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# 基本法的草擬與政制“主流方案”

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# 基本法的草擬與政制“主流方案”

## 前 言

一九八八年十一月十九日至二十二日，基本法起草委員會政制專題小組在廣州舉行會議，對基本法(草案)徵求意見稿政治體制部份進行修改，並通過特別行政區行政長官的產生辦法和立法會議的組成和產生辦法的方案——“主流方案”。

主流方案公佈後，香港人士提出了不少意見，其中有支持的，亦有反對的意見。有些批評認為方案太保守，其內容從未在基本法(草案)徵求意見稿中出現，事先未經諮詢；亦有批評認為方案太急進；更有評論要求對主流方案進行表決，由香港市民投票取捨，掀起討論政制的高潮。

基本法諮詢委員會秘書處就(一)基本法的起草和諮詢；(二)各政制方案的演變；及(三)主流方案和其他政制方案的比較等三方面，提供三份文件，介紹有關基本法的起草過程和主流方案產生的背景，以促進各界的討論。



DONATION

## (一) 基本法的起草和諮詢

1. 一九八五年五月二十七日，《中英聯合聲明》正式生效後，基本法的起草工作隨即展開。根據起草委員會在一九八五年七月一日召開第一次會議的決定，基本法的起草工作由一九八五年至一九九零年進行，預算用五年時間完成。
2. 基本法將有兩次全面的諮詢，第一次是在一九八八年五月至九月間，就徵求意見稿公開徵集各界的意見，並根據這些意見進行討論和修改，然後提出一份基本法(草案)稿，交人大常委會審議。第二次是在一九八九年關於草案本身的諮詢，即人大常委會在通過並公佈基本法(草案)之後，再次公開徵集各界的意見，使草案在正式向全國人民代表大會提出之前，能盡量完善。
3. 特別行政區政治體制問題一直是香港人最關注的問題，過去幾年多來，出現的評論和建議相當多。從一九八五年底基本法諮詢委員會成立至徵求意見稿公佈前，諮詢委員會就政治體制進行的諮詢工作大致可分成幾個階段：
  - 3.1 一九八五年十二月至一九八六年三月——由於基本法的内容涉及多方面，故諮詢委員會特成立八個專責小組，分別負責不同範圍的研討和意見整理工作。香港未來的政治體制是大家共同關心的問題，故參與政制專責小組的委員人數也最多，共有80人。
  - 3.2 一九八六年四月至一九八六年八月——這階段的主要工作是就《基本法結構(草案)》的各題目進行廣泛、初步的討論。部份社會人士和團體對未來香港特別行政區的政制設計提出了一些大原則和初步構想，但這些構想並不完整且意見分散。這些意見和專責小組討論的結果均被整理成初步報告送交起草委員會參考。約在同一期間，起草委員會的政制專題小組也舉行了四次會議，該小組部份委員還於一九八六年九月十日至二十五日在香港進行了調查研究，同諮詢委員、顧問，以及香港各界人士和團體作交流座談，了解他們對未來政制的意見。在考慮了香港各界人士的意見，及經過討論後，該專題小組在關於設計香港特別行政區政治體制的原則及其基本模式等問題上取得了一些共識，但對行政長官及立法會議的產生方法則存在幾種不同意見。
  - 3.3 一九八六年九月至一九八七年八月——這階段的主要工作，是把上階段收集得到的廣泛意見作綜合分析或進一步補充、發展，並嘗試初步歸納成數個較有代表性的意見。與此同時，專責小組也對一些具爭議性的重大問題進行深入研究，並向起草委員會遞交了八份有關政制問題的最後報告。在這段時間內，不斷有社會人士和團體對未來香港特別行政區的政制模式提出一些較具體和完整的方案；有些意見相近的人士和團體則自行組合起來，共同提出方案。而諮詢委員會收集所得的政制方案共41個，均送交起草委員會考慮。另一方面，起草委員會也已着手進行具體條文的起草。由於“政制”一章的内容很多，而且部份問題還相當複雜和分歧較大，故政制專題小組在一九八六年十二月召開的第五次會議上，確定按“先易後難”的原則來起草有關章節的條文。一九八七年八月在起草委員會第五次全體會議上，該專題小組提交了基本法第四章大部份條文的初稿，惟有關行政長官的產生及立法機關的組成和產生等條文則仍待草擬。

- 3.4 一九八七年九月至一九八八年四月基本法(草案)徵求意見稿公佈前——此階段的主要工作是就起草委員會專題小組所起草的初步條文，提出意見和建議，並對社會上提出的政制方案作綜合和歸納。這個期間，社會上較少提出新方案，而較多者是對原已提出的方案建議作補充和修訂。基本法起草委員會政制小組在這階段內着手起草第四章中“待擬”的條文，並對其他條文作進一步研究和修改。關於行政長官和立法機關的產生方法，由於小組以及香港社會內未能形成比較一致的意見，故該小組決定將各種不同意見寫成方案，供起草委員會全體會議進一步討論及後把政制方案列於徵求意見稿的附件之內。
4. 在政治體制問題上，行政長官的產生和立法機關的組成和產生辦法是最富爭議的題目。一九八八年四月二十八日公佈的基本法(草案)徵求意見稿，把過去兩年來由各界提出的數十個方案建議和意見，整理成為五個行政長官產生辦法的方案和四個立法會議產生辦法的方案，供各界人士討論，並分別列於附件一和附件二。至於第一屆政府和立法會議的產生辦法，則列於附件三之內，以諮詢香港各界意見。
5. 在五月至九月基本法(草案)徵求意見稿的諮詢期內，香港各界對徵求意見稿內臚列的政制方案提出了不同的意見。就基本法起草進程來說，起草委員會將於一九八九年初向全國人民代表大會常務委員會提交基本法(草案)稿，屆時只會提出一個政制方案，因此，若香港人能協商出一個政制方案，對起草委員會作出決定，很有幫助。八月五日，起草委員會李後秘書長在北京會晤香港一論政團體時表示，希望香港各界可通過協商對話，尋求一個被各界人士接受的方案。
6. 九月四日至二十日，即第一次諮詢期快將結束前，部份內地起草委員再次訪港，以便聽取和了解香港各界人士對基本法(草案)徵求意見稿的意見，特別是政治體制方面的意見。訪港期間，內地起草委員和香港的許多草委一起，先後參加了43個座談會，除與諮詢委員會各專責小組交流外，還在諮詢委員會的安排下，與各界別的90個團體以及不同政制方案的391名代表會面。
7. 九月三十日，有關基本法的第一次諮詢結束，諮詢委員會把從各個來源收集到的七萬多份意見綜合整理成五冊諮詢報告。政制是市民發表意見的主要項目之一，所有關於政制問題的意見和建議均被收錄於第三冊諮詢報告和條文總報告內。
8. 隨着諮詢期的完結，香港內部的協調呼聲日趨強烈。根據諮詢報告反映，當時香港人士提出的新建議，基本上是協調性的，大抵有三類：
- ① 沒有既定發展程序，只按客觀環境逐漸發展至民主的政體；
  - ② 有既定發展程序，而以投票率為衡量市民的政治成熟程度，並作為引入一人一票直接選舉的引發點；
  - ③ 有既定發展程序，而以屆數規定逐步發展的步伐，並在基本法內寫明確實的發展時間表。

9. 為着促進各界的對話，基本法諮詢委員會政制專責小組的工作小組作出努力，在十月十四日提出了三項建議原則（見第三份文件），但仍未能帶來一個獲各界接受的協調方案。
10. 工作小組在十一月十二日邀請了十個政制方案的倡議團體的代表（包括八十九人方案、民促會、三十八人方案、工聯會、勞聯會、華員會、港人協會、勵進會、大學畢業同學會和傑出青年協會）舉行會議。會上雖然未能達致一個共同接受的方案，亦未對具體政制方案問題有一致的見解，但却取得了五點共識（見第三份文件）。
11. 起草委員會政制專題小組於十一月十九日至二十二日如期舉行會議，修改基本法（草案）徵求意見稿，以配合基本法的起草進程。面對香港出現的分歧意見，起草委員會政制專題小組考慮了各種見解，並根據小組召集人提出的討論文件決定通過主流方案。
12. 主流方案通過後，曾交由在十二月中召開的起草委員會主任擴大會議修訂，然後再提交該會於一九八九年一月舉行的第八次全體大會討論，以便納入在基本法（草案）稿中，一併提交人大常委會審議。人大常委會在一九八九年二、三月期間，將通過和公佈基本法（草案），然後再次進行第二次公開的諮詢。

# 各個政制方案的演變

## 引言

本文選了下列十四個團體提出的方案作研究，因為這些團體對主流方案均有回應，但由於香港專上學生聯會的方案與190人方案相同，故無另加表列。

- (1) 190人 \*
- (2) 工商專業界諮委 (89人)
- (3) 38人
- (4) 香港政府華員會
- (5) 香港大學畢業同學會
- (6) 香港工會聯合會
- (7) 港九勞工社團聯會
- (8) 新香港學會
- (9) 香港民主協會
- (10) 查濟民
- (11) 勵進會
- (12) 傑出青年協會
- (13) 港人協會
- \* (14) 香港專上學生聯會

本文以表列出各方案的發展。第一欄“原方案”是指該政見團體原來提出的方案，至於其後的補充，亦會列入“原方案”欄；至於第二欄則為“修改”，意即將原來提出的意見作出修改，或針對主流方案提出的意見及/或修改回應。而由於新香港學會只是就主流方案作出回應及修改建議，故此方案便只有“修改”一欄，而沒有“原方案”。又由於方案本身可能曾作出數次的補充及修改，故本文會加上意見提出的日期，並配以數字①、②以顯示意見提出的先後次序。

每欄均分為行政長官及立法機關兩大項，每項又分為產生方法、產生方法的發展及任期三小項。

(1) 190人方案

		原方案	10.86 11.87	修改
行政長官	產生	由不少於十分之一的立法機關成員提名，經由全港性的普及而直接的選舉產生。		
	發展			
	任期	四年		
立法機關	產生	普及直選	≥50%	
		功能團體選舉	≤25%	
		區域組織選舉	≤25%	
	發展			
	任期			

\*香港專上學生聯會之方案與190人方案同

(2) 工商專業界諮委 (89人) 方案

		原方案 ① 8.86 ② 11.86 ③ 6.87 ④ 9.87 ⑤ 12.87 ⑥ 7.88	修改 ① 9.88 ② 12.88
行政長官	產生	<ul style="list-style-type: none"> <li>· 由選舉團轄下的一個20人「提名委員會」提名3名候選人，交選舉團全體600人選舉產生。</li> <li>· 選舉團的組成：               <ul style="list-style-type: none"> <li>a. 立法機關 80人</li> <li>b. 法定團體及永久性非法定團體 50人</li> <li>c. 市政局、區域市政局及區議會 50人</li> <li>d. 社會服務、慈善及體育團體 60人</li> <li>e. 專業人士 60人</li> <li>f. 勞工界 60人</li> <li>g. 工業界 80人</li> <li>h. 商界 50人</li> <li>i. 金融界 50人</li> <li>j. 宗教/教育界 30人</li> <li>k. 公務員 30人</li> </ul> </li> </ul>	<p>① 採取以下其中一種方法提名行政長官候選人：</p> <ul style="list-style-type: none"> <li>a. 在「提名委員會」20位成員以外，增加最多10位立法機關成員進入「提名委員會」。</li> <li>b. 將立法機關一組別從大選舉團中撤除，然後將「提名委員會」一半席位給予立法機關成員。</li> </ul> <p>· 選舉團組成的修改： 將法定團體及永久性非法定團體的席位取消，再將這50個席位中20個席位分子專業人士，20個席位予勞工界，10個席位予教育界。另外，將宗教界及教育界分為兩個界別。</p> <p>② 接納主流方案，但大選舉團應互選成員組成一個提名委員會，提名行政長官的候選人。</p>
	發展		<p>① 九七年後以大選舉團方式選舉行政長官。九七年後當立法機關選舉的投票人數達到具資格選民數目一半時，可經由一人一票方式選舉行政長官。但當第一次出現這項「引發點」時，需由立法機關三分之二成員通過及行政長官同意才可一人一票選舉行政長官。但若第一次「引發點」出現時未獲通過，在第二次出現「引發點」時，一人一票選舉行政長官的方法將自動實施。（當一人一票選舉實施時，香港亦應實施所有選民必須依法投票的做法。）</p>



			<p>② 在第二屆進行全民投票決定行政長官是否由普選產生。但全民投票應明確規定最少有百分之五十合資格選民參加投票，其結果方可被接納。</p>																									
	任期	最低四年																										
立法機關	產生	<p>直接選舉 25% (由立法局、市政局/區域市政局及區議會議員提名並由選民直接選出。)</p> <p>功能團體 50%</p> <p>大選舉團 25% (由提名委員會提名若干候選人，由選舉團投票選出。)</p>	<p>① · 取消立法機關內地域直接選舉候選人的任何甄別程序。</p> <p>· 以大選舉團選舉25% 立法機關成員的提名方法改為： 提名委員會由30人組成。行政長官及立法機關主席為當然委員。其餘28名提名委員由大選舉團互選產生。 立法機關成員不應參加立法機關選舉提名委員會。</p> <p>②</p> <table border="1"> <thead> <tr> <th>年 份</th> <th>1997</th> <th>1999</th> <th>2003</th> <th>2007</th> </tr> </thead> <tbody> <tr> <td>立法機關 總人數</td> <td>55</td> <td>65</td> <td>65</td> <td>80</td> </tr> <tr> <td>地區直選</td> <td>15</td> <td>25</td> <td>25</td> <td>40</td> </tr> <tr> <td>功能團體</td> <td>25</td> <td>25</td> <td>25</td> <td>25</td> </tr> <tr> <td>大選舉團</td> <td>15</td> <td>15</td> <td>15</td> <td>15</td> </tr> </tbody> </table>	年 份	1997	1999	2003	2007	立法機關 總人數	55	65	65	80	地區直選	15	25	25	40	功能團體	25	25	25	25	大選舉團	15	15	15	15
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	發展		<p>① 在引進一人一票方式選舉行政長官時，應重新研究立法機關的組成及選舉方法。是否全部議席由普選產生。</p>																									
	任期	四年	<p>② 第一屆 -- 兩年 其後 -- 四年</p>																									

## (3) 38人方案

		原方案 6.87	修改 12.88
行政長官	產生	<ul style="list-style-type: none"> <li>· 行政長官由「行政長官候選人提名團」提名，經全民投票選舉產生。</li> <li>· 提名團由128人組成，其中96人應由職業分組選舉產生。(三大類職業組別各佔32席)；全國人民代表大會香港代表、全國政協香港委員互選佔16席；立法機關議員互選佔16席。</li> <li>· 提名團提出行政長官候選人三名，交全民投票。</li> </ul>	第一、二屆行政長官經由選舉委員會選舉產生。選舉委員會的成份按主流方案的規定組成，但各席位均須在各分組中經由民主選舉產生。
	發展		第二屆行政長官任內舉行全民投票，決定於第三屆或第五屆起行政長官改為經民主程序提名，由全港一人一票選舉產生。
	任期	四年	
立法機關	產生	地區選舉 1/3 職業分組 2/3(三大類職業組別平分席位)	普及直選 1/3 功能團體 2/3(三個分組的席位亦平均分配)
	發展		其後，在逐步增加分區普選比例的同時，功能組別範圍亦應擴大，並採用一人一票選舉方式，以便過渡至38人方案所建議的職業組別選舉。
	任期	第一屆 -- 兩年 其後 -- 四年	

(4) 香港政府華員會

		原方案 2.87	修改 ①3.12.88 ②6.12.88
行政長官	產生	由 500至 600人組成的選舉團產生一個 5 人提名團，再由提名團選出若干名候選人，交選舉團選出行政長官。	① 同意主流方案。 ② 選舉行政長官的程序必須民主。這包括兩個層面： a) 選舉機構 (推選委員會或選舉委員會) 的成員儘量以民主方式產生。 b) 選舉機構選舉行政長官的程序必須民主。
	發展		① 第二屆採用89人方案建議的引發點；或 ② 第二屆進行全民投票決定第三屆行政長官是否以一人一票普選產生。如投票結果是否定者，則每兩屆進行一次全民投票。
	任期		五年
立法機關	產生	直接選舉 30% 功能團體 70%	① 第一屆，由地區普選產生的席位只有27%，似較偏低。長遠來說，若功能組別也實行一人一票選舉，則仍有其保留價值。 ② 第一屆 - 地區性普選 1/3 功能團體 2/3
	發展		① 地區性普選不早於第三屆增至50%。
	任期		第一屆三年，其後每屆五年。

