

策略發展委員會
管治及政治發展委員會
2006年1月20日第二次會議

席上意見摘要

將於未來會議討論的策略性議題

席上建議，在未來大約 12 個月內，委員會應首先討論普選的原則和概念，然後再討論行政長官和立法會的普選制度的設計，以期在 2007 年年初，就這些議題的討論作總結。其後，委員會將討論區議會角色、職能及架構的檢討；培養政治人才；以及政黨的發展。由於政制事務局計劃在 2006 年第一季發表關於區議會檢討的公眾諮詢文件，這項議題可提前討論。秘書處會因應委員的意見，重新整理優先討論議題的清單，待下次會議再提交委員會。

2. 對於政府建議的 2007/08 年政改方案未能在 2005 年 12 月獲立法會通過，一些委員表示失望。委員普遍同意，相關各方在討論如何達至行政長官和立法會全部議員由普選產生的最終目標時，應抱持更開放和兼容並包的態度。

普選的原則和概念

3. 部分委員建議，委員會的目標應該是盡早完成上述兩個階段的討論，以便準備討論落實普選的時間表。

4. 部分委員指出，雖然《公民權利和政治權利國際公約》載有關於普選的條文，但成立香港特別行政區和設計特區政治體制的憲制基礎來自《基本法》。《基本法》規定，最終目標是達至行政長官和立法會全部議員由普選產生。中央有憲制權力批准行政長官和立法會的選舉辦法及行政長官的任何修訂建議，以及批准行政長官的任命。

5. 委員知悉，香港特區的政治體制發展，應遵循姬鵬飛主任曾闡釋的四項原則。1990年3月28日第七屆全國人民代表大會第三次會議上，姬鵬飛主任在解釋《基本法》草案時，闡釋了四項原則，即：

- (i) 兼顧社會各階層利益；
- (ii) 有利於資本主義經濟的發展；
- (iii) 循序漸進；以及
- (iv) 適合香港實際情況。

有委員指出，行政主導概念也是香港特區政治體制的一項重要原則。

6. 委員閱悉陳弘毅教授的意見書。陳教授論述，“普選”是指“一人一票”，而《基本法》所言的“普選”概念，含有投票權平等的意思。然而，投票權平等這項一般原則，並不是要求每一票的效力必須達致數字上精確的平等。

7. 委員普遍同意，普選的概念應包括“普及”和“平等”選舉的原則。除“一人一票”的概念外，設計立法機關的選舉制度時，應着眼於促進有效施政。

8. 立法會選舉從現行制度發展至全部議員由普選產生的最終目標，過程中須充分考慮從功能界別選出的議員的貢獻，以及功能界別制度是香港政制發展的歷史現實。部分委員建議，可大幅度擴大功能界別的選民基礎，把全港市民包括在內，並建議讓功能界別成員提名候選人給全體選民進行選舉。

9. 鑑於行政長官的普選模式的複雜程度相對較低，而且已在《基本法》有較明確的規定，委員普遍同意應首先探討這項議題。

10. 委員同意，宜進一步了解其他地方的立法機關的制度設計，以及這些制度設計如何兼顧社會各階層的利益。這樣會有助委員會討論如何設計普選制度以符合《基本法》及姬鵬飛主任所提四項原則。

11. 部分委員認為，必須就有關原則及概念達成共識，並要有一套合適的制度設計，而有關制度設計須獲中央接受，再加上整體社會準備就緒，然後才是實行普選的時候。社會是否準備就緒的因素包括：政黨的發展、政治人才的培養，以及市民對公民權利和責任的認識。香港應加強公民教育，以加深市民對《基本法》和“一國兩制”原則的理解。

12. 政制事務局局長發表以下意見：

- (a) 香港特區並非主權國家，因此，其政制發展必須獲得中央通過。現似有共識認為普選的概念包括“普及”和“平等”選舉的原則，但正如陳弘毅教授所指出，這不是要求每一票的效力必須達致數字上精確的平等。
- (b) 對於行政長官和立法會由普選產生的辦法，當局並無既定立場，並樂意考慮不同的建議。
- (c) 有鑑於委員擬討論區議會角色、職能及架構的檢討，可安排在4月或其他時間舉辦工作坊，讓委員討論是項議題。

13. 行政長官發表以下意見：

- (a) 委員會對普選的一般原則和概念，看來並無重大的分歧意見，而且大致上都同意應先探討行政長官由普選產生的概念和模式。他對委員會的討論進展表示高興。
- (b) 為協助委員進一步了解外地立法機關的制度設計如何兼顧社會各階層利益，政制事務局和策發會

