

# 民間民情報告

公民社會聯合行動

2015年2月17日初版

2015年3月3日再版

(增加重點節錄)

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# 民間民情報告

## 重點節錄

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## 1. 撰寫民情報告原因

2014年9月底至12月中，香港發生了史無前例的佔領運動爭取普選。期間香港特區政府為了化解危機，曾與「香港專上學生聯會」（「學聯」）代表會面，並提出建立「政改多方平台」和撰寫「民情報告」，就2014年8月31日人大常委會通過《全國人大常委會關於香港特別行政區行政長官普選問題和2016年立法會產生辦法的決定》後的民情變化向中央政府反映。

然而，自特區政府與「學聯」對話終止後，佔領運動陷於膠著，令人擔心事態往後的發展，包括能否和平及妥善解決政改爭拗。有見及此，一群活躍於公民社會的人士以個人或團體名義發起「公民社會聯合行動」（「聯合行動」），希望深化理性討論，讓民主運動持續發展。有關行動獲得一批公民社會組織支持。（有關發起人及團體請參見報告附件二）

「聯合行動」透過建立「民間多方平台」，在添馬公園及其他地區舉行多場公民論壇，建立公共交流空間，讓市民大眾共同參與政改討論。此外，「聯合行動」亦決定撰寫《民間民情報告》，記錄和分析有關政改的民情發展。

「聯合行動」的決定，引起了傳媒關注。特區政府亦在傳媒追問下，宣佈撰寫「民情報告」，但日程未定。2014年12月中佔領行動結束後，泛民政黨議員率先於12月30日發表了《香港最新民情報告》，而特區政府亦於2015年1月6日正式發表名為《近期香港社會及政治情況報告》的「民情報告」（「政府民情報告」）。

「政府民情報告」收錄了香港自2014年8月31日至12月15日與政制發展相關的事件，以及社會各界表達的意見及訴求，內容包括事件羅列、團體聲明及民意調查。

不過，「政府民情報告」並未滿足社會的期望，因為報告只集中收錄2014年8月31日至12月15日期間的民情事項，時限有所不足，內容未夠全面。政府報告沒有分析各種民情的成因和處理方法，未能善用政府報告的優勢。「聯合行動」於是以此為鑑，繼續撰寫《民間民情報告》，希望可以更加全面地紀錄有關民情的發展，深化理性的討論。《民間民情報告》從多方面紀錄香港在首輪政改諮詢結束至第二輪政改諮詢開始期間（2014年5月4日至2015年1月7日，下稱「研究時期」）的民情發展，包括收集民意調查、全民投票、簽名運動、遊行示威及相關法庭案件資料。「聯合行動」將來可能另行紀錄參與佔領人士和一般市民對民主發展的期望。以下是《民間民情報告》的重點：

## 2. 民意調查：觀察與分析

**社會因佔領運動呈現兩極分化：**不同的民意調查顯示，在佔領行動發生後，雖然絕大部分時間都是反對佔領行動的市民比支持者多，但支持與反對的市民都各佔社會一定比例，加上社交媒體在佔領運動期間的影響，令香港社會在這個議題上呈現兩極走勢。親戚朋友以致家庭成員因對佔領運動意見不同而互相疏遠者似乎為數不少。

**市民在爭取民主時亦會考慮政治現實：**多份民調顯示，一直以來香港市民也了解中央政府在政改議題上有話語權。縱然不一定有多數人支持人大常委「八三一決定」，但若最後可以「一人一票」普選特首，也有一定數量市民認同「袋住先」。

**警民關係於佔領運動後十分緊張：**民意調查反映市民並不認同警察使用武力驅散示威者。在佔領運動後，有民調顯示市民對警察評分下降。經過廉政公署和香港警察多年的努力，警隊擺脫了貪污的形象，成為市民心中除暴安良的伙伴。但在佔領行動期間，警察被用作解決政治問題的工具，把公民抗命的示威者當作暴徒，令警民關係跌至新低，極待修補。警隊變成政治磨心，當權者難辭其咎。部份示威人士把警員視作政治爪牙，亦屬不當。媒體報導有黑道利益涉及其中，亦須警惕。



**支持佔領運動以高學歷在職人士為主：**多個在佔領期間進行的民意調查顯示，雖然發起是次佔領行動者是「學聯」及「學民思潮」兩個學生組織，但很多佔領人士反而是年青（20-40 歲）和高學歷（大專或以上）的在職人士，當中相當部分具專業背景。（詳參本報告第三章）

### 3. 遊行集會：觀察與分析

**大批市民對人大常委「八三一決定」感到不滿：**從 2014 年的七一遊行、人大常委八三一決定後的罷課集會、以致及後大量市民以不同方式支援佔領行動可見，不少市民希望在 2017 年落實真正普選，讓港人可以選出自己的特首，落實「港人治港，高度自治」。市民願意付出時間站出來遊行和集會，部分更加留守在佔領區內多日，以表達要求真正普選的訴求，這些民意都是實實在在、有血有肉的。

**大批市民對警察使用武力驅散支持佔領行動的示威者感到不滿：**「佔領中環」作為一種爭取普選的手段，自提出概念開始便引起爭議，從「『保普選反佔中』大聯盟」的遊行可見，若干市民不希望發生佔中。然而，當佔領行動於 9 月 28 日凌晨啟動後，警察為了驅散在馬路的示威人士，短時間內出動催淚彈及顯示長槍後，不但沒有成功驅散示威者，翌日更有大批市民前往佔領區域加以聲援。

**有關政改的民意漸呈兩極走勢：**從遊行集會舉行的月份和日子可見，當爭取「真普選」的民眾以遊行集會表達意見後，在同一日或極短時間內便有持相反意見的民眾遊行集會以示反對。本來，各自表述並無不可，但不少「為反對而反對」的群眾行動，都極具挑釁，衝著對方群眾而來。這種以群眾對抗群眾的鬥爭方式，只會撕裂社會、激化矛盾，引起暴力衝突，造就混水摸魚之徒，非香港之福。

**表達訴求的形式愈來愈多元化：**在研究時期內，除了較為傳統的馬路遊行示威外，市民亦開始使用其他方式表達對「真普選」的訴求，例如以毅行方式在全港宣傳爭取「真普選」、以「購物」的名義聚集並撐起黃傘要求「真普選」的「鳩鳴團」、透過在香港不同的地方舉辦

小型音樂會宣傳「真普選」的「音樂串流」、利用不同的藝術品支持雨傘運動等。

**市民自發性愈來愈強：**過往的遊行、集會和示威，主要都是由政治組織發起，在佔領運動期間和及後的遊行示威，包括上述的「鳩鳴團」，愈來愈多是市民自發和透過網上號召而成為事實的。（詳參本報告第四章）

#### 4. 簽名運動：觀察與分析

**簽名運動未夠透明：**「『保普選、反佔中』大聯盟」（「大聯盟」）沒有公開所有個人簽名的名單，或邀請中立人士監察或核實簽名過程和紀錄，異於一般具名聯署行動，簽名數字難以核實。另外，亦有報章報導有親建制公司強行要求下屬提交簽名，令簽名人士的自發性存疑。如果「大聯盟」能夠對以上質疑提供更好解答的話，相信將會大大提高兩次簽名運動的可信性。

**官員參與民間簽名運動錯置角色：**政府官員包括特首梁振英、部分問責高官高調支持參與反佔中團體的簽名活動，在民意嚴重分歧的情況下沒有擔起從中調停的角色，有損政府官員中立的形象，亦無助社會達成共識。

**聯署行動開始多元發展：**佔領運動前後，不少專業人士發起個人聯署，中學學生和中學校友亦甚活躍。有公務員團體聯署反對佔中，但亦觸發部分公務員以個人名義以聯署質疑聯署。這些多元觀點，不論是自發還是動員出來的，只要是具名可追，憑良心說實話，社會應予尊重。（詳參本報告第五章）

## 5. 民間投票：觀察與分析

**官方不會舉辦全民投票：**從中央及特區政府對全民投票的態度來看，由政府舉辦的全民投票，哪怕是沒有約束力的參考性質投票，也會因為種種政治考慮而不會成事。不過，特區政府也沒有理由和權力阻止以文明理性、保障私隱為基礎的民間全民投票活動。

**引入全民投票解決社會紛爭：**早於 1992 年，香港社會已經開始研究和測試「全民投票」的概念。及至 2005 年 2 月，由一群學者組成的「全民投票研究組」就有關香港全民投票發展進行研究，其研究結論肯定了全民投票在香港實踐的可行性。文中提到：「全民投票可以填補現時不民主政制的不足，亦可以促進香港的民主發展。即使基於政治考慮，政府不欲推行有法律效力的官方全民投票，推動民間的全民投票，也有其積極的意義。」<sup>1</sup>。回歸以後，香港市民也經歷過以「公民投票」形式舉行的大型運動。即使香港沒有公投法，在過去的二十多年間，香港市民對全民公投的概念和操作已不再陌生。中央和特區政府其實無須把全民投票視作洪水猛獸。全民投票本身是一個非常有彈性和擁有很大塑造空間的制度。政府的憂慮可以透過制度的設計加以解決。

**民間全民投票不等同主權表決：**民間全民投票雖然沒有法律效力，卻是一種可以讓市民和平理性地表達意見的一種方法，與一般民意機制無異。而「全民投票」這概念實在不應成為社會的禁忌，亦不用把它等同主權表決。其實，不一定是主權國家才可以用全民投票作政策決定，例如美國不少州、市或鎮都有機制可以讓公民發動地區全民投票決定地區上的重要事項。投票完畢後，這些州或市亦沒有因此變成獨立國家<sup>2</sup>。

**全民投票有助提升公民討論政改的素質：**當今香港社會就政改議題的討論存在嚴重分歧，政府的管治變得舉步為艱時，若果特區政府能夠釋出善意，抱著開放的態度，好好利用「6.20 – 6.20 民間全民投票」的經驗，把民間全民投票制度視作一種和平表達民意的形式，並在政改

<sup>1</sup>全民投票研究組（2005），「香港有足夠條件推行全民投票」，取自網址 <http://hkupop.hku.hk/chinese/columns/columns76.html>

<sup>2</sup>馬嶽（2004），「公投和獨立何干？」，《明報》，10月28日，A30版

討論的過程中加入慎思民主的元素，讓廣大市民在民間投票前先就政改的問題作深入討論，以確保他們的決定是經過心思熟慮而作出的。這種處理方法，一則有助社會解決紛爭，二則有助公民議政素質，長遠而言有利香港發展。（詳參本報告第六章）

## 6. 法院案件：觀察與分析

### 公法：司法覆核案件

香港政府在過去沒有建立一套完善、公平、公開的諮詢方式和程序，也沒有固定的諮詢模式。在這種情況下，特別是在推行有重大社會分歧或關乎到重大公眾利益的議題時，政府的諮詢工作很易受到挑戰。因此，特區政府若果能夠在第二輪政改諮詢時先定下一些基準<sup>3</sup>，把分析民意的方法做到公開透明，不在諮詢前隱藏既定立場，才能重建市民對政府的信任，提高諮詢報告的合法性和正當性。在這個極具爭議的課題上，特區政府須要多加誠意和努力去尋求社會共識，並確保不同持份者的意見都會被充份考慮。

### 私法：禁制令案件

禁制令及小額錢債案件反映市民開始依賴法律程序去處理政治問題。處理政治問題本應屬於政府行政部門的職責，市民把政治爭拗帶到法院，是因為我們的行政機關出現問題，未能妥善履行應有的責任。如果政府繼續利用市民之間的各種爭執製造輿論，達到政治目的，則社會分化會更加嚴峻，管治更加困難。

政府其實可以建構一個多方商討平台，吸納不同聲音，透過理性商討尋求共識。當然，政府也要檢討現行的諮詢制度，建立起一套專業和公平的諮詢方法，制定更加近民意的政策。（詳參本報告第七章）

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<sup>3</sup> 可參考：The UK government, *Consultation principles: guidance* (5 Nov2013)，<https://www.gov.uk/government/publications/consultation-principles-guidance>，2015年2月9日登錄；OECD, *Background Document on Public Consultation*，<http://www.oecd.org/mena/governance/36785341.pdf>，2015年2月9日登錄；Department of Justice Canada, *Policy Statement and Guidelines for Public Participation*

## 7. 結語

2014年9月底至12月中發生的「佔領運動」，突顯了香港社會的深層矛盾。這些矛盾源自不少中央官員與香港市民對「一國兩制」的不同理解，顯露於內地與香港存在已久的文化差異。香港人期望在「一國兩制」下維持一貫的生活方式和核心價值，希望更加民主。不少香港人尤其是年青人對政府管治長期不滿，在「佔領運動」中更因催淚彈等升級武力而激化。政府以外國勢力操控來解讀這場運動，完全沒有正視市民對政改公正的要求和對普世價值的嚮往。

特區政府在2014年7月向人大常委會提交的第一階段政改諮詢報告，沒有就香港社會的深層矛盾提供分析和化解方法，亦增加市民對政府及現有政治制度的不滿。特區政府過去沒有建立一套完善的諮詢方法，在重大議題下容易受到挑戰。特區政府若果能夠在第二輪政改諮詢時預先說明分析民意的的方法，才能重建市民的信心，提高諮詢報告的合法性和正當性。

從本報告收錄的多項民意調查可見，市民對政制發展的步伐分歧頗大，而政府的諮詢方式和程序，不但沒有拉近市民之間的距離，反而加深矛盾，令問題更尖銳化。我們認為，政府應以更有效的的方法聽取民意，尋求共識。多方討論平台可以是一個開始，而社會參與和開放透明程度亦須大幅提升。

政府處理遊行示威的手法，亦未能有效疏理社會不滿，反而令部分人士感到壓迫，形成更大及更激烈的對抗。政府機關，尤其是負責執法的警隊，在這方面應作改善。佔領行動期間，警隊變成政治磨心，當權者難辭其咎，但部分示威人士及市民把警員視作政治爪牙，亦屬不當。我們呼籲日後參與遊行示威的人士，必須堅持和平理性非暴力。而警方亦必須保持政治中立，嚴格遵守《警察通例》的規定，不容許警員「參與任何足以影響其公正執行職務的活動或任何可能使市民誤

會會影響其公正執行職務的活動」，或抱著敵視示威者的態度執行職務，要有效管理及疏導警員情緒，避免情緒失控影響專業執法。

行政機關的另一缺失，是政府官員包括特首和部分問責高官高調支持有強烈政治色彩的簽名活動，參與群眾對抗群眾的鬥爭，在民意嚴重分歧的情況下沒有擔起調停角色，無助社會達成共識。

香港近期出現不少群眾對抗群眾的活動，並非香港之福。本來，不同取向的民眾以遊行集會各自表達訴求，並無不可，但不少以反對為反對的群眾活動，形式極具挑釁，矛頭直指對方群眾。這種鬥爭只會撕裂社會、激化矛盾，造就混水摸魚之徒。

當今香港社會就政改發展存在嚴重分歧，政府管治舉步為艱。公民社會近年以慎思民調和民間投票作為深入了解民意的工具，一則為市民提供和平理性表達意見的機會，二則提升公民議政素質，長遠而言有利香港發展。政府及立法會應積極參考有關結果，以助社會解決紛爭。

公民社會對社會發展作出了很大貢獻，但一直以來都較少參與政治，和較少對政制發展提出意見。為使政府決策能夠更好地回應市民的訴求，公民社會團體應該更加積極對政府施政提出意見，並且加強內部民主化，讓成員有更多機會參與其中。政府和政黨亦應加強與公民社會團體的合作，政府可以委任有代表性的公民社會團體，派遣代表加入政府諮詢架構，共同制定以民為本的社會政策。

— 完 —

# **The People's Public Sentiment Report**

## **Main Abstracts**

Civil Society Joint Action

3 March 2015

## **1. Reasons for Writing the Public Sentiment Report**

The unprecedented Occupy Movement striving for universal suffrage occurred in Hong Kong between the end of September and mid-December in 2014. With the aim to resolve the crisis in the midst of the Movement, the Hong Kong SAR government met with representatives from the Hong Kong Federation of Students (HKFS), and proposed to set up a multi-party platform for the continued discussion of the constitutional reform and to produce a public sentiment report. The purpose of these two proposals is to reflect to the Central Government the problems associated with the election of the Chief Executive by universal suffrage and the changes in public sentiment after the Standing Committee of National People's Congress (NPCSC) made "*The Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016*" on 31st August 2014.

However, with the termination of dialogue between the SAR Government and HKFS, the Occupy Movement dragged on, and raised concerns over how the situation would develop, including whether various disputes over the constitutional reform can be resolved in a peaceful and proper way. As a result, several individuals and groups active in civil society initiated the Civil Society Joint Action (CSJA), with the objective to promote in-depth rational discussions and to sustain the democratic movement. Various actions taken by CSJA since then have secured the support of a number of civil society organizations. (Please refer to **Annex II** for the list of individual and group initiators of CSJA)

Through setting up a "civil society's multi-party platform" and holding public forums in Tamar Park and other venues, CSJA has provided a public arena for exchange of views, allowing the public to engage in the discussion on the constitutional reform. In addition, CSJA has decided to compile a non-governmental *People's Public Sentiment Report* so as to record and analyze the evolution of public sentiment regarding constitutional reform.

This decision made by CSJA to produce the *People's Public Sentiment Report* attracted media attention. In the face of continued enquiries by the media, the SAR Government announced its decision to write up the promised public sentiment report, but the date of release was yet to be confirmed. After the Occupy Movement ended in mid-December 2014, the pan-democrats were the first to release a public sentiment report entitled *Hong Kong's Most Recent Public Sentiment Report* on 30th December, 2014. Subsequently, the SAR Government released a public sentiment report named *Report on the Recent*



*Community and Political Situation in Hong Kong* (hereafter “the government’s public sentiment report”) on 6th January, 2015.

The government’s public sentiment report contains information on the events related to constitutional development as well as the views expressed and petitions submitted by various sectors of the society during the period between 31st August and 15th December 2014. The report includes a chronology of events relevant to constitutional reform, statements by various civil society organizations, and findings of various public opinion polls conducted in the period.

However, the government’s public sentiment report fails to meet public expectation, because the time frame of the report which ranges from 31st August to 15th December 2014 does not allow a sufficient coverage of events, making its content less comprehensive. Also, the SAR Government has not taken full advantage of its position to analyse in its report various contributing factors to the development of public sentiments and offer its views on how to deal with them. This being the case, CSJA continued to write and complete the *People’s Public Sentiment Report*, in the hope that its report can record the development of all relevant public sentiments in a more comprehensive manner, and thus provide a basis for rational and in-depth discussions. The report is structured to include public sentiment from various aspects, including “public opinion polls”, “civil referendum”, “signature campaigns”, “protests and rallies”, and “relevant court cases”, with a time frame ranging from the end of the first round of consultation to the onset of the second round of consultation on constitutional reform (4th May 2014 and 7th January 2015, hereafter “the study period”). CSJA may later record the aspirations of both participants in the Occupy Movement and general public for democratic development in another report. The major points of the published *People’s Public Sentiment Report* are summarized as follows:

## **2. Public Opinion Polls: Observations and Analysis**

**Hong Kong Society has been bipolarized and divided due to the Occupy Movement:** While different public opinion polls have revealed that citizens opposing the Occupy Movement outnumbered supporters for most of the time after the start of the Occupy Movement, both camps of opponents and supporters make up significant percentages of the society. Coupled with the influence of social media during the Occupy Movement, these opposing views have bipolarized Hong Kong society. Many family members and friends have

grown distant with one another due to differences in opinion on the Occupy Movement.

**Citizens also consider political reality when fighting for democracy:** Many polls have shown that Hong Kong citizens have always understood that the Chinese Central Government has a decisive say in the matter of constitutional reform. While it is not certain that the majority would support the NPCSC's Decision on 31st August 2014, a considerable number of citizens would accept "pocket it first" if "one person, one vote" can be eventually achieved for the election of Chief Executive.

**Police-public relation have become very tense after the Occupy Movement:** Public opinion polls have revealed that Hong Kong citizens do not agree to dispensing protesters with the magnitude of force used by the Hong Kong Police. Some polls have shown a drop in rating given by citizens to the Police after the Occupy Movement. Over decades, the Independent Commission Against Corruption (ICAC) and the Police have made tremendous efforts to replace the corrupt image of the Police with one as a trustworthy partner in maintaining public order and fighting against violence in the eyes of the public. However, during the Occupy Movement, the Police was seen by the public as the apparatus to solve political problem, and protesters engaging in civil disobedience were treated as simply mobsters. This has driven the police-public relation to a record low level, and immediate reconciliation is desperately needed. The authorities should be held accountable for this as they turned the Police into a political grind. Nonetheless, the way in which some protesters treated policemen as political claws-and-teeth is also inappropriate. The involvement of triads as reported by the media has also raised concern.

**Supporters of the Occupy Movement are mostly well-educated and employed:** Many public opinion polls conducted during the Occupy Movement have shown that, although the Movement was initiated by the two student organizations, namely HKFS and Scholarism, most Occupiers are not students but young (20-40 years old) and well-educated (tertiary or above) working population. A significant portion of them are with professional background. (Please refer to **Chapter 3** for details)

### **3. Processions and Rallies: Observations and Analysis**

**A large number of citizens are dissatisfied with NPCSC's Decision on 31st August, 2014:** As demonstrated by the July 1st March in 2014, the Class Boycott Rallies after the NPCSC's Decision on 31st August 2014, and various

activities undertaken by a great number of citizens in support of the Occupy Movement, many citizens would like to see genuine universal suffrage implemented in 2017 so that the people of Hong Kong can elect their own Chief Executive and realize the goals of “Hong Kong people administering Hong Kong” and “a high degree of autonomy”. These people are willing to spend time on and take part in protests and rallies. Some have even stayed in the occupied areas for many days in order to demonstrate their demand for genuine universal suffrage. These public sentiments are real and alive.

**A large number of citizens are dissatisfied with the magnitude of force used by the Police in the dispersal of protesters who support the Occupy Movement:** As a strategy to fight for universal suffrage, “Occupy Central” has been controversial ever since this concept was first proposed. The processions staged by the “Alliance for Peace and Democracy” provided evidence that a number of citizens do not want to see Occupy Central happen. However, shortly after the start of the Occupy Movement in the early hours of 28th September, 2014, the Police deployed tear gas and displayed firearms in order to disperse protesters off the roads. Not only were these measures ineffective in dispersing protesters, they even provoked large numbers of citizens heading towards the occupied areas in support of the Movement in the following days.

**Public opinion regarding the constitutional reform has become increasingly bipolarized:** From the months and dates of which protests and rallies took place, it can be easily seen that immediately after a demonstration or rally held by supporters for genuine universal suffrage, protesters with opposing opinion would organize themselves to demonstrate and rally on the same day or shortly afterwards. While the expression of different opinions should not be faulted, many mass activities were undertaken simply for the sake of opposition, and they are extremely provocative in targeting the protesters of opposing views. The way in which protesters pit against each other can only serve to divide the society, aggravate conflicts, and lead to violent clashes. This would only benefit those who take advantages of unnecessary conflicts, which is the last thing Hong Kong needs.

**Ways of expressing public demands have become increasingly diversified:** During the study period, citizens have begun to use various ways of expressing their demands for genuine universal suffrage, apart from the more traditional street demonstrations and rallies. For examples, they trail-walked in different parts of Hong Kong, gathered as “shoppers” and hold up yellow umbrellas, organised mini concerts in various venues across Hong Kong to promote genuine universal suffrage in the name of “music streaming”, and engaged in different art forms to support the Occupy/ Umbrella Movement.

**Protest actions have become more spontaneous:** past demonstrations, rallies and protests were often initiated by political organizations, but during and after the Occupy Movement, more and more demonstrations and protests such as the aforementioned “shoppers” are the spontaneous acts of citizens in response to calls on the internet. (Please refer to **Chapter 4** for details)

#### **4. Signature Campaigns: Observations and Analysis**

**The transparency of signature campaigns is not enough:** unlike most co-signatory petitions, the Alliance for Peace and Democracy did not disclose publicly a full name list of all individual signatories, nor did it appoint an independent body to monitor or confirm the signing process and records in order to verify the actual number of signatories. Furthermore, there are reports by the media that some pro-establishment business companies asked coercively their employees to participate in the signature campaigns, which raises doubts over the authenticity of the will of signatories. If the Alliance could provide a better answer to the above queries, the credibility of their two signature campaigns would be greatly enhanced.

**Government officials misunderstood their role when signing the petitions:** Government officials, including Chief Executive CY Leung and several Principal Officials, openly gave support to the signature campaign organized by the Alliance for Peace and Democracy and signed the petitions. As a result, they failed to play the role of mediator in a time of deep divide in public sentiment, damaging the image of impartiality of government officials, which is not conducive towards reaching a consensus for the society.

**Co-signatory petitions demonstrate greater variety:** Around the time of the Occupy Movement, many professionals initiated co-signatory petitions, and many secondary school students and alumni were quite active as well. Several civil servant unions petitioned against Occupy Movement, but this in turn caused some civil servants, signing as individuals, to challenge the representativeness of their unions. The Hong Kong society should respect the variety of opinions, regardless of self-initiated or mobilized, as long as the signatories’ names are traceable, and their views are honestly expressed. (Please refer to **Chapter 5** for details)

## **5. Civil Referendums: Observations and Analysis**

**The authorities will not organize referendum:** It can be inferred from the attitude of both the Central Government and the SAR Government towards referendums that a government-held referendum, even one that is not legally binding and for reference only, will not happen because of political concerns. However, the SAR Government has neither the justification nor the authority to stop a civilized, rational and privacy-protected civil referendum organized by civil society organizations.

**Introducing civil referendums to solve social conflicts:** Back in 1992, Hong Kong society has already begun to study and test the concept of civil referendum. In February 2005, the Research Team on the Study of Referendums, which was composed of a group of scholars, began to study the development of civil referendums in Hong Kong. Their study results confirmed the feasibility of holding a civil referendum in Hong Kong. Quoting from the original article, “Referendum can fill the gap of the city’s current political system and be conducive to the development of democracy. Although the government is reluctant to initiate legally binding referendum because of political concerns, it is still worthwhile to encourage civil referendums in the society.” In fact, after the return of Hong Kong to China, citizens have also participated in large-scale movements in the form of civil referendum. Even without an ordinance specific for referendum in the city, Hong Kong citizens are no longer strangers to the concept and mechanism of civil referendums. The Central Government and the SAR Government do not need to treat civil referendums as if they were biting animals. A civil referendum itself is an extremely flexible and malleable system. The concerns of the government can be addressed in the design of the referendum mechanism.

**Civil referendum is not equivalent to a challenge to sovereignty:** Although civil referendum has no legal effect, it allows citizens to express their opinions in a peaceful and rational way, making it no difference from ordinary public opinion mechanisms. The concept of civil referendum should not become a social taboo, nor do we need to equate it to a challenge to sovereignty. In the practices worldwide, not just sovereign states have used civil referendum as a means of policy consultation. For example, many states in the United States have mechanisms that allow citizens to invoke referendums when a decision important to the region is to be made. None of these states or cities became independent after completion of voting.

**Civil referendum helps improve the quality of civil discussion over constitutional reform:** At present, there are substantial divide in Hong Kong society in the discussion of constitutional reform issues, and governance is

becoming more and more difficult. If the SAR Government can adopt a friendlier and more open approach to the experience gained from the 6.20-6.29 Civil Referendum held in 2014, it can treat civil referendum voting system as a means of peaceful expression of public opinion, and thus add an element of deliberative democracy to the constitutional reform process. This would facilitate citizens from all walks of life to engage in an in-depth discussion over the issue of constitutional reform before they cast their votes in the civil referendum, thus ensuring that their decisions are made with prudence. This method would help resolve conflicts within the society, improve the quality of civil discussion on political issues, and contribute to the long-term development of Hong Kong. (Please refer to **Chapter 6** for details)

## **6. Court Cases: Observations and Analysis**

### **Public law: Judicial reviews**

One relevant judicial review application has reminded us that the SAR Government has never set up a complete, fair, and open set of consultative methods and procedures, and there was no fixed mode of consultation. Under these conditions, the government's consultative work has been easily challenged, especially over issues with great divisions in society or those involving major public interests. For this reason, if the SAR Government can lay down the criteria it would use to analyse public opinion during the second round of consultations for constitutional reform, and make it transparent rather than concealed, it can restore public confidence in the government, and enhance the credibility and legitimacy of the eventual consultation report. In handling this extremely contentious issue, the SAR Government must be fair and sincere in acknowledging differences in views and make additional efforts in promoting open and rational dialogue, with the view of seeking consensus in the society, as well as ensuring that the views of different stakeholders have been fully taken into account.

### **Private law: Injunctions**

Injunctions and small claims cases reflect the fact that citizens begin to rely on legal procedures to deal with political issues. As it is the duty of the executive arm of government to deal with political issues, the fact that citizens are bringing political arguments into the court demonstrates the failure of the executive authority in discharging its rightful duty. If the government continues

to exploit the strong and opposing views between citizens in order to manipulate public opinion for political purposes, social division will be exacerbated and governance will become more difficult.

The government may consider setting up a multi-party platform in order to collate different views and search for a community-wide consensus through rational discussion. Certainly, the government should also review its current consultation mechanism, and establish a professional and fair consultation method so that it can develop policies more attuned to public opinion. (Please refer to **Chapter 7** for details)

## **7. Conclusion**

The Occupy Movement that occurred between the end of September and mid-December 2014 highlighted deep-rooted conflicts in the society of Hong Kong. These conflicts stem from different interpretations of “One Country, Two Systems” by the Central Government officials and Hong Kong citizens respectively, revealing long-existing cultural differences between Mainland China and Hong Kong. The people of Hong Kong wish to maintain their long cherished way of life and core values under “One Country, Two Systems”, and aspire for greater democracy. Many people of Hong Kong, in particular the younger generation, have long been dissatisfied with the current governance, and these emotions were further aggravated by the escalated use of force, such as tear gas in dealing with the protesters. The government’s interpretation of the Occupy Movement as manipulation by foreign powers is a complete failure to acknowledge the citizens’ fair demands for constitutional reform and their aspiration for universal values.

The report on the first round of consultations submitted by the SAR Government to NPCSC in July 2014 did not provide an analysis of the deep-rooted conflicts in Hong Kong society and did not offer a solution, which consequently caused greater public resentment against the government and the current political institution. In the past, the SAR Government has never set up a complete set of consultative methods and procedures, subjecting the government’s consultative work to easy challenge. The problem is particularly serious when it comes to major issues. If the SAR Government is able to explain in advance what methods it will use to analyse public opinion in the second round of consultations, it can restore public confidence and increase the credibility and legitimacy of the eventual consultation report.

From the many public opinion polls included in the *People's Public Sentiment Report*, citizens have shown tremendous differences in opinions towards the pace of constitutional reform. The government's existing consultative methods and procedures not only fail to bridge the gaps between citizens of different views, but they also exacerbated the conflicts, making the two sides more confrontational. We believe that the government should deploy a more effective method to listen to public opinion in search of a consensus. Multi-party discussion platforms could be a good place to start, and social participation along with openness and transparency must also be greatly increased.

Moreover, the way the government dealt with demonstrations and protests was ineffective in easing dissatisfaction in society. In contrast, it led to increased tension between certain groups of people, which created more heated confrontations. The authorities must be held accountable for the Police being turned into a political grind. It is certainly not appropriate for some protesters to regard policemen as political claw-and-teeth either. We urge participants in future demonstrations and protests to act peacefully, rationally and non-violently. At the same time, the Police must remain politically neutral, abide strictly by the regulations stipulated in the *Police General Orders*, forbid any policeman from participating in "any activity which is likely to interfere with the impartial discharge of his/her duties, or which is likely to give rise to the impression amongst members of the public that it may so interfere", or carry out his/her duties with a hostile attitude towards protesters. Police management should be effective and resolve any emotional problems of individual officers that may affect professionalism in carrying out their law-enforcement duties.

Another mistake of the SAR Government lies in the high-profiled participation of government officials, including Chief Executive CY Leung and several Principal Officials, in signature campaigns with strong political affiliation. They failed to play the role of mediator in a time of deep divide in public sentiment, which is not constructive towards reaching a consensus in society.

Many recent activities in Hong Kong appeared that protesters of opposing views pit against each other, which is the last thing Hong Kong needs. While the expression of different opinions should not be faulted, many mass activities were undertaken simply for the sake of opposition, and they are extremely provocative in targeting the protesters of opposing views. If the situation persists, it will only serve to divide the society, aggravate conflicts, lead to violent clashes, and benefit those who take advantages of unnecessary conflicts.

At present, severe divides exist in Hong Kong society in the discussion of constitutional reform, and governance become more and more difficult. Recently, deliberative polls and civil referendums have been used as tools for



seeking a deeper understanding of public opinion. These activities not only provide channels through which opinion can be expressed in rational and peaceful manners, but also improve the quality of citizens in discussion over political issues, which is believed to be conducive to the long-term development of Hong Kong. The SAR Government as well as the Legislative Council should positively take reference to the outcome of these activities with a view of resolving conflicts in the society.

Civil society has made great contributions to the societal development of Hong Kong, but for a long time it has not participated actively in politics, and in the discussion of constitutional development. In order to make government policies more responsive to public concerns, civil society organizations should be more active in offering suggestions on governance. They should also make their internal organizations more democratic so that their members have more opportunities of participation. The government and political parties should also strengthen their cooperation with civil society organizations. The government can appoint members from representative civil society organizations to various government consultative bodies, so that these appointed members can jointly devise people-based social policies.

-END-

## 第一章：背景

### 歷史回顧

- 1.01 1842年至1898年期間，清朝政府先後三次與英國政府簽定條約，割讓香港九龍和租借新界，香港成為英國殖民地。二次大戰後，中華民國政府希望收回香港主權，但最後放棄。1949年，中國大陸政權易手，中華人民共和國政府基於種種考慮，讓香港繼續作為英國殖民地。戰後初期港督楊慕琦曾計劃在香港推行民主，但面對當年急劇變化的中港關係以及後來從中國內地大量湧入的難民，計劃最後擱置。
- 1.02 七十年代後期，英國政府為了處理新界問題開始與中華人民共和國政府商討香港的前途。兩國政府於1984年簽定《中英聯合聲明》，確定香港主權於1997年7月1日移交中國，並定下「一國兩制、港人治港、高度自治」作為回歸的原則，以處理當年香港與中國在政治、經濟及文化上的差異，以及安撫香港市民對共產政權的憂慮。
- 1.03 香港在中英主權移交的過渡期間，發生了一連串的政制改革。八十年代末，雖然民意傾向盡早在立法局引入直選，但在中英雙方協調下，港英政府最後否決了1988年直選立法局部分議員的可能性，並延至1991年實行。當時香港民間有強烈聲音要求將來可以普選立法局及行政首長。香港最後一任港督彭定康於1995年大動作推行政改，但不獲中國政府接受。政制改革遂在中英雙方交惡的情況下爭拗不停。
- 1.04 根據中國國務院於1990年，亦即六四事件發生後一年，頒佈的《香港基本法》，當中第四十五條及第六十八條分別訂明行政長官及立法會全部議員的產生辦法最終達至普選產生，在法理上給予香港市民在回歸後可有普選的合理期望。然而，香港回歸後的民主步伐並沒有如市民預期般快。全國人民代表大會常務委員會（人大常委會）於2004年否決了2007/08年普選行政長官及立法會的可能，並加入

啟動香港政改的新程序。2007年，人大常委會訂下香港普選「路線圖」，決定香港2017年可以普選行政長官，2020年可以普選立法會。如果由1985年立法局引入間接選舉開始計算，香港市民對政制全面普選的期待已有30年。

## 撰寫民情報告原因

- 1.05 2014年9月底至12月中，香港發生了史無前例的佔領運動爭取普選。期間香港特區政府為了化解危機，曾與「香港專上學生聯會」（「學聯」）代表會面，並提出建立「政改多方平台」和撰寫「民情報告」，就2014年8月31日人大常委會通過《全國人大常委會關於香港特別行政區行政長官普選問題和2016年立法會產生辦法的決定》後的民情變化向中央政府反映。
- 1.06 然而，自政府與「學聯」對話終止後，佔領運動陷於膠著，令人擔心事態往後的發展，包括能否和平及妥善解決政改爭拗。有見及此，一群活躍於公民社會的人士以個人或團體名義發起「公民社會聯合行動」（「聯合行動」），希望深化理性討論，讓民主運動持續發展。有關行動獲得一批公民社會組織支持。（發起人及團體見附件二）
- 1.07 「聯合行動」透過建立「民間多方平台」，在添馬公園及其他地區舉行多場公民論壇，建立公共交流空間，讓市民大眾共同參與政改討論。此外，「聯合行動」亦決定撰寫《民間民情報告》，記錄和分析香港政改的民情發展，當中包括收集民意調查、全民投票、簽名運動、遊行示威等資料，紀錄參與佔領人士和一般市民對民主發展的期望。
- 1.08 「聯合行動」的決定，引起了傳媒關注。特區政府亦在傳媒追問下，宣佈撰寫「民情報告」，但日程未定。2014年12月中佔領行動結束後，泛民政黨議員率先於12月30日發表了《香港最新民情報告》，而特區政府亦於2015年1月6日正式發表名為《近期香港社會及政治情況報告》的「民情報告」（「政府民情報告」）。

- 1.09 「政府民情報告」收錄了香港自 2014 年 8 月 31 日至 12 月 15 日與政制發展相關的事件，以及社會各界表達的意見及訴求，內容包括事件羅列、團體聲明、以及民意調查。
- 1.10 不過，「政府民情報告」並未滿足社會的期待，因為報告只集中收錄 2014 年 8 月 31 日至 12 月 15 日期間的民情事項，時限有所不足，內容未夠全面。政府報告沒有分析各種民情的成因和處理方法，未能善用政府報告的優勢，「聯合行動」於是以此為鑑，繼續撰寫《民間民情報告》，希望可以更加全面地紀錄有關民情的發展，深化理性的討論。

## 報告的內容和局限

- 1.11 「聯合行動」完成的《民間民情報告》（「本報告」），所涵蓋的時間為 2014 年 5 月 4 日至 2015 年 1 月 7 日，比政府和泛民的報告長。另外，本報告亦希望從五方面紀錄民情，包括「民意調查」、「遊行集會」、「簽名運動」、「民間投票」及「法庭案件」，多角度顯示民情。
- 1.12 本報告希望從公民社會的角度，紀錄香港市民對政制改革的看法。「聯合行動」知道還有很多不同渠道可以反映民情民意，例如是團體發出的聲明、佔領人士的故事和媒體的專題報導等，不過，在非常有限的民間資源下，這些民情資料未能收錄在本報告內。況且，在五個選定範圍內，「聯合行動」已經廣泛呼籲各界人士和團體提供民情資料，但成效不彰，本報告所錄資料，差不多全部由研究團隊自行收錄。報告發表後，「聯合行動」歡迎任何人士或團體向大眾提供補充資料，集思廣益。

## 第二章：與政制發展有關的重要事件

### 紀錄方法

- 2.01 本章所載政改重要事件與附件一羅列的「政改事件時序表」是以香港大學民意調查計劃的「民意日誌」<sup>4</sup>編錄方法作為基礎。在研究時期內的任何一日，香港各份本地報章頭條和社評項目中，倘若個別有關政改的報導，比率超過百分之二十五的話，我們便把有關新聞選出，加入時序表內。如果「民意日誌」內的描述過於概括的話，我們便在「慧科電子剪報」（Wisenews）資料庫搜尋當日的政改新聞作出更加仔細的描述。一般而言，個別人士對政改的看法不會包括在內，除非是國家或特區政府主要官員有關政改的立場或言論。
- 2.02 為更全面搜尋跟政改相關的新聞，我們同時在「慧科電子剪報」資料庫使用「關鍵字搜索」的方法，補充與政改相關的紀錄，當中使用的關鍵字包括「政改」、「普選」、「佔領」、「佔中」、「民意調查」、「遊行」和「集會」。另外，為了讓讀者更加了解民情發展的前因，我們亦利用與「民意日誌」相同方法，增補了六項早於研究時期的重要事件，包括「政改三人組」成立、內地官員重要講話、特區政府首輪諮詢等。
- 2.03 本章提及政改重要事件，目的在於為讀者提供時序和背景，解讀往後章節所載的民情民意。

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<sup>4</sup>有關香港大學民意研究計劃的「民意日誌」內容及其資料搜集方法，可參見 <http://hkupop.hku.hk/chinese/opiniondaily/opinion.php>

## 政制發展的重要事件概覽

- 2.04 特區政府於 2013 年 12 月 4 日展開首輪政改諮詢，啟動政改五步曲第一步。
- 2.05 中央政治局常委、全國人大委員長張德江於 2014 年 3 月 6 日指出中央對香港普選有「一個立場、三個符合」：一個立場是指中央政府會繼續堅定不移地，支持香港在 2017 年根據《基本法》循序漸進落實普選特首。「三個符合」中第一個符合是指香港普選制度，必須符合香港憲制地位和實際情況；第二個符合是指香港政改必須依照《基本法》人大常委會相關解釋為依歸；第三個符合則是香港特首必須符合「愛國愛港」的基本標準。
- 2.06 香港特區政府於 5 月 3 日完結首輪政改諮詢。
- 2.07 國務院於 2014 年 6 月 10 日發表《一國兩制在香港特別行政區的實踐白皮書》，並表示中央對香港有「全面管治權」。
- 2.08 「和平佔中」於 6 月 20 日正式展開一連 10 天的民間全民投票運動，投票於 6 月 29 日結束，計有 78 萬人（787,767 人）參與投票，當中「真普聯方案」（三軌方案）以 42.1% 得票率勝出，87.8% 投票人士認同立法會應否決不符合國際標準的政府方案。
- 2.09 特區政府於 7 月 15 日向人大常委會提交政改諮詢報告，指出主流民意沒有要求現時處理立法會普選的問題，然而政府如何達到諮詢報告的結論受到質疑。
- 2.10 「民陣」於 7 月 1 日發起「公民直接提名、廢除功能組別」七一大遊行。根據「港大民意研究計劃」的推算，共有 15 萬 4 千至 17 萬 2 千人參與，警方指高峰期有 9 萬 8 千 6 百人，「民陣」指有 51 萬人參與。學生團體遊行後包圍特首辦，並在凌晨進行「預演佔中」。
- 2.11 「『保普選反佔中』大聯盟」在 2014 年 7 月 19 至 8 月 17 日發起了「『保和平、保普選、反暴力、反佔中』簽名行動」。「大聯盟」

指在簽名完結後有 150 萬人或團體參與是次簽名行動，當中包括特首梁振英。「大聯盟」亦於 8 月 17 日發起「8•17 和平普選日」大遊行，得到大量建制派人士及團體支持。「港大民意研究計劃」估算有 8 萬 4 千至 10 萬 2 千人，港大學者葉兆輝估計有 5 萬 2 千至 6 萬 3 千人，警方指高峰期有 11 萬 600 人，大會指活動有 19 萬 3 千人參與。

- 2.12 全國人大常委會 2014 年 8 月 31 日閉幕前表決香港政改決議案，以 170 票支持、無人棄權或反對全票通過《關於香港特別行政區行政長官普選問題和 2016 年立法會產生辦法的決定》，完成政改五步曲第二步。《決定》中包括多項對政改的具體規定：提名委員會組成須按照現時特首選舉委員會由四大界別 1, 200 人組成；候選人數則規定為 2 至 3 人，另外每名參選人必須得到「提委會」過半數提委提名才可成為候選人。當晚，「和平佔中」於添馬公園舉辦啟動「和平抗爭集會」，指佔領行動無可避免，亦有學者宣讀聲明，認為對話之路已盡。「學聯」宣布將會發動大專罷課，「學民思潮」宣布未來兩個月會籌備中學生罷課。民主派議員到場讀出聲明表示必在立法會否決方案。
- 2.13 「學聯」及「學民思潮」於 9 月 26 日發動奪回「公民廣場」的行動，並在政府總部外集會。9 月 28 日凌晨「和平佔中」宣佈在金鐘啟動，佔領行動正式開始。同日，警方施放 87 枚催淚彈驅散在金鐘佔領道路的人群，但反而激發更多市民前往佔領區聲援。佔領行動後來擴散至旺角、銅鑼灣、尖沙咀等地。
- 2.14 「學聯」及「學民思潮」9 月 28 日後宣布發起「三罷」，即大專生及中學生無限期罷課，以及罷工、罷市，直至港府及中央回應訴求，包括特首及「政改三人組」下台、人大撤回政改決定等。「大律師公會」發聲明譴責警方過度及使用不必要武力，對此深表遺憾。泛民主派二十七位立法會議員發表聯合聲明，強烈譴責特區政府向集會人士施放催淚彈及威脅開槍。建制派立法會議員發表聯合聲明，堅決反對「三罷」。政務司司長林鄭月娥表示社會氣氛不利推行政改諮詢，宣布暫緩第二輪政改諮詢。

- 2.15 有金鐘示威者於 10 月 2 日發起包圍特首辦行動，有人試圖佔領龍和道。「學聯」去信政務司司長林鄭月娥要求對話，特首梁振英亦於深夜宣布委派林鄭月娥與「學聯」對話商討政改。
- 2.16 「學聯」、「學民」及「和平佔中」與泛民政團聯手重提「公民提名」及「撤回人大決定」等要求，並威脅發動新一輪「不合作運動」。林鄭月娥於 10 月 9 日決定暫停對話。「學聯」、「學民」及「和平佔中」於 10 月 10 日發起過萬人集會，呼籲「一人一帳篷，全面佔街道」，在金鐘、銅鑼灣、旺角紮營，以示長期佔領。
- 2.17 高等法院於 10 月 20 日首次頒發臨時禁制令，禁止佔領者阻礙金鐘龍匯道及添美道交界的中信大廈的三個出入口，以及禁止佔據旺角一帶道路。
- 2.18 「學聯」與政府於 10 月 21 日就佔領行動展開首次對話。政務司長林鄭月娥游說「學聯」呼籲市民撤離，並提出四點回應，包括 1) 承諾與「學聯」繼續就如何讓 2017 年普選在人大常委會框架下可以達至選舉公平、公正、高透明度及富競爭性進行對話，2) 指出 2017 特首普選方案不是終局，將來可按實際情況進一步改良，3) 成立討論政改的多方平台討論 2017 年後的政制發展，當中包括學生和年輕人，及 4) 向國務院港澳辦提交民情報告，講述 8 月 31 日人大常委會政改決定後引起的民情反彈。「學聯」在對話中提出三點解決問題的方向：1) 向人大提交報告，要求改變全國人大常委會的政改框架決定，2) 定出明確時間表及路線圖，將公民提名及廢除功能界別納入未來政改發展方向，及 3) 提出修改《基本法》，容許特首普選採取公民提名。但由於政府均拒接納，「學聯」會後表明不打算離開佔領區，呼籲市民繼續留守。政府發出聲明表示失望。
- 2.19 「『保普選反佔中』大聯盟」於 10 月 25 日發起了「『還路於民、恢復秩序、維護法治』支援警方簽名大行動」，並開始於全港設立九百多個街站收集簽名，於 11 月 3 日宣布共收集 183 萬個簽名反對佔領活動。



- 2.20 有部分佔領區的示威者於 11 月 19 日衝擊立法會大樓，造成破壞。泛民主派、建制派、「和平佔中」等分別強烈譴責暴力行為。「學聯」和「學民思潮」認為衝擊立法會大樓是不負責任的做法，重申參與公民抗命是要承擔責任。
- 2.21 藉協助執達吏執行亞皆老街禁制令清除障礙物之名，警方於 11 月 25 日開始在旺角清場。示威者與警方爆發衝突，最後旺角佔領區被清場。
- 2.22 「和平佔中」三名發起人，朱耀明、戴耀廷及陳健民於 12 月 2 日發表《佔中三子告市民書》，並於翌日與榮休主教陳日君樞機等共 65 人，到中區警署自首承認非法集結罪，又呼籲學生撤離，將運動轉化至社區深耕細作，延續「雨傘運動」的精神。
- 2.23 執達吏及警方於 12 月 11 日執行禁制令，清理中環及金鐘佔領區，全日拘捕 209 人，當中包括泛民議員及雙學成員。銅鑼灣佔領區亦於 12 月 15 日被清場，歷時 79 日的佔領行動正式結束。
- 2.24 雖然佔領行動結束，但市民仍自發集會繼續要求「真普選」。例如，12 月 24 日平安夜旺角一度再出現大批市民以購物名義集會。警察拉起橙色帶，避免市民佔據馬路，並指在場者正參與未經批准的集結，要求立即撤離。
- 2.25 政府在 1 月 6 日向國務院港澳辦公室提交並向市民發表《近期香港社會及政治情況報告》。報告記錄了全國人大常委會宣佈「八三一」香港政改決定後至 2014 年 12 月 15 日佔領行動結束期間與政制發展有關的事件。政府強調報告內容「無立場、無情感、無結論」。
- 2.26 政府於 2015 年 1 月 7 日正式展開第二輪政改諮詢，啟動政改五步曲第三步。

## 第三章：相關民意調查

### 方法與局限

- 3.01 我們曾經透過不同渠道呼籲各界人士向我們提供在研究時期內的相關民意調查資料，又於「慧科電子剪報」（WiseneWS）資料庫以「關鍵字搜索」方式搜尋相關資料。由於時間及資源所限，我們只計算在研究時期內報章媒體曾作出報道的公開民意調查，亦參考了政府民情報告內的紀錄。
- 3.02 數據方面，我們盡量使用委託或調查機構公佈的新聞稿件或調查報告。如未能獲得有關文件，則以報章報導的資料作為紀錄。然而，由於資料不齊和時間所限，我們只能進行一些簡單的數據歸納。
- 3.03 在研究時期內，政府、政黨以及民間團體也進行了不少有關政改但只供內部參考的民意調查，由於這些調查除了結果以外並沒有對外公開其他資料，因此我們並沒有將之包括在資料庫內。

### 描述與整理

- 3.04 根據資料搜集的結果，我們發現研究時期內與政改直接相關的民意調查共有 103 項（民意調查的項目、樣本資料及摘要請參見附錄一）。發起調查的團體和機構包括：學者、大學民調機構、政黨、民間智庫組織、工會、業界聯會、社服團體、傳媒機構等。它們以不同的標準進行民意調查，樣本的數目範圍由 180 人至 5,530 人不等。訪問方式有紙張問卷、電話訪問、網上問卷等。根據調查需要，對象與覆蓋範圍也各有不同，當中對象多數為全港操粵語的成年居民，但亦有部分對象是特定人士，例如是業界成員、組織會員、年青人士等。而在佔領行動發生後，部分調查對象為佔領人士，地點包括金鐘、旺角及銅鑼灣佔領區。

3.05 我們參考「世界民意研究學會」（World Association for Public Opinion Research, WAPOR）於 2014 年 8 月修訂的「民意調查守則」，把符合守則主要條件的民意調查包括在描述及分析之內，團體和機構的背景並不是考慮因素之一。經過篩選後，有 70 項民意調查符合標準。下面表 3.1 是發起該等調查的團體或機構數目，圖 3.2 則是有關調查的按月分佈：

發起團體／機構	大學民調機構／學者	政黨／政治團體	民間智庫組織	工會／業界聯合會／服務團體	傳媒機構	佔領／自發人士
數量	17	14	14	8	13	4

表 3.1：發起民意調查的團體／機構數目

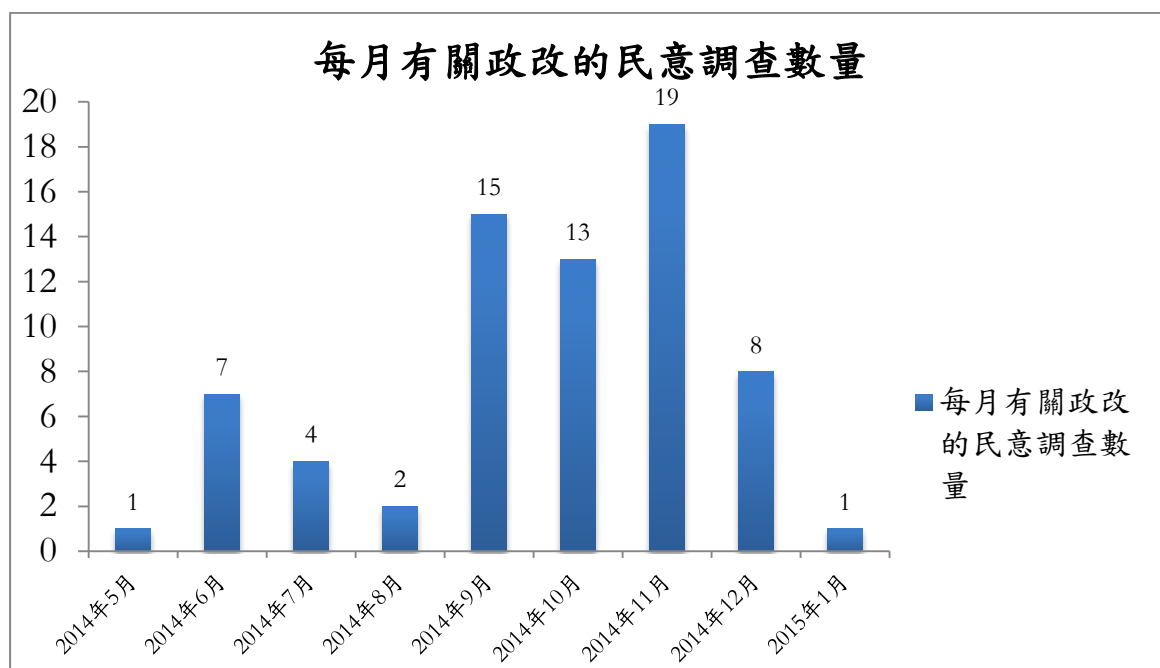


圖 3.1：每月有關政改的民意調查數量（由 2014 年 5 月 4 日至 2015 年 1 月 7 日為止）

3.06 在研究時期內的民意調查大致可以分作三個時段：第一段為政府結束首輪政改諮詢後（2014 年 5 月 4 日）至人大常委對香港普選的框架作出決定（2014 年 8 月 31 日）；第二段為人大「八三一決定」後（2014 年 9 月 1 日）至佔領行動結束（2014 年 12 月 15 日）；第三

段為佔領行動後（2014年12月16日）至政改第二輪諮詢開始（2015年1月7日）。

- 3.07 **第一段時期**內共有 14 項符合標準的民意調查活動，調查問及市民的主題包括普選出來的特首是否須要符合「愛國愛港」的條件、2017 年特首普選即使不合意但應否也「袋住先」、是否支持「公民提名」、是否支持「真普聯」提出的「三軌方案」（即政黨、香港市民及提名委員會皆有權提名特首候選人），是否取消立法會功能組別及是否支持「佔領中環」。以下我們特別匯報兩個重要議題的民調結果：
- 3.08 就有關「佔中」的議題，支持者有 25%至 27%，反對者則有 60%至 68%。
- 3.09 就普選制度不合意是否仍「袋住先」的議題，支持者有 54%至 57%，反對者則有 28%至 37%。
- 3.10 **第二段時期**內共有 53 項符合標準的民意調查活動，調查的主題甚為集中，主要圍繞著對人大常委會「八三一決定」及佔領行動的意見，當中又以後者佔大多數。這跟發生在 2014 年 9 月 28 日至 12 月 15 日的佔領行動有明顯關係。如果以調查對象劃分，有關佔領行動的民意調查中可再分為三類，即全港市民、個別行業成員，以及佔領人士，對佔領行動的看法。
- 3.11 問及全港市民有關佔領行動看法的問卷調查主題包括：市民是否同意警方對示威者的處理手法、是否支持示威者以佔領道路表達訴求、佔領的策略（如應否在未取得成功前先退場）、佔領行動對社會的影響等。進行調查的團體和機構以學術單位為主，包括「香港大學民意研究計劃」、「香港理工大學社會政策研究中心」、「香港中文大學傳播與民意調查中心」及「香港中文大學香港亞太研究所」。另外亦有政黨及智庫團體，包括「民建聯」、「新民黨」、「公民力量」、「香港研究協會」、「全國港澳研究會」等。以下我們特別匯報四個重要議題的民調結果：

- 3.12 就市民是否接受人大常委會「八三一決定」的議題，由 2014 年 9 月 1 日至 11 日的民調顯示支持的比反對者多，支持者有 45% 至 58%，反對者則有 36% 至 41%。然而，往後的民意出現轉變，由 9 月 15 日至 10 月 1 日的民調顯示反對的比支持者多，支持者減至 30% 至 39%，反對者則增至 43% 至 48%。佔領行動將近完結時，有民調顯示支持者回升至 55%，反對者則有 30%。
- 3.13 就市民是否支持「佔中」／佔領行動繼續的議題，在 79 日的佔領行動中因應事情的發展有不同變化。綜合問及此題目的全港性民調，支持者有 13% 至 43%，反對者有 36% 至 83%。絕大部分時間反對佔領行動的市民都比支持者多。同時，在「佔中」能否改變中央決定的議題上，有 57% 至 92% 的受訪者認為沒有機會，只有 6% 至 34% 認為有機會。
- 3.14 就市民是否願意「袋住先」的議題，在佔領行動發生前（9 月 28 日），支持者有 52% 至 61%，反對者有 21% 至 37%。在佔領行動發生後，支持者曾一度下跌至 29%，反對者上升至 62%，當中以年輕人的反對率較高。當佔領行動接近尾聲時，支持者回升至最高 55%，反對則回落至 30%。
- 3.15 就市民對警察處理「佔中」手法的議題，有 22% 至 26% 的受訪者同意警方處理恰當，不同意者有 54% 至 60%，但亦有民調指滿意警方表現（56%）比不滿者（42%）多。
- 3.16 問及個別業界有關「佔中」看法的問卷調查主題包括：是否支持佔領行動及佔領行動對其經濟利益的影響。進行調查的團體或機構有「中小企協會聯同香港工商總會」、「香港教育工作者聯會」及「香港西醫工會」。
- 3.17 問及佔領區人士的問卷調查主題包括：是否需要將行動升級、什麼條件下考慮退場、佔領的目的、佔領區會否影響附近商戶、佔領人士的背景等。進行調查的人士和機構包括個別學者、傳媒機構、及佔領人士<sup>5</sup>。

<sup>5</sup> 在佔領區進行的調查除了在這一章匯報的量化（quantitative）民意調查外，也有不少自發人士在佔領

- 3.18 其中特別值得留意的是參與佔領行動人士的背景。多份民調顯示，雖然佔領行動首先由學生團體發起，但真正參與佔領行動的人只有 15%至 26%是學生，有 58%至 67%為在職人士。有 58%至 80%的參與者擁有大學或以上學歷。同時，參與者當中有 49%至 61%不足 30 歲。一項民調指出 40 歲以下的佔領者佔 91%，估計平均年齡為 28 歲，可見參與佔領的人多為在職高學歷年輕人。
- 3.19 **第三段時期**內共有 3 項符合標準的民意調查活動，調查的主題包括市民對如何解決佔領後的政治問題的意見、是否認為人大常委會八三一決議是「假普選」、對 2017 年落實特首普選的前景等。進行調查的機構有「香港中文大學傳播與民意調查中心」、「真普選聯盟」及「全國港澳研究會」。以下有關「佔中」的議題值得匯報：
- 3.20 就市民是否支持「佔中」的議題，在佔領區接近被清場時，有 42% 的受訪者表示不支持「佔領運動」，另外有 34%的受訪者表示支持。
- 3.21 在研究時期內政改對市民的影響不只反映於不同政改民調之中，我們亦可從其他非直接相關的民意調查中，觀察市民在政制發展的過程中對中央政府的信任程度、對警察滿意程度、以及自己身份認同感的改變。以下我們把有關民調數字的近年走勢，以圖表形式展示，作為背景參考：

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區內進行質性 (qualitative) 調查，例如「傘落社區」調查參與佔領人士如何在社區層面推廣民主等。由於不屬量性調查及資料不足，所以不在分析之列。



圖 3.2：市民對中央的信任度（資料來源：港大民研）

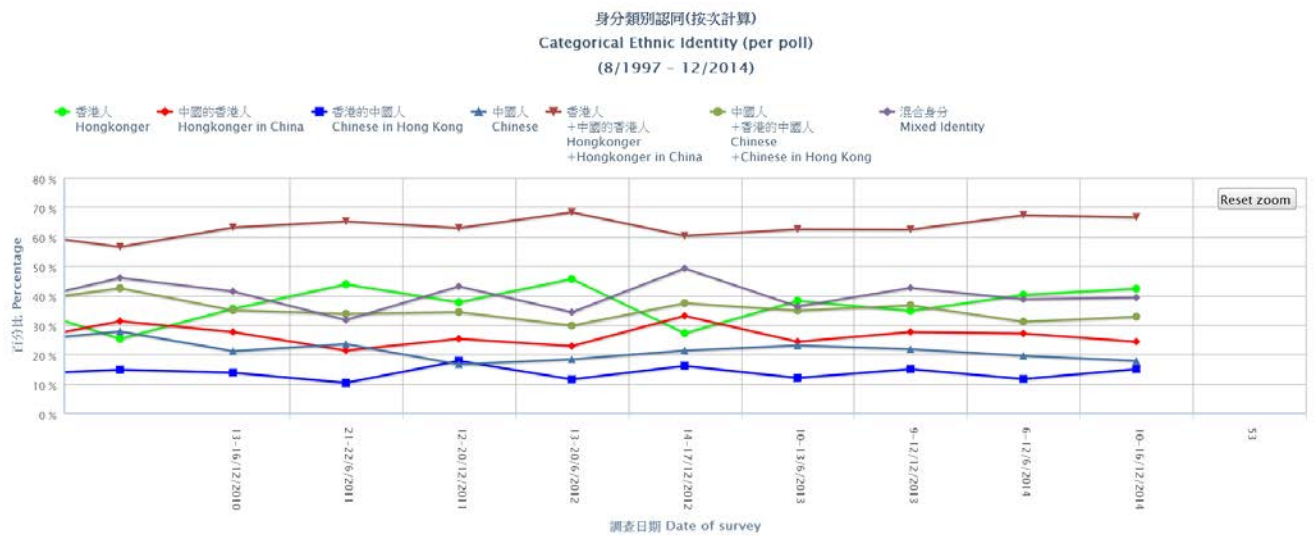


圖 3.3：市民的身分類別認同（資料來源：港大民研）

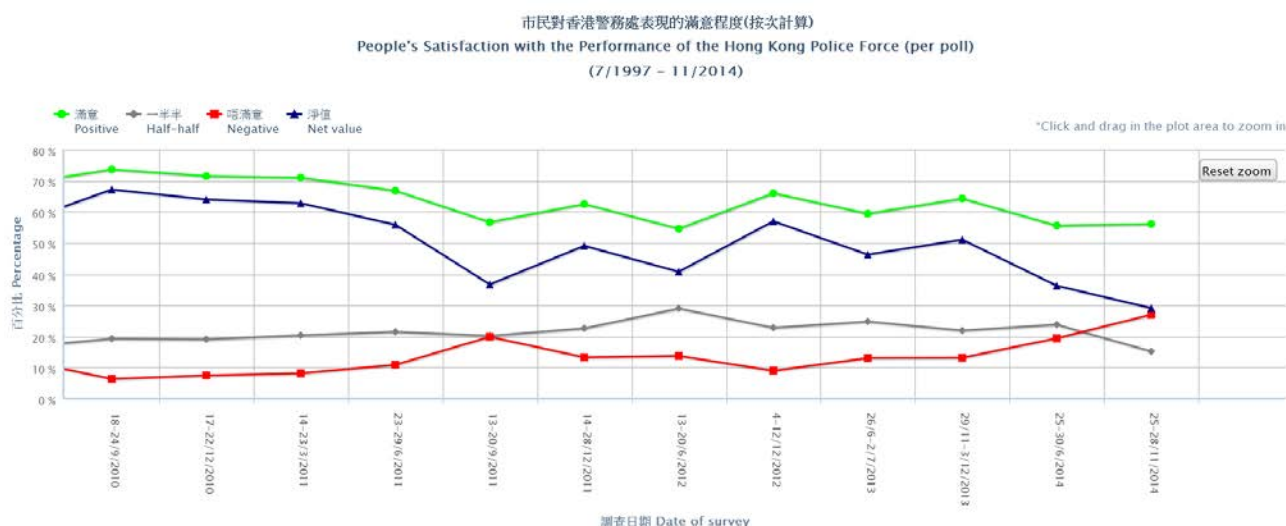


圖 3.4：市民對警務處的滿意程度（資料來源：港大民研）

## 概念與導讀

- 3.22 民意調查起源於十九世紀西方社會，早期應用於研究選民投票意向及市場推廣。美國早於 1824 年便有傳媒舉行「模擬投票」（straw polls）了解選民在總統大選前的投票意向。在報紙及電台普及化後，企業亦透過報章了解大眾對銷售產品的意見。直到二十世紀初，市民大眾的意見在政府制定政策的過程中漸趨重要，政府亦開始重視從調查收集得來的民意。
- 3.23 不難想像的是，民主政府比其他類型的政府更重視市民大眾對政策的意見及他們對政黨的投票意向。專制政府對民意調查的態度可謂愛恨交集，輸打贏要。當政府的施政能力不強，但又需要民意支持的時候，它就會努力歪曲民意，製造有利自己的輿論。
- 3.24 香港的民意調查於六十年代興起。自「六七暴動」後，港英政府推行一系列民意調查工作以了解市民的生活質素和經濟情況，作為推行與評估不同政策的參考，但這些調查得不到社會或媒體的注意。隨著香港主權問題進入議程，政制民主化令更多學術機構、政治及民間團體進行民意調查，以了解市民對不同政策的意見和投票意向。雖然現時的傳媒十分樂意報導不同的民意調查結果，但這些調查方