## (5) 香港大學畢業同學會

		原方案 10.86	修改 ① 3.12.86 ② 6.12.86
行政長官	產生	由本港立法機關全體成員和同等數目的中央委任之當地人士組成「提名團」，行政長官候選人須得到這兩類提名成員各1/8支持，然後經全民選舉產生。	② 選舉行政長官的程序必須民主。這包括兩個層面。 a) 選舉機構(推選委員會或選舉委員會)的成員儘量以民主方式產生。 b) 選舉機構選舉行政長官的程序必須民主。
	發展		① 第四屆才全民投票太遲 ② 第二屆進行全民投票決定第三屆的行政長官是否以一人一票普選產生。如投票結果是否定者，則每兩屆進行一次全民投票。
	任期		
立法機關	產生		① 27%直選議席太少 ② 第一屆 -- 地區性普選 1/3 功能團體 2/3
	發展	長遠而言(廿一世紀)，應朝向以直選選舉全部立法機關議席。	
	任期		

	原方案 9.88	修改 ①3.12.88 ②6.12.88
行政長官	<p>產生 第一、二屆 - 由 300人的「選舉委員會」選出。</p> <ul style="list-style-type: none"> <li>• 「選舉委員會」的比例： <ul style="list-style-type: none"> <li>工商界、金融界代表 20%</li> <li>專業界代表 20%</li> <li>勞工界代表 15%</li> <li>基層界別代表 10%</li> <li>立法會議全體成員 20%</li> <li>區議會、市政局、區域市政局代表 10%</li> <li>香港區全國人大代表、政協委員代表 5%</li> </ul> </li> <li>• 「選舉委員會」由香港特別行政區籌備委員會負責籌組。</li> </ul> <p>第三屆 - 「選舉委員會」變成「香港特別行政區行政長官候選人提名委員會」，其產生方式與前者相同。行政長官候選人須有「提名委員會」的10名成員提名及委員會二分之一或以上成員的支持，其中獲票數最高者(不超過 5人)成為候選人，然後經全港選民一人一票普選產生。</p>	<p>② 選舉行政長官的程序必須民主。這包括兩個層面：</p> <ul style="list-style-type: none"> <li>a) 選舉機構(推選委員會或選舉委員會)的成員儘量以民主方式產生。</li> <li>b) 選舉機構選舉行政長官的程序必須民主。</li> </ul> <p>① 第三屆按全民投票結果更改。</p>
	發展	<p>① 第二屆進行全民投票決定行政長官是否以一人一票選舉產生。</p> <p>② 第二屆進行全民投票決定第三屆行政長官是否以一人一票普選產生。如投票結果是否定者，則每兩屆進行一次全民投票。</p>

	任期	五年。	五年。
立法機關	產生	<p>第一屆 - 九七年七月一日前的最後一屆立法局議員可全部自動成為第一屆立法會議員的候選人，在「香港特別行政區籌備委員會」的主持下，經「選舉委員會」選舉產生。</p> <p>第二屆 - 地區直選 40%</p> <p>功能團體 45%</p> <p>    [ 15% 工商界 ]</p> <p>    [ 15% 專業人士 ]</p> <p>    [ 15% 勞工及其他基層組織 ]</p> <p>「選舉委員會」 15%</p>	<p>① 第一屆- 贊同主流方案。唯方案中功能團體的三個界別比例應相等。勞工界的比例應獨立列明。</p> <p>② 第一屆- 地區性普選 1/3</p> <p>功能團體 2/3</p> <p>① 第二屆- 贊同主流方案。</p>
	發展		② 立法會內普選成員所佔的比例不遲於第三屆達到50%。
	任期	<p>第一屆 - 兩年</p> <p>第二屆 - 五年</p>	

## (7) 港九勞工社團聯會

	原方案 9.88	修改 ① 6.12.88 ② 16.12.88
行政長官	產生 看守政府 - 由200人的推選委員會協商，推選委員會的成員比例如下： 勞工、公務員、宗教、社會服務團體 20% 政見、慈善、鄉事、漁農、街坊小販團體 20% 工商團體 20% 專業團體 20% 立法機構成員 10% 區域組織成員 6% 人大、政協代表 4% 第一屆 - 由立法會推選候選人三名，經全港市民一人一票選舉產生 (於97年7月1日至98年6月30日內產生)及其後	①選舉行政長官的程序必須民主。這包括兩個層面： a)選舉機構(推選委員會或選舉委員會)的成員儘量以民主方式產生。 b)選舉機構選舉行政長官的程序必須民主。 ②第一屆 - 同意主流方案。 (1997至1999年) 原政界人士，人大代表佔推選委員會25%，其比例： 立法局 40% 人大代表 10% 區議會、區域議會、市政局 50% 其後 - 由六百人的選舉委員會推舉，委員會的組成： 工商金融界人士 25% 專業人士 25% 勞工、基層 25% 立法會議 10% 人大代表 2.5% 各級區域組織議會成員 12.5%
	發展	①第二屆進行全民投票決定第三屆的行政長官是否以一人一票普選產生。如投票結果是否定者，則每兩屆進行一次全民投票。
	任期	②第一屆 - 兩年 其後 - 四年

立法機關	產生	<p>看守政府</p> <ul style="list-style-type: none"> <li>- 由推選委員會協商或選舉產生。</li> <li>- 原香港立法局議員可作為候選人。</li> </ul> <p>第一屆及以後 -</p> <ul style="list-style-type: none"> <li>分區直選 40%</li> <li>職業組別 60%</li> <li>20% 勞工基層團體</li> <li>20% 工商團體</li> <li>20% 專業人士</li> </ul>	<p>①立法會內普選成員所佔的比例不遲於第三屆達到50%。</p> <p>②第一屆 - 由五十七人組成比例：</p> <ul style="list-style-type: none"> <li>地區性普選 1/3</li> <li>工商、金融、專業 1/3</li> <li>勞工、基層 1/3</li> </ul> <p>第二屆 - 由六十八人組成，比例：</p> <ul style="list-style-type: none"> <li>地區性普選 44%</li> <li>工商、金融、專業 28%</li> <li>勞工、基層 28%</li> </ul> <p>第三屆 - 由七十六人組成，比例：</p> <ul style="list-style-type: none"> <li>地區性普選 50%</li> <li>工商、金融、專業 25%</li> <li>勞工、基層 25%</li> </ul>
	發展		<p>②第二屆 - 進行全民投票，決定第三屆的產生方法。如投票結果否定者，則則每兩屆進行一次全民投票。</p> <ul style="list-style-type: none"> <li>- 普選成員的比例不遲於第三屆達到50%。</li> </ul>
	任期		<p>第一屆 - 兩年</p> <p>其後 - 四年</p>



(8) 新香港學會

		原方案	修改 ① 3. 12. 88 ② 6. 12. 88
行政長官	產生		<p>① 第一屆- 主流方案內第一屆推選委員會的人數與第二屆的相差太大。</p> <p>第三屆- 按主流方案加入所有各級民選議員。</p> <p>推選委員會內普選議員的比例應增至33%。</p> <p>② 選舉行政長官的程序必須民主。這包括兩個層面。</p> <p>a) 選舉機構(推選委員會或選舉委員會)的成員儘量以民主方式產生。</p> <p>b) 選舉機構選舉行政長官的程序必須民主。</p>
	發展		<p>① 第二屆進行全民投票，並應十年檢討一次。</p> <p>② 第二屆進行全民投票決定第三屆行政長官是否以一人一票普選產生。如投票的結果是否定者，則每兩屆進行一次全民投票。</p>
	任期		
立法機關	產生		<p>① 按主流方案，但普及直選的比例增至33%及功能團體中取消宗教界作為功能組別。</p> <p>② 第一屆 - 地區性普選 1/3 功能團體 2/3</p>
	發展		<p>② 立法會由普選產生的成員所佔的比例不遲於第三屆達到50%。</p>
	任期		

(9) 香港民主協會

		原方案 10.86	修改 12.88
行政長官	產生	<ul style="list-style-type: none"> <li>由30人組成的「行政長官提名委員會」提名三位候選人，交立法會以三分二多數票選出行政長官。</li> <li>「行政長官提名委員會」的組成比例：            立法會成員 10人            人大委員之香港區代表 10人            市政局、區域市政局議員 2人            鄉議局成員 1人            區議會議員 5人</li> </ul>	贊同主流方案
	發展		贊同主流方案於第四屆進行全民投票以決定行政長官是否以一人一票選舉產生。但若投票結果決定不變，應由立法會每五年至十年檢討一次，以三分二多數票決定。
	任期		四年
立法機關	產生	分區直選 25人 一般功能的混合選舉 24人 特殊功能的直選或間選 26人	贊同主流方案
	發展		第三屆進行全民投票決定立法會的產生方法。但若投票結果決定不變，則由立法會每五年至十年檢討一次，以三分二多數票決定。
	任期		

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	原方案 8.85	修改 ① 4.88 ② 11.88
行政長官	<p>產生</p> <p>第一屆 - 另有規定。</p> <p>第二、三屆 - 由「顧問局」協商後提名一位非顧問的香港人，由中央政府同意後任命。</p> <p>· 「顧問局」成員包括退休行政、立法局議員、退休工商財經人士、退休法律教育人士、退休各種專業人士和其他方面的有資望人士。</p>	<p>①第一屆 - 另有規定。</p> <p>第二、三屆 - 由 50 至 100 人組成的「顧問團」協商產生。顧問人選由香港各界提名，經行政會議甄選，再由行政長官請中央批准後任命。</p> <p>②第一屆 - 由港人及國內人士組成的籌備委員會籌組一個由不少於五十人的香港各界人士組成的顧問團，在當地協商產生。</p> <p>第二至三屆 - 由顧問團選舉產生，報中央任命（顧問團成員不得成為候選人），任期五年，以後歷屆顧問團，由原有顧問團加上歷屆已卸任立法會議成員，行政會議成員，行政長官和曾經中央任命的主要官員等組成，最高人數不超過 200 人，如超過時以出任的先後依次退出，如有出任先後相同時，以年長者先行退出。</p>
	<p>發展</p> <p>2010 年後 - 經「顧問局」協商後提名二至三個香港人由北京同意後交全體選民普選，得票多數者由中央任命。</p>	<p>① 2010 年後 - 候選人由「顧問團」協商提名三人，經中央同意後，交由「選舉團」（初為 250 人，可遞增至 500 人）選舉產生。</p> <p>· 「選舉團」成員包括：歷屆立法會成員、歷屆行政會議成員、歷屆行政長官、歷屆主要官員。</p> <p>② 第四屆起 - 由顧問團提名候選人三名交全民投票。</p>

	任期		②五年。
立法機關	產生	<p>由區議會或各個選區產生 1/3</p> <p>功能團體 1/3</p> <p>「顧問團」中互選 1/3</p>	<p>①分區直選 30%</p> <p>功能團體 40%</p> <p>「顧問團」推選 30%</p> <p style="margin-left: 20px;">[10% 主要官員]</p> <p style="margin-left: 20px;">[20% 行政會議成員、社會人士]</p> <p>②第一屆 - 成員的人數和組成比例將照顧到九七年六月三十日時香港立法局的組成內容。</p> <p>第二、三屆 - 由混合選舉產生，共六十人比例：</p> <p style="margin-left: 20px;">顧問團推選非顧問 30%</p> <p style="margin-left: 40px;">[行政會議成員 1/3]</p> <p style="margin-left: 40px;">[社會上其他人士 2/3]</p> <p style="margin-left: 20px;">功能團體 40%</p> <p style="margin-left: 20px;">地區直選 30%</p> <p>第四屆 - 顧問團選出 20%</p> <p style="margin-left: 20px;">[行政會議成員 1/3]</p> <p style="margin-left: 20px;">功能團體 45%</p> <p style="margin-left: 20px;">地區直選 35%</p> <p>第七屆 - 顧問團選出 10%</p> <p>及其後 [行政會議成員 1/3]</p> <p style="margin-left: 20px;">功能團體 50%</p> <p style="margin-left: 20px;">地區直選 40%</p>
	發展		
	任期		<p>②第一屆 - 兩年</p> <p>其後 - 四年</p>

## (11) 勵進會

		原方案 9.88	修改
行政長官	產生	開始 - 按徵求意見稿附件一方案一之「大選舉團」選出，但需作如下修改： ①減少大選舉團的人數 ②增加立法機關成員比例 ③「提名委員會」擴大至40人，其中應有15人為立法機關成員。	
	發展	第三至五屆-全民普選	
	任期	四年	
立法機關	產生	首屆 - 「推選委員會」參與九七年前之最後一屆立法局選舉，該批獲選之立法局成員可在九七年七月一日後繼續任職。  開始 - 普及直選 1/3 功能團體 1/3 大選舉團 1/3	
	發展	第三至五屆-全由普選產生	
	任期	四年	

(12) 傑出青年協會

		原方案 9.88	修改
行政長官	產生	第一、二屆- 由500人的選舉團選舉產生，選舉團成員包括： 立法機關成員、各區域組織代表、各法定團體和永久性非法定團體代表和各類功能界別代表。 第三屆 - 以普選產生。	
	發展	第三屆進行普選。	
	任期	四年	
立法機關	產生	第一屆- 地區性直選 1/3 功能團體 1/3 選舉團 1/3	
	發展	目標為直選議席不少於50%。	
	任期	四年。	

(13) 港人協會

		原方案 11.86	修改	
行政長官	產生	由「選舉團」(420 - 560人)選舉產生, 其組成比例如下: 工商界 30% - 35% 基層 30% - 35% 專業 15% - 20% 地方議會 15% - 20%	由「選舉團」(420 - 560人)選舉產生, 其組成比例如下: 工商界 30% - 35% 基層 30% - 35% 專業 15% - 20% 地方議會 15% - 20%	
	發展			
	任期			
立法會	產生	立法會(60或80人), 組成比例如下: 功能組別 50% 地區議會間接選舉 20% 直接選舉 30%	立法會(60或80人), 組成比例如下: 功能組別 50% 地區議會間接選舉 20% 直接選舉 30%	
	發展			
	任期			

### (三) “主流方案”與其他政制方案的比較

1. 引言
- 1.1 最近起草委員會政制專題小組在廣州舉行會議，會上小組召集人之一的查良鏞委員提出了一個政制的協調方案，但由於港人未能達成統一方案，故會議未有就每個方案逐一研究，改以一九九七年後香港特別行政區每屆政府為討論基礎，討論得出的結果接近查良鏞所提出的方案，會議稱之為“主流方案”。
- 1.2 廣州會議召開之前，為着促進各界的對話，基本法諮詢委員會政制專責小組的工作小組作出努力，在十月十四日提出三項建議原則：
- ① 行政長官最初由一個有充份代表性的機構透過選舉產生。該機構包括由普選產生的立法局、兩個市政局及區議會的成員。
  - ② 其後，行政長官經漸進程序(如若干年度或靈活的引發點機制)，由全港市民一人一票普及直接選舉產生。
  - ③ 立法機關最初由混合選舉產生，用漸進方式朝向有更多普選成份的選舉模式發展。
- 1.3 雖然工作小組提出這三項建議原則的目的，是希望讓不同方案人士在商討政制方案時，有共同的起步點，但結果卻未能因此而帶來一個獲各界接受的協調方案。
- 1.4 基於尋求協調的需要日見迫切，工作小組遂於十一月十二日邀請了各政制方案的倡議團體的代表舉行會議(該會議被外界稱為“武林大會”)。會上雖然未能達致一個共同接受的方案，亦未對具體政制方案問題有一致的見解，但卻取得了五點共識：
- ① 這種形式的對話非常可取，希望爭取以後有機會多作商討、交換意見，不應採取對抗性、排斥性的態度，應該互相協調，尋求共識。
  - ② 候任特別行政區行政長官應通過選舉產生，報中央人民政府任命。
  - ③ 特別行政區行政長官的選舉應以民主的方式進行。
  - ④ 應採取充份民主的提名程序，提名行政長官候選人參選。
  - ⑤ 最初的立法會議以混合選舉方式產生，向着充份民主的選舉方式發展。
- 1.5 香港各界未能達致協調方案的原因，大抵是因為各方案倡議人不能就下述問題獲得共同的見解：
- ① 未來特別行政區政制的起步點為何？應以哪種選舉方式開始？
  - ② 政制發展的步伐緩急應如何確定？應由立法機關決定抑或投票率決定？
  - ③ 最終的民主政制應是怎樣的呢？行政長官應如何產生？立法機關是否全部由直選產生？
- 1.6 關於如何選出候任行政長官，一種意見認為由第一屆開始，即以一人一票的直接選舉方式選出候任行政長官。另一種意見則認為用間接選舉方式選出候任行政長官。贊成後一種意見的，亦有不同的見解，有的認為負責選舉行政長官的組織，最少有百分之二十五的成員由普選產生；有的則認為最少有三分之一成員由普選產生；有的更認為應有百分之七十五成員普選產生；雖然這些見解均同意最後應發展至一人一票普選成份的選舉模式發展。

