

《政制發展綠皮書》
公眾諮詢報告

Report on Public Consultation on Green Paper
on Constitutional Development

附錄三
公眾意見
Appendix III
Public submissions

第六冊
Volume 6

2007年12月
December 2007

寄件人:
日期: 2007年10月6日 20:41
收件人: <views@cmab-gpcd.gov.hk>
副本抄送:
標題: Green Paper on Constitutional Development - comments

Dear Sir or Madam,

I have studied the Green Paper and the following are my comments:

General

Hong Kong's constitutional system should meet international standard. By that, I mean the International Covenant on Civil and Political Rights. I note paragraph 2.20 of the Green Paper where it is stated that "a reservation was made reserving the right not to apply sub-paragraph (b) of Article 25 of the [International Covenant on Civil and Political Rights]." However, there is no reason why, when considering constitutional reform, we should not aim to meet this standard. The starting point ought to be that we should attain the standard and it is only if there are insurmountable difficulties that we consider alternatives. The Green Paper does not seem to use this as a starting point and generally speaking, I find its scope and ideas quite limited as it tries to work its way backwards from our current system.

It is not helpful that the Government makes certain assertions and frames them almost as facts or universal truths. For example, it seems that the Government finds universal suffrage incompatible with the "unique circumstances" of Hong Kong. What is so "unique" about Hong Kong as to warrant deviation from fundamental principles of human rights? Would deviation be of real benefit to Hong Kong? Perhaps if the Government explains this further, it may spark a more constructive discussion and we may be able to consider the best way forward after understanding the Government's concerns.

In addition, the Government seems to be worried that Hong Kong's stability and its economic development will suffer if universal suffrage is attained as (although it is not spelt out like this in the Green Paper) corporates will no longer be given undue weight in influencing policies. I would urge the Government to consider whether, with Hong Kong's best interest in mind, corporates should continue to have special treatment constitutionally. Just because the system was not fixed in the past does not mean that it is the best way to continue going forward. I suspect Hong Kong's competitiveness and credibility will dwindle if we continue to favour certain corporates over the interest of the society as a whole.

Election of Chief Executive

This should be done through universal suffrage by 2012.

Regarding the nominating committee, the crucial question seems to me to be how it is formed and not the size. I find the options available in the Green Paper limited and the best option of all of those would be by the Legislative Council members provided all the members are elected by universal suffrage. There should be a limit on the number of candidates unless there is a two-tier voting by the public so as to ensure that the person ultimately elected has a proper mandate. On the other hand, the number of candidates should only be limited if the members of the nominating committee are sufficiently representative.

I do not find the current Election Committee "broadly representative" and therefore, I do not agree that the composition of the nominating committee should be established by reference to or expansion or slight adjustment of the Election Committee.

Election of Legco members

This should be done by 2012. I believe we should abolish functional constituencies.

Thank you for considering these comments and suggestions.

Yours faithfully,
Janet Ng

寄件人: Tsang Kwok Leung
日期: 2007年10月6日 22:41
收件人: <views@cmab-gpcd.gov.hk>
副本抄送:
標題: 回應政制發展綠皮書

本人對政制發展綠皮書有以下意見：

1. 2012首先實行立法局普選，2017才實行政長官普選。
2. 普選行政長官的提名委員會，應由不少於2000人組成提名委員會。
3. 提名委員會除原先800名選舉委員會外，再加上約400名民選區議員及香港主要行業如會計界，建築界，教育界，工程界，保險界，地產界，金融界，飲食界，零售界，資訊科技界，旅遊界，社工界，運輸界之工人代表並按比例分配。
4. 立法局功能組別應該保留，但席數不應多於全部議席的四分之一（如立法局總議席數為60，功能組別最多為15席），再由全港市民以1人2票方式選出。
5. 行政長官提名最少有80名提名委員會提名，再由全港市民1人1票選出。

Tsang Kwok Leung

06-10-2007

寄件人:
日期: 2007年10月6日 23:44
收件人: <views@cmab-gpcd.gov.hk>
副本抄送:
標題: 回應對《政制發展綠皮書》的意見