法良莠不齊，是否可以準確地反映民意令人懷疑，因此極需要在香港建立一套專業的民意調查守則。

3.25 「世界民意研究學會」於 2014 年 8 月修訂了「民意調查守則」，其中要求發起民意調查的團體或機構提高民意調查的透明度，讓公眾可以清楚了解民意數字的基礎。以下是學會要求調查團體或機構在發表民意調查時須向公眾披露的 13 項資料：

1. 調查及委託機構名稱
2. 受訪對象
3. 樣本大小及覆蓋的地理範圍
4. 調查進行日期
5. 調查抽樣方法
6. 調查方法
7. 加權應用
8. 給予「不知道」答案的百分比
9. 提供問卷問題
10. 盡力消除讀者在解讀研究結果時可能因問卷字眼出現的誤會
11. 當提供表列數據時，須在報告或者透過網站提供問卷原用的字眼，並同時公佈所有已加權樣本的答案，當中包括「不知／拒答」等項目
12. 當受訪者對某一重要題目的理解可能被問卷內其他題目影響時，應清楚列出這條重要題目於問卷內的位置，及
13. 當調查問卷內容廣泛並包含多種問題時，應清楚列出所有題目於問卷內的提問次序。

3.26 參照「世界民意研究學會」的守則，我們認為上述 13 項要求中前 7 項屬於不可或缺的資料。所有不符這個標準的調查，一概不作分析。

## 觀察與分析

- 3.27 **社會因佔領運動呈現兩極分化**：不同的民意調查顯示，在佔領行動發生後，雖然絕大部分時間都是反對佔領行動的市民比支持者多，但支持與反對的市民都各佔社會一定比例，加上社交媒體在佔領運動期間的影響，令香港社會在這個議題上呈現兩極走勢。親戚朋友以致家庭成員因對佔領運動意見不同而互相疏遠者似乎為數不少。
- 3.28 **市民在爭取民主時亦會考慮政治現實**：多份民調顯示，一直以來香港市民也了解中央政府在政改議題上有話語權。縱然不一定有多數人支持人大常委「八三一決定」，但若最後可以「一人一票」普選特首，也有一定數量市民認同「袋住先」。
- 3.29 **警民關係於佔領運動後十分緊張**：民意調查反映市民並不認同警察使用武力驅散示威者。在佔領運動後，有民調顯示市民對警察評分下降。經過廉政公署和香港警察多年的努力，警隊擺脫了貪污的形象，成為市民心中除暴安良的伙伴。但在佔領行動期間，警察被用作解決政治問題的工具，把公民抗命的示威者當作暴徒，令警民關係跌至新低（參圖 3.4），極待修補。警隊變成政治磨心，當權者難辭其咎。部份示威人士把警員視作政治爪牙，亦屬不當。媒體報導有黑道利益涉及其中，亦須警惕。
- 3.30 **支持佔領運動以高學歷在職人士為主**：多個在佔領期間進行的民意調查顯示，雖然發起是次佔領行動者是「學聯」及「學民思潮」兩個學生組織，但很多佔領人士反而是年青（20-40 歲）和高學歷（大專或以上）的在職人士，當中相當部分具專業背景。

## 第四章：相關遊行集會

### 方法與局限

- 4.01 我們曾透過不同渠道呼籲公眾向我們提供在研究時期內相關的遊行、集會和示威資料，又於「慧科電子剪報」（WiseneWS）資料庫以「關鍵字搜索」方式搜尋相關資料，但由於時間及資源所限，我們只能計算在研究時期內報章媒體曾作出報道的遊行、集會及示威數量。
- 4.02 需要注意，大部分遊行、集會和示威都沒有中立的學術機構進行人數點算，很多時候只能依靠組織者點算或記者目測所提供的數字，然而在欠缺科學理據和充斥政治動機的情況下，兩者的數字也很難作準。我們只能把它們視作粗糙參考，勉強界定活動的規模。
- 4.03 在本章的描述部分，我們把超過一萬人參加的遊行集會視作「大型示威」，小於 30 人無須向警方申請「不反對通知書」者視作「小型示威」，其他視作「中型示威」，而本章分析主要集中在「大型示威」。此外，由於持續兩個多月的佔領行動，本身就是一種示威行為，但又不能當作獨攬單項集會示威，因此，本章另設「佔領行動／雨傘運動」一節，紀錄佔領行動的過程。

### 描述與整理

- 4.04 在研究時期內我們共找到 88 次遊行、集會和示威的活動紀錄<sup>6</sup>。當中民間組織及政黨的訴求主要可分為兩大陣營：第一個陣營是要求普選特首的制度可以讓香港市民有「真正的選擇」，部分人士視「佔領中環」為其中一種手段，可視為泛民陣營（見圖 4.1）；另一

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<sup>6</sup> 數字不包括在佔領區內發生的大大小小遊行集會、抗議和衝突的次數，但已包括由佔領事件引起的遊行和集會，包括抗議警察非法毆打佔領示威者的遊行、支持警方執法集會等。

個陣營則支持在人大常委制訂的框架下實現特首普選，並且不同意利用「佔領中環」爭取普選，可視為建制陣營（見圖 4.2）。

- 4.05 泛民陣營內發起遊行、集會及示威的團體廣泛，當中包括「民間人權陣線」（民陣）以及部份泛民政黨發起「爭取真普選」、「抗議國務院《一國兩制在香港特別行政區的實踐》白皮書」、「反對人大常委會『八三一決定』」、「堅持公民提名」等遊行；以及「和平佔中」、「學聯」及「學民思潮」發起的「罷課」和「佔中」集會。在佔領行動發生之後，不少香港市民亦組成新的政治團體，爭取不同訴求。例如，「傘下爸媽」舉行「反對警察暴力」的遊行及集會，「學生覺醒」則發起「要求撤回人大決定，重啟五部曲」遊行。亦有一些市民自發以「鳩鳴」（「購物」普通話的讀音）名義聚集在旺角及銅鑼灣，宣揚「我要真普選」。他們以「游擊」形式示威集會，並於短時間內在不同地點出現。
- 4.06 建制陣營內亦有不同團體發起遊行、集會及示威，當中包括「愛護香港力量」、「保衛香港運動」、「愛港之聲」、「佔中不代表我」、「愛港行動」及一些建制派政黨發起的「反對佔中」集會和遊行；亦有「香港深圳社團總會」、「香港教育工作者聯會」、「香港家長聯會」等發起的「反罷課」集會；另外，在佔領行動發生後，「藍絲帶運動」、「撐警大聯盟」及部分區議員發起「支持警方執法」集會及遊行，支持警方清場。
- 4.07 從圖 4.3 可見，9 月份有關政改的遊行集會多達 27 次，佔研究時期內 35%，主要是泛民陣營多次發起的大規模集會，當中不少是回應人大常委會 8 月 31 日對香港普選所下的決定，以及由大、中學生發起的罷課集會。10 至 11 月的集會遊行次數回落，特別是泛民陣營，相信因為當時已經進行佔領。建制陣營則發起了 15 次「反佔中」集會遊行，當中不少是以支持警方執法清場為號召。直至 12 月中佔領行動結束後，很多市民自發以「游擊」形式集會示威，表示「我要真普選」，令泛民陣營的集會示威數量回升（見附錄二）。

## 大型遊行集會

- 4.08 在研究時期內，共有 5 次遊行集會應該超過一萬人，本報告稱之為「大型遊行集會」。2014 年 7 月 1 日，「民陣」發起的「七一遊行」。根據「港大民意研究計劃」的推算，共有 15 萬 4 千至 17 萬 2 千人參與（警方指高峰期有 9 萬 8 千 6 百人；「民陣」指有 51 萬人）。遊行主題為「公民直接提名、廢除功能組別」。遊行人士的訴求中除了「爭取普選」外，也有一些關乎住屋、退休等民生議題。
- 4.09 2014 年 8 月 17 日，「『保普選反佔中』大聯盟」發起「8.17 和平普選日」。「港大民意研究計劃」估算有 8 萬 4 千至 10 萬 2 千人參與（港大學者葉兆輝估計有 5 萬 2 千至 6 萬 3 千人；警方指高峰期有 11 萬 600 人；發起團體估計有 19 萬 3 千人）。遊行以「保普選反佔中」為單一主題，發起團體不歡迎其他政治訴求。
- 4.10 2014 年 9 月 22 日，來自 25 間大專院校的學生，在中大的「百萬大道集會」，提出四點要求，包括下階段政改諮詢納入「公民提名」、廢除立法會功能界別、人大撤回政改決定並向港人道歉，否則特首及「政改三人組」應辭職。除了學生，多名大專院校教師亦現身支持。有教授亦把課堂移師「百萬大道」舉行。組織者聲稱當日有 1 萬 3 千人集會。
- 4.11 2014 年 9 月 26 日學生罷課結束後，集會人士闖入「公民廣場」，9 月 27 日遭警方包圍，市民趕赴現場，阻止警察派員增援。警方於 27 日完成「公民廣場」清場後，「學聯」宣布餘下成員仍會堅守到底，直至當局釋放所有被捕人士及答應學生訴求，同時呼籲市民於晚上前往「政總」外參與「全民集會」。入夜後，大會稱參與人數多達 5 萬人，除了金鐘添美道，連近灣仔的龍匯道也滿布聲援及圍觀的市民。9 月 28 日凌晨，「和平佔中」發起人戴耀廷宣布啟動「佔中」，並提出有兩個訴求，一是要求人大常委會撤回決定，二是要求重啟政改，特首梁振英要重新交出反映港人意願的政改報告。

4.12 2014 年 10 月 9 日政務司司長林鄭月娥決定暫不與學生會面，並指「學聯」及有關團體重提要求人大常委會撤回政改決定和爭取「公民提名」，並發起「不合作運動」，動搖了雙方的對話基礎。「和平佔中」、「學聯」及「學民思潮」於 10 月 10 日發起「政府拒絕對話，人民堅守街頭」集會。以示不滿特區政府單方面宣布擱置與「學聯」對話，又呼籲更多市民帶同帳篷來通宵留守、長期佔領，並呼籲政務司司長林鄭月娥正視市民訴求。不同報章記者估計當晚集會人數由「過萬」至十萬。

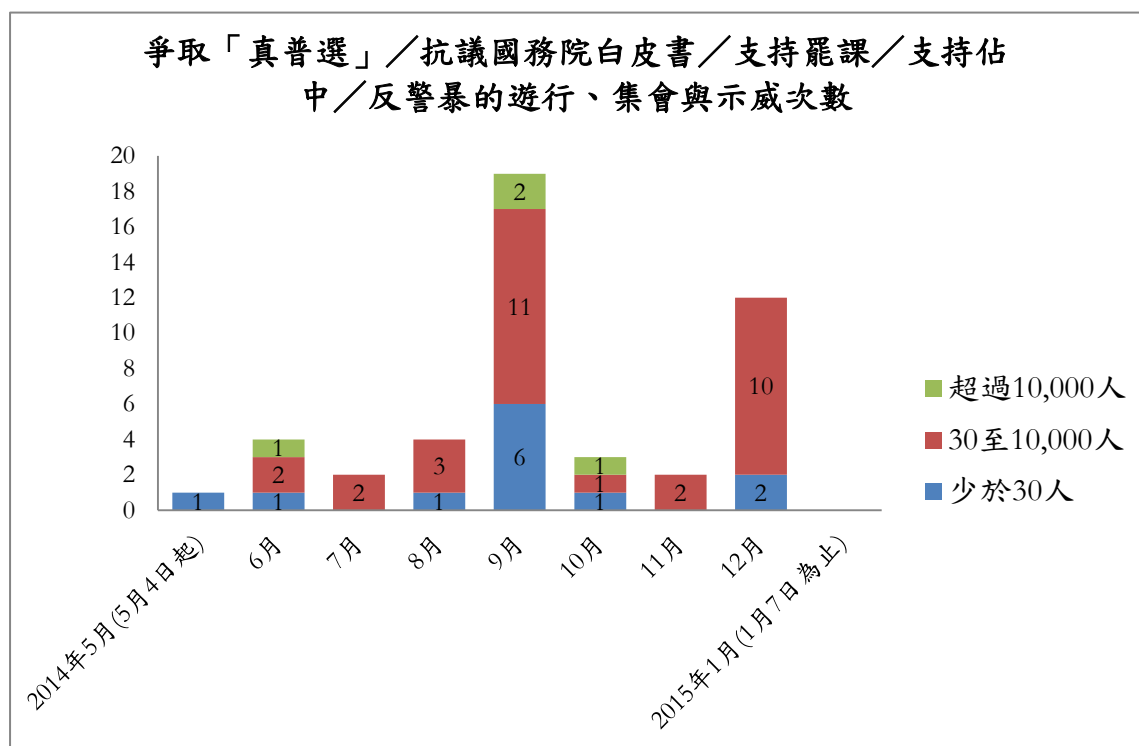


圖 4.1：泛民陣營的遊行、集會與示威次數

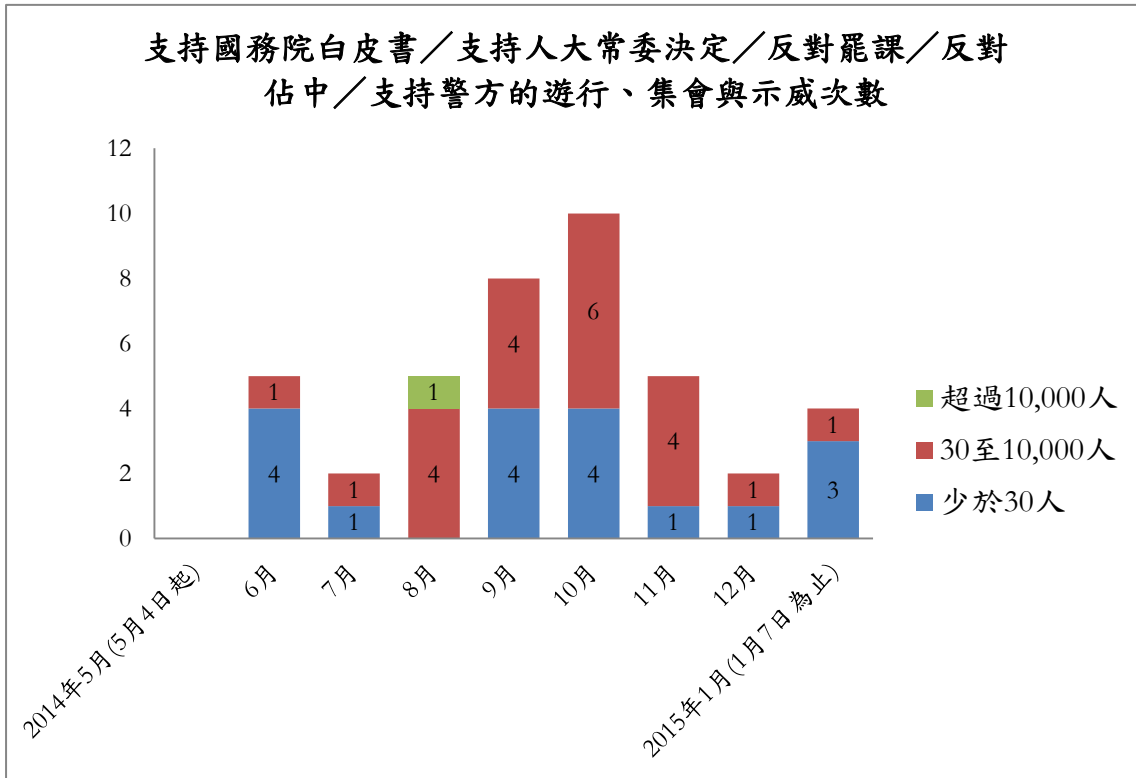


圖 4.2：建制陣營的遊行、集會與示威次數

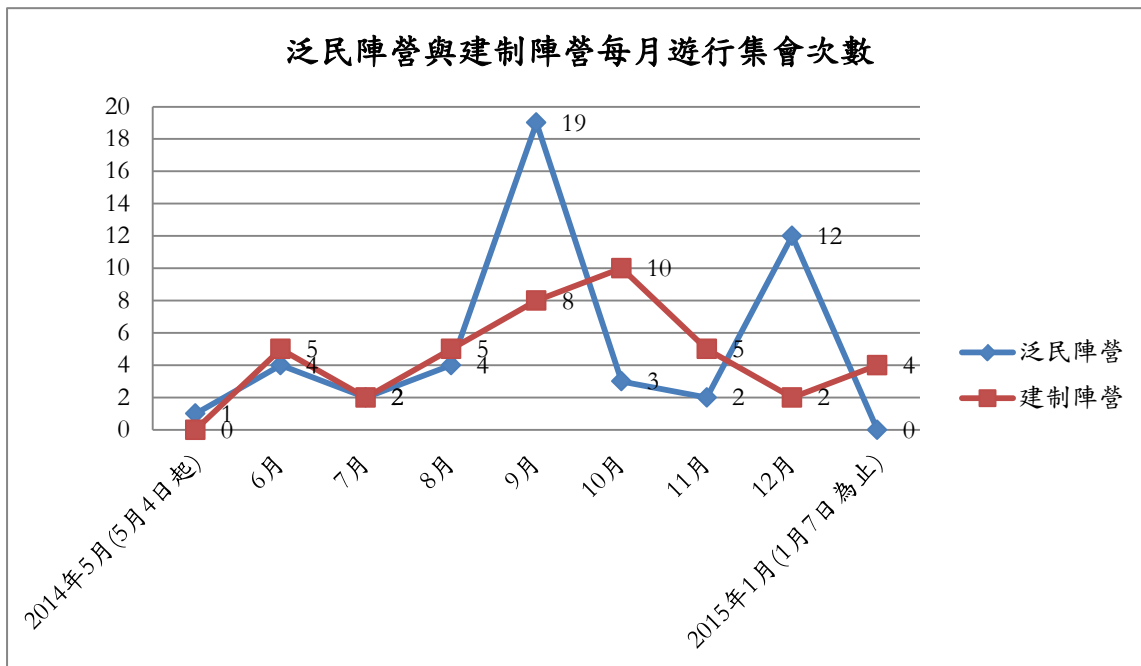


圖 4.3：泛民陣營與建制陣營每月遊行集會次數

## 佔領行動／雨傘運動

- 4.13 計劃與籌備接近兩年的「讓愛與和平佔領中環」，不論在開展日期及形式也沒有按照原先設計發生。當初大量市民走上馬路阻塞交通，警方出動胡椒噴霧驅趕示威者。示威者為保護自己以雨傘阻擋胡椒噴霧，令這場史無前例的群眾運動被稱為「雨傘運動」。
- 4.14 這場政府強調的「非法集會」，至今並沒有正式的統計數字，說明各個佔領區（金鐘、旺角及銅鑼灣）每日有多少人參與佔領行動，但「中文大學傳播與民意調查中心」在佔領結束後公佈的民意調查顯示，按人口比例加權推算，估計曾到現場參與的港人有 120 萬<sup>7</sup>。
- 4.15 由於佔領行動持續了 79 日，其規模及影響遠超一般集會，本章所示的集會示威次數並未能完全反映其獨特性，因此以下章節將以概括方式描述佔領行動反映的民情。有關佔領行動的細節請參閱附件一。
- 4.16 總括來說，佔領行動的訴求相對集中，發起佔領行動的「學聯」、「學民思潮」及「和平佔中」以「抗命不認命」及「命運自主」等口號呼籲香港市民支持用公民抗命的形式向政府表達「爭取真普選」的訴求。同時，亦有部分佔領人士要求「梁振英下台」、「支持佔領區小店」等。
- 4.17 不少香港市民透過不同形式自發參與這次佔領行動，包括為佔領行動提供物流支援、為保護佔領區人士自發在區外築起防禦工事、為佔領區人士免費提供糧食及飲用水等。
- 4.18 另一方面，佔領區所在的馬路亦成為市民表達意見的公共空間。除了發起佔領行動的團體在金鐘佔領區提供平台（大台）讓不同的參與人士表達訴求外，其他團體例如「街坊工友服務處」亦在佔領區提供平台讓市民討論政事；亦有團體如「傘落社區」及「雨傘民意日」鼓勵參與佔領人士表達對政改及佔領行動的看法；還有藝術家在佔領區內創作有關要求「真普選」及這次佔領行動的藝術品。

<sup>7</sup>「中大民調推算 120 萬人 曾參與佔領運動」，《蘋果日報》，2014 年 12 月 19 日



- 4.19 然而，示威者在佔領區不時受到暴力滋擾。特別是在旺角，不時在中午及凌晨有自稱「反佔中」人士衝擊佔領區，引起肢體衝突。
- 4.20 警方處理是次佔領行動的手法備受爭議。佔領行動剛開始時，警方出動防暴警察及施放催淚彈，引起社會極大迴響。到佔領行動擴散至旺角，示威者似乎受到反示威與「黑勢力」合流襲擊時，警方未有即時介入控制場面，引起市民對警方執法不公、縱容「黑幫」的疑慮。而且，警方清場時以劃一手段驅散示威者，引致多名示威者流血受傷，數名記者在報導清場過程期間亦被警方粗暴對待，令警民關係變差。
- 4.21 佔領行動期間亦催生很多新的政治團體，例如：「文化界監察暴力行動組」、「撐傘落區」、「傘下爸媽」、「學生覺醒」、「大專政改關注組」等，它們在佔領行動後仍繼續在社區層面宣揚「真普選」，延續佔領運動的精神。隨著 12 月 15 日銅鑼灣佔領區被清場後，香港歷史上第一次的公民抗命佔領運動亦告一段落。根據警方公佈的數字，最後因組織或參與佔領運動而被捕的人士逾百人，當中包括學生領袖、「和平佔中」發起人、政黨領袖、學者、學運人士、市民等。

## 概念與導讀

- 4.22 遊行集會是香港市民反映訴求和政治參與一種行之已久的方法，向來秩序井然，是香港的美譽。從歷史角度看，香港過往發生最重大的遊行示威，大多與國情有關。
- 4.23 1997 年回歸以前，香港有紀錄以來最大型的遊行示威應該是 1989 年 5 月 21 日舉行的「環島大遊行」。這次遊行據報章報導有 100 萬人參與，目的是聲援當時在北京天安門進行的學生民主運動，抗議北京政府實施戒嚴。一星期後的 5 月 28 日，世界各地舉行「全球華人大遊行」聲援北京學運，同日，由當時剛成立不久的「香港市民支

援愛國民主運動聯合會」（「支聯會」）籌辦的香港遊行，報章報導有近 150 萬人參與。

- 4.24 回歸以後，市民組織和參與集會、遊行和示威的權利，繼續受《基本法》第二十七條保障，但同時亦受《公安條例》規管，若遊行人數多於 30 人，便須向警方申請「不反對通知書」。警務處的數字顯示，有紀錄的遊行與集會數量每年攀升，而且升幅顯著，由 2004 年的 1,974 宗，增至 2013 年 6,166 宗<sup>8</sup>，十年間升幅達 312%。
- 4.25 2003 年 7 月 1 日，受香港特區政府推行「國家安全法」（《基本法》第二十三條）立法程序的影響，大批市民到港島參與遊行。「港大民意研究計劃」估計當日有 42 萬 9 千至 50 萬 2 千人參與遊行（警方估計有 35 萬，「民陣」估計有 50 萬）。自此之後，「民主人權陣線」每年亦在 7 月 1 日「回歸紀念日」發起爭取香港民主的大遊行。雖然「民陣」、警方及學術機構對每年遊行人數有不同估算，但「七一遊行」可說是每年香港人爭取民主最大型的遊行示威之一。
- 4.26 然而，香港的政改及民主步伐一直裹足不前，多年來的遊行示威未見成效，因此有人於 2013 年提出以「公民抗命」方式佔領中環要道，希望藉此促使中央及特區政府早日落實在香港實現民主的承諾。
- 4.27 「和平佔中」發起人之一戴耀廷認為，「公民抗命可以理解為『人們真誠地基於公義（不是為了自己的利益而是為了社會整體的利益），以公開、蓄意、及有限度的違法行為，嘗試去改變不公義的制度。』為了使『公民抗命』所爭取的公義訴求得到更多人認同為合理的做法，『公民抗命』的行動還要求是非暴力、已用盡合法途徑仍未能達目標、合乎比例及有合理成功機會。公民抗命者更會承擔罪責以示對法律的尊重」<sup>9</sup>。根據這樣的理解，「公民抗命」重點不在於是否犯法，而是為何犯法。

<sup>8</sup> 香港警務署網頁，「公眾活動統計數字」，[http://www.police.gov.hk/ppp\\_tc/09\\_statistics/poes.html](http://www.police.gov.hk/ppp_tc/09_statistics/poes.html)，2015 年 2 月 5 日登錄。

<sup>9</sup> 戴耀廷（2014），「反思公民抗命與法治」，原載於《評台》，2014 年 11 月 13 日，<http://www.pentoy.hk/%E6%99%82%E4%BA%8B/b198/2014/11/13/%E6%88%B4%E8%80%80%E5%BB%B7%E7%BC%9A%E5%8F%8D%E6%80%9D%E5%85%AC%E6%B0%91%E6%8A%97%E5%91%BD%E8%88%87%E6%B3%95%E6%B2%BB/>

4.28 相對而論，組織、進行或參與遊行示威者，所需要付出的代價比投票或聯署者多。如果集會涉及「公民抗命」的話，參與者更要面對刑罰帶來的後果，因此要付出更大代價。

## 觀察與分析

4.29 大批市民對人大常委「八三一決定」感到不滿：從人大常委「八三一決定」後的罷課集會、以致及後大量市民以不同方式支援佔領行動可見，不少市民希望在 2017 年落實真正普選，讓港人可以選出自己的特首，落實「港人治港，高度自治」。市民願意付出時間站出來遊行和集會，部分更加留守在佔領區內多日，以表達要求真正普選的訴求，這些民意都是實實在在、有血有肉的。

4.30 大批市民對警察使用武力驅散支持佔領行動的示威者感到不滿：「佔領中環」作為一種爭取普選的手段，自提出概念開始便引起爭議，從「『保普選反佔中』大聯盟」的遊行可見，若干市民不希望發生「佔中」。然而，當佔領行動於 9 月 28 日凌晨啟動後，警察為了驅散在馬路的示威人士，短時間內出動催淚彈及顯示長槍後，不但沒有成功驅散示威者，翌日更有大批市民前往佔領區域加以聲援。

4.31 有關政改的民意漸呈兩極走勢：從遊行集會舉行的月份和日子可見，當爭取「真普選」的民眾以遊行集會表達意見後，在同一日或極短時間內便有持相反意見的民眾遊行集會以示反對。本來，各自表述並無不可，但不少「為反對而反對」的群眾行動，都極具挑釁，衝著對方群眾而來。這種以群眾對抗群眾的鬥爭方式，只會撕裂社會、激化矛盾，引起暴力衝突，造就混水摸魚之徒，非香港之福。

4.32 表達訴求的形式愈來愈多元化：在研究時期內，除了較為傳統的馬路遊行示威外，市民亦開始使用其他方式表達對「真普選」的訴求，例如以毅行方式在全港宣傳爭取「真普選」、以「購物」的名義聚

集並撐起黃傘要求「真普選」的「鳩鳴團」、透過在香港不同的地方舉辦小型音樂會宣傳「真普選」的「音樂串流」、利用不同的藝術品支持「雨傘運動」等。

- 4.33 市民自發性愈來愈強：過往的遊行、集會和示威，主要都是由政治組織發起，在佔領運動期間和及後的遊行示威，包括上述的「鳩鳴團」，愈來愈多是市民自發和透過網上號召而成為事實的。

## 第五章：相關簽名運動

### 方法及局限

5.01 我們曾透過不同渠道呼籲公眾向我們提供在研究時期內相關簽名運動的資料，又於「慧科電子剪報」（WiseneWS）資料庫搜集相關資料，但由於時間及資源所限，我們仍然未能全面紀錄在研究時期內所有在報章出現的簽名和聯署。而在互聯網發達的今天，讓市民在網上聯署的平台多不勝數，要把全部有關政改的網上聯署包括在內的話，可能不切實際。就已有的資料及參考政府民情報告附錄一所載的聯署聲明，我們在此作出綜合描述和粗糙分析。

### 描述與整理

5.02 在政府結束第一輪政改諮詢（2014年5月4日）至人大常委會「八三一決定」（2014年8月31日）期間，「『保普選反佔中』大聯盟」在2014年7月19至8月17日發起了「『保和平、保普選、反暴力、反佔中』簽名行動」。根據「大聯盟」在其網頁所提供的資料，它呼籲「所有贊成和平，反對暴力，希望香港有普選，反對「佔領中環」的市民，響應並簽名支持」，並在簽名完結後表示有超過150萬個人或團體參與是次簽名行動（總數：1,504,839；街站：1,182,129、網上：128,624、團體：196,987）<sup>10</sup>，現任特首梁振英以「個人身份」參與簽名活動，部份現任司局長、前特首董建華等具有政治影響力人士亦有參與其中，顯示政府官員高調支持是次簽名運動。有關是次活動的詳情請參附錄三。

5.03 在這段時間內，還有很多以個人名義發起的聯署，議題包括「爭取公民提名」、「爭取平等普及選舉制度」、「呼籲不同人士尋求共識」、「反佔中」等。發起聯署人士包括市民、學者、基督教牧師、

<sup>10</sup> 「大聯盟」指出網上簽名中有24,117份為海外簽名，27,905份為18歲以下所簽。  
[http://www.hkcd.com.hk/content/2014-08/19/content\\_3371014.htm](http://www.hkcd.com.hk/content/2014-08/19/content_3371014.htm)

政界人士等。另一方面，也有其他以團體名義發起的聯署，主要圍繞「反佔中」的議題。

- 5.04 在人大常委會「八三一決定」後（2014年9月1日）至政府啟動第二輪諮詢（2015年1月7日）期間，「『保普選反佔中』大聯盟」在10月25日至11月2日發起了「『還路於民、恢復秩序、維護法治』支援警方簽名大行動」。據「大聯盟」公佈，共有183萬名市民簽署（總：1,835,793；網絡簽名數字：495,183、街站簽名數：1,340,610）。其中梁振英及部分政治委任官員也表示已經簽署，而這次簽名運動亦得到很多建制派政黨及親政府團體大力支持。有關是次活動的詳情請參附錄三。
- 5.05 除此之外，在這段時間亦有大量以個人名義發起的聯署，議題包括「抗議人大『八三一決定』」、「要求立法會否決政改方案」、「支持學生罷課爭普選」、「譴責警察使用過分武力對付示威者」、「譴責警察選擇性執法」、「要求政府與學生對話」、「重啟政改五部曲」、「落實真普選」、「促請警方徹查佔領區暴力事件」、「取消功能組別」、「反對限制市民使用『公民廣場』」、「反對佔領行動」、「要求人人平等的政治參與」、「要求保障新聞自由」、「要求保障言論自由」、「要求公民提名」等。
- 5.06 發起聯署人士包括市民、學者、醫生、工程師、會計師、建築師、建築設計師、園境師、園境設計師、航空界人士、資訊科技界人士、社福界人士、社工、中學校長、教師、大學生及校友、大學宿生、中學生及校友、社團領袖、立法會議員、區議會議員等。
- 5.07 另一方面，其他以團體名義發起的聯署中，少部分的議題為「反對警察使用過分武力」，大部分是「堅決擁護人大常委會『八三一決定』」、「全力支持特區政府施政」、「支持警察」等。

## 概念與導讀

- 5.08 簽名運動是反映民情的其中一種方式，組織動員和具名簽署是其特色。組織簽名運動者透過簽名運動倡議某些議題或理念，引起關注及爭取支持，而所收集簽名的數目，通常被用作衡量社會對某項議題的支持程度。有時，組織簽名運動者會以動員方式發起簽名行動，向社會展示對某一議題的取態。另外，簽名運動提倡的議題如果不被政府或主流社會同意，參與者可能要承擔一定代價。由於簽名運動必須記名，以個人名義參與者所承擔的代價比匿名投票者高。公開簽名固然可以引起社會更大的迴響，並提高該簽名行動的可信性，但亦會提高參與簽名人士的代價。
- 5.09 簽名運動在香港並不是新鮮事物，經常會有數百以至數千市民參與各式各樣的聯署表達訴求，但簽名人數以百萬計者則屬少數。香港歷史上第一次超過一百萬人的簽名運動便是 1986 年「反大亞灣核電廠運動」。事緣 1982 年，「香港中華電力公司」及「廣東電力公司」計劃於鄰近香港五十公里的大亞灣興建核電廠，英國及港英政府亦有參與其中。然而，1986 年 4 月前蘇聯的「切爾諾貝爾核事故」後，香港市民對大亞灣興建核電廠的憂慮與日俱增，過百個團體於同年 5 月底組成「爭取停建大亞灣核電廠聯席會議」，並成功收集了 104 萬個簽名，以當時香港 500 萬人口來計算，每 5 名香港人便有 1 名參與聯署。雖然「聯席會議」成員曾到港督府以至北京請願，但並沒有成功阻止大亞灣興建核電廠。

## 觀察與分析

- 5.10 **簽名運動未夠透明：**「大聯盟」沒有公開所有個人簽名的名單，或邀請中立人士監察或核實簽名過程和紀錄，異於一般具名聯署行動，簽名數字難以核實。另外，亦有報章報導有親建制公司強行要求下屬提交簽名，令簽名人士的自發性存疑。如果「大聯盟」能夠對以上質疑提供更好解答的話，相信將會大大提高兩次簽名運動的可信性。
- 5.11 **官員參與民間簽名運動錯置角色：**政府官員包括特首梁振英、部分問責高官高調支持參與反佔中團體的簽名活動，在民意嚴重分歧的情況下沒有擔起從中調停的角色，有損政府官員中立的形象，亦無助社會達成共識。
- 5.12 **聯署行動開始多元發展：**佔領運動前後，不少專業人士發起個人聯署，中學學生和中學校友亦甚活躍。有公務員團體聯署反對佔中，但亦觸發部分公務員以個人名義以聯署質疑聯署。這些多元觀點，不論是自發還是動員出來的，只要是具名可追，憑良心說實話，社會應予尊重。



## 第六章：相關民間投票

6.01 資料顯示，在研究時期內以民間投票方式，讓所有合資格的香港市民就政改表態的活動，只有 2014 年 6 月由「和平佔中」發起的「6.20 – 6.29 民間全民投票」。因此，本章會描述是次全民投票的背景、過程及結果。有關是次全民投票的詳細紀錄，可參閱附錄四。

### 6.22 民間全民投票背景

6.02 「和平佔中」在 2014 年 5 月 4 日及 5 月 6 日於全港五區舉行了「全民政改商討日」，透過商討會議和投票方式，讓市民從多個符合國際標準的普選特首方案中選出三過方案，然後在「民間全民投票日」交予年滿十八歲的香港永久性居民投票，從中選出一個方案交予特區政府考慮。在 2014 年 6 月 20 日至 29 日的期間，「香港大學民意研究計劃」與「香港理工大學社會政策研究中心」，接受「和平佔中秘書處」委託，合作舉辦了「6.20 – 6.29 民間全民投票」。

6.03 當時市民可就兩條題目進行表決，第一條是有關政改方案的表決題目，市民可從「真普選聯盟方案」、「人民力量方案」、「學界方案」或「棄權」四個選項中選出支持的一項，得票最多的方案（不論棄權票、白票或廢票有幾多）將成為「和平佔中」運動推動向政府提交 2017 年普選特首的政改方案。

6.04 第二條則是有關政改原則立場的問題。市民就政府方案若果不符國際標準讓選民有真正選擇的話，立法會應否予以否決一事作出表決。

## 投票過程及結果

6.05 為了讓市民熟習電子投票的介面，主辦機構於 6 月 13 日至 18 日期間，開放其電子投票系統予公眾人士透過流動應用程式作預先登記及模擬投票之用。可惜在模擬投票舉行的期間，有關係統受到規模罕見的分散式阻斷服務攻擊(DDoS)，目的在於癱瘓系統，根據網絡保安專家的初步分析，該次的DDoS攻擊，規模之大及時間之長，是香港有史以來已經公開的類似個案中前所未見。三間國際及本地著名的網絡供應商先後罕有地暫停提供服務，最後只餘下網絡供應商「CloudFlare」願意繼續提供有限服務<sup>11</sup>。因此，原定三天的民間投票活動的日期延長了一星期，目標是令每個希望透過民間全民投票表達意見的香港市民都有足夠時間及渠道完成投票<sup>12</sup>。

6.06 到正式投票的時候，黑客的攻擊仍未有停止或減弱，達到每秒 300Gb 以上，力度亦是攻擊模擬投票系統的四倍<sup>13</sup>。在「CloudFlare」的努力下，網上投票系統並未有受到太大影響。

6.07 投票在 6 月 29 日完結後，共收到 792,808 張有效選票。議題（一）由「真普選聯盟方案」以 33 萬 3 千多票（333,962）成為最多市民支持的方案，也成為了「和平佔中」運動推薦給特區政府的方案。而在議題（二）的點票結果中顯示，69 萬 6 千名投票者（696,092 票，88%）表示如果政府方案不符國際標準讓選民有真正選擇，立法會應予否決<sup>14</sup>。

6.08 詳細的投票率及結果可參表 6.1，表 6.2，及表 6.3<sup>15</sup>。

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<sup>11</sup> 香港大學民意研究計劃（2014），“「6.22 民間全民投票」模擬投票系統受到龐大攻擊”，取自網址 <http://hkupop.hku.hk/chinese/release/release1149.html>

<sup>12</sup> 香港大學民意研究計劃（2014），“「6.22 民間全民投票」應變措施正式啟動”，取自網址 <http://hkupop.hku.hk/chinese/release/release1152.html>

<sup>13</sup> 香港大學民意研究計劃（2014），“「6.22 民間全民投票」電子平台負隅頑抗”，取自網址 <http://hkupop.hku.hk/chinese/release/release1155.html>

<sup>14</sup> 香港大學民意研究計劃（2014），“「6.22 民間全民投票」結果”，取自網址 <http://hkupop.hku.hk/chinese/release/release1164.html>

<sup>15</sup> 摘自香港大學民意研究計劃（2014），“「6.22 民間全民投票」活動報告”，取自網址 [https://popvote.hk/doc/popvote622\\_activity\\_report\\_tc.pdf?v=20150216](https://popvote.hk/doc/popvote622_activity_report_tc.pdf?v=20150216)

	境內離站投票		境內到站投票	境外到站投票 <sup>16</sup>
	流動程式	互聯網站	實體票站	實體票站
投票時間	12:00, 2014.6.20 - 21:00, 2014.6.29		2014.6.22 - 2014.6.29	15:00 - 18:00 2014.6.14
電子選票	495,797	239,303	63,857	--
紙張選票	--	--	6,634	391
已剔除選票 <sup>17</sup>	- 9,655	- 3,406	- 113	
有效選票	792,808			

表 6.1：選票站及總選票數字<sup>18</sup>

<sup>16</sup>多倫多境外票站以紙張選票投票，票箱於 2014.6.19 送抵民研計劃辦公室。境外票站由民研計劃提供指引，「和平佔中秘書處」負責操作。

<sup>17</sup>系統設計處理重複投票的方法是以實體票站收錄的選票為準，而重複紙票會以最早輸入點票系統的選票為準

<sup>18</sup>有關「6.22 民間全民投票」的活動詳情可到《PopVote 普及投票》網站參閱，網址為 <https://popvote.hk>

	境內投票				境外投票	總數
	流動程式 電子選票	互聯網站 電子選票	實體票站 電子選票	實體票站 紙張選票	實體票站 紙張選票	
1. 真普選聯盟方案	204,816 (42.0%)	98,512 (41.7%)	28,099 (44.0%)	--	--	331,427 (42.1%)
2. 人民力量方案	50,490 (10.4%)	25,597 (10.8%)	5,501 (8.6%)	--	--	81,588 (10.4%)
3. 學界方案	187,240 (38.4%)	88,528 (37.5%)	26,799 (42.0%)	--	--	302,567 (38.4%)
棄權	44,291 (9.1%)	23,324 (9.9%)	2,803 (4.4%)	--	--	70,418 (8.9%)
沒有投票	716 (0.1%)	422 (0.2%)	629 (1.0%)	--	--	1,767 (0.2%)
白票	--	--	--	--	--	--
廢票	--	--	--	--	--	--
拒絕投票	--	--	--	--	--	--
合計	487,553 (100.0%)	236,383 (100.0%)	63,831 (100.0%)	--	--	787,767 (100.0%)

表 6.2：題目「就 2017 特首選舉，本人支持『和平佔中』向政府提交以下方案：1. 真普選聯盟方案；2. 人民力量方案；3. 學界方案；棄權」的投票結果

	境內投票				境外投票	合計
	流動程 式電子 選票	互聯網 站電子 選票	實體票 站電子 選票	實體票 站紙張 選票	實體票 站紙張 選票	
立法會應予 否決	427,613 (88.0%)	208,939 (88.6%)	53,693 (84.1%)	5,488 (83.8%)	359 (91.8%)	696,092 (87.8%)
立法會不應 否決	37,059 (7.6%)	16,691 (7.1%)	5,613 (8.8%)	507 (7.7%)	27 (6.9%)	59,897 (7.6%)
棄權	19,111 (3.9%)	9,621 (4.1%)	2,337 (3.7%)	221 (3.4%)	4 (1.0%)	31,294 (3.9%)
沒有投票	2,359 (0.5%)	646 (0.3%)	2,188 (3.4%)	--	--	5,193 (0.7%)
白票	--	--	--	264 (4.0%)	1 (0.3%)	265 ( $<0.1\%$ )
廢票	--	--	--	65 (1.0%)	0 (0.0%)	65 ( $<0.1\%$ )
拒絕投票	--	--	--	2 ( $<0.1\%$ )	0 (0.0%)	2 ( $<0.1\%$ )
合計	486,142 (100.0%)	235,897 (100.0%)	63,831 (100.0%)	6,547 (100.0%)	391 (100.0%)	792,808 (100.0%)

表 6.3：題目「如果政府方案不符國際標準讓選民有真正選擇，立法會應予否決。本人表示：立法會應予否決；立法會不應否決；棄權」的投票結果

## 概念與導讀

- 6.09 「民間全民投票」的概念可以說是取自「公民投票」(referendum)的理念，是直接民主的一種體現。現今世界各地很多民主國家均設有全民投票機制。直接民主的起源可追溯至二千五百多年前的古希臘和羅馬社會。隨著民主運動的不斷發展，全民投票這機制已被不少國家確認為憲制的一部分，有完善的法律監管其操作；亦有些國家會在沒有憲法的基礎下舉行以諮詢性質為主的全民投票。
- 6.10 自 1970 年代起，全球進行全民投票的數目有明顯增長，情況在瑞士及歐洲諸國尤為明顯。縱使多數國家的全民投票都是用於修訂憲法，但全民投票的機制並不單只適用於政制問題，還可處理具爭議性的社會政策問題。例如，瑞士在全國性層面就曾多次就政策議題付諸全民投票，包括賭場合法化、禁止動物實驗等，而美國在州份層面就曾經以全民投票表決福利、環保、房屋等社會議題。由於一般的民主國家的政治運作多以代議政制為主，公民投票這種直接民權的行使能補充代議政制的不足，讓人民就個別政策議題的意願透過公民投票的方式呈現出來<sup>19</sup>。
- 6.11 回歸後香港的政制多年來還沒有達至真正普選，因此民間便發起民間全民投票讓市民就重大議題表態，包括模擬選舉特首和就政改議題表態。2010 年泛民陣營的立法會議員曾以辭去五區直選議席發起變相「公投」，呼籲市民投票爭取「盡快實現真普選、廢除功能組別」，但該次補選並沒有「民間全民投票」的元素。
- 6.12 2012 年 3 月 23 至 24 日，在 3 月 25 日特首選舉前，「香港大學民意研究計劃」舉辦 3.23 特首「民間全民投票」，透過紙張和電子投票，讓市民投票表達對各個特首選舉候選人的支持程度，是首次在全港進行的大型「民間全民投票」。
- 6.13 雖然民間嘗試透過全民投票反映市民對重大事件的意見，但是《基本法》和香港法例中並沒有全民投票的機制，而全民投票（「公

<sup>19</sup> 全民投票研究組 (2005)，「全民投票的國際經驗」。取自網址 <http://hkupop.hku.hk/chinese/columns/columns75.html>

投」)在香港亦一直被視為政治敏感的議題。在 2004 年 10 月，張超雄議員曾在立法會政制事務委員會上動議，希望就 2007/2008 年的政制改革議題上讓市民可以透過公投的形式表達意見，但議案不獲通過<sup>20</sup>。

- 6.14 在「6.20 – 6.29 民間全民投票」舉行期間，中央和特區政府亦就民間全民投票的活動發表不少評論。國務院港澳辦的發言人在 6 月 20 日發表講話表示香港特區是中國一個地方行政區域，無權自行創制「公投」制度或發起所謂「公投」活動，而在特區進行任何形式的所謂「公投」，均沒有憲制性法律依據，是非法也是無效的<sup>21</sup>。特首梁振英也曾在公眾場合公開表示，「全民投票」活動欠缺法律基礎<sup>22</sup>。基本法委員會委員劉迺強更表示由於《基本法》內沒有公投機制，「公投」因此是屬非法的，任何「公投」結果都不能成立<sup>23</sup>。

## 觀察與分析

- 6.15 **官方不會舉辦全民投票**：從中央及特區政府對全民投票的態度來看，由政府舉辦的全民投票，哪怕是沒有約束力的參考性質投票，也會因為種種政治考慮而不會成事。不過，特區政府也沒有理由和權力阻止以文明理性、保障私隱為基礎的民間全民投票活動。
- 6.16 **引入全民投票解決社會紛爭**：早於 1992 年，香港社會已經開始研究和測試「全民投票」的概念。及至 2005 年 2 月，由一群學者組成的「全民投票研究組」就有關香港全民投票發展進行研究，其研究結論肯定了全民投票在香港實踐的可行性。文中提到：「全民投票可以填補現時不民主政制的不足，亦可以促進香港的民主發展。即使基於政治考慮，政府不欲推行有法律效力的官方全民投票，推動民

<sup>20</sup> 黃俊瑯 (2012)，『『全民投票』二十年』，載於王家勝 (主編)，香港我主場，香港：3.23 民間全民投票支援聯席編輯委員會，頁 85-96

<sup>21</sup> 「港澳辦中聯辦：「公投」非法無效」，《文匯報》，2014，6 月 21 日，取自網址 <http://paper.wenweipo.com/2014/06/21/HK1406210001.htm>

<sup>22</sup> 「特首：『全民投票』缺法律基礎」，2014，6 月 24 日，《文匯報》，取自網址 <http://news.wenweipo.com/2014/06/24/IN1406240029.htm>

<sup>23</sup> 「林煥光貶全民投票如民調」，《蘋果日報》，2014，6 月 22 日，取自網址 <http://hk.apple.nextmedia.com/news/art/20140622/18771047>

間的全民投票，也有其積極的意義。」<sup>24</sup>。回歸以後，香港市民也經歷過以「公民投票」形式舉行的大型運動。即使香港沒有公投法，在過去的二十多年間，香港市民對全民公投的概念和操作已不再陌生。中央和特區政府其實無須把全民投票視作洪水猛獸。全民投票本身是一個非常有彈性和擁有很大塑造空間的制度。政府的憂慮可以透過制度的設計加以解決。

- 6.17 **民間全民投票不等同主權表決**：民間全民投票雖然沒有法律效力，卻是一種可以讓市民和平理性地表達意見的一種方法，與一般民意機制無異。而「全民投票」這概念實在不應成為社會的禁忌，亦不用把它等同主權表決。其實，不一定是主權國家才可以用全民投票作政策決定，例如美國不少州、市或鎮都有機制可以讓公民發動地區全民投票決定地區上的重要事項。投票完畢後，這些州或市亦沒有因此變成獨立國家<sup>25</sup>。
- 6.18 **全民投票有助提升公民討論政改的素質**：當今香港社會就政改議題的討論存在嚴重分歧，政府的管治變得舉步為艱時，若果特區政府能夠釋出善意，抱著開放的態度，好好利用「6.20 – 6.29 民間全民投票」的經驗，把民間全民投票制度視作一種和平表達民意的形式，並在政改討論的過程中加入「慎思民主」的元素，讓廣大市民在民間投票前先就政改的問題作深入討論，以確保他們的決定是經過心思熟慮而作出的。這種處理方法，一則有助社會解決紛爭，二則有助公民議政素質，長遠而言有利香港發展。

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<sup>24</sup>全民投票研究組（2005），「香港有足夠條件推行全民投票」，取自網址 <http://hkupop.hku.hk/chinese/columns/columns76.html>

<sup>25</sup>馬嶽（2004），「公投和獨立何干？」，《明報》，10月28日，A30版



## 第七章：相關法庭案件

### 方法與局限

7.01 近年來，市民除了會透過參與遊行集會等傳統的方法表達訴求外，也有市民會透過法庭訴訟來表達對政府或一些社會事件的意見。在研究期間，有關政改爭議及「雨傘運動」的訴訟共有三種，包括市民就政府所撰寫的政改諮詢報告及特首向人大常委提交的政改報告所提出司法覆核、運輸業界和金鐘中信大廈業主就佔領行動向法庭申請臨時禁制令，和市民入稟小額錢債審裁處向佔領運動的組織者索償。資源所限，本報告只會就上述司法覆核和禁制令申請的案件作出分析。由於部分案件仍在審理之中，我們只能就案件在研究期間的進度和有關法律規定作為分析基礎。

### 描述與整理

#### 公法：司法覆核案件

7.02 2014年8月22日，長洲居民郭卓堅入稟高等法院就政府第一輪的政改諮詢提出司法覆核。案件的答辯人分別是香港特別行政區行政長官和香港特別行政區政府。入稟狀提出了三個司法覆核的理由，當中包括：（一）政改諮詢過程不公；（二）由特區政府所撰寫的「2017年行政長官及2016年立法會產生辦法公眾諮詢報告」及由行政長官所撰寫的「行政長官致全國人大常委會報告」沒有如實反映香港情況；和（三）特區政府的諮詢報告及行政長官的報告得出了任何理智的人都不會得出的結論（*Wednesbury unreasonableness*）。基於上述的三個原因，申請人要求法庭宣告上述報告無效<sup>26</sup>。

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<sup>26</sup> 「市民入稟圖推翻政改報告」，《明報》，2014，8月23日，A02版

7.03 申訴人的入稟狀用了最多篇幅描述兩份報告如何違反在普通法下對諮詢的要求，有關論點撮要如下：

- 1) 政務司司長林鄭月娥曾在一公眾場合中承諾政府會在是次的諮詢中「將最足夠的資料讓市民參考」<sup>27</sup>，這承諾令市民合理地期望政府用羅列充足資料進行第一輪諮詢，可惜第一輪政改諮詢嚴重誤導公眾，亦不公平。兩份報告亦沒有如實地反映香港市民的意願；
- 2) 在第一輪諮詢中，特區政府錯誤解釋《基本法》條文，嚴重誤導公眾，尤其是對沒有受過法律訓練的市民更加不公平<sup>28</sup>；
- 3) 即使特區政府對《基本法》的解釋並不是明顯出錯，特區政府並沒有提供坊間其他可行的解釋供市民參考；
- 4) 特區政府的諮詢文件未有提供準確和充足的資料供市民參考<sup>29</sup>；
- 5) 特區政府在第一輪諮詢時進行具選擇性和偏頗的諮詢<sup>30</sup>；和
- 6) 行政長官和特區政府並沒有在諮詢報告中如實地反映從坊間收到的民意
  - a. 特區政府沒有在諮詢報告出版前聘請獨立顧問公司協助妥善分析收集得來的民意；
  - b. 特區政府無法向公眾解釋其用以分析民意的方法，讓市民無法鑒定政府有否如實地將收到的民意反映出來；
  - c. 特區政府並沒有妥善地量化民意及評估從不同渠道收集得來的民意的可信性；及/或過度衡量與政府意見相同的民意；
  - d. 行政長官及/或特區政府並沒有考慮到在諮詢期以後的民間重要運動，如「6.22 民間全民投票」和「七一大遊行」；

<sup>27</sup> 政務司司長 (2013)，會見傳媒談話全文 (附短片)，第七段

<http://www.info.gov.hk/gia/general/201310/17/P201310170404.htm>

<sup>28</sup> 例如把在中英聯合聲明和《基本法》中沒有的「愛國愛港」要求加入諮詢文件中當為特首候選人的必要條件、把「民主程序」解釋成「機構提名」和 2007 人大常委的決定中所說的「若干名候選人」錯誤解讀為必需要限制行政長官的候選人數目等。

<sup>29</sup> 在討論普選行政長官和立法會的問題時，除《基本法》第四十五及六十八條外，亦須一併考慮《基本法》有關選舉權利的其他條文，即第二十五、二十六及三十九條。可是，政府的諮詢文件完全沒有提及憲法權利條文，違反政府在公眾諮詢須提供準確和充足資料的普通法原則，對諮詢過程構成不可彌補的程序不公。

<sup>30</sup> “The Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in 2017 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in 2016 Alternative Report”, para 26 – 29 and Annex I.

