模式，目標是在二零零七年年初完成討論。
- 要委員會就討論的議題達成共識並不容易，但希望能定出大方向，以助當局研究和制定政策及建議。
- 除普選外，委員會也應探討其他與管治有關的問題。會考慮委員提出鼓勵青年人討論政制發展的建議。
- 與區議會有關的問題可首先交由政制事務局研究。

- 由於鄭經翰議員請辭，會考慮委任另一人士加入委員會。
- 委員不應受會議安排限制，可在會議之外以郵寄或電郵方式，隨時向秘書處提出意見。秘書處會把收到的意見傳閱，以便委員之間可以連續不斷地交流。此外，也歡迎委員在公開場合發表意見，以引發公眾討論。
- 會視乎工作進展，檢討委員會的開會次數。
- 秘書處會綜合委員的意見，並草擬一份文件，列出應優先探討的議題和安排討論的方法，供委員在二零零六年一月二十日舉行的第二次會議考慮。

10. 出席會議成員名單載於附件。

策略發展委員會秘書處  
二零零五年十二月

策略發展委員會  
管治及政治發展委員會第一次會議  
二零零五年十一月二十九日

First Meeting of  
the Committee on Governance and Political Development  
of the Commission on Strategic Development  
29 November 2005

出席人士

Attendance List

主席 :

Chairman :

The Chief Executive

行政長官

官方委員 :

Official Members :

Head, Central Policy Unit

Director, Chief Executive's Office

中央政策組首席顧問

行政長官辦公室主任

非官方委員 :

Non-Official Members :

Mr CHAN Chung-bun, Bunny, B.B.S., J.P.

Mr CHAN Tak-lam, Norman, S.B.S., J.P.

Prof CHEN Hung-ye, Albert, J.P.

Mr CHEN Nan-lok, Philip, S.B.S., J.P.

Prof CHENG Kwok-hon, Leonard

Mr CHEUNG Chi-kong

The Hon CHEUNG Hok-ming, S.B.S., J.P.

Mr CHOW Charn-ki, Kenneth

Ms CHOW, Wendy

Mr CHOW Yick-hay, B.B.S., J.P.

Mr CHOW Yung, Robert

Ms FONG, Janie

Mr FUNG, Daniel R., S.B.S., J.P.

Mr HO On-tat, Andy

陳振彬先生, B.B.S., J.P.

陳德霖先生, S.B.S., J.P.

陳弘毅教授, J.P.

陳南祿先生, S.B.S., J.P.

鄭國漢教授

張志剛先生

張學明議員, S.B.S., J.P.

鄒燦基先生

周君倩女士

周奕希先生, B.B.S., J.P.

周融先生

方文靜女士

馮華健先生, S.B.S., J.P.

何安達先生

Mr HOO, Alan, S.B.S., J.P.  
Ms KO Po-ling, M.H.  
Mr LAU Nai-keung  
The Hon LEE Cheuk-yan  
The Hon LEE Wing-tat  
Dr LEUNG Mei-fun, Priscilla  
Mr LIE-A-CHEONG Tai-chong, David  
Dr LO Chi-kin, J.P.  
The Hon MA Lik, G.B.S., J.P.  
Mr MOK Hon-fai  
Mr NG Sze-fuk, George, B.B.S., J.P.  
The Hon SHEK Lai-him, Abraham, J.P.  
Mr SZE Chin-hung, Jerome, J.P.  
Mr TAM Kwok-kiu, M.H.  
The Hon TIEN Pei-chun, James, G.B.S., J.P.  
Mr WANG Xiao-qiang  
Mr WONG Kong-hon, S.B.S., J.P.  
Mr WONG Wai-yin, Zachary  
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.  
Mr YU Kwok-chun, S.B.S., J.P.  
Dr ZHOU Ba-jun