就《政制發展綠皮書》的意見，我認為香港政府必須：

1. 立即落實及推行2012年普選行政長官及全體立法會議員。
2. 盡快修改《基本法》以配合普選行政長官選舉及全體立法會議員；
3. 取消提名委員會制度，並交由全港市民共同參與。我們認為所有合資格選民均有權提名行政長官（參照立法會及區議會議員參選條例），行政長官必須由市民一人一票選舉產生。
4. 取消立法會內的功能組別議席，立法會內全體議員應由市民一人一票選舉產生。
5. 重新推出政制發展綠皮書：其內容必須包括（1）港府就政制發展的具體建議；（2）港府就雙普選所擬定的時間表及路線圖，然後再交公眾諮詢和討論。港府應於發表第二份綠皮書後，才提出其對政制發展的最終建議。

姓名：(署名來函)

(編者註：來信人要求以不具名方式公開)

From: Eirc Chu
Date: Oct 6, 2007 23:47
To: <views@cmab-gpcd.gov.hk>
Cc:
Subject: 五十年不變

局長先生:香港要五十年不,2047年後再 諮詢普選,給未來政府決定吧.

From:
Date: Oct 6, 2007 23:55
To: <views@cmab-gpcd.gov.hk>
Cc:
Subject: Selection for Roadmap and timetable for CE and Legislative Council

Dear Sir / Madam,

I would like to select the following option as my idea in Green Paper on Constitutional Development:

Chapter Three

3.10 Third type of options & 3.18 (iii) & (iv)

3.31 Second type of options: 8 candidates at most

Chapter Four

4.09 Second type of options

Chapter Five

5.15 (i) (a) & (b)

5.16 (ii) & 5.19 (ii)

5.20 agreed

Best Regards,
Lotto


本人意見如下：

1. 本人認為 2017 年較為適合普選行政長官。
2. 本人認為，先易後難，先普選行政長官，循序漸進再普選立法會。
3. 立法會功能組別應保留，各界都要均衡參與。
- 4.

余嘉莉上

10 月 06 日

(已簽署)

From:
Date: Oct 9, 2007 19:34
To: <views@cmab-gpcd.gov.hk>
Cc:
Subject: Green Paper Views
Attachments:  Green Paper Opinion.pdf (169 KB)

To whom it may concern

-- Mr. Stephen LAM, Secretary for Constitutional and Mainland Affairs
Constitutional and Mainland Affairs Bureau
3/F, Main Wing,
Central Government Offices,
Lower Albert Road,
Hong Kong

October 6, 2007

Dear Mr. Lam,

As an undergraduate law student and a resident of Hong Kong, I am pleased that the government has taken steps to consult the public concerning the Constitutional Development. In view of the "Green Paper" which your Bureau released in July, I would like to express my opinion in respect of the mode and roadmap of the election methods of both the Chief Executive ("CE") and the Legislative Council ("LegCo").

Election of the Chief Executive

- 1) There should be universal suffrage for the CE in 2012. The nominating committee for the CE Election shall be formed by more than the current 800 people in order to strengthen the representativeness of the committee. I support the proposal raised by the Pan-democrats which expand the membership to 1,200, to include all the 400 elected District Councilors. It has always been criticized that the present 800-member committee is formed heavily by the business and commercial sector, without enough representation from the public¹. According to the Basic Law, the right to nominate a candidate rests on a handful of people mainly from the business sector², but not common citizens. Adding popularly-elected District Councilors can balance the current composition of the committee and lead to a more convincing nomination result.
- 2) Regarding the nomination threshold and number of candidates, I think that preferably 50³ or, at most, 120⁴ committees from any of the four designated

¹ 郭儀芬 · < 第九章：香港應該保留功能界別選舉嗎？ > 戴陳祖為等 · 《民主十問》 · (香港：香港民主發展網絡) · 2005年 ·

² Annex 1, *Basic Law of the Hong Kong Special Administrative Region*.

³ As stipulated in the Pan-democrat' s proposal.

⁴ As stipulated in Mrs. Anson CHAN and her Core Group' s proposal, i.e. 10% out of the total number of committees..

sector(s)⁵ may nominate a candidate. It is meaningless to restrict the number of possible candidates in the election. If the government fears that there may be too many candidates running for the election and the elected candidate does not have enough legitimacy by just getting a plurality of votes, I suggest the government to implement the "Two-round system" or the "Instant-Runoff System" (known also as "Alternative Vote" system in Britain) in order to ensure that the candidate elected has an absolute majority of support, and thus increasing his/her legitimacy. There shall not be any pre-selection procedure whereby a fixed number of candidates are chosen for the public to vote on, because it is likely that the business sector can overpower the pre-selection process, and only those pro-business candidates will be chosen. Such procedure contravenes with paragraph 2.10 of the Green Paper, which the electoral procedure shall "meet the interests of different sectors of society" .