以及

e. 行政長官及特區政府所撰寫的報告歪曲了香港市民的意願。

7.04 有關的司法案件還未進入正式審訊的階段，而第二輪的政改諮詢已在 2015 年 1 月在人大常委於八月三十一日作出決定後的框架下展開。

## 私法：禁制令案件

7.05 在 9 月 28 日的下午，數以萬計市民成功突破警方的封鎖線並湧出馬路，聲援正在政總範圍內的示威者，以佔領為主的「雨傘運動」正式展開。佔領範圍由金鐘一帶擴展至銅鑼灣及旺角。其後的三個星期，警方試圖多次清場不果，清理後的路段在晚間被佔領人士重新佔領。

7.06 在 10 月 20 日，的士、小巴團體和中信大廈業主向法庭申請禁制令，禁止示威者繼續佔領。法庭在同日頒發臨時禁制令，禁止佔領者阻礙金鐘龍匯道及添美道交界的中信大廈的三個出入口，以及禁止佔據旺角一帶道路。

7.07 於 10 月 22 日，再有巴士公司和巴士同業聯會向法庭申請禁制令，禁制示威者在金鐘夏慤道繼續佔領馬路和搭建障礙物<sup>31</sup>。及後，四份由法庭頒發的禁制令分別在 11 月 18 日（涉及中信大廈出入口及附近道路）、11 月 25 日（涉及旺角亞皆老街）、11 月 26 日（涉及旺角彌敦道）和 12 月 11 日（涉及夏慤道）執行。警方亦在執達主任移除障礙物後大舉清理各個佔領區域，歷時 79 日的佔領行動正式結束。

<sup>31</sup> 「巴士業團體申夏慤道禁制令」，《蘋果日報》，A04，2014 年 10 月 23 日

## 概念與導讀

### 公法：司法覆核案件

7.08 根據普通法原則，一個正當、公平的諮詢，政府必須提供準確及充足的資料，讓公眾可以根據資料提出有意義及明智的回應。根據香港原訟法庭在林月媚<sup>32</sup>一案的判詞，在進行一個公正的公眾諮詢時需注意以下的原則：

- a. 有關的建議必須仍在建構的階段 (formative stage)<sup>33</sup>;
- b. 政府必須就有關的建議提供足夠的推行原因和背景資料供諮詢對象參考，確保諮詢對象能在平衡各方面的考慮後能作出合理的選擇<sup>34</sup>；
- c. 政府需提供足夠的時間給公眾就諮詢議題作考慮及回應<sup>35</sup>；
- d. 政府就有關的議題上所作出的最後決定，必須切實地考慮公眾諮詢的結果<sup>36</sup>。

7.09 倘若公眾諮詢能夠符合以上普通法的原則，合理公平地進行，讓持有相關利益的人士、和社會上不同背景的大眾都能參與，這樣的諮詢可達成下列的結果<sup>37</sup>：

- a. 集思廣益，有效改善整體的政策制定過程；
- b. 透過廣泛公眾參與，增加政府政策制定的合法性，尤其在重大的社會議題上；
- c. 在諮詢程序完結後能有更大機會去制定一個更全面和完善的政策。

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<sup>32</sup> *Lam Yuet Mei v Permanent Secretary for Education and Manpower of the Education and Manpower Bureau* [2004] HCAL 36/2004, Para 50; 亦可參考英國法庭最新就公眾諮詢案件的判詞：*R v London Borough of Haringey* [2014] UKSC 56, Para 23 – 28

<sup>33</sup> *R v Brent London Borough Council, ex p Gunning* (1985) 84 LGR 168

<sup>34</sup> See also Para 67, *R (Osborn) v Parole Board* [2013] UKSC 61

<sup>35</sup> *R v Brent London Borough Council, ex p Gunning* (1985) 84 LGR 168

<sup>36</sup> *ibid.*

<sup>37</sup> Swati Jhaveri, Ramsden and Hill (2013), *Administrative Law in Hong Kong* (2nd edn), LexisNexis, p. 43

## 私法：禁制令案件

- 7.10 警方利用法庭的禁制令展開清場，在社會上引起不少的質疑。因為警方其實有足夠能力和權力執法並根據法例檢控佔領者。警方不敢理直氣壯地清場，而是透過民間力量，向法庭申請禁制令，趁勢清場，是把政治問題移交法庭處理，容易把司法機關捲入政治爭拗。
- 7.11 事實上，在旺角成功透過禁制令清場後，有不少市民仍不時在「潮聯公共小型巴士有限公司」（「潮聯」）（禁制令申請人之一）小巴士一帶示威。有民間團體更在早前正式申請法援，就「潮聯」違例霸佔道路的問題申請禁制令<sup>38</sup>。而在佔旺禁制令案中代表「潮聯」的律師兼區議員，亦多次遭到滋擾。由此可見，利用法庭的禁制令去處理政治問題只會製造更多矛盾。

## 觀察與分析

### 公法：司法覆核案件

- 7.12 香港政府在過去沒有建立一套完善、公平、公開的諮詢方式和程序，也沒有固定的諮詢模式。在這種情況下，特別是在推行有重大社會分歧或關乎到重大公眾利益的議題時，政府的諮詢工作很易受到挑戰。因此，特區政府若果能夠在第二輪政改諮詢時先定下一些基準<sup>39</sup>，把分析民意的方法做到公開透明，不在諮詢前隱藏既定立場，才能重建市民對政府的信任，提高諮詢報告的合法性和正當性。在這個極具爭議的課題上，特區政府須要多加誠意和努力去尋求社會共識，並確保不同持份者的意見都會被充份考慮。

<sup>38</sup> 「『香港人優先』擬入稟禁潮聯佔路」，《明報》，A06，2014年12月17日

<sup>39</sup> 可參考：The UK government, *Consultation principles: guidance* (5 Nov 2013)，

<https://www.gov.uk/government/publications/consultation-principles-guidance>，2015年2月9日登錄；

OECD, *Background Document on Public Consultation*，<http://www.oecd.org/mena/governance/36785341.pdf>，

2015年2月9日登錄；Department of Justice Canada, *Policy Statement and Guidelines for Public Participation*

## 私法：禁制令案件

- 7.13 禁制令及小額錢債案件反映市民開始依賴法律程序去處理政治問題。處理政治問題本應屬於政府行政部門的職責，市民把政治爭拗帶到法庭，是因為我們的行政機關出現問題，未能妥善履行應有的責任。如果政府繼續利用市民之間的各種爭執製造輿論，達到政治目的，則社會分化會更加嚴峻，管治更加困難。
- 7.14 政府其實可以建構一個多方商討平台，吸納不同聲音，透過理性商討尋求共識。當然，政府也要檢討現行的諮詢制度，建立起一套專業和公平的諮詢方法，制定更加近民意的政策。

## 第八章：結語

- 8.01 2014年9月底至12月中發生的「佔領運動」，突顯了香港社會的深層矛盾。這些矛盾源自不少中央官員與香港市民對「一國兩制」的不同理解，顯露於內地與香港存在已久的文化差異。香港人期望在「一國兩制」下維持一貫的生活方式和核心價值，希望更加民主。不少香港人尤其是年青人對政府管治長期不滿，在「佔領運動」中更因催淚彈等升級武力而激化。政府以外國勢力操控來解讀這場運動，完全沒有正視市民對政改公正的要求和對普世價值的嚮往。
- 8.02 特區政府在2014年7月向人大常委會提交的第一階段政改諮詢報告，沒有就香港社會的深層矛盾提供分析和化解方法，亦增加市民對政府及現有政治制度的不滿。特區政府過去沒有建立一套完善的諮詢方法，在重大議題下容易受到挑戰。特區政府若果能夠在第二輪政改諮詢時預先說明分析民意的的方法，才能重建市民的信心，提高諮詢報告的合法性和正當性。
- 8.03 從本報告收錄的多項民意調查可見，市民對政制發展的步伐分歧頗大，而政府的諮詢方式和程序，不但沒有拉近市民之間的距離，反而加深矛盾，令問題更尖銳化。我們認為，政府應以更有效的方方法聽取民意，尋求共識。多方討論平台可以是一個開始，而社會參與和開放透明程度亦須大幅提升。
- 8.04 政府處理遊行示威的手法，亦未能有效疏理社會不滿，反而令部分人士感到壓迫，形成更大及更激烈的對抗。政府機關，尤其是負責執法的警隊，在這方面應作改善。佔領行動期間，警隊變成政治磨心，當權者難辭其咎，但部分示威人士及市民把警員視作政治爪牙，亦屬不當。我們呼籲日後參與遊行示威的人士，必須堅持和平理性非暴力。而警方亦必須保持政治中立，嚴格遵守《警察通例》的規定，不容許警員「參與任何足以影響其公正執行職務的活動或任何可能使市民誤會會影響其公正執行職務的活動」，或抱著敵視示威者的態度執行職務，要有效管理及疏導警員情緒，避免情緒失控影響專業執法。

- 8.05 行政機關的另一缺失，是政府官員包括特首和部分問責高官高調支持有強烈政治色彩的簽名活動，參與群眾對抗群眾的鬥爭，在民意嚴重分歧的情況下沒有擔起調停角色，無助社會達成共識。
- 8.06 香港近期出現不少群眾對抗群眾的活動，並非香港之福。本來，不同取向的民眾以遊行集會各自表達訴求，並無不可，但不少為反對而反對的群眾活動，形式極具挑釁，矛頭直指對方群眾。這種鬥爭只會撕裂社會、激化矛盾，造就混水摸魚之徒。
- 8.07 當今香港社會就政改發展存在嚴重分歧，政府管治舉步為艱。公民社會近年以慎思民調和民間投票作為深入了解民意的工具，一則為市民提供和平理性表達意見的機會，二則提升公民議政素質，長遠而言有利香港發展。政府及立法會應積極參考有關結果，以助社會解決紛爭。
- 8.08 公民社會對社會發展作出了很大貢獻，但一直以來都較少參與政治，和較少對政制發展提出意見。為使政府決策能夠更好地回應市民的訴求，公民社會團體應該更加積極對政府施政提出意見，並且加強內部民主化，讓成員有更多機會參與其中。政府和政黨亦應加強與公民社會團體的合作，政府可以委任有代表性的公民社會團體，派遣代表加入政府諮詢架構，共同制定以民為本的社會政策。



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## 附件一：政改事件時序表<sup>40</sup>

日期	政改重要事件時序表
17/10/2013	特首梁振英出席立法會答問大會時宣布成立「政改諮詢專責小組」(即「政改三人組」)，由政務司司長林鄭月娥領導，爭取年底正式展開政改諮詢。
22/11/2013	基本法委員會主任李飛及副主任張榮順訪港，就《基本法》事宜與政府人員交流。
4/12/2013	政府宣布就 2016 年立法會選舉和 2017 年行政長官產生辦法展開為期五個月諮詢。
18/12/2013	習近平會見梁振英時提及香港政改，他呼籲香港各界按照《基本法》和全國人大常委會規定進行「務實討論、凝聚共識」。
6/3/2014	中央政治局常委、全國人大委員長張德江於港區人大代表小組會議上提及香港普選問題，指出中央對香港普選有「一個立場、三個符合」：一個立場是指中央政府會繼續堅定不移地，支持香港在 2017 年根據《基本法》循序漸進落實普選特首。「三個符合」中第一個符合是指香港普選制度，必須符合香港憲制地位和實際情況；第二個符合是指香港政改必須依照《基本法》人大常委會相關解釋為依歸；第三個符合則是香港特首必須符合「愛國愛港」的基本標準。
3/5/2014	政改首輪諮詢結束，政府指五個月的諮詢期內收到約十三萬份意見書，共出席逾二百二十場的政改座談會和會議。
6/5/2014	「和平佔中」舉行第三次「全民政改商討日」，並選出三個包含「公民提名」的方案讓市民可在「622 全民投票日」投票。在總票數 2508 票中，最高得票的三個方案分別為「學界方案」(1124 票、得票率 44.8%)，「人民力量方案」(685 票、得票率 27.3%) 及「真普聯『三軌方案』」(445 票，17.7%)；三個方案將成為 6 月 20 日至 22 日舉行的「全民投

<sup>40</sup>政改事件時序表的紀錄方法以香港大學民意調查計劃使用的「民意日誌」作為基礎。若在研究時期內的任何一日，香港各份本地報章頭條和社評項目裡有跟政改相關的報導並超過百分之二十五的話，我們便把當日有關政改的新聞選出，加入時序表上。如果「民意日誌」內的描述過於概括的話，我們則在慧科電子剪報資料庫搜尋當日的政改新聞作更仔細的描述。一般而言，個別人士對政改的看法將不被包括在內，除非是國家或特區政府主要官員有關政改的立場及意見。為更全面搜尋跟政改相關新聞，我們同時在慧科電子剪報資料庫使用「關鍵字搜索」的方法，補充與政改相關的紀錄，當中使用的關鍵字包括「政改」、「普選」、「佔領」、「佔中」、「民意調查」、「遊行」及「集會」。另外，為了讓讀者更了解政改的發展，我們亦利用與「民意日誌」相同方法涵蓋了研究時期外有關是次政改的部分事件。

	票日」候選方案。
7/6/2014	立法會議員湯家驊舉辦政改研討會，研討會邀得政府官員、內地法律學者、本地學者、本地政治團體成員，以及多名泛民和建制立法會議員出席。
10/6/2014	國務院發表《「一國兩制」在香港特別行政區的實踐》白皮書。白皮書不單向香港社會發放，還通過七種外國文字向國際社會發放，白皮書表示中央對香港有「全面管治權」。
11/6/2014	中央發表《一國兩制白皮書》視法官和司法人員作為「治港者」。大律師公會發聲明反駁，若這樣理解法官和司法人員會發出錯誤信息，令人誤以為法庭是政府機器一部分，兩者互相配合。
12/6/2014	律政司司長袁國強就《一國兩制白皮書》回應大律師公會聲明，強調白皮書沒有干預香港司法獨立，而《白皮書》要求法官及司法人員在內的「治港者」須愛國在法官就任宣誓時已體現。
20/6/2014	「和平佔中」正式展開一連 10 天的民間全民投票運動，但日前「港大民意研究計劃」的電腦系統受到黑客攻擊，要聘請網絡服務公司加強防備，增加專用伺服器，務求電子投票順利進行。
21/6/2014	「和平佔中」民間全民投票首日錄得逾 40 萬人投票。特區政府、港澳辦、中聯辦重申是次公投並無法律效力。
23/6/2014	「和平佔中」民間全民投票開放實體投票站，4.8 萬人親到票站投票，但有人指投票系統有漏洞，質疑投票數字。
29/6/2014	「和平佔中」全民投票最後一天投票結束，最終有 787,767 人投票。結果為「真普聯方案」取得 42.1% 選票勝出，另外，87.8% 投票人士認同立法會應否決不符合國際標準的政府方案。
1/7/2014	七一大遊行，遊行人士要求「公民直接提名、廢除功能組別」。根據「港大民意研究計劃」的推算，共有 15.4 萬至 17.2 萬人參與，警方指高峰期有 9.86 萬人，「民陣」指有 51 萬人參與。學生團體遊行後包圍特首辦，並在凌晨進行一次「預演佔中」。
2/7/2014	中共中央政治局委員、中央港澳工作協調小組副組長李源潮接見香港青年，指特區政府應按基本法推動政改，又認為香港青年應增加法治意識和愛國。

15/7/2014	特首梁振英向全國人大常委會提交報告，提請全國人大常委會確定 2017 年行政長官和 2016 年立法會產生辦法是否需要進行修改。特區政府同時公佈《二零一七年行政長官及二零一六年立法會產生辦法公眾諮詢報告》。政務司長林鄭月娥向立法會宣讀報告時指出，社會大眾普遍認同應集中精力處理好特首普選辦法，故不會就 2016 年立法會選舉修改《基本法》附件二，即立法會的選舉辦法將不會建議修改，然而政府如何達到諮詢報告的結論受到質疑。
4/8/2014	「壹傳媒」主席黎智英曾向三名議員捐款，並在「6.22 公投」中花費逾三百萬元。
7/8/2014	中聯辦主任張曉明指在香港實行普選時要從國家安全的角度去考慮。  40 名建制和泛民人士昨日就政改發表聯署信，指堅持己見難有共識，呼籲各界平心靜氣討論方案，又稱無意針對「佔中」或「反佔中」，只表達香港人想實現普選訴求。
12/8/2014	張曉明將分四次以小組形式會晤泛民議員討論政改。
15/8/2014	中聯辦主任張曉明今日開始分批與泛民立法會議員在政府總部會面，並首先與民主黨議員會晤討論政改。會上他強調特首普選涉及國家安全，中央有權把關，又指特首普選過半提名門檻要求合理。泛民議員在會面前夕發表「民間政改報告」，報告強調市民強烈要求 2017 年特首普選「無篩選」，又指「真普選聯盟」提出的「三軌方案」得到很多市民支持。
17/8/2014	「『保普選反佔中』大聯盟」發起「8•17 和平普選日」大遊行，「港大民意研究計劃」估算有 8 萬 4 千至 10 萬 2 千人，大會指活動計有 19 萬 3 千人，港大學者葉兆輝估計有 5 萬 2 千至 6 萬 3 千人；警方指高峰期有 11 萬 600 人。
21/8/2014	全國人大常委會辦公廳一連兩日於深圳舉行三場政改座談會，全國人大常委會副秘書長李飛、國務院港澳事務辦公室主任王光亞和中聯辦主任張曉明三名中央官員，先與港區人大代表、全國政協委員會面，第二場是 48 名立法會議員，隨後再與 15 名泛民議員單獨會面。
25/8/2014	全國人大常委會開始舉行會議，將審議特區政府的政改報告。
27/8/2014	全國人大常委會副秘書長李飛向人大常委會，彙報有關香港政改的「決定草案」代擬稿，提請人大常委會審議。全國人大常委會委員長張德江下午在北京主持召開十二屆全國人大常委會第二十八次委員長會議，決定將香港行政長官普選問

	題和 2016 年立法會產生辦法的決定草案，提請十二屆全國人大常委會第十次會議審議。
28/8/2014	廉政公署到「壹傳媒」主席黎智英以及立法會議員李卓人的住所搜查。
31/8/2014	<p>全國人大常委會就香港特區行政長官普選問題和 2016 年立法會產生辦法作出決定。人大常委會閉幕前表決政改決議案，以 170 票支持、無人棄權或反對全票通過。多項具體規定，包括提委會組成、提名門檻及候選人數等，均明確寫在決議案內。</p> <p>當晚，「和平佔中」於添馬公園舉辦啟動「和平抗爭集會」。「學聯」宣佈將會發動大專罷課，「學民思潮」宣布未來兩個月會籌備中學生罷課。「民陣」宣佈將發起「黃絲帶運動」，並會支援「佔中」舉辦大型遊行。民主派議員到場讀出聲明，除黃毓民及公民黨湯家驊外，民主派 25 人聯署，表示人大常委的決定等於中央堅持透過提委會欽點特首候選人，這方案必不符合國際標準，他們將在立法會否決方案。</p> <p>另外，55 名在大專院校任教的學者發表聯署信表示人大常委會的決定限制不同政見人士參選特首的機會，並扼殺討論。</p>
1/9/2014	全國人大常委會副秘書長李飛先後向各界人士及政府高層官員簡介政改。他強調提名委員會是唯一提名機構，並指人大常委會的決定是要表明特首必須由「愛國愛港」人士出任，反對派永遠沒有可能。
2/9/2014	全國人大常委會副秘書長李飛與本港法律界人士會面。「大律師公會」主席石永泰會後稱，他們認為人大議決要求提委會過半提名、候選人數限 2 至 3 名，以及維持提委會四大界別，這些限制對特首選舉是否符合無「不合理限制」的國際標準，仍存「很大爭議」。
2/9/2014	「民間人權陣線」發起「『還政於民，落實普選』黃絲帶運動」，呼籲市民於衣服上掛上黃絲帶，鮮明地表達爭取「真普選」的立場及落實還政於民的訴求。
3/9/2014	香港最後一任港督彭定康於本港報章撰文指英國有道德和政治義務去評論北京對香港政改的決定，若英國沒履行對香港的承諾及責任，是不光彩的。同時，全國政協副主席、前特首董建華自 2005 年請辭特首後首次召開記者會，強調人大常委會對本港政制的決定並非終極方案，《基本法》仍有空間改良本港民主制度。他又堅決反對佔領中環做出違法行為。

8/9/2014	學生為抗議人大對政改決定，將發起罷課行動。「『保普選反佔中』大聯盟」設熱線收集中學罷課及佔中「情報」，但不久熱線停止運作。
14/9/2014	520 名本港各大專院校學者及教職員，發表聯署聲明抗議全國人大常委會定下政改框架，部分學者願意在罷課期間出席集會講課。
16/9/2014	全國人大常委會委員長張德江在北京接見「工聯會」代表團，「工聯會」立法會議員黃國健在會後引述張德江指人大常委會就香港政改的決定，是「不可撼動的」。
21/9/2014	全國政協副主席、前特首董建華昨率領近 60 名工商及專業界人士訪京，成員包括「長實集團」主席李嘉誠、「恒地」主席李兆基、「新世界」主席鄭家純等，亦有六大商會代表及多名政協常委。
21/9/2014	大學生發動為期 5 天的罷課行動。
22/9/2014	「學聯」發起大專生一連 5 天罷課要求撤回人大決定及特首梁振英下台。首日於香港中文大學「百萬大道集會」。「學聯」又於添馬公園及政府總部附近 3 個位置，舉行逾 20 場「公民講座」，由多名大專學者主持。
26/9/2014	「學聯」發動罷課最後一日，「學民思潮」發起中學生罷課。晚上，一批學生以「重奪『公民廣場』」名義衝入政總前地，警方多次施射胡椒噴霧驅趕，「學民思潮」召集人黃之鋒等人被捕。
27/9/2014	警方清走「公民廣場」內示威者，並拘捕包括「學聯」正副秘書長周永康、岑敖暉等人。晚上政總外愈來愈多示威者聲援學生，有傳媒指有 5 萬人集會。
28/9/2014	「佔中三子」於凌晨宣布提早「佔中」，呼籲物資進入金鐘集會地區。警方日間嘗試驅散示威者，除胡椒噴霧外，發放並 87 枚催淚彈。但連串警民衝突後，激發更多市民到金鐘佔領區參與集會，警方暫緩強行清場。佔領行動亦擴散至旺角、銅鑼灣，尖沙咀等地。



29/9/2014	<p>「學聯」及「學民思潮」宣布發起「三罷」，即大專生及中學生無限期罷課，以及罷工、罷市，直至港府及中央回應 4 點訴求，包括特首及「政改三人組」下台、人大撤回政改決定等。</p> <p>多間中學昨天響應罷課，「學民思潮」稱有逾 20 間中學、共 3000 名中學生參與。</p> <p>社福界及員工亦率先罷工。由二十五個社福界員工組織的工會及團體發起「社福界大罷工集會」。「教協」也發動教師罷教和學生罷課。社福界發表聯署聲明，嚴厲譴責政府無視市民的集會自由和權利，批評警方多次以胡椒噴霧及催淚彈驅散手無寸鐵的和平集會市民。</p> <p>「大律師公會」發聲明譴責警方過度及使用不必要武力，對此深表遺憾。</p> <p>泛民主派二十七位立法會議員昨發表聯合聲明，強烈譴責特區政府向集會人士施放催淚彈及威脅開槍。建制派立法會議員發表聯合聲明，堅決反對「三罷」。</p> <p>政務司司長林鄭月娥表示社會氣氛不利推行政改諮詢，宣布暫緩第二輪政改諮詢，但強調 2017 普選不變。八大學生會決議無限期罷課，而灣仔及中西區小學繼續停課。</p> <p>警方對罷課及「佔中」人士多次施放催淚彈及胡椒噴霧，惹起公眾強烈反彈，投訴警察課及監警會分別接獲 70 宗及 19 宗投訴，不滿警員濫用職權及過度使用武力。</p>
30/9/2014	<p>旺角彌敦道與亞皆老街交界長時間聚集大批示威人士，期間支持佔中的市民與反對佔中行動的市民多度展開爭執對罵，最終由示威者組成的糾察調停。另外，佔領行動擴展至尖沙咀廣東道。</p>
1/10/2014	<p>近深夜陸續有市民響應網上呼籲到金紫荊廣場外聚集，人數瞬間增至逾千人，分佈會展新翼東西面的會議道一段，令該路段交通癱瘓。特首梁振英與眾官員，以及首席法官馬道立和全國政協副主席董建華等，需乘坐船隻抵達廣場等待出席升旗禮。</p>

2/10/2014	有金鐘示威者發起包圍特首辦行動，並試圖佔領龍和道。香港大學及香港中文大學校長馬斐森及沈祖堯晚上親身到現場探望學生。「學聯」去信政務司司長林鄭月娥要求對話，信中無再提撤回人大決定或特首梁振英下台。梁振英亦於深夜宣布委派林鄭月娥與「學聯」對話商討政改。
3/10/2014	大批反佔中人士前往旺角、銅鑼灣試圖清場，其中旺角爆發嚴重暴力流血衝突。尖沙咀廣東道的佔領區被成功清場。「學聯」一度宣布擱置對話，並重提要求特首梁振英下台。
5/10/2014	政制及內地事務局副局長劉江華與「學聯」代表舉行首次籌備會議。
6/10/2014	中西區及灣仔區中學復課，各佔領區人數開始顯著減少，政府與「學聯」召開第二次籌備會議。
7/10/2014	中西區及灣仔區小學也復課，政府與「學聯」召開第三次籌備會議，暫時正式會談議題不包括撤回人大決定。「學聯」會後批評政府「玩弄市民」，無誠意對話。政府消息反責「學聯」「表裏不一」，預告會談隨時告吹。
8/10/2014	有商戶入稟法院，向發起「佔中」人士索償損失。
9/10/2014	「學聯」、「學民思潮」、「和平佔中」與泛民政團聯手重提「公民提名」及「撤回人大決定」等要求，並威脅發動新一輪不合作運動。林鄭月娥決定暫停對話。
10/10/2014	「學聯」、「學民」及「和平佔中」發起「政府拒絕對話，人民堅守街頭」集會，呼籲「一人一帳篷，全面佔街道」，在金鐘、銅鑼灣、旺角紮營，以示長期佔領。集會人數過萬。
11/10/2014	《人民日報》海外版在頭版刊登署名文章，首次形容佔中是「動亂」。
12/10/2014	有多個團體分別到了三個佔領區，嘗試與集會人士對話。然而雙方「對話」期間更屢爆口角，須警方調停。「學聯」等四方代表凌晨提議以撤離金鐘道換取政府重開「公民廣場」，但政府拒絕。同時，警方清晨拆走中環及近灣仔部分路障，令多個路段重開。
13/10/2014	反對佔中的示威者到金鐘佔領區欲自行拆除路障重開金鐘道，並與集會人士發生衝突，令多名「佔中」示威者、傳媒及途人受傷。
14/10/2014	中聯辦主任張曉明指責「佔中」運動試圖仿照「顏色革命」的做法，脅迫中央政府和特區政府，是違背「一國」原則、挑戰中央權力、漠視基本法的嚴重社會政治事件。  有佔領示威者衝出立法會道對出的龍和道路段，將東、西行

	線全面封鎖，警務人員與示威者發生衝突，並且撤退。龍和道遭示威者再次佔領。
15/10/2014	警方昨凌晨增援出動數百警員再次清場，與示威者再爆衝突，行動中共拘捕 37 男 8 女示威者，涉嫌非法集結和阻差辦公，龍和道重開。然而清場期間，示威者之一的「公民黨」成員曾健超疑被七名警務人員拖往「暗角」毆打，「社會工作者總工會」（「社總」）隨即呼籲到灣仔警察總部集體報警，要求警方即時將涉案七警拘捕。警方指出，投訴事件已交由「投訴警察課」專責特別調查隊調查。
16/10/2014	七名涉非法毆打示威者的警員被暫時停職。  特區政府表示最快下星期與「學聯」展開對話，並建議邀請大學校長擔當主持。  「『保普選反佔中』大聯盟」昨宣布成立「佔中苦主申訴平台」，稱若市民受到「佔中」影響，或蒙受經濟損失，可向小額錢債審裁處入稟索償，或向法庭申請禁制令。
17/10/2014	警員清晨清除旺角佔領區的路障和帳篷，並驅散附近人群，其間未遇到大規模反抗。亞皆老街與彌敦道北行線昨早重開，但至晚上大批佔領者在旺角多條街道擴大佔領。
19/10/2014	旺角佔領區再次爆發衝突，示威者由彌敦道亞皆老街的佔領區推進至十字路口，以圖再次佔領。大批手持防暴裝備的警員增援。衝突中有示威者被打傷頭部，事件中多人被捕。  《人民日報》發表署名文章，指「學聯」所謂的「命運自主」，就是要排除中央對香港的主權及治權，將香港當作一個政治實體，又批評他們並非為了民主選舉，而是香港自主、自決，甚至是「港獨」。
20/10/2014	高等法院頒發臨時禁制令，禁止佔領者阻礙金鐘龍匯道及添美道交界的中信大廈的三個出入口，以及禁止佔據旺角一帶道路。

21/10/2014	<p>「學聯」與政府於 10 月 21 日就佔領行動展開首次對話。政務司長林鄭月娥游說「學聯」呼籲市民撤離，並提出四點回應，包括 1) 承諾與「學聯」繼續就如何讓 2017 年普選在人大常委會框架下可以達至選舉公平、公正、高透明度及富競爭性進行對話，2) 指出 2017 特首普選方案不是終局，將來可按實際情況進一步改良，3) 成立討論政改的多方平台討論 2017 年後的政制發展，當中包括學生和年輕人，及 4) 向國務院港澳辦提交民情報告，講述 8 月 31 日人大常委會政改決定後引起的民情反彈。「學聯」在對話中提出三點解決問題的方向：1) 向人大提交報告，要求改變全國人大常委會的政改框架決定，2) 定出明確時間表及路線圖，將公民提名及廢除功能界別納入未來政改發展方向，及 3) 提出修改《基本法》，容許特首普選採取公民提名。但由於政府均拒接納，「學聯」會後表明不打算離開佔領區，呼籲市民繼續留守。政府發出聲明表示失望。</p>
22/10/2014	<p>「的士司機從業員總會」委任的執達吏到達彌敦道近登打士街交界清場。律師現場宣讀禁制令，反佔領者立即拆走登打士街的路障，其間佔領者與反佔領者多次發生衝突，警員不時介入。</p> <p>經營過境巴士服務的「冠忠巴士集團」亦入稟高院申請禁制令，要求金鐘夏慤道 16 至 18 號附近的佔領者撤離、停止以障礙物堵塞道路及不得阻止清拆路障，並要求賠償。</p> <p>《人民日報》及其海外版批評「學聯」與政府的對話令人失望，而且多種迹象顯示外國勢力支持佔中，反映「佔中」是港版「顏色革命」。另一內地官媒《環球時報》亦發表社評及署名文章，警告「佔中」勢力切勿成為全球反華陣營的新成員。特首梁振英稱有證據顯示「佔中」有外國勢力參與，更會適時披露詳情。</p>
23/10/2014	<p>批出臨時禁制令的法官潘兆初，就批出臨時禁制令的申請頒下判辭，指佔領者以「公民抗命」方式佔領旺角街頭，已持續了一段時間，所達的規模亦影響了不少市民，他並不認為公民抗命式的示威，可以成為阻礙法庭頒下臨時禁制令的原因。</p> <p>有市民在獅子山掛上「我要真普選」的大型直幡，以聲援佔領運動。</p>

24/10/2014	<p>全國政協副主席、前特首董建華再召開記者會評估中，再三呼籲學生撤離結束佔領。董建華表示不認同佔領運動是革命，解放軍亦不會出動。董建華說，中央、特區政府及市民都聽到學生的訴求，強調佔中不應作為談判籌碼，表明「公民提名」不能做到，人大決定不能改變。</p> <p>旺角出現數名高舉國旗、手腕纏上或胸前繫上「紅絲帶」的人，要求佔領者離開，期間引起混亂，警方拘捕 6 人。</p>
25/10/2014	<p>「『保普選反佔中』大聯盟」發起了「《還路於民、恢復秩序、維護法治》支援警方簽名大行動」，並開始於全港設立九百多個街站收集簽名。</p>
26/10/2014	<p>佔領區投票擱置，組織者向佔領區人士致歉。</p> <p>藍絲帶運動等三個組織晚上於尖沙咀舉行撐警集會，有參與者襲擊記者，無綫電視一名記者與兩名攝影師及一名港台女記者受傷。警方在事後拘捕 2 男 1 女，涉嫌傷人及普通襲擊等。</p>
27/10/2014	<p>法庭修改旺角禁制令，清理路障者須出示授權文件，而涉及金鐘的禁制令則無改變。</p>
28/10/2014	<p>「學聯」發信予政務司長林鄭月娥，提出學生與政府的第二輪對話的條件，1) 特區政府向港澳辦提交的報告須包括要求人大常委撤回「8·31 決定」的內容，及 2) 建議政府倡設的多方平台，必須朝向訂立公平選舉辦法和立法會選舉廢除功能組別的時間表及路線圖。「學聯」亦希望與總理李克強直接會面，令中央了解香港真實民情。</p> <p>全國政協常委會昨日以二百六十七票贊成、兩票反對、三票棄權，高票通過褫奪原「自由黨」黨魁田北俊長達十六年的全國政協委員資格。</p>
31/10/2014	<p>立法會經過 3 日辯論，表決兩項分別由獨立議員黃毓民和「經民聯」梁君彥提出、以權力及特權法調查警察處理「佔中」手法，以及調查「佔中」資金來源背景的議案。結果兩項動議都在分組點票下被否決。</p>
1/11/2014	<p>旺角、金鐘及銅鑼灣三個佔領區昨日發動「公民清潔日」。</p>
2/11/2014	<p>「反佔中大聯盟」宣布 9 日來收集 183 萬個簽名反對佔領活動。</p>
3/11/2014	<p>「工聯會」聯同轄下 10 多個不同行業工會代表舉行「申訴大會」，他們形容生計已受影響，呼籲佔領人士盡快撤離。</p>

4/11/2014	「冠忠遊覽車有限公司」聯同運輸業界同行「跨境全日通有限公司」，再度入稟高等法院申請民事禁制令，要求「佔鐘」人士不得繼續霸佔路面，阻礙車輛通行，範圍由金鐘夏慤道東行線延伸至紅棉道往半山方向。
6/11/2014	旺角有示威者再次發生警民衝突。  「學聯」籌謀到北京，最新取態是期望前任特首董建華做中間人，安排他們與處理政改的官員會面，討論政改事宜。
9/11/2014	國家主席習近平接見特首梁振英，表示支持香港依法推動民主的發展。
10/11/2014	由全國政協副主席董建華發起的「團結香港基金」正式成立，名譽顧問及顧問共 88 人，首要工作是要令政改通過。  「學聯」去信全國人大常委范徐麗泰及港區全國人大代表，要求代為安排與中央官員會面。
12/11/2014	國家主席習近平指佔中是違法行為。
13/11/2014	高等法院法官拒絕暫緩臨時禁制令。
15/11/2014	「學聯」代表擬上京向國家領導人表達普選訴求，但闖關失敗，回鄉證被註銷。
18/11/2014	禁制令開始執行，中信大廈外的路障被清除。
19/11/2014	有部分示威者衝擊立法會大樓，造成破壞。泛民主派、建制派、「和平佔中」等分別強烈譴責暴力行為。「學聯」和「學民思潮」認為衝擊立法會大樓是不負責任的做法，重申參與「公民抗命」是要承擔責任。
21/11/2014	上訴庭昨駁回佔旺臨時禁制令的上訴申請，拒絕暫緩執行禁制令。  美國國會舉行「香港民主前景」聽證會，前港督彭定康將以視像形式在會上發言，除了批評港府沒積極與示威者尋求對話，亦批評港府只採取拖延策略，並把警員放在政治化的位置。中國外交部回應指香港政改屬於中國內政，外國政府和立法機關不應作出任何干預言行，而且香港政改唯一根據是《基本法》，而不是《中英聯合聲明》。  數十名市民陸續到英國駐港總領事館外，抗議英方未有就政改問題為港人發聲，領事館方面無派人回應。至昨日凌晨時分，部分人紮營「佔領」領事館對開行人路通宵留守。
24/11/2014	英國駐港總領事館的佔領區被清場。

25/11/2014	警方開始在旺角清場，助執達吏執行亞皆老街禁制令清除障礙物。示威者轉到朗豪坊砵蘭街聚集，警方用催淚水劑驅散群眾，爆發衝突。警方指在執行亞皆老街禁令期間，合共 32 人被捕。
26/11/2014	警方繼續配合執達主任在旺角佔領區全面清理障礙物，彌敦道全面恢復通車，但旺角晚上仍有大批群眾聚集、並與警員對峙，警方需數度施放胡椒噴霧驅散人潮。
28/11/2014	有數百市民發起流動佔領旺角行動，以「過馬路」、「跌散銀」、「綁鞋帶」等形式聚集在西洋菜南街及豉油街交界行人路。警方數次施放胡椒噴霧，並出動百名防暴隊驅散示威者。
30/11/2014	「雙學」晚上宣布行動升級，包圍政總及特首辦，警方出動 7000 警力應付，深夜至凌晨示威者在添華道及添美道兩度佔據龍和道，雙方爆發流血衝突，警方期間多次使用催淚水劑。
1/12/2014	「學民思潮」黃之鋒與兩名女成員宣佈無限期絕食。
3/12/2014	「和平佔中」三名發起人，朱耀明、戴耀廷及陳健民發表《佔中三子告市民書》與榮休主教陳日君樞機等共 65 人，到中區警署自首承認非法集結罪，又呼籲學生撤離，將運動轉化至社區深耕細作，延續雨傘運動的精神。
6/12/2014	近百大專教職員遊行聲援，促政府重啟對話，重啟政改諮詢。  黃之鋒及中六生黃子悅停止絕食。
9/12/2014	特首梁振英稱會力爭數名泛民議員轉汰完成歷史任務。高院今刊報確認金鐘禁制令。
10/12/2014	特首梁振英籲議員以大局為重，並會盡最大努力爭取立會通過政改。泛民重申不會轉立場撐政改。
11/12/2014	「冠忠巴士」委派的執達吏及警方執行禁制令，清理中環及金鐘佔領區，全日拘捕 209 人，當中包括泛民議員及「雙學」成員。清場後夏慤道東西行全面恢復通車。
13/12/2014	國務院港澳辦表示充分肯定並堅決支持特區政府和警方依法清場。
14/12/2014	香港特別行政區基本法委員會副主任張榮順指香港需要進行一國兩制的再啟蒙。
15/12/2014	警方在銅鑼灣清場，通怡和街所有行車線，電車及巴士服務回復正常。持續 79 天的佔領行動落幕。

20/12/2014	習近平於澳門談及一國兩制，強調港、澳實行一國兩制是「基本國策」，「堅持一國原則、尊重兩制差異」，不能偏廢，才能把路走穩，否則是「左腳穿着右腳鞋」。
24/12/2014	平安夜旺角一度再出現大批市民「鳩鳴」。警察拉起橙色帶，避免市民佔據馬路，並指在場者正參與未經批准的集結，要求立即撤離。文化監暴成員包括歌手何韻詩及黃耀明舉行「黃色聖誕，音樂串流」活動，到港九共五個地點獻唱，吸引大批市民圍觀，部份撐起黃傘及手持印有「我要真普選」黃色氣球，警員在場戒備。有港島及將軍澳聯校政改關注組成員，舉行「閃爆平安夜」的中學生快閃活動。快閃團由筲箕灣東大街出發，再到港島各個地方，沿途唱出跟「雨傘運動」有關的歌曲及一些聖誕歌。
25/12/2014	特首梁振英赴京述職，提及特區政府即將展開的第二輪政改諮詢。
26/12/2014	特首梁振英在北京分別向國家主席習近平與國務院總理李克強述職。習近平強調，香港政制發展應該做到三個有利，即有利於居民安居樂業、有利於香港社會繁榮穩定、有利於維護國家主權、安全及發展利益。李克強強調，中央對香港基本政策方針沒有也不會變，又指中央支持香港的各項措施不會變。
5/1/2015	警方致電佔領行動主要人物協助調查。
6/1/2015	政府向國務院港澳辦公室提交並向市民發表《近期香港社會及政治情況報告》（「民情報告」）。報告記錄了全國人大常委會宣佈「八·三一」香港政改決定後至2014年12月15日佔領行動結束期間與政制發展有關的事件。政府強調報告內容「無立場、無情感、無結論」。
7/1/2015	特區政府宣佈政改第二輪諮詢開始。



## 附件二：公民社會聯合行動簡介

發起人 / 參與團體：(排名按筆劃序)

方敏生

李律仁

張達明

馮可立

蔡元雲

三十會

香港基督教協進會

王永平

邱祖淇

梁淑儀

黃英琦

蔡海偉

金佩瑋

胡志偉

莊陳有

葉健民

鍾庭耀

香港社會服務聯會

香港基督教服務處

江丕盛

袁天佑

莫宜端

劉培榮

附錄一：在報告期內的詳細民情資料（民意調查）

**附錄一：在報告期內的詳細民情資料（民意調查）**

索引	名稱
A1001	<b>ESOMAR/WAPOR Guideline on Opinion Polls and Published Surveys（只有英文版）</b>
A1002	<b>研究期內與政改直接相關的民意調查(102 項)</b>

World Research Codes and Guidelines

# ESOMAR/WAPOR GUIDELINE ON OPINION POLLS AND PUBLISHED SURVEYS

## GUIDELINE ON OPINION POLLS AND PUBLISHED SURVEYS

ESOMAR, the World Association for Social, Opinion and Market Research, gathers around 4900 members in over 130 countries and is the essential organisation for encouraging, advancing and elevating market research. Codes and guidelines are available at [www.esomar.org](http://www.esomar.org)

WAPOR, the World Association for Public Opinion Research, is a professional society of around 500 individuals from academic and business professions in over 50 countries who share information in the field of public opinion research through conferences, publications, and personal contact. [www.wapor.org](http://www.wapor.org)

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This guideline is drafted in English and the English text (available at [www.esomar.org](http://www.esomar.org) and [www.wapor.org](http://www.wapor.org)) is the definitive version. The text may be copied, distributed and transmitted under the condition that appropriate attribution is made and the following notice is included "© 2014 ESOMAR and WAPOR".

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### 1 INTRODUCTION AND SCOPE

Public opinion is a critical force in shaping and transforming society. Public opinion polls and surveys are regularly conducted in many countries to measure not only support for political parties and candidates, but also public opinion on a wide range of social and political issues. The results are published frequently in the print, online and broadcast media.

Properly conducted and disseminated opinion polls and surveys use scientific statistical methods to provide the public, politicians, the media and other interested groups with access to accurate and objective measures of public behaviour, attitudes and intentions. They give the general public an opportunity for its voice to be heard and to receive feedback about the opinions of their fellow-citizens. They also help guide policy by giving decision-makers impartial and unbiased information about what the public wants. Although some opinion polls are commissioned by political groups or individuals to help determine strategy, a great many opinion polls are meant for public consumption.

The study of people's attitudes and beliefs and behaviours about political, social and other issues forms part of the total market and social research field, but often deals with issues which arouse greater public interest. Consequently, those findings are much more widely published and debated, and may sometimes be presented in a provocative or political way. Those who conduct opinion polls have a special responsibility to the scientific community, clients and other research users, respondents and the general public. This responsibility means not only using samples, methods, and tools that are appropriate, but also delivering to the public the information required to ensure transparent, unbiased reporting of the results supported by comprehensive documentation.

Opinion polls are subject to exactly the same professional and ethical requirements as other forms of market and social research, set out in the [ICC/ESOMAR International Code on Market and Social Research](#) to which researchers and research users must conform. The Code sets minimum standards of professional and ethical conduct.

ESOMAR and WAPOR recognise there are particular issues in the collection and reporting of opinion poll and survey information and have therefore issued this Guideline as part of the self-regulatory framework that applies to international research. It highlights the responsibilities of researchers to conduct opinion polls in a professional and ethical way, and report them with sufficient transparency so that the public can judge the quality of results. Both will help ensure public confidence in opinion polls and published surveys.

This Guideline:

- Sets out the ethical rules that opinion researchers must follow;
- Underlines the rights and safeguards to which participants are entitled;
- Highlights the key information to be made available to maintain transparency when results are published;
- Specifies standards to guide the agreements to be in place with those who commission polls to ensure published survey results are presented in an unbiased way;
- Highlights the core methodological principles that apply in the design and conduct of such research;
- Underlines some of the additional issues that arise with specific forms of opinion polls.

All market, social and opinion research involves the gathering and further processing of personal data, which is regulated by law in many countries. In addition, certain countries regulate the conduct and publication of pre-election opinion poll results. Whilst ESOMAR and WAPOR collect information about such restrictions, researchers must verify which requirements are current as this Guideline cannot replace the advice of legal experts and self-regulatory bodies.

Throughout this document the word 'must' is used to identify mandatory requirements. We use the word "must" when describing a principle or practice that researchers are obliged to follow in order to comply with the [ICC/ESOMAR Code](#) and the [WAPOR Code of Ethics](#). The word 'should' is used when describing implementation. The usage is meant to recognize that researchers may choose to implement a principle or practice in different ways depending on the design of their research.

### 2 DEFINITIONS

For the purpose of this Guideline, the following definitions apply:

**Opinion polls and opinion surveys** include all systematic gathering, aggregating and interpretation of information about policy, electoral and other preferences and behaviours of individuals or organisations using the statistical and analytical methods and techniques of the applied social sciences in order to gain insight and support decision-making. In opinion research, as in all market research, the identity of respondents will not be revealed without explicit consent and no sales approach, or attempt to influence their opinion following the interview, will be made to respondents as a direct result of their having provided information.

**Researcher** is defined as any individual, institute or organisation carrying out, or acting as a consultant on, an opinion poll or research project.

**Research client** is defined as any individual or organisation that requests, commissions, sponsors or subscribes to all or any part of an opinion poll or research project. This can include a media organisation or a political group, as well as those who have purchased content on an omnibus survey.

**Respondent** is defined as any individual or organisation from which information is requested and/or collected for the purposes of an opinion poll or research project.

**Interview** is defined as any form of contact with a respondent in order to collect information for opinion research purposes.

**Pre-election polls** are conducted at any point prior to an election and include questions about voting intention.

**Survey report** is defined as the presentation of polling data, either in tabular form or as an analysis, meant for public consumption in news media, online, or in other public distribution.

**Exit polls** are conducted to measure how people voted and are usually conducted outside polling stations.

**Access panel** is defined as a database of potential research participants who declare that they will cooperate with future data collection requests if selected.

### 3 SPECIAL CHALLENGES WITH THIS AREA

An opinion poll may be designed to measure the views of a specific population or group – for example a country's electorate (for most political polls) or parents or trade union members. Opinion polls may deal with complex and sensitive issues about which respondents have varying degrees of knowledge and interest, and where their views may be half-formed, inconsistent and subject to change.

- Scientific opinion polls must not be confused with phone-in polls or other self-selecting surveys, including those that may be open to anyone who visits a particular website, attracting people who feel passionately about the subject of the poll, but do not constitute a representative sample.
- Pre-election polls make up only a minority of published surveys. They are however, a very public test of sampling theory and survey research in action. Polls have a good track record for accuracy but the occasional poll which appears to be wrong gets extensive media coverage with a very negative impact on the image of opinion polls and surveys and opinion research in general.
- Exit polls (interviewing voters as they leave the polling station) are even more likely to be seen as prediction polls and the analysis of their results is often used to explain why the election came out the way it did.
- The means of collecting representative polling data vary country by country. In some places, only face-to-face interviewing is appropriate; in others, opinion polls are conducted by phone or online and the viability as a method largely depends on the accessibility of a representative sample via the phone or the internet (see section 8 for more details).
- While special care must be taken by researchers to ensure that results are accurately and fairly reported, clients and journalists also have a key role to play. The published data or survey report is often the only exposure the public has to polling results – and to market research in general. To report poll results well, journalists require a sufficient level of knowledge about opinion polls and methodologies to understand why some poll results need to be treated with caution because of timing, small sample sizes, low response rates,

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biased question wording or coverage. ESOMAR and WAPOR take seriously the need for public education in this area and are committed to helping educate journalists on the proper use of opinion polls<sup>1</sup>.

Researchers have a responsibility to ensure that both clients and the public have a reasonable understanding of the special challenges in measuring attitudes and beliefs as distinct from behaviour.

It is therefore important that key information is published alongside a poll or survey report to ensure professional and transparent reporting so the audience has the opportunity of judging the evidence presented and deciding whether or not it agrees with the conclusions drawn from the research.

## 4 RELATIONSHIP WITH PARTICIPANTS

### 4.1 Honesty

Market, social and opinion research must be clearly distinguished and separated from non-research activities (see Article 1d of the [ICC/ESOMAR International Code](#)). This means that:

- Activities like political telemarketing, and any enquiry whose primary purpose is to obtain personally identifiable information about individuals for compiling or updating lists, obtaining names for sales, advertising, fundraising or other promotional approaches must not be represented as opinion research.
- Researchers must not attempt to sell anything (sugging) or raise money (frugging) in the course of conducting a poll or survey.
- Researchers must not engage in negative campaigning that is disguised as a political poll, such as push polling, which aims to persuade large numbers of voters and affect election outcomes. It does not measure opinions.

### 4.2 Professional responsibility and transparency

Respondents' cooperation is entirely voluntary, and they must not be misled when being asked for their cooperation (see Article 3a of the [ICC/ESOMAR International Code](#)). This means that:

- Interviewers must not make statements or promises that they know or believe to be incorrect in order to secure the co-operation of respondents or others – for example, about the likely length of the interview.
- Researchers must take all reasonable precautions to ensure that respondents are in no way harmed or adversely affected as a direct result of their participation in an opinion poll or research project (Article 3b of the [ICC/ESOMAR International Code](#)).
- Researchers should ensure they contact potential respondents at appropriate times.
- Researchers are required to promptly identify themselves and unambiguously state the purpose of the research and enable respondents to check their identity and bona fides without difficulty. This is especially important, given the possible sensitivity of the subject (Article 4b of the [ICC/ESOMAR International Code](#)).

### 4.3 Data protection and privacy

Researchers must respect the principles of data protection and privacy (see Article 7 of the [ICC/ESOMAR International Code](#)). In some parts of the world, especially where democracy is not well-established, the importance of protecting respondents and the confidentiality of the information they provide is even more important. In such places, respondents may be especially concerned about the impact of improper disclosure.

- The rights of respondents extend through all stages of the research, including data collection where appropriate measures are required to ensure that respondents understand and can exercise their rights not to participate, to withdraw from the research interview at any time, to require that their personal data are not made available to others and to delete or to rectify incorrect personal data which are held on them.
- Personal information must only be collected and used for specified research purposes. The researcher must ensure that respondent's personal identity is withheld from the client/research user and may only

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<sup>1</sup>British Polling Council journalist guide to opinion polls <http://www.britishpollingcouncil.org/questions.html> based on ESOMAR work; British Polling Council Seminar; AAPOR/Poynter Training Module; National Council on Public Polls: 20 Questions a Journalist Should Ask about Poll Results



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communicate the respondent's identifiable personal information to the client/research user under the following conditions (unless national provisions require stricter regulations):

- The respondent has explicitly expressed this wish and/or
  - The respondent has given their explicit consent and
  - On the understanding that no commercial or political activity will be directed at them as a direct result of their having provided information.
- Researchers must ensure that adequate security measures are employed to prevent unauthorised access, manipulation and disclosure to the personal data, including any possible third parties.

## 5 RELATIONSHIP WITH THE GENERAL PUBLIC

### 5.1 Maintaining public confidence

Researchers must not act in a way that could bring discredit on the profession or lead to a loss of public confidence in it (see Article 1 of the ICC/ESOMAR International Code). Opinion polling depends on the public's willingness to participate, and public confidence in the accuracy and reliability of opinion polls and published surveys. This means that researchers must:

- Use appropriate methods, and be transparent about sampling, the variables used for weighting, question wording and timing of the opinion poll.
- Follow professional standards for disclosure, as indicated in this document.
- Make legitimate comparisons between surveys.
- Not make claims which exceed the limits of the appropriate scientific principles on which opinion polling is based, such as claims about subgroups with sample sizes too small for statistical reliability.

### 5.2 Requirements for publishing results

What sets most opinion polling apart from other market research is the fact that it is frequently conducted primarily for publication. When publishing results (by print, television, online or other media), researchers must make available information about how the poll was conducted (see Article 11 of the ICC/ESOMAR International Code), as elaborated below.

Disclosure requirements matter because as opinion polls have grown in number and variety, decision-makers, journalists and the public need to be able to differentiate between professional and unprofessional polls, to use them as appropriate information when evaluating public attitudes. Because all surveys have become more complex and diverse, and the difficulties of conducting polls have grown in recent years, researchers need to provide a higher level of methodological disclosure. Some of this information may be too detailed for publication in newspapers or broadcast, but can easily be provided by linking to a web site.

When opinion poll results are published in the media, researchers must take care to keep their interpretations and statements fully consistent with the data. Limitations and weaknesses in the poll design, its execution, and the results must be noted in all reports and analyses. The following information must be included in the survey report, or made available online or in other published form:

- The **names of the organisation which conducted the poll and its sponsor, the organisation(s) or person(s) who paid for the poll**. If internal campaign polls are made public, it must be indicated that the data originally were collected for a political entity.
- The **universe** effectively represented (i.e. who was interviewed), whether the poll sample included all adults or only eligible or likely voters, the geographic range of the poll (country, province, state, electoral district, city) and whether certain groups were excluded from the design (those without landline telephones or internet access, for example).
- The actual **sample size** (number of completed interviews included in the reported findings) and the **geographical coverage**. For face-to-face interviewing, the number of sampling units must be included.
- The dates of fieldwork.
- The **sampling method** used. For quota samples and other non-probability samples, provide the characteristics by which the sample was selected. For probability samples, additional information, including

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the response rate, must be provided on request, as indicated in Section 5.3. Further Information to be made available.

- The **method by which the poll was conducted** (face-to-face, telephone interview, internet access panel, mixed mode etc.).
- Whether **weighting** was used to adjust the results and the general **demographic or behavioural characteristics** used for the weights. For example, if respondent distributions were adjusted to reflect known census population characteristics or known voting distributions from previous elections, or if adjustments to the unweighted poll findings are made, this should be noted in the publication of the poll findings. The general weighting variables should be described but proprietary algorithms and specific weighting variables do not need to be disclosed.
- **The percentages of respondents who give ‘don’t know’ answers** (and in the case of voting-intention studies, **of those who say they will not vote**). This information must always be given when it is likely to affect significantly the interpretation of the findings. When comparing findings from different surveys, any changes (other than minor ones) in these percentages must be indicated. There are many occasions on which the interpretation of particular findings will be quite different if the level of ‘don’t know’ answers is 5% or 50%. In the case of voting-intention studies the same consideration also applies to ‘will not vote’ answers
- **The relevant questions asked.** In order to avoid possible ambiguity the actual wording of the question should be given unless this is a standard question already familiar to the audience, such as an approval rating of the government or the government’s leaders or has been given in a previously published report to which reference is made.
- The guiding principle when deciding which question wordings are relevant to publish is the elimination of ambiguity and misunderstanding. This is particularly important where the actual question wording is critical to interpreting the findings, and where the reported answers can be affected by the form of the question or its context – especially on politically or socially sensitive issues such as attitudes towards abortion.
- Certainly where tabular data are given, the full question wording must be included. On websites, the full question wording must be made available, together with, as a minimum, the answers for the weighted sample in total. These answers should include “Don’t know and non-response.”
- A general indication of the placement of a key question and its context should be provided if it follows other questions that may impact on the way that question is understood by respondents.
- Where the questions form part of a more extensive or ‘omnibus’ survey, this must be made clear to any enquirer, including a general indication of the placement of the questions in the questionnaire.

Obviously, this information is most easily provided in reports of opinion polls published in print or online. For video and audio reports, the requirement can be satisfied by including this information in an online version of the poll, or in an accompanying press release. However, all video and audio reports must include information about the conduct and sponsorship of the opinion poll, the timing of the interviews and the interview method.

In preparing materials for publication (in print, online or any other medium), journalists and other users of the research connected with the media normally follow their own codes of practice and ethics, many of which require adequate disclosure of polling information<sup>2</sup>. This Guideline is not intended in any way to substitute for these codes, but rather to support them.

One example of a suitable form of wording for print publication would be:

Polling method: Online
Number of interviews: 2222 adults
<b>Dates of interviewing:</b> 5 <sup>th</sup> March 2014 to 7 <sup>th</sup> March 2014
<b>Conducted by:</b> XYZ Research for the <i>Guardian</i>

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<sup>2</sup> New York Times Polling Standards; BBC Guidelines; Australian Press Council Reporting Guidelines

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Another alternative is to use a 'data box' of this kind:

This survey was carried out by ABC Research, on behalf of News Inc., using a national quota sample of 1111 adults of voting age personally interviewed in 102 locations between 1st-5th March 2014, weighted to reflect census characteristics for age, gender, region, and education.

A further example is:

Survey carried out by XYZ Research, sponsored by QRS interest group. It is a national survey of 1234 adults aged 18 and above, interviewed by telephone between 25th-28th February 2014 using random digit dialling and quota selection within households, weighted to national voting patterns.

Detailed information within the published survey report itself may not be necessary when an article summarises the results of a **number** of surveys, or when it would be too complicated to give all the key information for each of the surveys referred to. Where a given survey is reported on serially (for example in the course of several consecutive issues of a newspaper) it might be unnecessary to repeat all the technical details in every issue.

However, even in the more complex cases key information should be presented: the conduct and sponsorship of the opinion poll, the timing of the interviews and the interview method.

### 5.3 Further information to be made available

In all cases, the basic principle of fair and informative reporting requires that **it be made clear how and where the enquirer can obtain additional details**. The survey company and the media should publish all required full details of public polls on their websites within 24 hours of publication, with the website address provided by the media, or the full details presented on the media's own website.

In some countries, market and opinion research association codes may require more detailed disclosure as part of good practice.

The survey company and the media must be prepared to supply the technical information necessary to assess the validity of published findings on request (see Article 11 of the ICC/ESOMAR International Code). This technical information may include more detailed description of the sampling and general weighting procedures adopted by the organisation, all codes, the weighted and unweighted bases for all demographics and other data that has been published, and, when appropriate, the achieved response rates (using one of the definitions in [the AAPOR Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys](#)) and any known non-response bias.

There is no obligation for further information **beyond** this to be supplied – although researchers will normally be prepared to discuss their research methods in more detail with enquirers.

### 5.4 Secondary reporting

Many published opinion polls and surveys are reported by individuals and media other than the original client. The research organisation normally cannot be held responsible for any secondary reporting or subsequent use made of opinion poll results by people other than the original client. It should however be ready to immediately issue such comments or information as may be necessary to correct any cases of misreporting or misuse of results when these are brought to its attention.

## 6 RELATIONSHIP WITH CLIENTS AND OTHERS REPORTING RESEARCH

### 6.1 Responsibilities

To avoid possible misunderstandings, the research organisation must make clear to its clients in advance of conducting research (see Article 12 of the ICC/ESOMAR International Code):

- that the research organisation itself is bound by the requirements of the Code.
- that subsequent wider publication of the research findings by the client is in accordance with this Guideline.

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Researchers must make a clear distinction between the results that emerge directly from the questions asked, and any commentary/interpretation based on these results (see Article 11a of the ICC/ESOMAR International Code).

Where the findings are published by the client, the latter shall be asked to consult with the researcher as to the form and content of the findings. Both the researcher and the client have a responsibility to ensure the published results are not misleading (see Article 11b of the ICC/ESOMAR International Code). This means for example:

- Misleading comments based on non-significant differences and relationships must be avoided to ensure readers are not confused.
- Special care is required to ensure that any graphs or charts used do not convey a misleading impression of the current survey's results or of trends over time.
- The public must be able to clearly distinguish between the survey findings as such and any editorial or other comments based upon these findings.

When an organisation conducts fieldwork for published surveys, but has not been involved in the analysis, it should be attentive to how the results are portrayed. That is especially the case when its name is included in the survey report. However, it has no responsibility if its name is not mentioned or when it has no control over how results are reported.

Researchers must always be prepared to make available the technical information necessary to assess the validity of any findings (see Article 11c of the [ICC/ESOMAR International Code](#)). Furthermore, researchers must not allow their name to be associated with the dissemination of the conclusions from a market research project unless they are adequately supported by the data (see Article 11d of the ICC/ESOMAR International Code).

This means that the researcher must reserve the right to publish the total study and not just the technical specifications in the event of:

- a shortened version of the publication distorting the analysis of the results;
- an unforeseen and abridged version of the publication;
- a publication which does not conform to the prior agreements.

In the event that a client releases data from a survey that was not originally intended for publication, this Guideline will apply as if it had originally been commissioned for publication.

### 6.2 Contractual agreements

Contracts between research organisations and their clients that ensure adherence to the [ICC/ESOMAR Code](#) (see ESOMAR Guideline on the mutual rights and responsibilities of researchers and clients) are strongly advised, for instance including the Code requirements in the contract. For example, some contracts stipulate that the research organisation has the right to examine and approve a copy of the publication based on its research. Where the research organisation reserves the copyright of the findings this can also help to reduce some of the problems involved in misleading secondary reporting of the findings by other people.

In addition to any other requirements it is suggested that such a contract should cover:

- Clarification of the point that the contract binds both the client as survey sponsor and the media commissioning the survey, where these are different parties.
- Some measure of control by the researcher over the published form of the results including figures and graphs.

Certain contracts also provide that if research findings commissioned for publication are not published, such findings can subsequently (after a specified period of time) be released by the research organisation itself; or alternatively the researcher is free to repeat the survey for another client/research user.

### 6.3 Archives

It is increasingly common practice in certain countries for data sets from public opinion surveys to be lodged with appropriate archives for subsequent secondary research by academic researchers and others. Where this is possible, researchers are encouraged to archive their data files, after insuring that all identifiable respondent characteristics have been deleted from the data set.

### 7 METHODOLOGICAL QUALITY AND TRANSPARENCY

The two main characteristics of quantitative scientific surveys are that respondents are chosen according to explicit statistical sampling criteria to ensure representativeness, rather than being self-selected, and that questions are worded in a balanced way.

Researchers must therefore:

- Make clear whether a probability or a quota or other non-probability sample is used.
- Allow the client on request to arrange for checks on the quality of data collection and data preparation (see Article 4 of the [ICC/ESOMAR International Code](#)).
- Provide the client and research users with appropriate technical details of the research project carried out for the client and ensure that projects are designed, carried out, reported and documented accurately, transparently and objectively.
- Pay attention to the timing of the fieldwork, interviewer training, the size and method of sample selection and weighting of results.

The following section includes methodological and practical considerations for the conduct of the most visible types of opinion polls and the various ways that data can be collected.

### 8 ADDITIONAL GUIDELINES FOR SPECIFIC TYPES OF OPINION POLLS AND PUBLISHED SURVEYS

#### 8.1 Pre-election and voting intention polls

Opinion polls taken before elections are highly scrutinised, in part because many people believe that vote projections may affect the way the people vote. The evidence for this belief is limited, with some studies finding little impact, and others suggesting moderate impact in some cases<sup>3</sup>.

Objective poll results are just one of the many inputs on social and political issues. Other inputs include events, political advertising, and messages from individuals or organisations with a partisan or ideological approach to presenting their views. Whatever the impact of pre-election polls, the public has the right to receive all kinds of information to help them make a rational voting choice; opinion polls deliver very valid information to the voter.

Pre-election polls are expected to be accurate in their estimates of a voting tally or the share of the vote for parties and candidates in an election, especially if they are conducted close to the election itself. However, they should not be seen as predictions per se. They are instead a reflection of opinion at the time the poll was conducted. Researchers must recognise that new events and information may still change preference and must state if there is any evidence that respondents favouring one party or candidate may be unwilling to indicate their true preference or unwilling to participate in the poll. People do change their mind, some even in the second before marking their vote on the ballot slip and 'undecided' voters can have a decisive impact on the result.

While all opinion polls require high technical standards, pre-election polls need particular care in noting the timing of interviews (how long before an election the poll was taken), the sample from which results are being reported (all adults, those eligible to vote, those who are deemed most likely to vote), and how likely voters have been determined.

As good practice in conducting pre-election polls, researchers should:

- Observe the need for samples of appropriate size and quality and technical considerations particularly affecting pre-election polls. For example, such polls must have a sample large enough to draw conclusions about voters, who may be only a percentage of the total adult population (in some cases, the effective sample size may be reduced by as much as half). It is necessary to disclose the actual sample size on which the key vote preference findings are based.

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<sup>3</sup>Wolfgang Donsbach, "Who's Afraid of Election Polls? Normative and Empirical Arguments for Freedom of Pre-Election Surveys", Foundation for Information, ESOMAR, 2001; Catherine Marsh, "Back on the Bandwagon: The Effect of Opinion Polls on Public Opinion," British Journal of Political Science 15 (1985), pp. 51-74

## GUIDELINE ON OPINION POLLS AND PUBLISHED SURVEYS

- Measure key variables such as likelihood to vote and wherever possible, reasons for party choice or attitudes on issues or other aspects of the campaign. Such polls will have greater political and social value if they do not confine themselves only to measuring voting intention but also explore the reasons for party choice and opinions on important campaign issues.
- Check the demographic profile for representativeness and, if necessary, apply weighting to correctly represent the electorate. Ensure that the population profile that is reported is that of electors eligible to vote rather than the all adults profile normally used in commercial market research.
- Attempt to keep key elements of methodology consistent throughout the election campaign. This particularly applies to sampling method, question wording and the positioning of voting intention questions. It does not apply to sample size or composition; polls closer to the election day may rely on samples of “likely voters” rather than all eligible voters. However, if polls move to sample “likely” voters later in the campaign, this adjustment must be clearly noted and distinguished.
- In omnibus surveys, ensure that political questions are not affected by the subject matter of the preceding questions. That may mean placing such questions near the beginning of the poll. Political questions that might affect measurements of voting intention should not be placed before the vote question.

Whilst the details specified in Section 5 of this Guideline must always be included, in addition, the importance of providing the percentages that are “undecided,” “don’t know” or otherwise do not answer the vote question cannot be overstated. These numbers should be published in all pre-election polls, along with percentages that say they will not vote.

Researchers must take all possible technical steps to ensure that polls, especially those published in the last few days of an election campaign, provide reliable and objective information. In some countries, when election polls are conducted face to face, there may be concern about whether respondents will be willing to divulge their preference. If so, it is good practice to ask respondents to write their choice on paper and place it in a “secret ballot box,” much like an actual election ballot box.

Many countries have set limits on the length of time before elections for publishing pre-election polls. Researchers need to be aware of any such restrictions.

### 8.2 Exit polls

Exit polls are mainly conducted on election day with voters interviewed as they leave polling stations about how they voted and why. They may be subject to laws about interviewer access (the distance from a polling place interviewers may stand), and about publication.

Exit polls serve functions that differ somewhat from pre-election polls. Because of the speed with which the results are formulated and disseminated, and the fact that they interview those who have already voted, they do predict election results. They also describe patterns of voter support for parties, candidates, and issues. They have supported extensive academic research efforts.

#### 8.2.1 Respondent protections

- Researchers must protect the identity of respondents in exit polls and must not maintain identifying information (e.g. name, address, or other IDs) with the voter-level records or allow the data set to enable deductive disclosure of respondents’ identity. Researchers can limit this possibility by not revealing publicly small-area geographic details such as the specific polling place in which votes were cast.
- As exit poll interviewing is conducted in a public place, interviewers must take special care about respondent confidentiality. Asking voters to complete a pencil and paper form that is then placed in a box without interviewer intervention, or having voters complete the interview privately on a hand-held device is far preferable to an oral interview.

#### 8.2.2 Study design

Those conducting exit polls must follow these principles:

- They must be impartial. Exit polls are designed to collect data from voters and report information on electoral outcomes. They are not tools for partisan advocacy.
- Use transparent, public and well-documented methods. These goals can be achieved by publicly describing the methods prior to conducting the exit poll and by adhering to the standards of minimal disclosure delineated in this Guideline. It is also recommended that when the exit poll is used for analysis, the data set

## GUIDELINE ON OPINION POLLS AND PUBLISHED SURVEYS

(without individual identifiers) along with appropriate survey documentation be deposited in public archives and/or on websites for general access.

- Adopt study designs that are suitable for producing accurate and reliable results and that follow accepted procedural and technical standards.
- Follow generally accepted good survey practice. In places where voting takes place by mail or even by internet, exit polls may be conducted on election day itself or in the days preceding the event by methods, like telephone or online. If interviewing at a polling place is forbidden or dangerous, interviews may also be conducted on election day at homes or other sites where polling is normally conducted. Special care must be taken in those circumstances to ensure that respondents actually are voters.

### 8.2.3 Release of results

- Exit polls used for projections should be reported as soon as is practical after the polls close. Any delay in disseminating the results will raise questions about the legitimacy of the effort, especially with regard to estimating the outcome of the election. If analysis is the only purpose of the exit poll, prompt release is less important.
- In some countries, election laws prohibit the publication of exit poll data until after the polls have closed. In general, statements about the outcome of an election based on exit polls must not be published before all the polling places in the contest have closed.
- In national elections with a range of poll closing times, this can mean exit polls relating to results for elections in smaller voting units (such as individual states in the United States) can be reported when all the polling stations have closed in those locations, rather than waiting until all polling stations used for voting that day have closed. Descriptive information other than voting behaviour may be published before the polls have closed, unless this is prohibited by local legislation or codes of practice.
- In addition to the requirements for publication in Section 5 of this Guideline, because of their timing, exit poll results must be released to the public and other interested parties through the general media and simultaneously made accessible to all. It is good practice to disclose as much of the methodology in advance as possible.

### 8.2.4 Accompanying information

The following information must be included with exit poll reports and election projections, made available in a similar way as required in Section 5 of this Guideline:

- The name of the firm conducting and analysing the exit poll and its sponsor;
- Whether the sponsor of the exit poll has any ties to political parties, candidates, political organisations or governmental bodies;
- Number of interviews;
- Number of polling stations or sampling points and how they were selected;
- The sampling frame and the sample's geographic dispersion and coverage;
- Any legal limits on data collection that might affect polling accuracy (e.g. minimum distance of interviewers from the polling station);
- Whether interviewing was conducted throughout the election day or for only part of the day and if people who have voted before election day have been included;
- Whether interviewers are part of a permanent field staff or hired for the occasion;
- How respondent anonymity is guaranteed (paper questionnaires, etc.);
- The interview schedule or questionnaire and instructions;
- Which results are based on parts of the sample, rather than the whole sample;
- A description of the precision of the findings, including estimates of sampling error;
- Monitoring and validation procedures (if any);

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- The demographic and behavioural characteristics used for weighting;
- Response rates (using one of the definitions in the [AAPOR Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys](#)) and item non-response on vote questions and any known non-response bias;
- General description of how estimates are made, the kinds of variables being used, and whether adjustments for non-response have been made and have known design effects.