胡漢清先生, S.B.S., J.P.  
高寶齡女士, M.H.  
劉迺強先生  
李卓人議員  
李永達議員  
梁美芬博士  
李大壯先生  
盧子健博士, J.P.  
馬力議員, G.B.S., J.P.  
莫漢輝先生  
吳仕福先生, B.B.S., J.P.  
石禮謙議員, J.P.  
施展熊先生, J.P.  
譚國僑先生, M.H.  
田北俊議員, G.B.S., J.P.  
王小強先生  
黃光漢先生, S.B.S., J.P.  
黃偉賢先生  
黃英豪先生, B.B.S., J.P.  
余國春先生, S.B.S., J.P.  
周八駿博士

## 列席

### In Attendance

Secretary for Constitutional Affairs

政制事務局局長

## 因事未能出席

### Apologies

非官方委員 :

Non-Official Members :

Mr CHAU How-chen, S.B.S., J.P.  
Prof KUAN Hsin-chi  
Miss TAM Wai-chu, Maria, G.B.S., J.P.

周厚澄先生, S.B.S., J.P.  
關信基教授  
譚惠珠女士, G.B.S., J.P.

**Summary of the views expressed in  
the First Meeting of  
the Committee on Governance and Political Development  
of the Commission on Strategic Development  
held on 29 November 2005**

Universal suffrage should be achieved as soon as possible in accordance with the Basic Law, the “One Country, Two Systems” principle and other basic policies towards the Hong Kong Special Administrative Region. The Chief Executive’s plan to have the Committee discuss the principles and concepts of universal suffrage first, and then the electoral systems for the Chief Executive and the Legislative Council elections, with a view to concluding discussion by early 2007 i.e. within his term of office, was generally positively received but the timeframe should be shortened as far as possible.

2. Selection of the Chief Executive by universal suffrage should be less complicated and have a higher chance of the community reaching agreement on the way forward than the formation of the Legislative Council by universal suffrage, and should therefore be discussed and taken forward first. When the Chief Executive was selected by universal suffrage, the incumbent would have a stronger mandate to command the support of the community. This would enhance governance and be conducive to other political developments in an “executive-led” political system such as the political appointment of positions in the Government and development of political parties. The most important issue was how to ensure that composition of the broadly representative nominating committee meets the interests of different sectors of society.

3. For the election of all the members of the Legislative Council by universal suffrage, there was concern that a bicameral system might not be in compliance with the stipulations in the Basic Law (BL) for forming the legislature. The legal aspects of this issue should be clarified. There were also views that as the bicameral system was studied thoroughly when the Basic Law was being drafted and that the idea was not pursued, we should not waste time to look at it again. The business sector was concerned that they would not get enough representation in the legislature, if universal suffrage was implemented too quickly as they would need time to build up their own electoral base. They preferred a gradual and orderly process and believed that functional constituencies could ensure that the interests of all sectors of the community were represented and could provide checks and balance.



4. Specific views on the roadmap for universal suffrage:
- Proposals for universal suffrage should be premised on Hong Kong's constitutional order prescribed in the Basic Law, the Sino-British Joint Declaration and the Constitution of the People's Republic of China. The definition of a roadmap should be clearly articulated to avoid misunderstanding and undue expectations.
  - Except for a few dissenting voices, the discussion of roadmap should precede that of timetable. It was premature to set out a timetable before the legal framework and institutional mechanism were worked out. Community consensus on these issues had yet to emerge and consultation with the central authorities was necessary.
  - The future role and composition of functional constituencies should be carefully considered in the light of their contributions to the community and to ensure that the interests of different sectors of our society were met. Transitional arrangements before universal suffrage could include the enlargement of the electoral base of the functional constituencies, the reduction of functional constituencies, the introduction of a bicameral system whereby the lower chamber was returned by universal suffrage while the upper chamber was formed by functionally elected members.
  - More frequent meetings were required to discuss the roadmap and the timetable within the term of this Committee. Early conclusion of discussion by this Committee could help forge an agreement on the way forward.
  - Apart from principles and concepts, the Committee should also discuss specific proposal(s). It would be useful for the Chief Executive and the community if a roadmap and timetable could be put forth within his term of office.
5. Specific views on adopting a bicameral system for the legislature:
- It could address the interests of different sectors of the community, including the minority and disadvantaged groups, etc. The experience of the bicameral systems adopted by non-federal type of governments could be considered.