Election of the Legislative Council

- 3) I support the proposal of the Pan-democrats that the LegCo shall be popularly elected in 2012, and if it is not possible to have all legislators popularly elected, universal suffrage shall come no later than 2016⁶. Implementing universal suffrage for LegCo will not be in breach of the executive-led system in Hong Kong because the CE and the executive enjoy more power than the LegCo, and the CE has the right to dissolve the LegCo.

- 4) 30 seats of the Functional Constituencies (FCs) shall be abolished and replaced by a territory-wide list proportional representation in 2012 (as suggested by the Pan-democrats) or no later than 2016⁷, using the present "closed-list largest remainder method" . Another 30 seats shall be returned by 30 single-member constituencies ("SM") using plurality (first-past-the post) system. As such, both local and social concerns can be absorbed into the legislature. Alternatively, if SM is not possible, I prefer Mrs. Anson CHAN and her Core Group' s proposal of having all the 60 seats elected by geographical constituencies. The FCs has widely been criticized by scholars and the public for years, mainly because of the unfairness of voting rights, problems arising from small-circle group voting, and the problem of inclusion and exclusion of the so-called "functional groups" ⁸. In order to avoid disputes such as "which groups are to be eliminated first" , the elimination of FCs

⁵ As stipulated in Annex 1 of the *Basic Law*.

⁶ As stipulated in Mrs. Anson CHAN and her Core Group' s proposal.

⁷ *Ibid*.

⁸ 馬嶽及葉子強·《選舉制度的政治效果》·(香港：香港城市大學出版社)·2003年·頁46至51·

shall be done strategically. Many people has expressed that the reform shall be done incrementally and gradually. Therefore, I support Mrs. CHAN' s proposal of re-organizing FCs into 10 groups for the purpose of electing 30 seats starting in the coming 2008 election, and then abolish the FCs in 2012 (the best) or no later than 2016, where in 2012, the FCs shall be reduced to 15.

Roadmap and conclusion

- 5) In 2012, the potential CE candidates shall be nominated by any 50 or, at most, 80 out of the 1,200 nominating committees. There shall not be any pre-selection or screening processes, nor there any limitation of the number of candidates. Then, the CE shall be popularly elected by either two-round system or instant-runoff system.
- 6) It is very preferable to have all the LegCo members popularly elected in 2012 or at the very latest, 2016. FCs shall ultimately be abolished and replaced by geographical constituencies or single-member constituencies. In order to reduce the opposition from the business sector, gradual reform shall take place in 2008 to re-organize the functional groups.

It is the common desire for Hong Kong people to enjoy true universal suffrage, which citizens shall have the same weight of votes and have real choices among candidates. Any attempts to pre-select CE or FCs Candidates and then give the list to the public to choose are not "fair and just" when compared with international standards. A popularly elected CE and LegCo can greatly help the Government of Hong Kong to increase its legitimacy which it lacked since the Handover. The tense executive-legislative relations can be eased too because both organs are to be popularly-elected. I sincerely hope that you and your Bureau may consider my humble opinion over the Green Paper.

Sincerely,

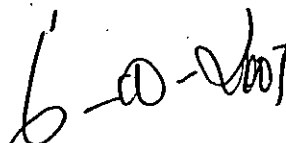
Andrew C. H. LI

致政制及內地事務局：

就政制發展本人有以下意見：

行政長官提名委員會人數定於 800 人，行政長官候選人最多 4 名，每提名委員會成員只可提名兩位候選人，每位候選人須獲得提名委員會半數或以上委員提名，產生候選人後由全港市民以一人一票方式選出行政長官；按照基本法循序漸進的原則，並不適宜在 2012 年實行普選行政長官，2017 年相對較適合。而立法會適宜保留功能界別的議席，2020 年以後才達至普選有利於順利推行政制的發展。

(署名來函)

A handwritten signature in black ink, appearing to be 'L. O. 2007'.