### 8.3 Polls in times of crisis

Opinion surveys are often conducted in times of crisis and researchers must be sensitive to respondent concerns and ability to answer specific questions. They also must note whether there are any locations where interviewing may be problematic because of the crisis. This can include areas affected by natural disasters and those that have been the sites of military action, terrorist attacks, or other forms of violence. The requirement that no harm come to survey participants is particularly important in these circumstances.

### 8.4 Requirements for specific modes of data collection

#### 8.4.1 Face-to-face interviewing

**The face-to-face interview**, also known as the in-person interview as an interviewer meets an interviewee in person, is probably the oldest form of survey data collection. Today it is conducted by pencil and paper interviewing (PAPI), where the questionnaire is on paper, or increasingly via computer-assisted personal interviewing (CAPI), where the questionnaire is stored on a laptop. It is used in places with limited landline phone and internet availability, where it is essential for collecting high-quality data, and also for complex, long and difficult questionnaires.

As the face-to-face interview is time-consuming and expensive, it is often replaced by telephone interviews (CATI) and online interviewing. However, face-to-face interviewing has its advantages since response rates are usually higher than for telephone or online interviews, even though response rates are falling for all types of interviews.

Researchers must ensure that:

- Interviewers are specially trained on how to conduct an interview – how to select respondents and gain their trust.
- Interviewers assure respondents that their participation is voluntary, and their personal data and answers will remain confidential.
- Interviewers act properly, know the questionnaire, and are a neutral transmitter for the respondents' answers.
- Interviewers are adequately supervised, and incompetent or dishonest ones are removed from the interviewing team.

Researchers need to be aware of:

- Interviewer effects – the influence of the interviewer, their manner of behaviour during the interview, and even their appearance and gender - on the answers given by respondents.
- Interviewing in stressful electoral situations or on sensitive topics may impact respondents' willingness to answer accurately and this possibility must be taken into account when analysing and reporting results.
- If interviewing involves some type of quota selection, or the sample is drawn from a list, this information must be disclosed in poll reports as well as the number of sampling points (PSUs) and their geographic dispersion.
- If face-to-face interviewing is the only valid method of data collection in certain places, but accessibility to large parts of the country is limited, "national" polling results may include only interviews in metropolitan areas and if so, the geographic limitations of coverage must be clearly indicated.

#### 8.4.2 Phone interviewing

Telephone interviewing is by far the most popular method of conducting opinion polls in developed countries and in principle can offer high quality, unclustered, random samples with centralised and supervised interviewing. It permits quick turnaround of fieldwork, with the possibility of multiple contacts of potential respondents. It has been extremely useful in places where there is information available on the allocation of phone numbers, which makes random digit dialling the primary method of sampling phone numbers. Random



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samples can also be drawn from existing lists, such as lists of registered voters or all residents. However some recent developments, as well as some local issues, can make probability phone sampling difficult. In some countries many households have never owned landline phones. In others, people are using only mobile devices.

- In many countries a growing number of households cannot be sampled from public registers, as they are not listed. However a sample is drawn, researchers must disclose any non-coverage.
- In places where a significant percentage of adults is only reachable by mobile phones, researchers who wish to reach a representative sample of the population should include mobile phones in their sampling frames. The specific proportion of interviews on mobile phones and the sample mix of landline and mobiles is dependent on the specific proportions of landline and mobile phones which varies country by country. In the United States, for example, some companies conduct more than half their opinion poll interviews on mobile phones. In countries where mobile phone coverage is very high, and there are few demographic differences between those with and without mobile phones, it may be possible to reach a representative sample with mobile phone numbers only.
- In each of these cases, incorporating mobile phones will require researchers to follow the ESOMAR Guideline for Conducting Mobile Market Research. This includes taking into account such things as respondent safety.
- For many reasons, phone ownership is frequently correlated with voting intention, with those who cannot be contacted by phone more likely to support one party rather than another in an election. If phone ownership is not high and/or likely to produce an unrepresentative sample, this method of interview should not be used for pre-election polls, or it should be supplemented with data collected using another mode of interviewing.
- If phone samples are used for polls, methods must be applied to correct for any under-representation of supporters of particular political parties. Simple demographic profile adjustments may not be adequate.

### 8.4.3 Online polls

Online surveys are now commonly used for opinion and election polling and have provided estimates with similar levels of accuracy to traditional polling methods; but they continue to be controversial. At issue is the question of representativeness – whether a methodology that is frequently based on respondents who have chosen to be part of an access panel is representative – especially when traditional opinion polling has relied on probability sampling. Unlike face-to-face and telephone interviewing, there is no agreed-upon sampling frame for online sampling.

As with telephone polling, online polling's viability as a method of carrying out pre-election polls depends largely on the accessibility of a representative sample via the internet, or on the ability to construct a replica sample that reflects the population from what was originally a volunteer and often non-representative access panel. Given the increasing reach of the internet, there are many countries where this can be done, if care is taken to include people who cannot use the internet at home, but connect to the internet at work or some other place. ESOMAR's 28 questions to help buyers of online samples contains additional guidance on requirements including online sampling and the use of access panels.

Most online polls are conducted using panels of pre-recruited respondents. Methods for panellist recruitment include both conventional probability sampling and non-probability volunteer panels. Usually, the sample for a particular survey involves a second stage of selection to determine which panellists are invited to participate. Finally, as is typical of almost all surveys, the resulting sample is weighted to better represent the target population.

The major points of controversy involving online surveys concern population coverage (who is able to participate in the survey) and the use of non-probability methods for panel selection. Internet access has expanded rapidly in Europe and North America and is becoming a decreasing problem for most, though not all, population groups. Most surveys today involve large amounts of self-selection, even if random selection is used initially to select respondents (due to non-response), though the problem is usually more severe for approaches that do not begin with a sampling frame.

- As with other types of polls, all published survey reports from online polling must include basic methodological information, such as the sponsor of the poll, the number of interviews, the sample source and any screening criteria, the mode of interviewing, and the field period.

## GUIDELINE ON OPINION POLLS AND PUBLISHED SURVEYS

- Additional information is needed so readers can evaluate the poll's reliability and validity. This information is more technical, and should be available on a website of the research organisation or the publication. It must be made available when requested. That information includes:
- Whether respondents were selected from a panel (or multiple panels), the names of the panels and whether they were created using probability or non-probability methods. If the panel is a probability sample, the cumulative response rate (reflecting recruitment, attrition, and the within-panel response rate for a study) should be made available. For non-probability samples, the participation rate (the number of panel members providing a usable response divided by the total number of initial personal invitations requesting members to participate) should be provided.
- The method of selection of panelists for the particular study. This usually involves some form of stratification or quotas, intended to represent the target population. The variables used to define the strata, quotas, or other selection methods (such as matching and propensity score groups) should be listed.
- In most cases, the final sample will be weighted. The most important information to disclose is which variables were used to form the weights. If cell weighting or raking ("rim weighting") is used, the unweighted sample distributions should be included in tabulations. For more complex methods (such as propensity score weighting or matching), a more detailed methodology report should be made available on request.

These disclosures are intended to provide information about the procedures used to conduct a specific survey with a given panel, but do not cover details of panel recruitment (aside from identification of the panel source or sources). For more details see ESOMAR's 28 questions to help buyers of online samples.

### 8.4.4 Mixed modes

The use of multiple modes within a single poll is becoming common, especially as ways of insuring coverage for groups that may be difficult to reach by the main polling method. For example, face-to-face interviewing may supplement phone interviewing in countries with relatively low phone penetration. Some research organisations offer respondents a choice as to how they wish to be interviewed.

- The value of using multiple modes is their representativeness; however, researchers must always be aware of the possibilities of mode effects as different modes may produce different answers.
- When publishing results from polls using mixed modes, researchers must provide the number of interviews in each mode and provide the information relevant to each mode of interviewing.

## 9 PROJECT TEAM

- Kathy Frankovic (Chair), former Director of Surveys at CBS News; Consultant to YouGov and a member of the ESOMAR Professional Standards Committee
- Mirosława Grabowska, Professor at University of Warsaw and Director of the Center for Public Opinion Research (CBOS)
- Richard Hilmer, Managing Director, Infratest Dimap
- Kathy Joe, Director, International Standards and Public Affairs, ESOMAR
- Christophe Jourdain, International Managing Director, IFOP
- Nick Moon, Managing Director, GfK NOP Social Survey and secretary to the British Polling Council
- Alejandro Moreno, Professor at the Instituto Tecnológico Autónomo de México (ITAM); Director of the public opinion polling unit at newspaper Reforma and President of WAPOR
- Adam Phillips, Chair of the ESOMAR Professional Standards and Legal Affairs Committees
- Doug Rivers, Professor at Stanford University and Founder of YouGov America

## 研究期內與政改直接相關的民意調查(102 項)

公佈日期	委託機構	調查機構	訪問時間	受訪對象	訪問數量 (成功)	訪問形式	範圍	部分結果摘錄 (自本地報章及調查機構)	包括在民間民情報告內?	政府報告有沒有包括?
2014 年 5 月 12 日	蘋果日報	蘋果日報	5 月 7 至 10 日	香港市民 (18+)	714	電話訪問	全港	不作分析		
2014 年 5 月 26 日	明報	香港大學民意研究計劃	5 月 14 至 20 日	香港市民 (18+)	1011	由真實訪員以電腦隨機抽樣電話訪問形式	全港	明報委託香港大學民意研究計劃進行第五輪調查，目的是了解市民對 2017 年特首選舉及「佔領中環」行動的意見。結果發現，57%受訪者認為，若中央及特區政府最終提出的政改方案，讓一人一票選特首，但泛民主派人士被排拒參加，他們會接受方案；28%表示反對，寧願政制原地踏步。(港大民研網站)	✓	

2014年6月1日	蘋果日報	蘋果日報	2014年6月1日	六四遊行期間遊行人士	193	訪問	遊行人士	不作分析		
2014年6月2日	香港研究協會	香港研究協會	2014年5月18日至23日	香港市民(18+)	1077	隨機抽樣電話訪問	全港	市民對『佔領中環』行動的意見調查(一):兩成六受訪者表示「支持」「佔領中環」行動,而表示「不支持」的則佔六成。至於會否參與行動,百分之五受訪者對此表示「會」,而表示「不會」的則佔八成七,當問及是否有信心「佔領中環」行動可以成功推動落實2017年普選行政長官時,一成四受訪者對此表示「有信心」,而表示「無信心」的則佔七成一。(香港研究協會)	✓	

2014年6月13日	香港研究協會	香港研究協會	2014年6月2至7日	香港市民(18+)	1083	隨機抽樣電話訪問	全港	<p>市民對『佔領中環』行動的意見調查(二)：兩成半受訪者表示「支持」「佔領中環」行動，而表示「不支持」的則佔六成一，當問及是否有信心「佔領中環」行動可以成功推動落實2017年普選行政長官時，一成半受訪者對此表示「有信心」，較上次調查升百分之一，而表示「無信心」的則佔七成二。有意見認為「佔領中環」行動會破壞香港法治的核心價值，五成半受訪者對此表示「認同」，較上次升百分之二，而表示「不認同」的則佔三成半，較上次跌百分之二。(香港研究協會)</p>	✓	
2014年6月15日	香港政改民意關注組	嶺南大學公共管治研究部	5月19至26日	香港市民(18+)	1020	隨機抽樣電話訪問	全港	<p>調查結果反映五成二受訪者都認為，公民提名沒有違反《基本法》；但同時五成四人認為，即使不滿最終方案的提名程序都</p>	✓	

								應「食住先」，令二〇一七年可先實行一人一票選特首，寧願原地踏步的只有三成半。（信報財經新聞）		
2014年6月18日	蘋果日報	蘋果日報	6月12日至16日	香港市民(18+)	1609	電話訪問	全港	不作分析		
2014年6月19日	真普選聯盟	香港大學民意研究計劃	5月27日至30日	香港市民	1019	由真實訪員以電腦隨機抽樣電話訪問形式	全港	結果顯示政府拒納三軌方案後，仍有45%市民支持三軌方案，只較4月時跌兩個百分點，反對則有16%，較4月時跌一個百分點。鄭宇碩稱結果與過去港大民調相若，受訪者一直以約「三比一」的比例支持三軌方案。（港大民研網站）	✓	

2014年6月24日	香港政策研究所	香港政策研究所民意調查中心	5月12日至20日	香港市民	602	隨機抽樣電話訪問	全港	<p>結果顯示，對一七年能夠實現特首普選感到悲觀的受訪者有三成，一般的佔三成四，感樂觀的受訪者有兩成三。而悲觀和一般的受訪者中，兩成五人認為，主要原因是基於中央政府；一成五的受訪者認為是主要原因在於香港特區政府，而認為主要原因是基於激進民主組織及泛民主政黨的受訪者分別有一成四及一成，兩者相加後的比例，與中央政府佔的比重一樣。三成一受訪者認為，今次政改的主要訴求是「公民提名」，排第二的是「擴大提名委員會的人數及代表性」，佔兩成八，認為是「公民推薦」和「泛民政黨代表能夠參與」的分別是百分之六和百分之五。（星島日報）</p>	✓	
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2014年6月25日	香港研究協會	香港研究協會	2014年6月17日至21日	香港市民(18+)	1076	隨機抽樣電話訪問	全港	<p>市民對『佔領中環』行動的意見調查(三)：六成三受訪者表示「不支持」「佔領中環」行動，較上次調查升百分之二；而表示「支持」的則佔兩成六，較上次升百分之一。至於會否參與行動，百分之七受訪者對此表示「會」，較上次升百分之一；而表示「不會」的則佔八成八。當問及是否有信心「佔領中環」行動可以成功推動落實2017年普選行政長官時，一成六受訪者對此表示「有信心」，而表示「無信心」的則佔七成三，兩者同樣較上次調查升百分之一。(香港研究協會)</p>	✓	
2014年6月28日	香港公民行動	香港公共管治學會	6月12日至17日	香港市民	2840	電話形式訪問	全港	<p>調查發現，54.1%受訪者認為「佔中」違反香港法律，33.3%受訪者則稱「不違法」，「無意見」則佔12.6%。(文匯報)</p>	✓	



2014年7月2日	蘋果日報	蘋果日報	7月1日	7.1遊行人士	300	以問卷形式訪問	維園	不作分析		
2014年7月2日	明報	明報	7月1日	7.1遊行人士	410	訪問	維園	不作分析		
2014年7月2日	真普選聯盟	香港大學民意研究計劃	6月6日至16日	香港市民	1016	由真實訪員以電腦隨機抽樣電話訪問形式	全港	真普聯委託港大民意研究計劃就政改問題進行第五輪調查。調查問及受訪者可以說出多少個坊間提出的2017年普選行政長官方案，近七成受訪者表示連一個都不知道；能分別說出真普聯方案及學界方案的，則只有7%及6%。調查並要求受訪者在「佔中投票」的3個方案中，選擇一個最支持的方案，結果超過三成受訪者表示，3個方案都不支持。若一定要三選一的話，有八成半人支持真普聯方案。（港大民研網站）	✓	

2014年7月18日	香港研究協會	香港研究協會	2014年7月10至15日	香港市民(18+)	1097	隨機抽樣 電話訪問	全港	市民對『佔領中環』行動的意見調查(四):六成三受訪者表示「不支持」「佔領中環」行動,比例維持不變;表示「支持」的佔兩成七,較上次調查升百分之一;而表示「未決定」的則佔百分之六,較上次升百分之一.至於會否參與行動,百分之七受訪者對此表示「會」,比例維持不變;表示「不會」的則佔八成六,較上次跌百分之二;而表示「未決定」的則佔百分之五,較上次升百分之一。(香港研究協會)	✓	
2014年7月29日	真普選聯盟	香港大學民意研究計劃	7月21至24日	香港市民	1009	由真實訪員以電腦隨機抽樣 電話訪問 形式	全港	《真普選聯盟》「三軌提名方案」定期調查(7月份)。結果顯示在六二二佔中公投、七一遊行及佔中預演後,真普聯三軌方案的支持度由之前的百分之五,急升至最新的五成。以十分為滿分計算,受訪者對三軌方案的平均評	✓	

								分亦達六點一分。(港大民研計劃)		
2014年7月29日	香港研究協會	香港研究協會	2014年7月21日至25日	香港市民(18+)	1103	隨機抽樣電話訪問	全港	<p>市民對『佔領中環』行動的意見調查(五):六成八(+5%)受訪者表示「不支持」「佔領中環」行動,表示「支持」的佔兩成半(-2%),而表示「未決定」的則佔百分之五(-1%),至於會否參與行動,百分之七(比例維持不變)受訪者對此表示「會」,而表示「不會」的則佔八成八(+2%),而表示「未決定」的則佔百分之三(-2%)。當問及是否有信心「佔領中環」行動可以成功推動落實2017年普選行政長官時,一成四(-2%)受訪者對此表示「有信心」,而表示「無信心」的則佔七成六(+2%)(香港研究協會)</p>	✓	

2014年8月7日	香港研究協會	香港研究協會	7月30日至8月4日	香港市民(18+)	1,071	隨機抽樣電話訪問	全港	不作分析		
2014年8月7日	香港政改民意關注組	嶺南大學公共管治研究部	7月21日至27日	市民	1,017	隨機抽樣電話訪問	全港	調查顯示，五成半市民贊成即使政改方案未滿意都「袋住先」，較兩個月前僅微升一個百分點；寧願原地踏步的有百分之三十六點五，亦微升一點三個百分點。雖整體結果變化不大，但深入分析發現，自稱泛民受訪者贊成「袋住先」的有四成八，較上次大幅跌八點三個百分點；同時寧願原地踏步的，也急升十一點六個百分點至四成七。自稱建制派情況相反，贊成「袋住先」的升一點五個分點至五成八，寧願地踏步的跌五點八個百分點至三成半。而自稱非建制或泛民的，支持「袋住先」的大增十點七個百分點至六成一，寧原地踏	✓	

								步的亦大跌七點三個百分點至兩成八。(星島日報)		
2014年8月18日	香港2020	香港中文大學傳播與民意調查中心	8月6日至8月11日	香港市民(18+)	824	隨機抽樣電話訪問	全港	調查顯示，近六成市民都認為如果2017年的普選方案有政治篩選，立法會應予以否決；有三成市民則認為要通過。超過七成市民認為，如果政府否決公民提名的成員，只有不足兩成市民反對」。立法會選舉方面，四分三人贊成把團體、公司票，全部改為個人票；近四成人認為要全面取消功能組別，23%建議減少功能組別及增加直選議席，僅24%認為應維持現狀。另外，48%人要求取消分組點票，支持保留不足四成。(蘋果日報)	✓	

2014年8月18日	明報	明報	8月17日	「8·17 和平普選 大遊行」 參與者	409	問卷訪問	維園	不作分析		
2014年8月28日	香港九龍 社團聯會	香港九龍 社團聯會	8月23日 至25日	香港市民 (18+)	3,765	電話訪問	全港	不作分析		
2014年9月1日	蘋果日報	蘋果日報	8月29至 31日	市民	522	隨機電話 訪問	全港	不作分析		✓
2014年9月3日	香港研究 協會	香港研究 協會	8月31 日至9 月2日	本港市民 (18+)	1,086	電話訪問	全港	調查顯示，53%受訪者「接受」提名委員會按照現時選委會，由1200人、依四大界別以相同的比例組成，「不接受」的佔36%。59%的受訪者「接受」按照少數服從多數的原則，行政長官候選人須取得50%以上提名委員支持，亦有58%的受訪者表示「接受」將行政長官候選人數定為2至3人，「不接受」的佔46%。 (經濟日報)	✓	✓

2014年9月5日	無線電視新聞部	嶺南大學公共管治研究部	8月31日晚至9月3日	市民	1,114	隨機抽樣電話訪問	全港	結果顯示，認為立法會應通過按人大框架制訂的普選方案比率為45%、認為應否決的則有40.7%，無意見或不知道的比率為14.2%（見圖）。若分析受訪者背景，可見50歲以上受訪者傾向接受人大決定及認為立法會要通過政改方案，而30至49歲受訪者則傾向不接受和認為不應通過。（明報）	✓	✓
2014年9月5日	香港青年聯會	香港民意調查中心（一國兩制研究中心）	9月2至3日	18歲或以上操廣東話的香港市民	630	以電腦隨機抽取電話樣本訪問員以電話進行問卷訪問	全港	調查顯示，47.5%受訪者接受提委會由選舉委員會四大界別組成。53.6%受訪者接受參與行政長官普選的人士須得到提委會過半數支持才可成為正式候選人。53.3%的人接受候選人數目為2至3人。62.8%的人不贊同佔領中環的方式爭取普選。（香港青年聯會）	✓	✓

2014年9月7日	香港商報	香港商界民調公司(商報)	9月1至5日	香港各大商會、中小企業商會、商會社團和港商	462 (500)	電話訪問、訪談、問卷和網上答卷等方式	業界會員	<p>調查顯示，多達八成一的受訪者在整體上表示支持，其中 50%「很支持」，31.3%「支持」，18.6%的表示「可以接受」。對於人大在當前時空條件下給出的最佳方案，雖有人覺得未必盡善盡美，但商界近九成人認為可「袋住先」，其中表示「完全可以」的有 34.4%，56.3%指「可以」，而覺得「一般」的受訪者為 9.3%，僅 2 人選擇反對。不過，商界對五步曲的第三步，即立法會通過政改議案信心不足，受訪者中「大有信心」及「有信心」的只有一半，多達 43.7%的人覺得信心「一般」，更有 3.2%的人直言「無信心」。(經濟日報)</p>	✓	✓
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2014年9月10日	明報	香港大學民意研究計劃	9月1至6日	市民(18+)	1,004	由真實訪員以電腦隨機抽樣電話訪問形式	全港	《明報》第六次委託香港大學民意研究計劃進行是次調查，目的是了解市民對2017年特首選舉及「佔領中環」行動的意見。結果顯示，政改方案若排拒泛民參選，52%受訪者接受先要一人一票，比率較4個月前同樣調查下跌約5百分點；相反，「寧政制原地踏步」升9個百分點至37%。(港大民研網站)	✓	✓
2014年9月10日	香港教育工作者聯會	香港教育工作者聯會	9月1日至3日	會員	427	網上問卷	業界會員	調查結果發現，會員對人大決議傾向持正面態度。65%認同提名委員會的人數、構成及產生辦法，66%支持特首候選人數為兩至三人，及要取得提委會過半數支持才能「出閘」。對於人大對選民有行政長官選舉權的意見，更有多達87%會員認同。(大公報)	✓	✓

2014年9月11日	新世紀論壇	新世紀論壇	9月1至9日	市民	1,314	隨機訪問	全港	調查顯示，35%受訪者支持人大框架，23%表示人勉強接受，38%則反對。其中514名表示傾向建制派的受訪者，雖然有76%人支持人大的決定，但有87%人認為應該討論提名委員會如何擴大選民基礎。調查又發現，311名傾向泛民主的受訪者中，雖有64%支持以抗爭手法爭取普選，但僅25%人認為佔中可改變中央決定，38%人認為不能，36%表示很難說。(新報)	✓	✓
2014年9月12日	民建聯及青言社	民建聯及青言社	2014年9月1至7日	15至40歲青年人	485	網上及街頭問卷訪問	全港	調查顯示，超過80%受訪年青人認同普選應按基本法規定進行。超過65%青年人認同特首候選人應獲過半數或以上提名。超過75%受訪年青人認同普選方案行前一步比原地踏步好。(民建聯)	✓	✓

2014年9月15日	南華早報	香港大學民意研究計劃	9月4日至11日	市民(18+)	1,008	由真實訪員以電腦隨機抽樣電話訪問形式	全港	《南華早報》於2014年9月委託香港大學民意研究計劃進行是次調查，目的是了解市民對政改的意見。調查顯示，有39%受訪者認為立法會應通過人大常委會提出框架下的方案，有48%認為應該否決。另外，有54%受訪者認為2017年特首普選方案通過後，將沒有機會/非常不可能/不可能再修改。(港大民研網站)	✓	✓
2014年9月17日	會計界立法會議員梁繼昌	會計界立法會議員梁繼昌	9月10日	業界	1,201	問卷	業界	不作分析		✓
2014年9月17日	真普選聯盟	香港大學民意研究計劃	8月21日至27日	市民	1000+	以隨機電話訪問形式	全港	不作分析		
2014年9月18日	香港青年學生動力	香港青年學生動力	9月2日	市民(25以下)	316	網上問卷調查	N/A	不作分析		

2014年9月19日	香港建設管理交流中心	香港建設管理交流中心	9月5至8日	香港工程界	387	問卷調查	業界	不作分析		
2014年9月20日	香港政協青年聯會	香港政協青年聯會	9月12至16日	市民	2,003	電話系統以隨機抽樣方式訪問	全港	不作分析		✓
2014年9月20日	香港公民行動	香港公共管治學會	9月4日至9月12日	市民(18+)	1,851	隨機抽樣方式訪問	全港	儘管不少受訪者表示清楚規定內容，但調查發現有34.6%受訪者表示接受，整體仍有44.9%受訪者不接受人大決定框架，結果反映受訪者對是否接受全國人大常委會決定的意見極為分歧，雙方均未能獲得過半數。不過，整體有57.8%受訪者表示，就算對人大決定的框架有不滿，2017年仍應該落實一人一票選行政長官。調查中有43.1%受訪者贊成「佔中行動」，不贊成則有49.1%，兩者僅相差6個百	✓	✓

								分點。罷課方面則有 49.5%受訪者不贊成，有 42.8%表示贊成，相差 6.7 個百分點，與「佔中行動」情況相若。然而，有 65.7%受訪者認為，有關行動並不能改變人大常委會決定。（大公報）		
2014 年 9 月 21 日	香港中文大學傳播與民意調查中心	香港中文大學傳播與民意調查中心	2014 年 9 月 10 至 17 日	15(+)操粵語的香港市民	1,006	電話訪問	全港	調查結果顯示如果政府方案會令到與中央不同政見的人士不能夠成為行政長官候選人，53.7%的受訪者認為立法會到時應該否決方案；認為應該通過方案的有 29.3%。51.8%的受訪者「不同意」香港如何普選行政長官會影響到國家 46.3%的受訪者表示「不支持」「佔領中環」行動。（中大傳播與民意調查中心）	✓	✓

2014年9月21日	香港政改民意關注組	嶺南大學公共管治研究部	2014年9月5至10日	市民(18+)	1,036	隨機抽樣電話訪問	全港	<p>調查顯示，對於全國人大常委會關於行政長官普選問題的決定，有三成三的被訪者表示接受，四成三表示不接受。此外，有兩成八的被訪者對決定表示滿意，有四成五對決定表示不滿意。對於在人大常委作出決定後，抗爭能否爭取更合理的2017年行政長官普選方案的問題上，有五成五的被訪者認為不可能，三成則認為可能。此外，分別有五成九和四成三的被訪者表示贊成「應該取消『團體票』和『公司票』」和「應該爭取改變提名委員會不同界別的議席分配，使提名委員會更有代表性」。再者，有五成的被訪者表示贊成「人大常委會已經對普選行政長官的各項原則作出規定，現時社會應該集中精力，爭取改善普選行政長官的細節」，</p>	✓	✓
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									但也有三成六表示贊成「既然人大已經對各項原則作出規定，即使爭取到改善普選行政長官的細節也沒有意義」。(嶺南大學公共管治研究部)		
2014年9月24日	香港電台《議事論事》	香港中文大學傳播與民意調查中心	9月10日至17日	市民(15+)	1,006	電話訪問	全港	調查顯示，47.2%受訪者表示不滿意人大框架，26.5%表示一般，僅18.7%表示滿意。另外，47.8%稱人大框架令他們對香港落實「一國兩制」的信心減少，36.7%稱無改變，12.6%說有增加。對於立法會應否通過政改方案，27.1%被訪者認為應該，25.4%贊成否決，亦有39.9%認為應該根據民間全民投票結果決定。不過，直至目前為止，並未有團體表示會進行全民投票。如方案最終不獲通過，37%受訪者認為最大責任在中央政府、31.5%認為是泛民議員，	✓	✓	

								29.7%則認為特區政府要負責。 (明報)		
2014年9月27日	香港大學民意研究計劃	香港大學民意研究計劃	2014年9月19至24日	市民(18+)	1,011	訪員直接進行電話訪問	全港	調查顯示，若從社會整體考慮，反對人大常委決定的人有44%，支持的有35%。若從個人考慮，反對的高達47%，支持的有30%。在反對的群體中，有56%至59%是18至39歲的年輕人。(港大民研)	✓	
2014年9月27日	明報	明報	9月26日	參與罷課集會中學生	100	問卷調查	金鐘添美道集會場地	不作分析		
2014年9月30日	香港理工大學社會政府研究中心	香港理工大學社會政策研究中心	2014年9月29日	香港市民	729	以隨機抽樣方式電話調查	全港	「香港市民對『佔中』運動的意見」電話調查(第一輪): 近六成(59.8%)受訪者非常不同意 / 不同意香港警方由9月28日開始，處理「佔中」示威者的做法。	✓	✓



								對於「佔中」運動發展到今時日的狀況，較多受訪者 受訪者認為 特首梁振英/香港政府 /政府官員最需要為此負責，佔整體的46.3%。對於人大常委會就香港政改的決定，逾六成 (62.4%)受訪者非常唔同意或不同意「袋住先」；而表示同意或非常同意「袋住先」的則共有 29.4%。(香港理工大學社會政策研究中心)		
2014年 10月1日	真普選聯盟	香港大學 民意研究 計劃	9月19至 24日	香港市民 (18+)	1012	由真實訪 員以電腦 隨機抽樣 電話訪問 形式	全港	《真普選聯盟》「三軌提名方案」定期調查 (9月份)：結果顯示，只有30%(個人而言)或35%(從社會整體考慮)認為應該支持人大決定，而反對人大決定的，則分別有47%(個人而言)和44%(從社會整體考慮)，反映無論從什麼層面考慮，社會反對人大決定的都比支持者多，當中尤以年青人的反 對比例更高，達	✓	✓

								59%。(港大民研網站)		
2014年 10月3日	明報記者 調查	明報記者 調查	10月2日 午	參與佔領 的示威者	334	問卷形式	金 鐘、銅 鑼灣、 旺角 及尖 沙嘴4 個「佔 領區」	調查顯示，七成受訪者表明若政府沒回應訴求，會無限期留守佔領區，但亦有13.2%受訪者打算留守至昨日便離場。(明報)	✓	✓
2014年 10月4日	明報記者 調查	明報記者 調查	10月3日 3時至晚 上9時半	參與佔領 的示威者	293	問卷形式	金 鐘、銅 鑼 灣、旺 角三 佔領 區	調查顯示，受訪者當中191人(65.2%)贊成應減少佔領區，相反，有86人(29.4%)不贊成，其餘為無意見。至於贊成縮減佔領區的人中，多達99.4%認為要優先守住金鐘佔領區；有40.8%人認為其次要守住銅鑼灣，9.4%認為其次要守住旺角。(明報)	✓	✓

2014 年 10 月 5 日	香港理工 大學社會 政府研究 中心	香港理工 大學社會 政策研究 中心	10 月 4 日 晚上	香港市民	850	以隨機抽 樣方式電 話調查	全港	「香港市民對『佔中』運動的意見」電話調查(第二輪): 旺角佔領現場連日暴亂後進行民調, 最多受訪者認為出現「佔領運動」及近日的暴力、襲擊事件, 特首梁振英、港府及政府官員最需要負責。有關調查訪問了 850 名市民, 結果顯示, 對於佔領現場有襲擊佔中示威者的暴力事件, 最多受訪認為特首梁振英、港府及政府官員最需要為此負責, 有 28.6%; 其次是「愛」字頭組織及反佔中人士, 佔 17.3%; 另有 13.3% 認為警務處處長曾偉雄、前線警察要負責。至於認為負責在佔中三子、示威者的, 分別有 12.5% 及 10.6%。(蘋果日報)	✓	✓
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2014年 10月6日	香港研究 協會	香港研究 協會	2014年9 月30至 10月5日	香港市民 (18+)	1361	隨機抽樣 電話訪問	全港	市民對『佔領中環』行動的意見調查(六)：對於學聯及學民思潮、「佔中」發起人、示威人士在是次集會示威活動中的表現，表示「非常接受」及「頗接受」的合共分別佔四成四、三成八及五成一。當問及是次集會示威活動對受訪者的日常生活有否造成影響時，表示有「很大影響」及「較大影響」的合共佔五成四。(香港研究協會)	✓	✓
2014年 10月6日	經濟通及 《晴報》	經濟通及 《晴報》	2014年9 月26日 及9月28 日	網民	分別為 4138至 8527	網上投票	N/A	不作分析		✓
2014年 10月6日	香港零售 管理協會	香港零售 管理協會	2014年 10月1至 5日	協會會員	不詳	不詳	業界	不作分析		✓

2014年 10月6日	東方報業 民意調查	東方報業 民意調查	10月2至 4日	香港市民 (18+)	278	街頭問卷 及電話形 式	全港	不作分析		✓
2014年 10月7日	中小企協 會聯同香 港工商總 會	中小企協 會聯同香 港工商總 會	10月2至 8日	中小企 業，當中 包括裝 修、建 材、海 味、蔬果 檔、街市 商販等	139 (122 街訪; 17 網絡問 卷)	問卷形式	個別 界別	結果顯示，受訪中小企業認為「佔中」對其影響達到「非常嚴重」程度，所有受訪店舖損失總額達到每天超過121萬。問卷中的一項是讓企業自己評價「佔中」影響程度，選擇1至3分代表沒有影響或影響很少，4至6分代表一般影響，7至10分代表影響非常嚴重。結果顯示，總體平均分為7.18分，有近四成受訪企業填了最嚴重的10分，有70多間企業都填了7分以上。另外，接近七成受訪店舖表示，每天減少生意額高達四成以上，大多數店舖每日減少生意額超過1萬元，平均減少1萬2千元。(香港中小企協會)	✓	✓

2014年 10月8日	星島日報	星島地產 網	不詳	香港市民 (18+)	225	不詳	全港	不作分析		✓
2014年 10月9日	香港商報	香港商界 民調公司 (商報)	9月29日 至10月7 日	香港各大 商會、中 小企業商 會、商會 社團和港 商	486(500)	通過電話 訪問、訪 談、問卷 和網上答 卷等	個別 界別	不作分析		
2014年 10月16 日	香港青年 聯會	香港民意 調查中心 (一國兩 制研究中 心)	10月14 日至15 日	香港市民 (18+)	655	電腦電話 訪問輔助 系統，用 電腦隨機 抽取電話 樣本，透 過真實訪 問員以電 話問卷訪 問	全港	「市民對佔中及不合作運動的 意見調查」：結果發現，77.1% 受訪市民要求示威者盡快撤離 主要幹道；75.6%支持或非常支 持警方移除示威者在主要幹道 設置的路障，以確保主要道路暢 通；57.8%認為倘「佔中」組織 者同意撤離主要幹道但有部分 示威者堅持留低，警方應該用適 當武力去移走這些示威人士。 (新報)	✓	✓

2014年 10月19日	香港研究協會	香港研究協會	10月14至16日	香港市民(18+)	1164	隨機抽樣電話訪問	全港	調查透過與過往部分調查結果作比較，以跟進市民對「佔領中環」行動意見的變化。調查結果顯示，六成八(+1%)受訪者表示「不支持」「佔領中環」行動，而表示「支持」的則佔兩成七(-2%)。(香港研究協會)	✓	✓
2014年 10月20日	明報	明報	10月16至17日	凌晨留守的佔領者	285	問卷調查	在金鐘、銅鑼灣和旺角等3個佔領區	調查顯示，69.1%受訪者對中央或特區政府會讓步感到悲觀或非常悲觀，持樂觀態度者僅5.3%；逾七成半受訪者贊成佔領運動需要升級。在開放提問下，受訪者對於如何升級行動，較多填寫的包括「不合作運動」、「持續佔領」、「罷工」等。(明報)	✓	✓
2014年 10月22日	香港中文大學傳播與民意調查中心	香港中文大學傳播與民意調查中心	10月8至15日	香港市民(15+)	802	電話訪問	全港	調查結果發現，佔中支持度較上月佔中啟動前明顯增加，並多於反對率。同時，認為立法會應通過2017年特首普選方案的比率亦較上月顯著上升。民調中心問	✓	✓

								受訪者在不同情況下，立法會應否通過政改方案，當中提到「若政府對提名委員會的組成和投票方式作出修改，減低政治篩選的可能性」(即提委會民主化)，支持通過政改的市民有 55.6%，反對的只有 6.1%。(明報)		
2014 年 10 月 22 日	香港研究 協會	香港研究 協會	10 月 20 至 21 日	香港市民 (18+)	1071	隨機抽樣 電話訪問	全港	調查結果顯示，七成的受訪市民不支持「佔中」行動，而支持的則只佔兩成四，顯示行動未獲大部分市民支持。(香港研究協會)	✓	✓
2014 年 10 月 24 日	明報	明報	2014 年 10 月 22 至 23 日	凌晨留守 的佔領者	296 (金 鐘 150; 旺角 146)	問卷調查	兩個 主要 示威 地點 (金鐘 及旺 角區)	調查顯示，超過 90% 的人不滿政府的四項回應，85.2% 對中央社港府會否讓步不樂觀，有 73.3% 的人認為「人大撤回普選框架決定」可終止佔領。(明報)	✓	✓



2014年 10月27日	東方報業 民意調查	東方報業 民意調查	10月23 至25日	香港市民 (18+)	245	街頭問卷 及電話	全港	不作分析		
2014年 10月30日	路透社	路透社	10月28 日	街道佔領 者	121	書面調查	兩個 主要 示威 地點 (金鐘 及旺 角區)	不作分析		
2014年 10月30日	明報	明報	2014年 10月28 日	街道佔領 者	210 (105 旺角; 107 金鐘)	問卷調查	旺角 及金 鐘佔 領區	調查顯示，有 17%的人會自首， 有 45%不會自首，當中有 25%的 人「我不認為自己犯法」。(明 報)	✓	✓
2014年 11月2日	明報	明報	2014年 10月28 至31日	市民	1000	電話錄音	全港	不作分析		✓

2014年 11月2日	香港商報	香港商界 民調公司 (商報)	10月25 日至31 日	香港各大 商會、中 小企業商 會、商會 社團和港 商	563	電話訪 問、訪 談、問卷 和網上答 卷等	業界 會員	不作分析		
2014年 11月3日	東方報業 民意調查	東方報業 民意調查	10月30 至11月1 日	市民 (18+)	251	街頭問卷 及電話形 式	全港	不作分析		✓
2014年 11月3日	金鐘佔領 者	金鐘佔領 者	不詳	佔領者	300+	不詳	金鐘 佔領 區	不作分析		✓
2014年 11月4日	香港理工 大學社會 政策研究 中心	香港理工 大學社會 政策研究 中心	11月1 日至2日	市民	554	電話調查	全港	就佔領行動進行第三輪電話調查。調查顯示，73.2%受訪者表明支持佔領人士現時退場、結束佔領；反對的則有26.8%。(香港理工大學社會政策研究中心)	✓	✓

2014年 11月5日	鄧皓文 (香港中文大學新聞與傳播學院博士候選人/兼任講師)	鄧皓文 (香港中文大學新聞與傳播學院博士候選人/兼任講師)	2014年 10月21 日29日	街道佔領者	755	問卷調查	三個佔領地點(金鐘、旺角及銅鑼灣區)	調查顯示,93.6%受訪者的訴求是真普選,亦有93.3%受訪者不滿政府在政改的做法。有65.2%是為了保護學生。有72.1%認同有公民提名是結束佔領的條件。(明報)	✓	✓
2014年 11月6日	民建聯	民建聯	10月中旬	香港居民(12+)	5531	問卷調查	香港十八區	不作分析		✓
2014年 11月10日	香港教育工作者聯會	香港教育工作者聯會	2014年 10月31 至11月2 日	會員	392	網上問卷調查	業界	調查發現,近7成(68%)受訪會員表示反對或十分反對佔領行動,問到佔領行動能否改變全國人大常委會對本港特首普選的決議,近7成(68%)會員指不能夠,認為能夠改變人大決議的會員則有19%,至於佔領行動為本港社會帶來的影響,近7成(68%)會員指對市民日常生活造成影	✓	✓

								響，表示令路面交通癱瘓的會員有 66%，過半數(53%)會員認為佔領行動衝擊社會秩序。此外，逾 4 成受訪會員分別認為佔領行動「影響本港經濟」(47%)、「加劇社會分化」(46%)及「法治根基被動搖」(45%)等。(香港教育工作者聯會)		
2014 年 11 月 10 日	明報	香港大學 民意研究 計劃	10 月 31 日至 11 月 5 日	香港居民 (18+)	1005	電話隨機 訪問	全港	特首選舉及佔領中環民意調查(第七輪)：結果顯示，年輕一代及教育程度較高的受訪者都傾向支持繼續佔領，他們不少都曾參加近期佔領行動的集會。在受訪的 18 至 29 歲組別中，有 55% 的人認為要繼續佔領；相反，50 歲或以上受訪者者中，79% 支持停止佔領。(明報)	✓	✓

2014年 11月12 日	星島日報	星島日報	2014年 11月5至 6日晚上	街道佔領 者	182	問卷調查	金鐘 「夏 愨村」	調查發現，留宿者中，學生只佔兩成，但有逾六成是三十歲以下的年輕人，而大專或以上學歷人士高達八成。顯示佔領行動的「死硬派」，主體是年輕高學歷人士；而受訪者中，更有八成半表明不支持退場。受訪留守人士中，只有兩成學生。非學生的留守市民職業五花八門，當中一成為文職人員，分別約百分之七為教師及從事金融業人士，分別約百分之六為廣告設計或藝術界人士，其他職業包括傳媒、技工、資訊科技、會計、零售、出入口、醫護、航空旅遊、保險等等。（星島日報）	✓	✓
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2014 年 11 月 13 日	公民議會 民調	公民議會 民調	11 月 5 至 12 日	金鐘佔領 者	2329	智能電話 問卷或實 體問卷	金鐘 佔領 區	公民議會調查顯示，92%受訪者主要逗留在金鐘佔領區。佔領人士普遍在過去個多月中多次來到佔領區，當中有接近41%受訪者來了21天以上，數據分佈顯示參與者平均來到佔領區的日數遞增，反映他們有持續參與運動的傾向，即「回頭客」佔了一定比例。近80%受訪者每次逗留1-6小時，18%逗留超過6小時，少於1小時的則只有4%，反映大部份受訪者在佔領區傾向逗留頗久。受訪者當中，有近60%曾留守過夜——38%受訪者留守了1-5晚，只有5%是長期留守者（21晚以上）。在2017普選行政長官的提名程序中，仍然有最多意見選擇公民提名（74%），其次為特首候選人出閘人數不限於2-3人（42%）、提名委員會提名門檻由50%降低至	✓	✓
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								原來的 12.5% (41%)、以及提委會由公司票及團體票轉為個人票(40%)。結果顯示，除了公民提名以外，不少人認同應就人大 8.31 決定進行修改，例如提名門檻和候選人人數，而且意見分佈平均。(公民議會網頁)		
2014 年 11 月 13 日	香港中文 大學新聞 與傳播學 院陳韜文 與李立峯 教授	香港中文 大學新聞 與傳播學 院陳韜文 與李立峯 教授	10 月 4 至 5 日	金鐘佔領 人士	969	問卷調查	金鐘 佔領 區	在金鐘進行現場問卷調查，由學生助手在佔領區內依指定路線行走。訪問對象是行走時身邊經過的每第十位參與者，兩天共收回九百六十九份問卷。調查發現，四十歲以下參與者佔逾九成，平均年齡為二十七點七歲，而具有大專以上教育程度的參與者佔近八成。陳韜文指出，參與佔領人士，主要是教育水平高的年輕一代，如果以集會高峰期計算，參與者數以萬計，代表着香港的新生力量，他們的訴求絕	✓	

								對不容忽視。(星島日報)		
2014 年 11 月 13 日	旺角小店 關注組	旺角小店 關注組	2014 年 11 月 5 至 11 月 13 日	小店，包 括信和中 心、旺角 新之城、 旺角中心 內的商戶 及佔領區 附近之地 舖	150 戶	問卷調查	旺角 佔領 區附 近	調查並了解小店過去租金佔收 入比例、加租幅度、生意受影響 之情況、對業主減租之意見，數 據顯示有一半受訪商戶的租金 佔收入比例超過 50%，而租金佔 收入比例少於 3 成的店舖只有約 15%，反映大部份商戶的租金比 重極大。約有八成位處信和中心 及旺角中心的受訪商戶表示佔 領行動對店舖營運有影響。超過 七成受訪者提出希望業主減 租，只有約四份一受訪者認為留 守人士盡快撤離。(佔領撐小店 Facebook 專頁)	✓	✓



2014 年 11 月 16 日	香港中文 大學傳播 與民意調 查中心	香港中文 大學傳播 與民意調 查中心	11 月 5 至 11 日	市民 (15+)	1030	電話訪問	全港	「香港民意與政治發展專題研究小組」進行第三次民調：結果顯示，43.5%受訪者不支持佔領運動，支持的有 33.9%，比例與 9 月佔領運動出現前同一調查結果相約，但對照上月，支持比率下跌近 4 個百分點，反對則增 8 個百分點，民意有逆轉趨勢。調查又發現，年紀越輕與教育程度越高的受訪者，越傾向支持運動，15 至 24 歲受訪者有 67.7%，大專以上學歷者亦有 45.8% 表示支持。（蘋果日報）	✓	✓
2014 年 11 月 19 日	香港大學 民意研究 計劃	香港大學 民意研究 計劃	11 月 17-18 日	市民 (18+)	513	由真實訪 員以電腦 隨機抽樣 電話訪問 形式進行	全港	第一次普及民意平台調查：訪問對佔領行動的意見，當中 88% 受訪者表示近期沒參與佔領運動。調查結果顯示，有 82.9% 受訪者表示應停止佔領，較 11 月初港大進行同樣民調的 70%，增加近 13 個百分點；當中 40.4%	✓	✓

								認為應改用其他方式爭取，11.3%的人認為已達到目的，31.2%的人認為根本不應該佔領；認為應繼續佔領的受訪者有13%，亦較本月初的25%減少12個百分點。（明報）		
2014年 11月20 日	香港大學 民意研究 計劃	香港大學 民意研究 計劃	11月19 日	市民 (18+)	507	由真實訪 員以電腦 隨機抽樣 電話訪問 形式進行	全港	第二次普及民意平台調查：調查於本月19日、即立法會大樓被暴力衝擊的當日。調查發現，58.2%受訪者反對「佔領」行動，比前日發表的17至18日的調查上升3.5個百分點，其中39.9%表示「好反對」，「幾反對」、「一半半」者分佔18.3%及13%，支持「佔領」行動的受訪者僅28.3%。調查又發現，從短期來說，有73.1%受訪者認為「佔領」行動帶來的壞處較多，認為好處較多的僅13.8%，表示「一半半」者佔10.6%。從長期來說，	✓	✓

								64.5%受訪市民認為「佔領」行動壞處較多，稱「好處較多」及「一半半」僅分別佔 19.2%和 9.1%。至於人大常委會應否撤回政改決定，受訪市民意見分歧，認為「應該撤回」、「不應撤回」及「唔知/難講」者，各佔 35.8%、34.1%及 30%。（文匯報）		
2014 年 11 月 21 日	舉辦雨傘 民意日的 港大學生	舉辦雨傘 民意日的 港大學生	11 月 14 至 16 日	市民及佔 領區人士	2300	問卷	佔領 區	雨傘民意日由數名香港大學法律系學生發起，於 2014 年 11 月 14 至 16 日於金鐘佔領區進行調查。是次調查聯合金鐘佔領區 26 個物質站及義工進行，期間於金鐘收集 2100 份意見書，另外也在旺角收集 200 份意見書。調查以問卷形式進行，舉辦單位在傳媒及網上平台呼籲市民親身到雨傘廣場提交意見書。調查對象並沒有限制，但是問卷內容是以與多名雨傘運動長期支持者及	✓	

							<p>各個物資站交流所得的意見為設計藍本。大部分問題均有開放式的選項，意見收集以不記名方式進行。物資站及義工向市民派發列有數條問題的意見書，並建議市民在填寫及回答問題前，先與場內最少兩至三名市民討論。金鐘雨傘廣場亦劃出討論區及擺放大型白板，方便市民進行互動交流。所有收集回來的意見書於活動期間，全面開放予市民自由翻閱。市民在完成自己的意見書後可查閱其他意見書，以了解各方意見背後的理據。調查發現，佔領者當中，有 66%是在職人士，只有 18%是學生。超過 70%受訪者期望繼續對話，即使部分參與者認為對話沒有用。超過 50%人士認為重啟政改是退場條件。（填妥的問卷可從網上看</p>		
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								<a href="https://drive.google.com/folderview?id=0B-Qa2HBxVZG4dkVZdDRjYXhJQjQ&amp;usp=sharing">https://drive.google.com/folderview?id=0B-Qa2HBxVZG4dkVZdDRjYXhJQjQ&amp;usp=sharing</a>		
								(兩傘民意日發起人鄭諾銘先生資料提供)		
2014年 11月21 日	香港中小 型企業大 聯盟	香港中小 型企業大 聯盟	估計11 月1至15 日	會員公司	508	問卷調查	業界 會員	<p>調查發現，自「佔領」發生以來，有 27% 會員公司生意額下跌「10%以下」、下跌「10%至30%」有 42%、下跌「30%至50%」有 10%，下跌「50%以上」就有 11%，無意見的則有 10%。被問到估計生意何時能夠恢復，有 8% 受訪會員認為要「半個月內」，表示「一個月內」的有 17%、表示「兩個月內」的有 13%、表示「難以估算」的則有 62%。有 85% 受訪會員表示「佔中」影響市民消費意慾，其中 52% 表示有影響，表示影響極大則有 33%，稱沒有影響及影響較</p>	✓	✓

								<p>小僅 5%及 10%。82%則指出，「佔領」已對他們的日常生活、生意及工作有影響，其中 41%表示極大影響，有影響的佔 41%，而表示影響較小及沒有影響的分別僅 13%及 5%。多達 93%受訪會員認為，「佔領」已影響香港「金融中心」及「購物天堂」的美譽，其中有 62%表示影響極大，表示有影響的有 31%，而表示沒有影響及影響較小分別有 5%及 2%。(文匯報)</p>		
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2014年 11月21 日	全國港澳 研究會	香港研究 協會	11月13 日至18 日	市民 (18+)	1,682	真實訪問 員電腦輔 助電話訪 問系統	全港	<p>調查結果發現，91.2%的受訪者認為，「佔中」不可能改變全國人大常委會有關香港特首普選的決定，認為能夠改變的僅佔6.1%。在中央對香港的政策是否變化的問題上，多數受訪者不認可中央對港政策收緊。55%受訪者認為中央的政策沒有變化，7.8%表示中央對港政策放寬，認為政策收緊的為30.1%。數據顯示，共計62.8%的受訪者並不認同中央對港政策收緊。被問及「佔中」行動是否背後有人組織，61.9%受訪者認為，「佔中」是一次有組織策劃的行動，34.8%不同意。48.2%受訪者認為，「佔中」有外國勢力插手，45.3%受訪者不同意。對於「佔中」如何收場，67.5%受訪者認為「佔領」行動最終需要警方清場；16.7%認為「佔領」者會自</p>	✓	✓
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								行散去；4%認為「佔領」行動會被反「佔領」人士驅散而收場，7.4%則認為會以其他形式收場，表示無意見的佔4.4%。調查又發現，72.8%受訪者認為「佔中」行動已導致香港社會撕裂，不認同此觀點的受訪者為25.5%。多達80.3%的受訪者認為，香港社會在「後佔中時期」應該重新凝聚社會共識，12%認為不需要，另有7.7%表示無意見。(文匯報)		
2014年 11月23 日	新民黨及 公民力量	新民黨及 公民力量	11月13 至19日	市民	1738	街頭問卷	全港 三十 六個 地點	調查發現，八成二受訪者認為佔領人士應該盡快撤離，只有百分之六市民不認同佔領者退場六成六受訪者反對佔領，而支持的只有一成。佔領運動初期一般較受年輕人支持，然而調查發現，十八歲以下及年齡介乎十八至二十九歲的組群中，亦分別有六	✓	✓



								成三及六成六的受訪者認為應盡快結束佔領。有關生活方面，六成受訪者認為在交通上受到佔領運動影響，達一千零四十二人，亦有四百四十五人認為情緒上有影響。三成七受訪者稱佔領運動開始後，曾因政見不同而與家人或朋友出現爭拗，另有三成受訪市民感到佔領運動對家庭及社交關係構成負面影響。(東方日報)		
2014年 11月23 日	香港社會 工作者總 工會(社 總)	香港社會 工作者總 工會(社 總)	不詳	龍和道清 場後被捕 人士	25	不詳	全港 三十 六個 地點	不作分析		
2014年 11月24 日	東方報業	東方報業 民意調查	11月20 至22日	市民 (18+)	262	街頭問卷 及電話	全港	不作分析		✓

2014年 11月26 日	香港教育 學院亞洲 及政策研 究學系	香港大學 民意研究 計劃	10月23 日至11 月6日	操粵語市 民(18+)	1012	電話訪問	全港	調查結果發現，近一半受訪者「反佔中」，僅得三成半受訪者支持「佔中」。近三成受訪者經常閱讀有關時事或政治的博客文章，約一成人經常於網上參與時事或政治討論。當中以18至29歲的年齡組別最喜愛閱讀博客文章，其次是50歲以上人士，而教育程度越高的人亦越傾向閱讀博客文章。被問到接觸新聞的渠道，常看博客文章的人，超過七成半傾向看網上新聞，近八成半看電台或電視新聞，僅得不足六成會閱讀印刷媒體。（港大民研網站）	✓	✓
2014年 11月28 日	香港西醫 工會	香港西醫 工會	2014年 11月10 日至11 月27日	會員	164(在 1550份 問卷中)	問卷調查	業界 會員	調查發現，69.93%受訪者不同意「佔領」，同意的僅有22.22%。被問到是否贊成參與「佔領」的學生現時撤離，高達85.93%受訪者贊成，不贊成的只有6.66%。	✓	✓

								<p>調查又問到受訪者是否接受學生和警方於「佔領」行動中的表現。65.19%受訪者不接受學生表現，接受的有 31.11%；相反，70.37%受訪者接受警方的表現，不接受的有 23.7%。在政改問題方面，54.07%受訪者贊成根據全國人大常委會 2007 年的決定，提委會可參照選委會組成，不用改變，不贊成的有 36.3%，有 9.63%表示無意見。回答不贊成或無意見的受訪者中，有 72.58%同意選出提委的團體票或公司票改成個人票。被問及提委會的提名門檻，45.93%受訪者認為應維持現時的八分之一，14.81%認為門檻應該較高，26.67%認為應該較低。(香港西醫工會)</p>	
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2014年 11月28 日	中大香港 亞太研究 所	中大香港 亞太研究 所	11月份	市民 (18+)	800+	電話訪問	全港	調查發現，七成三受訪者表示，本港市民在政治上各有堅持及日益嚴重的社會衝突，令他們感到不開心，當中有三成六人感到「非常不開心」。有近兩成受訪者表示，因政治立場不同與他人關係變差，當中近六成人與朋友關係變差，近三成成人則與家人關係變差。(頭條日報)	✓	✓
2014年 11月29 日	鄭煒及袁 瑋熙團隊	鄭煒及袁 瑋熙團隊	10月20 日至26 日	佔領區長 期留守 者、義工 和日間參 與者	1562	隨機取樣	金 鐘、旺 角和 銅鑼 灣佔 領區	調查結果發現，參與者以年輕一代為骨幹，61%為29歲或以下，24%介乎30至39歲，相比政府公布的人口統計數據，參與者明顯年輕一大截。另外，雨傘運動雖被認為學生運動，學生組織的確也在運動中扮演了核心角色，但學生其實只佔26%，反而白領和自僱人士佔58%，構成參與者的大多數。教育方面，有逾五成受訪者擁有學士或研究院	✓	✓

								<p>學歷（55%），比例大幅超越全港的平均數（16%）。問卷於10月下旬進行，但近四成人在9月22日罷課周已參與運動，逾五成則在9月28日警方使用催淚彈後一周加入。參與者往佔領區的次數也頗頻繁，11至20天的佔37%，21天以上佔22%；平均逗留時間頗久，停留1至6小時有近七成，超過6小時則有三成，更有逾五成人曾留守過夜，留守8晚以上也佔了當中的27%。現場民調顯示熱心市民自發捐獻才是佔領區出現大量物資的主因。除了小部分是閒逛外（7%），其他人均以不同方式投入運動：如閱讀、討論、聽講座（58%）、說服親戚朋友（45%）、藝術創作（35%）、參與義務工作（35%）及鞏固防線、衝擊</p>	
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								(19%)。(明報)		
2014年 12月1日	東方報業 民意調查	東方報業 民意調查	11月至 12月份	市民 (18+)	277	街頭問卷 及電話形 式訪問	全港	不作分析		✓
2014年 12月3日	香港政策 研究所	香港政策 研究所民 意調查中 心	11月28 日晚	佔領人士 (16+)	195	問卷訪問	金鐘 佔領 區	調查顯示，若「雙學」被迫退場，有 11%示威者表示會離開「佔領」區；反之，若「雙學」自願離開，有 33%示威者表示願意跟隨離開。調查又問到，如果 2017 年特首普選時，提名辦法是按照全國人大常委會決定的框架下進行，有 53%示威者稱會投票，只有 28%人表示不會。(香港政策研究所民意調查中心)	✓	
2014年 12月5日	明報	明報	11月底	港九新界 的中學的高中生， 以及本港 8間大學	1032	問卷訪問	全港	不作分析		✓

				和 2 間專 上院校的 學生						
2014 年 12 月 10 日	香港大學 民意研究 計劃	香港大學 民意研究 計劃	12 月 8 至 9 日	市民	514	電話系統 隨機抽樣 方法	全港	有關佔領行動的第 3 次民調：調查顯示，當中 49% 反對佔領行動，較上次調查減少 9 個百分點；支持的有 31%，略升 3 個百分點。另外，有 46% 受訪者反對政府處理佔領人士做法，支持的不足四成。（信報財經新聞）	✓	✓
2014 年 12 月 10 日	九龍社團 聯會	九龍社團 聯會	12 月 6 至 9 日	市民 (18+)	2864	電話系統 隨機抽樣 方法	全港	九龍社團聯會先後於今年 4 月及 8 月進行了兩次「對 2017 年落實普選行政長官的期望意見調查」，並再次透過進行第三次調查，深入了解有關普選問題的意見，並加入有關「佔中」及社會撕裂問題。調查顯示，有超過七成半被訪者表示希望及非常希望 2017 年能夠落實「一人一票」普選，結果與 4 月的調查結果相	✓	✓

								<p>約，有近五成半人表示一直支持按全國人大常委會決定落實普選，六成民意認同人大決定是極具參考意義的數據，僅得不足三成人指一直反對人大決定。被問到社會撕裂問題，五成半人認為社會撕裂程度嚴重，認為一般的有三成，更有逾七成被訪者對現時的撕裂情況感到憂慮和非常憂慮。超過六成人反對以「佔中」試圖改變香港的政治制度，約七成人支持政府立即清場，另外，有近四成人認為現時政府應再次與學生領袖對話，以期在短期內減少佔領行動帶來的社會影響。（文匯報）</p>		
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2014年 12月11 日	香港研究 協會	香港研究 協會	12月6至 10日	市民 (18+)	1077	全港隨機 抽樣電話 訪問	全港	<p>調查顯示，七成二受訪者表示「支持」高等法院對佔領區域頒布禁制令，而表示「不支持」的則佔一成八，顯示高院的做法得到大部分市民的認同及尊重。至於政府對所有佔領區進行清場，七成半受訪者對此表示「支持」，而表示「不支持」的則佔一成三。對於警方早前於旺角清除障礙物的式，五成半受訪者對此表示「支持」，而表示「不支持」的則佔三成半。（大公報）</p>	✓	✓
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2014 年 12 月 11 日	香港中文 大學政治 與行政學 系	香港中文 大學傳播 與民意調 查中心	2014 年 11 月 12-14, 17-20 日	能操粵語 的香港市 民(18+)	1006	全港隨機 抽樣電話 訪問	全港	<p>調查顯示，支持運動的受訪者中，逾三成是 30 歲以下的青年，比 55 歲以上的受訪者多近一成；反觀不支持運動的一方，其中逾四成達 55 歲或以上，30 歲以下的只佔不足 8%。再看雙方的媒體使用習慣。互聯網在運動的支持者中相當普及，使用率達八成半；與此同時，令人驚訝的是有三成半不支持運動的受訪者是完全不上網的。我們也調查了 facebook 的使用頻密度，兩個組別中「十分經常」及「好少或無」使用這個主要社交媒體的受訪者，都分別錄得多達兩成的差異。在支持者中，「十分經常」使用 facebook 的佔超過 43%，但在不支持者中，只有 23.62% 的受訪者「十分經常」使用 facebook。此外，竟有超過四成的不支持者「好少或無」使用 facebook。政</p>	✓	✓
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								治動員方面，近半支持運動的受訪者曾透過互聯網邀請或鼓勵他人作政治行動，遠遠拋離不支持者網上政治動員的比例。除了互聯網使用習慣的差異外，當留意雙方有關公共事務的主要資訊來源時，也發現了值得重視的差異。支持者中，透過看電視接收資訊的只有不足兩成，選擇社交媒體的卻達三成之多；不支持者中，逾四成半受訪者以電視為資訊途徑，使用社交媒體接收資訊的只有約半成。（蘋果日報）		
2014 年 12 月 12 日	公民議會 民調	公民議會 民調	2014 年 11 月 14 日至 20 日	街道佔領 者	257	問卷訪問	銅鑼 灣佔 領區	調查顯示，關於 2017 年行政長官選舉提名程序，銅鑼灣大部份意見(70%)支持公民提名，與金鐘(74%)相若;其次為出閘人數不限於 2-3 人(43%)。銅鑼灣有約 53%受訪者學歷為學士或以上。銅鑼灣 33%受訪者為專業人士	✓	✓

								或經理及行政人員。銅鑼灣 27% 受訪者為 40 歲或以上。銅鑼灣大部份受訪者意見(55%)視運輸, 房屋及城市規劃為現行政制下最迫切需要處理的議題。(公民議會網頁)		
2014 年 12 月 18 日	香港中文 大學傳播 與民意調 查中心	香港中文 大學傳播 與民意調 查中心	12 月 8 日 至 12 日	市民 (15+)	1011	電話訪問	全港	調查顯示, 市民是否支持「佔領運動」。42.3%的受訪者表示「不支持」(「非常不支持」/「幾不支持」)「佔領運動」, 33.9%的受訪者表示「支持」(「非常支持」/「幾支持」), 21.6%的受訪者表示「一般」。(星島日報)	✓	
2014 年 12 月 23 日	真普選聯 盟	香港大學 民意研究 計劃	2014 年 12 月 15 至 18 日	香港市民 (18+)	1010	由真實訪 員以電腦 隨機抽樣 電話訪問 形式	全港	《真普選聯盟》就政制改革進行的民意調查 (2014 年 12 月份), 目的是了解市民對「人大常委會 8 月 31 日決議」的意見。是次調查詢問受訪者是否同意「人大常委 8 月 31 日的決議, 等於將 2017 年的行政長官選舉變成假	✓	

