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How to elect the chief executive
of the future Hong Kong SAR
government. [1986].

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How to elect the Chief Executive
of the Future Hong Kong SAR Government

A proposal by the Business and Professional Group
of the BLCC

1. Introduction

In the Preliminary Proposal dated 18th August 1986 for the Future Hong Kong SAR Government Structure, the Business and Professional Group of the BLCC Members proposed, inter alia, that "the Chief Executive be elected by an Electoral College of over 600 people subject to a nomination procedure to be worked out later". The purpose of this paper is to describe the nomination procedure and method of composition of the Electoral College.

2. The Objective

The method proposed for the nomination procedure is intended to further the prime objective of the Preliminary Proposal, which is to "maintain an environment in which Hong Kong and all its people can continue to enjoy prosperity and stability. While it (the proposed structure of the future Hong Kong SAR Government) reflects the thinking of a number of business and professional people, it is designed to be a government system that works for the welfare of all Hong Kong people. We believe that an environment conducive to business operating efficiently is a vital element in the overall well being of all Hong Kong people in future."

3. The Chief Executive

The Chief Executive of the future Hong Kong SAR Government will perform two roles - ceremonial head of the Government and leader of the Executive Authority.

The group proposes that three candidates be nominated by a Nomination Committee of the Electoral College and a Chief Executive elected for a term of 4 years by a vote of the full Electoral College. He is eligible for re-nomination and election to a second term but is subject to a two-term limit.

As to the electoral method, it is proposed that the Chief Executive be elected by an absolute majority of the Electoral College. If this is not obtained on the first ballot, the two candidates with the most votes will run in a second election.

3.1 Election of the Chief Executive

The Chief Executive is to be elected by an Electoral College which includes members of the Legislature, representatives of the Urban Council, Regional Council and District Boards, and from a wide cross section of Hong Kong people, broadly representative of all sectors. The total membership shall consist of:

a) Legislative Council	80
b) Statutory Bodies and Permanent Non- Statutory Bodies.....	50
c) Urban Council, Regional Council and District Boards	50
d) Social, Charitable and Sports Organizations	60
e) Professionals	60
f) Labour	60
g) Industrial Community	80
h) Commercial Community	50
i) Financial Community	50
j) Religious/Educational Community	30
k) Civil Service	<u>30</u>
	600
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Rationale:

1. Of all the options available, it is the system most likely to preserve the separation of the Powers of the Executive from the powers of the Legislature.

(a) More specifically, the separation of powers of the Executive from the Legislature is preserved by the proposed system as the Chief Executive is to be elected by a broadly based Electoral College, of which the Legislature comprises less than 15%.

(b) On the other hand, the Chief Executive remains accountable to the Legislature thus the whole of the Executive Authority continues to be subjected to the checks and balances of the Legislature.

(c) The Electoral College system minimises the tendency for confrontational politics which would be more likely to result from other systems of election.

2. The proposed system, while avoiding party politics, does allow the selection of the Chief Executive by the Hong Kong people through balanced representation from all sectors of society.

3.2 Nominating Procedure

Members of the Electoral College are to elect, say, 20 members amongst themselves to constitute a Nomination Committee which shall obtain nominations to fill the vacancy of the Chief Executive. The Nomination Committee shall act as a search team, a body to receive recommendations and applications and to vet candidates. They shall nominate three candidates, each of whom is considered suitable in every respect to be the Chief Executive of the Hong Kong SAR. As members of the Nomination Committee, they are not eligible to be candidates themselves, nor to vote when the selected candidates are voted upon by the Electoral College.

Rationale:

- (1) The group believes that confrontational party politics are detrimental to Hong Kong. The mechanism proposed will most effectively and objectively seek out suitable and best possible candidates, even if they themselves have not actively sought office.
- (2) Being ineligible for the office of Chief Executive or to vote at the Electoral College, the committee members will be able to preserve a high degree of objectivity in selecting candidates.

4. The Mechanism For Structuring The Electoral College

Even before July 1997 it will be necessary to establish the Electoral College in order to elect the first Chief Executive of the SAR Government. The precise constituents of each category within the Electoral College can be determined by one of the two ways:

- (a) As the general principle of the Electoral College will have to be dealt with by the Basic Law Drafting Committee, a separate BLDC sub-group (possibly the sub-group dealing with the constitution) should remain in existence until 1997 in order to determine the precise constituents of each category of the Electoral College, or

(b) Because the Joint Declaration stipulates that the British and Chinese Governments will be responsible for ensuring a smooth transfer of government in 1997, the detailed composition of the Electoral College should be dealt with by the Joint Liaison Group as representing the two Governments charged with transitional responsibilities.