(編者註：未能確認來信人是否願意公開姓名)

本人認為香港的政制要按基本法循序
漸進的進行，先易後難，可在2017年或之後
普選行政長官，2016年後才討論立法會的
選舉方式。

(署名來函)

6-10-2007

(編者註：未能確認來信人是否願意公開姓名)

本人認為香港的政制要循序漸進的進行，最快應在2017年普選行政長官，以後才討論立法會選舉方式。

(署名來函)

6.10.2007

(編者註：未能確認來信人是否願意公開姓名)

本人認為本港的改制發展應該循序漸進
于二〇一七年先選舉行政長官。

(署名來函)

(編者註：未能確認來信人是否願意公開姓名)

2007-10-6

香港的政制發展，應該按基本法循序漸進，
先易後難，于2017年普選行政長官，以後再討
論如何普選立法會議員。

(署名來函)

2007-10-6

(編者註：未能確認來信人是否願意公開姓名)

非覺得香港的政制發展,應根據基本法循序
漸進,先在2017年普選行政長官,2016年以後才討論
立法會普選。

(署名來函)

6/10 07年

(編者註：未能確認來信人是否願意公開姓名)

本人認為香港的改制要循序漸進的進行，
先易後難，可在2017年先着選行政長官，2016年後
才討論立法會的選舉方式。

(署名來函)

2007-10-6

(編者註：未能確認來信人是否願意公開姓名)

香港政制發展的意見

民主政制實行一人一票，以公平、公正、公開的原則來選拔人才及監督政府，應按照基本法循序漸進的原則，在2017年相對較適合普選行政長官，2012年就不適合。

而立法會適宜保留功能界別的議席，2016年以後才達至普選有利於順利推行政制的發展。

(署名來函)

2007.10.6

(編者註：未能確認來信人是否願意公開姓名)

本人認為香港的政制要循序漸進的進行，
先易後難，可在2017年或以後才普選行政
長官，2016年後才討論立法會的選舉方法。

(署名來函)

6-10-2007

(編者註：未能確認來信人是否願意公開姓名)

本人認為香港的政制要循序漸進，先易
後難，2016年後才討論立法會選舉，普選行政
長官最快應在2017年或之後才討論。

(署名來函)

2007-10-6

(編者註：未能確認來信人是否願意公開姓名)

本人认为本港的政制发展应该循序渐进。

于二〇一七年先选举行政长官。

(署名来函)

2007-10-6

(编者注：未能确认来信人是否愿意公开姓名)

我覺得香港的政制發展，應根據
基本法循序漸進，先在2017年普選行政
長官，2016年以後才討論立法會普選。

(署名來函)

6-10-2007

(編者註：未能確認來信人是否願意公開姓名)

本人认为本港的政制发展应该循序渐
进于二〇一七年先选举行政长官。

(署名来函)

2007-10-6

(编者注：未能确认来信人是否愿意公开姓名)

香港的政制發展，應該按基本法循序漸進，
先易後難，于2017年普選行政長官，以後再討論
如何普選立法會議員。

(署名來函)

6-10-07.

(編者註：未能確認來信人是否願意公開姓名)

Ir IP Shing-tim

Member of the Election Committee (Engineering Subsector) 2006 – 2011

Ir BOK Kwok-ming, Aaron, Ir CHAN Pak-fong, Peter, Ir KWOK Chi-tak, Philip
Members of the Election Committee (Engineering Subsector) 2000 – 2005

6 October 2007

Fax 2523 3207

Constitutional and Mainland Affairs Bureau
3/F, Main Wing
Central Government Offices
Lower Albert Road
Hong Kong

Dear Sirs,

Green Paper on Constitutional Development

We refer to captioned consultation exercise and offer our views as follows:

Representation for Civil Servants

The future Legislative Council (LegCo) should reserve at least one seat in the Functional Constituency (FC) for the Civil Servants. This is because there are over 160,000 civil servants in Hong Kong and they are the corner stone supporting the prosperity and stability of our society. Without them, our social and economic development cannot be sustained. If we take into account their family members, we are concerning the interest and right of a total population of about 500,000 populations. At present there is no political representation for this group of population in the LegCo and hence their interest has not been properly protected and that there exists a lot of misconception on the role played by civil servants in the society.

Along the same principle, we would propose that a suitable proportion of seats in the Election Committee (and Nomination Committee) for the Chief Executive (CE) Election should be reserved for the Civil Servants. And that all Civil Servants up to D2 posts could be eligible for this election.

Principles of Design of the Universal Suffrage Models

6.03 We should design our own universal suffrage system having regard to Hong Kong's unique circumstances. We do not need to follow exactly the same model of other countries since "One Country, Two Systems" is unique in the world.

6.04/06 Any universal suffrage model must be designed to comply with the principle of "meeting the interests of different sectors of society", so as to attain the aim of preserving prosperity and stability. This can be effected by having changes gradually and only with schemes that are acceptable to the public at large, two-third LegCo members, Chief Executive and the Central Government.