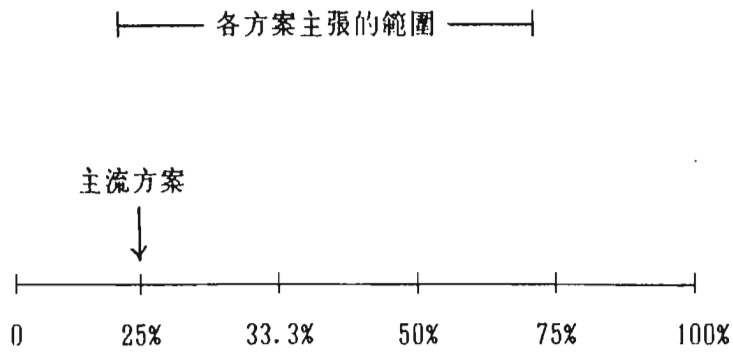




- 1.7 可見，對於如何發展至一人一票普選產生行政長官，也有爭論，有意見認為應以固定的時間表進行（這涉及不同的時間建議，但都希望在二屆至五屆的範圍內實現由間接選舉過渡至直接選舉）；另有意見則認為應以某種靈活的機制（例如引發點，或綜合性的引發點）進行。
- 1.8 關於立法會議的產生辦法，出席“武林大會”的團體代表，對應以怎樣的直接選舉比例開始混合選舉的問題，有不同的意見。有意見認為直接選舉比例最低為不超過百分之二十五，另有意見認為最高為不少於百分之五十，其他的意見則介乎其間。
- 1.9 廣州會議召開之後，草委政制專題小組通過了主流方案，有些人評擊其超越各方案的範圍，比“最保守的方案還要保守”；有些人則認為此方案是以各方案的內容為基礎，是“中間落墨”的協調方案。
- 1.10 究竟主流方案有沒有超越各方案的範圍？是真正中間落墨的協調方案抑或查氏一人一夜之間泡製出來，罔顧港人意願和諮詢結果的方案？本文試圖首先列出各方案的主要內容，例如行政長官由間選過渡至普選的機制及時限、立法機關的普選成份等，與主流方案的內容作一比較，然後再看主流方案是否符合在武林大會中各團體所達成的五點共識，希望藉此能對上述問題提供客觀的答案。

2. 第一屆行政長官間選機構中的普選成份

- 2.1 除 190 人方案堅持行政長官應該從第一屆開始便普選產生外，其他方案均贊成第一屆行政長官由間選產生。但在這負責間選行政長官的機構中應有多少普選的成員，則各方案有不同意見。例如有些方案建議須有 25% 普選成份，亦有方案主張要有高至 75% 的普選成份。有些方案如 38 人方案提議，第一屆行政長官候選人由提名團提名，交中央人民政府從中選定任命。另外一些方案如 89 人方案、傑出青年協會及勵進會等則建議用選舉團選出行政長官；而勞聯、工聯會等則主張以推選委員會形式舉行。（見圖二）
- 2.2 主流方案主張以選舉委員會選出行政長官，而選舉委員會中應有 25% 普選成份，其餘成員 25% 由工商、金融界；25% 由專業界；25% 由勞工、社會服務及宗教等界別分別選出。
- 2.3 將主流方案與其他方案在這問題（間選行政長官的機構中的普選成份）上作一比較，便可以看見主流方案所提出的，是落在各方案之中，並沒有超出其範圍。（見圖一及圖二）



(圖一)

間選機構 方 案	選舉團	提名團	推選委員會	選舉委員會
38 人		✓		
89 人	✓			
大學畢業同學會		✓		
勞 聯			✓	
工 聯				✓
傑 青	✓			
華 員 會	✓			
勵 進 會	✓			
港人協會	✓			
主流方案	✓			

(圖二) 間選第一屆行政長官的機構之各種提議

3. 行政長官過渡至普選的機制及時限
  - 3.1 190人方案主張行政長官應該從第一屆開始便由普選產生。至於其他方案，則主張用一些機制，例如時間表、引發點等以決定由普選過渡至直選行政長官(圖三)。
  - 3.2 38人方案建議由第二屆開始，每一任行政長官的候選人提名團在上一任行政長官任期的第二屆內選舉產生，並提出行政長官候選人名單，然後全民投票選舉產生行政長官，由中央人民政府任命。
  - 3.3 大學畢業同學會則反對以選舉團形式推選行政長官，建議成立提名團(包括立法會全體成員及香港區人大和政協代表)，行政長官候選人須得到上述兩類提名成員各八份之一的支持，然後經全民直接選舉，再由中央人民政府任命。
  - 3.4 工聯會建議從第三屆開始，負責選舉第一、二屆行政長官的“選舉委員會”將變為“行政長官候選人提名委員會”。行政長官候選人須有提名委員會的十名成員提名，二份之一或以上成員的支持，其中獲票數最高者(不超過五人)成為候選人，然後經全港選民一人一票普選產生，報請中央人民政府任命。

- 3.5 89人方案則建議用引發點為機制，以決定何時採取普選形式產生行政長官。當立法機關選舉投票人數達到具資格選民數目一半時，便可改由一人一票方式選舉行政長官。但這引發點第一次出現時，仍須由立法局三份之二成員及行政長官的同意，才可推行直選下屆行政長官；倘若不獲立法局成員及行政長官的同意，則須等待引發點第二次出現。當第二次引發點出現後，一人一票選舉行政長官的方式，將自動實施。故此，在圖三中，89人方案是位於以引發為機制，從第二屆始至無固定時限的方格中，即直選行政長官可在第一屆以後任何一屆實施（只要能出現引發點及得到立法會及行政長官同意）。
- 3.6 勵進會則主張根據香港的實際情況和循序漸進的原則予以變更，在第三屆至第五屆達到全民普選行政長官的目的。惟從間選轉為普選行政長官的決定須經立法會議三分之二成員多數通過，行政長官同意，並報全國人大常委會批准。
- 3.7 華員會及港人協會均主張一路沿用選舉團產生行政長官的方式，並沒有提出如何過渡至普選行政長官的機制，所以不列在圖三中。
- 3.8 主流方案主張用全民表決為機制，在第三屆行政長官任內舉行，以決定是否從下屆開始用普選產生行政長官。倘若全民表決的結果是否定的話，則要隔十年後再舉行一次全民表決，直至表決結果顯示港人同意以普選方式產生行政長官。

屆別 方案 機制	第一屆	第二屆	第三屆	第四屆	第五屆	無時限
	時間表		38人 大學畢業 同學會	勵進會		
190人		勞聯	傑青 工聯			
引發點		89人				
全民表決			主流方案			

(圖三) 各方案建議過渡至普選行政長官的機制及時限

註：以時間表為機制的方案在圖中所示的屆別為實行普選的時間；而以引發點及全民表決為機制者，則圖中所示的屆別為引用該機制的時間，而非實行普選的時間。倘若該機制所顯示的結果是贊成實行普選的話，則在引用機制(或出現機制)的下一屆便實行普選。倘若結果是否定的話，主流方案主張當下一次引用機制的結果是肯定時，才在下一屆實行普選，而89人方案則建議第二次機制一出現便可自動實施普選。

- 3.9 從圖三所示，各方案（除190人方案外）均接受從第二屆至第五屆內實行普選；89人方案及主流方案雖沒有最後須實行普選的期限，但前者不排除在第三屆至第五屆內可以實行普選的可能性（這全賴引發點何時出現）；而後者也沒有排除可在第四屆開始便實行普選行政長官的可能性。
- 3.10 故此，既然大部份方案所提議實行普選行政長官的時間範圍為第二屆至第五屆，而主流方案的建議以第四屆為起點，所以是沒有超出各方案的範圍的，只可說是傾向於保守而已。

#### 4. 第一屆立法機關的普選成份

綜觀各個方案的主張，第一屆立法機關的普選成份從25%至不少於50%。主流方案所建議的普選成份則是27%，可見是位於方案的範圍以內（圖四）。

普選成員比例 方 案	25%	27%	30%	33.3%	40%	≥50%
89 人	✓					
工 聯 會				✓		
主 流 方 案		✓				
港 人 協 會			✓			
華 員 會			✓			
傑 青				✓		
38 人				✓		
勵 進 會				✓		
勞 聯					✓	
大 學 畢 業 同 學 會					✓	
190 人						✓

（圖四）第一屆立法機關的普選成份

5. 第二屆立法機關的普選成份

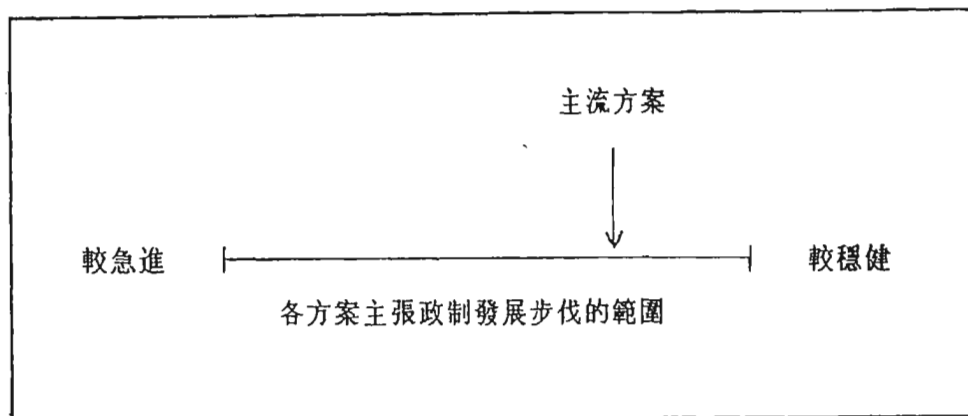
大部份方案均有建議立法機關普選成份逐漸增加的比例，而主流方案亦主張從第一屆的27%增加至第二屆38.5%、第三屆則有50%普選產生的立法機關成員。就第二屆而言，各方案的建議從25%至60%不等，而主流方案的建議則位於其中：38.5%（見圖5）。

普選成員比例 方 案	25%	30%	33.3%	38.5%	40%	≥50%	60%
89 人	✓						
華 員 會		✓					
港人協會		✓					
傑 青			✓				
勵 進 會			✓				
38 人			✓				
主流方案				✓			
工 聯					✓		
勞 聯					✓		
190 人						✓	
大學畢業同學會							✓

(圖五) 第二屆立法機關的普選成份

6. 結語

- 6.1 根據本文對各方案與主流方案的分析和比較看來，主流方案是融合了大部分方案的特點和精神而成的。各方案共同的特點，就是採取循序漸進的方式，朝着民主的方向逐步發展政制；而其最終精神則是為香港帶來一個真正民主開放的政治制度。主流方案的建議亦正以上述兩點的考慮為基礎。
- 6.2 主流方案的各項建議是按“武林大會”中所達成的幾點共識而制定的：行政長官將由選舉產生，由中央人民政府任命；選舉行政長官的方式是民主的，是由一個具有廣泛代表性的選舉委員會負責，而且將由人民決定是否從第四屆開始實行普選；行政長官候選人須得到不少於一百名選舉委員會委員的支持才可被提名，這提名程序有充份民主成份；而立法會議最初是由混合選舉產生，逐漸增加普選成員的比例，向着充份民主的選舉方式發展，最後亦交由港人自己決定是否從第五屆開始使用普選方式選出全體立法會議成員。
- 6.3 各方案雖然擁有共同的特點和精神，但對於邁向民主的步伐的速度，卻有緩急不一的主張。在這方面，主流方案是主張採取穩健的發展步伐，逐步的邁向民主（圖六）。



(圖六)

# 附件 說明

十一月三日本會政制專責小組與起草委員會政制專題小組成員曾舉行交流會，討論在十一月十九日草委會政制專題小組通過之主流方案。會後決定邀請各政見團體就主流方案提交意見，並在十二月三日下午五時前將意見交本會秘書處轉草委會政制組負責人之一查良鏞先生，以使意見得以在草委會主任擴大會議中提出並討論。

截至十二月三日本處共接獲八份意見書，事後查濟民先生及港九勞工社團聯會亦向本處提交其方案之修改意見。現將該十份意見書輯錄成附件，以供參考。

## 目錄

1. 工商專業界諮委 (89人)	附件一
2. 38人	附件二
3. 香港政府華員會	附件三
4. 香港大學畢業同學會	附件四
5. 香港工會聯合會	附件五
6. 新香港學會	附件六
7. 香港民主協會	附件七
8. 傑出青年協會 (與九月之原方案同)	附件八
9. 查濟民	附件九
10. 港九勞工社團聯會	附件十

敬啟者：

我們對基本法起草委員會屬下政制專題小組建議的主流方案，提出我們的意見(隨函附上)，請代轉交基本法起草委員會考慮為盼。

此致

中華人民共和國香港特別行政區  
基本法諮詢委員會秘書處

基本法工商專業界諮委召集人

羅康瑞

一九八八年十二月三日



## 基本法工商專業界諮詢委對 “主流方案”的意見書

基本法工商專業界諮詢委曾舉行兩次全體會議及一次小組會議，討論基本法起草委員會政制專題小組廣州會議通過的“主流方案”。我們支持該方案的協調精神和基本原則。由於該方案曾引起許多爭議，我們認為，在今天香港的情況，各人各持己見，是無補於事的，當務之急，應該是大家共同努力，尋求一個為大多數港人持的方案。為使該方案能更適合香港的實際環境，我們有下列的幾點建議：

- (1) 我們接納用全民投票的方法決定第三屆或以後的政制發展，但全民投票應明確規定最少有百分之五十合資格選民參加投票，方可接納其結果。
- (2) 決定行政長官是否由普選產生的全民投票，應在第二屆內進行。
- (3) 大選舉團應互選一個提名委員會，提名行政長官的候選人。
- (4) 我們認為該方案內立法機關地區直選成份擴展過速，香港特別行政區成立初期，無論市民或投資者均亟需一個穩定的社會環境，任何太急促的轉變，將不利於經濟發展和政府運作。因此，我們建議立法機關的組成及發展，按下列時間表進行：

年份	1997	1999	2003	2007
立法機關總人數	55	65	65	80
地區直選	15	25	25	40
功能團體	25	25	25	25
大選舉團	15	15	15	15

- (5) 我們認為，立法機關在1997年後的一段時間，應有部分議席由大選舉團選出，理由如下：
- (i) 保證立法機關成員的組合能夠均衡。
  - (ii) 發掘和提名一些有專門知識和對政府運作有貢獻的人才，而這些人才未能經由功能團體或地區選舉途徑得以晉身立法機關。
  - (iii) 鼓勵和提名各界傑出人士參與立法機關，以取代現行的委任制度。
  - (iv) 當立法機關對某類專長有需要時，可用此方法選出適當人士充任。
- (6) 決定立法機關是否全部議席由普選產生的全民投票，應於第四屆內進行。

我們的宗旨一向都是以香港的穩定繁榮為大前題，而不讓香港冒不必要的風險。因此，一個穩健發展的政制是適當的，但基於香港目前有部份人士對政制所持的激烈態度，為求減少對抗局面，我們作出上述建議，希望能對協調一個大多數港人支持的政制方案，起一定的帶頭作用。

\* 由基本法諮詢委員會秘書處打印。

38人方案對草委會政制小組的「主流方案」的修改建議：

- A. 第一，二屆行政長官經由推選委員會選舉產生。選舉委員會的成分按「主流方案」中所規定者組成，但各席位均須在各分組中經由民主選舉產生。
- B. 行政長官任期應為四年。
- C. 第二屆行政長官任內，舉行全體選民投票，決定於第三屆或第五屆起，行政長官改為經民主程序提名，由全港一人一票選舉產生。
- D. 立法機關的混合選舉組合，於第一屆應為三分一普選，三分二為功能組別選舉，而功能組別中的三個分組的席位亦應平均分配。其後，在逐步增加分區普選比例的同時，功能組別範圍亦應擴大，并採用一人一票選舉方式，以便過渡至「三十八人方案」所建議的職業組別選舉。



*Hong Kong Chinese Civil Servants' Association*  
香港政府華員會

B WYLIE ROAD, KING'S PARK, KOWLOON, HONG KONG.  
九龍京士柏衛理道八號 電話 TEL: 3-888195 3-7715339

敬啟者：有關基本法政制主流方案，本會證實本會副會長黃河先生于本年十一月廿六日在報章所發表之意見（見附件）足以代表本會之立場。

此 致

基本法諮詢委員會秘書處

香港政府華員會  
會長 郭元漢

一九八八年十二月三日

# 香港政府華員會對主流方案的意見

(摘自八八年十一月二十六日明報)

華員會副會長黃河表示，基本法草委會政制小組提出的主流方案，關於行政長官產生的方法，基本上符合了華員會的希望，即政制發展循序漸進，最重要的，是須顧及公務員架構的穩定性。

黃河昨日接受本報訪問時指出，華員會並無定下普選產生行政長官的時間表，他個人覺得主流方案首兩屆行政長官的產生方法，與華員會的原意相當接近。

他初步認為，主流方案並不會構成行政和立法機關不能協調的問題，因為產生行政長官的選舉委員會是由社會各界選出的，立法會成員也是由社會人士選出，故此行政長官雖然不是由立法機關產生，但其代表性應可獲後者確立，不會出現政府法案不獲立法機關通過的情況。

不過，他認為第三屆後才決定是否普選行政長官，時間拖得太久，而且採取全體選民投票的方式作決定亦有點架床疊屋。他個人傾向於第二屆後採取八十九人方案的引發點機制，決定是否以普選方式產生行政長官。