After 1997 any changes in the composition within each sector of the Electoral College will be the responsibility of the Hong Kong SAR Government itself.

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工商專業界諮委
有關選舉
未來特別行政區政府
行政長官的建議

1. 引言

今年八月二十一日，工商專業界諮委發表了「未來香港特別行政區政府架構芻議」。「芻議」包括「建議由六百人以上組成的選舉團投票選舉產生行政長官，并容後提議訂定提名方法……」。有關選舉團的提名過程及組成方式，本文將作進一步闡釋。

2. 目標

建議中的提名過程，務求貫徹「芻議」的目標，亦即「必須維繫一個令香港及全體市民得以續享繁榮安定的環境。該架構反映部分商界及專業人士的看法，但其設想是創建一個為全港市民謀福利的政府架構。我們相信一個便於有效商業運作的環境，就是日後香港全體市民整體利益的一個重要因素」。

3. 行政長官

行政長官將擔當兩個角色：既是特別行政區政府禮節上的元首，亦為行政機關的領導人。

我們建議，行政長官由選舉團轄下一個「提名委員會」提名，然後經由「選舉團」選舉產生。任期為四年，任滿可再接受提名，連選可連任，但只能連任一次。

選舉方式方面，我們建議行政長官須獲得絕對多數票支持。假如首輪投票中未能產生絕對多數票，獲最高票數的兩位候選人將在次輪投票中再次競選。

3.1. 選舉行政長官

行政長官由「選舉團」選出。「選舉團」包括立法機關成員、市政局、區域議局及區議會代表，以及香港各階層界別市民的代表，務使選舉團有廣泛代表性。「選舉團」的成員分別來自：

1) 立法機關	80 人
2) 法定團體及永久性非法定團體	50 人
3) 市政局、區域議局及區議會	50 人
4) 社會服務、慈善及體育團體	60 人
5) 專業人士	60 人
6) 勞工界	60 人
7) 工業界	80 人
8) 商界	50 人
9) 金融界	50 人
10) 宗教／教育界	30 人
11) 公務員	<u>30 人</u>
	共 <u>600 人</u>

理 由

1. 比較所有其他同類建議，這個制度最能產生獨立的行政機關及立法機關。

a) 具體而言，由於行政長官將由具有廣泛代表性的「選舉團」選出，而立法機關成員只佔「選舉團」總人數百分之十五以下，行政機構與立法機關，將可達到權力均衡。

b) 另一方面，行政長官須向立法機關負責，故此行政機關及立法機關之間的權力，亦可收互相制衡之效。

c) 「選舉團」制度有別於其他選舉方式，可減低產生對抗式政治的機會。

2. 以上建議一方面可避免黨派政治，又可經由足以代表社會各階層的「選舉團」選舉產生行政長官。

3.2. 提名過程

「選舉團」成員互相推選約二十人，組成「提名委員會」。「提名委員會」的職責為物色及遴選三名在各方面條件都合適的行政長官候選人。「提名委員會」成員本身不得競選行政長官，擔任「提名委員」後亦不可再在「選舉團」選舉行政長官時投票。

理由

1. 我們覺得黨派對抗式政治對香港有損無益，因此建議開闢有效的途徑，以物色及遴選理想候選人，即使他們不主動爭取競選，亦可提名他們候選。

2. 由於「提名委員」不能候選，「提名委員會」可更客觀地物色最理想人選。

(第三頁)

4. 選舉團的組織及運作

第一個選舉團須於一九九七年七月前成立，以便選出首任香港特別行政區行政長官。「選舉團」的具體組織成份可以由下列兩個方法其中之一決定：

a) 由於「選舉團」的一般規則仍有待「基本法起草委員會」訂定，因此建議在「基本法起草委員會」以下成立一個小組，工作期限直至一九九七年，以決定「選舉團」的具體組織成份。或

b) 由於聯合聲明指明中英兩國政府確保一九九七年政權的順利交接，「選舉團」的具體組織成份應由中英聯合聯絡小組負責。

一九九七年後，「選舉團」每一環節的組織成份如有需要作任何修改，應由特別行政區政府負責。

(完)