秘書處會在 2006 年 2 月為委員舉辦工作坊。屆時會邀請學者及其他人士出席發言。

- (c) 在 3 月舉行的下次會議上，他期望集中討論香港特區在設計政治體制時應如何落實“有利於香港特區資本主義經濟的發展”的原則。
- (d) 他十分重視策發會的工作，並籲請委員抱持開放、諒解和包容的態度，進一步討論和研究行政長官和立法會由普選產生的概念和模式。他期望委員會的討論可引發社會進行更廣泛的討論，並協助社會各界對香港特區政制發展的大方向取得共識。委員會在 2007 年年初就普選議題的討論作總結後，秘書處會擬備報告，臚列委員會的意見。當局會向公眾發表該報告，並向中央反映有關意見。
- (e) 他鼓勵委員在會後以郵寄或電郵方式向秘書處提出書面意見。秘書處會把有關文件分發給各委員參閱，以便繼續交流意見。為提高透明度，秘書處會把委員會會議的席上意見摘要上載於策發會網頁。此外，秘書處也會將委員提供的書面意見上載於策發會網頁，除非有關委員要求只把意見分發給其他委員及／或當局參閱，則作別論。此舉旨在進一步提高委員會議事的透明度，並引發公眾對相關議題的討論。

14. 出席會議成員名單載於附件。

策略發展委員會秘書處
2006 年 3 月

策略發展委員會
管治及政治發展委員會第二次會議
2006年1月20日

Second Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
20 January 2006

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

中央政策組首席顧問

Director, Chief Executive's Office

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.

陳振彬先生, B.B.S., J.P.

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

陳德霖先生, S.B.S., J.P.

Mr CHAU How-chen, S.B.S., J.P.

周厚澄先生, S.B.S., J.P.

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

陳南祿先生, S.B.S., J.P.

Prof CHENG Kwok-hon, Leonard

鄭國漢教授

Mr CHEUNG Chi-kong

張志剛先生

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

張學明議員, S.B.S., J.P.

Mr CHOW Charn-ki, Kenneth

鄒燦基先生

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

周奕希先生, B.B.S., J.P.

Mr CHOW Yung, Robert

周融先生

Mr HOO, Alan, S.B.S., J.P.

胡漢清先生, S.B.S., J.P.

Ms KO Po-ling, M.H.

高寶齡女士, M.H.

Prof KUAN Hsin-chi

關信基教授

Mr LAU Nai-keung

劉廼強先生

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.
Miss TAM Wai-chu, Maria, 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

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.
譚惠珠女士, 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 :

Prof CHEN Hung-ye, Albert, J.P.
Ms CHOW, Wendy
Ms FONG, Janie
Mr FUNG, Daniel R., S.B.S., J.P.
Mr HO On-tat, Andy
The Hon TIEN Pei-chun, James, G.B.S., J.P.

陳弘毅教授, J.P.
周君倩女士
方文靜女士
馮華健先生, S.B.S., J.P.
何安達先生
田北俊議員, G.B.S., J.P.

**Summary of the views expressed in
the Second Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 20 January 2006**

Strategic issues to be discussed at future meetings

It was proposed that in the next twelve months or so, the Committee should first discuss the principles and concepts of universal suffrage and then the design of universal suffrage systems for the election of the Chief Executive and the Legislative Council, with a view to concluding discussions on these issues by early 2007. After that, the Committee would discuss the review of the role, functions and structure of the District Councils; nurturing of political talent; and development of political parties. The discussion on the District Councils review could be advanced in view of the Constitutional Affairs Bureau's plan to issue a public consultation document on the subject during the first quarter of 2006. The Secretariat would reconsider the list of priority issues in the light of Members' comments, and present the list to the Committee again at the next meeting.

2. A number of Members expressed disappointment that the Government's proposals on the 2007/08 elections reform package was not passed by the Legislative Council in December 2005. Members generally agreed that all interested parties should adopt a more open, accommodating and inclusive approach when discussing how to attain the ultimate aim of selecting the Chief Executive and all members of the Legislative Council by universal suffrage.

Principles and concepts of universal suffrage

3. Some Members put forth a suggestion that the Committee should aim to conclude the two stages of discussion early to pave the way for the discussion of a timetable for the implementation of universal suffrage.

4. Some Members pointed out that while there were provisions on universal suffrage in the International Covenants on Civil and Political Rights, the constitutional basis for the establishment of the HKSAR and the design of its political structure was provided in the Basic Law. The Basic

Law stipulated that the ultimate aim was the selection of the Chief Executive and the election of all members of the Legislative Council by universal suffrage. The Central Authorities had the constitutional power to approve any proposal for changes to the methods for electing the Chief Executive and the Legislative Council, as well as the appointment of the Chief Executive.