黃河並強調，若以普選產生行政長官，也應經過提名委員會的程序，以確保可以選出有能力的候選人，因為行政長官最重要的是其行政能力而非代表性。

立法機關的地區普選比例方面，主流方案提出起點為百分之廿七，較華員會的提議略低，不過他個人認為第二、三屆的直選比例增加速度是可以接受的，但要到第四屆才決定將來的發展是拖得太慢，應於第三屆完結前作出檢討。而且，若要貫徹循序漸進的原則，第四屆的直選比例可以擴大。

對於立法機關是否應全部由直選產生，他個人仍未有定見，因為在沒有委任情況下，全部廢除功能組別選舉可能會令某些專業人士無機會晉身立法會，若功能組別能實行一人一票選舉，功能組別是有保留價值的。

對本港各主要政制方案倡議者未能在政制小組開會前達成協調方案，結果由政制小組採取主動提出主流方案，黃河表示遺憾。因為若能由港人內部提出協調方案，各方面的接受程度會較好，不過，他認為各界未來的協調仍可以此主流方案為基礎。

\* 由基本法諮詢委員會秘書處打印。

## 大學畢業同學會 對基本法草委政制小組通過的 “主流方案”發表以下聲明：

- (一) 我們認為“主流方案”是一個尋求協調的嘗試，但其醞釀過程和通過程序甚有問題，結果不能達致積極的協調作用，令人失望。
- (二) “主流方案”同意最終可以達致普選行政長官及全體立法會議成員，本會對此表示歡迎；此外，方案又提出以全民投票作為決定全面普選的機制，有積極意義，值得考慮。
- (三) “主流方案”提出第一屆立法會成員只有百分之二十七由“地區性代表人士”組成，本會認為比例太低，將拖慢本港發展民主政制的步伐。
- (四) 關於行政長官的產生辦法，“主流方案”提出要在第四屆始能實行普選，速度太慢。本會雖然贊成循序漸進的原則，但對這方案的保守程度，仍難以接受。
- (五) 本會呼吁社會各界人士本着尋求共識的精神，積極對話，達致一個為廣大市民接受的、真正的主流方案。

聯絡人：會長馮可強

\* 由基本法諮詢委員會秘書處打印。

# 香港工會聯合會

## THE HONG KONG FEDERATION OF TRADE UNIONS

香港九龍土瓜灣馬頭涌道42-50號 電話：三-七一二〇二三一  
42-50, Ma Tau Chung Road, Tokwawan, Kowloon, Hong Kong.  
TEL. 3-7120231

### 香港工會聯合會基本法關注小組 對草委專題小組廣州會議修改《基本法（草案） 徵求意見稿》的意見

#### 一、對中央與特區關係

中央與特區關係專題小組對《基本法（草案）徵求意見稿》（下簡稱《徵求意見稿》）的第13、15、16、17、18、21、22、169等中央與特區關係的有關條文，作了較大的修改。這些修改，基本上吸納了港人的意見，給予特區較大的權力，使「港人治港」、特區「高度自治」的精神有了充份的體現，增強了港人信心。我們對這些修改表示讚賞。

#### 二、對政制

政制專題小組通過的主流方案，容納了港人在政制問題上的各種見解，體現了香港政制朝民主方向發展，及循序漸進的發展方式，有利於香港社會的穩定和經濟的發展，與本會在此問題上的意見較接近。故我們認為，該方案原則上是可以接受的，但仍存在未臻完善之處，需要進行修改。

1. 在立法機關組成方式上。政制專題小組提出第一屆立法機關的產生辦法，既體現主權原則，又考慮到平穩過度，是可取的。而由第二屆開始，立法機關透過地區直選產生的議席的比例，亦與本會的建議十分接近。但在功能界別議席的分配上，工商及金融界、專業人士界、勞工等界的比例不均衡，與本會意見不符。我們認為，此三大階層在立法機關中的議席所佔的比例應該相等，才能體現均衡性。同時，勞工作為社會上重要的一個界別，其在立法機關中所佔的議席應獨立地列明。

2. 在行政長官產生的時間上。本會意見是第三屆全民普選產生行政長官，而主流方案是在第三屆舉行全體選民投票，以決定第四屆行

政長官是否由一人一票普選產生。我們認為，若依此方案，普選時間較本會所主張的為遲。因此，如認為需要有一個機制來決定何時普選行政長官，則全民投票是較民主的方法，而全民投票的時間應在第二屆進行為好。

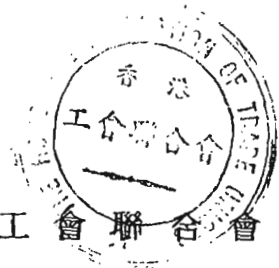
我們認為，對主流方案有不同意見並不奇怪，它既非十全十美，亦不是最後定稿。因此，我們希望本港社會各界人士，以大局為重，通過對話和協商，尋求共識，共同努力，把基本法擬好。

### 三 對勞工問題

科教文專題小組和居民專題小組對《徵求意見稿》的有關條文作了修改。在第 26 條「罷工的自由」中間加上了「權利」，變為「罷工的權利和自由」，又把《國際勞工公約》加進第 38 條內。這是值得歡迎的。但有些甚為勞工關注的問題，仍未有作修改，包括：

1. 工會的地位和權利依然沒有得到認可。在本會的意見書中，曾建議《徵求意見稿》的第 155 條改為「香港特別行政區政府應確立工會的認可地位和集體談判權，並根據經濟情況和社會需要，通過勞資談判，制定有關勞工的法律和政策，改善對勞工的保障。」可是，經修改後的第 153 條（原第 155 條）仍然沒有這些內容。我們要求草委接納本會意見，再作修改。

2. 勞工保障依然不足，缺乏進取性。本會在意見書中已指出，《徵求意見稿》的第 35 條內容過於空泛和缺乏指引，不能對勞工起到實質的保障作用，建議對該條作如下修改：「香港居民有享受社會福利和社會保障的權利，而勞工的福利待遇，包括退休、疾病、傷殘、失業、職業安全及健康等保障受法律保護。」但在此次的廣州會議上，該條並沒有作過任何修改。我們要求草委接納本會意見，再作修改。



香港工會聯合會

一九八八年十二月三日



## 對草委改制主流方案的建議 張家敏

在十一月基本法草委會改制專題小組中，通過了一個未來改制的主流方案，這個方案在香港引起很大的爭議，其一是其通過的程序及速度，另一方面就是此主流方案過份偏於保守。現時既然草委會改制小組港方召集人查良鏞先生於十一月三十日的諮委會上明確表示主流方案仍有修改機會，而第二次諮詢亦是實質的諮詢，再加上諮委會更鼓勵各方面人士能具體的就主流方案提修改建議，以供草委再作參考從而修改主流方案，故此，本人希望從堅持民主及實際的立場出發，提出一點具體的建議以供草委會研究，從而使本港於九七年後的政制朝向更民主的步伐發展。

雖然總的來說，主流方案偏於保守，但平心而論，它亦有幾點較開明的地方，值得我們肯定：

- (一) 在功能團體選舉方面比較接受了三十八人方案的建議，就是在可能情況下，以一人一票的方式在各職業組別內選出各行各業的代表，這無疑將功能團體選舉推向更民主的方向發展；
- (二) 同意以全民投票方式檢討未來政制，使市民有實質的參與機會；
- (三) 在特別行政區成立六年後的立法機關議席中，普選比例上升至百分之五十，從這個建議被不少工商界或較保守的人士多次抨擊的角度來看，草委會在某程度上實是已照顧到支持民主人士的要求。

## 立法機關的起步點應更開放

話雖如此，此方案仍有不少值得商榷及改進的地方，首先在立法機關方面，主流方案指出首屆立法機關普選議員祇佔整個立法機關的百分之廿七，在十一月十二日「香港十個團體協調會議」（俗稱武林大會）中，各方面同意首屆的普選議席應不少於百分之二十五至不多於百分之五十，而工商諮委會亦曾指出假若其他團體同意，他們會接受立法會中有百分之三十三議席由普選產生，然而，現時的主流方案的普選議席祇佔百分之廿七，無疑是過份保守了。基於此，在主流方案發表後，不少中間方案的人士皆不約而同的提議，普選議席比例應增加至百分之三十三，這建議亦在十一月三十日的諮委會會議中得到很多支持的回應。

立法局席位劃分方面，較突出的就是取消宗教作為職業組別的建議，這建議是十分有見地的。現時香港推行的功能團體選舉精神在於將社會各行業劃分，以保證各階層及行業人士皆可選出一些對該行業較熟悉及資深的人士以代表其功能界別的利益發言，若加入了非職業組別的宗教界，將會引發更多類似的非職業團體如慈善、文化藝術及地域團體的要求。先不說功能團體選舉本身已有不少地方遭人詬病（如違反公平原則、無客觀標準及割裂利益衝突等），再加上非職業組別將使情況更為複雜，在技術上出現更多的困難。

## 須改變首屆行政長官產生的方法

在產生行政長官方面，主流方案強調首屆行政長官由一個祇有五百人的推舉委員會以一協商，或協商後提名選舉一產生，本人對此有強烈的保留，主要原因如下：

(一) 推舉委員會人數太少，與第二屆人數相差一倍，有些草委更指出這委員會的產生有點類似諮委會，這樣麻煩就更大，因為很多人都對諮委會的組成，主任及執委的產生過程失却信心，認為中央的干預太大，現時推舉委員會人數較少，又是首屆選舉，實令人擔心過往不快的情況將會重演；

(二) 這方法十分強調「協商」，究竟甚麼是協商相信港人到現時還不完全清楚；據本人的理解，協商的特點及與民主的主要分別乃在於不以大多數決定的投票方法來議決事務，而是希望各方面的人士能互相遷就以互諒互讓精神以達到一個彼此皆可接受的建議。

據本人的經驗，這協商方式可以對一些可以數量化的事情如金錢交易或各方面皆可讓步的問題上起良好作用，然而却對一些非黑即白的決定却毫無用處，選舉行政長官就是一個十分好的例子，行政長官祇得一個，試問怎可以使某些候選人退出，他們的退出或讓步根本不能為他們帶來任何利益，因為退出者將完全失去作為行政長官的種種權利，這從根本上實是違反了協商的「互諒互讓」精神。再者，假若各候選人及其於選舉委員會內的支持者皆堅持不退讓時，試問又有甚麼方法使他們「互諒互讓」呢？從以往例子分析，要迫使某人在這些非黑即白的協商中讓步，倚靠的不外是一個更高的權威者，以其權力迫使某方讓步，所以說穿了，協商的背後實質根本是開明，諒解及理性的「獨裁」，究竟九六年時這獨裁者的角色由誰來扮演，相信除中方政府以外根本無更適合人選，這不是更加打擊市民的信心嗎。

(三) 香港各支持不同政制的方案者皆不約而同地反對協商，然而現在協商的方法再度出現，這實對市民發表對基本法的意見及協調努力產生一反面的效果。

## 選舉委員會中應包括所有各級議員

主流方案指出行政長官起初幾屆應由間選產生，本人首先認為間選行政長官並不一定不民主，這需視乎選舉委員會成員的產生方法及代表性，以及選舉行政長官的循序，例如美國的總統及英國的首相皆由間選產生，然而由於在選出選舉人（美國）及國會議員（英國）方面的選舉方法十分民主，所以，我們皆會視英美的政制為民主的典範。就行政長官選舉委員會來說，假若它能加入所有各級民選議員，則除了增加委員會之民主形象外，還有下列幾點具體好處：

(一) 增加行政長官的權威性，使它更受市民，尤其是立法機關成員的尊重，從而有利行政機關政令的推行；

(二) 增加區議員參與社會事務的積極性。現時香港推行的區議會及兩個市政局間選議員入立法局的制度將於九一年取消，客觀來說，這不能不說是對議員們參與中央事務的一次打擊，若將來能包括他們入行政長官選舉委員會，將可增加議員們的重要性，並能增加其參與社會事務的積極性；

(三) 這樣的安排最大的空處是減少各區域組織內的權力鬥爭，假若三個區域組織（區議會及兩個市政局）祇能選出三個代表加入選舉委員會，則必然導致區域組織內的不同派系爭相競逐，務求推選代表自己勢力的人士加入選舉委員會，從過往區議會間選經驗得知，這種小圈子的選舉模式在開始時很容易出現意氣之爭、感情用事及利益交換的局面，從而影響此等組織的健康發展。

此外，當政治漸趨成熟時，隨着政黨的出現，各有意問鼎行政長官的人士則十分自然地千方百計企圖控制區域組織（正如美國總統候選人希望控制各州的選舉人一樣）。

主要方法是發動自己的支持者參與區域組織選舉，並設法幫助他們成為區域組織內的多數派，因為祇有這樣才可保證其支持者能通過區域組織的間選加入行政長官選舉委員會中，這樣的結果將會使區議會的選舉更趨劇烈，各派皆會為控制議會的大多數而進行十分激烈的競爭，相信這情況的出現對政治穩定並無好處。

選舉委員會中除應包括所有各級普選議員外，普選議員佔整個選舉委員會的比例亦應增加。在現時主流方案中，首屆行政長官的間選機構中，普選成分祇佔百分之二十五，而「政制協調大會」則認為普選成分應由百分之二十五至七十五，可以說，主流方案祇是踏進協調圈的最保守邊緣。此外，我們還不能忘記，主流方案的百分之二十五普選成分中還包括了香港地區的人大代表，在現時不太肯定人大代表在香港是怎樣產生的情況下，我們根本可以說主流方案根本是超出本港協調的範圍。

## 行政長官的普選必須是真實的普選

就選舉委員會中最後一個建議，就是其普選成分比例應像立法機關一樣隨着時間逐漸增加，例如第一屆選舉委員會的普選成分為百分之三十三時，第二屆應上升為更高的比例。

現時有報道指出，即使第四屆的行政長官經由市民普選產生，但候選人仍需得到提名委員會提名。而提名委員會的提名程序及組成却還未清楚，假若提名委員會的組成人數太少，而候選人需經整個提名委員會先推舉出來而再經市民普選的話，則我可批評說這並非一個真正的普選，因為經提名委員會產生的候選人有可能基本是同一鼻孔出氣，市民根本缺乏了真正選擇的權利，普選行政長官也沒有實際意義了。

假若草委認為採納提名團的目的並非是控制候選人的政治取向，而祇是希望不致有太多人參與競選的話，他們其實應考慮一九〇人方案的建議，就是有意角逐的人祇需得到十分之一的立法機關成員提名，便能自動成為行政長官候選人。然而假若草委認為一定要有提名委員會的話，本人則認為這個提名委員會的構成應和行政長官選舉委員會一樣，有較多的人數及具有充分的代表性；而在提名程序方面，有意問鼎者祇需得到提名團人數的某一百百分比（如百分之十或二十）提名，便得以自動成為行政長官候選人，這樣的安排一方面可以限制出來競選行政長官的人數，以避免選舉過於複雜，而另一方面亦照顧到真正普選的原則，市民有真正的選擇，而不是祇有權支持經整個提名團或立法會事先認可的候選人。

## 第二屆行政長官任內應進行全民投票

在政制檢討方面，主流方案指出首三屆行政長官是由間選產生的，而在第三屆行政長官任內，進行全體選民投票，以決定將來的行政長官是否應由普選產生，及立法機關內普選成份是否應作較大幅的增加。本人雖然同意在過渡期間政制應宜穩定，而當時的特區政府亦有很多有關交接及迫切工作進行，然而，正如絕大多數的評論指出，十五年的時間實在是太長了。故此，本人同意應在特區成立十年後，亦即第二屆行政長官的任期內進行全民投票，以決定政制發展的方向。

然而，在另一方面，本人則較傾向同意全民投票應在十年才舉行一次，這樣做不是保守，而是考慮到社會的實況，因為假若較經常的進行全民投票決定政制的發展，則一定會給當時的政府十分龐大的壓力，並會使他們不敢作較長遠的規劃；而在投資者方面，亦面臨同樣的不確定因素，相信這點對香港經濟的發展及社會建設是不利的。

## 政制方案應實際及得到市民的支持

要得到市民支持基本法，除內容要較民主開放外，還需在起草過程中充分照顧港人的意見，故此，本人認為基本法的第二次諮詢應是實質的。此外，為保證基本法政制部分能得到充分的權威性以及市民的認可，草委會應在基本法公布前委托兩間以上的調查公司聯同學術機構在香港進行兩次或更多的問卷調查，科學化及系統性地徵詢市民對政制各個部分的具體建議及看法，這樣既可能得悉市民對基本法的支持程度，並能客觀、全面研究市民對這複雜問題的真正意見及建議，相信這一定對起草工作有很大幫助。