								普選」。結果顯示 45%受訪者同意以上立場，比反對率的 23% 高約一倍。調查更發現年紀愈輕的受訪者愈傾向表示同意；在 18 至 29 歲的組別更錄得高達 71% 的同意率。（港大民研網站）		
2015 年 1 月 5 日	東方報業	東方報業民意調查	2015 年 1 月 2 至 4 日	香港市民 (18+)	203	不詳	全港	不作分析		
2015 年 1 月 7 日	全國港澳研究會	香港研究協會	2014 年 12 月 29 日至 2015 年 1 月 4 日	市民	1,623	電話訪問	全港	民調顯示，44.7%的受訪者表示香港沒可能在 2017 年實現行政長官的普選，30.6%表示有可能。另有 50%的受訪者認為，香港經濟受佔中影響將變差，而 68.6%的受訪者認為，內部政治爭拗嚴重影響香港競爭力和經濟發展。對於佔中後如何改善管治，49.3%的受訪者認為，當前存在進一步理順與中央的關係、行政與立法機構不協調等深	✓	

								層次問題；17.8%受訪者認為，香港的法治根基沒有改變，所以沒有必要進行任何改革。（香港經濟日報）		
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附錄二：在報告期內的詳細民情資料（遊行集會）

索引	名稱
A2001	研究時期內的遊行集會紀錄（88項）

## 研究時期內的遊行集會紀錄 (88 項)

舉行日期	名稱	主辦團體	點算人數 (1)	點算人數 (2)	點算人數 (3)	點算人數 (4)
2014 年 5 月 17 日	要求真普選遊行	「民主黨」	約 20 人	N/A	N/A	N/A
2014 年 6 月 11 日	抗議白皮書遊行	多個團體 (包括「社民連」、「學聯」、「學民思潮」、「公民黨」、「民主黨」等)	N/A	N/A	N/A	N/A
2014 年 6 月 14 至 20 日	毅行爭普選	「和平佔中」	N/A	N/A	N/A	N/A
2014 年 6 月 27 日	黑衣靜默遊行	立法會議員郭榮鏗及法律界	1800 人 (立法會議員郭榮鏗)	N/A	N/A	N/A



2014年6月27日	「支持白皮書」集會	「保衛香港運動」及「論壇之友」	約20多人	N/A	N/A	N/A
2014年6月29日	反佔中遊行	「港島工商團體聯盟」	30輛汽車	N/A	N/A	N/A
2014年6月29日	反佔中遊行	「香港婦女聯盟」	約10人 (新報)	逾20人 (文匯報)	N/A	N/A
2014年6月29日	反佔中遊行	「愛護香港力量」	近100人 (新報)	約有400人 (組織發言人李家家估計)	N/A	N/A
2014年6月29日	反佔中遊行	「香港市民反佔中」	數十名成員	N/A	N/A	N/A
2014年7月1日	七一遊行:「公民直接提名、廢除功能組別」	「民間人權陣線」	高鋒期: 98,000人 (警方)	150,000 - 166,000人 (港大民研)	510,000 (民間人權陣線)	N/A
2014年7月1日	「佔中」預演	「學聯」	511人 (成報)	N/A	N/A	N/A
2014年7月1日	包圍特首辦	「學民思潮」	約250人 (成報)	約500人 (新報)	近1000人 (信報)	N/A

2014年7月15日	支持政府發表的諮詢報告集會	約20個社團組織 (「工聯會屬會的服務業總工會」、「汽車交通運輸業總工會」、「香港建造業總工會」、「海港運輸業總工會」、「九龍社團聯會」、「新界社團聯會」)	近1,400人 (大公報)	N/A	N/A	N/A
2014年7月26日	反對外國勢力遊行	「港九小商販聯誼會」及「蘭芳婦女會」	30人 (大公報)	N/A	N/A	N/A
2014年8月2日	抗議政府在政改諮詢上有既定立場	「新民主同盟」	約10名 成員	N/A	N/A	N/A
2014年8月2日	「繼續和平抗命，堅持公民提名」集會	「民陣」及「學聯」	近200人 (東方日報)	N/A	N/A	N/A
2014年8月3日	聲援警方執法遊行	「撐警大聯盟」(反佔中組織)	高鋒期： 2,200人 (警方)	4,000人 (大會)	N/A	N/A
2014年8月13日	「保經濟、保民生、反佔中」集會	「經民聯」	逾400人	N/A	N/A	N/A

2014年8月17日	8.17 和平普選日	「『保普選反佔中』大聯盟」	52,000 - 63,000 人 (港大學者 葉兆輝)	84,000 - 102,000 人 (港大民研)	高鋒期： 110,600； 由維園出發： 111,800 (警方)	193,000 (大會)
2014年8月31日	「公民發聲集會」	「和平佔中」、「真普聯」、「學聯」、 「民陣」、「學民思潮」、泛民政黨	2,640 人 (警方)	5,000 人 (和平佔中)	N/A	N/A
2014年8月31日	支持人大常委會為普選特首定下的框架	「保衛香港運動」	約 30 人 (文匯報)	50 人 (東方日報)	N/A	N/A
2014年8月31日	反對人大框架爭取公民提名	「學民思潮」及其他組織	約數百人 (成報、文匯報)	最少有 1,100 人 (蘋果日報)	N/A	N/A
2014年9月2日	反對特首假普選方案	包括「熱血公民」等示威者	數十名	N/A	N/A	N/A

2014年9月2日	歡迎人大決定落實普選特首	「民建聯」、「香港製造業總工會」、「愛港之聲」、「香港民航工會」等	360人(包括支持及反對人大決定) (警方)	N/A	N/A	N/A
2014年9月2日	支持人大常委會就本港政改框架的決定	「民建聯」、「工聯會」、「汽車交通運輸業」、「保衛香港運動」	約800人 (香港經濟日報)	N/A	N/A	N/A
2014年9月2日	支持佔中	「人民力量」	10輛掛有公民抗命旗幟的私家車	N/A	N/A	N/A
2014年9月14日	「公命抗命、誓不低頭」及「爭取民主、誓不罷休」抗議人大831決定黑布遊行	「和平佔中」	高鋒期： 1,860人 (警方)	4,000人 (大會)	N/A	N/A
2014年9月14日	反佔中集會及收集簽名	「保衛香港運動」	逾10人	N/A	N/A	N/A

2014年9月18日	爭取真普選	「佔中金融組」	80多人 (蘋果日報)	N/A	N/A	N/A
2014年9月18日	罷課大會	「公開大學政改關注組」	逾百名身穿 黑衣的學生	N/A	N/A	N/A
2014年9月18日	政改師生大會	「理大學生會」	約有廿名師 生	N/A	N/A	N/A
2014年9月19日	抗議人大政改方案是 「假普選」遊行	中學生	20名學生	N/A	N/A	N/A
2014年9月19日	港大學生會罷課誓師	「學聯」	約20名成 員	N/A	N/A	N/A
2014年9月21日	「『人大常委決定』 與『國家安全』集會」	「保衛香港運動」、「時聞香港」、「匯 賢起動」及「和諧之聲」等多個民間團體	約100人 (新報)	N/A	N/A	N/A
2014年9月21日	支持大學生罷課集會	「跨世代公民抗命同盟社」	10名市民	N/A	N/A	N/A

2014年9月21日	反對「佔中」和罷課集會	「香港深圳社團總會」	數10名「香港深圳社團總會」的成員(新報)	N/A	N/A	N/A
2014年9月22日	大學生罷課集會(大專生罷課第一天)	「學聯」	13,000人(大會)	N/A	N/A	N/A
2014年9月23日	大學生罷課集會(大專生罷課第二天)	「學聯」	4,000人(大會)	N/A	N/A	N/A
2014年9月24日	大學生抗命遊行(大專生罷課第三天)	「學聯」	700人(大會)	高峰期： 1600人(警方)	N/A	N/A
2014年9月25日	包圍禮賓府遊行(罷課第四天)	「學聯」	高鋒期： 3,550人(警方)	約4,000人(學聯)	N/A	N/A
2014年9月25日	要求教育局正視及跟進罷課問題	「香港教育工作者聯會」	十多位中學教師、校長	N/A	N/A	N/A

			(香港經濟 日報)			
2014年9月25日	反對中學生罷課	「香港家長聯會」	10多名成 員 (大公報)	N/A	N/A	N/A
2014年9月26日	大學生抗命遊行(大 專生罷課第五天)	「學聯」	200人 (警方)	800人 (學聯)	N/A	N/A
2014年9月26日	全港中學生罷課爭取 普選(大專生罷課第 五天)	「學民思潮」	1,500人 (學民思潮)	N/A	N/A	N/A
2014年9月26日	大專生罷課晚上集會 (大專生罷課第五天)	「學聯」、「學民思潮」	高鋒期： 5,000人 (警方)	10,000人 (學聯)	N/A	N/A
2014年9月26至28 日	慶祝國慶65周年嘉 年華	「香港廣西社團總會」、「九龍社團聯 會」、「香港福建社團聯會」	高鋒期： 8,200人 (大會)	N/A	N/A	N/A

2014年9月27至28日	全民集會及啟動佔中	「學聯」及「和平佔中」	50,000人 (大會)	N/A	N/A	N/A
2014年9月29日	大專生罷課集會	「學聯」	6,000人 (蘋果日報)	超過10,000人 (明報)	N/A	N/A
2014年9月29日	中學生罷課集會	「學民思潮」	3,000人 (學民思潮)	N/A	N/A	N/A
2014年9月29日	罷工集會	二十五個社福界員工組織的工會及團體	約2,000人 (大會)	N/A	N/A	N/A
2014年10月4日	支持警方執法集會	「藍絲帶運動」	約400人 (文匯報)	N/A	N/A	N/A
2014年10月10日	「堅守街頭」集會:不滿特區政府單方面宣布擱置與學聯對話	「和平佔中」、「學聯」及「學民思潮」	逾萬市民 (星島日報)	100,000人 (蘋果日報)	N/A	N/A
2014年10月12日	支持警方盡快清場	藍絲帶運動	300人 (香港商報)	600人 (明報)	N/A	N/A



2014年10月12日	阻止蘋果日報出版	「反『佔中』長者」	數十人 (文匯報)	N/A	N/A	N/A
2014年10月12日	反對佔中	「紅色娘子軍」	30多人 (文匯報)	N/A	N/A	N/A
2014年10月15日	譴責警察無理毆打示威者	「社會工作者總工會」(社總)	500人 (東方日報)	500人 (明報)	N/A	N/A
2014年10月17日	反佔中	「藍絲帶行動」	20多名成員 (大公報)	約30名成員 (明報)	N/A	N/A
2014年10月19日	「光復香港」	「愛港行動」	最高峰： 1,000人 (警方)	超過2,000人 (大會)	4,000人 (大公報)	N/A
2014年10月19日	聲援金鐘留守學生	「中產人士」	近30輛私家車 (星島日報)	50輛私家車 (蘋果日報)	N/A	N/A

2014年10月23日	支持警察	香港9個金融服務界組織，包括「香港證券學會」、「證券商協會」、「香港中資證券業協會」、「香港股票分析師協會」、「香港證券及期貨專業總會」、「香港證券業協會」、「香港網上經紀協會」、「香港貴金屬同業協會」、「香港證券及期貨從業員工會」	近百人(文匯報)	N/A	N/A	N/A
2014年10月25日	「武術界社會和諧大行動」	一批香港武術界人士	約200人(明報)	N/A	N/A	N/A
2014年10月25日	「祝福香港」燭光晚會	「藍絲帶運動」、「撐警大聯盟」及「正義聯盟」	約1,000人(新報)	6,000人(「藍絲帶運動」召集人)	N/A	N/A
2014年10月28日	反佔中遊行	「愛港之聲」	約20名成員	N/A	N/A	N/A
2014年11月3日	律師默站反佔中集會	個人名義發起，但包括「新民黨」、「民建聯」、「西九新動力」政黨成員	約50名(星島)	N/A	N/A	N/A

2014年11月3日	「還我道路 還路於民」申訴大會	「工聯會」	1,500人 (警方)	3,000名 (大會)	N/A	N/A
2014年11月9日	要求撤回人大831決議，及與中央官員對話遊行	「民陣」	高鋒期： 740人 (警方)	逾1000人 (民陣)	N/A	N/A
2014年11月9日	反「佔中」集會	「保衛香港運動」	20名成員 (文匯報)	N/A	N/A	N/A
2014年11月23日	舉行團結香港感恩集會	「正義聯盟」、「藍絲帶運動」及「撐警大聯盟」	300市民 (大公報)	N/A	N/A	N/A
2014年11月29日	「佔中 GOHOME」遊行	「佔中不代表我」及「愛港之聲」	數百人 (大公報)	N/A	N/A	N/A
2014年11月31日	「對準政權，包圍政總」	「學聯」及「學民思潮」	數千人左右 (明報)	N/A	N/A	N/A
2014年12月3日	支持警察、嚴正執法	「保普選·反佔中大聯盟」	300人 (香港商報)	N/A	N/A	N/A

2014年12月5日	大專界穿黑袍遊行， 譴責暴力清場，要求 政府拿出誠意對話， 化解佔領運動的僵局	大專學界	近100人 (明報)	N/A	N/A	N/A
2014年12月7日	反警暴遊行	「傘下爸媽」	約2,000人 (蘋果日報)	N/A	N/A	N/A
2014年12月7日	反佔中集會	「保衛香港運動」	20多人 (太陽報)	N/A	N/A	N/A
2014年12月10日	反佔中遊行	「監察立法會議員誠信關注」	約20名成 員	N/A	N/A	N/A
2014年12月10日	反佔中遊行	「網上大專聯會」	約10名成 員	N/A	N/A	N/A

2014年12月12日	讚揚警方依法清場汽車遊行	新界區 209 位區議員	約 30 輛車	N/A	N/A	N/A
2014年12月24日	要求撤回人大決定，重啟五部曲	「學生覺醒」、「普教中學生關注組」及「社會民主連線」等多個團體	約 150 人 (明報)	N/A	N/A	N/A
2014年12月24日	「鳩鳴」爭普選行動	市民自發	300 人 (東方日報)	5000(蘋果日報)	N/A	N/A
2014年12月24日	「爭普選」行動	市民自發	約百人	N/A	N/A	N/A
2014年12月24日	「黃色聖誕，音樂串流」活動	「文化監暴」	每個地點吸引數十名市民	N/A	N/A	N/A
2014年12月24日	「爭普選」行動	「基督路小教會」	約五十名基督路小教會成員 (東方日報)	N/A	N/A	N/A

2014 年 12 月 31 日	「遍地開傘」行動	「人民力量」	約 30 名至 50 名市民 (明報)	N/A	N/A	N/A
2014 年 12 月 31 日	「爭普選」行動	工黨	N/A	N/A	N/A	N/A
2014 年 12 月 31 日	「爭普選」行動	市民自發	數百名市民 (太陽報)	N/A	N/A	N/A
2014 年 12 月 31 日	「爭普選」行動	網民自發	超過 100 人 (明報)	N/A	N/A	N/A
2014 年 12 月 31 日	「爭普選」行動	市民自發	約 20 多人 (明報)	N/A	N/A	N/A
2015 年 1 月 7 日	支持特區政府展開第 二輪政改諮詢集會	「愛港之聲」、「保衛香港運動」、「反 黑金關注組」、「和平論壇」、「匯賢起 動」、「佔中不代表我」、「和諧之聲」 和「守護香港」	約 80 人 (文匯報)	N/A	N/A	N/A

附錄三：在報告期內的詳細民情資料（簽名運動）

索引	名稱
A3001	「『保普選反佔中』大聯盟」簡介、 「『保和平、保普選，反暴力、反佔中』簽名運動」簡 介及 「『還路於民、恢復秩序、維護法治』簽名運動」簡介
A3002	「保和平、保普選，反暴力、反佔中」團體聯署名單
A3003	「保和平、保普選，反暴力、反佔中」個人聯署名單

## 「『保普選反佔中』大聯盟」簡介<sup>1</sup>

「『保普選反佔中』大聯盟」（下稱：「大聯盟」）於2014年7月3日成立，由28人發起，包括「全國政協」常委陳永棋、戴德豐，「港區全國人大代表」陳勇、蔡毅，五大商會會長、立法會議員劉皇發，學者雷鼎鳴等。由15名成員組成執行委員會，3名發言人分別為「廠商會」會長施榮懷、「工聯會」理事長吳秋北和「幫港出聲」發起人周融。

根據「大聯盟」網頁的簡介，「大聯盟」的成立是為了在全港各區舉行簽名行動，讓全港市民表態是否支持和平與普選、反對暴力與佔中。「大聯盟」首次的簽名行動名為「『保和平、保普選，反暴力、反佔中』簽名行動」。「大聯盟」希望透過簽名行動讓社會不同人士，包括中央政府，特區政府，香港政黨、立法會議員們及香港市民，清楚知道香港大多數人的意願。「大聯盟」成立後已有1000餘個團體或個人加入發起或聯署行列，包括工商界、專業團體、青年組織，婦女團體、同鄉會、地區社團及工會。「大聯盟」亦呼籲所有贊成和平，反對暴力，希望香港有普選，反對佔領中環的市民，響應並簽名支持「大聯盟」的行動。

## 「『保和平、保普選，反暴力、反佔中』簽名運動」的發起原因

在6.22民間全民投票結果出台後，大聯盟發言人周融於7月3日的記者會上表示，近來社會似乎只有佔中一種聲音，因此有必要成立聯盟，讓市民表態是否支持和平及普選。他再次抨擊「和平佔中」與港大民意研究調查的公民投票違法，79萬人投票中有不少「水分」。「大聯盟」發言人施榮懷表示，大部分香港人都熱愛和平，希望2017年有普選，本港工商界亦不希望出現佔中或暴力行為，形容「大聯盟」的成立可提供平台，讓港人表達愛護香港的意見。

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<sup>1</sup> 摘自「『保普選反佔中』大聯盟」網頁（<http://www.sign4peacedemocracy.hk/>）及剪報。



## 簽名運動的過程

「大聯盟」要求參與簽名人士出示身份證查證姓名及身份證號碼，並提供年齡、聯絡（電話）及簽名作實。投票於2014年7月19日展開實體簽名活動，在香港十八區設立至少468個簽名點，其中21個為「旗艦站」，並於8月2日起加開網上簽名，簽名運動至8月17日截止。「大聯盟」發言人周融表示，任何年齡、國籍的本港居民及非本港居民皆可參與簽名，但要經過工作人員核實身份證或旅行證件的簽名才有效。大聯盟每日也會公佈簽名數字，並把本地及非留港人士分開計算。

## 對是次簽名運動的質疑

「大聯盟」的簽名運動由於沒有機制確保簽名人數的真偽，亦沒有考慮簽名人士的代表性而備受質疑。

「大聯盟」曾在公開場合表明不會儲存參加者的資料或剔除重複簽名，他們只靠簽名站人員事先詢問參加者曾否參與簽名，以及即場核對身分證。而且，「大聯盟」接受聯署團體提交內部的簽名數字，但並無委託獨立機構監察過程和核實結果，故難以核實支持團體所遞交的簽名的真偽及是否重複。「大聯盟」發言人周融亦承認無實質措施核實參與簽名人士的身份，因此若有人存心行騙，「大聯盟」亦阻止不到。另外，「大聯盟」表明小孩、菲傭、印傭和遊客都可以參與。雖然「大聯盟」會把本地及外地人士的簽名人數，18歲以下及以上的簽名人數分開匯報，但外地人士及18歲以下的簽名能否代表香港市民的意願仍存有爭議。

## 簽名運動參與人數及團體

根據「大聯盟」提供的資料，簽名運動首日共收集到超過20萬簽名。於簽名運動結束後，「大聯盟」公佈共收到150萬個團體及個人簽名（1,504,839），當中街站佔118萬（1,182,129），網上佔12萬8千（128,624），團體佔19萬6千（196,987）。同時，網上簽名中有2萬4千份（24,117）為海外簽名，2萬7千份（27,905）為18歲以下所簽。然而，在「大聯盟」的網頁上，只載有1526聯署團體及1225個人聯署的名稱。本附錄的「『保和平、保普選，反暴

力、反佔中』團體聯署名單」及「『保和平、保普選，反暴力、反佔中』個人聯署名單」將是次簽名運動的聯署團體及聯署人士從「大聯盟」網頁摘錄下來，以供讀者參考。

## 「『還路於民 恢復秩序 維護法治』簽名運動」的發起原因

佔領行動持續接近一個月後，「大聯盟」發言人周融表示，香港市民已經等待 24 天，眼見「學聯」與政府對話後拒絕撤退，仍繼續堅持霸佔道路，仍繼續影響香港市民的日常生活，因此他認為香港人要站出來表達意願。他亦表示，簽名行動是一種民意授權，以支持警方執法，恢復社會法治。

## 簽名運動的過程

「大聯盟」於 2014 年 10 月 25 日至 11 月 2 日發起一連九天的簽名運動，要求「還路於民、恢復秩序、維護法治」。簽名行動開放給全港有身份證的人士參與。「大聯盟」參考早前反「佔中」簽名行動的做法，同時設立街站和網上簽名的途徑供市民參與。而且，參加者須在簽名前出示身份證，而這次簽名運動亦不接受旅客簽名。不過，未成年的香港居民仍可簽署，「大聯盟」表示會分開統計兩者數字。

## 簽名運動參與人數及團體

根據「大聯盟」提供的資料，簽名運動首日並收集到 32 萬個市民簽名。簽名運動結束後，「大聯盟」起初公佈有 151 萬人曾參與簽名，及後公佈共收到 183 萬市民（1,835,793）簽名，包括街站簽名 134 萬人（1,340,610）及網絡簽名 49 萬人（495,183），並已向政務司司長林鄭月娥及保安局局長黎棟國提交簽名。有別於首次的簽名運動，是次的簽名名單並沒有在「大聯盟」的網頁上公佈。

## 「保和平、保普選，反暴力、反佔中」團體聯署名單

香港各界青少年活動委員會	酒店及餐飲從業員協會	67 動力研究社
港區省級政協委員聯誼會	香港知青聯會	香港服務業聯盟
香港農業聯合會	香江聚賢	陸智夫醫館國術總會
香港青年大專學生協會	香港旅遊業僱員總會	九龍仔街坊福利會
新界鄉議局	滬港校友聯合會	香港服裝業總工會
新界地區事務顧問協會	香港島婦女聯會	傢私及紅木工藝職工會
香港客屬總會主席	新一代文化協會	九龍生豬肉食業職工會
民主建港協進聯盟	香港北京海外聯誼會	香港東區各界協會
新界潮人總會	香港華人革新協會	富昌邨居民協會
香港廣東汕尾同鄉總會	香港高齡教育工作者聯誼會	九龍地區事務顧問總會
東區康樂體育促進會	北京港區歷屆政協委員聯誼會	香港東莞沙田同鄉會
香港福建僑民會	香港婦女聯盟	復旦大學香港校友會
香港深圳社團總會	香港建設管理交流中心	九龍西區各界協會
九龍城區居民聯會	江蘇旅港青年總會	香港東莞黃江同鄉會
惠州新動力	社會服務發展研究中心	惠妍芳婦女會
香港廣州地區聯會	漢華中學校友會	九龍西潮人聯會
油尖旺社團聯會	深圳大學香港校友會	香港東莞榮山同鄉會
香港工商總會青年網路會	香港漁民團體聯會	愉園體育會
香港梅州聯會	培橋中學校友會	九龍東區各界聯會
深水埗居民聯會	深青社	香港東源同鄉會
香港銀行業僱員協會	香港工會聯合會	棉華中學香港校友會
江蘇旅港同鄉聯合會	香港邦加僑友會	九龍東潮人聯會
東九龍居民委員會	紹興旅港同鄉會	香港武術聯會
飲食業職工總會	(香港)張學良基金會	港九小商販聯誼會
滬港經濟發展協會	香港和平縣聯誼會	九龍的士車主聯會
香港區潮人聯會	幫港出聲	香港河源市源城同鄉會

港九中醫師公會	港九漁民聯誼會	香港青年發展網絡
九龍城青年協進會	十八鄉鄉事委員會	港澳石獅西岑同鄉會
香港河源社團總會	香港花卉業總會	大坑關注社
港九百貨業商會	港九穀米副食業職工會	香港青年會
九龍城區婦女協進會	三馬林達旅港同鄉會	港澳南安芙蓉同鄉會
香港物業管理公司協會	香港表列中醫協會	大角咀之友
港九花卉職工總會	港九鞋業職業工會	香港青年節點
九龍城義工歌唱團	上水區鄉事委員會	港澳深圳市橋聯誼會
香港物業管理及工程技術人員協會	香港金井鎮同鄉聯誼會	大角咀區民生關注會
港九修造船業工會	港九樹膠塑膠業總工會	香港青年學生動力
九龍婦女福利會	上水彩園村商戶聯會	港澳臺暨海外南安二中校友會
香港物業管理聯會	香港金屬製造業協會	大角咀匯群協會
港九紡織染業職工總會	港九機械電器儀器業商會	香港青年聯會
九龍婦女聯會	上水鄉事委員會	渣甸坊販商協會
香港玩具廠商會	香港長樂聯誼會	大埔花卉園藝協會
港九蛋業職工會	港九醬料涼果行工會	香港坭水建築業職工會
九龍婦女聯會劉舜雯富昌互助幼兒中心暨婦女服務海海事大學旅港校友會		湘港青年交流促進會
港九魚業職工會	香港青少年發展聯會	大埔區居民聯會
九龍婦女聯會慧妍雅集互助幼兒服務中心	港九鐘錶業職工會	香港保安經理學會
香港知青聯	上海財經大學香港校友會	湖州旅港同鄉會
港九新界家禽批發零售商會	香港青年工業家協會	大埔商會
九龍婦女聯會慧妍雅集婦女綜合服務中心	港島南耆康莊	香港南方中西醫結合學會
香港知識產權協會	上海理工大學香港及海外校友會	渝港青年交流促進會
港九煙草業職工總會	香港青年交流促進聯會	大埔貨車司機聯會
九龍總商會	港島南群芳雅集	香港南安公會
香港社工及福利人員工會	土瓜灣街坊福利會	紫荊青年會
港九電器商聯會	香港青年協進會	大埔鄉事委員會
八鄉鄉事委員會	港區梅州各級政協委員聯誼會	香港南安市新僑中學校友會
香港空運貨站職工會	大白田居民聯會	華中科技大學香港校友會

大埔潮州同鄉會	華富之友社	香港施氏宗親會
香港南安洋美同鄉會	長洲居民聯誼會	集美航海香港校友會
華中師範大學香港校友會	香港南區各界聯會	中區街坊福利會
大舜政策研究中心	華富服務中心	香港泉州台商投資區同鄉總會
香港南安華僑中學校友會	山西同鄉會	集美僑校(香港)校友會
華文聯合會	香港南區聯盟	中國(香港)中西醫結合醫師會
大澳居民聯誼會	華富耆樂會	香港泉州市同鄉總會
香港南安詩山同鄉會	山西商會	雲浮同鄉總會
華明村聯委會	香港南通同鄉會	中國人民大學(香港)法學研究生校友會
大澳華商會	華富愛心協會	香港泉州東海聯誼會
香港南安羅東同鄉會	山東大學香港校友會	雲港臺青年交流促進會
華東政法大學香港校友會	香港南開校友會	中國人民大學法學院校友會
大澳鄉事委員會	華富邨婦女聯合會	香港泉州溫陵僑商聯合會
香港南京大學校友會	工程界社促會	順利區社區事務促進會
華東師範大學香港校友會	香港厚街同鄉會	中國人民大學香港校友會
大澳漁民近岸作業協會	華僑大學香港校友會	香港泉州鯉城實驗小學校友會
香港南京總會	中小企國際聯盟	黃大仙協群婦女會
華東理工大學香港校友會	香港奎霞同鄉會	中國社會科學院研究院香港校友會
大嶼山四區鄉事委員會聯會	超市及連鎖店僱員總會	香港泉州羅溪同鄉會
香港南洋煙草公司職工會	中山大學香港校友聯合會	黃大仙居民促進會
華南師範大學香港校友會	香港奎霞店份基金	中國政法大學香港校友聯會
大嶼山南區鄉事委員會	跑馬地鵝頸橋區街坊福利會	香港洋務工會
香港南海同鄉總會	中山醫科大學香港校友會	黃竹坑社區網絡
華南理工大學香港校友會	香港建築紮鐵商會	中國香港民族文化協會
大嶼南鄉事委員會	鄂港青年交流促進會	香港洪邦同鄉會
香港南海沙頭同鄉會	中西區青匯展愛	黃埔居民協會
華荔居民聯會	香港政協青年聯會	中國高校校友(香港嶺南大學)聯誼會
小西灣商會	陽溪中學旅港校友會	香港美容健體專業人員總會
香港南區工商業聯合總會	中南大學香港校友會	黃碧儀武術太極社

中國高校校友（香港大學）聯誼會	慈惠婦女會	香港海員工會
香港美髮美容商會	中國藥科大學香港校友會	新界華僑聯會
甯港青年交流促進會	香港柴灣老年人康樂中心	元朗社區服務聯會
中國高校校友（香港城市大學）聯誼會	愛群拳藝會	香港海關人員總會
香港胡琴協會	中港青年文化聯合會	新界漁民聯誼會
匯青青年協會	香港柴灣社團聯會	元朗區婦女會
中國高校校友（香港科技大學）聯誼會	新民黨	香港浙江各級政協委員聯誼會
香港郁達夫研究會	中港資訊科技人才發展中心	新界總商會
匯賢智庫	香港柴灣潮僑工商聯誼會	元朗商會
中國高校校友（香港浸會大學）聯誼會	新田鄉事委員會	香港浙江金華市同鄉聯誼會
香港重慶總會	中華大族譜協會	新界蠔業水產聯合會
匯賢智庫學苑	香港氣功太極社	元朗鮮肉聯合會
中國高校校友（香港理工大學）聯誼會	新來港青年協會	香港特區南峰青年會
香港音樂文學學會	中華婦女事業協會	新家園協會
圓玄學院	香港氣體及燃料業從業員協會	公共小型巴士總商會
中國高等院校居港畢業生聯合會	新青年團	香港特區越劇院
香港旅港昌源同鄉會	中華醫學會香港會員聯合會	新華書畫院香港分院
廈村鄉事委員會	香港海安同鄉會	化工礦產五金機械業職工會
中國高等院校香港校友會聯合會	新界元朗區坊眾互助會	香港珠寶製造業廠商會
香港晉江市英園同鄉會	中業校友會	新會古井同鄉會
廈門一中香港校友會	香港海門同鄉會	友聯船廠職工會
中國國家行政學院(香港)工商專業同學會	新界西居民聯會	香港航空貨運及速遞業工會
香港晉江石廈同鄉會	中環販商聯會	新會棠下同鄉會
廈門英華毓德二中香港校友會	香港海南官窯同鄉會	天平村居民福利會
中國國情研習促進會（香港）	新界居民協會	香港航空業總工會
香港晉江同鄉會	五星中學香港校友會	新會雙水同鄉會
廈門雙十中學(八中)香港校友會	香港海南商會	天津聯誼會
中國農業大學香港校友會	新界的土商會	香港財務策劃人員總工會
香港晉江前港同鄉會	元朗攸潭美村居民互助會	新蒲崗居民聯會

太古城居民聯誼會	葵涌居民協會	香港清遠友好協進會
香港迷蹤武術聯合會	北大之友文化學會	零售及批發從業員協會
新疆農業大學香港校友會	香港崇川同鄉會	北京工業大學旅港校友會
屯門商會	葵涌南文藝協進會	香港清遠社團總會
香港針灸醫師學會	北角七姊妹道商戶協會	筲箕灣社團聯合會
萬鴉佬旅港同鄉會	香港常山聯誼會	北京科技大學香港校友會
屯門鄉事委員會	葵涌南居民聯會	香港清遠商會
香港健康十八式	北角居民協會	筲箕灣柴灣坊眾會
粵曲推廣樂社	香港常州商會	北京師範大學香港校友會
巴領旁(香港)校友會	葵涌邨社區共融聯會	香港深圳市龍崗同鄉會
香港健康文化協會	北角區街坊福利事務促進會	筲箕灣街坊福利事務促進會
粵港青年交流促進會	香港張家港同鄉會	北京航空航太大學香港校友會
心連心大地攝影會	葵康苑居民關注組	香港深圳布吉同鄉總會
香港參茸藥材寶壽堂商會	北角販商協會	筲箕灣農業工商聯誼會
葵青居民協會	香港推拿理療專業人員總會	北京第三外國語學院(北外專)香港校友會
文康服務中心	葵盛居民服務協會	香港教育行政學會
香港國情港事評論社	北角渣華道街市權商互助委員會	僑聲中學香港校友會
葵青青年義工團	香港教育研究交流中心	北京華文學院香港校友會
牛奶飲品食品業職工會	葵盛東互聯康樂委員會	香港理髮化粧業職工總會
香港基層醫護基金會	北角繼園街重建關注組	嘉浩國際藝術交流協會
葵青愛親子同盟會	香港梧州工商聯誼會	北京華僑補校赴滇支邊香港同學會
牛頭角下邨居民聯會	葵盛長者權益關注組	香港現代中醫進修學院同學會
香港婦女基金會	北京大學中國研修班同學會	對外經貿大學香港校友會
葵青新婦女協會	香港清華同學會	北區居民聯會
牛頭角社區協進會	資訊科技界國情活動籌委會	香港莊子文化研究會
香港專上學生同盟	北京大學中國經貿同學會	暨南大學香港校友會
葵青舞蹈文化協會	香港清遠公會	北區青年協會
北大之友	電訊盈科職工總會	香港莆仙同鄉聯合會
香港專業導遊總工會	北京大學香港校友會	滬港青年交流促進會

北區婦女聯會	福建省德化縣居港人士同鄉會	香港渭濱宗親會
香港莆仙同鄉聯合會葵青分會	田灣街市檯商協會	翠杏坊眾會
漁農自然護理署職工會	香港惠州社團聯合總會	石獅玉浦旅港澳同鄉會
北葵涌商戶協會	福建師範大學香港校友會	香港琴行業界藝術協會
香港通州同鄉會	白田邨居民協會	翠灣村居民協會
漁灣街市枱商協進會	香港揭陽僑聯誼會	全球生態畫家協會
半山社區事務促進會	福建旅港鈔岱同鄉會	香港紫金聯誼會
香港通訊業聯會	石光中學香港校友會	翡翠區居民協會
瑪中旅港澳校友聯誼會	香港散文詩學會	全球華人學生學者聯誼會
四川大學香港校友會	福建校友會	香港絲織產品貿易服務業工會
香港造船機電鋼鐵業總工會	石排灣居民協會	肇慶雲浮各邑同鄉總會
福州大學香港校友會	香港普寧同鄉聯誼會	全港各區工商聯
四川省各級政協港區委員聯誼會	福建高齡教師會	香港菁英會
香港釣網養殖漁民聯會	石排灣婦女會	蒲公英(香港)兒童文化中心
福建大田旅港聯誼會	香港智道總會	印尼巴中(香港)校友會
打鼓嶺鄉事委員會	福建莆仙同鄉會聯合會葵青分會	香港華安同鄉會
香港陳氏宗親總會	石湖墟商會	製衣服飾從業員協會
福建中醫學院旅港校友會	香港欽廉(四屬)同鄉聯誼總會	印尼蘇中地區旅港僑友會
正荊社	福建連江聯誼會	香港華僑華人婦女健康會
香港陳埭鎮同鄉總會	石硤尾街坊福利會	製造業管理文職技術人員協會
福建南平旅港聯誼會	香港游泳協會	印尼蘇拉威西錫江(香港)聯誼會
永吉街販商協會	福建農林大學港澳校友會	香港華僑華人總會
香港鹿鳴粵劇曲藝社	石獅市五星(五社)旅港同鄉會	銅鑼灣街坊福利促進會
福建省立晉中(泉州五中)香港校友會	香港湛江社團總會	印度華僑聯誼會
永春三中香港校友會	福建醫科大學香港校友會	香港華僑樂之友會
香港傢俬協會	石獅市旅港同鄉公會	閩南(香港)發展基金會
福建省港區政協委員聯誼會	香港湖北聯誼會	同心網絡
永靖會館	維港關愛協會	香港菴埠同鄉會
香港喉管從業員總會	石獅市華僑中學旅港校友會	廣田邨居民聯會



同濟大學香港校友聯誼會	德田之友社	香港新及(廖屬)僑友會
香港註冊中醫學會	百仁基金	曉麗婦女協會
廣州地區政協香港委員聯誼會	香港集美僑校同學會	自強泳會
在港內地畢業生聯誼會	摩星嶺街坊福利會	香港新星青年協會
香港註冊保安導師學會	中國香港銀行遠足聯會	橋港羅定同鄉會
廣州僑聯香港聯誼會	白石同鄉會	西貢文化中心
安景街居民協會	樂康會	香港新界四邑同鄉會
香港貴州聯誼會	公民力量	燕山大學香港校友會
廣西(博白)香港同鄉會	香港雲安同鄉會	西貢北鄉事委員會
安蔭洋紫荊婦女會	樂群葵盛婦女會	香港新界地產代理商聯會
香港越東老華人團體聯合會	太極拳研習同學會	穎毅耆社
廣西大學香港校友會	香港黃大仙工商業聯會	西貢的士工商聯誼會
安蔭邨居民關注組	樂趣坊樂苑	香港新馬泰歸僑華人聯合會
香港跆拳道勵進會	右軼汽車商會	興田邨社區事務促進會
廣東外語外貿大學香港校友會	香港匯青社	西貢活海鮮商會
安瀾軒珠海三灶同鄉會	毅群太極會	香港溫州同鄉會
香港開平同鄉會	母親大學基金會	興芳區業主聯會
廣東省閩南經濟促進會	香港園林及樹藝專業人員總會	西貢健民醒獅體育會
江西省政協港區委員聯誼會	潮僑工商塑膠聯合總會	香港萬寧同鄉會
香港陽光青年會	竹雅樂園	錦田商會
廣東海洋大學香港校友會	香港廈門大同中學校友會	西貢區各界協會
江蘇省泰州市旅港同鄉會	潮僑食品業商會	香港粵仁達聯誼會
香港雅樂藝術團	竹園社區互助網絡	錦田鄉事委員會
廣東僑聯香港聯誼會	香港廈門同文中學校友會	西貢區鄉事委員會
江蘇旅港同鄉會	冀魯旅港同鄉會	香港群心曲藝苑
香港集美中學校友會	老撾華僑華人香港聯誼會	鴨脷洲北岸婦女聯合會
德化縣居港人士同鄉會	香港廈門聯誼總會	西貢區漁民聯會
江蘇旅港青年總會	曉麗苑業主協會	香港葛州鄉親聯誼會
香港集美校友會	自由黨	鴨脷洲利東社

西貢將軍澳婦女會	離島區漁農副業協會	香港寧化客家祖地聯誼會
香港衙口同鄉會	利源東西街販商協會	耀東興東居民協會
鴨脷洲樂助社	香港電腦商會	沙田社區活力促進會
西貢將軍澳綜合體育會	離島婦聯	香港寧德市同鄉總會
香港資訊科技界國情研習班同學會	坊眾社會服務中心	耀俊康藝社
龍啟居民促進會	香港電影製作發行協會	沙田社區義工協會
西貢街渡商會	雞鴨業職工會	香港漳州二中校友會
香港資訊科技界國慶活動籌委會	坑口將軍澳商會	蘇島愛群社
優質肉雞發展促進會	香港僑友社	沙田花卉業聯會
西貢鄉事委員會	鵝頸街市商戶同業協會	香港漳州市區同鄉會
香港資訊科技網站工程人員協會	坑口鄉事委員會	蘇港青年交流促進會
勵紅芳曲藝會	香港僑媛會	沙田南居民協會
西區大廈業主聯合會	瓊港青年交流促進會	香港漳州市龍文區聯誼會
香港資深傳媒人員聯誼會	李鄭屋居民協會	麵包糖果餅業食品職工會
勵賢會	香港僑港中醫師公會	沙田健青體育會
西區持牌小販聯誼會	關愛社區小義工隊	香港漳州同鄉總會
香港農牧職工會	李鄭屋街坊福利會	蘭芳婦女會
嶼北民聯會	香港僑韻樂隊	沙田婦女會
西營盤正街街市檯商協會	麗怡居民協會	香港漳浦同鄉會
香港遊樂船會	沙田之友社	罐頭醬油涼果業職工會
縮小中國數碼鴻溝香港慈善基金	香港嘉興同鄉會	沙田鄉事委員會
西灣河居民協會	麗港城麗賢社	香港演藝文化交流促進會
香港電子物流人員協會	沙田肉聯商會	灣仔大佛口販商協會
薰陶太極學會	香港嘉應商會	沙田廣康太極會
西灣河商戶聯會	寶石事務促進會	香港演藝文化學會
香港電子業商會	沙田西居民協會	香港漁民互助社
離島區青年聯會	香港圖書文具業商會	沙角邨居民協會
亨宏舞蹈文化協會	寶達婦女會	香港演藝製作中心
香港電梯業總工會	沙田沙角區商會	灣仔社區健康關注組

灣仔交加街太原街固定攤位小販權益關注組	鰂魚涌居民協會	香港語藝文化傳播中心
灣仔社區聯會	坪洲鄉事委員會	長洲正義聯誼會
原東江縱隊港九獨立大隊老遊擊戰士聯誼會	香港福建中學校友會	東區工商業聯會
灣仔社團活動中心	鰂魚涌街市樓商會	香港銀行業僱員協會
<b>THE ISRAELI CHAMBER OF COMMERCE IN HONG KONG</b>	香港婦女會	長洲東莞會所
灣仔區大廈業主及立法法團委員聯席會議	香港福建永安聯誼會	東區協進社
沙頭角區鄉事委員會	世界華商聯會促進會	香港閩西聯會
香港漁民近岸作業協會	居港大陸海外學人聯合會	長洲西灣媽勝堂值理會
灣仔區大廈業主聯合會	香港福建同鄉會	東區青年會
秀茂坪社區事務促進會	香港華商會	香港鳳坡聯誼會
香港磁灶鎮同鄉總會	服裝採購專業人員協會	長洲西灣美經援一二三村委員會
灣仔區街坊福利會	香港福建同鄉會將軍澳分會	東區婦女福利會
秀茂坪區居民聯會	香港印刷業商會	香港廣州醫學院校友會
香港碧珍歌舞團	杭州旅港同鄉會	香港惠安同鄉總會
灣仔賢毅社	香港福建沙縣聯誼會	東區販商協會
赤柱音樂社	青松觀	香港廣西北海市同鄉聯誼會
香港福州十邑同鄉會	東九龍婦女協會	香港龍海市同鄉會
灣仔環保健康動力	香港福建僑民互助會	東區菁賢會
亞齊僑友會	蓬瀛仙館	香港廣西玉林市同鄉聯誼會
香港福州十邑同鄉會荃灣分會	東北軍後裔聯誼會	香港福建省仙遊同鄉會
觀塘婦女發展協會	香港福建體育會	東區遠足會
兩岸和平發展聯合總會	長洲漁業聯合會	香港廣西印尼歸國華僑聯誼總會
香港福州亭江聯誼總會	東西薈	福安旅港同胞聯誼會
鑽石山龍蟠苑居民協會	香港福清同鄉聯誼會	東莞同鄉總會大埔分會
卓妍社	長洲鮮魚業總會	香港廣西百色市同鄉聯誼會
香港福州馬尾聯誼會	東涌居民聯會	福建旅港戴氏宗親會
鰂魚涌大廈聯委會	香港蒲仙同鄉聯合會	東莞同鄉總會屯門分會
和諧樂康社(葵盛西)	長洲青華體育會	香港廣西防城港市同鄉聯誼會
香港福建三明聯會	東涌鄉事委員會	香港福建書畫研究會

東莞同鄉總會沙田分會	旅港溜江同鄉會	香港廣東各級政協委員聯誼會
香港廣西來賓市同鄉聯誼會	油麻地街坊福利事務促進會	香港泉州七中(晦鳴)校友會
廈門大學旅港校友會	香港廣西專業協會	長洲五邑同鄉會
東義造船業總商會	香港晉江青華同鄉會	香港廣澤尊王慈善基金會
香港廣西河池市同鄉聯誼會	油塘聚賢坊	閩港經濟發展協進會
旅港南安僑光中學校友會	香港廣西崇左市同鄉聯誼會	長洲海陸豐文娛康樂協進會
武漢大學香港校友會	杏田旅港同鄉會	香港德育及國民教育教師協會
香港廣西社團總會婦女委員會	物流理貨職工會	福建中醫藥大學香港校友會
福建省永春一中香港校友會	香港廣西欽州市聯合總會	長洲婦女會
河南大學香港校友會	旅港南安金淘鄉親聯誼會	香港潮安同鄉會
香港廣西社團總會藝術團	物業管理公司協會	福州三中旅港校友會
福建中學學生家長教師聯誼會	香港廣西欽廉四屬同鄉聯誼總會	長洲惠海陸同鄉會
波希展藝協會	永寧中學香港校友會	香港潮僑公益協進會
香港廣西青年聯會	社區、社會及個人服務業(新界西)總工會	旅港銀江同鄉會
養正中學香港校友會	香港廣西賀州市同鄉聯誼會	長洲華商會
油尖旺大廈組織及業主協會	旅港沙美同鄉會	香港潮屬社團總會
香港廣西南寧市同鄉聯誼會	花園大廈關愛社	石獅二中香港校友會
惠安一中香港校友會	香港廣西貴港市同鄉聯誼會	長洲鄉事委員會
油尖旺工商聯會	香港泉州僑中校友會	香港潯聯同鄉聯誼會
香港廣西政協委員聯誼總會	金屬銲接從業員協會	晉江三中(毓英金井中學)旅港校友會
安海同鄉聯誼會	香港廣西僑界同鄉聯誼總會	長洲順德同鄉會
油尖旺青年社	香港晉江洋下同鄉會	香港緬甸華僑校友聯合會
香港廣西柳州市同鄉聯誼會	長亨文娛康樂協會	玉湖同鄉會
香港南星中學校友會	香港廣西總商會	長洲漁民水面作業聯會
油尖旺婦女會	香港晉江厚澤鄉親會	香港緬甸歸國華僑聯誼會
香港廣西桂平市旅港同鄉聯誼會	長宏文娛康樂協會	旅港杆頭同鄉會
石獅寬仁旅港同鄉會	香港廣西體育總會	長洲潮州會館
油麻地居民權益關注會	香港錦東同鄉會	香港緬華互助會
香港廣西桂林市同鄉聯誼會	長沙灣街坊福利會	香港莊宅同鄉會

長洲龍船會	香港文學促進協會	香港賽馬會僱員工會
香港鄧氏宗親會	青衣商會	旅港黃氏文門同鄉會
旅港龍湖內坑同鄉會	香港錫江同學會	南丫島北段鄉事委員會
長康邨居民聯會	泉州六中(泉中)香港校友會	香港鮮果業物流協會
香港鞋業(1970)總會	青衣鄉事委員會	香港詩山中學校友會
深滬中學暨附中香港校友會	香港龍川同鄉會	南山區街坊福利會
青年 IT 網路	香港泉州慈善促進總會	香港藍園教育基金會
香港學者協會	青苗中西藝術表演團	香港東石鎮同鄉聯誼會
香港琉塘校友會	香港龍岩同鄉會	南北行公所
青年智專	香港詔安同鄉會	香港瓊海同鄉會
香港機械從業員總工會	青苗藝智	香港官橋後曾莊同鄉會
飛鵬木偶團	香港龍湖同鄉聯誼會	南安市羅溪教育基金會
青年無限	永春同鄉福利基金會	香港藝術聯會
香港機場地勤服務職工會	青暉婦女會	錦峰(崙後)旅港澳同鄉會
旅港晉江檀林同鄉會	香港嶺南普樂園	南星中學香港校友會
青年會計師發展交流協會	香港漳州一中(省立龍中)校友會	香港藝術品商會
香港機場餐飲業僱員工會	青聯體育會	香港漳州常山同鄉聯誼會
恩平黎塘旅港同鄉會	香港環保物流及清潔從業員協會	南海省港區政協委員聯誼會
青年關注社	世界茶文化交流協會	香港藥行商會
香港機電業工程專業人員協會	保健海流協進會	香港長泰聯誼會
香港錢倉同鄉會	香港環保廢料再造業總會	南區武術會
青衣居民聯會	鈔坑旅港同鄉會	香港藥業總工會
香港澳洲華人協會	勁松聯誼會	香港福建清流聯誼會
大崙旅港同鄉會	香港聯合船塢集團總工會	南國軒曲藝苑
青衣南居民聯會	港澳臺洪窟同鄉聯會	香港麗水同鄉會
香港盧氏宗親總會	南丫北鄉事委員會	香港福建泰寧聯誼會
香港古盈同鄉會	香港螺絲業協會	南僑中學香港校友會
青衣恒青會	港澳臺蚶江中學校友會	香港寶安石岩同鄉會
香港遼寧協聯會	南丫南鄉事委員會	香港福建長樂聯誼會

哈工大香港校友會	香港永和玉溪同鄉聯誼會	旅港海南同鄉會
香港蘭蕙協會	流浮山商會	香港晉江沙塘同鄉會
香港福建尤溪聯誼會	家庭團聚互助會	香港九龍揭陽同鄉總會
哈軍工、國防科大香港校友會	香港晉江靈水同鄉會	旅港開平商會
香港護衛及物業管理從業員總會	紅磡三約街坊會	香港深滬鎮同鄉總會
香港武平同鄉會	恩平黎塘旅港同鄉會	香港三亞同鄉聯誼會
屏山鄉事委員會	香港陽溪聯誼會	旅港萬隆校友會
香港鐵路員工總會	美孚婦女會	大田一中旅港校友會
連城同鄉聯誼會(香港)	旅外福建南安劉林劉侯宗親會	香港大中華中小企業商會
拾望漁民龍舟體育會	港澳溪南同鄉會	旅港福建商會
香港體育社團聯會	美林之友	香港上杭同鄉會
香港漳平同鄉會	旅港(黃氏)文門同鄉會	香港大連校友聯會
政府軍部醫院華員職工會	咗港卓氏港澳宗親會	旅港銀江同鄉會
香港衢州同鄉聯誼會	美藝音樂藝術團	內坑中學香港校友會
香港新厝同鄉聯誼會	旅港石圳同鄉會	香港山東各級政協委員聯誼會
柬埔寨華僑華人香港聯誼會	香港英林鎮同鄉聯誼會	旅港澳福全同鄉會
香港觀塘工商業聯合會	飛揚弦樂團	蚶江旅港同鄉會
香港磁灶鎮同鄉總會	旅港西濱同鄉會	香港中小企促進聯會
泉州一中(晉江縣中)香港校友會	香港福建科任同鄉會	旅港澳頭同鄉會
香港觀龍樓居民協會	食品及飲品業僱員總會	旅港圍頭同鄉會(香港)
香港阪頭同鄉會	旅港武漢僑校校友會	香港中小企業工商聯合會
泉州台商投資區旅港鄉親聯誼會	旅外福建南安劉林劉氏宗親會	旅港龍塘四鄉聯合會
峇厘旅港校友會	首都師範大學旅港校友會	閩南師範大學粵港澳校友會
香港古厝同鄉會	旅港社莊鄉親聯誼會	香港中小企業發展促進會
泉州師範學院(泉州大學)香港校友會	香港福建長汀同鄉會	晉江一中香港校友會
凌霄中學香港校友會	香島中學校友會	香港福建東山同鄉會
香港蕭妃(燒灰)同鄉會	旅港南安成功中學校友會	香港中小企經貿促進會
泉州培元中學香港校友會	香港連江聯誼會	晉江縣華僑中學香港校友會
孫中山文教福利基金會	香港 IT 人協會	廈門六中香港校友會

香港中小型企業總商會	香港中華中醫學會	香港影業協會
朗屏居民協會	海外潮人企業家協會	香港中藥聯商會
福建旅港三鄉同鄉會	南澳大學香港校友會博士社	浙江大學香港校友會
香港中山隆鎮同鄉會	香港中華文化總會	美孚荔灣街坊會
朗聯體育會	海泓社區服務協會	香港互聯網專業人員協會
中國高校畢業生香港教師會	地產行政師學會	浙江東防同鄉會
柴灣區街坊福利會	香港中華文化藝術節	玩具禮品及遊戲業工會
香港女教師協會	海南省港區政協委員聯誼會	香港五金電子科技業總工會
香港中外文化推廣交流協進會	房地產協會	浙江東陽同鄉會
柴灣婦女聯會	香港中華眼鏡製造廠商會	香港專業地產顧問商會
香港教育評議會	海峽兩岸中華文化促進協會	香港內坑鎮聯誼總會
香港中西區各界協會	東涌商會	特許金融策略師協會
柴灣街市商會	香港中華煤氣公司華員職工會	香港旅遊業導師協會
香港校董學會	海峽兩岸文化協會	香港公民體育會
香港中西區婦女會	荃灣社團聯會	班格爾馬辛旅港校友會
柴灣街坊福利會	香港中華經筋醫學會	長洲大澳蝦艇體育會
香港專業議會	海產土產雜貨職工會	香港公共醫療員工協會
香港中區大廈業主聯會	葵青頤樂社	珠港青年交流促進會
柴灣漁民娛樂會	香港中醫師公會	彩雲婦女動力協會
中華資訊產業聯合會	海富苑睦鄰之友	粉嶺區鄉事委員會
香港中國西部發展促進會	葵涌之友社	政府物流服務僱員工會
柴灣翠威居民協會	香港中醫骨傷學會	粉嶺鄉事委員會
促進現代化專業人士協會	海港運輸業總工會	葵涌邨居民會
香港中國研究生會	香港南頭鄉親總會	香港化妝品同業協會
柴灣興民區坊眾會	香港中藥從業員協會	粉嶺聯和商會
香港科技協進會	海熊壁球會	青衣東北民生關注組
香港中國醫藥學會	香港電影製片家協會	香港化妝品聯會
海外泉州澳柄鄉親會	香港中藥業協會	荃藝曲社
英國特許計量及控制學會（香港分會）	海燕體育會	青衣健康社區關注組

香港天山民族藝術團	通善壇	高藝綜合協進會
荃灣商會	香港仔天光墟市集小販會	香港中小型企業聯合會
安蔭邨居民服務社	馬灣鄉事委員會	香港民用航空事業職工總會
香港太古集團公司職工會	文娛會	商業機構及家居服務從業員協會
荃灣鄉事委員會	香港仔居民聯合會	首選香港創新科技協會
香港鮮花零售業協會	高校聯工程師聯合會	香港永和同鄉聯誼總會
香港少青社	四邑會所	國民教育中心
荃灣葵青坊眾會	香港仔街市商會	香港陽江工商聯合會
彩雲社區互助網絡	高校聯合唱團	香港永春六中同學會
香港文化總會	青峰社	國立北洋大學-天津大學香港校友會
荃灣葵青居民聯合會	香港仔漁光道街市商會	香港茂名同鄉總會
香港潮人深水埗同鄉會	高校聯法律協會	香港永春同鄉會
香港文昌社團聯合會	采頤之友	國光中學香港校友會
荃灣葵青區婦女會	香港出版印刷唱片界同業協會	僑港恩平同鄉會
儷影同心會	高校聯物流協會	香港永春僑中校友會
香港文體旅青年會	健宜社	國家行政學院香港同學會
荃灣葵青漁民會	香港北京機械學院校友會	中國香港旅行社遠足聯會
東莞同鄉總會	高校聯金融協會	香港永興堂藤器同業商會
香港文體教青少年聯會	華禮之友會	國泰航空服務職工會
馬鞍山居民服務協會	香港台州同鄉會	香港廣東汕尾市同鄉總會
香港惠陽聯誼會	高校聯青年專才協會	香港玉器批發零售商協會
香港木蘭歌舞團	蒼婧坊	國際中小企聯合商會
馬鞍山居民聯席會議	香港外遊領隊協會	香港黎氏宗親會
葵青妍雅會	高校聯資訊科技及管理協會	香港生豬肉食業職工會
香港水產養殖業總會	美林之友	國際中醫中藥總會
馬鞍山社區服務協會	香港打銅鐵器冷氣工程從業員職工會	香港南宮窑同鄉會
大窩口住區網絡	高校聯醫學會	香港交通安全會
香港王西安拳法研究會	山水摯友	國際婦女會
馬鞍山樂軒文藝會	香港未來之星同學會	香港普寧同鄉聯誼會



香港印尼任華聯誼會	旅港南海商會	梅窩鄉事委員會
國際華人魔術協會	香港安溪同鄉會	香港深圳社團總會
香港鬱南工商聯會	將軍澳街坊聯會	香港西環街坊福利會
香港印尼西加邦曼地區僑友會	香港澄海同鄉聯誼會	清華大學（香港工商界）校友會
培元中學(二中)校友總會	香港江門(五邑)僑聯聯誼會	香港公民協會
荃灣潮州利會	將軍澳義工服務社	香港宋慶齡金鑰匙培訓基金會
香港印尼泗水同學會	國際工商業精英聯合會	清華大學法學院香港同學暨校友會
培健武術太極會	香港江門青年協進會	香港深圳社團總會
順德聯誼總會	將軍澳福建同鄉會	香港志願者協會
香港印尼研究學社	旅港陽江同鄉會	深井商會
婦女發展基金(香港)	香港汕尾市海陸豐陸河文康總會	華南電影工作者聯合會
香港番禺工商聯誼會	將軍澳潮州同鄉會	香港杏塘陳氏宗親會
香港印刷業工會	香港中山社團聯合會	深水埗工商聯會
婦女權益聯盟	香港汕頭僑校校友會	香港崗廈文氏宗親會
港九永興堂藤器同業商會	將軍澳聯體藝會	香港沙田商會
香港同安聯誼會	香港新會雙水同鄉會	深水埗區街坊會聯合會
將軍澳文化康樂中心	香港百貨及零售業總會	香港眾孚堂
新會司前同鄉會	康樂區居民協會	香港沙模玻璃工程業職工會
香港各界文化促進會	香港潮陽同鄉會	深水埗婦女協會
將軍澳吳家太極同學會	香港百貨商業雇員總會	香港沙尾海外僑胞同鄉會
北區葉曜丞議員辦事處	康橋文藝協會	香港汶華校友會
香港各界婦女聯合協進會	東莞王氏宗親會	深水埗街坊福利事務促進會
將軍澳居民服務聯會	香港舟山同鄉會	香港內地經貿協會
香港潮商互助社	彩鳳翔粵劇團	深水埗街坊福利會
香港如東同鄉會	香港揭陽僑聯聯誼會	香港坪地同鄉會
將軍澳南區居民聯會	香港行政管理文職人員協會	香港鐵路職工會
香港惠來同鄉會	教育人員總工會	香港九龍城工商業聯會
香港如皋同鄉會	香港佛山工商聯會	香港深圳公明同鄉會
將軍澳健康太極學會	香港西貢區汕尾市文康會	將軍澳青年會

新青年秀茂坪	坪石邨居民聯會	深青社有限公司
僑港葵涌同鄉會	家維區居民聯會	橫樂居民聯會
香港客屬總會青年部	樂民新村居民協會	南山居民服務協會
香港平湖同鄉會	觀塘文化、康樂、體育及藝術聯會	深水埗左鄰右里關愛社
香港深圳觀瀾旅港同鄉會	愛俊之友	琮富區居民促進會
香港朗誦藝術語言中心	何文田常樂曲藝社	石硤尾邨居民服務中心
香港電車職工會	牛頭角區街坊福利會	澤安邨居民服務中心
香港鐵道從業員總工會	平田邨社區事務促進會	聲韻曲藝社
屯動力	鯉魚門邨居民聯會	珍珍曲藝社
張玉軒會館	白田區居民服務中心	慈雲山居民聯會
港菁會	月華街居民協會	油尖旺民生關注會
香港潮州商會	藍田青年服務團	彩雲邨居民促進會
福州十邑同鄉會荃灣分會青年部	深水埗南昌居民服務協會	鳳德居民聯會
葵青工商業聯會青年委員會	彩霞邨關注組	睦鄰力量
九龍城區居民聯會	啟業社區協進會	竹園邨互助協進會
港燈電力投資公司職工會	石硤尾街坊福利會有限公司	東頭邨居民聯會
長洲東莞新邨戶主聯誼會	祥和協會	香港零售批發總會
香港居民福利促進會	坪青連線	互助善行網絡發展社
香港普通話導師中心	海麗之友社	翠竹居民協會
鵬程綜藝文化促進協會	彩德邨居民聯會	翠屏婦女會
偉恒昌之友	蘇屋邨居民協會	油尖之友社
鯉魚門街坊福利會	美孚曼克頓之友社	旺角區居民協會
港澳肇慶市同鄉會	長沙灣及荔枝角居民協會	深水埗區地產代理商會
藍田社區事務促進會	大坑東居民服務協會	油尖旺社團聯會
香港地產代理聯會	元州之友社	香港樂群康樂會
旅港南海羅村同鄉聯誼會	深水埗南昌區居民商戶聯會	慈德社
寶達社區事務促進會	幸福邨居民服務促進會	粵之聲戲劇曲藝樂院(香港)
愛民邨居民聯會	九龍城寨街坊福利事業延續促進會	香港同心會
何文田居民協進會	又一村居民聯會有限公司	紅磡居民服務協會

中華青年促進會	船務從業員工會	香港資訊科技網絡工程人員協會
油麻地街坊福利會	倉庫碼頭運輸業職工會	香港學校文職人員協會
美孚商業總會	旺角街坊會	香港環保、物流及清潔從業員協會
梁日初太極學會	政府產業看管人員協會	香港保險業總工會
晴牽婦女會	天星小輪有限公司職工會	公共服務保安人員協會
油塘區街坊福利會	躉船貨艇運輸業工會	傢俬及紅木工藝職工會
香港深水埗工商聯會	香港食物環境衛生署人員協會	香港護衛及物業管理從業員總會
東方冬泳	香港小輪集團公司職工總會	政府物流服務署印刷技術員工會
油尖旺文化藝術協會	貨物裝卸運輸業職工會	香港絲織產品貿易服務業工會
深水埗體育會	香港康樂及文化事務署僱員總會	香港賽馬會僱員工會
新妍力量	新渡輪職工會	九龍倉集團有限公司職工會
旺角潮僑孟蘭勝會	港粵運輸司機從業員協會	香港坭水建築業職工會
天強力量	香港非公營機構及私家護士協會	香港皮革皮革業工會
竹園邨居民互助社	香港機場地勤服務職工會	海港婦女協會
旅港高明同鄉會	香港運輸業機械操作及維修專業人員協會	香港整脊治療師及護理人員協會
慈樂社區居民聯會	香港 I.T. 人協會	香港物流管理人員協會
秀茂坪街坊福利會	醫院診所護理業職工會	醫療護理業技能提升計劃同學會
香港鐵路工會聯合會	海事署華員職工會	香港初級公務員協會
翱海義工團	香港康樂體育專業人員總會	香港藥業總工會意誠
東頭關愛家庭協會	郵政署郵務員職工會	香港政治經濟文化學會
小輪業職工會	香港房屋署人員總會	屋宇署非公務員合約僱員工會
觀塘區家長教師會聯會	超市及連鎖店僱員總會	香港郵政合約僱員工會
香港索償協會	香港公共護理機構員工協會	港島南耆康社
貨櫃運輸業職工總會	香港機構醫生協會	海港耆樂社
世聯中醫藥現代化協會	香港製造業總工會	港九製遮業職業工會
僑港新會社阮同鄉會	中華醫學會香港醫護人員協會	香港(海外)文學藝術家協會
香港港口運輸業管理及文職僱員協會	香港食物環境衛生署職員會	毅弘服務社
香港五金商業總會	香港聯合船塢集團總工會	海港文娛康樂社
香港東莞望牛墩同鄉會	香港文職及專業人員總會	中華電力公司華員職工會