5. Members noted that the development of the HKSAR political structure should follow the four principles elaborated by Director Ji Pengfei at the Third Session of the Seventh NPC on 28 March 1990 when he explained the draft Basic Law. The four principles were:

- (i) meeting the interests of different sectors of society;
- (ii) facilitating the development of the capitalist economy;
- (iii) gradual and orderly progress; and
- (iv) appropriate to the actual situation in the HKSAR.

A member pointed out that the concept of executive-led government was also an important principle underpinning the HKSAR's political structure.

6. Members noted the written submission of Professor Chen Hung-ye, which put forth the arguments that "universal suffrage" means "one man one vote", and that the concept of "universal suffrage" in the Basic Law implied equality of voting rights, but that the general principle of equality of voting power did not necessarily require precise arithmetic equality in voting power.

7. Members generally agreed that the concept of universal suffrage should include the principles of "universal" and "equal" suffrage. Apart from the concept of "one man one vote", the design of electoral system for the legislature should be conducive to effective governance.

8. In progressing from the present electoral system of the Legislative Council to the ultimate aim of electing all members of the Legislative Council by universal suffrage, due regard should be given to the contributions of legislators elected through functional constituencies, and the fact that the functional constituencies system was a historical reality in the development of Hong Kong's political structure. Some members put forth proposals to expand substantially the electorate base of functional constituencies to cover every Hong Kong resident, and to allow functional constituency members to nominate candidates for election by all voters.

9. Members generally agreed that the design for the selection of the Chief Executive by universal suffrage should be explored first as it was relatively less complex and more clearly prescribed in the Basic Law.

10. Members agreed that it would be useful to learn more about the designs of legislatures in other places and how they accommodate the interests of different sectors in their respective communities. This would facilitate discussion on how a universal suffrage system might be designed which would be in compliance with the Basic Law and the four principles mentioned by Director Ji.

11. Some Members noted that universal suffrage should be introduced only when the relevant principles and concepts had been agreed upon, a proper system had been designed and accepted by the Central Authorities, and when the community as a whole was ready. The latter would include the development of political parties and grooming of political talent, and the public's awareness of civic rights and responsibilities. More civic education should be done to enhance people's understanding of the Basic Law and the "One Country, Two Systems" principle.

12. The Secretary for Constitutional Affairs made the following comments.

- (a) As the HKSAR was not a sovereign state, its constitutional development had to be endorsed by the Central Authorities. There appeared to be general agreement that the concept of universal suffrage included the principles of universal and equal suffrage, but as suggested by Professor Chen this did not necessarily require precise arithmetic equality in voting power.
- (b) The Administration had no pre-determined position on the methods to select the Chief Executive and to form the Legislative Council by universal suffrage, and was willing to consider different proposals.
- (c) In the light of Members' wish to discuss the review of the role, functions and composition of the District Councils, a workshop could be organized in, say, April for Members to discuss the issue.

13. The Chief Executive made the following comments :
- (a) The Committee appeared to have no significantly divergent views on the general principles and concepts of universal suffrage, and generally agreed to explore the concept and design of universal suffrage for selecting the Chief Executive first. He was pleased to see progress in the Committee's discussion.
 - (b) To help Members learn more about overseas examples on how the design of their legislatures could accommodate the interests of different sectors of their respective communities, the Constitutional Affairs Bureau and the Secretariat would organize a workshop in February 2006 for Members. Academics and other personalities would be invited to address the gathering.
 - (c) For the next meeting in March, he hoped to focus discussion on how to implement the principle of "facilitating the development of the capitalist economy in HKSAR" in designing the political structure for the HKSAR.
 - (d) He attached great importance to the work of the CSD. He urged members to adopt an open, understanding and accommodating attitude in further discussing and exploring the concept and design of universal suffrage for the selection of the Chief Executive and the formation of the Legislative Council. He hoped that the Committee's discussion would stimulate wider discussion in the community and help forge a community-wide consensus on the broad direction for constitutional development in the HKSAR. The Secretariat would prepare a report on the views of this Committee at the conclusion of its discussion on the issue of universal suffrage in early 2007. The Administration would make public the report and reflect the views to the Central Authorities.
 - (e) He encouraged Members to offer their opinions outside the meetings by mail or email to the Secretariat, which would circulate the same to enable continued exchanges of views among Members. To increase transparency, the Secretariat would upload the summary of views expressed at the meetings of the Committee to the CSD's web page. In addition, the

Secretariat would also upload the written submissions received from Members to the CSD's web page, unless the Members concerned had asked to confine circulation to Members and/or the Administration. This would hopefully further enhance the transparency of the discussion of the Committee and stimulate public discussion.

14. The attendance list is attached.

Secretariat to the Commission on Strategic Development
March 2006