最後一點，是基本法政制部分的可行性問題。雖然現時草委會言不少甚有學識的憲法學者和政治學專家，然而，從整個政制諮詢過程中，草委們（包括上述學者）都主要扮演著一個政治家的角色，千方百計地平衡本港各不同政見方案的意見，以希望政制部分能得到社會上最大的認同。這樣一來，這個政制就有可能是有點非驢非馬，這點也不要緊，正如草委蕭蔚雲所說的：「這個不三不四，就是要符合香港的實際情況，有利於香港的穩定繁榮。」然而，最為重要的是這個方案在具體運作方面是否真正能行得通，例如行政長官選舉委員會內職業組別代表的劃分及選舉方法，普選立法機關議席方面的分區制度所產生的議員數目，是否一定能產生符合立法會內普選成分的百分比，以及在缺乏政黨支持下的選舉情況及行政立法運作的關係等等，這些較技術方面的問題是需要專人深入的分析討論，不然的話，將來政制有可能不能有效地運作。

在以上分析的情況下，草委會是否可以考慮委托一些委員，邀請一些香港的憲法及政治學者在較技術的層次上，對現時的主流方案或有可能修改的新主流方案作出研究，而在有需要的情況下，甚至可以邀請一些外國憲法及政治學家參與討論，提供建議，相信這對將來草委決定最後的方案實有一定的參考價值，再者，假若是一批較中立的學者提出有關主流方案在可行性的建議，而需要修改方案本身，相信也會更易得到本港市民的諒解。

總結而言，本人的具體建議可歸納如下：

- (一) 立法會中普選議員比例可上升為百分之三十三，而宗教組別則予取消；
- (二) 確定以選舉方式產生首屆行政長官，並將首屆行政長官選舉委員會人數擴大，以加強港人於過渡期的信心；
- (三) 將全部各級經普選產生的區域組議議員邀請入選舉委員會，並將行政長官選舉委員會內的普選成分增至百分之三十三，而更倣效立法會的做法，將普選比例逐屆增加；
- (四) 確定將來在普選行政長官時應是一真正的普選，其中不應經過任何團體的事先甄選程序。此外，為保證不致有太多候選人，可以容許他們的提名要先得到立法會或提名委員會內某一百分比的成員支持，才能得以成為行政長官候選人；
- (五) 建議應將全民投票檢討政制時間安排在特別行政區十年後舉行，而這亦是在第二屆行政長官的任期內，將來的全民投票應限制於十年內舉行一次；

內 委托調查公司聯同學術機構進行多於二次的民意調查，科學及全面地評估市民對複雜的政制模式的真正意見；

七 委托草委連同本港及外地的憲法及政治學家，對政制方面的較技術性的運作問題作出研究，以保證主流方案能真正符合九七年後的香港情況。

附件七

香港民主協會對基本法草委會政制小組在十一月十九日至二十三日會議上通過基本法(草案)徵求意見稿第四章、第十章、附件一及附件二的修改有下列幾點意見：

- (一)有關第四章及第十章多條修改，除行政長官任期應為四年與立法會成員相同外，其餘原則上認為合理。
- (二)有關附件(一)香港特別行政區行政長官產生辦法的修改，除第八項下段有關行政長的產生辦法應改為“如投票決定不變應由立法會每五年至十年進行檢討，其時間及方式由立法會以三分之二多數決定。”其餘原則上合理。
- (三)有關附件(二)香港特別行政區立法會產生辦法意見如下：
  - (1)第一項中的“第三、四屆”應改為“第三屆”；
  - (2)第三項第一句“第一至第四屆”應改為“第一至第三屆”；第二句“第四屆”應改為“第三屆”；
  - (3)第四項第二句中“第五屆”應改為“第四屆”後半段應改為“如投票決定不變，每隔五至十年由立法會進行檢討，其時間及方式由立法會三分之二多數決定。”
- (四)有關附件(三)香港特別行政區第一屆政府和立法會產生辦法修改後，原則上認為合理。

香港民主協會主席錢世年

一九八八年十二月二日

\* 由基本法諮詢委員會秘書處打印。

# 傑出青年協會意見書

## 附件一、二、三的建議

附件八

### 附件一：香港特別行政區行政長官的產生辦法：

#### I 原則：

- (一)以平穩過渡為原則，需要保持社會的穩定；
- (二)行政長官的產生方法要盡量避免受個別利益團體或政治組織的操縱；
- (三)要保證行政長官得到社會各界的廣泛支持並有充份的權威性；
- (四)要使行政長官和立法會議員能夠互相配合和制衡。

#### II 建議：

- (一)行政長官通過一個有廣泛代表性的選舉團選舉產生。
- (二)選舉團由香港各界人士代表組成，其成員包括：立法機關的成員、各區域組織的代表、各法定團體和永久性非法定團體的代表、各類功能界別的代表，共約五百人。
- (三)在第三屆推行以普選產生行政長官的辦法。

### 附件二：香港特別行政區立法會議的產生辦法：

#### 建議：

- (一)立法機關組成的比例：功能團體選出的成員佔三分之一，按地區直接選出的成員佔三分之一，選舉團選出的成員佔三分之一。
- (二)立法機關成員任期四年。
- (三)選舉細則由香港特別行政區政府以法律規定。
- (四)一九九七年後加強直接選舉的成份，目標為直選議席不少於百分之五十。

#### 說明：

本會曾參考徵求意見稿的各項方案，最後得出上述建議。其中有關立法機關的人數，本會認為由現時立法機關的人數作基礎，視乎將來發展及實際需要而作出相應的調整最為適宜，故上述建議並沒提及立法機關的

### 附件三：香港特別行政區第一屆政府和立法會議的產生辦法：

#### 建議(一)：

在一九九五年內，全國人民代表大會設立香港特別行政區籌備委員會，負責籌備成立香港特別行政區第一屆政府的有關事宜，包括具體辦法。籌備委員會由內地和不少於百分之五十的香港委員組成，主任委員和委員由全國人民代表大會常務委員會委任。

#### 建議(二)：

香港特別行政區第一屆立法機關，可於香港特別行政區成立前，按體現國家主權，平穩過渡之原則選出立法會議員。在香港特別行政區成立時，由上述的籌備委員會擬定程序，確認其合法性。

#### 說明：

為達到中華人民共和國體現主權，香港平穩過渡之原則，中英雙方緊密合作，在一九九五年於中方參予下根據基本法所列出的方法選舉產生立法機關，而其成員繼續在一九九七年後服務。是屆立法機關的任期由一九九五至二〇〇一年，其中一九九七至二〇〇一年為香港特別行政區第一屆立法會議。

#### 建議(三)：

第一任行政長官由選舉團於一九九七年七月一日前選舉產生。選舉團之組成與附件一相同。

對香港特別行政區政治體制方案的修改建議

第一屆政府

1. 在一九九七年前由中央設立包括港人及國內人士的籌備委員會，再由籌備委員會委任一個不少於五十人的香港各界人士，組織顧問團，在當地協商產生行政長官，報中央任命，任期五年。
2. 由行政長官組織行政會議，並提名主要官員，請中央任命。
3. 由行政長官會同行政會議提名，由顧問團選出立法委員成立臨時立法會議。

立法會議成員的人數和組成比例將照顧到一九九七年六月卅日時香港立法局的組成內容，任期兩年。

第一屆政府以後行政長官，立法會議產生辦法如下：

一. 行政長官

由顧問團選舉產生，報中央任命（顧問團成員不得成為候選人），任期五年。以後歷屆顧問團，由原有顧問團加上歷屆已卸任立法會議成員，行政會議成員，行政長官和曾經中央任命的主要官員等組成，最高人數不超過200人，如超過時以出任的先後依次退出，如有出任先後相同時，以年長者先行退出。

第四屆起行政長官的產生，由顧問團提名候選人三名交全民投票產生後請中央任命，任期五年。



## 二. 立法會議

甲) 第二, 三屆立法會議委員由 [混合選舉] 產生, 成員百分比如下:

1. 香港特別行政區立法機關成員共60人.
2. 30% (即18人) 的成員由顧問團推選非顧問擔任, 其中至少三分之一 (即6人) 為行政會議成員, 其餘 (約三分之二) 為社會上其他人士. (顧問團產生的立法機關成員, 如有行政會議成員和主要官員, 可以貫通行政和立法機關的聯繫).
3. 40% (即24人) 由功能團體選出.
4. 30% 由各地區直接選出.

任期四年.

乙. 立法會議自第四屆起改變成員百分比如下:

- 20% 顧問團選出 (至少有1/3為行政會議成員).
- 45% 功能團體選出.
- 35% 地區直選.

任期四年.

丙. 立法會議自第七屆起改變成員百分比如下:

- 10% 顧問團選出 (至少有1/3為行政會議成員).
- 50% 功能團體選出.
- 40% 地區直選.

任期四年.

丁. 此後成員比例不再改變. 每屆任期四年.

查濟民

一九八八年十一月八日

## 港九勞工社團聯會 對主流方案的一些修改意見

### 第一屆 行政長官 二年 (1997至1999)

#### 推選委員會400人 (推舉)

工商、金融界人士	100人	25%
專業人士	100人	25%
勞工、基層	100人	25%
原政界人士、人大代表	100人	25%

(比例：立法局40%，人大代表10%，區議會、區域議會、市政局50%)

原則：(一) 推選委員會由特區籌委會負責籌組，全部由香港人組成。

(二) 推選委員會或選舉委員會的成員，儘量以民主方式產生。

(三) 選舉機構選舉行政長官的程序必須民主。

(四) 首屆行政長官任期兩年，我們認為第一屆政府應為“看守政府”。但同意其後的任期為四年。

### 第二屆 行政長官 四年 (1999至2003)

#### 選舉委員會600人 (推舉)

工商、金融界人士	150人	25%
專業人士	150人	25%
勞工、基層	150人	25%
立法會議	60人	10%
人大代表	15人	2.5%
各級區域組織議會成員	75人	12.5%

原則：(一) 選舉委員會由各界別經民主程序產生。

(二) 在此階段進行一次全體選民投票，以簡單多數決定下屆意向。

(三) 如果投票結果否定普選，則每兩屆要進行一次全民投票。

第一屆 立法會議 二年 (1997至1999)

特區籌委會確認57人

地區性普選	19人	33.3%
工商、金融、專業	19人	33.3%
勞工、基層	19人	33.3%

原則：(一) 同意修改首屆立法會議之產生辦法，由一年改為兩年。(附以上修改之意見)

(二) 成員應儘量以民主方式產生。

(三) 地區性普選不能低於三份一。

第二屆 立法會議 四年 (1999至2003)

混合選舉68人

地區性普選	30人	44%
工商、金融、專業	19人	28%
勞工、基層	19人	28%

原則：(一) 地區性普選成份應要逐步增加。

(二) 在此階段應進行一次全民投票，以簡單多數決定下屆意向。

(三) 如果投票結果否定普選，應每兩屆再進行一次全民投票。

(四) 立法會議內普選成員的比例不遲於第三屆達到50%。

第三屆 立法會議 四年 (2003至2007)

混合選舉76人

地區性普選	38人	50%
工商、金融、專業	19人	25%
勞工、基層	19人	25%

\* 由基本法諮詢委員會秘書處打印



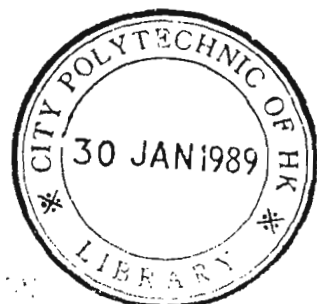
## DRAFTING OF THE BASIC LAW AND THE "MAINSTREAM POLITICAL MODEL"

## Introduction

From 19 to 22 November 1988, the meeting of the Subgroup on Political Structure of the Drafting Committee in Guangzhou amended the part on political structure in the Draft Basic Law and passed the proposal on the method for selecting the Chief Executive and on the composition and method for constituting the Legislative Council of the HKSAR -- "mainstream model".

After the publication of the mainstream model, the people of Hong Kong have raised a number of opinions which include supporting and opposing views on the model. Some criticize the model for being too conservative, pointing out that it has never appeared in the Draft Basic Law, nor has there been any prior consultation. Some, on the other hand, criticize the model for being too radical. Some even request that the mainstream model be put to a vote so that the decision may be made by the Hong Kong public, thus setting off an upsurge of discussion on political structure.

To facilitate discussion, the Secretariat of the Consultative Committee for the Basic Law has compiled the following papers which introduce the process of drafting the Basic Law and the background to the mainstream model: (I) The Basic Law: drafting and consultation; (II) Evolution of the various political models; and (III) Comparison between the mainstream model and other political models.



## I. The Basic Law: Drafting and Consultation

1. The drafting of the Basic Law commenced as soon as the Sino-British Joint Declaration took effect on 27 May 1985. According to the resolution of the first session of the Drafting Committee on 1 July 1985, the drafting of the Basic Law would take five years, from 1985 to 1990.
2. There are two rounds of comprehensive consultation on the Basic Law. The first round lasted from May to September 1988 when opinions on the Draft Basic Law were solicited. After discussing the opinions thus collected and making any necessary amendments, the Drafting Committee will submit the proposed legislation to the Standing Committee of the National People's Congress (NPC) for examination. The second round of consultation to be held in 1989 will concentrate on the proposed legislation itself. This is another open solicitation of opinions from different sectors after the proposed legislation is passed and published by the Standing Committee of the NPC. It is hoped that the proposed legislation will be further perfected before its formal submission to the NPC.
3. The political structure of the SAR has all along been the major concern of the public. A considerable number of comments and proposals on this subject emerged in the past few years. The consultation exercise carried out by the CCBL regarding the political structure from the time of its establishment at the end of 1985 to the publication of the Draft Basic Law may generally be divided into several phases:
  - 3.1 From December 1985 to March 1986 -- As the Basic Law involves a wide range of subjects, the CCBL set up eight special groups to be responsible for the discussion and collation of opinions on different subjects. Since the future political structure of Hong Kong is of common concern, the membership of the Special Group on Political Structure was the largest, totalling 80 persons.
  - 3.2 From April 1986 to August 1986 -- The main task in this phase was to hold extensive and preliminary discussions on the various topics in the Structure of the Basic Law (Draft). Some members of the public and organizations raised certain broad principles and preliminary concepts. These concepts are rather incomplete and the opinions are disparate. The opinions and the results of discussions by special groups are compiled into preliminary reports which were submitted for the reference of the Drafting Committee. At about the same time, the Subgroup on Political Structure of the Drafting Committee also held four meetings. Some members of the Subgroup conducted a survey in Hong Kong from 10 to 25 September 1986 when they exchanged views with CCBL members

and advisors and other individuals and organizations in Hong Kong with regard to the future political structure. After considering the views of the Hong Kong people in its discussion, the Subgroup reached consensus on the principles for designing the political structure of the HKSAR and its basic model. There were, however, divergent views on the selection of the Chief Executive and the formation of the Legislative Council.

3.3 From September 1986 to August 1987 -- The main task of this phase was to analyse or further supplement and develop the opinions collected in the previous phase, and to summarize the opinions into several representative ones. The Special Group also studied certain major controversial issues in depth and submitted eight final reports on political structure to the Drafting Committee. During this period, members of the public and organizations proposed a number of relatively specific and complete political models for the future HKSAR. Individuals and organizations of similar views grouped together to submit proposals jointly. The CCBL collected 41 proposals for the political structure, which were forwarded to the Drafting Committee for consideration. At that time, the Drafting Committee began drafting specific articles. As the chapter on political structure deals with quite a number of issues, some of which are rather complicated and were still unresolved then, the Subgroup on Political Structure decided at its fifth meeting in December 1986 that the drafting of the relevant articles should follow the principle of "proceeding from the easy to the difficult". At the fifth plenary session of the Drafting Committee held in August 1987, the Subgroup submitted the first draft of most of the articles in Chapter IV; only the articles on the selection of the Chief Executive and the formation of the legislature had yet to be drafted.

3.4 From September 1987 to April 1988 before the publication of the Draft Basic Law -- The main task in this phase was to submit views and proposals regarding the preliminary provisions drafted by the Subgroup of the Drafting Committee, and to collate and summarize the political models which had been put forward. During this period, relatively few new political models emerged. Most proposals were amendments and revisions to the available models. Meanwhile, the Subgroup on Political Structure of the Drafting Committee began drawing up the articles which "had yet to be drafted", and further studied and amended other articles. On the selection of the Chief Executive and the formation of the legislature, as there is no unanimous view within the Subgroup or within the community of Hong Kong, the Subgroup decided to present the different views as alternatives for further deliberation by the plenary session. Subsequently, the alternatives were listed in the annexes to the Draft Basic Law.

4. Regarding the political structure of the SAR, the selection of the Chief Executive and the composition and formation of

the legislature are the most controversial subjects. The dozens of political models proposed by different parties in the last two years were sorted out into five alternatives regarding the method for selecting the Chief Executive and four alternatives regarding the method for constituting the Legislative Council. These alternatives are contained in Annexes I and II to the Draft Basic Law published on 28 April 1988 for discussion by the various sectors in Hong Kong. The method for the formation of the first government and the first Legislative Council is included in Annex III for consulting the people of Hong Kong on this issue.