6.05 Any change must not be at the risk of jeopardising HK's economic and fiscal position.

6.07 At the same time of constitutional reform, we need to step up civic education and promoting the concept of "Nation". This could include more publicity or educational programme on the history of modern China, the current policy, achievement and social/political/economical situation of our motherland, wider promotion of our national symbols such as National Song, Flag, etc.

Models for Electing the Chief Executive by Universal Suffrage

(I) Composition and size of the nominating committee

The nominating committee should be formed by modelling on the composition of the Election Committee as this complies with the requirement of being "broadly representative". We may however consider increasing its size gradually to about 1600; **AND** including and permitting Civil Servants to be suitably represented in this Committee (see our views at the beginning).

The electoral method should be modelled on that of the existing Election Committee, i.e. representatives of most of the sectors to be returned by elections from voters of that sector.

(II) Method of nomination

We suggest maintaining the nomination threshold at the level of one-eighth of size of the Election Committee. This would ensure that only those candidates with right calibre and representation could get the candidatures. CE election is a solemn issue, not a running game. The threshold cannot be too low.

(III) Method of universal suffrage after nomination

Universal suffrage does not necessary mean selecting the CE by "one-person-one-vote". We may explore other means of election by making reference to the eligibility/weight of the voters according to their "contribution" or "knowledge". This is because HK is a capitalise city, we should promote the concept of "多勞多得".

(ii) There could be more than one round of election, until the successful candidate receiving not less than one-third of the valid votes.

(iv) The election proceedings should continue even if there is only one candidate to ensure his legitimacy.

Models for Forming the Legislative Council by Universal Suffrage

6.12 LegCo FC Members do make substantial contributions to the community and the work of LegCo; and they meet the interests of different sectors of society and fulfil the principle of balanced participation. Hence their seats should be retained even when universal suffrage is implemented on LegCo. We advocate that the voter base of the FC election could be expanded; but the candidates must come from people who are "currently" practising in that profession/sector. Apart from the voting right for the LegCo election in geographical constituencies, ALL citizens could enjoy voting right in one FC sector. However they are required to register their interest/intention before hand. They are allowed to change their intended voting FC sector but not later than six months before actual election. The original FC voters should still maintain their original votes under their original "membership" channel. This principle satisfies the concept of universal suffrage as well as "多勞多得" and could ensure

that the candidates and hence the successful LegCo FC members could "face the public". For the avoidance of doubt, we are of the view that under this system, a citizen can enjoy one vote under the Geographical constituency; one FC vote under his own "profession/sector" if applicable; and one vote in other FC sector.

Roadmap and Timetable for Implementing Universal Suffrage for Electing the Chief Executive and Forming the Legislative Council

6.13/14 We advocate that all transformation to universal suffrage should be step by step and going through transitional phase(s). One step to final stage is too risky.

We have no strong view on which one first or whether 2012, 17 or later to implement dual universal suffrage; so long as there is consensus among society as mentioned in 6.04 above.

Yours faithfully,

(Signed)

(Signed)

(Signed)

(Signed)

Ir S. T. IP

Ir C.T. KWOK

Ir P.F. CHAN

Ir K.M. BOK

立法會 CB(2) 2813/06-07(02) 號文件

對政改綠皮書的意見

港府七月份推出的政制改革發展綠皮書，充其量只屬敷衍性質多於實際。

香港政府作為中共政權下的一個傀儡政府，先天上已經注定是一隻跛腳鴨，不可能昂然濶步地大踏步往前走。沒有高瞻遠矚，像一位扎腳的女人，走起路來扭扭捏捏，輕移玉步。

港府養着一眾高官，仕途無限，高薪厚祿，那會為港人前途去奮鬥，開罪奴隸主中共呢？他們只能仰着北大人鼻息，作作秀而矣！不要說雙普選那麼遙遠，就連區議會委任制這樣醜陋的東西也捨不得丟掉呢？

董建華甫上任之初，便着手摧毀兩個市政局議會了，這個有百年歷史的議會，這個政府都毫不珍惜，你說他會關心香港文物古蹟嗎？繼而在區議會擴大職權範圍上，香港政府自食其言，毫無愧色！

在區區立法議會裡，設下種種可恥的限制，使立法議會弄成一個半死不活的怪胎，無法制衡霸道政府。

(署名來函)

謹上

二〇〇七年十月六日

(編者註：來信人向立法會政制事務委員會提供此文件，並由立法會轉交政制及內地事務局。)

(編者註：未能確認來信人是否願意公開姓名)