- It might be inconsistent with the Basic Law, e.g. BL 68, unless it was just an interim measure before universal suffrage was attained. This constitutional issue should be clarified first to facilitate further deliberation.
- It would lower the efficiency of the government and create “second-class” members in the legislature, which would be divisive.
- Members of the second chamber could be elected based on their personal social status such as housewife, white-collar worker, etc.
- The system had been dropped as a model for forming the Hong Kong Special Administrative Region’s legislature during the drafting of the Basic Law. The legislatures in the Mainland and Hong Kong were basically unicameral.

6. Specific views on topics that the Committee should discuss:

- Review of the roles and functions of District Councils in the light of the latest constitutional development proposals, including the electoral mechanism for the District Councils in 2007.
- The coordinating function of bureaux and the capability of the Administration to implement policies effectively.
- Roles and functions of advisory bodies, including their role in nurturing political talent, and their appointment systems; and other means to increase opportunities for participation in politics.
- Relationship between Hong Kong and the Mainland under “One Country, Two Systems”.

7. Specific views on the mode of operation of the Committee:

- There should be more frequent meetings to enable in-depth discussion of specific topics.
- The Secretariat should identify priority topics and set up working groups to study and discuss them, and then report to the

Committee for plenary discussion. Members should be free to join whichever working groups they wished.

- More should be done to encourage young people to better understand and participate in the discussions about constitutional development, e.g. by using existing set-ups and mechanisms, and setting up a website to provide them with relevant information and to allow them to express their views.

8. The Secretary for Constitutional Affairs made the following comments:

- The Administration had no pre-determined position on the adoption of a bicameral system for the legislature. Even if this model were to be pursued, we should maintain the provision in Article 68 of the Basic Law that the ultimate aim was the election of all the members of the Legislative Council by universal suffrage.
- On nurturing political talent, actions were being taken to deliver the Chief Executive's pledges made in his Policy Address, e.g. to propose enlarging the Election Committee to include all District Council members and increasing the number of functional constituency seats in the Legislative Council to be filled by District Council members (proposals in Report No. 5 of the Constitutional Development Task Force); to create a small number of politically appointed positions in the Government; and to make available more channels for the District Councils and the public to participate in the management of district affairs.

9. The Chief Executive made the following comments:

- The Committee should have a realistic work plan to focus on our constitutional development, particularly the arrangements that should be adopted to select the Chief Executive and form the Legislative Council by universal suffrage, and to come up with some sort of conclusion upon which the Administration could draw up specific proposals for further public discussion. It would not be possible to discuss a timetable for universal suffrage before the principles, concepts and the design of the electoral systems were dealt with.
- He would like the Committee to tackle the important subject of

universal suffrage in two stages during his term of office. The first stage would focus on principles and concepts between now and summer next year, with a view to concluding discussions then. The second stage would be to discuss the design of the universal suffrage system for both the Chief Executive and the Legislative Council with a conclusion of the discussions by early 2007.

- It would be difficult for the Committee to arrive at a consensus on the issues discussed, but hopefully a broad direction could emerge to help the Administration consider and formulate policies and proposals.
- Apart from universal suffrage, the Committee should also look at other topics related to governance. The proposals to encourage young people's discussion of constitutional development matters would be considered.
- Issues relating to the District Councils could be considered by the Constitutional Affairs Bureau in the first instance.
- He would consider appointing another member to the Committee following Hon Albert Cheng's resignation.
- Members should not be bound by meeting arrangements and should freely offer their opinions outside the meetings by mail or email to the Secretariat, which would circulate the views received to enable continued exchanges of views among Members. Members were also encouraged to articulate their views openly to stimulate public discussion.
- The frequency of meetings would be reviewed in the light of progress of work.
- The Secretariat would consolidate Members' views and prepare a paper with a list of priority issues that should be tackled and how discussions should be organized, for Members' consideration at the next meeting scheduled for 20 January 2006.

10. An attendance list is attached.

Secretariat to the Commission on Strategic Development  
December 2005