5. During the consultation period for the Draft Basic Law from May to September, the various sectors in Hong Kong have raised a number of opinions on the alternatives listed in the Draft Basic Law. According to the drafting schedule, the Drafting Committee will table a single political model when submitting the Basic Law as a piece of proposed legislation to the Standing Committee of the NPC in early 1989. Hence, the Hong Kong people may help the drafters make the decision if they can produce a political model through consultations. At a meeting in Beijing on 5 August with representatives of a political group from Hong Kong, Secretary-General Li Hou of the Drafting Committee expressed the hope that the various sectors in Hong Kong could, through consultation and dialogue, strive to produce a political model acceptable to all parties.
6. Towards the end of the first round of consultation, some mainland drafters visited Hong Kong again from 4 to 20 September to solicit the views of the Hong Kong people on the Draft Basic Law, particularly on the issue of political structure. During their visit, the mainland drafters together with their Hong Kong counterparts attended 43 discussion sessions. Apart from exchanging views with the special groups of the CCBL, with the arrangements of the CCBL, the visiting drafters also met 391 persons representing the various proposals for the political structure and 90 organizations from different fields.
7. The first round of consultation on the Basic Law came to a close on 30 September, the CCBL compiled the opinions (more than 70,000 pieces) collected from different sources into a five-volume consultation report. The political structure is one of the major subjects on which the public have raised numerous opinions. All opinions and proposals concerning the political structure are contained in Volume 3 of the Consultation Report and the General Report on the Articles.
8. At the end of the consultation period, the need for compromise was strongly felt within the community of Hong Kong. According to the Consultation Report, the new proposals put forward by the people of Hong Kong at that time were basically compromises. There are roughly three types of compromise political models:

- (1) A model without a definite programme of development, which provides for the gradual development of democracy in the light of objective conditions;
- (2) A model with a definite programme of development which requires that the voter turnout rate be taken as a means of measuring the political maturity of the general public and as a trigger point for the introduction of the one-person-one-vote system; and
- (3) A model with a definite programme of development based on the terms of office of the governments. This model requires that the timetable of development be prescribed in the Basic Law.

9. To encourage dialogue among the various parties, the working group of the Special Group on Political Structure of the CCBL put forward three proposed principles (see Paper III) on 14 October. But a compromise proposal acceptable to all parties has yet to be reached.

10. The working group invited the representatives of ten political models (including those proposed by the Group of 89, the Joint Committee on the Promotion of Democratic Government, the Group of 38, the Federation of Trade Unions, the Federation of Hong Kong & Kowloon Labour Unions, the Hong Kong Chinese Civil Servants' Association, the Hong Kong People's Association, the Progressive Society of Hong Kong, the University Graduates' Association and the Outstanding Young Persons' Association) to a meeting on 12 November. Though the meeting did not arrive at a commonly accepted political model, nor did the representatives have any unanimous view on specific issues concerning political models, five points of consensus were reached (see Paper III).

11. In line with the drafting process, the Subgroup on Political Structure of the Drafting Committee met on 19 - 22 November as scheduled for amendment to the Draft Basic Law. In view of the divergence of opinions in Hong Kong and with due consideration of the various ideas, the Subgroup on Political Structure of the Drafting Committee passed a mainstream political model based on the discussion paper tabled by the co-convenor of the Subgroup.

12. The mainstream model was then referred to the enlarged chairmen's meeting of the Drafting Committee held in mid-December for amendment. It will be submitted to the eighth plenary session in January 1989 for discussion so that it could be incorporated into the Basic Law for examination by the Standing Committee of the NPC. The Standing Committee of the NPC will pass and publish the Basic Law as a piece of Proposed legislation in February or March 1989 and the second round of consultation will follow.



## II. Evolution of the Various Political Models

### Introduction

This paper will study the political models proposed by the following 14 groups/organizations as they have responded to the mainstream political model. Since the proposal of the Hong Kong Federation of Students is similar to that of the Group of 190, it is not listed separately in the paper.

- (1) Group of 190\*
- (2) Business and Professional Group of Members of the CCBL (Group of 89)
- (3) Group of 38
- (4) Hong Kong Chinese Civil Servants' Association
- (5) University Graduates' Association
- (6) Federation of Trade Unions
- (7) Federation of Hong Kong & Kowloon Labour Unions
- (8) New Hong Kong Society
- (9) Association for Democracy of Hong Kong
- (10) Cha Chi Ming
- (11) Progressive Society of Hong Kong
- (12) Outstanding Young Persons' Association
- (13) Hong Kong People's Association
- (14) Hong Kong Federation of Students\*

This paper shows the development of the various proposals. The first column "original proposal" refers to the political model originally proposed by the political group. Any subsequent supplement to the proposal is also listed under the column "original proposal". The second column "amendment" refers to the amendments to original proposal or responses (opinions and/or proposals for amendment) to the mainstream political model. The New Hong Kong Society only responded to the mainstream political model and proposed amendment to it. Hence, regarding its proposal, there is only the "amendment" column as the "original proposal" column does not apply. Where there are numerous

supplements and amendments to a proposal, the dates when the supplements/amendments were made are indicated and their order is marked by the numbering 1), 2), etc.

Each column is divided into two sections: one on the Chief Executive and the other on the legislature. Each section is subdivided into three parts: method of selection/formation, development of the method, and term of office.

(1) Proposal of the Group of 190

	ORIGINAL PROPOSAL		10.86 11.87	AMENDMENT
Chief Executive	Selection	The Chief Executive shall be nominated by no less than 10% of the members of the legislature and selected by territory-wide general direct election.		
	Development			
	Term of office	4 years		
Legislature	Formation	General direct election	> 50%	
		Functional bodies election	< 25%	
		Regional organisations election	< 25%	
	Development			
	Term of office			

\* The proposal of the Hong Kong Federation of Students is the same as that of the Group of 190.

<p>Chief Executive</p>	<p>Selection</p>	<p>3 candidates shall be nominated by a 20-member nominating committee of the electoral college. The candidates shall then stand for election by the full 600-member electoral college.</p> <p>Composition of the electoral college :</p> <ul style="list-style-type: none"> <li>a) Legislature 80</li> <li>b) Statutory bodies and permanent non-statutory bodies 50</li> <li>c) Urban Council, Regional Council and District Boards 50</li> <li>d) Social, charitable and sports organisations 60</li> <li>e) Professionals 60</li> <li>f) Labour 60</li> <li>g) Industrial community 80</li> <li>h) Commercial community 50</li> <li>i) Financial community 50</li> <li>j) Religious/educational community 30</li> <li>k) Civil Service 30</li> </ul>	<p>1) - One of the following methods should be adopted for nominating candidates :</p> <ul style="list-style-type: none"> <li>a) A maximum of 10 legislators should be added to the 20-member nominating committee.</li> <li>b) Legislators, instead of having their representation in the grand electoral college, should be given half the number of seats on the nominating committee.</li> </ul> <p>- Amendments to the composition of the electoral college :</p> <p>Statutory bodies and permanent non-statutory bodies should be removed from the electoral college. Out of their 50 seats, 20 should be given to professionals, 20 to labour and 10 to the educational community. Religious/educational community should be regarded as two separate communities.</p> <p>2) The mainstream model should be adopted but members of the nominating committee should be elected from among members of the electoral college and then candidates for the post of Chief Executive should be nominated by the committee.</p>
	<p>Development</p>		<p>1) After 1997, the Chief Executive will be elected by a grand electoral college. After 1997, when half of the eligible voters have cast votes in an election to the legislature, the Chief Executive may be elected on a one-person-one-vote basis. When this "trigger point" is reached for the first time, one-person-one-vote election of the Chief Executive will be introduced upon the consent by two-thirds of the members of the legislature and the Chief Executive. If consent is not given at this time and the "trigger point" is reached in a subsequent election, the system of one-person-one-vote for the selection of the Chief Executive will be implemented automatically. (When the system of one-person-one-vote election is introduced, compulsory voting should be enforced.)</p> <p>2) A referendum to decide whether the Chief Executive should be selected by general election should be held during the second term. It should be specified that at least half of the eligible voters must have cast votes in the referendum before the outcome will be accepted.</p>
	<p>Term of office</p>	<p>Minimum of 4 years</p>	

Legislature	Formation	<p>Direct election 25% (To be nominated by members of the Legislative Council, Urban Council/Regional Council and District Boards and to be directly elected by voters.)</p> <p>Functional bodies 50%</p> <p>Grand electoral college 25% (Several candidates to be nominated by the nominating committee and elected by the electoral college.)</p>	<p>1) - Any procedure for screening the candidates of district direct election to the legislature should be abolished.</p> <p>- The following amendments should be made to the nomination of the candidates for the 25% of legislators to be elected by the electoral college :</p> <p>The nominating committee shall be made up of 30 members and the Chief Executive. The president of the legislature should be ex-officio members of this committee. The remaining 28 members of the nominating committee should be elected from among members of the grand electoral college.</p> <p>Members of the legislature should not sit on the nominating committee.</p>																									
			<p>2)</p> <table border="1"> <thead> <tr> <th>Year</th> <th>1997</th> <th>1999</th> <th>2003</th> <th>2007</th> </tr> </thead> <tbody> <tr> <td>Total no. of seats in the legislature</td> <td>55</td> <td>65</td> <td>65</td> <td>80</td> </tr> <tr> <td>District direct election</td> <td>15</td> <td>25</td> <td>25</td> <td>40</td> </tr> <tr> <td>Functional bodies</td> <td>25</td> <td>25</td> <td>25</td> <td>25</td> </tr> <tr> <td>Grand electoral college</td> <td>15</td> <td>15</td> <td>15</td> <td>15</td> </tr> </tbody> </table>	Year	1997	1999	2003	2007	Total no. of seats in the legislature	55	65	65	80	District direct election	15	25	25	40	Functional bodies	25	25	25	25	Grand electoral college	15	15	15	15
	Year	1997	1999	2003	2007																							
Total no. of seats in the legislature	55	65	65	80																								
District direct election	15	25	25	40																								
Functional bodies	25	25	25	25																								
Grand electoral college	15	15	15	15																								
Development		<p>1) When introducing the system of one-person-one-vote election of the Chief Executive, the composition and election methods of the legislature should be reviewed - whether all the members should be returned by general election.</p>																										
Term of office	4 years	<p>2) First term - 2 years Subsequent terms - 4 years</p>																										

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Chief Executive	Selection	<ul style="list-style-type: none"> <li>- The Chief Executive shall be nominated by the Nominating College for Chief Executive Candidates and elected by referendum.</li> <li>- The Nominating College shall be composed of 128 members among whom 96 shall be elected by professional divisions (each of the three categories of professional divisions shall be allocated 32 seats); Hong Kong deputies to the National People's Congress and Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference shall elect from among themselves 16 members; and the members of the legislature shall also elect from among themselves 16 members.</li> <li>- The Nominating College shall nominate three candidates for the post of Chief Executive, who shall stand for election by referendum.</li> </ul>	The first and second Chief Executives should be elected by an election commission. The composition of the commission should be in accordance with the stipulations of the mainstream model but the members of the commission should be democratically elected from their respective sectors.
	Development		A referendum should be held during the term of office of the Second Chief Executive to decide whether the third or the fifth Chief Executive should be nominated by a democratic process and selected by a territory-wide one-person-one-vote election.
	Term of office	4 years	
Legislature	Formation	District election            1/3 Professional divisions    2/3 (The seats shall be allocated evenly among the three divisions)	Popular direct election    1/3 Functional bodies        2/3 (The seats shall be allocated evenly to the three divisions)
	Development		As the proportion of members returned by district general election is progressively increased, the scope of the functional constituencies should also be expanded and election by one-person-one-vote should be adopted in transition to the election of professional divisions as proposed by the Group of 38.
	Term of office	First term            - 2 years Subsequent terms - 4 years each	

	ORIGINAL PROPOSAL 2.87	AMENDMENT 1) 3.12.88 2) 6.12.88
Chief Executive	Selection An electoral college of 500-600 members shall elect a 5-member nominating committee which will nominate a certain number of candidates. The electoral college will then elect the Chief Executive from these candidates.	1) The mainstream model is supported by the Association. 2) The process of electing the Chief Executive must be democratic. This includes two features :  a) Members of the election body (Election Committee or Election Commission) should as far as possible be selected by democratic means.  b) The process of electing the Chief Executive by the election body must be democratic.
	Development	1) The "trigger point" proposal of the Group of 89 should be adopted for selecting the second Chief Executive; or  2) A referendum should be held in the second term to decide whether the third Chief Executive should be selected by general election on a one-person-one-vote basis. If the result of the referendum is negative, a referendum should be held every two terms.
	Term of office	5 years
Legislature	Selection Direct election 30% Functional bodies 70%	1) The proportion of 27% of the members returned by district general election for the first term seems to be relatively small. In the long run, if representatives of the functional constituencies will also be elected on a one-person-one-vote basis, then this proportion may be worth maintaining.  2) First term - District general election 1/3 Functional bodies 2/3
	Development	1) District general election should not be introduced before the third term and the proportion of members returned by district general election should be increased to 50%.
	Term of office	First term - 3 years Subsequent terms - 5 years each

		ORIGINAL PROPOSAL 10.86	AMENDMENT 1) 3.12.88 2) 6.12.88
Chief Executive	Selection	A nominating college shall be formed by all members of the legislature and the same number of local people appointed by the Central Authorities. Candidates for the Chief Executive must be supported by 1/8 of the members of each of the two parties. The electoral college will then elect the Chief Executive from these candidates.	<p>2) The process of electing the Chief Executive must be democratic. This includes two features :</p> <p>a) Members of the election body (Election Committee or Election Commission) should as far as possible be selected by democratic means.</p> <p>b) The process of electing the Chief Executive by the election body must be democratic.</p>
	Development		<p>1) It is too late to hold the referendum in the fourth term.</p> <p>2) A referendum should be held in the second term to decide whether the third Chief Executive should be selected by general election on a one-person-one-vote basis. If the result of the referendum is negative, a referendum should be held every two terms.</p>
	Term of office		
Legislature	Formation		<p>1) The proportion of 27% directly elected seats is too small.</p> <p>2) First term - District general election 1/3 Functional bodies 2/3</p>
	Development	In the long run (21st century), there should be development towards direct election of all members of the legislature.	
	Term of office		



	ORIGINAL PROPOSAL 9.88	AMENDMENT 1) 3.12.88 2) 6.12.88														
Chief Executive	<p>Selection</p> <p>First and second terms :</p> <ul style="list-style-type: none"> <li>- To be elected by a 300-member Election Commission.</li> <li>- Proportions of representation of the Election Commission :</li> </ul> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Industrial, commercial and financial sectors</td> <td style="text-align: right;">20%</td> </tr> <tr> <td style="padding-left: 20px;">Professionals</td> <td style="text-align: right;">20%</td> </tr> <tr> <td style="padding-left: 20px;">Labour</td> <td style="text-align: right;">15%</td> </tr> <tr> <td style="padding-left: 20px;">Grassroots</td> <td style="text-align: right;">10%</td> </tr> <tr> <td style="padding-left: 20px;">Full board of the Legislative Council</td> <td style="text-align: right;">20%</td> </tr> <tr> <td style="padding-left: 20px;">District Boards, Urban Council and Regional Council</td> <td style="text-align: right;">10%</td> </tr> <tr> <td style="padding-left: 20px;">Hong Kong deputies to the National People's Congress (NPC) and members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC)</td> <td style="text-align: right;">5%</td> </tr> </table> <ul style="list-style-type: none"> <li>- The Preparatory Committee for the HKSAR shall be responsible for the establishment of the Election Commission.</li> </ul> <p>Third term :</p> <ul style="list-style-type: none"> <li>- The Election Commission shall become the Nominating Committee for Candidates for the Chief Executive of the HKSAR, which shall be formed in the same way as the former committee. Each candidate for the post of Chief Executive must be nominated by 10 members and supported by at least half of the members of the committee. The nominees with the highest number of votes (not more than 5 nominees) shall become the final candidates who shall stand for a territory-wide election on a one-person-one-vote basis.</li> </ul>	Industrial, commercial and financial sectors	20%	Professionals	20%	Labour	15%	Grassroots	10%	Full board of the Legislative Council	20%	District Boards, Urban Council and Regional Council	10%	Hong Kong deputies to the National People's Congress (NPC) and members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC)	5%	<p>2) The process of electing the Chief Executive must be democratic. This includes two features :</p> <ul style="list-style-type: none"> <li>a) Members of the election body (Election Committee or Election Commission) should as far as possible be selected by democratic means.</li> <li>b) The process of electing the Chief Executive by the election body must be democratic.</li> </ul> <p>1) The method of selecting the third Chief Executive should be changed according to the result of the referendum.</p>
	Industrial, commercial and financial sectors	20%														
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Grassroots	10%															
Full board of the Legislative Council	20%															
District Boards, Urban Council and Regional Council	10%															
Hong Kong deputies to the National People's Congress (NPC) and members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC)	5%															
Development		<p>1) A referendum should be held in the second term to decide whether the Chief Executive should be selected by election on a one-person-one-vote basis.</p> <p>2) A referendum should be held in the second term to decide whether the third Chief Executive should be selected by general election on a one-person-one-vote basis. If the result of the referendum is negative, a referendum should be held every two terms.</p>														
Term of office	5 years	5 years														