黃大仙獅青會	溢翁開心坊
香港工會發展及服務中心	美真樂聚社
香港通訊業人員協會	星輝樂聚軒
香港廣東外商公會	八鄉北環境關注組
慈雲山之友社	星月曲藝社
香港南海官窑同鄉會	屯門旭暉協會
匯賢起動	香港航業海員合併工會
僑港羅定同鄉會	星韻樂聚軒
汛文太極學會	蝶青社
香港荃灣工商業聯合會	香港工商總會屯門分會
香港電熱器具專業人員協會	大同扶弱協會
健新社	香港校董學會理事會
西九新動力	屯門居民網絡
香港電訊業總工會	香港青年關愛協會
澤興居民服務社	香港房地產協會
香港太極總會	香港商船高級船員協會
粵港福建家居商會	長洲惠潮府
凝望社	雷州市香港海外同鄉會
香港陽光協會	湛江市赤坎旅港同鄉聯誼會
中港澳保險金融文化交流促進會	世界東莞社團聯會總會
蝶藝社	九龍義工團
屯門創意學會	湛江市坡頭區旅港同鄉聯誼會
家在兆翠	香港遂溪旅港同鄉會
蝴蝶社區協進會	吳川旅港同鄉會
富健花園業主權益關注組	廉江旅港同鄉聯誼會
基層力量	湛江市麻章區海外聯誼會香港分會
屯門東南商業協會	湛江霞山海外聯誼會香港分會
星之動力	
飛躍新一代	

## 「保和平、保普選，反暴力、反佔中」個人聯署名單

鄭耀棠	王文漢	蘇開盛	鄺官穩	何威業
梁富華	石華友	丁潔玫	蔡成火	黃明達
陳志光	江永泉	王香君	鄺心怡	吳卓榮
梁頌恩	鄺百利	朱立夫	何文琪	李敬忠
蔡金華	陳通貴	李銘清	吳永恩	盧金榮
麥培東	王汝榮	顏純焯	岑嘉評	何家流
周聯僑	石漢基	尹德勝	李偉強	廖仲平
彭港祥	江活潮	王梁潔華	劉衡	李文俊
張樞宏	羅孟慶	朱運德	何冬青	李煌添
唐賡堯	黃玄濤	曾蔚楹	吳玉蘭	李博恩
黃國	王延華	葉振強	岑濬	何偉中
陳雄志	伍兆緣	孔美琪	李國棟	吳傑莊
馬光如	江家榮	王國興	文美桂	李文彬
何世柱	羅耀銓	朱殿安	何多樑	李誠慶
方黃吉雯	葉培輝	王緒亮	吳金龍	盧鼎儒
王耀瑩	王鳴	尹國根	李歡	何國偉
蕭詠儀	伍志華	方平	李深和	吳惠權
吳功敏	劉佩珊	王端瑞	葉長清	林帝興
王瑞	關景鴻	朱銘泉	何志佳	李嘉音
古仁義	樓宗強	王樂得	吳家風	蔡德河
安陽	王金殿	譚秉智	李子良	何超瓊
鍾永滿	伍淑清	方鄧飛	李勝堆	吳煥炎
尚樹強	唐躍鋒	蔣宗堅	葉冠榮	李可莊
王中英	蘇汝立	張達峰	何志豪	李碧蕙
史立德	丁午壽	梁潤華	吳家榮	岑麗珊
朱德榮	梁昆璞	方繁堅	李少彬	何毅淦
鍾毓麟	伍濱	王琳琳	李惠貞	吳華生
胡惠芳	倫志炎	凌志雄	盧裡安	李永彰
王少華	蘇陳偉香	柳曉瑩	何俊賢	李蓉
白富鴻	丁毓珠	王錦彪	吳國榮	賴楚惠
江泓	王春輝	周天慧	李少榕	何燦燊
顏吳餘英	匡耀	王雁高	李進	吳維新
梁建文	鄺國威	何漢權	廖湯慧靄	李君豪

李廣林	杜惠愷	盧裡安	朱浴龍	俞煥彬
陳德昌	李家仁	卓歐靜美	麥顯坤	倪秉駒
利紹榮	林立方	汪國波	鄭臻	袁貴才
賴寶榮	蘇灝	周聯橋	林靄嫻	洪東生
陳湖清	李蓮	林自強	王劍華	楊潔
李德榮	沈家燊	盧錦華	馮玟	姚志勝
雷銘炎	周和來	周永健	林樹哲	唐毅
吳天賜	楊雅詩	沈任河	鄭合明	馬月霞
呂國強	岑旗開	王喬宇	邱全	洪祖杭
伍志剛	李鏐發	林亨利	周錦威	黎錦文
李毅立	沈墨寧	蕭司徒潔	林絢琛	姚茂龍
劉轉好	周厚立	周覺華	栗箐	唐子恩
吳文傑	林建華	廖子良	鄭克和	馬光玉
呂學能	李佳莉	梁小玲	邱松慶	洪祖星
韋子剛	李鏐麟	朱蓮芬	周錦榮	盧文端
李潤基	貝均奇	蕭景揚	林楚昭	袁靖罡
關榮享	周娟娟	周蘿茜	桂四海	唐尤淑圻
吳永森	林建嶽	周利春	鄭志雄	馬春玲
王易鳴	邱慶平	王偉元	邱浩波	洪清源
蔡加讚	李學盟	林富強	林偉強	盧錦欽
林力山	車弘健	蕭曾鳳群	林銘森	區嘯翔
龔永德	王小華	於淑芳	益天翔	唐偉源
呂東明	林家榮	周材新	李秀恒	馬偉雄
呂耀東	廖馬帶	龐飛浩	邱達根	胡旭春
李流錫	李燕生	阮黎麗冰	英煒	周淵
林大輝	周伯展	鄧觀佑	張育培	崔志仁
孔憲禮	王子成	林珍	施榮忻	唐躍峰
李松殷	林根蘇	周叔英	朱達榮	吳明珍
岑才生	黎啟張	關宏遠	金麗清	胡偉明
李致慧	李燕荷	姚逸華	范光宗	駱伯昭
林小媚	邱玉田	王欽賢	袁仲文	張然
林友	梁國基	林懷榮	洪小蓮	夏德建
李炎雄	林乾禮	曾家求	李滿	馬義實
李麗容	黎陽	陳其富	侯東迎	胡郭秀萍
李若平	車越喬	王素華	範駿華	李兆林
林玉華	劉國昌	謝彥	袁孟森	張勤
王槐裕	王萬寶	林耀文	洪少陵	孫日孝
李家傑	林光如	周莉莉	周家慧	馬慶豐

胡葆琳	徐小龍	方約拿單	許嘉灝	陳小玲
馮秉孝	張富	張雅麗	呂如意	梁細妹
張川煌	莊家彬	張閻衡	黎德成	張興來
孫啟昌	鄧顯裕	莫小賢	莫海濤	譚全
高克寧	張忠成	龔偉興	梁美珍	李志從
韋永林	徐世樑	李國雄	許榮茂	陳文洲
駱百強	郭嶽忠	張德熙	費斐	梁發
張心瑜	高燕芬	張學修	甘炳強	李思廉
高玉鼎	餘秀珠	唐美華	莊金甯	駱志鴻
高茗華	張建良	馮文傑	梁偉浩	李志霞
孔健岷	鄭智航	馮漢光	許漢忠	陳文義
鮑偉強	高敬德	張慧娜	凌正歡	梁嘉銘
張水安	周鎮榮	曹元石	彭聞輝	郭振邦
容永棋	餘國樑	莫海濤	連詩敏	張年生
高家裕	張哲孫	陳崇業	梁啓霖	陳燦明
鄭水威	朱景玄	王庭聰	郭二澈	陳世光
歐智彬	高鏞麗	梁成瑄	羅永邦	陳曉輝
張永康	何義強	曹其東	溫幸權	郭偉強
容健光	餘綺華	許奇鋒	郭志雄	鍾群珍
伍煥傑	張桂蘭	譚惠珠	梁國鴻	蔣超偉
賴旭輝	王振聲	吳曆山	蔡錦光	陳平
鄭志輝	高麗	梁冠華	馮永球	鄧振鵬
張成雄	李靜儀	梁華	黎葉寶萍	陳細潔
容淑芳	黎國科	許林慶	郭裕文	王湛華
高浚晞	張浩明	麥煥燕	伍啟陽	張志光
梁志剛	潘佩璆	吳錦津	陳煒國	陳幼南
鄭翔升	梁璿	梁萬歡	王國強	潘鏡森
張佑仲	李惠明	王煜誠	關卓巨	陳紹林
徐莉	鄧錦雄	朱鼎健	陳強	陳清泉
高健華	張程滔	陳錦福	梁崗銘	陳強
莊金洲	徐新英	呂天增	郭少明	陳永光
鄭敬凱	梁燕平	梁鏡明	吳春隆	何榮添
張宏業	雲海清	梁亞才	朱浩賢	陳統金
王則左	劉永佳	許華傑	陳一華	陳細明
梁木林	張華峰	羅叔清	梁淦基	高劍清
莊哲猛	徐錦輝	朱偉文	吳毅榮	陳玉賢
鄧亦瑤	符傳軍	梁靄娟	鐘偉平	蕭聯生
張彼得	何君堯	陳必望	梁文賢	陳惠芳

勞玉儀	陳閃	鄧楊詠曼	黃少康	項春進
溫學忠	黎文浩	陳寶珠	葉慶寧	費明儀
陳克勤	黃志榮	洪森安	黎素梅	黃汝璞
梁廣灝	劉慶揚	陳瑞群	麥志仁	蕭景洋
陳經緯	陳建業	梁璿	湯偉奇	蕭麗娜
曾潤財	陳偉文	馮仲佳	黃戊娣	黃引祥
鐘港武	陳漢明	陳曦齡	羅君美	曾耀堂
陳志文	鄭金萱	陳國超	黎勝仔	雲海清
陳思誦	劉麗嫦	黃啟恒	麥家銘	梁崗銘
陳聖光	陳春豔	溫不曲	湯新瓊	黃家榮
鄧觀生	陳偉燊	鄧夢珠	黃永光	黃仲年
謝彥	陳端亮	陳靄群	羅志光	魏事成
陳志強	周鴻年	曾家明	黎陽	黃百鳴
駱志遠	樓家強	鄭成龍	麥順邦	陳惠芳
陳萬雄	陳偉豪	陳錦梅	程婉雯	劉佩瓊
何偉明	陳健文	董岩	黃玉嬋	黃宇良
顏培增	陳維端	陸海	羅炎達	曾國強
陳抗生	洪靜潘	曾智明	魏鳳英	譚偉明
陳炳生	樂法成	陳曉津	麥樂嫦	巫辰冬
陳嘉忠	陳凱雄	楊孫西	程練傳	劉典祥
彭一庭	趙振邦	張頌基	黃光輝	黃英來
霍震寰	陳鳳翔	陸冰珊	張碧芳	張志輝
陳秀雲	袁春年	曾黃麗群	羅正傑	黃志強
陳若瑟	鄧捷明	陳熹	傅金珠	文志雙員
陳嘉齡	陳惠龍	陳耀輝	蔡鎮英	劉建均
彭徐美雲	陳健碩	鄭瑞珍	黃引祥	黃英豪
劉漢銓	陳潔	陸順海	羅建平	傅鷺陽
陳秀燕	鄧金髮	曾錦明	張少華	黃志雄
董吳玲玲	姚宏利	雲海洪	彭灝	鄧盈
陳寧寧	陳錦梅	李麗容	華慧娜	劉迪鴻
曾南	陳國盛	鄭錦鐘	黃冰芬	黃衍偉
劉劉寶芝	陳鄭小燕	麥子良	羅富昌	何子聰
陳金烈	吳守基	湯修齊	羅成煥	黃來娣
陳純妮	鄧開榮	馮國佑	彭遠征	鄧紀生
陳漢民	陳麗芬	閻峰	費斐	劉珮珊
曾志強	劉偉泉	鄭鴻錦	黃守正	黃健榮
劉德祥	施家殷	麥成森	羅貴冲	楊永傑
陳南坡	鄭錦榮	曾智雄	羅有雄	黃建彬



譚天德	楊劍青	鄭松岩	賈檢	蒙美玲
劉偉健	葉劉淑儀	黃燦發	劉志誠	楊建文
黃華康	鍾樹根	溫雲龍	譚嶽衡	蔡廣仕
楊志紅	蔡李惠莉	方平	賈檢	黃樹有
黃炳明	黃達光	陳連偉	冼鑿軒	閻峰
譚文志	楊潔	鄭淇德	王向陽	趙吳鳳玲
劉國祥	葉毅生	黃寶基	關廣康	鄧觀送
黃詠楠	鍾瀚德	葉志勝	鄺志才	張國偉
楊志偉	曹紹偉	鄧觀華	廖國明	黃敏利
葉振都	黃煒文	黃僑福	陳捷貴	譚錦球
譚弗芸	楊奮彬	鄭景文	陳遙	趙傑子
劉陳小寶	董吳玲玲	黃耀榮	嚴依民	溫容興
黃進有	簡兆祺	徐晶	譚耀宗	彭遠景
楊育成	蔡碧強	郭明華	廖榕就	鄭倫光
葉浩楊	黃漢翰	黃蘭茜	張伙榮	甄韋喬
譚全	王碧卿	楊萬裡	李志雄	趙資強
劉業強	袁漢華	楊勳	陳偉璿	歐陽成潮
黃雅芝	藍輝耀	黃周娟娟	邊陳之娟	鄧坤盛
馬恩國	鄺劍邦	馮劍騰	廖趙碧玉	龔栢祥
葉惠芬	黃潔娣	羅幹淇	何偉光	夏家興
謝湧海	楊耀忠	黃雪芬	李建強	趙耀年
潘德明	董清世	楊小龍	何樂生	張彥南
黃順源	鄺世來	葉欣	吳南	廖華梅
楊華勇	鄧祐才	詹華軍	廖觀輝	龔清海
葉榮鉅	黃輝軍	黃華	勞玉儀	潘國政
鍾惠明	楊麟振	鄭翔玲	洪小蓮	劉志
潘錦傳	董惠明	溫卓明	李朝唐	潘志威
黃愛群	餘遠德	潘家雄	楊潔玲	劉京科
楊萬裡	鄭卓標	馮世富	管胡金愛	伍義林
李榮貴	黃澤恩	蕭雲昇	丘賽紅	馮景強
駱漢生	林祿榮	鄭華標	李雄	丁志威議員
蔡加讚	餘大偉	葉振利	王振球	王潤強議員
黃敬全	鄺志偉	葉文均	關之義	陳崇輝議員
岑永生	鄭明明	詹耀良	管浩鳴	陳有海議員
朱漢強	黃錦輝	關秋妹	王福生	鄧貴有議員
李純鶴	溫忠平	周振軍	江達可	仇振輝議員
劉德興	董瑞葆	董瑞婷	程婉雯	鄧友發議員
黃楚恒	陳東嶽	葉永誠	顏寶鈴	吳寶強議員

陳笑權議員	陳偉強議員	楊子熙議員	顏汶羽議員	符碧珍議員
黎榮浩議員	劉柏祺議員	邱戊秀議員	陳安泰議員	周錦祥議員
孔昭華議員	鄭利明議員	張學明議員	余漢坤議員	陳敏娟議員
楊文銳議員	蘇錫堅議員	梁志偉議員	徐帆議員	鄧淑明議員
李慧瓊議員	呂東孩議員	郭強議員	莊健成議員	黃耀聰議員
余智榮議員	陳思靜議員	林家輝議員	張木林議員	莊永燦議員
盧永文議員	朱耀華議員	邱玉麟議員	梁福元議員	葛珮帆議員
文光明議員	曾憲康議員	羅光強議員	潘國山議員	麥美娟議員
李月民議員	蘇麗珍議員	溫悅昌議員	徐海山議員	姚嘉俊議員
陳恒鑛議員	李國英議員	徐曉杰議員	戴耀華議員	鄧家良議員
陸頌雄議員	陳勇議員	潘小屏議員	譚肇卓議員	許德亮議員
賴子文議員	莊元苓議員	邱帶娣議員	陳偉坤議員	張富議員
文春輝議員	張恒輝議員	鄧廣成議員	左匯雄議員	老廣成議員
雲天壯議員	鄧卓然議員	陳崇業議員	高寶齡議員	譚榮勳議員
陳耀星議員	李國鳳議員	黃煒鈴議員	葉傲冬議員	勞超傑議員
黃偉傑議員	施能態議員	陳雲生議員	何顯明議員	郭必錚議員
龍瑞卿議員	王惠貞議員	侯永昌議員	陳權軍議員	黃帆風議員
王少強議員	李世榮議員	袁敏兒議員	馬軼超議員	周轉香議員
侯金林議員	沈少雄議員	李蓮議員	張國慧議員	李子榮議員
曾樹和議員	李詠民議員	周玉堂議員	彭振聲議員	羅舜泉議員
鄧光榮議員	黃萬成議員	韋海英議員	吳觀鴻議員	郭振華議員
鍾港武議員	潘國華議員	侯志強議員	何大偉議員	梁文廣議員
王吉顯議員	吳雪山議員	李志峰議員	盧惠蘭議員	張慧晶議員
龐愛蘭議員	黃舒明議員	駱水生議員	張琪騰議員	黃潤昌議員
鄧永昌議員	林享利議員	莫錦貴議員	馮美雲議員	簡兆祺議員
周浩鼎議員	招文亮議員	呂堅議員	簡志豪議員	陳少棠議員
譚美普議員	林松茵議員	姚柏良議員	甄啟榮議員	梁偉文議員
何啟明議員	黃嘉榮議員	陳華裕議員	程志紅議員	吳奮金議員
李桂珍議員	劉偉章議員	黎樹濠議員	張順華議員	梁子穎議員
凌文海議員	林泉議員	莫仲輝議員	余麗芬議員	譚領律議員
蕭婉嫦議員	蘇愛群議員	羅競成議員	李德康議員	陳灶良議員
譚惠珍議員	羅少傑議員	柯創盛議員	黃頌良議員	劉志成議員
何賢輝議員	羅煌楓議員	方平議員	溫和輝議員	鄭俊平議員
藍偉良議員	林翠玲議員	簡銘束議員	梁家輝議員	陶桂英議員
陳文偉議員	林婉濱議員	莫健榮議員	何國華議員	黃宏滔議員
陳博智議員	林發耿議員	陸勁光議員	何厚祥議員	陳金霖議員
蘇嘉雯議員	梁志祥議員	洪錦鉉議員	陳國旗議員	翁志明議員
吳貴雄議員	莊耀勤議員	麥富寧議員	李洪森議員	湯寶珍議員

王秋北議員	陳曼琪議員	蘇焯成議員	姚國威議員	鄭楚光議員
彭曉明議員	潘進源議員	盧慧蘭議員	黃國健議員	鄧根年議員
陳俊傑議員	黃宇翰議員	黃頌議員	羅競成議員	張仁康議員
葉興富議員	彭長緯議員	黃金池議員	蘇西智議員	黃卓健議員
李達仁議員	劉皇發議員	鄧詠駿議員	陳志超議員	黃錦超議員
區能發議員	陳國添議員	李冠洪議員	梁健文議員	李祺逢議員
曾梓筠議員	何觀順議員	曾勁聰議員	黃漢權議員	賴心議員
陳振中議員	朱麗玲議員	陳文華議員	葛兆源議員	姚銘議員
林琳議員	陳耀雄議員	黃春平議員	林麗芳議員	蕭妙文議員
譚見強議員	劉國勳議員	吳仕福議員	劉桂容議員	溫和達議員
李錦明議員	陳國華議員	邱榮光議員	歐志遠議員	葉曜丞議員
王威信議員	何少平議員	楊倩紅議員	黃碧嬌議員	周永勤議員
陳振彬議員	袁國強議員	鄧家彪議員	鍾偉平議員	陶錫源議員
文裕明議員	程振明議員	黃容根議員	劉美璐議員	林德亮議員
黃達東議員	鄭泳舜議員	柯倩儀議員	鄧焯謙議員	廖國華議員
楊永傑議員	陳婉嫻議員	沈豪傑議員	關秀玲議員	樊志平議員
黃以謙議員	劉定安議員	蕭浪鳴議員	黃福根議員	蔡少峰議員
陳偉明議員	古漢強議員	黃建新議員	潘志成議員	徐君紹議員
陳鏡秋議員	余倩雯議員	黃國恩議員	鄧勵東議員	鄭俊和議員
李家良議員	鄧賀年議員	鄧慶業議員	李有全議員	趙秀嫻議員
成漢強議員	曾憲強議員	李志強議員	湛家雄議員	黎偉雄議員
劉佩玉議員	鄧瑞華議員	董健莉議員	黃澤標議員	文光明議員

附錄四：在報告期內的詳細民情資料（民間投票）

索引	名稱
A4001	香港大學民意研究計劃「6.22 民間全民投票」活動報告（不包括報告附錄）
A4002	「6.22 民間全民投票」紙張選票式樣
A4003	「6.22 民間全民投票」民間固定票站指引

# 香港大學民意研究計劃

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## 「6.22 民間全民投票」

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### 活動報告

2015年2月15日

本報告內所有資料的版權由香港大學民意研究計劃擁有。報告內容與香港大學立場無關。

港大民研計劃所有研究工作由民研計劃總監鍾庭耀博士負責

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## 1 目的

作為獨立學術機構，香港大學民意研究計劃（下稱「民研計劃」）一直致力開拓一套專事專辦的電子投票制度，讓不同界別的人士和普羅大眾，透過民間投票表達意願。

港大民研計劃及香港理工大學社會政策研究中心（下稱「理大社研中心」）延續 2012 年「3.23 民間全民投票計劃」精神，合作發展推行「民間全民投票計劃」，並於 2013 年接受「讓愛與和平佔領中環（下稱「和平佔中」）」秘書處的委託舉辦多次投票活動，包括於 2014 年 1 月份舉辦「元旦民間全民投票」，於同年 2 月份舉辦「和平佔中運動成員投票」，以及於同年 5 月份舉辦「全民政改商討日」投票活動。

港大民研計劃及理大社研中心接受委託舉辦是次「6.22 民間全民投票」，純粹是為和平佔中秘書處提供專業研究服務，在確保投票活動的操作公平公正之餘，亦希望可以透過是次活動，鼓勵市民透過文明參與表達意見。在今次活動之中，市民可就著兩個由和平佔中秘書處提出的題目投票，市民可以選擇只投其中一題，也可以兩題俱投。至於投票方法，則可以選擇透過網站或手機程式進行電子投票，又或親自前往實體票站，以電子或紙張投票方式表達意願。

港大民研計劃及理大社研中心對和平佔中運動本身會保持政治中立，而和平佔中秘書處亦已承諾，在「6.22 民間全民投票」活動的設計和運作方面，給予民研計劃及理大社研中心絕對獨立自主。

## 2 活動設計

### 2.1 「6.22 民間全民投票」活動操作構思

「6.22 民間全民投票」的對象為於投票日年滿 18 歲或以上的香港永久性居民。活動的原本構思是市民可於 2014 年 6 月 20 日至 6 月 22 日期間透過網站或手機程式進行電子投票，或於 2014 年 6 月 22 日親自前往實體票站投票，活動因此以實體票站投票日命名，稱為「6.22 民間全民投票」。實際情況是，投票活動因為要應付網上攻擊而延長 7 日。市民其實可於 2014 年 6 月 20 日至 6 月 29 日期間透過網站或手機程式進行電子投票，亦可於 2014 年 6 月 22 日至 6 月 29 日期間親自前往實體票站投票。

#### 2.1.1 投票方式

投票方式分「離站投票」及「到站投票」，兩者皆以電子投票為主，但後者亦會在特殊情況下接受紙張投票。「離站投票」是透過網站或流動應用程式投票。投票人士須根據系統畫面指示，經互聯網進行身份認證，然後投票。「到站投票」是親身到實體票站投票，工作人員配以平板電腦核實投票人士的身份證資料，然後讓投票人士於獨立投票間以平板電腦投票。另外，基於保安原因，是次計劃的「離站投票」部份不設境外投票。

按照計劃，各個實體票站都會準備紙張選票，倘若票站的電子投票系統出現技術問題、受到破壞、需要加開投票點、又或在個別投票人士要求等情況出現下，票站工作人員會提供紙張選票予合資格的投票人士。

#### 2.1.2 認證方式

以「到站投票」方式投票，實體票站的工作人員會檢視投票人士的身份證明文件，核實身份，以確保參與人士符合投票資格。至於「離站投票」，投票人士須透過網站或流動應用程式自行輸入完整身份證資料、手機號碼及確認是年滿 18 歲或以上的香港永久性居民後，並且必須先通過手機短訊認證方可進入投票介面。



### 2.1.3 投票題目及選項

以下為是次投票活動的兩個表決題目：

**題目 1) 有關政改方案的表決題目：**

就 2017 特首選舉，本人支持「和平佔中」向政府提交以下方案：

1. 真普選聯盟方案
  2. 人民力量方案
  3. 學界方案
- 棄權

**題目 2) 有關政改原則立場的表決題目：**

如果政府方案不符國際標準讓選民有真正選擇，立法會應予否決。本人表示：

立法會應予否決  
立法會不應否決  
棄權

市民可以選擇只在兩條表決題目投其中一題，也可以兩題俱投。

### 2.1.4 重複投票

假若已透過網站進行「離站投票」，便不能使用流動應用程式重複投票。同樣，假若已透過流動應用程式進行「離站投票」，便不能使用網站重複投票。「離站投票」不會接受曾經使用的身份證號碼或手機號碼重複投票。由於親身到實體票站核實身份證資料為最可靠的認證方式，民研計劃的投票系統設計是可以容許投票人士以「到站投票」取代「離站投票」。點票系統的設計，是以第一張輸入電子系統的選票為準，然後刪除其他「離站投票」或「到站投票」的選票，有效防止因合資格人士以「到站投票」形式製造重複投票的不公。簡單而言，以同一身份證號碼投票，系統最終只會計算一票。

## 2.2 系統設計

汲取「3.23 民間全民投票」受網絡攻擊令系統癱瘓的經驗，研發團隊尤其關注系統的穩定性及資訊保安問題。穩定性方面，團隊將系統存放於功能相對完善的雲端伺服器供應商，有效地運用雲端負載平衡器、伺服器自動擴展技術、記憶體緩存功能及多區伺服器部署，務求將數據盡快處理及應付突如其來的網絡流量。系統背後啟動著不同類型子系統處理數據，完善將流量分

配，子系統包括驗證碼核對、應用程式介面請求處理、電子排隊、短訊接收、實體票站數據交換、選票收集、選票點算、以及系統記錄及監察。是次短訊接收系統特別增強頻寬，服務供應商特設專線傳送短訊，確保有足夠能力處理高峰期的投票流量。

### 2.2.1 系統保安

系統存放於雲端伺服器，本已內置防火牆阻截分散式阻斷服務攻擊。研發團隊同時整合網絡保安公司的網絡監測及即時攔截設備，以及研發即時系統監測平台，讓工作人員可透過平台實時監測網絡流量變化。若遇上不尋常的流量，便可即時作出反應。

資訊保安方面，團隊制定了多項的保密措施讓資料外泄及被破解的風險減至最低，並將保安程度推至頂點。措施包括：

- 用戶與伺服器之間的數據傳送，是透過 SSL 加密方式進行，保障數據於傳送時沒有被盜取查閱及更改。而 SSL 證書是由授權機構發出，有效認證伺服器的真實性；
- 另外，由於身份認證過程涉及個人資料，但在系統角度並不需要原始的數據作辨認，反而將所有個人資料經過散列函數以不能還原的形式儲存，所以系統是不會儲存原始的個人資料數據；
- 散列函數採用了標準的 SHA-512 算法為基礎，然後依數據的排列方式，混入隨機運算出來的密碼，再重覆將數據經散列函數運算，增加保密效果。若要將數據還原，須花上數以年計的時間；
- 選票資料以加密方式儲存於系統數據庫內，解密鑰匙由三個特定工作人員保管。

### 2.2.2 個人資料的處理和保護

所有收集的個人資料只用作是次活動的身分認證。收集的個人資料會於傳送時使用 SSL 進行加密，並會以不能還原的散列代碼形式記錄於伺服器，以確保有關資料實際上無法被人破解和還原。所有個人資料將在投票結束後一星期內於伺服器完全刪除。

### 2.2.3 「普及投票資訊科技顧問小組」的參與

港大民研計劃及理大社研中心於 2013 年 1 月 23 日舉行聯合記者會，向公眾介紹「民間全民投票計劃」的未來發展。有關計劃的重點之一，就是與資訊科技業界合作，組成「普及投票資訊科技顧問小組」，為電子投票系統提供全方位的技术支援。

### 3 事前準備

#### 3.1 投票活動安排

「6.22 民間全民投票」的正式投票日期為 2014 年 6 月 20 日至 6 月 29 日。實體票站則於 2014 年 6 月 22 日至 6 月 29 日期間對外開放。

##### 3.1.1 實體票站

民研計劃於 6 月 22 日在全港各區開放 15 個正規實體票站讓市民親身到場投票。

投票日期：	2014 年 6 月 22 日
投票時間：	上午 10 時正 至 晚上 10 時正
票站地點：	<ol style="list-style-type: none"> <li>1) 香港大學 香港大學學生會大樓地下空地 (黃克競樓旁)</li> <li>2) 教協銅鑼灣服務中心 香港銅鑼灣堅拿道西 15 號永德大廈閣樓</li> <li>3) 柴灣道 18 號 筲箕灣柴灣道 18 號</li> <li>4) 香港理工大學 紅磡香港理工大學 GH201 室</li> <li>5) 香港城市大學 九龍塘香港城市大學康樂樓 4 樓學生會活動中心 (泳池旁)</li> <li>6) 民協長沙灣職業訓練中心 長沙灣道 681 號貿易廣場地下 5-7 號舖</li> <li>7) 基督教協進大樓 尖沙咀加連威老道 33 號基督教協進大樓地窖</li> <li>8) 油麻地聖保祿堂 油麻地東莞街 41 號</li> <li>9) 慈雲山聖文德堂 慈雲山蒲崗村道 89 號</li> <li>10) 教協將軍澳中心 將軍澳寶琳北路 100 號欣明苑停車場大廈地下</li> <li>11) 屯門贖世主堂 屯門鄉事會路 2 號</li> </ol>

<p>12) 職工盟元朗培訓中心 元朗泰祥街 2-8 號大鴻輝商業大廈 5 樓</p> <p>13) 沙田文禮路馬登校舍 沙田文禮路 18-24 號</p> <p>14) 街工荃灣遠東再培訓中心 荃灣青山公路 135-143 號遠東中心 5 樓</p> <p>15) 街工葵芳綜合服務互助幼兒中心 葵涌葵芳村葵仁樓地下 1-3 號</p>
<p>認證資料： 身份證正本</p>

於 6 月 23 日至 6 月 28 日期間，只設置 1 個實體票站。

<p>投票日期： 2014 年 6 月 23 日至 6 月 28 日</p>
<p>投票時間： 晚上 6 時正 至 晚上 10 時正 (6 月 23 日至 6 月 27 日) 上午 10 時正 至 晚上 10 時正 (6 月 28 日)</p>
<p>票站地點： 香港城市大學 九龍塘香港城市大學康樂樓 4 樓學生會活動中心 (泳池旁)</p>
<p>認證資料： 身份證正本</p>

6 月 29 日為民間全民投票的最後一日，民研計劃除了在全港各區開放 14 個正規實體票站外，並設置 7 個附屬票站，由和平佔中秘書處負責操作，總共 21 個實體票站。

<p>投票日期： 2014 年 6 月 29 日</p>
<p>投票時間： 上午 10 時正 至 晚上 10 時正</p>
<p>票站地點： 1) 香港大學 香港大學學生會大樓地下空地 (黃克競樓旁)</p> <p>2) 教協銅鑼灣服務中心 香港銅鑼灣堅拿道西 15 號永德大廈閣樓</p> <p>3) 柴灣道 18 號 筲箕灣柴灣道 18 號</p> <p>4) 香港仔聖伯多祿堂 (附屬票站) 香港仔大道 220 號</p> <p>5) 香港理工大學 紅磡香港理工大學 GH201 室</p> <p>6) 香港城市大學 九龍塘香港城市大學康樂樓 4 樓學生會活動中心 (泳池旁)</p>

- 7) 民協長沙灣職業訓練中心  
長沙灣道 681 號貿易廣場地下 5-7 號鋪
- 8) 基督教協進大樓  
尖沙咀加連威老道 33 號基督教協進大樓地窖
- 9) 油麻地聖保祿堂  
油麻地東莞街 41 號
- 10) 慈雲山聖文德堂  
慈雲山蒲崗村道 89 號
- 11) 香港婦女勞工協會 (附屬票站)  
觀塘翠屏村翠櫻樓地下 1-3 號
- 12) 牛棚藝術村 (附屬票站)  
土瓜灣馬頭角道 63 號, 13 號門牌
- 13) 教協將軍澳中心  
將軍澳寶琳北路 100 號欣明苑停車場大廈地下
- 14) 香港中文大學  
沙田香港中文大學康本國際學術園
- 15) 街工葵芳綜合服務互助幼兒中心  
葵涌葵芳村葵仁樓地下 1-3 號
- 16) 職工盟元朗培訓中心  
元朗泰祥街 2-8 號大鴻輝商業大廈 5 樓
- 17) 金巴崙長老會禧臨堂  
元朗康業街 28 號
- 18) 荃灣葛達二聖堂 (附屬票站)  
荃灣德華街 37-41 號
- 19) 粉嶺聖若瑟堂 (附屬票站)  
粉嶺聯和墟和泰街 5 號
- 20) 街工天水圍婦女綜合服務中心 (附屬票站)  
天水圍天慈邨慈屏樓 B 翼地下 A 室 (近天慈廣場)
- 21) 中華基督教會長洲堂錦江幼稚園 (附屬票站)  
長洲學校道 14 號

認證資料： 身份證正本

所有實體票站之內均設有多台平板電腦及可離線運行的票站伺服器，供市民投票之用。每 2 台平板電腦會組成一個投票點，提供獨立的投票間令市民可以在不受他人影響的情況下投票。

民研計劃亦已於每個實體票站內準備好紙張選票，倘若票站的電子投票系統出現技術問題、受到破壞、需要加開投票點或投票人士要求等情況出現下，票站工作人員會提供紙張選票予合資格的投票人士。

此外，由於資源所限，所有附屬票站只提供紙張選票，但每個附屬票站皆設有電子投票服務站，以協助市民使用手機進行電子投票。民研計劃負責提供有關指引，而所有附屬票站的操作皆由和平佔中秘書處負責。

### 3.1.2 模擬投票及預先登記

為了讓市民熟習電子投票介面，民研計劃於 2014 年 6 月 13 日正午 12 時至 6 月 18 日晚上 9 時期間，透過流動應用程式舉行模擬投票。模擬投票結果不會對外公佈，而模擬投票亦與「6.22 民間全民投票」的結果沒有關係。

另外，為方便市民於正式投票開始時可減省時間及避免出現短訊網絡阻塞，民研計劃於 2014 年 6 月 13 日正午 12 時至 6 月 18 日晚上 9 時期間，特設預先登記時段。市民可以透過流動應用程式作預先登記。成功進行預先登記的市民，可於「6.22 民間全民投票」正式投票時，毋須再次進行短訊認證，惟必須使用相同手機應用程式以及身份證明資料進行投票。

### 3.1.3 網站投票

投票時間：	2014 年 6 月 20 日 正午 12 時正至 6 月 29 日晚上 9 時正
網址：	「PopVote 普及投票」( <a href="https://popvote.hk">https://popvote.hk</a> )
認證資料：	投票人士身份證全部號碼，及可發送短訊（SMS）之手機號碼

網站投票是「離站投票」的其中一種。主要是經互聯網進行身份認證，然後進行投票。投票人士首先登上 PopVote 投票網頁，選擇適當的語言並細閱條款，然後輸入自己的身份證號碼及手機號碼，並確定是年滿十八歲或以上香港永久性居民。輸入個人資料後，投票人士須根據網頁上的指示，於限時內使用已輸入的電話號碼，發送短訊到指定號碼。當系統收到正確的訊息時，會自動進入投票頁面。最後，投票人士有 10 分鐘時間對題目進行表決，於完成最後一題後按下「提交」及確認完成整個投票程序。

### 3.1.4 流動應用程式投票

投票時間：	2014年6月20日正午12時正至6月29日晚上9時正
iOS 用戶：	於 App Store 下載「PopVote」投票應用程式
Android 用戶：	於 Google Play 下載「PopVote」投票應用程式
認證資料：	投票人士身份證全部號碼，及可發送短訊（SMS）之手機號碼

流動應用程式投票是另一種「離站投票」方法，同樣經互聯網進行身份認證。使用流動應用程式人士的投票程序大致與網站投票相同。惟不同手機系統之用戶需下載「PopVote」投票應用程式，並透過有關程式進行投票。

### 3.1.5 境外實體票站

應和平佔中秘書處的要求，是次投票活動設置了一個位於多倫多的境外實體票站，於當地時間2014年6月14日下午3時至6時開放。境外票站由民研計劃負責提供指引，和平佔中秘書處負責實際操作。整個投票及票站運作過程皆有錄影監察，而境外票站只會採用紙張投票方式。於投票結束後，票箱即時封存，並隨即以速遞方式運送往香港的民研計劃辦公室。

## 3.2 人手安排

### 3.2.1 民研計劃之工作人員

於2014年6月22日及6月29日兩個投票活動日，民研計劃均派出逾300位工作人員，當中包括全職員工、兼職員工及義務工作人員，以維持實體票站運作，另有10多位工作人員於民研計劃辦公室內提供後勤支援服務。

此外，於2014年6月23日至6月28日期間，民研計劃亦每日派出10多位工作人員去維持設置於香港城市大學的實體票站之運作。

### 3.2.2 工作人員簡介會

民研計劃分別於2014年6月17日及6月18日在香港大學，以及6月19日在理工大學舉行了三場工作人員簡介會。會上向各位人士介紹了「6.22 民間全民投票」的活動目的及投票系統設計，並分配了各人在投票日的工作崗位及說明其職責範圍，以及重點向工作人員提供訓練及平板電腦的操作練習。

### 3.2.3 理大社研中心

作為合辦機構，理大社研中心於是次活動中負責管理三個實體票站的運作，包括香港理工大學、基督教協進大樓和油麻地聖保祿堂。社研中心的工作包括協助招募工作人員、提供投票場地及派員維持實體票站的運作等，於是次活動中給予極大幫助。

## 3.3 通知相關政府部門

### 3.3.1 香港個人資料私隱專員公署

民研計劃於 2014 年 6 月 10 日，在確定所有活動安排後，就如何收集及處理市民的個人資料致信予香港個人資料私隱專員公署，通知該署相關安排。亦已按照公署回函的要求，提供活動相關的資料，當中包括網站及流動應用程式的截圖、個人資料收集聲明文件、活動工作人員訓練簡報文件及多個實體票站的平面設計圖。

## 3.4 宣傳工作

### 3.4.1 普及投票網站

民研計劃於較早前建立的「PopVote 普及投票」網站，能夠讓市民取得有關「6.22 民間全民投票」的活動資訊及最新消息。而活動當日，網站、流動應用程式及票站的投票人數於網站每小時更新一次，市民可隨時登入網站查閱。

「PopVote 普及投票」網站網址為：<https://popvote.hk>

### 3.4.2 Facebook 專頁

民研計劃及和平佔中秘書處亦於社交媒體 Facebook 上設立了「和平佔中民間投票 (Popvote for OCLP) Facebook 專頁」，由指定工作人員管理及回應留言。專頁能夠實時回應市民疑問及發放最新有關「6.22 民間全民投票」的資訊，與民研計劃的電子投票方式配合得宜。

和平佔中民間投票 (Popvote for OCLP) Facebook 專頁為：  
<https://www.facebook.com/popvote.oclp>



### 3.4.3 「和平佔中」網站

和平佔中秘書處建立的「讓愛與和平佔領中環」網站，由和平佔中秘書處管理及發放資訊，以配合活動的發展，讓公眾人士適時取得「6.22 民間全民投票」的活動資訊及最新消息。

「讓愛與和平佔領中環」網站網址為：<http://www.oclp.hk/>

### 3.4.4 報章廣告

和平佔中秘書處於活動前及當天在多份本地報紙刊登廣告，宣傳活動的安排並呼籲市民參加。有關活動全由秘書處策劃及安排，港大民研計劃及理大社研中心沒有參與。

### 3.4.5 其他宣傳渠道

民研計劃與和平佔中秘書處分別製作了不同的宣傳單張及海報等，供「6.22 民間全民投票」活動當日的實體票站使用。各宣傳物資的式樣請參考和平佔中網站。

## 4 投票日活動

### 4.1 「6.22 民間全民投票」模擬投票系統受到龐大攻擊

為了讓市民熟習電子投票介面，民研計劃於 2014 年 6 月 13 日正午 12 時啟動流動應用程式電子投票平台，讓市民模擬投票及預先登記。有關系統由三個國際及本地著名機構提供網絡服務，包括 Amazon Web Services (AWS, 亞馬遜)、CloudFlare 及 UDomain (通域存網)。有關系統順利運作大約 30 小時，成功接受超過二萬名市民預先登記。其後，三家機構全部受到規模罕見的分散式阻斷服務攻擊 (DDoS)，令模擬投票系統未能正常運作，不過，系統所儲存的資料就沒有受到影響。

### 4.2 「6.22 民間全民投票」應變措施正式啟動

由於系統持續受到分散式阻斷服務攻擊，民研計劃決定將原定只辦一天 (6 月 22 日) 的實體投票日期延長一星期至 6 月 29 日。民研計劃並於 6 月 20 日前列印十萬紙張選票作後備安排，並準備隨時加印。此外，民研計劃已就網絡攻擊事件向警方報案。以下為「6.22 民間全民投票」系統受襲的過程：

「6.22 民間全民投票」—— 網絡攻擊事件	
事件#1	<p>日期：2014 年 5 月 27 及 28 日</p> <p>事件：民研計劃兩個伺服器受到分散式阻斷服務攻擊</p> <p>描述：5 月 27 日約下午 4 時至 6 時期間，港大資訊科技服務處的電腦系統錄得兩次分散式阻斷服務攻擊，兩次皆針對民研計劃的伺服器，導致大學網絡系統擠塞 14 分鐘，及被迫關閉電郵伺服器。</p>
事件#2	<p>日期：2014 年 6 月 14 日 持續至 6 月下旬</p> <p>事件：民間全民投票系統受到龐大的分散式阻斷服務攻擊</p> <p>描述：三個服務提供機構全部受到規模罕見的分散式阻斷服務攻擊，亞馬遜 AWS 的域名伺服器在 20 小時內錄得超過 100 億 (10,000,000,000) 個系統查詢，而 CloudFlare 及 UDomain 則分別錄得每秒 75Gb 及 10Gb 的分散式阻斷服務攻擊。三個供應商先後罕有地暫停提供服務，以致模擬投票系統未能正常運作。不過，系統所儲存的資料就沒有受到影響。網絡保安專家認為，是次針對投票系統的分散式阻斷服務攻擊的規模是香港有史以來已經公開的類似個案中前所未見。</p>

事件#3	日期：2014年6月22日 事件：冒認他人香港身份證號碼投票 描述：警方接獲投訴，指有市民的身份證號碼被偷取作投票之用。
事件#4	日期：2014年6月23日 事件：發放虛假電郵套取資料 描述：短訊服務供應商收到一封是自稱民研計劃工作人員署名的虛假電郵，要求提供短訊接收的用量報告。
事件#5	日期：2014年6月27日 事件：發現釣魚網站冒充 PopVote 普及投票網站 描述：「PopVote 普及投票」資訊網站及投票網站於網上出現與正版網站極其相似，但使用不同連結的虛假網站。
事件#6	日期：2014年7月1至2日 事件：電話滋擾民研計劃電話熱線及傳真號碼 描述：民研計劃辦公室不停接收到一些機械式不知名的來電，癱瘓電話及傳真系統達數日之久，這些來電都沒有來電顯示。

#### 4.3 網站及流動應用程式投票情況

網站及流動應用程式投票於2014年6月20日中午12時正式開始，透過互聯網及利用智能手機（iOS及Android系統）進行投票。

##### 4.3.1 「6.22 民間全民投票」電子平台繼續受到攻擊

民間全民投票於2014年6月20日中午12時如期展開，系統雖然由6月14日開始不斷受到攻擊，但是，民研計劃及服務供應商一直沉著應戰。截至6月20日下午6時，電子系統成功錄得232,270（即超過二十三萬）張選票。不過，根據服務供應商CloudFlare的報告，他們截獲的分散式阻斷服務攻擊從未停止，而且非常猛烈和持久，達到每秒300Gb以上。就著這個規模的攻擊，CloudFlare行政總裁都謂極之少見。

有見系統繼續受到攻擊，力度是攻擊模擬投票系統的四倍，港大民研計劃和理大社研中心於是決定繼續執行之前公佈的應變措施，把投票時間由原定只辦一天延長至6月29日。此外，民研計劃已經印好紙張選票十萬，作為後備安排，並會隨時加印。民研計劃亦已把所受分散式阻斷服務攻擊的詳細資料，交予警方進行調查。

#### 4.3.2 「6.22 民間全民投票」電子平台運作正常

在 6 月 20 日成功抵禦接近瘋狂的分散式阻斷服務攻擊後，民研計劃的電子投票系統於 6 月 21 日繼續正常運作。根據系統供應商 CloudFlare 的報告，所有網絡攻擊已經受到控制，市民可以繼續和平理性地表達意見，值得欣慰。

截至 6 月 22 日晚上 12 時，經過 60 小時運作，離站電子系統總共錄得 656,286 張電子選票，即合共收到 705,254（即超過七十萬）張選票。

#### 4.3.3 「6.22 民間全民投票」電子投票順利完成

電子投票平台一直由 2014 年 6 月 20 日運作至 6 月 29 日，並於 6 月 29 日晚上 9 時準時結束。透過網站投票的有二十三萬九千多票，而利用流動應用程式投票的有四十九萬五千多票。在投票總數約七十多萬票之中，流動應用程式的使用超過六成，為最受歡迎的投票方式。

### 4.4 實體票站投票情況

#### 4.4.1 6 月 22 日實體票站的投票情況

民研計劃於 2014 年 6 月 22 日在全港開設 15 個正規實體票站，讓市民親身到票站投票。票站全日開放 12 小時（早上 10 時至晚上 10 時），總共錄得 48,968 名市民到站投票，當中 48,141 人是透過站內的電子系統投票，而有 827 人（即 2 個百分比）則選擇紙張投票。票站關閉後，所有票箱按照票站指引即日封妥，並在票站工作人員看守下即晚運送至民研計劃辦公室內的票箱存放室。民研計劃亦有委託保安公司於晚間至凌晨時段看守票箱。

#### 4.4.2 6 月 23 日至 6 月 28 日實體票站的投票情況

於 2014 年 6 月 23 日至 6 月 28 日期間，民研計劃只設置一個實體票站，位於香港城市大學康樂樓 4 樓學生會活動中心，主要於晚上時段開放。期間收集的都是電子選票，沒有市民選擇紙張投票，因此沒有運票問題。同期，網上電子投票平台如常全日二十四小時開放。

#### 4.4.3 6 月 29 日實體票站的投票情況

6 月 29 日是「6.22 民間全民投票」的最後一日，民研計劃在全港各區開放 14 個正規實體票站及 7 個附屬票站讓市民親身到場投票。由於資源所限，所

有附屬票站只能提供紙張選票，但每站皆設電子投票服務站，協助市民使用手機進行電子投票。所有附屬票站的操作皆由和平佔中秘書處負責，民研計劃則負責提供指引。

雖然是次為民間主辦的投票活動，但票站內的運作仍盡量按一般官方的標準執行，例如確保投票過程有秩序及保密，站內不准拍照及錄影等。所有實體票站的運作同樣按民研計劃的一貫標準執行，以確保民間投票的活動質素。

整個投票活動期間，全港各區的實體票站大致上運作暢順。另外，多個場地以外都有團體於票站外表達訴求，而有關團體並未影響到在場的投票人士。

所有實體票站均於 6 月 29 日下午 10 時正準時關閉。最後到實體票站投票的總計有六萬三千八百多票。投票的初步結果於 6 月 29 日當晚經點算後進行公佈。

#### 4.5 民研計劃辦公室

於 2014 年 6 月 22 日及 6 月 29 日兩個投票活動日，民研計劃辦公室內匯集了多名職員、技術支援人員及義務工作人員，一同為是次活動進行後勤支援，以電話及電郵解答市民與各方人士的查詢。

## 5 點票及結果

### 5.1 點票程序設計

「6.22 民間全民投票」的設計主要是以電子方式投票，即無論於實體票站、透過網站或使用流動應用程式投票，所有投票記錄都以電子方式儲存在民研計劃的伺服器內。

這是一種在設計上最準確，同時亦是最快捷的點票方法。換言之，民研計劃可以在投票結束後一小時內，對所有已加密處理的投票資料，執行一些已預先製定的電腦指令，系統便能自動進行點票，然後將結果發布。

不過，是次活動亦有提供紙張備用選票，置放於各個實體票站之內供市民在必要時選用，而紙張選票的點票程序於 6 月 29 日所有實體票站關閉後即晚進行。

是次點票程序特別邀請會計界選委成員原樹堂先生及其團隊進行監票。

### 5.2 點票程序啟動

網站及流動應用程式於 2014 年 6 月 29 日下午 9 時正式完結，而所有實體票站亦於 6 月 29 日下午 10 時正式關閉。於所有投票程序完結後，民研計劃正式啟動點票程序。

是次活動的所有電子選票皆以加密方式儲存於數據庫內，解密鑰匙是由三個預先指定的非技術人員持有。解密鑰匙以 USB 記憶棒作為存放媒體，設計上必須使用此解密鑰匙才可將電子選票解密。由於個人資料與選票資料是獨立處理，點票程序不會把個人資料還原。

活動當日的點票工作大致暢順，非技術人員如期交出解密鑰匙，讓系統工作人員在一行五人的會計師監票團隊監察下，開啟系統啟動點票程序。電子點票工作的初步點算結果於當晚完成，並隨即在港大舉行的新聞發佈會公佈結果。紙張選票的點票程序亦於當晚正式啟動，並於翌日凌晨四時許完成。最終點票結果則於翌日透過新聞公佈方式發放，所有資料都於隨後上載到《香港大學民意網站》供大眾參考。

另外，多倫多境外票站的票箱於 2014 年 6 月 19 日送抵民研計劃辦公室。有關紙張選票亦同樣於 6 月 29 日進行點算。

### 5.3 點票結果

總結「6.22 民間全民投票」的投票結果，在撇除重複投票後的有效選票數目總計為 792,808 票。投票結果如下：

#### 點票結果 — 議題 (1)

就 2017 特首選舉，本人支持「和平佔中」向政府提交以下方案：

1. 真普選聯盟方案；
2. 人民力量方案；
3. 學界方案；棄權

	境內投票				境外投票	合計
	流動程式 電子選票	互聯網站 電子選票	實體票站 電子選票	實體票站 紙張選票	實體票站 紙張選票	
1.真普選聯盟方案	204,333 (42.0%)	98,323 (41.7%)	28,099 (44.0%)	3,052 (46.6%)	155 (39.6%)	333,962 (42.1%)
2.人民力量方案	50,350 (10.4%)	25,539 (10.8%)	5,501 (8.6%)	584 (8.9%)	29 (7.4%)	82,003 (10.3%)
3.學界方案	186,527 (38.4%)	88,318 (37.4%)	26,799 (42.0%)	2,475 (37.8%)	200 (51.2%)	304,319 (38.4%)
棄權	44,221 (9.1%)	23,296 (9.9%)	2,803 (4.4%)	304 (4.6%)	6 (1.5%)	70,630 (8.9%)
沒有投票	711 (0.1%)	421 (0.2%)	629 (1.0%)	--	--	1,761 (0.2%)
白票	--	--	--	26 (0.4%)	0 (0.0%)	26 (<0.1%)
廢票	--	--	--	104 (1.6%)	0 (0.0%)	104 (<0.1%)
拒絕投票	--	--	--	2 (<0.1%)	1 (0.3%)	3 (<0.1%)
合計	486,142 (100.0%)	235,897 (100.0%)	63,831 (100.0%)	6,547 (100.0%)	391 (100.0%)	792,808 (100.0%)

## 點票結果 – 議題 (2)

如果政府方案不符國際標準讓選民有真正選擇，立法會應予否決。本人表示：  
立法會應予否決；立法會不應否決；棄權

	境內投票				境外投票	合計
	流動程式 電子選票	互聯網站 電子選票	實體票站 電子選票	實體票站 紙張選票	實體票站 紙張選票	
立法會應予 否決	427,613 (88.0%)	208,939 (88.6%)	53,693 (84.1%)	5,488 (83.8%)	359 (91.8%)	696,092 (87.8%)
立法會不應 否決	37,059 (7.6%)	16,691 (7.1%)	5,613 (8.8%)	507 (7.7%)	27 (6.9%)	59,897 (7.6%)
棄權	19,111 (3.9%)	9,621 (4.1%)	2,337 (3.7%)	221 (3.4%)	4 (1.0%)	31,294 (3.9%)
沒有投票	2,359 (0.5%)	646 (0.3%)	2,188 (3.4%)	--	--	5,193 (0.7%)
白票	--	--	--	264 (4.0%)	1 (0.3%)	265 ( $<0.1\%$ )
廢票	--	--	--	65 (1.0%)	0 (0.0%)	65 ( $<0.1\%$ )
拒絕投票	--	--	--	2 ( $<0.1\%$ )	0 (0.0%)	2 ( $<0.1\%$ )
合計	486,142 (100.0%)	235,897 (100.0%)	63,831 (100.0%)	6,547 (100.0%)	391 (100.0%)	792,808 (100.0%)



## 6 活動後跟進

### 6.1 檢討會議

民研計劃分別於 2014 年 7 及 8 月份與資訊科技顧問小組及民研計劃工作人員舉行了內部檢討會議，會上收集了不同人士對是次投票活動的意見及感受。民研計劃已經積極整合各方人士的建議，期望改善是次活動的不足之處，在下次投票活動時做得更好。

### 6.2 銷毀個人資料

民研計劃按照個人資料收集聲明的指引，將所有個人資料在投票結束後一星期內於伺服器完全刪除。具體而言，是次活動以電子方式所收集的個人資料已於 2014 年 6 月 30 日全部銷毀，而以紙張方式所收集的個人資料已於 2014 年 7 月 3 日全部銷毀。由於系統早已把所有個人資料化成不能還原的散列函數，因此投票人士的私隱已經得到充分保護，亦不可能於系統內存取到任何純文本的個人資料。

## 7 檢討及建議

「6.22 民間全民投票」所使用的系統，是為大型投票而設，與「元旦民間全民投票」及「全民政改商討日」所使用的系統相同，只是規模有異。經歷數次不同規模的實踐，研發團隊已經累積了很多寶貴經驗，作為改進系統的基礎。研發團隊充滿信心，日後的民間投票活動會做得更好。

以下各點建議是總結「6.22 民間全民投票」的經驗後作出，並避免重複曾在過往投票活動報告內已經提及的檢討和建議。

### 7.1 強化電子平台網絡保安

在是次投票活動，民研計劃的電子平台及伺服器均受到龐大的分散式阻斷服務攻擊。有關攻擊是針對系統的穩定性，導致服務供應商暫停服務，令市民無法進入投票系統進行模擬投票及預先登記。展望將來，民研計劃團隊須要強化網絡上的保安系統及措施，加強與服務供應商的溝通聯繫，務求優化整個電子平台，以便提供更有效率的電子投票服務。

### 7.2 增設海外投票

在原設計上，基於保安理由，系統透過網絡保安公司直接與香港互聯網交換中心連繫，只容許香港境內網絡進入，任何非香港網絡均不能進入系統投票。於投票活動之後，不少身處海外的香港市民向我們表達強烈訴求，希望可以在海外進入系統投票。團隊會研究方法，為非香港網絡設立特定的伺服器，在兩組系統承受不同的保安風險的情況下，讓身處海外的香港市民可以透過我們的電子系統投票。

### 7.3 增加活動宣傳

鑑於部分參與市民表示不明白投票題目及不清楚電子投票的使用方法，團隊會考慮日後在舉行活動之前，增加關於投票活動的宣傳工作，並於宣傳中詳細講解投票題目及具體投票方法，從而令更多人士了解投票的程序，使整體運作更為暢順。於是次活動中，民研計劃已在投票場地外張貼有關投票题目的相關資料予投票人士參考，令投票人士於投票前清晰了解題目，效果良好。團隊會考慮於未來作出同樣安排。

#### 7.4 同時採用紙張投票

電子投票是民研計劃團隊一直致力推動及相對先進的投票方式，而紙張投票則是相對傳統的方法。但是為了應付不同投票人士的需要，及應付電子投票系統可能臨時失靈，民研計劃同時提供電子及紙張選票予投票人士選用。於未來的投票活動上，團隊亦會考慮作出同樣安排，務求鼓勵更多人士參與民間投票活動，以及向黑客說明，癱瘓電子投票系統無礙市民投票表達意見。

#### 7.5 設定簡單清晰的投票議題

為了避免市民對表決題目不甚理解而影響投票意欲，民研計劃建議所有投票都應設定簡單清晰的議題，令市民大眾清楚明白表決的內容、目的和意義。此外，投票結果要簡單易明，容易解讀。電子投票介面亦要簡單易用，把所有選項設定於同一個電子頁面之內，一覽無遺，無須滾動頁面。

#### 7.6 保留「拒絕投票」選項及領票安排

這次投票新增「拒絕投票」選項，讓合資格選民能夠表達其不願領票的意願。假若再次舉辦多議題的民間投票活動，團隊建議保留有關選項，讓市民繼續擁有拒絕參與個別議題投票的自由。至於參加人士在實體票站領取或拒絕領取選票的安排，則可參照香港選舉事務處的做法，務求令民間投票做到公正嚴謹。

#### 7.7 優化人手配置及場地工作安排

汲取是次舉辦經驗，團隊將以更快捷及更具效率的方式舉行活動。例如在不同場地同時舉行工作人員簡介會，並在會上提供視像直播，讓參加者能在不同場地接收簡介內容及訊息，令更多人可於同日參與活動。此外，所有場地視察及現場測試應於同一個工作天內進行，減省人力資源。而為了維持核心團隊足夠的人手支援，部份工序可予外判。

#### 7.8 嚴格選擇活動場地

「到站投票」為市民最直接表達意見的一種方式，而親身到實體票站核實身份亦被視為最可靠的認證方法。因此，實體票站的妥善操作及服務穩定性為民間投票不可或缺的重要項目。研究團隊可以制定嚴格的活動場地指引，包括對活動空間及時間的要求，予協辦單位尋找場地之用。所有場地應要符合民間投票的最高規格，以維護民研計劃和合辦機構的專業形象。

## 7.9 完善點票程序及人員招募安排

紙張投票為實體票站必備的選項之一，而是次活動共收到六千多張紙張選票，可見不少市民仍然希望以紙張投票。因此，團隊須要改善點算紙票的流程，以便能夠把投票結果更快更準地向外界公佈。至於點票人員的招募，團隊建議優先採用居住在點票場地附近的志願人員，以減少時間和開支。

## 7.10 舉辦更多民間投票

顧名思義，「民間全民投票」就是為了促進民間社會發展的民間活動，可以視作公民教育的一環。「民間全民投票」鼓勵以和平理性的方法，身體力行表達意見。有關活動能否成功，全繫民間社會的支持和參與。是次活動得到無數市民義工協助，並有民間科技專家以義務顧問形式鼎力支持，兼有民間會計團隊義務進行監察，當然還有接近八十萬市民和平理性地進行投票，都是公民社會的典範。民研計劃應該進行更多或大或小的民間投票，凝聚公民社會的力量，讓市民習慣以一人一票的民主方式，和平理性地表達訴求。

- 完 -

紙張選票正面

請以「✓」號明確顯示你的選擇（每個議題只選一項）  
Please clearly indicate your choice with a "✓" (only one choice allowed for each motion)

第二摺 2nd fold

**議題 1** — 就 2017 特首選舉，本人支持「和平佔中」向政府提交以下方案：

**Motion 1** – For CE Election 2017, I support OCLP to submit this proposal to the Government:

- 1. 真普選聯盟方案  
Alliance for True Democracy Proposal
- 2. 人民力量方案  
People Power Proposal
- 3. 學界方案  
Students Proposal
- 棄權  
Abstention

第一摺 1st fold

**議題 2** — 如果政府方案不符國際標準讓選民有真正選擇，立法會應予否決。本人表示：

**Motion 2** – If the government proposal cannot satisfy international standards allowing genuine choices by electors, LegCo should veto it. My stance is:

- 立法會應予否決 LegCo should veto
- 立法會不應否決 LegCo should not veto
- 棄權 Abstention





THE UNIVERSITY OF HONG KONG  
PUBLIC OPINION PROGRAMME  
香港大學 民意研究計劃



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## 香港大學民意研究計劃「6.22 民間全民投票」

### 民間固定票站指引

#### 投票日期及時間

2014 年 6 月 29 日上午 10 時正至下午 10 時正，惟票站主任可按實際環境酌情處理。

#### 民間票站的性質

設立民間票站主要目的在於方便更多市民以紙張方式投票。團體或機構負責人必須取得「和平佔中」秘書處的授權才可設立票站，香港大學民意研究計劃（民研計劃）發出的指引，純粹作為「和平佔中」秘書處的參考。

#### 票站場地基本要求

票站須為一個平坦而寧靜的空間，足以容納一至多個獨立投票間。除獨立投票間外，票站最好有一定空間供輪候投票人士排隊，如票站面積較小，亦可考慮將輪候人士移至站外。無論票站位於室內或室外，必須確保投票人士在投票間內不會受到任何人士或噪音滋擾。

## 投票間的基本要求

每個獨立投票間最少須有 1 米闊及 1 米深。投票間內，應放置適合填寫資料的枱面，枱面的高度約為 80 至 100 厘米。投票間應以最少 1.5 米高的圍板遮擋其中三面，如投票間有足夠深度，可考慮在進入投票間的一邊加添布簾，加強保護私隱程度。兩個投票間之間應有 80 厘米以上的距離。

## 票站基本配置

身份登記處：將未使用的紙張選票存放於身份登記處，讓工作人員有足夠的選票提供給市民投票。投票人士攜同已填上香港身份證資料的選票進入獨立投票間內投票。

票箱設定：票箱大小約 60 x 60 x 60 厘米，只提供足夠選票進入的開口位，其餘地方必須封妥。票箱數量視乎預計投票人數，由民研計劃提供。

工作人員數目：必須有至少一位工作人員於身份登記處負責身份登記。每兩個投票間應駐有一位工作人員，在投票人士遇上困難時，提供適當協助。如無必要，工作人員**不應**進入投票間。每個票站亦應有工作人員負責維持票站內的秩序，人數視乎票站面積而定。

## 投票程序

1. 選民排隊進入票站；
2. 選民於身份登記處向票站工作人員出示香港身份證；
3. 工作人員在紙票選票上填上投票人士之香港身份號碼，並確認身份證屬於持有人及該人為年滿 18 歲的香港永久性居民；
4. 如有投票人士拒絕領取其中一個議題或兩個議題的選票，工作人員會在有關議題的選項上蓋上「拒絕投票」的印章。工作人員每次均需清楚填寫記錄表；
5. 工作人員把選票交予投票人士，並指示進入獨立投票間投票，使投票人士在不受干擾和相當保密的情況下進行投票；
6. 填妥選票後，投票人士將選票按指示摺上，然後離開投票間；
7. 工作人員指引投票人士將選票放進票箱，然後離開票站。

## 票站內秩序

任何人士均不得在票站內拉票或展示任何選舉廣告；

除特許工作人員或特准記者外，票站內不得拍照、拍攝及錄音；



所有票站工作人員不得參與任何助選或宣傳活動。

## 禁區

票站各個出入口起計約三十米範圍應設定為禁區，最好能夠清楚標示禁區範圍。禁區內禁止進行任何政治宣傳、游說、或以任何方式意圖影響投票者的意向，讓使投票人士在進入票站投票前，能有一段時間冷靜下來，在不受任何打擾的情況下投票。

## 入口／出口

如場地許可，票站應該分開入口和出口，並盡量避免使用同一方位，使投票隊列的流動更加順暢。

## 票箱處理

投票開始前，應檢查票箱完整而沒有任何物件在內。投票期間，應有工作人員長時間看守。投票結束後，應立即封妥票箱，票站負責人於封口位置簽名作實。包裝完成後，直接送抵民研計劃辦公室。

收件人：賴安琪女士 Ms Angel Lai	
中文地址：	英文地址：
香港 薄扶林 香港大學 百周年校園 賽馬會教學樓 7 樓 706 室	Room 706, 7/F, The Jockey Club Tower, Centennial Campus, The University of Hong Kong, Pokfulam, Hong Kong

## 注意事項

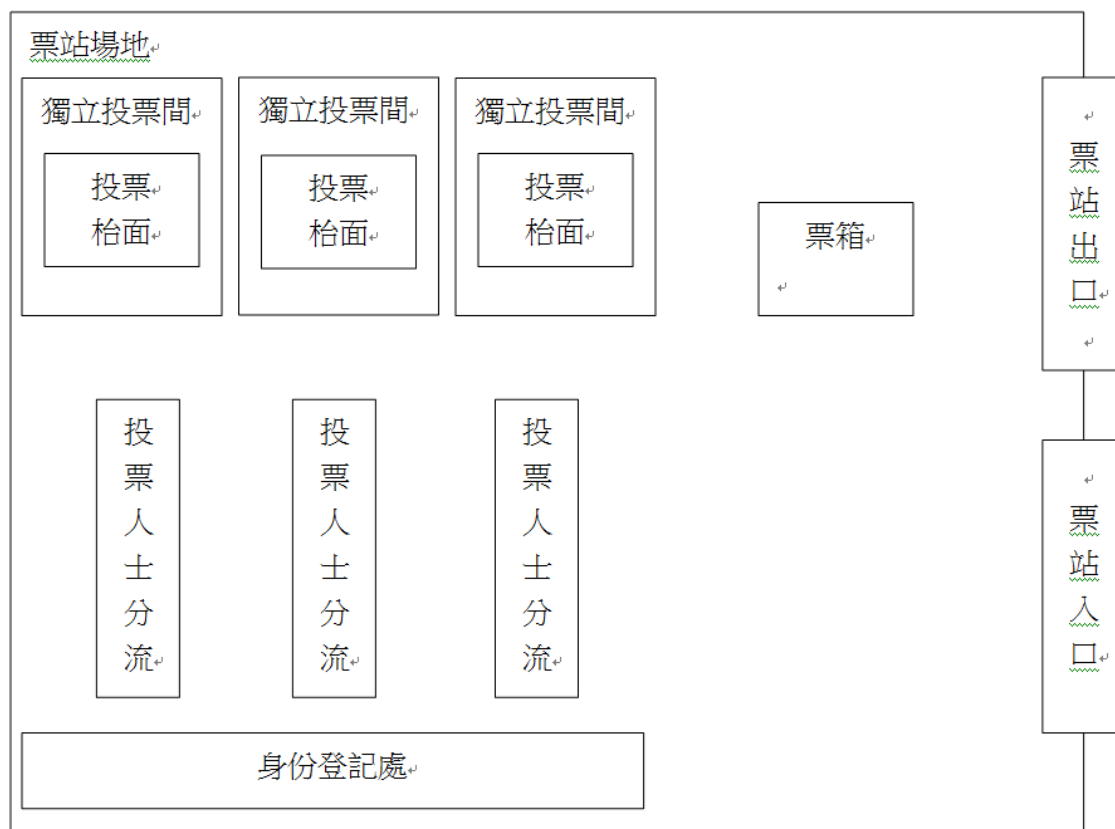
1. 義工不得以任何方式記下市民任何個人資料，亦不應試圖公開該等個人資料。
2. 如遇市民表達不滿或態度較為激動，請保持冷靜並以禮相待，耐心說明。
3. 如遇上非友好團體到票站表達不滿，請保持忍讓，請他們在票站外表達訴求。
4. 如該等團體有較激烈行為，例如試圖衝擊票站，請保持克制，避免肢體接觸，並召喚場地保安協助，確保投票人士不受騷擾。必要時請暫停票站運作並向警方求助。

5. 在整個排隊、認證及投票過程中，義工不能向市民以任何方式表達個人投票意向或嘗試影響市民的投票意向。

### 民研計劃的支援

民研計劃只會提供本票站指引予民間固定票站負責人，希望負責人能依照指引建立固定票站及進行運作。民研計劃將不會派出任何人手視察或支援票站，亦不會為固定票站的操作負上責任。如遇技術問題，工作人員可於活動當日致電查詢熱線 3917 7700。

### 票站場地設置參考



最後更新日期：2014年6月19日

附錄五：在報告期內的詳細民情資料（法庭案件）

索引	名稱
A5001	民間政改報告（23名泛民議員致全國人大委員長張德江）
A5002	香港原訟法庭判決：林月媚訴教育統籌局常任秘書長 [2004] HCAL 36/2004
A5003	英國最高法院判決：R v London Borough of Haringey [2014] UKSC 56
A5004	英國內閣辦公室所發出的公眾諮詢指引
A5005	經濟合作暨發展組織所撮寫有關公眾諮詢的背景文件
A5006	加拿大司法部就公眾參與所發出的政策聲明及指引

Standing Committee of the National People's Congress  
Chairman Zhang Dejiang

**The Methods for Selecting the Chief Executive of  
the Hong Kong Special Administrative Region in 2017 and  
for Forming the Legislative Council of  
the Hong Kong Special Administrative Region in 2016  
Alternative Report**

**I. Preamble**

On 15 July 2014, the Chief Executive of the Hong Kong Special Administrative Region submitted to you the "Report on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2017 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2016," summarizing the results of the Government's public consultation in the first half of this year.