Legislature	Formation	<p>First term - Members of the last term of the Legislative Council before 1997 shall automatically become candidates for the first term of the Legislative Council of the HKSAR. The Election Commission shall elect members of the Legislative Council under the supervision of the Preparatory Committee of the HKSAR.</p> <p>Second term - District direct election 40%            Functional bodies 45%            (Industrial and commercial sectors 15%            Professionals 15%            Labour and other grassroots organisations 15%)            Election Commission 15%</p>	<p>1) First term - The mainstream model is supported by the Federation but the proposed proportions of the three sectors in the functional bodies in the model should be equal.</p> <p>2) First term - District general election 1/3            Functional bodies 2/3</p> <p>1) Second term - The mainstream model is supported by the Federation.</p>
	Development		<p>2) The proportion of popularly elected members of the Legislative Council should reach 50% no later than the third term.</p>
	Term of office	<p>First term - 5 years            Second term - 5 years</p>	

	ORIGINAL PROPOSAL 9.88	AMENDMENT 1) 6.12.88 2) 16.12.88																																	
Chief Executive	Selection	<p>Caretaker government :</p> <p>- A 200-member election committee shall select the Chief Executive through consultations. The proportions of the members of the election committee are as follows :</p> <table border="0"> <tr> <td>Labour, civil servants, religious and social welfare organisations</td> <td>20%</td> </tr> <tr> <td>Political, philanthropic, rural, agricultural and fishery and hawkers' organisations</td> <td>20%</td> </tr> <tr> <td>Commercial and industrial organisations</td> <td>20%</td> </tr> <tr> <td>Professional organisations</td> <td>20%</td> </tr> <tr> <td>Members of the legislature</td> <td>10%</td> </tr> <tr> <td>Members of regional organisations</td> <td>6%</td> </tr> <tr> <td>Deputies to the NPC and members of the National Committee of the CPPCC</td> <td>4%</td> </tr> </table> <p>First term (to be selected between 1 July 1997 and 30 June 1998) and subsequent terms :</p> <p>- 3 candidates shall be nominated by the legislature and the candidates shall stand for a territory-wide election on a one-person-one-vote basis.</p>	Labour, civil servants, religious and social welfare organisations	20%	Political, philanthropic, rural, agricultural and fishery and hawkers' organisations	20%	Commercial and industrial organisations	20%	Professional organisations	20%	Members of the legislature	10%	Members of regional organisations	6%	Deputies to the NPC and members of the National Committee of the CPPCC	4%	<p>1) The process of electing the Chief Executive must be democratic. This includes two features :</p> <p>a) Members of the election body (Election Committee or Election Commission) should as far as possible be selected by democratic means.</p> <p>The process of electing the Chief Executive by the election body must be democratic.</p> <p>2) First term (1997-1999) :</p> <p>- The mainstream model is supported by the Federation.</p> <p>- Former officials and councillors and deputies to the NPC should constitute 25% of the membership of the commission with the following proportions :</p> <table border="0"> <tr> <td>Legislative Council</td> <td>40%</td> </tr> <tr> <td>Deputies to the NPC</td> <td>10%</td> </tr> <tr> <td>District Boards, Regional Council, Urban Council</td> <td>50%</td> </tr> </table> <p>Subsequent terms :</p> <p>- To be selected by a 600-member election commission with its composition as follows :</p> <table border="0"> <tr> <td>Industrial, commercial and financial sectors</td> <td>25%</td> </tr> <tr> <td>Professionals</td> <td>25%</td> </tr> <tr> <td>Labour, grassroots</td> <td>25%</td> </tr> <tr> <td>Legislative Council</td> <td>10%</td> </tr> <tr> <td>Deputies to the NPC</td> <td>2.5%</td> </tr> <tr> <td>Members of regional organisations and councils at all levels</td> <td>12.5%</td> </tr> </table>	Legislative Council	40%	Deputies to the NPC	10%	District Boards, Regional Council, Urban Council	50%	Industrial, commercial and financial sectors	25%	Professionals	25%	Labour, grassroots	25%	Legislative Council	10%	Deputies to the NPC	2.5%	Members of regional organisations and councils at all levels	12.5%
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Deputies to the NPC	2.5%																																		
Members of regional organisations and councils at all levels	12.5%																																		
Development		<p>1) A referendum should be held in the second term to decide whether the third Chief Executive should be selected by general election on a one-person-one-vote basis. If the result of the referendum is negative, a referendum should be held every two terms.</p>																																	
Term of office		<p>2) First term - 2 years Subsequent terms - 4 years</p>																																	

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<p>Legislature</p>	<p>Formation</p>	<p>Caretaker government :</p> <ul style="list-style-type: none"> <li>- To be formed by the election committee through consultations or elections.</li> <li>- Former Legislative Councillors may become candidates.</li> </ul> <p>First and subsequent terms :</p> <ul style="list-style-type: none"> <li>- District direct election 40%</li> <li>- Professional divisions 60%             <ul style="list-style-type: none"> <li>(Labour and grassroots organisations 20%)</li> <li>Industrial and commercial organisations 20%</li> <li>Professionals 20%)</li> </ul> </li> </ul>	<p>1) The proportion of popularly elected members in the legislature should reach 50% no later than the third term.</p> <p>2) First term :</p> <ul style="list-style-type: none"> <li>- Should be composed of 57 members in the following proportions :</li> </ul> <table border="0"> <tr> <td>District general election</td> <td>1/3</td> </tr> <tr> <td>Industrial, commercial, financial, professional sectors</td> <td>1/3</td> </tr> <tr> <td>Labour, grassroots</td> <td>1/3</td> </tr> </table> <p>Second term :</p> <ul style="list-style-type: none"> <li>- Should be composed of 68 members in the following proportions :</li> </ul> <table border="0"> <tr> <td>District general election</td> <td>44%</td> </tr> <tr> <td>Industrial, commercial, financial, professional sectors</td> <td>28%</td> </tr> <tr> <td>Labour, grassroots</td> <td>28%</td> </tr> </table> <p>Third term :</p> <ul style="list-style-type: none"> <li>- Should be composed of 76 members in the following proportions :</li> </ul> <table border="0"> <tr> <td>District general election</td> <td>50%</td> </tr> <tr> <td>Industrial, commercial, financial, professional sectors</td> <td>25%</td> </tr> <tr> <td>Labour, grassroots</td> <td>25%</td> </tr> </table>	District general election	1/3	Industrial, commercial, financial, professional sectors	1/3	Labour, grassroots	1/3	District general election	44%	Industrial, commercial, financial, professional sectors	28%	Labour, grassroots	28%	District general election	50%	Industrial, commercial, financial, professional sectors	25%	Labour, grassroots	25%
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Industrial, commercial, financial, professional sectors	25%																				
Labour, grassroots	25%																				
	<p>Development</p>		<p>2) Second term :</p> <ul style="list-style-type: none"> <li>- A referendum should be held to decide on the method of formation of the third legislature. If the referendum result shows that the proposed proportions are not supported, a referendum should be held every two terms.</li> <li>- The proportion of popularly elected members in the legislature should reach 50% no later than the third term.</li> </ul>																		
	<p>Term of office</p>		<p>First term - 2 years Subsequent terms - 4 years</p>																		

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	ORIGINAL PROPOSAL	AMENDMENT 1) 3.12.88 2) 6.12.88
Chief Executive	Selection	<p>1) First term - In the mainstream model, the difference between the number of members of the first election committee and that of the second election committee is too great.</p> <p>Third term - Elected members at all levels should be included according to the mainstream model.</p> <p>The proportion of popularly elected members in the election committee should be increased to 33%.</p> <p>2) The process of electing the Chief Executive must be democratic. This includes two features:</p> <p>a) Members of the election body (Election Committee or Election Commission) should as far as possible be selected by democratic means.</p> <p>b) The process of electing the Chief Executive by the election body must be democratic.</p>
	Development	<p>1) A referendum should be held for the second Chief Executive and a review should be conducted every ten years.</p> <p>2) A referendum should be held in the second term to decide whether the third Chief Executive should be selected by general election on a one-person-one-vote basis. If the result of the referendum is negative, a referendum should be held every two terms.</p>
	Term of office	
Legislature	Selection	<p>1) The mainstream model should be followed but the proportion of directly elected members should be increased to 33% and the religious community should not be included as a functional body.</p> <p>2) First term - district general election 1/3 functional bodies 2/3</p>
	Development	<p>2) The proportion of popularly elected members in the legislature should reach 50% no later than the third term.</p>
	Term of office	

Chief Executive

Selection

- A 30-member Nominating Committee for the Chief Executive will nominate three candidates from whom the Legislative Council will elect the Chief Executive by a two-third majority vote.
- Composition of the Nominating Committee for the Chief Executive:
 

Legislative Councillors	10
Hong Kong deputies to the NPC	10
Urban Councillors and Regional Councillors	2
Members of the Heung Yee Kuk	1
Members of District Boards	5

The mainstream model is supported by the Association.

Development

Support is expressed for the arrangement in the mainstream model that a referendum be held in the fourth term to decide whether the Chief Executive should be elected on a one-person-one-vote basis. If it is decided by the referendum that no changes should be made, the Legislative Council should review the arrangement every five to ten years and decide by a two-third majority vote.

Term of office

4 years

Legislature

Formation

District direct election	25
General functional mixed election	24
Special functional direct or direct election	26

The mainstream model is supported by the Association.

Development

A referendum should be held in the third term to decide the method for constituting the Legislative Council. If it is decided by the referendum that no changes should be made, the Legislative Council should review the arrangement every five to ten years and decide by a two-third majority vote.

Term of office

 香港  
 政府  
 法律  
 事務  
 處

	ORIGINAL PROPOSAL 8.85	AMENDMENT 1) 4.88 2) 11.88
Chief Executive	<p>Selection</p> <p>First term - prescribed separately.</p> <p>Second &amp; third terms :</p> <ul style="list-style-type: none"> <li>- A Hong Kong person who is not a member of the Advisory Council shall be nominated. With the approval of the Central Government, the nominee shall be appointed.</li> <li>- Members of the Advisory Council shall include retired members of the Executive and Legislative Councils, retired persons from the industrial, commercial and financial sectors, retired persons from the legal and educational sectors, retired persons from different professions and other senior and eminent persons.</li> </ul>	<p>1) First term - prescribed separately.</p> <p>Second &amp; third terms:</p> <ul style="list-style-type: none"> <li>- Selected by the Advisory Council (composed of 50 to 100 members) through consultations. The advisors should be nominated by the various sectors in Hong Kong, screened by the Executive Council and appointed by the Chief Executive with the approval of the Central Authorities.</li> </ul> <p>2) First term:</p> <ul style="list-style-type: none"> <li>- A preparatory committee composed of Hong Kong and mainland members should set up an advisory group with no less than 50 members from the various sectors in Hong Kong to select the Chief Executive through local consultations.</li> </ul> <p>Second and third terms:</p> <ul style="list-style-type: none"> <li>- Elected by the advisory group and appointed by the Central Authorities (no members of the advisory group may become candidates) for a term of five years. Advisory groups of the subsequent terms should, in addition to the original advisors, include former members of the Legislative Council, former members of the Executive Council, former Chief Executives, and former principal officials appointed by the Central Authorities. The membership should not exceed 200. Once that number is exceeded, members would have to resign in the order of their length in office. If their length in office is the same, the members elder in age should first resign.</li> </ul>
	<p>Development</p> <p>After 2010:</p> <ul style="list-style-type: none"> <li>- After consultations the Advisory Council shall nominate 2-3 Hong Kong persons who, with the approval of Beijing, shall stand for a general election. The candidate with the highest number of votes shall be appointed by the Central Authorities.</li> </ul>	<p>1) After 2010:</p> <ul style="list-style-type: none"> <li>- The Advisory Group should nominate three candidates through consultations. With the approval of the Central Authorities, the Chief Executive should be elected from the candidates by an Electoral College (the number of members should initially be 200 and gradually increase to 500.</li> <li>- Members of the Electoral College should include all previous members of the Legislative Council, all previous members of the Executive Council, all previous Chief Executives and all previous principal officials.</li> </ul> <p>2) From the fourth term onwards :</p> <ul style="list-style-type: none"> <li>- The Advisory Group should nominate three candidates from whom the Chief Executive should</li> </ul>

Term of office		2) 5 years	
Legislature	Formation	Selected by District Boards and districts Functional bodies Elected from among members of the Advisory Group	1/3 1/3 1/3
			1) District direct election 30% Functional bodies 40% Elected by the Advisory Group 30% (Principal officials 10% Executive Councillors and public figures 20%)  2) First term:  - The number of members and proportions of representation should take into account the composition of the Hong Kong Legislative Council at 30 June 1997.  Second & third terms:  - The number of members should be 60. Members should be selected by mixed elections. Proportions: Members(non-advisors) elected by the advisory group 30% (Executive Councillors 1/3 Other public figures 2/3) Functional bodies 40% District direct election 30%  Fourth term:  - Elected by the advisory group 20% (Executive Councillors 1/3) Functional bodies 45% District direct election 35%  Seventh and subsequent terms:  - Elected by the advisory group 10% (Executive Councillors 1/3) Functional bodies 50% District direct election 40%
	Development		
Term of office			2) First term - 2 years Subsequent terms - 4 years





	ORIGINAL PROPOSAL 9.88		AMENDMENT
Chief Executive	Selection	<p>At the beginning :</p> <ul style="list-style-type: none"> <li>- Alternative 1 of Annex I to the Basic Law (for Solicitation of Opinions) regarding election by a grand electoral college shall be adopted but with the following amendments :</li> </ul> <ol style="list-style-type: none"> <li>1) The size of the grand electoral college should be reduced.</li> <li>2) The proportion of members of the legislature should be increased.</li> <li>3) The Nominating Committee should be expanded to consist of 40 members, among whom 15 should be members of the legislature.</li> </ol>	
	Development	<p>Third to fifth terms :</p> <ul style="list-style-type: none"> <li>- By general election.</li> </ul>	
	Term of office	4 years	
Legislature	Formation	<p>First term :</p> <ul style="list-style-type: none"> <li>- The Nominating Committee shall take part in the last election of the Legislative Council before 1997, those elected Legislative Councillors may continue to serve in the Council after 1997.</li> </ul> <p>At the beginning :</p> <ul style="list-style-type: none"> <li>- General direct election <span style="float: right;">1/3</span></li> <li>Functional bodies <span style="float: right;">1/3</span></li> <li>Grand electoral college <span style="float: right;">1/3</span></li> </ul>	
	Development	<p>Third to fifth terms :</p> <ul style="list-style-type: none"> <li>- All members shall be returned by general election.</li> </ul>	
	Term of office	4 years	

	ORIGINAL PROPOSAL 9.88	AMENDMENT						
Chief Executive	Selection	<p>First and second terms :</p> <ul style="list-style-type: none"> <li>- A 500-member electoral college shall select the Chief Executive. The Electoral College shall include :</li> </ul> <p>Members of the legislature, representatives of various regional organisations, representatives of various statutory and permanent non-statutory bodies and representatives of various functional divisions.</p> <p>Third term :</p> <ul style="list-style-type: none"> <li>- To be selected by general election.</li> </ul>						
	Development	General election should be introduced in the third term.						
	Term of office	4 years						
Legislature	Formation	<p>First term :</p> <table style="width: 100%;"> <tr> <td style="width: 80%;">- District direct election</td> <td style="text-align: right;">1/3</td> </tr> <tr> <td>- Functional bodies</td> <td style="text-align: right;">1/3</td> </tr> <tr> <td>- Electoral college</td> <td style="text-align: right;">1/3</td> </tr> </table>	- District direct election	1/3	- Functional bodies	1/3	- Electoral college	1/3
	- District direct election	1/3						
	- Functional bodies	1/3						
- Electoral college	1/3							
Development	The target of 50% directly elected seats should be achieved.							
Term of office	4 years							

## (13) Hong Kong People's Association

	ORIGINAL PROPOSAL 11.86	AMENDMENT
Chief Executive	<p>Selection      The Electoral College (420 - 560 members) shall select the Chief Executive with composition as follows :</p> <p>Industrial and commercial sectors      30 - 35%</p> <p>Grassroots      30 - 35%</p> <p>Professionals      15 - 20%</p> <p>District Boards      15 - 20%</p>	
	Development	
	Term of office	
Legislature	<p>Formation      The composition of the Legislative Council (60 or 80 members) shall be as follows :</p> <p>Functional constituencies      50%</p> <p>Indirect election of District Boards      20%</p> <p>Direct election      30%</p>	
	Development	
	Term of office	

### III. Comparison between the "Mainstream Model" and Other Political Models

#### 1. Introduction

1.1 At the meeting of the Subgroup on Political Structure of the Drafting Committee held recently in Guangzhou, Mr Louis Cha, co-convenor of the Subgroup tabled a compromise political model. But since the people of Hong Kong have not agreed on one particular model, the meeting did not study the models one by one. Instead, the discussion was based on individual terms of the post-1997 SAR Government. The results of the discussion were close to the model put forward by Mr. Louis Cha and were referred to as the "mainstream model" by the meeting.

1.2 Prior to the Guangzhou meeting, the working group of the Special Group on Political Structure of the CCBL put forward three proposed principles on 14 October in an effort to promote dialogue among the various sectors:

(1) In the initial stage, the Chief Executive should be selected through election by an adequately representative organisation which includes popularly elected members of the Legislative Council, the two municipal councils and the District Boards.

(2) Subsequently, through gradual progress (e.g. after a number of years or by a flexible trigger point mechanism), the Chief Executive should be directly elected by the people of Hong Kong on a one-person-one-vote basis.

(3) In the initial stage, the legislature should be constituted by mixed elections, with a gradual increase in the proportion of popularly elected elements.

1.3 Though these three proposed principles were meant to provide a common starting point for the proponents of the various models in their discussions, they failed to bring about a compromise model acceptable to all parties.

1.4 In view of the urgent need for a compromise model, the wording group invited the proponents of the various political models to a meeting on 12 November (the meeting is referred to by others as a "round-table" meeting). Though no commonly accepted model was produced, nor was there any unanimous view on specific issues concerning the political model, five points of consensus were reached:

(1) This form of dialogue is considered desirable. It is hoped that there will be opportunities for further

discussion and exchange of views. The attitude should not be one of confrontation or rejection. All parties should be ready to compromise in order to reach a consensus.

- (2) The Chief Executive designate of the HKSAR should be selected by election and appointed by the Central People's Government.
- (3) The election of the Chief Executive of the HKSAR should be conducted in a democratic manner.
- (4) A fully democratic nomination process should be adopted for nominating the candidates for the post of Chief Executive.
- (5) In the initial stage, the Legislative Council should be constituted by mixed elections and progress to a fully democratic mode of election.

1.5 The various parties fail to reach a compromise political model probably because the proponents of the models do not have a common view on the following questions:

- (1) What will be the starting point of the political structure of the future SAR? What should be the mode of election to begin with?
- (2) How should the pace of the development of the political structure be determined? Should this be left to the future legislature or be determined by the voter turnout rate?
- (3) What should be the ultimate political structure? How should the Chief Executive be selected? Should the legislature be constituted entirely by direct election?

1.6 As to how the Chief Executive designate shall be elected, an opinion suggests that starting from the first term, the Chief Executive designate shall be returned by direct election on a one-person-one-vote basis. Another opinion proposes that the Chief Executive designate should be returned by indirect election. Those who are in support of the latter opinion have different ideas. Some hold that the organization responsible for electing the Chief Executive should have at least 25% of its members selected by general election. Some are of the view that at least one-third of the members should be selected by general election. Some even consider that 75% of the members should be selected by general election. But all of these views converge at one point: that general election on a one-person-one-vote basis should be the ultimate target of development.

1.7 There is contention regarding the manner of development

towards general election of the Chief Executive on a one person-one-vote basis. Some opinions suggest that there should be a definite timetable (there are different suggestions on the timing but it is generally hoped that the transition from indirect election to direct election will take place between the second term and the fifth term). Others propose that there should be a certain flexible mechanism (e.g. a trigger point or a composite trigger point).

1.8 On the method of constituting the Legislative Council, representatives present at the "round-table" meeting had divergent views with regard to the proportion of direct election in mixed elections. Some held that the minimum proportion of direct election should not be lower than 25%. Some suggested that the maximum proportion should not exceed 50%. Other opinions were somewhere in between.

1.9 After the Guangzhou meeting, the Subgroup on Political Structure of the Drafting Committee passed the "mainstream model". Some people criticized the "mainstream model" for having gone beyond the limits of all other models, pointing out that it is "even more conservative than the most conservative models". Some, on the other hand, hold the view that this model, which is based on the contents of all other models, is a compromise model which "dwells on the happy medium".

1.10 Has the mainstream model gone beyond the limits of all other models? Is it really a compromise model which dwells on the happy medium or is it a model produced by Mr Cha alone overnight without paying any regard to the wishes of the Hong Kong people and the results of consultation? This paper attempts to list the major contents of all other models (such as the mechanism and time limit for the transition from indirect election to general election, the popularly elected elements in the legislature) for comparison with the contents of the mainstream model. Then, the paper will review whether the mainstream model conforms to the five points of consensus reached at the "round-table" meeting. It is hoped that in this way an objective answer to the above-mentioned questions can be found.

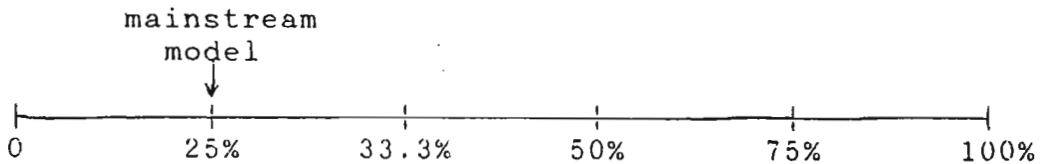
2. Popularly elected element in the organisation for indirect election of the first Chief Executive

2.1 Apart from the model proposed by the Group of 190 which insists that the Chief Executive should be popularly elected starting from the first term, all proposals are in favour of selecting the first Chief Executive by indirect election. But the proposals differ on the percentage of popularly elected members in the organisation responsible for the indirect election of the Chief Executive. For instance, according to some models, 25% of the members

should be popularly elected. Some advocate a percentage as high as 75%. Some models such as that of the Group of 38 suggest that the candidates for the first Chief Executive should be nominated by a nominating college whereas the selection and appointment should be made by the Central People's Government. Other proposals such as those of the Group of 89, the Outstanding Young Persons' Association and the Progressive Society of Hong Kong favour electing the Chief Executive by an electoral college; whereas the Federation of Trade Unions and the Federation of Hong Kong and Kowloon Labour Unions propose adopting the election committee method. (see Table 2)

- 2.2 According to the mainstream model, the Chief Executive should be elected by an election committee which comprises 25% popularly elected members. The rest of the membership is as follows: 25% elected by the industrial, commercial and financial sectors; 25% by the professions; and 25% by the labour, social services and religious communities.
- 2.3 A comparison between the mainstream model and other political models in this respect (the popularly elected elements in the organisation for indirect election of the Chief Executive) will show that the suggestion of the mainstream model is within the limits of other models. (see Tables 1 and 2)

—limits of the other models—



Indirect Election Organisation Model	Electoral College	Nominating College	Election Committee	Election Commission
Group of 38		X		
Group of 89	X			
The University Graduates' Association		X		
Federation of Hong Kong & Kowloon Labour Unions			X	
Federation of Trade Unions				X
Outstanding Young Persons' Association	X			
Hong Kong Chinese Civil Servants' Association	X			
Progressive Society of Hong Kong	X			
Hong Kong People's Association	X			
Mainstream model	X			

Table 2: Various proposals on the form of indirect election organisation for the first Chief Executive

3. Mechanism and time limit for the transition to the selection of the Chief Executive by general election
  - 3.1 The Group of 190 proposes that starting from the first term, the Chief Executive be selected by general election. As for other models, some kind of mechanism is advocated



(e.g. timetable and trigger point) to determine the transition to the selection of the Chief Executive by general election. (see Table 3)

- 3.2 The Group of 38 proposes that starting from the second term, the nominating college for Chief Executive candidates be elected within the second year of the term of office of the preceding Chief Executive. The nominating college shall prepare a list of candidates for the post of Chief Executive. Then the Chief Executive shall be elected by referendum and appointed by the Central People's Government.
- 3.3 The University Graduates' Association objected to electing the Chief Executive by an electoral college. The Association proposes setting up a nominating college (which shall include all Legislative Councillors as well as the Hong Kong deputies to the NPC and Hong Kong members of the National Committee of the CPPCC). Each candidate for the post of the Chief Executive must have the support of one-eighth of each of the two types of members of the nominating college. The Chief Executive shall be selected by direct election with universal franchise and appointed by the Central People's Government.
- 3.4 The Federation of Trade Unions proposes starting from the third term, the Election Commission responsible for electing the first and second Chief Executive shall become the Nominating Committee for Candidates for the Chief Executive. Each candidate for the post of Chief Executive must be nominated by 10 members and supported by at least half of the members of the Committee. The nominees with the highest number of votes (not more than 5 nominees) shall become the final candidates who shall stand for a territory-wide election on a one-person-one-vote basis. The Chief Executive thus elected shall be appointed by the Central People's Government.
- 3.5 The Group of 89 proposes adopting the trigger point mechanism to determine when the Chief Executive shall be selected by general election. When half of the eligible voters have cast their votes in an election to the legislature, the mode of election of the Chief Executive may be changed to one on a one-person-one-vote basis. When this trigger point is reached for the first time, the consent of two-thirds of the members of the legislature and the Chief Executive is still required in order to introduce direct election for the next Chief Executive. If consent is not given at this time and the trigger point is reached in a subsequent election, the system of one-person-one-vote for the selection of the Chief Executive will be implemented automatically. Hence, in Table 3, the proposal of the Group of 89 falls under the category of "trigger point" occupies the columns from "the second term" to "no time limit", that is, direct election of the Chief

Executive may be introduced in any term subsequent to the first term (provided that the trigger point is reached and the consent of the legislature and the Chief Executive is obtained.)

- 3.6 The Progressive Society of Hong Kong proposes that modifications be introduced in the light of the actual situation and in accordance with the principle of gradual and orderly progress so that general election of the Chief Executive may be introduced between the third and the fifth terms. But the decision to change from indirect election to general election must be reached with the endorsement of a two-thirds majority of the legislature and the consent of the Chief Executive, and then reported to the NPC for approval.
- 3.7 The Hong Kong Chinese Civil Servants' Association and Hong Kong People's Association advocate that the Chief Executive should continue to be selected by an electoral college and they do not have any proposal on the mechanism for the transition to the selection of the Chief Executive by general election, hence their proposals are not listed in Table 3.
- 3.8 It is suggested in the mainstream model that a referendum should be held during the term of office of the third Chief Executive to decide whether the Chief Executive should be selected by general election from the next term onwards. If the result of the referendum is negative, a referendum should be held every ten years until the result of the referendum shows that the people of Hong Kong agree that the Chief Executive should be selected by general election.

Mechanism	Term					
	1st term	2nd term	3rd term	4th term	5th term	No time limit
Timetable		Group of 38	Progressive Society of Hong Kong			
		University Graduates' Association				
	Group of 190	Federation of HK & Kowloon Labour Unions	Outstanding Young Persons' Association			
			Federation of Trade Unions			
Trigger point		Group of 89				
Referendum		Mainstream model				

Table 3 Mechanism and time limit for the transition to the selection of the Chief Executive by general election as proposed in various models

Note : For models advocating the timetable mechanism, the terms shown in the table refer to the time when general election should be introduced. For models advocating the trigger point and referendum mechanism, the terms shown in the table refer to time when the mechanism should be applied but not the time when general election should be introduced. If the result of mechanism shows that general election is supported, then general election should be introduced in the next term following term in which the mechanism is applied (or appears). If the result is negative, the mainstream model advocates that when mechanism is next applied and the result is positive, general election should only be introduced in the following term whereas the model of the Group of 89 proposes that when the mechanism next appears, general election should be implemented automatically.

3.9 It is seen from Table 3 that the various models (except that of the Group of 190) accept that general election should be introduced some time between the second and fifth terms. Although there is no ultimate time limit for the introduction of general election in the model of the Group of 89 and the mainstream model, the possibility of introducing general election some time between the third and fifth terms is not ruled out in the former model (as it depends on when the trigger point will be reached) while the latter model does not rule out the possibility of introducing general election for the selection of the Chief Executive from the fourth term onwards.

3.10 Hence, if the majority of the models propose general election of the Chief Executive be introduced some time between the second and fifth terms while the mainstream model proposes the fourth term be the starting point, the proposal in the mainstream model is not outside the limits of the various models but rather tends to be conservative.

4. Popularly elected elements in the first term of the legislature

A survey of the various models will show that the proportion of popularly elected members of the first legislature ranges from 25% to no less than 50%. The proportion of popularly elected elements as proposed in the mainstream model is 27%, which is within the scope of the various models (Table 4).

Proportion of popularly elected members	25%	27%	30%	33.3%	40%	> 50%
Model						
Group of 89	X					
Federation of Trade Unions				X		
Mainstream model		X				
Hong Kong People's Association			X			
Hong Kong Chinese Civil Servants' Association			X			
Outstanding Young Persons' Association				X		
Group of 88				X		
Progressive Society of Hong Kong				X		
Federation of Hong Kong & Kwoloon Labour Unions					X	
University Graduates' Association					X	
Group of 130						X

Table 4 Popularly elected elements in the first term of the legislature

5. Popularly elected elements in the second term of the legislature

In the majority of the models, it is proposed that the proportion of popularly elected members of the legislature should be progressively increased. The mainstream model proposes that the proportion of popularly elected members of the legislature should be increased from 27% in the first term to 38.5% in the second term and then to 50% in the third term. For the second term, the proposed proportion in the various models ranges from 25% to 60% while the proposed proportion in the mainstream model is a median percentage of 38.5 (see Table 5).

Proportion of popularly elected members	25%	30%	33.3%	38.5%	40%	> 50%
Model						
Group of 89	X					
Hong Kong Chinese Civil Servants' Association		X				
Hong Kong People's Association		X				
Outstanding Young Persons' Association			X			
Progressive Society of Hong Kong			X			
Group of 38			X			
Mainstream model				X		
Federation of Trade Unions					X	
Federation of Hong Kong & Kowloon Labour Unions					X	
Group of 190						X
University Graduates' Association						X

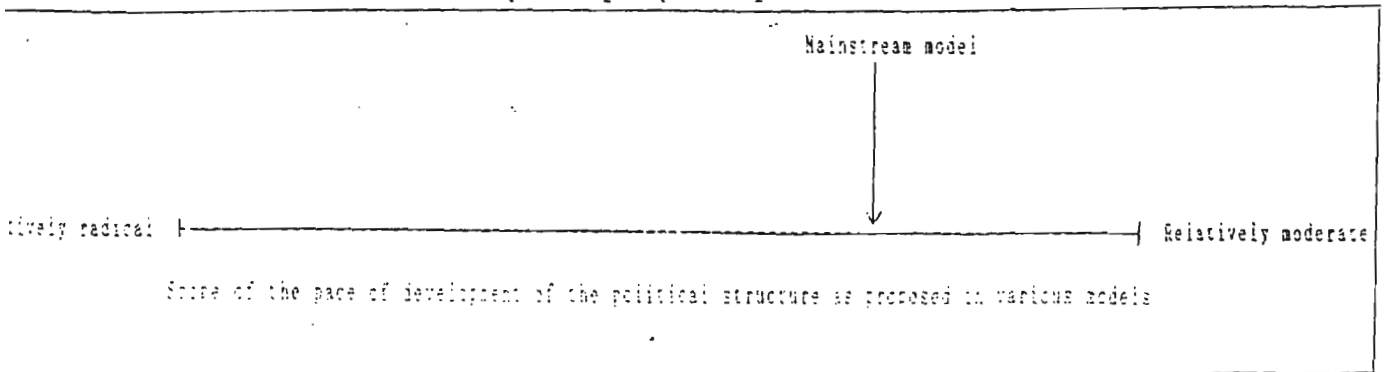
Table 5 Popularly elected elements in the second term of the legislature

## 6. Conclusion

6.1 It is seen from the above analysis of the mainstream model and its comparison with other models that the mainstream model is the product of assimilating the characteristics and spirit of the majority of the models. The common characteristic of the various models is the adoption of the principle of gradual and orderly progress towards a democratic political system. The ultimate goal is to bring about a truly democratic and open political system to Hong Kong. It is on this basis that the mainstream model is devised.

6.2 The various proposals in the mainstream model were laid down according to the several points of consensus reached at the "round-table meeting": The Chief Executive shall be selected by election and appointed by the Central People's Government. The election of the Chief Executive shall be democratic and shall be the responsibility of a widely represented election commission and it shall be up to the public to decide whether there will be general election from the fourth term onwards. The Chief Executive candidate must be supported by no less than 100 members of the election commission before he can be nominated and there must be adequate democratic elements in this nomination process. The legislature will be constituted by mixed election at the initial stage with a progressive increase in the proportion of popularly elected members. The development shall be directed towards an adequately democratic election process and finally the decision as to whether all members of the legislature will be popularly elected from the fifth term onwards shall be decided by the people of Hong Kong.

6.3 Although the various models share common characteristics and a common spirit, there are different proposals on the pace of democratic development. In this respect, the mainstream model proposes a moderate pace of development to achieve democracy step by step (see Table 6).



\* If there is any discrepancy between the Chinese and the English versions, the Chinese version shall prevail.