2. The Report is biased, misleading, and unhelpful towards the forming of a consensus within the society on constitutional reform. As members of the pan-democratic camp, and having the mandate as elected members of the Legislative Council, we have the responsibility to co-author this Alternative Report, so as to present to you the true picture of the views of the Hong Kong people, including the current situation in Hong Kong, the people's strong demands for genuine universal suffrage without pre-screening, and the reasons why pan-democrats advocate for the "Three Tracks Nomination Proposal". In sum, we believe that in order for there to be effective governance and social harmony in Hong Kong, the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016 must accord with the principle of "genuine universal suffrage without pre-screening."

3. Democracy is a universal value. The spirit of democracy is that “the people can be masters of themselves,” from which the principles of “Freedom” and “Equality” are derived. Among political systems, democracy is the most capable of embodying these values and principles.

4. Preeminent democratic theorist Robert Dahl<sup>1</sup> points out that a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens, the indispensable conditions of which are inclusive civil participation and open competition among political leaders, with competition being the more important of the two. The Chinese Communist Party already had a deep understanding of democracy in the 1940s. Speaking on the rise and fall of political parties, Mao Zedong confidently declared to the people, “We have found a solution to this problem: ‘Democracy’, that is to say, supervision by the people. As long as the people have oversight of the government, the government will not slacken in its efforts. When everyone takes responsibility, there will be no danger that things will return to how they were when the leader is gone.” Applying this to the situation today, the premise behind numerous voices in Hong Kong calling for the inclusion of civil nomination in the Chief Executive election over the past year is also that there should be a fair and open competition, that the people can have oversight of the government by means of democratic elections.

5. We understand that the Central Government sees universal suffrage differently from the Hong Kong people, mainly on the issues of “Love China, Love Hong Kong” and “national security”.

6. On “Love China, Love Hong Kong,” although the pan-democratic camp has been strongly critical of local politics and policies, and has criticized the Central Government, the starting point is always that of tough love. As Mr. Deng Xiaoping said to a delegation of compatriots from Hong Kong and Macau on 3 October 1984, “As long as we take the standpoint of nationality and maintain the Great Harmony of the nation, regardless of political views, we, including those critical of the Chinese Communist Party, must all unite.”<sup>2</sup>

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<sup>1</sup> Robert Dahl, *Polyarchy: Participation and Opposition*, New Haven: Yale University Press, 1971.

<sup>2</sup> *Selected Works of Deng Xiaoping*, p. 76.

Pan-democrats, whether moderate or radical, are all in agreement with the view above, which is also similar to what Deng said to a delegation of Hong Kong businessmen on 22-23 June of the same year, "Respect your own nationality, sincerely support the Motherland's resumption of the exercise of sovereignty over Hong Kong, and refrain from doing any harm to the prosperity and stability of Hong Kong."<sup>3</sup>

7. On 7 August 2014, speaking on the occasion of the inaugural meeting of the preparatory committee for the celebration of the 65<sup>th</sup> anniversary of the establishment of People's Republic of China, Director of the Liaison Office Zhang Xiaoming said that universal suffrage in Hong Kong should be viewed from the perspective of national security and quoted Deng's direction to members of the Hong Kong Basic Law Drafting Committee on 16 April 1987 that they have to stop some people from 'turning Hong Kong into a base for anti-Mainland operations under the guise of "democracy".' Hong Kong people understand that the Central Government's concern over national security stems from a century of national humiliation and the United States' current strategy of containment against the rise of China. In spite of that, the Central Government does not need to view national security and universal suffrage as being in opposition of one another. In fact, only when there is genuine universal suffrage can Hong Kong resolve the deep-rooted contradictions within its society, and can Hong Kong be prosperous and stable; this will in turn be in the advantage of national security.

8. Under globalization, increased interactions between countries, though in different ways and to varying degrees, are inescapable. Nonetheless, history has proven that the Korean War, the Great Famine, the Cultural Revolution, the June 4 Incident or even the disintegration of Eastern Europe has not endangered national security, and China is now on the rise. There is really no need to be overly worried.

9. We are convinced that as long as the Central Government allows Hong Kong to realize "One Country, Two Systems" and implement genuine universal suffrage with fair and open competition in line with international

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<sup>3</sup> Ibid, p. 66.

standards, not only will the image of the Central Government be greatly improved among the Hong Kong people, thereby engendering a stronger sense of belonging to Hong Kong and to the country, China will also win the respect and praise of critics all around the world and improve its standing among the international community as a genuine superpower that is responsible and keeps promises, rather than one that only elicits fear.

10. The current quagmire over constitutional reform originates from mutual distrust among the different parties. We are willing to communicate through open dialogue and to offer suggestions for the Central Government so as to see genuine universal suffrage implemented. We sincerely invite you or any Central Government officials responsible for Hong Kong constitutional affairs for a meeting.

## **II. Hong Kong's Path to Democracy**

### **Opportunities for universal suffrage missed twice**

11. Since the establishment of the HKSAR in 1997, the Hong Kong people have used various methods to voice out their strong demand for universal suffrage over the past 17 years. The NPCSC made an interpretation of the Basic Law a second time on Article 7 of Annex I and Article 3 of Annex II on 6 April 2004. On 26 April 2004, the "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the Year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2008" was adopted,<sup>4</sup> formally rejecting the constitutional reform timetable for universal suffrage to be implemented for the 2007 Chief Executive election and in 2008 Legislative Council election.

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<sup>4</sup> "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the Year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2008." [http://www.basiclaw.gov.hk/tc/basiclawtext/images/basiclawtext\\_doc19.pdf](http://www.basiclaw.gov.hk/tc/basiclawtext/images/basiclawtext_doc19.pdf)

12 The NPCSC issued another decision on 29 December 2007, once again denying universal suffrage for the Chief Executive and Legislative Council election in 2012. The explanation of the decision nevertheless made the promise for “universal suffrage to be implemented for the Chief Executive election no later than 2017, with universal suffrage for the Legislative Council election to follow later.” Hong Kong people’s hopes for universal suffrage were dashed again.

### **Social discourse and movements on the two election methods in 2016/17**

13. Discussion on the next round of constitutional reform began immediately after the Chief Executive and principal officials in the current SAR Government were appointed on 1 July 2012. Associate Professor at the University of Hong Kong Mr. Benny Tai Yiu-Ting wrote a piece in the Hong Kong Economic Journal on 16 January 2013, titled “Civil disobedience’s deadliest weapon”,<sup>5</sup> in which he advocated for Occupy Central as a last resort for the fight for genuine universal suffrage in 2017. On 27 March of the same year, Tai joined with Reverend Chu Yiu-ming and Professor Chan Kin-Man of the Chinese University of Hong Kong and published the manifesto for the “Occupy Central with Love and Peace” (OCLP) movement, with the following as its goals and convictions:

- The electoral system of Hong Kong must satisfy the international standards in relation to universal suffrage. They consist of the political rights to equal number of vote, equal weight for each vote and no unreasonable restrictions on the right to stand for election.
- The concrete proposal of the electoral system of Hong Kong should be decided by means of a democratic process, which should consist of deliberation and authorization by citizens.
- Any act of the civil disobedience, which aims to fight for realizing a democratic universal and equal suffrage in Hong Kong though illegal, has to be absolutely non-violent.<sup>6</sup>

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<sup>5</sup> “The Most Deadly Weapon of Civil Disobedience”, Benny Tai Yiu-ting, 16 Jan 2013, Hong Kong Economic Journal.

[http://www.hkej.com/template/dailynews/jsp/detail.jsp?dnews\\_id=3609&cat\\_id=6&title\\_id=571297](http://www.hkej.com/template/dailynews/jsp/detail.jsp?dnews_id=3609&cat_id=6&title_id=571297)

<sup>6</sup> “Occupy Central with Love and Peace” Manifesto.

[http://oclp.hk/index.php?route=occupy/book\\_detail&book\\_id=10](http://oclp.hk/index.php?route=occupy/book_detail&book_id=10)



14. At around the same time, 26 pan-democratic legislators, 12 political parties and organizations formed the “Alliance for True Democracy”, and in January 2014 recommended the “Three Tracks Nomination Proposal” for the 2017 Chief Executive election. In March of the same year, the Alliance announced its recommendation for the Legislative Council election method, including a one-off transitional arrangement in 2016, in preparation for the 2020 Legislative Council to consist completely of directly elected seats.

15. OCLP held a civil referendum on 22-29 June 2014, with 792,808 Hong Kong citizens going to voting booths in person or voting via electronic devices. They chose the Alliance for True Democracy’s “Three Tracks Nomination Proposal” (333,962 votes/42.1%) to be the proposal OCLP submits to the Government. What is also noteworthy is that 696,092 voters have made it very clear that if the Government’s proposal for constitutional reform does not comply with international standards, whereby voters do not have a real choice, the Legislative Council should veto the proposal.<sup>7</sup>

### **The SAR Government’s public consultation for the 2016/17 constitutional reform**

16. On 4 December 2013, the HKSAR Government announced a five-month public consultation on “The Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016” lasting until 3 May 2014. At the same time, political parties, scholars and civil organizations actively voiced their demands for genuine universal suffrage by various means. Aside from the Civil Referendum, there were also:

- On 1 January 2014, the Civil Human Rights Front and the Alliance for True Democracy co-organized a protest, with “Immediate implementation of genuine universal suffrage; Civil nomination without pre-screening” as its theme and about 30,000 participants. On the same day, OCLP held a civil referendum in which 62,000 voted, with 90% voting for improving the representativeness of the Chief Executive Nominating Committee, no

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<sup>7</sup> “6.22 Civil Referendum” results, the HKU Public Opinion Programme.  
<http://hkupop.hku.hk/chinese/release/release1164.html>

pre-screening mechanism during the nomination phase, and the inclusion of civil nomination elements;

- Pan-democratic political parties went on a hunger strike for universal suffrage in March, calling on citizens to sign the OCLP covenant and supporting the fight for the “Three Tracks Nomination Proposal”;
- Members of the Legislative Council were invited to visit Shanghai in April, and 10 pan-democratic legislators met with 3 Central Government officials to discuss constitutional reform;
- Over 510,000 people marched during the 1 July 2014 Protest, demanding implementation of genuine universal suffrage.

### **III. Current problems with governance in Hong Kong**

17. Ever since the establishment of the SAR government, Hong Kong has undergone multiple governance crises, mainly stemming from the disjoint between the political system and social development. The political system is biased towards the pro-establishment camp: Pro-establishment individuals monopolize the Election Committee, playing the role of “kingmaker” in the medium- and long-term during the Chief Executive elections; also, half of the Legislative Council seats are elected by Functional Constituencies and through split voting, which allows for a small number of bodies with vested interests to exert a disproportionate amount of influence. Government policies are biased in their favour, and the unfair and unreasonable political system is hindering the public from expressing their views on policies. With grievances mounting day-by-day, the Government’s credibility and acceptability is going down the drain.

18. Under the current system, with the Chief Executive not being elected into office by the people, his popularity is always low. Since Leung Chun-ying assumed the office of the Chief Executive two years ago, his popularity has been exceptionally low as compared to the previous two Chief Executives, Tung Chee-Hwa and Donald Tsang. With the West Kowloon conflict of interests, gang-related activities, illegal structures, as well as contradictions in his governing practices, such as rejecting HKTV’s application for a free TV

license; all these have brought public trust to a new low, further worsening the already dysfunctional SAR Government.

19. According to HKUPOP opinion poll, Leung Chun-ying's score fell consistently ever since he assumed office. Support scores fell from 53.8 in late July 2012 to 46.1 in early July 2014, during which it was as low as 40.<sup>8</sup> If a general election of the Chief Executive were to be held tomorrow, when asked whether they would support Leung Chun-ying, his popularity fell from the highest 56% when he first assumed office (early May 2012) to the most recent 26.2% (late July 2014).<sup>9</sup> This is the lowest score ever among the three Chief Executives.

20. The political system defects and personal qualities of the Chief Executive directly affect the composition of the ruling coalition. The past two and current Chief Executives all appointed pro-establishment personnel to become members of the Executive Council, forming the "ruling coalition", but as neither the Chief Executive nor the ruling coalition have a mandate from the people and as Government operations have been lax, public policies and bills introduced often fail to answer the society's demands.

21. Before and after Leung Chun-ying assumed office, the pro-establishment members started to attack and dig up dirt on each other; the pro-establishment camp is unable to cooperate even among themselves in Legislative Council and District Councils; the Government have no sure-votes in the Legislative Council, and also lacks public support. All this has made policy-making extremely difficult. In the first year of Leung Chun-ying's office, the "legislative success rate" was only 45.83%, meaning that over half of the bills were unable to be passed on schedule in 2012/13, which is even lower than the average. Many of the Government's plans and bills were

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<sup>8</sup> The HKU Public Opinion Programme, the graph of the Rating of Chief Executive Leung Chun-ying. [http://hkupop.hku.hk/english/popexpress/ce2012/cy/poll/cy\\_poll\\_chart.html](http://hkupop.hku.hk/english/popexpress/ce2012/cy/poll/cy_poll_chart.html)

<sup>9</sup> The HKU Public Opinion Programme, the table showing the votes for and against Leung Chun-ying in a hypothetical Chief Executive election. <http://hkupop.hku.hk/english/popexpress/ce2012/vote/poll/datatables.html>

withheld or delayed,<sup>10</sup> demonstrating the adverse consequences of a poor Executive-Legislative relationship.

22. In 2002, the first Chief Executive Tung Chee Hwa established the principal officials accountability system, which originally intended to establish a governing team with a common conviction to improve the HKSAR's governance capabilities through politically appointed main officials. Principal officials ought to utilize their individual strengths to make suggestions, and to effectively promote their policies. Yet, all three Chief Executives have been nepotistic, failing to attract capable individuals into the governing team; Not only do principal officials lack a common political philosophy, they come from various sectors, many of which are irrelevant, and their abilities are uneven, thus becoming the stumbling block of the whole governing body. In the past two years, many principal officials and Executive Council members have resigned owing to trust issues, personal conflict of interest and other reasons respectively, setting a Hong Kong record.<sup>11</sup>

23. Ineffective governance and long-standing contradictions between public policies and the wishes of the Hong Kong people have on numerous occasions driven them to go out on the streets to protest, including the 100,000 people surrounding the Government Headquarters to demand that the highly biased National Education curriculum be retracted, the 120,000 people protesting against the Government's unreasonable decision to reject

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<sup>10</sup> In the 16 years since the transfer of sovereignty over Hong Kong from the United Kingdom to China, the average legislative success rate is 55.60%, "Review of the Governance Performance of the HKSAR Government 2014", p. 13, SynergyNet. [http://www.synergynet.org.hk/file/governance\\_report\\_2014.pdf](http://www.synergynet.org.hk/file/governance_report_2014.pdf)

<sup>11</sup> Former Secretary for Development Mak Chai-kwong defrauded the housing allowance scheme, and stepped down 12 days after his appointment; Members of the Executive Council, Barry Cheung Chun-yuen and Franklin Lam Fan-Keung resigned in May and August 2013 respectively, due to the former's involvement in the HKMEx financial scandal and the latter's purchase of housing before the implementation of the stamp duty; the political assistant of the Secretary for Development, Henry Ho, resigned in August due to his failure to declare his interests in the North East New Territories Development Project; in April 2013, Information Co-ordinator June Teng Wai-kwen resigned due to health reasons; the political assistant of the Secretary for Labour and Welfare, Zandra Mok, as well as the political assistant to the Chief Secretary, Carmen Cheung, resigned to take care of her children and her mother in August and September 2013 respectively; in November of the same year, the Undersecretary to the Financial Services and Treasury Julia Leung Fung-Yee resigned owing to personal reasons.

HKTV's application for a free TV license, and most recently, the rushed passing of research funding for the NE New Territories development resulting in Hong Kong people needing to surround the Legislative Council building; the list goes on. These are all reflections of mounting grievances, which are now on the verge of eruption.

#### **IV. Public Consultation for the Constitutional Development in 2016/17**

24. If genuine universal suffrage can be achieved in 2017, it would be an opportunity to solve the political deadlock, placate social unrest, and make right what is wrong.

25. After the five-month constitutional development public consultation period ended on 3 May 2014, Chief Secretary for Administration and member of the Task Force on Constitutional Development Carrie Lam submitted the Consultation Report to the Legislative Council on 15 July; on the same day, Chief Executive Leung Chun-ying submitted another report to you for the NPCSC to decide whether there is a need to make amendments to the two electoral methods for the 2016 and 2017 elections, which is the first step of the "five-step procedure for constitutional reform".

26. Many believe that the government's public consultation work is not thorough enough, and that generally speaking, the Report is biased towards the pro-establishment camp, diminishing the viewpoints of the pan-democratic organizations and their supporters.

27. The Task Force on Constitutional Development was biased in the way it carried out the consultation. In the 45 meetings with the political parties and 182 meetings with the groups from different sectors during the consultation period, most of them were with pro-establishment political parties or groups with pro-establishment affiliations; the meeting arrangements with the Task Force were partial towards the Pro-Establishment camp. Further, the Government selectively quotes the results of opinion polls, having quoted from 5 institutions on 33 occasions, but with most of them

coming from 3 non-academic institutions which not only have close ties with the pro-establishment camp, but have also failed to disclose completely the details of this and past opinion polls, and with no means for the public to monitor the quality of their opinion polls. The Consultation Report also quotes out of context, such as when it selectively quotes the part where the Hong Kong Bar Association says civil nomination does not comply with the Basic Law, but ignores its recommendation that ‘the rationale and underlying objective of such a proposal—namely to ensure maximum participation of the general electorate in the nomination process—is perfectly capable of being accommodated within the concept of the “nomination committee” in the Basic Law.’

28. Additionally, the Report also diminished the opinions of pan-democratic Legislative Council members. Pan-democratic Legislative Council members represent several hundred thousand voters, and are important stakeholders and a crucial part of the Legislative Council. The Alliance for True Democracy, which is composed of these Legislative Council members, advocates that the possibility of direct election of all Legislative Council members in 2016 should not be eliminated. Functional constituency seats should be reduced to a minimum, and corporate votes and split voting should be abolished. However, the Report claims that “it is generally agreed that there is no need to amend Annex II to the Basic Law regarding the method of forming the Legislative Council in 2016,” which is completely contrary to the wishes of the people. In sum, the report the Chief Executive submitted to you hugely exaggerates the views of the pro-establishment camp and disparages all opposing views. [The Consultation Report does not fully reflect the wishes of the people; for details, please refer to Appendix I]

29. We believe that the Government deliberately used the so-called public consultation to fabricate public opinion, in an attempt to have the constitutional development framework tailor-made. The Consultation Report displays contempt for the wishes of the Hong Kong people to bring about civil nomination, which were expressed through the Civil Referendum and the July 1 march. It also attempts to give the final word on the issue and to give the nomination committee the power of political pre-screening, thereby

deciding the result of the Chief Executive election and treating every single vote of the voters as a mere rubber stamp. It would be misleading if the Chief Executive Leung Chun-ying leads the Central People's Government to believe that Hong Kong citizens are only seeking "one person, one vote" as a matter of formality, and not caring whether they can make a real choice; it may even result in the Central Government making erroneous judgments about the public opinion in Hong Kong and making mistakes in its decisions.

30. Starting from the fight for direct elections in the Colonial era, the pan-democratic camp, like the rest of the Hong Kong people, has been ardently expecting the implementation of universal suffrage. Nevertheless, the Hong Kong people also demand that universal suffrage complies with the international standards, that is to say, the principles of universality and equality, and disagree with the Nominating Committee pre-screening candidates.<sup>12</sup> We seek only genuine universal suffrage, so as to protect the votes of voters from manipulations by groups with vested interests and from becoming mere rubber stamps for what is in reality a small-circle election among the privileged.

31. The NPCSC promised that universal suffrage will be implemented in the 2020 Legislative Council election at the earliest, and the 2016 election will be the last one before then. The election methods cannot remain unchanged, for there would otherwise be no sincerity in the progress towards universal suffrage in accordance with the principle of gradual and orderly progress at all.

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<sup>12</sup> The CUHK Hong Kong Institute of Asia-Pacific Studies carried out an opinion poll from 11-20 March 2014 about the citizens' views about the 2017 Constitutional Development proposal:

Q4 "Do you agree to let the nomination committee screen the 2017 Chief Executive candidates?"

Agree: 39.3%

Disagree: 53.5%

## V. A Real Choice

32. The Hong Kong people generally agree that the implementation of genuine universal suffrage in accordance with the Basic Law and the relevant provisions is to the advantage of the long-term peace and stability of Hong Kong.

Genuine universal suffrage should accord with the following legal principles:

- All Hong Kong residents shall be equal before the law (Article 25 of the Basic Law);
- Every Hong Kong permanent resident shall have the right to vote and the right to stand for election in accordance with the law (Article 26 of the Basic Law);
- Every Hong Kong permanent resident shall have the right and opportunity, without unreasonable restrictions, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage, guaranteeing the free expression of the will of the electors (Article 25(b) of the International Covenant for the Civil and Political Rights as applied to Hong Kong by Article 39 of the Basic Law and Article 21 of the Hong Kong Bill of Rights).<sup>13</sup>

33. Although the Government has pointed out that there was a reservation in respect of Article 25(b) of the International Covenant on Civil and Political Rights (“ICCPR”), the SAR Government has reaffirmed on numerous occasions that even though the basis for the implementation of universal suffrage in Hong Kong is the Basic Law rather than the ICCPR, the future universal suffrage models must comply with the principles of universality and equality.<sup>14</sup>

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<sup>13</sup> “Finding the Right Path to Universal Suffrage: What the Government is NOT telling you”, HK2020 – Civic Party, Para. 2.02. <http://www.2017.hk/consultation-paper-english.pdf>

<sup>14</sup> With reference to the “Green Paper on Constitutional Development”, paragraph 2.29, <http://www.cmab.gov.hk/doc/issues/GPCD-e.pdf>; 2 December 2012, The speech of the Secretary of the Constitutional and Mainland Affairs Bureau about the motion on “Roadmap of universal suffrage” <http://www.info.gov.hk/gia/general/200912/02/P200912020316.htm>; and 14 July 2010, the reply by the Secretary for Constitutional and Mainland Affairs, Mr Stephen Lam, to the LCQ5 <http://www.info.gov.hk/gia/general/201007/14/P201007140208.htm>



34. The UN Human Rights Committee of the International Covenant on Civil and Political Rights has put forth at least three requirements:

- Every voter should have an equal number of votes;
- The value of each and every vote should be equal;
- Citizens' eligibility to stand for election should not be limited by unreasonable restrictions.<sup>15</sup>

35. As such, in accordance with the Basic Law and the relevant provisions, the right of permanent residents of the Hong Kong Special Administrative Region to be elected must be protected. In implementing universal suffrage, there must be genuine free choice on the part of the voters, to the exclusion of all electoral systems that have the practical effect of political pre-screening.

### **2017 Chief Executive Election**

36. In order to accord with the principle of "universality and equality", the function of the Nominating Committee must not include pre-screening. That is to say, the rules governing Nominating Committee and its work, as well as the Nominating Committee itself, shall refrain from depriving any person's right to be elected. Voters shall have a "free choice of candidates."<sup>16</sup>

37. The Alliance for True Democracy's "Three Tracks Nomination Proposal", which has since become the constitutional reform proposal submitted by the Occupy Central movement to the Government, consists of the following:

Any person interested in running for the Chief Executive can be nominated as a candidate through any one of the following procedures:

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<sup>15</sup> As stated in the UN "International Covenant on Civil and Political Rights" Human Rights Committee "General Comment No. 25".

<sup>16</sup> The Hong Kong Bar Association "Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016" Paragraph 9 of the Executive Summary of the Submission.  
[http://hkba.org/whatsnew/press-release/1a-HKBA-ConstDev%20ExeSum%20\(English\)%20final.pdf](http://hkba.org/whatsnew/press-release/1a-HKBA-ConstDev%20ExeSum%20(English)%20final.pdf)

- Civil Nomination: A nominee having received the signed endorsement of 1% of the registered voters shall be endorsed by the Nominating Committee;
- Political Party Nomination: Any political party or political group having received 5% or more of the total valid votes in the last Legislative Council direct election can independently or jointly nominate one person as nominee. The nominee shall be endorsed by the Nominating Committee;
- Nomination by the Nominating Committee: Members of the Nominating Committee shall conduct direct nominations.

38. In addition to the “Three Tracks Nomination Proposal”, the Alliance for True Democracy has made the following recommendations for reform of the method for selecting the Chief Executive:

- The Nominating Committee has the power to refuse to endorse any potential candidacies for reasons provided by express provisions of the law, but it shall not refuse to endorse any potential candidacies based on conditions that amount to political censorship such as “Love China, Love Hong Kong” and “confrontations with the Central Government.”
- The election shall employ the two-round, run-off system by universal suffrage. A candidate is elected as Chief Executive by winning more than 50% of the valid votes in the first round. If no candidate wins more than 50% of the valid votes in the first round, a second round shall be held between the two highest-placed candidates, in which the candidate with the greater number of valid votes shall be elected as Chief Executive.

39. The Alliance for True Democracy’s “Three Tracks Nomination Proposal” won in the civil referendum with over 790,000 participants, has public support and is broadly representative. It is an inclusive proposal to which the Government should pay more attention in that while the element of civil nomination guards against political pre-screening, the proposal also affirms the power and role of the Nominating Committee.

## **2016 Legislative Council Election**

40. Universal suffrage for Legislative Council elections, that is, the complete abolition of Functional Constituencies, is a consensus within the society in Hong Kong. According to the Decision of the NPCSC on 29 December 2007, if the selection for the Chief Executive in 2017 is by universal suffrage, then there can be universal suffrage for the Legislative Council election in 2020.

41. In order to achieve the goal of implementing full universal suffrage for the 2020 Legislative Council election, amending the 2016 method for forming the Legislative Council is an important step. The current ratio of Geographical Constituencies seats and Functional Constituencies seats in the Legislative Council is 35:35. If Annex II of the Basic Law is not amended for 2016 such that there is no transitional reform such as by increasing the proportion of directly elected seats, then there would need to be a once-and-for-all change for 2020, greatly increasing the difficulties.

42. During the public consultation for constitutional reform, much of the focus of the society fell on the method for selecting the Chief Executive by universal suffrage. You would have been misled if the report of the Chief Executive C Y Leung leads you to conclude that the Hong Kong people have no demands and no opinions on the method for forming the Legislative Council.

## **VI. Conclusion**

43. Since the establishment of the SAR Government, Hong Kong people's demands for universal suffrage have twice been in vain. Distortions in the political system have led to Hong Kong being on the verge of being torn apart. Hong Kong's path to democracy has long been stalled, and it contrasts sharply with Hong Kong people's strong demands for universal suffrage. The promise for the implementation of universal suffrage for the 2017 Chief Executive election originally brought hope to the Hong Kong people, but the

Central Government must not make the mistake of thinking that Hong Kong people have only been fighting for a ballot in hand; the universal suffrage Hong Kong people has always longed for is genuine universal suffrage whereby citizens have a real choice and are able to fairly participate to a high degree. Nevertheless, the SAR Government public consultation report has failed to reflect these wishes of the Hong Kong people.

44. Hong Kong people are generally supportive of One Country Two Systems, Hong Kong people ruling Hong Kong with a high degree of autonomy. The Central Government should have trust in Hong Kong voters, having accumulated more than twenty years of experience in democratic elections, to make a wise and informed choice and select a Chief Executive favourable to the long-term peace and stability of Hong Kong and the country. For the Central Government to let voters have a real choice and freely vote for a political leader by means of one person, one vote will strengthen Hong Kong people's sense of identity and belonging to the Hong Kong SAR and to the country, while also resolving deep-rooted contradictions within the society. Indeed, this is the best method for protecting national security and maintaining Hong Kong's long-term prosperity and stability.

45. To attain effective governance and social harmony, we recommend that Annex I of the Basic Law be amended so that the method for selecting the Chief Executive in 2017 would accord with the principle of genuine universal suffrage without pre-screening; and also, that Annex II of the Basic Law be amended so that in the method for forming the Legislative Council in 2016, the proportion of directly elected seats would be increased and split voting abolished

Pan-democratic Members of the Legislative Council

August 2014

**[Appendix I: The Voices which the Report on the Public Consultation on  
the Methods for Selecting the Chief Executive in 2017 and  
for Forming the Legislative Council in 2016 is Unable to Reflect]**

**(1) The Task Force on Constitutional Development is biased towards the pro-establishment camp**

As seen in the list of political parties/group consulted from the Report's appendix, the pro-establishment camp was consulted many more times than the pan-democratic camp.

Within the consultation period, the Task Force on Constitutional Development attended a total of 45 Legislative Council meetings and consultation events with different political parties/Legislative Council members. After deducting the 12 Legislative Council meetings and the group meetings with all the Legislative Council members, the members of the Task Force only met with the pan-democratic camp 12 times, while it met with the pro-establishment camp 21 times.<sup>17</sup> The Task Force attended 182 consultation events hosted by different sectors and groups; excluding the 21 District Council meetings (including one meeting with the Chairmen of the 18 District Councils) and the 8 district promotion events, by roughly calculation, the members of the Task Force met for less than 5 times with the Pan-Democratic groups, but met with groups with obvious pan-establishment backgrounds or stance for nearly 100 times, treating them with partiality.<sup>18</sup>

There are also clear political biases in the Task Force's choices of political organizations to meet with. For example, apart from meeting with the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB),

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<sup>17</sup> "Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016" Appendix I.

<sup>18</sup> "Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016" Appendix II.

two of its branches were also consulted; none of the other political parties received the same treatment.<sup>19</sup>

## **(2) Quoting opinion polls with partiality**

The Report quoted the results of opinion polls from 5 institutions, of which only 2 are academic institutions. The Report quoted a total of 33 opinion poll questions, and those from the academic institutions were only quoted 14 times which is less than half of the total amount.<sup>20</sup>

The rest of the quoted opinion polls originated from the Hong Kong Chinese People's Political Consultative Conference (Provincial) Members Association (HKCPPCC), the Hong Kong Public Opinion Research Centre (HKPORC) and the Hong Kong Research Association (HKRA).<sup>21</sup> The HKCPPCC is strongly pro-establishment; The HKPORC belongs to a wholly-owned subsidiary institution of the One Country Two Systems Research Institute, whose Executive Director is Cheung Chi-kong, a member of the Executive Council. Among the reported past opinion polls, most of them were commissioned by the DAB. The past opinion polls undertaken by these two institutions cannot be found on the internet.

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<sup>19</sup> Also, "Dr Philemon CHOI Yuen-wan and other individuals of the community" had two opportunities to exchange views; this is in stark contrast with the experience of the organization Hong Kong 2020 led by former Chief Secretary Anson Chan, which designed a mild proposal which complies with the Basic Law and did not include civil nomination. Yet, when she wrote to the Chief Secretary of Administration in March this year to submit her recommendation and request to meet with the Task Force, and later to meet with the Deputy Minister of the Constitutional and Mainland Affairs Bureau, she did not receive any reply. Further, about 80 individuals from the financial sector who supported "Occupy Central with Love and Peace" hosted an event on 23 April 2014, publishing a 10-point statement which delineated the wants of Hong Kong citizens, and urged the government to implement genuine universal suffrage that complies with the international standard. However, the Task Force refused to send any representatives to the event. On the other hand, the Task Force sent representatives to pro-government organizations, including the Hong Kong SME Forum and the constitutional development promotion events hosted by the Chai Wan Kai Fong Welfare Association.

<sup>20</sup> The HKU Public Opinion Programme (its reports known as the HKUPOP) was quoted on 9 occasions, one of which was commissioned by MingPao; the remaining 8 times were commissioned by the Alliance for True Democracy. The Hong Kong Institute of Asia-Pacific Studies was quoted 5 times.

<sup>21</sup> The HKCPPCC was quoted 6 times; the Public Opinion Survey Centre was quoted 8 times (all of which was commissioned by the DAB); the Hong Kong Research Association was quoted 5 times.

As for the HKRA, although it has a website to record all its past opinion polls, its website has not been updated for years. The results and statistical approaches of recent opinion polls were not uploaded to the internet, making it impossible for citizens to monitor the quality of its opinion polls. The credibility of the opinion polls done by these 3 institutions is lacking; yet, they were quoted multiple times by the Government in the Report, and were used to support conclusions that are in line with the Pro-establishment, bringing the fairness of the Report into question.

The Report also distorted the original meaning of the questions when it quoted them. For example, the Report mentions that ‘there are more people who consider that...the post of the CE should be held by a person who “loves the country and loves Hong Kong”.’<sup>22</sup> This conclusion stems from the results of opinion polls carried out by the HKCPPCC, HKPORC and the HKRA. However, the results of the HKUPOP quoted by the Report show that the percentage of those who agree and those who do not agree is more or less equal, and the wording of the HKUPOP question is rather different from the conclusion the Report arrived at.<sup>23</sup> Also, the opinion poll question of the HKPORC is “Should a person who confronts the Central People’s Government (Beijing) be allowed to be a candidate of the CE election?” and “Do you support a person who confronts the Central People’s Government (Beijing) to hold the post of the CE?” This is totally irrelevant to the conclusion of “Love Country, Love Hong Kong.”

Apart from distorting opinion polls, the data in the Report submitted to you by the Chief Executive is hugely exaggerated, claiming that ‘the public generally agrees that the post of the CE should be held by a person who “loves the country and loves Hong Kong”’ and identifies it as the “mainstream opinion”, fabricating public opinion.

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<sup>22</sup> “Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016” Paragraph 3.11.

<sup>23</sup> The question of the HKUPOP is “Do you agree that the NC should sieve CE candidates according to political standards such as ‘love the country and ove Hong Kong’, ‘not confronting the Central Authorities’, etc.?” 38% of the respondents agree, around 36% disagree, at the 95% confidence interval, the proportion of positive and negative results is similar.

### **(3) Quoting out of context**

Before the Government published its Report, the Hong Kong Bar Association (HKBA) already publicly warned the Government not to quote its submission out of context. Unfortunately, the Report selectively quoted the part where the HKBA says that civil nomination does not comply with the Basic Law, but ignores its view that ‘the rationale and underlying objective of such a proposal—namely to ensure maximum participation of the general electorate in the nomination process—is perfectly capable of being accommodated within the concept of the “nomination committee” in the Basic Law.’

Further, while the Report emphasized that the Nominating Committee would be formed with reference to the current provisions, it completely disregarded one point which the HKBA reiterates: “Since the nominating committee’s function is limited to nomination, it is neither its function nor its purpose to determine the result of the Chief Executive election.”<sup>24</sup>

### **(4) Diminishing the opinions of the pan-democratic camp**

The Government claims that it received over 100,000 submissions during the consultation period, however, instead of quantifying the data in the Report, there was only a large amount of descriptions such as “mainstream opinion”, “there are more people who consider”, and “quite a number of views”, which are all quantifiers without objective standards. For example, 790,000 citizens participated in the “Occupy Central with Love and Peace” Civil Referendum in June, and over 510,000 people took to the streets on July 1 to fight for genuine universal suffrage; yet the Government merely uses “some organizations and individuals” to describe them<sup>25</sup>, unfairly disparaging the public opinion.

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<sup>24</sup> Consultation Document on Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016, 11 July 2014.

<sup>25</sup> The Report by the Chief Executive to the NPCSC, Paragraph 11(vii), ‘some organizations and individuals on nomination thresholds and nominating procedures, including proposals introducing “civic nomination”, “party nomination”, etc. outside of the NC’.



The Legislative Council is now composed of 70 members, with the Geographical Constituencies and the Functional Constituencies each making up half of the seats. In the 2012 Legislative Council election, the pan-democratic members won 766,227 (Geographical Constituencies) and 892,011 votes (Functional Constituencies [807,480 votes came from the District Council (Second)]) respectively, which is more than the votes won by the pro-establishment members (Geographical Constituencies: 641,746 and Functional Constituencies: 535,377 [523,339 votes came from the District Council (Second)]). The pan-democrats represent several hundred thousands of Hong Kong citizens, and it is unacceptable for their opinions to be diminished as “individual organizations” or “some” opinions.

The Report claimed that “it is generally agreed that there is no need to amend Annex II to the Basic Law regarding the method of forming the Legislative Council in 2016”<sup>26</sup>. The NPCSC promised to have full universal suffrage in 2020 at the earliest, and therefore the election method must be amended in the preceding Legislative Council election in 2016 to serve as a transitional arrangement, otherwise it would be difficult to smoothly achieve full universal suffrage in 2020 in accordance with the principle of gradual and orderly progress. The Alliance for True Democracy recommends that the number of seats in the Functional Constituency should be gradually reduced in 2016 and that corporate votes and the split voting system be abolished.<sup>27</sup>

The pan-democrats comprise over one-third of the seats in the Legislative Council, representing nearly 800,000 voters; also, the pan-democrats occupy more directly elected seats than the pro-establishment camp. The pan-democrats and their supporters are very important stakeholders, and yet their opinions to improve the 2016 Legislative Council Election method are completely ignored in the Government Report, which is an attempt to sail under false colours.

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<sup>26</sup> “Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016” Paragraph 4.34; the Report by the Chief Executive to NPCSC, Paragraph 11(x).

<sup>27</sup> “The Alliance for True Democracy” Proposal for Legislative Council Elections:  
[http://www.atd.hk/wp-content/Election\\_Plans/ATD\\_LegCo\\_Election\\_Plan\\_ENG\\_v2.pdf](http://www.atd.hk/wp-content/Election_Plans/ATD_LegCo_Election_Plan_ENG_v2.pdf)

#### **(5) Exaggerating the pro-establishment views when quantifying opinions**

In the Report, the Government repeatedly exaggerated the pro-establishment views, and diminished those of the pan-democrats. The Report the Chief Executive submitted to you is even more severely distorted.

With regards to the method for selecting the Chief Executive in 2017, the Report takes the pro-establishment view that “the NC has a substantive power which cannot be undermined or bypassed” as the mainstream opinion, but the proposal of the pan-democrats that ‘apart from the NC, “civic nomination”, “party nomination”, etc. should also be accepted as other pathways to nominate CE candidates’ is merely reduced to the view of some organizations and individuals. In sum, the report the Chief Executive Leung Chun-ying submitted to you severely exaggerates the views of the pro-establishment camp while diminishing those in opposition, is greatly distorted, and is entirely inconsistent with the facts.

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**IN THE HIGH COURT OF THE**

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**HONG KONG SPECIAL ADMINISTRATIVE REGION**

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**COURT OF FIRST INSTANCE****CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST**

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NO. 36 OF 2004

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BETWEEN

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LAM YUET MEI (林月媚)

Applicant

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and

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PERMANENT SECRETARY FOR EDUCATION  
AND MANPOWER OF THE EDUCATION AND  
MANPOWER BUREAU

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(教育統籌局常任秘書長)

Respondent

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Before : Hon Chu J in Court

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Date of Hearing : 12, 16 &amp; 17 July 2004

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Date of Judgment : 9 August 2004

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**J U D G M E N T**

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1. In these proceedings, the applicant applies to judicial review two decisions of the Permanent Secretary for Education and Manpower (“the Permanent Secretary”) as follows:

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(1) The decision made in July 2002 removing the name of Kin

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Tak Public School (建德公立學校) (“the School”) from the

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Primary One Admission (“POA”) School List for the 2003/04 school year thereby terminating the School’s right to recruit primary one students.

(2) The decision made on 10 December 2003 to cease to provide grants to the School with effect from 1 September 2004.

2. The applicant challenges the first decision on the ground that there had been no or no proper consultation before it was made. As for the second decision, the challenge is made under the doctrine of substantive legitimate expectation.

### *I. THE BACKGROUND*

#### *(1) The School*

3. The School is a rural school situated at Lin Tong Mei Village (蓮塘尾村) in Sheung Shui, New Territories. According to the applicant, it is some 6 km from the town centre of Sheung Shui, being separated by a golf course. The no. 77K bus (operating at 20 minutes interval) and no.57K mini bus (operating at 30 minutes interval) pass by the village. It takes 10 minutes to travel from the village to the town centre by car.

4. The School was built in 1938. It is a government aided primary school. In the 1960s and 1970s, it operated 12 primary classes with about 560 students. In the 1980s, with changes in the general demographic structure of Hong Kong and that of Northern New Territories in particular, the number of students in the School had declined. In 1989, it became a whole day school with six primary classes.

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5. Owing to insufficient number of student intake, the School had in the school years 1998/99, 1999/00, 2000/01 and 20001/02 operated a semi-class (i.e. a class of half the size of a full class) of primary one. In the school year of 2001/02, with the approval of the then Education Department, it operated a combined class for its primary one and primary two students.

6. In the school year of 2002/03, it did not have any primary one class because there was insufficient number of student intake and no government grant was allocated for operating primary one class. Since then, it has become a school not running a full curriculum.

7. In the school year of 2003/04, the School also did not operate any primary one class. There was no primary two class. There was one combined class for primary three and primary four, one class of primary five and one class of primary six. With the graduation of the 17 primary six students in July 2004, the School presently has 18 students. In the coming school year of 2004/05, ten of them will be in primary six, three in primary five and five in primary four.

(2) *The applicant*

8. The applicant is the mother of three children. Her eldest daughter is a student in the School, studying primary 3 in the school year of 2003/04. Her second daughter started primary one in the school year of 2002/03. Her youngest son is due to start primary one in the school year of 2004/05.

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9. The applicant's family lives near the School. It takes five minutes to walk from their home to the School. According to the applicant, as a result of the School not able to operate primary one class in 2002/03, her second daughter had to enrol with another rural school in another village and have experienced difficulties with regard to the travelling arrangement. The applicant wishes to have her son enrol with the School in the school year 2004/05.

(3) *The Primary One Admission (POA) system*

10. Since 1983, the POA system has been in place to process centrally the admission of children to primary one in government and aided primary schools in Hong Kong. The POA system is operated by the Education and Manpower Bureau ("EMB") (formerly the Education Department).

11. Under the system, there are two stages of admission, the Discretionary Places ("DP") stage and the Central Allocation ("CA") stage. The government and aided schools participating in the POA system are grouped under different school nets based on their geographical location. At the DP stage, parents can apply to only one of the participating schools and admission is based upon prescribed POA procedure and criteria. At the CA stage, those students who have not been admitted to the school of their choice during the DP stage, will be allocated to a school in the school net to which they belong, based upon the parents' choice and the random number allocated to the students.

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12. Based on the number of students admitted by a school during the DP stage and the result of computer analysis of the choices made by parents at CA stage, the EMB will work out the total number of students to be allocated to each primary school, and in turn the number of primary one classes that the school is allowed to operate. If a school cannot admit sufficient number of students in the POA exercise, it will not be granted aid to operate any primary one class in the coming school year. The EMB will then arrange for the students that the school has admitted at the DP stage to transfer to other schools. Prior to January 2003, schools adopting activity approach had to have no less than 16 students in order to be allowed to operate primary one class. In January 2003, the number was raised to 23 students.

13. In July or August each year, the EMB will compile the POA School List for the coming school year to be distributed to kindergartens and primary schools participating in the POA exercise. The List will give information about the primary schools to which parents can apply for primary one admission for their children.

14. The compilation of the POA School List is carried out annually. Decisions on the schools to be included on the List are made on an annual basis. Prior to the POA for 2004/05, whether a school with no primary one class in the current school year is to be included in the School List and to participate in the coming POA exercise is a matter to be decided by the relevant Chief School Development Officer. According to the respondent, the practice is for the District Education Officer or School Development Officer to orally inform the supervisor or principal of the school concerned of the EMB's intention to exclude the school from the

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POA School List and the POA exercise for the coming school year. Any objections raised will be considered. Otherwise, if no objection is received, the EMB would proceed as intended, and no written notification will be given.

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15. For schools that have been excluded from the POA School List and POA exercise for a particular school year, the EMB may allow them to be put back onto the List if there are changes in the circumstances. Admittedly however, this is unlikely to happen to schools that had been excluded on account of low student intake. Indeed, in the example of school allowed to be restored to the School List cited by the respondent, the school was withdrawn from the POA School List not because of low student intake, but because of management problem.

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16. If there is no change in circumstances and if the school does not request to be restored to the School List, a school that has been excluded from the POA School List and POA exercise for one year will continue to be excluded for the following year. And if the state of affairs remains unchanged, the school concerned will come to a cessation in a few years' time with the graduation of its last batch of students.

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(4) *The Consolidation Policy*

17. In April 2003, the EMB submitted to the Legislative Council a discussion paper proposing consolidation of high-cost and under-utilized aided primary schools. In May and June 2003, the paper was discussed at meetings of the Panel on Education. During this period, the EMB also conducted consultations with various representative bodies and school

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sponsoring bodies. The Alliance of Parents of Rural Schools was among the bodies consulted and had made representations on the consultation paper at one of the meetings of the Panel of Education. Eventually, the EMB decided to implement the Consolidation Policy proposed in the paper, but with modifications, in the school year 2004/05.

18. Much has been said by way of affirmation as to the background and reasons for the Consolidation Policy. For the purpose of these proceedings, it is not necessary to go into the details. In summary, there are two main reasons leading to the formulation of the Policy. Firstly, as a result of a declining trend in the population in the 6-11 age group, there are surplus primary school places. Schools that are situated in remote areas and/or are less popular, including rural schools, therefore experience under-enrolment. Secondly, in view of the government-wide target to restore the fiscal balance by the financial year of 2008/09, the envelope allocation for all government departments and bureaus, including the EMB, has to be cut by up to 11% over five years from the year 2004/05. As such, it is considered reasonable to close down by phases those under-enrolled and high costs primary schools.

19. It is estimated that under the Consolidation Policy, a total of 120 government and aided schools will be closed down in the coming few years. The total recurrent expenditure of these schools for the financial year 2003/04 is \$1,032 million, representing about 10% of the total recurrent expenditure on or subvention to government and aided schools. It is the respondent's case that the savings thus achieved can be used for other worthwhile and more cost-effective educational measures.

A 20. The Consolidation Policy has several components. For the  
B propose of these proceedings, it is only necessary to note those relating to  
C schools operating combined class(es), which is said to be educationally  
D undesirable. Under the Consolidation Policy and within a particular  
E school net, if there is an adequate supply of school places, then schools  
F operating combined class(es) will not be allocated any primary one class in  
G the year 2003/04. Schools operating combined classes will be closed  
H down within one to three years from 2003/04 depending on whether it was  
I operating primary one class in 2003/04 and the total enrolment or number  
J of operating classes. For schools operating combined class(es), if it is not  
operating primary one class in 2003/04 (Year N), and if it has two classes  
or the present enrolment is less than 49, then it will be closed down in the  
year N + 1, i.e. 2004/05.

K 21. As a result of implementing the Consolidation Policy, 14  
L aided primary schools became immediately affected in that grants to them  
M will cease with effect from 1 September 2004. Five of these schools  
N agreed to closure. Of the remaining nine that did not agree to closure,  
O one school was given special consideration to continue receiving grants in  
P 2004/05. The other eight schools, of which the School is one, had  
received formal notification of cessation of grant by way of a letter dated  
10 December 2003.

Q *II. EVENTS LEADING TO THE APPLICATION*

R 22. In the POA exercise for 2002/03, the School had insufficient  
S students for the operation of primary one class. By a letter dated 13 May  
T 2002, the School was notified by the then Education Department that it  
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would not operate any primary one class in the school year of 2002/03.

The School did not express any objection to it.

23. On 28 May 2003, the supervisor of the School had a meeting with the officers of the Education Department to discuss the dispute in the school management committee. In the meeting, the supervisor said he preferred not appointing any new principal if the dispute was not resolved. At that point, the School Development Officer pointed out that though the School would operate for four more years at the most (i.e. the School would not operate primary one class in 2002/03, and it would not be included in the POA School List for 2003/04), the interests of the students should be taken care of. To this, the supervisor was recorded in the minutes to have responded that he would rather let the school close, as it could only exist for four years, than to let the three school managers “黑箱作業”. It is the respondent’s case that the supervisor did not show objection on the occasion and thereafter, and the Education Department was led to believe that the School agreed to or had no objection to being excluded from the POA School List for 2003/04.

24. The supervisor, Mr Sung, however stated that the Education Department officers mentioned to him in a casual manner that the School would have no primary one class in 2002/03 and the subsequent years, so the School would operate at most for four more years. He said he did not pay much attention to the conversation as he was in a depressed mood, being unhappy over the dispute with the other school managers. According to Mr Sung, he had said that if it was decided that the School should not operate primary class in future, a written explanation should be given to the School. He could not recall having uttered the response

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recorded in the minutes, but if he had, he said it must be a slip of tongue and he would not have meant what was said.

25. Mr Sung also refers to an earlier occasion on 18 May 2002 when nine candidates were interviewed for the post of school principal. All of them were asked by the selection panel to offer proposals for recruiting primary one students. The School Development Officer of the Education Department was also present throughout the interview, but she had not corrected the panel that the School would not be allowed to operate primary one class in future. The Officer explained that it was because she was merely acting as an observer, adding also that Mr Sung had subsequently at the 28 May 2002 meeting been alerted to the Department's intention.

26. On 4 July 2002, it was decided that the School would be excluded from the POA School List for 2003/04. The POA 2003 School List was compiled in July 2002 and made available to kindergartens and participating primary schools in August 2002. In September 2002, the new principal of the School, Mr Fong, became aware that the School was not included in the POA 2003 School List. The former principal had retired in August 2002. It is the respondent's case that the former principal had before his retirement been informed that the School would be excluded from the POA School List. The supervisor however maintains that neither he nor the school managers had any knowledge of this.

27. On 16 September 2002, Mr Fong wrote to the Secretary for Education and Manpower ("SEM") complaining, inter alia, that the School had no knowledge that it was not allowed to recruit primary one students.

A At about the same time, a number of rural schools had raised objections to  
 B being excluded from the POA 2003 School List. On 18 September 2002,  
 C a meeting between representatives of 16 rural schools, including that of the  
 D School, and the SEM was arranged by Legislative Councillor The Hon. Mr  
 E Cheung Man Kwong. It was agreed at the meeting that these schools  
 F would make representations individually to the Education Department for  
 considerations.

G 28. By a letter dated 19 September 2002 (“the 19-9-02 Letter”),  
 H Mr Fong on behalf of the School wrote to the Education Department  
 I requesting for the School to be put back onto the POA School List and to  
 J be allowed to recruit primary one students. By a letter dated 27  
 K September 2002 (“the 27-9-02 Letter”) from the Director of Education, the  
 L School’s request was refused. I shall return to deal with these 2 letters in  
 M details in the context of the challenge to the second decision.

N 29. By another letter dated 25 November 2002, the School  
 O reiterated its request to be restored to the POA School List and participate  
 P in the recruitment of primary one students for 2003/04. By a letter dated  
 Q 9 December 2002, the Director of Education refused the request.

R 30. In February 2003, by virtue of the Education Reorganization  
 S (Miscellaneous Amendments) Ordinance 2003, the Permanent Secretary  
 T and the EMB took over the duties of the Director of Education and the  
 U Education Department respectively.

V 31. By a letter dated 23 April 2003, the EMB informed the School  
 that it would operate one combined class for primary three and primary

A		A
B	four, and one class of primary five and one class of primary six for the	B
C	school year 2003/04.	C
D	32. On 6 August 2003, the EMB issued a circular to all	D
E	government and aided primary schools informing them that, in view of the	E
F	large surplus of primary one school places, schools that did not operate	F
G	primary one classes in 2003/04 would not participate in the POA 2004	G
H	exercise and would not operate primary class in 2004/05.	H
I	33. On 6 October 2003, two EMB officers held a meeting with	I
J	Mr Fong and Mr Sung to discuss the closure of the School under the	J
K	Consolidation Policy. During the meeting, both Mr Fong and Mr Sung	K
L	did not agree to the closure of the School in 2004/05 and insisted to	L
M	continue operating the School until all the current students have graduated	M
N	from it.	N
O	34. On 2 November 2003, the EMB officers met with Mr Fong	O
P	and two other school managers. The parents of all the students (except	P
Q	one) were also present. The absent parent had also sent in written	Q
R	representation. At the meeting, the Chief School Development Officer	R
S	(North) stated that the EMB would formally give notice of the cessation of	S
T	grant to the School with effect from September 2004, and the School had	T
U	to consider whether to cease operation. Mr Fong, the school managers	U
V	and all the parents present requested the EMB to allow the School to	V
	continue operation until the last class of students had graduated.	

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35. By a letter dated 10 December 2003, the SEM gave notice to the School that the EMB would cease to provide grants to the School as from 1 September 2004.

*III. THE APPLICATION*

36. On 9 March 2004, the applicant applied for leave to judicial review. As a result of the applicant's application for legal aid, the proceedings were stayed. The applicant was eventually granted legal aid. Leave to judicial review was granted on 4 May 2004. On 11 May 2004, the applicant filed the Notice of Motion. On 14 May 2004, the EMB (who was then named as the respondent) applied to set aside the leave granted in relation to the first decision challenged. After a contested hearing, the application was dismissed by a decision handed down on 9 June 2004. The Form 86A was in the meantime amended by naming the Permanent Secretary as the respondent.

37. In the Amended Form 86A, the applicant asks for the following relief:

- (1) To restore the right of the School to recruit primary one students.
- (2) To quash the decision to cease providing grants to the School.
- (3) To allow all the existing students to continue their studies with the School until their graduation.

38. In respect of the last relief, Mr Kwok in his submissions clarifies that the applicant is seeking a declaration that the grants to the School should continue until all the existing students have left the School,

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B	whether upon graduation or upon their securing alternative school	B
C	placements.	C
D	<i>IV. THE CHALLENGE TO THE FIRST DECISION</i>	D
E	<i>(1) Reasons for the first decision</i>	E
F		F
G	39. The first decision challenged by the applicant is that made on	G
H	4 July 2002 to exclude the School from the POA School List for 2003/04.	H
I	The decision was undertaken by the Chief School Development Officer	I
J	(North). She gave the following reasons for the decision:	J
K	(1) Since 1998, the School had a continuous low intake of	K
L	primary one students. Between 1998/99 and 2001/02, the	L
M	School was only approved to operate half a class of primary	M
N	one.	N
O	(2) There was a continuous decline in the demand for primary	O
P	one school places in the school net to which the School	P
Q	belong.	Q
R	(3) The School was operating combined classes.	R
S	(4) There was very little chance that the School would be able to	S
T	recruit sufficient number of students in the POA exercise to	T
U	qualify for the operation of primary one class.	U
V	(5) To allow the School to participate in the POA exercise would	V
	give a false hope to the parents that the School would operate	
	primary one class. If the total parent choices were	
	insufficient to enable the School to operate primary one class,	
	students who had chosen the School in the DP stage would	
	have to be transferred to other schools.	



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| B | (6) The School was not operating a full curriculum since it had no primary one class in 2002/03.   | B |
| C | (7) The supervisor of the School had raised no objection at the meeting on 28 May 2002 when it was mentioned that the School would not participate in the POA 2003 exercise. | C |
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(2) *The applicant's arguments*

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G	40. The applicant challenges the first decision on only one ground; namely, there was no or no proper consultation before the decision was made to exclude the School from the POA 2003 School List. It is submitted that the School had not been given proper and adequate prior notice to enable it to make representation. It is pointed out exclusion from the POA School List is a matter that carries grave consequences for schools in that it will impact upon their ability to survive. Despite that, there was throughout no written communication. The quality of communication is thus said to be a poor one. The oral communication to the former principal, whom the Education Department officers knew was about to retire, serves no purpose since he had no practical interest in the matter. The communication to the supervisor was equally unsatisfactory in that the 28 May 2002 meeting was to deal with a wholly unrelated issue.	G
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(3) *The respondent's arguments*

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R	41. For the respondent, it is argued that it was entirely reasonable for the Education Department to have proceeded in the way it did since it was given to understand that the School agreed to or had no objection to being excluded from the POA School List. It is also said that there was	R
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A nothing unfair in the process in that the School had no legal right to  
 B operate primary one class in 2003/04, that the School could not have  
 C expected to be allowed to recruit students for 2003/04 when it did not have  
 D primary one class in 2002/03, and that the School had been informed of the  
 E Education Department's intention in May 2002, but had not requested to  
 F be put on the School List. It is pointed out that the applicant, being a  
 G parent, can have no expectation of being consulted on the matter. It is  
 H further submitted that subsequent to July 2002, there had been genuine  
 I opportunity for the School to make representations such that the process as  
 a whole satisfies the requirement of fairness and the ultimate decision  
 made is a fair one. Finally, it is also submitted that no relief should be  
 granted since it will serve no useful or practical purpose.

J (4) *The issues*

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 L 42. Broadly speaking, the challenge to the first decision involves  
 three issues:

- M (1) Whether there had been proper consultation before the first  
 N decision was made;  
 O (2) Whether the decision process as a whole satisfies the  
 P requirements of fairness; and  
 Q (3) Whether the court should exercise its discretion to grant the  
 relief sought.

R (5) *No or no proper consultations*

S 43. There can be no doubt that the exclusion of a school from the  
 T POA School List and in turn the POA exercise is a matter of great

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importance to any primary school that has been participating in the POA exercise. To say the least, it means that the government will not provide the school with funds to operate primary one class in the relevant school year. More likely than not, the school will then not have a primary one class, hence not a full curriculum, thereby becoming less popular with and attractive to parents. Although the decision to exclude a school from the POA School List and the POA exercise is made on an annual basis, it carries far-reaching implications for the school concerned because it puts the ability of the school to continue operation in the long term at risk.

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44. In the case of the School, which had for some years had difficulties in recruiting primary one students, the consequences and implications of being excluded from the POA School List and the POA exercise is even more serious. As in the case of other government and aided primary schools, the POA exercise is the major occasion and opportunity to recruit primary one students. The severity of the decision is not in any way lessened by the fact that the School had not been operating primary one class in the year 2002/03. While the School was not operating a full curriculum thereby adversely affecting its popularity, the decision effectively confirms the cessation of the School in time.

45. Indeed, I do not understand the respondent to be disputing that the decision to exclude the School from the POA School List and the POA exercise has an impact on the continued operation of the School and is therefore an important one for the School as a whole. It is therefore understandable that the School and the applicant, being one of the parents, would take exception with the way in which the initial intention and the eventual decision of the Education Department were communicated; hence

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B	the complaint that there had been no proper consultation before the	B
C	decision was made in July 2002.	C
D	46. The respondent's evidence shows that the outgoing principal	D
E	of the School was informed by telephone of the Education Department's	E
F	intention to exclude the School from the POA 2003 School List, and that	F
G	he had shown no objection. It is not clear from the evidence whether the	G
H	School Development Officer was calling to consult the principal's views or	H
I	she was asking the principal to relate the message to the school	I
J	management, including the supervisor, the school managers and the	J
K	sponsoring body, and to gather their views. All she said in the	K
L	affirmation is that she was conveying a notification of the Department's	L
M	intention. Assuming that the call was to seek the views of the principal, it	M
N	must nevertheless be plain to the responsible officers that on such an	N
O	important matter, it is insufficient to consult only the principal, quite apart	O
P	from the fact that the principal was about to retire.	P
Q	47. As to the 28 May 2002 meeting with the supervisor, it is not	Q
R	set up to deal with the exclusion of the School from the POA School List	R
S	and the POA exercise. It was by chance that the matter came to be	S
T	mentioned. The matter was not brought up for the purpose of informing	T
U	the supervisor of the intention and/or seeking his views on it. It is	U
V	unfortunate that the Education Department should attach so much weight	V
	to the response of the supervisor on the occasion and was led to believe	
	that the School agreed or did not object to its being excluded from the	
	POA School List and the POA exercise for 2003/04. On the assumption	
	that Mr Sung did utter the response that he would rather let the school	
	close, it must be plain that it was an emotive remark made at a time when	

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he was upset about the school management. It must be doubtful whether this could be taken as an indication of the supervisor agreeing to or having no objection to the School being excluded from participating in the POA.

48. It is correct that the School had made no representation to the Education Department on the matter in the period from May to September 2002. The question is whether this can be taken to be an indication that the School agreed or did not object to the exclusion. It is the applicant's case that the School management was unaware of the telephone conversation with the outgoing principal. As noted above, the evidence does not show that the outgoing principal had been asked to relate the Department's intention to the school management. The evidence also does not show that the school managers and/or the school sponsoring body had been informed of the intended exclusion. On the respondent's evidence, this was mentioned to the supervisor at the 28 May 2002 meeting. But given that he was having a dispute with the school managers, it could not be assumed or expected that he would pass on the information to the school managers. In my view, the Department could only confidently act on the silence of the School in the period leading up to the making of the decision as an indication of no objection if it had reasonable grounds for believing that the message had or would have been properly communicated to the School management authority, and not just to Mr Sung.

49. The evidence shows that it has been the practice of the Department/ Bureau to communicate orally the intention to exclude a school from the POA School List, and not to give any formal notification of the eventual decision if no objection is put up. I do not propose to

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make any general observation on the propriety of the practice having regard to the importance of the intended decision to the schools concerned. However, the adoption and reliance of this practice in the present case is obviously inapt in view of the management problem within the School, a matter known to the officers of the Department at the time. For the reasons set out in the preceding paragraphs, the Department could not be reasonably certain that the school management was fully aware of the intention to exclude the School from the POA School List. Further, the fact that the School did not make any representation in May and June 2002 should not have been taken as an indication that the School agreed to or did not object to the exclusion.

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50. For any consultation to be proper, it must be undertaken at a time when proposals are still at a formative stage; sufficient reasons for the proposal must be given to allow those consulted to give intelligent consideration and response; adequate time must be given for consideration and response; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken: *R v. Brent London Borough Council, Ex p Gunning* (1985) 84 LGR 168, cited in *R v. North and East Devon HA, Ex p Coughlan* [2001] QB 213 at 258.

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51. I am of the view that, to the extent that the School is affected by and has a legitimate interest in the decision to exclude it from the POA 2003 School List and the POA exercise, the School ought in the interests of fairness to have been consulted. This is consistent with the practice of the Department/ Bureau to communicate an intended exclusion and to consider any objections made before finalizing the compilation of the POA School List. In the present case, however, the steps taken by the

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A Education Department before the decision was made in July 2002 to  
B exclude the School from the POA 2003 School List hardly met the criteria  
C formulated in *R v. Brent London Borough Council, Ex p Gunning*. The  
D School had not been afforded a proper opportunity to take a considered  
E view and to make representations before the decision was taken.

F (6) *The requirements of fairness*

G 52. Notwithstanding this, I consider that the applicant's challenge  
H to the first decision cannot succeed for the reasons appearing below.

I 53. Firstly, Mr Yu SC submits, and I agree, that in considering  
J whether the requirements of fairness have been met in this case, the Court  
K should consider whether the overall procedure is a fair one and in the light  
L of the purposes and objectives of consultation.

M 54. The applicant's challenge to the first decision falls within the  
N broad ground of procedural impropriety. The underlying concept is the  
O duty of a decision maker to act fairly when it has to make a decision that  
P will affect the rights of individuals. The requirements of justice will vary  
Q depending on the character of the decision-making body, the nature of the  
R decision and the statutory or other framework in which it operates: *Lloyd v.*  
S *McMahon* [1987] AC 625, 702.

T 55. In the context of the requirement to consult and hear  
U representations, it has been pointed out by Lord Mustill in *R v. Home*  
V *Secretary ex parte Doody* [1994] AC 531 at 560 that:

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“Fairness will very often require that a person who may be adversely affected by the decision will have an opportunity to make representations on his own behalf either before the decision is taken with a view to producing a favourable result; or after it is taken, with a view to procuring its modification; or both.”

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56. In *R v. London Borough of Barnet ex parte B* [1994] 1 FLR 592, the applicants applied to judicial review the decision of the local council to close a nursery school which they were attending. The parents of the children attending the school were not informed of the proposal to close the school before the council made the decision and communicated it to them. After the decision was communicated, the council proposed to and did conduct 3 stages of consultation. Eventually the council confirmed its earlier decision despite the parents’ objections. In dealing with the applicants’ complaint that there was no or no adequate consultation, Auld J (at 606D-E) was of the view that the question of whether the council behaved unfairly in failing to consult or to consult adequately before it made the decision in the first place, is superseded by the question whether its later conduct, including the subsequent consultation, was unfair. He stated that: “Where the court is concerned with the procedures and decision of one body, ... the test, ... , is whether the ultimate decision is a fair one reached by fair methods”.

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57. It is not in dispute that in the 18 September 2002 meeting, the Secretary for Education and Manpower had agreed to receive and consider representations from schools including the School. Thereafter, the School did through the principal make written representations on the matter. It is also not in dispute that the Education Department had duly considered the representations made, as reflected in the reasons given for

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maintaining the July decision to exclude the School from the POA School List and the POA exercise.

58. When approaching the first decision on the broad consideration of fairness, the court should also have regard to the conduct of the Department since September 2002 and leading to the decision in December 2002 to maintain the July 2002 decision. The School was afforded an opportunity to make representations to the Department on and to draw to its attention, information about the School and its students, and the perceived impact of the decision upon the School and parents and students living in the village. Although in the end it decided to maintain its earlier decision, the Department had been prepared to re-consider its decision. I agree with Mr Yu SC that this was a round of genuine and fair consultation.

59. Mr Kwok does not quarrel with this. He however points out that by the time this was done, the decision had been made and implemented, and the consultation served no useful purpose. While I accept that it would have been much better if the consultation took place before the July decision was made, I will not go so far as saying that the consultation carried out in September had no utility. It was open to the School to, and it did, make representations with a view to persuading the Department to change the July 2002 decision. Although by then the DP stage of the POA exercise had been launched, the CA stage had yet to commence. If, after considering the representations made, the Department were persuaded to vary the July decision, the School would still be able to participate in the CA stage with an amendment to the POA School List.

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60. In the circumstances, having regard to the process as a whole, it cannot be said that the requirements of fairness has not been attained.

(7) *Futility of the relief sought*

61. Secondly, the grant of remedy in a judicial review application is discretion. The court will not grant relief if it serves no practical or useful purpose: see Fordham, *Judicial Review Handbook*, 3<sup>rd</sup> edition (2001) para. 4.5 at pp.89-91. The School, being a school operating combined classes, will not be given grants to operate primary one class under the Consolidation Policy introduced after mid-2003. It has thus become academic whether the decision to exclude the School from the POA School List is vitiated. At the same time, the applicant is now only asking that government aids to the School should be continued until the existing students have graduated or secured alternative school placements. Whether the decision to exclude the School from the POA School List should be quashed has therefore ceased to have any practical purpose. In the premises, the remedy of judicial review ought not, as a matter of discretion, to be granted.

62. Accordingly, the challenge to the first decision fails.

V. *THE CHALLENGE TO THE SECOND DECISION*

(1) *The Permanent Secretary's decision*

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63. The second decision challenged was that made on 10 December 2003 to cease to provide grants to the School with effect from 1 September 2004. The decision was undertaken by the Permanent Secretary personally. In her affirmation, the Permanent Secretary explained, in general, that before making the decision to apply the Consolidation Policy, she had carefully considered the views expressed during the meetings with the school managers, parents and heads of the affected schools held in October and November 2003, and the interests of the students *vis-à-vis* those of the school managers, teachers and principals. In the case of the School, the EMB officer had reported to her the views of the School and the parents received at the meetings on 6 October and 2 November 2003. She did not find the reasons given to be convincing enough to justify exceptional treatment. She therefore decided that the Consolidation Policy should apply to the School.

(2) *The 19-9-02 Letter and the 27-9-02 Letter*

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64. The applicant's challenge to the second decision is based on the 27-9-02 Letter from the then Director of Education. The letter was written at a time when the School was seeking to have the School put back to the POA School List. It was written in reply to the 19-9-02 Letter from the principal. In a bid to restore the School to the POA School List, the principal made four main points in the 19-9-02 Letter about the location of the School, the importance of the School to its students and the children in the district and the adverse effect on the students and parents. The relevant part of the letter states as follows:

“一. 本校所服務之地區地理環境偏僻，交通不便

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B	本校所服務之地區四面環山，與上水市中心相隔一高爾夫球場，距離約 6 公里，步行往上水，起碼 1 小時。交通不便，班次疏落，77K 巴士(元朗往祥華邨)20 分鐘一班、57K 專線小巴(蕉徑往上水廣場)30 分鐘一班，即使無須候車順利上車，車程亦需時約 10 分鐘。	B
C		C
D	二. 本校是地區內唯一的小學	D
E	目前全校人數 64 人，其中 52 人居住本校附近的村落，即使是其他區域的學生，他們之前也曾居住在學校附近村落，祇因遷居上樓所致。	E
F		F
G	由數字分析可見本校所服務的學生 80%是區內兒童，若將本校與其他收取跨境學生的學校相提並論，可謂謬矣。	G
H	三. 違反教育政策	H
I	根據本校調查結果顯示現時就讀本校的學生，其弟或妹處於適齡報讀 03/04 年度 1 年級的約有六七人，若不許我校收取一年級學生，豈不是要手足分離，違反教育署製訂的教育政策：「安排兄妹同讀一校」。	I
J		J
K	至今本校已收得兩份報讀一年級的報名表，可見本校確有其需要。	K
L	四. 無端挑起家長情緒不滿	L
M	與本校距離最接近的小學是彩園邨的學校，兩校之間相距約 4 公里。若本校結束，所有家長便須負擔無端額外支出，如保姆車費、午餐費；安排人手接送子女，擔憂子女放學後的街頭活動等，對家庭經濟、家庭生活、人手安排等造成沉重負擔和不便。須知居住本地區的家庭之一般收入微薄且不穩定，若因此而引來對抗，豈不是陷教育署、特區政府於不義。”	M
N		N
O		O
P		P
Q	65. In the 27-9-02 Letter, the Director of Education gave four reasons for refusing the School's request for special consideration. In substance, the reasons dealt with the four points raised in the 19-9-02 Letter on a point-by-point basis as follows:	Q
R		R
S		S
T	“1. 貴校所處位置附近的交通尚算方便，學生可乘搭公共交通工具上學。	T
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- 2. 現就讀貴校的學生大部份居住學校附近，本署同意他們應繼續在貴校升讀。但依據過往數字，報讀貴校小一年級的學生近年極少，這顯示了學生來源不足以支持貴校開辦小一班級。
- 3. 本署預計在 2003/04 學年區內各年級學位均供應充裕。對於家長要求安排兄弟 / 姊妹同讀一校以方便照顧，本署定會盡力協助，以解決家長的困難。
- 4. 若有家庭由於入學問題引起經濟、家庭生活或人手安排等困難。請你通知家長致電 2639 4842 北區學校發展組呂麥玉琮女士聯絡，以便提供適當協助。”

(3) *The applicant's case*

66. The applicant's case is based on the first sentence in point 2 of the 27-9-02 Letter, namely, “現就讀貴校的學生大部份居住學校附近，本署同意他們應繼續在貴校升讀”。 Translated into English, it says: “The majority of the students now studying with your school live in the vicinity of the school, the Department agrees that they should continue to further their studies with your school”.

67. The applicant contends that by this statement, the Director of Education had represented and promised the students and parents of the School that the existing students could continue their study with the School until they graduate. It is argued that this creates a legitimate expectation on the part of the students and their parents that the School will continue to receive grants for its operation until the existing students graduate. In her affirmation leading the application, the applicant states that she, the School and the other parents all genuinely believe that the Department agrees and allows the existing students to continue studying in the School until they

graduate (本人，建德學校及其他家長都真誠相信該局同意及容許我們現正在建德學校就讀的學生，可以在建德學校繼續升讀，直至畢業。).

68. The applicant complains that the Permanent Secretary did not take their legitimate expectation, being a relevant consideration, into account when she made the decision to cease grants to the School effective from 1 September 2004. On this basis, the applicant says that the decision should be quashed and seeks a declaration that the School should continue to be provided with grants until all its existing students graduate or secure alternative primary school places.

(4) *The respondent's arguments*

69. For the respondent, it is argued that the 27-9-02 Letter did not give rise to a clear and unambiguous promise when considered in the context and having regard to the conduct of the applicant. Even if there was a clear and unambiguous promise, the applicant has not made out a case of reliance on the promise as would entitle her to relief. It is further submitted that the case does not involve any question of fundamental human rights, so that in view of the consultations that had been undertaken and the alternatives available to the applicant's daughter, there is no abuse of power that merits the court's intervention.

(5) *The doctrine of substantive legitimate expectation*

70. In *R v. North and East Devon HA, Ex p Coughlan* para. 57 at 241-2, Lord Woolf MR, handing down the judgment of the Court of Appeal, considers there are at least three possible outcomes where an

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applicant makes a challenge on breach of legitimate expectation as follows:

- (1) The court may decide that the authority is only required to bear in mind its previous policy or representation, giving it the weight it thinks right, but no more, before deciding whether to change course. In such a case, the court may only review the decision on *Wednesbury* ground.
- (2) The court may decide that the promise or practice induces a legitimate expectation of, for example, being consulted before a particular decision is taken. The court will in such a case require the opportunity of consultation be given unless there is an overriding reason for resiling from it, in which case the court will judge the adequacy of the reason given, taking into account the requirements of fairness.
- (3) Where the court considers that a lawful promise or practice has induced a legitimate expectation of a benefit which is substantive, not simply procedural, the court will in a proper case decide whether to frustrate the expectation is so unfair that to take a new and different course will amount to an abuse of power.

71. It is the third situation of substantive legitimate expectation that the applicant relies upon. In *Ng Siu Tung & Others v. Director of Immigration* (2002) 5 HKCFA 1, the Court of Final Appeal held that the doctrine of substantive legitimate expectation is part of the administrative law of Hong Kong. In the judgment of the majority (paras.91-99 at pp.41-43), the following general points about the doctrine were made:

- (1) Generally speaking, a legitimate expectation arises as a result of a promise, representation, practice or policy made, adopted or announced by or on behalf of government or a public authority.
- (2) Although it is essential that the government and the relevant government agency remain free to change its policy, the

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B	adoption of a new policy does not relieve a decision-maker from his duty to take account of a legitimate expectation.	B
C	(3) The doctrine as developed comprises four aspects:	C
D	(i) The law requires that a legitimate expectation arising from a promise or representation be properly taken into account in the decision-making process so long as to do so falls within the power, statutory or otherwise, of the decision-maker.	D
E		E
F	(ii) Unless there are reasons recognised by law for not giving effect to legitimate expectations, then effect should be given to them. Fairness also requires that, if effect is not given to the expectation, then the decision-maker should express its reasons so that they may be tested by the court when the decision is challenged.	F
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H		H
I	(iii) Even if the decision involves the making of a political choice by reference to policy considerations, the decision-maker must make the choice in the light of the legitimate expectation of the parties	I
J		J
K	(iv) If the court does not follow the requirement in (iii) above, the decision will be vitiated by reason of failure to take account of a relevant consideration. It is only in exceptional case that the court will be satisfied that the failure to do so has not affected the decision. But once the court is satisfied that this was the case, the decision will not be quashed.	K
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M		M
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O	72. As to what may give rise to a legitimate expectation, the Court of Final Appeal held that (paras.101-104 at pp.43-45):	O
P	(1) It is not necessary that the representation should be express. In appropriate cases, a legitimate expectation can be based on an implied representation.	P
Q		Q
R	(2) To support a legitimate expectation, the representation must be clear and unambiguous.	R
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T	(3) Where a representation is reasonably susceptible of competing constructions, the correct approach is to accept the	T
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B	interpretation applied by the public authority, subject to the application of the <i>Wednesbury</i> unreasonableness test.	B
C	(4) To be legitimate, the expectation must be reasonable in the light of the official conduct which is said to have given rise to the expectation. This depends on the conduct of the public authority, what it had committed itself to as well as what the applicant factually expected and what he is entitled to expect.	C
D		D
E		E
F	73. Bokhary PJ (para.360 at p.108) further observes that:	F
G	“As a proposition of general application, a representation must be unambiguous and unqualified if it is to give rise to a legitimate expectation. But where representations are addressed to a wide audience including some quite unsophisticated persons, the courts should not be astute to find ambiguity or qualification. With fairness as the touchstone, the courts should look at the real impact of the representation.”	G
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I		I
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K	74. The words used have to be understood in the context in which the representation was expressed and the circumstances leading to the making of the representation: <i>R v. Gaming Board of Great Britain, ex p. Kingsley</i> (16.10.1995) LexisNexis Transcript.	K
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M		M
N	75. An expectation will not be regarded as reasonable or legitimate if the applicant could have foreseen that the subject matter of the representation was likely to alter, or that it would not have been respected by the relevant agency, or that the applicant knew that the representor did not intend his statements to create an expectation: <i>Craig, Administrative Law</i> 5 <sup>th</sup> ed. (2003) p.651; see also <i>R v. Gaming Board of Great Britain, ex p. Kingsley, op cit.</i>	N
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76. On the question of detrimental reliance, the authorities referred to by counsel suggest that detrimental reliance will normally be required in order for an applicant to show that it would be unlawful to go back on a representation, but it is not a condition precedent to the enforcement of a legitimate expectation: *R. v. Secretary of State for Education and Employment, ex parte Begbie* [2000] 1WLR 1115, *R v. The London Borough of Newham, and Manik Bibi and Ataya Al-Nashed* [2002] 1WLR 237, paras.28-31. It has been pointed out that it is very much the exception, rather than the rule, that detrimental reliance will not be present when the court finds unfairness in the defeating of a legitimate expectation: *Begbie* at 1123H. It is, however, recognized that there may be cases where there is reliance, without measurable detriment, and it may still be unfair to thwart a legitimate expectation in such circumstances: *Bibi* para.31.

77. In *Ng Siu Tung*, the majority of the Court of Final Appeal did not find it necessary to resolve whether detrimental reliance was required to ground a legitimate expectation since the representations in question were found to be calculated to induce reliance and it was to be assumed that they had this effect (para.110 at p.46).

78. Bokhary PJ in his partially dissenting judgment made the following points relating to an applicant's knowledge of the representation and the requirement of detrimental reliance (paras.355-360 at pp.106-108):

- (1) If a person is in a class to which a representation is directed, the fact that he was unaware of it until after the decision disappointing it was made ought not to deprive him of the benefit of the representation. Legitimate expectation in this context does not depend upon the knowledge and state of mind of the individual concerned. A person is not to be

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denied enforcement of a legitimate expectation of his class merely because he only learned of it after the decision was made.

(2) The case for enforcing a legitimate expectation is particularly strong where a person has altered his position in reliance on that legitimate expectation so that he would suffer detriment if the expectation is not fulfilled. But detrimental reliance is not generally essential.

(3) There will be exceptional situations in which detrimental reliance is required in order to succeed on legitimate expectation grounds. Thus in the exceptional case of *R v. Secretary for State for Education and Employment, ex p B (A Minor)* [2000] 1 WLR 1115, a quick correction by an executive of a misrepresentation of its policy, made inadvertently, was held not to amount to an abuse of power.

(6) *The issues*

79. It must be noted at the outset that these proceedings do not involve any challenge to the Consolidation Policy. The applicant has not made such a challenge. The merits or demerits of the rationale underlying the Policy is not a matter for the court, whose role in judicial review proceedings is supervisory. The court is only concerned with the process whereby the decision to apply the Policy came to be made. Its task is to ensure that the power to apply policy was not abused by unfairly frustrating the individual's legitimate expectations. In this regard, there are three broad issues that the court has to consider in the present case:

- (1) Whether there is a clear and unambiguous representation giving rise to a legitimate expectation;
- (2) Whether the applicant is required to show she has relied on the representation to her detriment, and if so, whether she has made out a case of detrimental reliance; and

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(3) Whether there is unfairness and abuse of power that merits the court's intervention.

(7) *Clear and unambiguous representation*

80. As the authorities had established, when considering whether there has been a clear and unambiguous representation capable of giving rise to a legitimate expectation, both the words used and the context in which they came to be expressed have to be considered. It is therefore necessary to examine the context and circumstances in which the words now relied upon by the applicant came to be made.

81. The 27-9-02 Letter was written in reply to the request to have the School restored to the POA School List. As noted above, it deals with the four points articulated in the 19-9-02 Letter on a point-by-point basis. Two things were said under point 2 by the principal in his letter. The first is that the School is the only primary school in the district where it is situated, and the second is that, unlike other schools that recruit students from across the border, 80% of the students in the School come from the district. In reply to this, point 2 of the 27-9-02 Letter says three things. It firstly acknowledges that the majority of the students of the School live in the nearby areas of the School. It then goes on to say that the Department agrees that the existing students should continue to further their studies with the School. Thirdly, it says that past statistics shows that the School does not have sufficient intake of students to enable it to operate primary one class. The crux of this part of the applicant's application turns on the second statement.

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82. Plainly, the short point that the Department was making under point 2 of the 27-9-02 Letter is that the School had not been able to recruit sufficient number of primary one students. One may think that the point could have been made without saying that the Department agrees that the existing students should continue to further their studies with the School. In my view, the statement is not superfluous and is not made thoughtlessly. Under the policy and practice associated with the POA system applicable at the time, schools that had not been allowed to operate primary one class would be excluded from the POA School List and the POA exercise if they had no objections or if the objections were not upheld. As analyzed above, unless there were changes in circumstances, schools excluded from the POA exercise would cease operation in a few years' time with the graduation of their last class of students. Some of the rural schools that were also objecting to being excluded from the POA School List 2003/04 in about the same period had made specific reference to this scenario. It can be seen from the correspondence exhibited by the respondent that these schools had argued in very strong language that their exclusion from the POA School List implied the cessation of their operations, to which they strenuously opposed.

83. Clearly, the statement that the Department agrees that the existing students should continue their studies with the School is a reference to the above practice or policy, which was in place before the adoption of the Consolidation Policy. But for the subsequent implementation of the Consolidation Policy, the School would have continued to operate, though it would have no new classes and would in time cease operation when the last class of existing students graduate. This is directly relevant to the principal's point that the School is the only

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school serving the district and 80% of its students came from the district. The Department was affirming the School’s role *vis-à-vis* the students coming from its district and confirming that the role and its existing students would not be affected by the School’s exclusion from the School List.

84. It is argued that the 27-9-02 Letter was to communicate and explain a confirmation of the first decision, there was no conscious decision to give a promise and the words used do not constitute a promise. It is true that in the 19-9-02 Letter, the School did not seek a promise that its existing students could continue their studies with the School until they graduate. It is also the case that the 27-9-02 Letter was written in connection with the decision to exclude the School from the POA School List. But it would not be right to view the first decision and the 27-9-02 Letter in isolation. More importantly, when read in the context and against the relevant circumstances, it becomes clear that in stating that the Department agrees that the existing students should continue their studies with the School, the Department was addressing the needs of the students in the district served by the School and the School’s role *vis-à-vis* them. It was not an unwittingly made statement. Neither was it a mere expression of agreeing with the sentiments expressed by the principal that most of the students live near the School. The Department was making a conscious statement confirming that the students could continue their studies with the School, unaffected by the decision to exclude the School from the POA School List. The Department was committing itself to the practice or policy then in use, namely, the School could not participate in the POA exercise and would have no primary one class, and would cease operation upon the graduation of the last class of students.

85. It is also argued that the words used were not unequivocal: the statement may mean that the existing students could continue in the following school year of 2003/04; it may also mean that they could continue until there is a change of policy. I do not agree. It is apt to recall the point Bokhary PJ made in *Ng Siu Tung* that the court should not be astute to find ambiguity in the case of an unsophisticated audience, and should look at the impact of the representation. To a reasonable parent or student of the School, the words “繼續在貴校升讀” naturally mean continue studying with the School until graduation. He would not find the meaning unequivocal, and certainly not in the sense contended by the respondent. Further, there is no ambiguity when the words were read in context and considered in the light of the practice or policy associated with the POA system that was in place at the time, and as mentioned above.

86. It is further argued that the 27-9-02 Letter does not contain an express promise that the Department would not cease providing grants to the School, and that it would be unfair to hold that such a promise had been given if no one had thought of giving any commitment about the giving of grants. In my view, the provision of grants must always be a matter within the considerations of the Department. After all, the School is an aided school. The decision to exclude the School from the POA School List is also closely related to the issue of whether the School should be given grants to operate primary one class. In agreeing that the students should continue their studies with the School, the Department by necessary implication must also be confirming that grants would be made available to the School for it to continue operation. There is no unfairness in holding the Department had so committed itself.

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87. In summary, I am of the view that the Department had by the 27-9-02 Letter made a clear and unambiguous representation that the existing students of the School could continue their studies with the School until they graduate, and had made a binding assurance to the students and parents that the School would be given grants to continue operation until its existing students graduate.

(8) *Detrimental reliance*

88. As noted above, it would appear from the authorities that detrimental reliance is an important aspect of the law on legitimate expectation, and will normally be required in order to show that it would be unlawful for a public authority to go back on its representation. This has been explained on the basis that “if the individual has suffered no hardship, there is no reason based on legal certainty to hold the agency to its representation”: *Craig* at p.652.

89. In the present case, the 27-9-02 Letter was not addressed to the applicant. The evidence filed does not show when it came to the attention of the applicant. At the meeting with the representatives from the EMB to discuss the cessation of grants to the School, although the parents had requested that the existing students be allowed to continue their studies with the School, no one had made any reference to the 27-9-02 Letter. On the facts, the Department had not made the representation to the applicant.

90. In *R v. Ministry of Defence, ex parte Walker* [2000] 1WLR 806, the applicant, who sustained severe injury when stationed in Bosnia



A as part of the United Nations Peace-keeping Force, applied to judicial  
B review the decision of the ministry rejecting his claim for compensation  
C under the Criminal Injuries Compensation (Overseas) Scheme. He  
D sought to rely on a letter circulated within the ministry in which it was  
E stated that the aim of the scheme was to provide compensation for  
F members of the armed forces and their dependants who were victims of  
G crimes of violence while serving overseas, as giving rise to a legitimate  
H expectation that he would be compensated under the scheme. His appeal  
I against the dismissal of the application was dismissed by the House of  
J Lords on the ground that he was unaware of the policy of the ministry in  
K administering the scheme, the only legitimate expectation he could have  
L was that the ministry would apply whatever its policy was at the relevant  
M time. Both Lord Slynn of Hadley (at 813D) and Lord Hoffmann (at 816A)  
N pointed out that the applicant had not seen the letter in question and the  
O ministry had made no express representation to him that he could be paid  
P compensation under the scheme, or that he had relied on any representation  
Q as to compensation in going to Bosnia that would entitle him to say that his  
R legitimate expectation had been frustrated.

91. For the respondent, it is therefore contended that if the  
O applicant knew nothing about the 27-9-02 Letter before the second  
P decision was made, there was no reliance on it and no detriment suffered,  
Q such that there can be no unfairness or abuse of power to go back on the  
R representation in the letter.

92. The applicant, on the other hand, argues that the second  
S decision in implementing the Consolidation Policy represents a departure  
T from an established policy, in which case reliance is not essential. The  
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applicant draws support from the judgment of the English Court of Appeal in *Bibi* (para.30) in which a passage from *Craig* (at p. 652) was cited with approval. It says as follows:

“Where an agency seeks to depart from an established policy in relation to a particular person detrimental reliance should not be required. Consistency of treatment and equality are at stake in such cases, and these values should be protected irrespective of whether there has been any reliance as such.” (emphasis added)

93. In making this argument, the applicant is advancing a case different from that stated in the Amended Form 86A and the supporting affirmation. The applicant appears to be saying that she expects the EMB would apply the policy applicable before the introduction of the Consolidation Policy. This is different from the representation that the existing students of the School could continue studying with the School until they graduate.

94. Quite apart this, I am of the view that the exception given by *Craig* does not assist the applicant. The emphasis of the example given by *Craig* is consistency and equality of treatment by public authority, so that if an authority decides to treat an individual differently by departing from an established policy, then detrimental reliance should not be required.

95. In the present case, although the Consolidation Policy represents a change of government policy in providing grants to government and aided primary schools, the Permanent Secretary, in deciding to apply the Consolidation Policy to the School, was not seeking

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to depart from an existing or established policy in relation to the School in particular.

96. As said in *Bibi* (para.31), “the significance of reliance and of consequential detriment is factual, not legal”. In *Begbie* (at 1124C), Peter Gibson LJ, citing from *de Smith, Woolf & Jowell, Judicial Review of Administrative Action*, 5<sup>th</sup> ed. (1995), p.574 para.13-030, also observed that detrimental reliance is relevant as providing evidence of the existence or extent of an expectation.

97. The 27-9-02 Letter and the representation in it was addressed specifically to the School, not to the applicant or the parents in general. The evidence does not show that the applicant was aware of it or its contents, or had relied on it to her detriment. In the circumstances, it cannot be said that she has derived any understanding from the representation or that she has been led to believe that the EMB would be bound by the representation in the letter. There is therefore no factual basis for any expectation to arise.

98. Mr Kwok has argued that it would be difficult for the applicant, being an unsophisticated and less resourceful parent, to show any concrete detriment. It is pointed out that she and her daughter have not much choice other than attending the School. As observed in *Bibi* (paras.53-55), the fact that a person has not changed his position after a promise was made does not mean that he has not relied on the promise. It may be because he lacks any means of escape. Had it been shown that the applicant knew of the 27-9-02 Letter and had the legitimacy of the expectation been proved, I would be inclined to agree that this is a case

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where the absence of concrete detriment should not have defeated an expectation legitimately held.

(9) *Unfairness and abuse of power*

99. It would follow from my conclusion that no expectation exists factually that it is not necessary to resolve the issue of unfairness and abuse of power. I wish only to deal briefly with two points.

100. The first is in relation to the respondent’s argument that even if the applicant has a legitimate expectation, it had not been unfairly frustrated and there was no abuse of power having regard to the consultations that had taken place before the second decision was made, that no fundamental human rights were involved and the uncertainties over the continued operation of the School in the light of the small number of remaining students and teachers.

101. I accept that before the second decision was made, the principal, supervisor, school managers and the parents, including the applicant, had an opportunity to and did express their views on the cessation of grants. I also accept that the present case does not involve questions of fundamental human rights in the sense that the applicant’s daughter is not being denied free and proper primary education. This of course does not mean that the right to attend a school of one’s own choice is a trivial matter. There is thus considerable force in the argument that even if the second decision was made in disregard of an expectation justifiably held, it is in the circumstances not so unfair as to amount to an abuse of power.

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102. The second point concerns the court's discretion to grant relief. The applicant is now asking for a declaration in a limited form. In my view, even if the applicant were successful in her challenge to the second decision, the more appropriate relief is to remit the matter for reconsideration by the Permanent Secretary in the light of the applicant's legitimate expectation. This is because the enforcement of the legitimate expectation is contingent upon a number of matters such as the number of students and teachers who will be remaining with the School, the time needed for the remaining students to find suitable alternative school placed, and whether it is viable from an educational perspective to continue the operation of the School. The weighing of these considerations falls within the remit of the Permanent Secretary.

## VI. CONCLUSION

103. For the reasons set out above, the applicant's application for judicial review is dismissed. Applying the normal practice of costs follows event, I also make an order *nisi* that the applicant pays the respondent the costs of this application, to be taxed if not agreed.

(C Chu)

Judge of the Court of First Instance  
High Court

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Mr Kwok Sui Hay instructed by Messrs Hastings & Co. for the applicant.  
Mr Benjamin Yu SC and Miss Grace Chow instructed by the Department  
of Justice for the respondent.

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## JUDGMENT

**R (on the application of Moseley (in substitution of  
Stirling Deceased)) (AP) (Appellant)**

**v**

**London Borough of Haringey  
(Respondent)**

**before**

**Lady Hale, Deputy President**

**Lord Kerr**

**Lord Clarke**

**Lord Wilson**

**Lord Reed**

**JUDGMENT GIVEN ON**

**29 October 2014**

**Heard on 19 June 2014**

*Appellant*

Ian Wise QC  
Jamie Burton  
Samuel Jacobs  
(Instructed by Irwin  
Mitchell LLP)

*Respondent*

Clive Sheldon QC  
Heather Emmerson  
  
(Instructed by Legal  
Services, The London  
Borough of Haringey)



## **LORD WILSON (with whom Lord Kerr agrees)**

### *Introduction*

1. When Parliament requires a local authority to consult interested persons before making a decision which would potentially affect all of its inhabitants, what are the ingredients of the requisite consultation?
2. Until 1 April 2013 there was a scheme in England for the payment of Council Tax Benefit (“CTB”) for the relief, in whole or in part, of certain persons from their annual obligation to pay council tax. The scheme was made by the Department for Work and Pensions and the duty of local authorities was only to operate it. From 1 April 2013, however, local authorities were required to operate a new scheme, entitled a Council Tax Reduction Scheme (“CTRS”), which they were required to have made for themselves. Before making a CTRS, local authorities were required to consult interested persons on a draft of it. Between August and November 2012 the London Borough of Haringey (“Haringey”) purported to consult interested persons on its draft CTRS, following which it made the scheme in substantial accordance with its draft.
3. In these proceedings two single mothers, who were resident in Haringey and who until 1 April 2013 had been in receipt of what I will describe as full CTB (by which I mean at a level which had relieved them entirely of their obligation to pay council tax), applied for judicial review of the lawfulness of the consultation which Haringey had purported to conduct in relation to its draft CTRS. The women asked the court to quash the decision which on 17 January 2013 Haringey had made in the light of the consultation; and my reference in paragraph 8 below to the “default scheme” will explain why the quashing of the decision would have been very much in their interests. On 7 February 2013 Underhill J dismissed their application: [2013] EWHC 252 (Admin); [2013] ACD 62. The judge had allowed them to be anonymised as “M” and “S”. The latter appealed to the Court of Appeal, which ruled that she was not entitled to anonymity and should be referred to by name, Ms Stirling. On 12 February 2013, with astonishing alacrity referable no doubt to the deadline of 1 April 2013, the court heard the appeal. On 22 February 2013, by a judgment of Sullivan LJ with which Sir Terence Etherton, the Chancellor of the High Court, agreed, and by a judgment of Pitchford LJ in which he disagreed with one aspect of the reasoning of Sullivan LJ but concurred in the proposed result, the court dismissed her appeal: [2013] EWCA Civ 116; [2013] PTSR 1285. Ms Stirling appealed to this court

against the dismissal of her appeal but unfortunately she became ill and unable to give instructions, with the result that, by consent, the court substituted Ms Moseley as the appellant; and since then, sadly, Ms Stirling has died. Like the other two women, Ms Moseley is a single mother, resident in Haringey, who until 1 April 2013 had been in receipt of full CTB.

### *The Surrounding Facts*

4. For the period prior to 1 April 2013 a means-tested scheme set by central government identified those entitled to CTB. Local authorities were obliged to apply it to residents in their area. Although reference is conveniently made to payment of CTB, it was not, in the usual sense of that word, paid to those entitled to it. Instead it provided them with a credit, in whole or in part, against what they would otherwise owe to their local authority in respect of council tax. Central government reimbursed local authorities, pound for pound, for what they forewent as a result of being obliged to grant the benefit.
5. In the final year in which it was payable, namely the year to 1 April 2013, about 36,000 households in Haringey, namely about one third of all of its households, were entitled to CTB. Of those, 25,560 were entitled to full CTB.
6. In its Spending Review back in 2010 central government announced that, as part of its programme for reduction of the national deficit, it would from April 2013 transfer to each local authority the responsibility for making, as well as for operating, a scheme for providing relief from council tax; and that in 2013-2014 the reimbursement by central government to each local authority in respect of whatever it provided by way of relief from council tax would be fixed at about 90% of the amount which the government would have paid to it in that regard in 2012-2013.
7. Section 33(1)(e) of the Welfare Reform Act 2012 duly abolished CTB with effect from 1 April 2013. Section 13(A)(2) of the Local Government Finance Act 1992 (“the 1992 Act”), as substituted by section 10(1) of the Local Government Finance Act 2012 (“the 2012 Act”), duly obliged each local authority to make a CTRS for those whom it considered to be in financial need.
8. Schedule 1A to the 1992 Act [“the schedule”], which was added by Paragraph 1 of Schedule 4(1) to the 2012 Act and given effect by section 13A(3) of that Act, made provisions about a CTRS. Paragraph 2 of the schedule, together with regulations made under subparagraph 8 of it, specified requirements for

a scheme, including that pensioners who would have been entitled to CTB should be granted relief at the same level. Paragraph 3 of the schedule, entitled “Preparation of a scheme”, provided:

- “(1) Before making a scheme, the authority must (in the following order)-
- (a) consult any major precepting authority which has power to issue a precept to it,
  - (b) publish a draft scheme in such manner as it thinks fit, and
  - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- (2) ...
- (3) Having made a scheme, the authority must publish it in such manner as the authority thinks fit.
- (4) The Secretary of State may make regulations about the procedure for preparing a scheme.”

The title of the paragraph puts beyond doubt that the procedure for preparing a scheme, which can be the subject of regulations under subparagraph (4), includes the procedure for the consultation required by subparagraph (1)(c). In the event, however, no such regulations were made. Paragraph 4 of the schedule required the Secretary of State to prescribe a “default scheme” so as to provide for relief from council tax in and after 2013-2014 for households in the area of any local authority which had failed to make a scheme by 31 January 2013. The default scheme, set out in the Council Tax Reduction Schemes (Default Scheme) (England) Regulations, SI 2012/2886, provided that, notwithstanding the reduction in reimbursement by central government, a local authority should grant relief against council tax after 1 April 2013 at the same level as had previously been granted by way of CTB. Paragraph 5 of the schedule provides that, for each year subsequent to 2013-2014, a local authority must consider whether to revise its CTRS and that, if it resolves to do so, it should again comply with the provisions for preparation of a scheme in paragraph 3.

9. Mr Ellicott, Head of Revenues, Benefits and Customer Services in Haringey, was the main author of a report for consideration by Haringey’s Cabinet on 10 July 2012. In it he identified the need for Haringey to make a CTRS by 31 January 2013. He explained that reimbursement by central government to Haringey in respect of relief from council tax was to be reduced by about 10% in 2013-2014 but that, were Haringey’s CTRS to provide relief at a level equivalent to CTB, the shortfall would rise to about 17-18%, mainly because of the trend in Haringey for an annual increase in the number of households

eligible for relief. In his introduction to the report Councillor Goldberg, Haringey's Cabinet Member for Finance, wrote:

“Needless to say it is my belief that this represents one of the most appalling policies of the government and it is not insignificant that the unemployed will now be facing the prospect of having to pay 20% local taxation levels, which they last were subjected to paying under the Poll Tax.”

There was nothing wrong with Councillor Goldberg's expression of indignation. But it did betray an assumption that the shortfall would have to be reflected by provisions in the CTRS which reduced the level of relief below the level previously provided by way of CTB rather than that Haringey should absorb it in other ways. It is true that in the body of the report Mr Ellicott proceeded to refer to the option of absorbing the cost and then rejected it on the ground that it would require a reduction in services. He also identified, and rejected, options for exempting each of four classes of claimant for relief from any reduction below its existing level. In the end he recommended that Haringey's CTRS should provide that the shortfall be met by a percentage reduction in the amount of CTB payable to all claimants other than, of course, to pensioners; and that, because pensioners would not be meeting their share, the percentage reduction for other claimants would have to rise to between 18% and 22%. Those who were then in receipt of full CTB, other than pensioners, would therefore, for example, be required to pay between 18% and 22% of their council tax liability.

10. On 10 July 2012 Haringey's Cabinet approved the recommendation in Mr Ellicott's report. Haringey thereupon proceeded to prepare its draft scheme. Pursuant to paragraph 3(1)(a) of the schedule, it consulted the Greater London Authority, which has power to issue a precept to local authorities in London for a contribution to the cost of funding the Metropolitan Police and fire and transport services. Then, on 29 August 2012, Haringey published its draft scheme pursuant to paragraph 3(1)(b) and purported to embark on the consultation required of it by paragraph 3(1)(c).
11. In that the terms by which it conducted its consultation are at the centre of this appeal, Haringey's consultation exercise deserves separate consideration in the next section of this judgment.
12. Haringey's consultation exercise was expressed to continue until 19 November 2012. Meanwhile, however, on 16 October 2012 a government minister announced the introduction of a “Transitional Grant Scheme”

("TGS"). The scheme, set out in a circular published two days later, was that central government would make a grant, not likely to be extended beyond 2013-2014, to each local authority which introduced a CTRS for that year in accordance with three criteria. Of these the most important was that those currently in receipt of full CTB should pay no more than 8.5% of their council tax liability. An annex to the circular revealed that the grant referable to Haringey would be £706,021. Haringey concluded, however, that the grant would not cover the difference between a recovery from those currently in receipt of full CTB of 8.5% of their liability, on the one hand, and of 18-22% of their liability, on the other; and that the scheme would therefore leave Haringey with an unacceptable net shortfall in its receipts of council tax. So it resolved not to amend its draft CTRS so as to comply with the TGS criteria and not to bring the TGS to the attention of those likely to be interested in the operation of its CTRS by means of any enlarged consultation exercise.

13. Haringey's full Council met on 17 January 2013. Before it was a report substantially drafted by Mr Ellicott. Annexed to the report was an elaborate analysis of the responses to Haringey's consultation exercise, including numerous quotations from them, often in vivid language. It was suggested in the report:
  - (a) that the effect of the default CTRS would be to leave Haringey with a shortfall of £3.846m;
  - (b) that adoption of a CTRS which complied with the TGS criteria would leave Haringey with a net shortfall of £1.489m;
  - (c) that in the light, among other things, of responses to the consultation exercise, it would be appropriate for the disabled to join pensioners as the two groups exempt from reduction in support below current CTB levels; and
  - (d) that, in the light of (c) above and of clarification by central government of the precise amount to be paid by it in respect of council tax reduction in 2013-2014, Haringey's CTRS should provide for a reduction of relief below current CTB levels of 19.8% across the board other than for those two groups; and that, subject to difficulties of collection, such a reduction would render Haringey not out of pocket as a result of the move from CTB to a CTRS.
14. The full Council adopted the suggestion in the report. Thus it was that, prior to 31 January 2013, Haringey made a CTRS which provided for a reduction of relief in 2013-14, below the 2012-2013 CTB level, of 19.8% other than for pensioners and the disabled. Its CTRS came into operation on 1 April 2013 (and has not been revised for 2014-2015).

15. Of the 326 local authorities in England, about 25% allowed the default CTRS to take effect in 2013-2014; they thus entirely absorbed the shortfall in central government's funding by means other than the reduction of relief from council tax below the current level of CTB. About 33% of them adopted a CTRS which complied with the TGS criteria; they thus partially absorbed the shortfall by means other than such a reduction. The remaining 42%, like Haringey, adopted a CTRS which entirely translated the shortfall into an increase in liability for council tax above the amount, if any, which in 2012-2013 recipients of CTB were liable to pay; and they thus had no need to absorb the shortfall by other means.

### *The Consultation*

16. Haringey's statutory obligation, set out in paragraph 3(1)(c) of the schedule, was to consult "such... persons as it considers are likely to have an interest in the operation of the scheme". One could argue that even those residents who *were not* entitled to CTB had a financial interest in the operation of the scheme, namely that it should indeed come into operation rather than that a scheme which addressed the shortfall in other ways, likely to be prejudicial to them, should do so. But those who most obviously had an interest in the operation of the scheme were those who would be adversely affected by it, namely those who *were* entitled to CTB, other than any group proposed to be excluded from the scheme, being (at the time of the consultation exercise) only the pensioners. It is agreed that, in this regard, Haringey directed its consultation in accordance with paragraph 3(1)(c). For, while it posted a consultation document online and invited all residents to respond to it, Haringey delivered hard copies by hand to each of its 36,000 households entitled to CTB, together with a covering letter signed by Mr Ellicott.
17. In the covering letter Mr Ellicott explained that he was writing it because the recipient was receiving CTB and that the government was abolishing CTB and requiring local authorities to replace it with a CTRS. He continued:

"At present the Government gives us the money we need to fund Council Tax Benefit in Haringey. We will receive much less money for the new scheme and once we factor in the increasing number of people claiming benefit and the cost of protecting our pensioners, we estimate the shortfall could be as much as £5.7m.

**This means that the introduction of a local Council Tax Reduction Scheme in Haringey will directly affect the**

**assistance provided to anyone below pensionable age that currently involves council tax benefit.**

The attached booklet provides all the information you need to understand the changes the Government are making. It sets out the proposed Council Tax Reduction Scheme and explains how this is likely to affect you. Please read this information carefully.

We want to know what you think of these proposals before reaching a final decision about the scheme we adopt. Once you have looked at the information please complete the attached questionnaire and return it in the FREEPOST envelope by 19th November 2012. Be heard – have your say.”

For present purposes the importance of Mr Ellicott’s letter surrounds the paragraph of it which he chose to print in bold. Note its opening words, namely “This means that...”. Mr Ellicott was there stating that the shortfall in government funding **meant** that Haringey’s CTRS would provide less relief against council tax than recipients of the letter, other than pensioners, were receiving by way of CTB. But the shortfall did not necessarily have that consequence. Why was Mr Ellicott not there recognising that at least there were other options, albeit not favoured by Haringey, for meeting the shortfall? Note also Mr Ellicott’s use of the indefinite article, in his reference to “the introduction of a local [CTRS] in Haringey”. It suggests that *any* CTRS introduced in Haringey, not just the scheme proposed, would need to meet the shortfall by a reduction from existing levels of CTB.

18. The “booklet” attached to Mr Ellicott’s letter was the consultation document, comprising in part the provision of information and in part the questionnaire. So I turn to see whether the information reasonably dispelled the impression given in the letter that the shortfall had inevitably to be met by a reduction of relief against council tax below CTB levels.
19. The document was entitled “The Government is abolishing Council Tax Benefit”. It referred to the reduction in government funding and proceeded as follows:

“Early estimates suggest that the cut will leave Haringey with an actual shortfall in funding of around 20%. *This means* Haringey claimants will lose on average approximately £1 in

every £5 of support they currently receive in [CTB]. ” [Italics supplied]

There is no doubt that Haringey’s proposed scheme meant that its claimants would suffer a loss of that order. But the reduction in government funding did not inevitably have that effect. Then, under the subheading “What’s changing?”, Haringey, adopting almost the same terms as those in Mr Ellicott’s letter, said:

“At present the Government gives us the money we need to fund [CTB] in Haringey. From next April we must implement a new [CTRS]. We’ll receive much less money for the new scheme and once we factor in the increasing number of people claiming benefit and the cost of protecting our pensioners, we estimate the shortfall could be as much as £5.7m next year and this could rise in later years.

Although pensioners will move on to the new [CTRS], they will receive the same amount of support they would have received under the current [CTB] regulations.

*That means* that the introduction of a local [CTRS] in Haringey will directly affect the assistance provided to everyone below pensionable age that currently receives [CTB].” [Italics supplied]

In the consultation document there was no reference to options for meeting the shortfall other than by a reduction in relief from council tax, namely to the options of raising council tax or of reducing the funding of Haringey’s services or of applying its deployable reserves of capital (which amounted to £76.8m in March 2012); and it follows that there was no explanation of why Haringey was not proposing to adopt any of those three options.

20. In the document Haringey thereupon set out its proposals. It stated its belief that the fairest way in which to apply the government cut was to reduce all relief to working age claimants by about 20% from CTB levels. It added:

“We also have to decide if certain groups should be protected from any changes we make and continue to get the same level of support as they do now. Doing this would mean that other claimants would get even less support.”



21. Then followed Haringey's questionnaire. There were five main questions. The first was:

**“To what extent do you agree we should apply the Government’s reduction in funding equally to all recipients of working age?”**

This means that every household of working age will have to pay something towards their council tax bill.”

I consider, contrary to Haringey's contention, that the reader of the first question was in effect presented with an assumption that the shortfall in government funding would be met by a reduction in the relief from council tax afforded to recipients of working age, rather than that it should be met in other ways so that the level of their relief might be preserved. The gist of the first question was in my view whether, upon that assumption, all such recipients should suffer the reduction in equal proportions. The fifth question, again cast upon that assumption, presented the alternative possibility as follows:

“Should some groups of people continue to get the same support as now even if doing this would mean that other claimants would get less support?”

A reader who answered “Yes” to the fifth question was then offered a box in which to identify the groups whom he or she considered should be protected. The second, third and fourth questions related to other, less significant, departures from CTB rules proposed in Haringey's draft CTRS. Following the five main questions there was a second box, above which Haringey wrote:

“Please use the space below to make any other comments about our draft Council Tax Reduction Scheme.”

22. In response to its consultation exercise Haringey received 1251 completed questionnaires and 36 letters and emails. Of those who completed the questionnaire, 43% agreed or strongly agreed with the first question and 44% disagreed or strongly disagreed with it. Suggestions were made in at least ten of the responses that Haringey should meet the shortfall by cutting services

and in at least 11 of them that it should meet it by increasing council tax. One of the 36 letters and emails was an email sent to Haringey by The Reverend Paul Nicolson, a prominent anti-poverty campaigner, on 29 October 2012. He wrote:

“I write to oppose your proposals on the grounds that the 25,560 households who now pay no council tax will not be able to pay 20%, or around £300 pa, from April 2013...[B]enefits are paid... to our poorest fellow citizens to provide the necessities of life; they are already inadequate...”

On 6 November 2012 Haringey responded:

“We have asked for comments around protecting groups in addition to Pensioners, however protecting additional groups will have an impact on the remaining recipients who will have to pay a higher amount to cover the shortfall. Your email below is unclear as to which group you are suggesting we protect and how we then make up the shortfall.”

In his response dated 7 November 2012 The Rev. Nicolson observed:

“I am aware that central government has cut its council tax benefit grant to... Haringey and all other councils by 10%. Other councils are absorbing the cut and continuing [to] implement the current CT benefit scheme. Why cannot Haringey do the same? There is no consultation taking place about that central issue.”

On 10 December 2012, following the end of the consultation, The Rev. Nicolson wrote a letter of protest to the Leader of Haringey Council, which ended as follows:

“I am shocked that no alternative to hitting the fragile incomes of the poorest residents of Haringey ... was included in the recent consultation.”

23. A public authority's duty to consult those interested before taking a decision can arise in a variety of ways. Most commonly, as here, the duty is generated by statute. Not infrequently, however, it is generated by the duty cast by the common law upon a public authority to act fairly. The search for the demands of fairness in this context is often illumined by the doctrine of legitimate expectation; such was the source, for example, of its duty to consult the residents of a care home for the elderly before deciding whether to close it in *R v Devon County Council, ex parte Baker* [1995] 1 All ER 73. But irrespective of how the duty to consult has been generated, that same common law duty of procedural fairness will inform the manner in which the consultation should be conducted.
  
24. Fairness is a protean concept, not susceptible of much generalised enlargement. But its requirements in this context must be linked to the purposes of consultation. In *R (Osborn) v Parole Board* [2013] UKSC 61, [2013] 3 WLR 1020, this court addressed the common law duty of procedural fairness in the determination of a person's legal rights. Nevertheless the first two of the purposes of procedural fairness in that somewhat different context, identified by Lord Reed in paras 67 and 68 of his judgment, equally underlie the requirement that a consultation should be fair. First, the requirement "is liable to result in better decisions, by ensuring that the decision-maker receives all relevant information and that it is properly tested" (para 67). Second, it avoids "the sense of injustice which the person who is the subject of the decision will otherwise feel" (para 68). Such are two valuable practical consequences of fair consultation. But underlying it is also a third purpose, reflective of the democratic principle at the heart of our society. This third purpose is particularly relevant in a case like the present, in which the question was not "Yes or no, should we close this particular care home, this particular school etc?" It was "Required, as we are, to make a taxation-related scheme for application to all the inhabitants of our Borough, should we make one in the terms which we here propose?"
  
25. In *R v Brent London Borough Council, ex p Gunning*, (1985) 84 LGR 168 Hodgson J quashed Brent's decision to close two schools on the ground that the manner of its prior consultation, particularly with the parents, had been unlawful. He said at p 189:

“Mr Sedley submits that these basic requirements are essential if the consultation process is to have a sensible content. First, that consultation must be at a time when proposals are still at a formative stage. Second, that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response. Third,... that adequate time must be given for consideration and response and, finally, fourth, that the product of consultation must be conscientiously taken into account in finalising any statutory proposals.”

Clearly Hodgson J accepted Mr Sedley’s submission. It is hard to see how any of his four suggested requirements could be rejected or indeed improved. The Court of Appeal expressly endorsed them, first in the *Baker* case, cited above (see pp 91 and 87), and then in *R v North and East Devon Health Authority, ex parte Coughlan* [2001] QB 213 at para 108. In the *Coughlan* case, which concerned the closure of a home for the disabled, the Court of Appeal, in a judgment delivered by Lord Woolf MR, elaborated at para 112:

“It has to be remembered that consultation is not litigation: the consulting authority is not required to publicise every submission it receives or (absent some statutory obligation) to disclose all its advice. Its obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response. The obligation, although it may be quite onerous, goes no further than this.”

The time has come for this court also to endorse the Sedley criteria. They are, as the Court of Appeal said in *R (Royal Brompton and Harefield NHS Foundation Trust) v Joint Committee of Primary Care Trusts* [2012] EWCA Civ 472, 126 BMLR 134, at para 9, “a prescription for fairness”.

26. Two further general points emerge from the authorities. First, the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting. Thus, for example, local authorities who were consulted about the government’s proposed designation of Stevenage as a “new town” (*Fletcher v Minister of Town and Country Planning* [1947] 2 All ER 496 at p 501) would be likely to be able to respond satisfactorily to a presentation of less specificity than would members of the public, particularly perhaps the economically disadvantaged. Second, in the words of Simon Brown LJ in the *Baker* case, at p 91, “the demands of fairness are likely to be somewhat higher

when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit”.

27. Sometimes, particularly when statute does not limit the subject of the requisite consultation to the preferred option, fairness will require that interested persons be consulted not only upon the preferred option but also upon arguable yet discarded alternative options. For example, in *R (Medway Council and others) v Secretary of State for Transport* [2002] EWHC 2516 (Admin), [2003] JPL 583, the court held that, in consulting about an increase in airport capacity in South East England, the government had acted unlawfully in consulting upon possible development only at Heathrow, Stansted and the Thames estuary and not also at Gatwick; and see also *R (Montpeliers and Trevors Association) v Westminster City Council* [2005] EWHC 16 (Admin), [2006] LGR 304, at para 29.
  
28. But, even when the subject of the requisite consultation is limited to the preferred option, fairness may nevertheless require passing reference to be made to arguable yet discarded alternative options. In *Nichol v Gateshead Metropolitan Borough Council* (1988) 87 LGR 435 Gateshead, confronted by a falling birth rate and therefore an inability to sustain a viable sixth form in all its secondary schools, decided to set up sixth form colleges instead. Local parents failed to establish that Gateshead’s prior consultation had been unlawful. The Court of Appeal held that Gateshead had made clear what the other options were: see pp 455, 456 and 462. In the *Royal Brompton* case, cited above, the defendant, an advisory body, was minded to advise that only two London hospitals should provide paediatric cardiac surgical services, namely Guys and Great Ormond Street. In the Court of Appeal the Royal Brompton Hospital failed to establish that the defendant’s exercise in consultation upon its prospective advice was unlawful. In its judgment delivered by Arden LJ, the court, at para 10, cited the *Gateshead* case as authority for the proposition that “a decision-maker may properly decide to present his preferred options in the consultation document, provided it is clear what the other options are”. It held, at para 95, that the defendant had made clear to those consulted that they were at liberty to press the case for the Royal Brompton.

#### *Application of the law to the facts*

29. Paragraph 3(1)(c) of the schedule imposed on Haringey the requirement to consult. The requirement was to consult “such other persons as it considers are likely to have an interest in the operation of the scheme”. So the subject of the consultation was Haringey’s preferred scheme and not any other discarded scheme. It is, however, at this point in the analysis that the division

of opinion arose in the Court of Appeal. Sullivan LJ, with whom Sir Terence Etherton agreed, concluded, at para 18, that:

“In this statutory context fairness does not require the Council in the consultation process to mention other options which it has decided not to incorporate into its published draft scheme; much less does fairness require that the consultation document contain an explanation as to why those options were not incorporated in the draft scheme.”

Pitchford LJ, by contrast, agreed with Underhill J who, at para 27, had concluded that:

“consulting about a proposal does inevitably involve inviting and considering views about possible alternatives.”

It is clear to me that the latter conclusion is correct. It is substantially in accordance with the decisions in the *Gateshead* and the *Royal Brompton* cases referred to in para 28 above. Those whom Haringey was primarily consulting were the most economically disadvantaged of its residents. Their income was already at a basic level and the effect of Haringey’s proposed scheme would be to reduce it even below that level and thus in all likelihood to cause real hardship, while sparing its more prosperous residents from making any contribution to the shortfall in government funding. Fairness demanded that in the consultation document brief reference should be made to other ways of absorbing the shortfall and to the reasons why (unlike 58% of local authorities in England: see para 15 above) Haringey had concluded that they were unacceptable. The protest of The Rev. Nicolson in his letter dated 10 December 2012 was well-directed.

30. It would not have been onerous for Haringey to make brief reference to other ways of absorbing the shortfall. The CTRS proposed by Birmingham City Council was, like that proposed by Haringey, for the shortfall to be met by a reduction in council tax support, although Birmingham favoured sparing households with children aged under six and therefore reducing support more severely for the remainder. In its consultation document dated September 2012 Birmingham nevertheless wrote:

“We could decide to provide support at the same level as Council Tax Benefit, but this would mean

- raising Council Tax in the region of 4.4%;
- reducing Council services and using the compensatory savings to fund Council Tax Support; or
- a combination of [the two].

...

[But] we already have to plan the Council's finances on the basis that there may be a rise in Council Tax of around 1.9% and that all service areas will have to make savings this year."

Part of Birmingham's first question was:

"if you... think the Council should make an additional contribution from its own finances to the [CTRS], how do you think this should be funded? In particular, should the Council increase Council Tax, or cut other Council services, or both?"

Birmingham's presentation was fair.

31. Underhill J and Pitchford LJ nevertheless proceeded to conclude, as did Sullivan LJ and Sir Terence Etherton on the assumption that they were wrong to discern an absence of need to refer to other options, that Haringey's consultation exercise had been lawful because the other options would have been reasonably obvious to those consulted. It is clear that no conclusion to that effect can be drawn from the fact that, from the 36,000 households to which a hard copy of the consultation document was delivered, there were at least ten responses that services should be cut and at least 11 responses that council tax should be increased. On the contrary the apparently infinitesimal number of such responses arguably runs the other way. Assuming, however, that Underhill J and the Court of Appeal were entitled to conclude that the other options would have been reasonably obvious to those consulted, two matters arise. The first is to question whether it would also have been reasonably obvious to them why Haringey was minded to reject the other options. I speak as one who, even after a survey of the evidence filed by Haringey in these proceedings, remains unclear why it was minded to reject the other options. Perhaps the driver of its approach was political. At all events I cannot imagine that an affirmative answer can be given to that question. The second matter is the need to link the assumed knowledge of those consulted with the terms of Haringey's presentation to them in the consultation document and the covering letter. With respect to them,

Underhill J and the Court of Appeal gave insufficient attention to the terms both of the document and of the letter, which, as I have demonstrated in paras 17 to 21 above, represented, as being an accomplished fact, that the shortfall in government funding would be met by a reduction in council tax support and that the only question was how, within that parameter, the burden should be distributed. This limited approach to the relevant question was entirely consistent with Mr Ellicott's report in July 2012 (see para 9 above) and, Haringey's response dated 6 November 2012 to The Rev. Nicolson (see para 22 above). Haringey's message to those consulted was therefore that other options were irrelevant and in such circumstances I cannot agree that their assumed knowledge of them saves Haringey's consultation exercise from a verdict that it was unfair and therefore unlawful.

32. A separate ground of Ms Moseley's appeal relates to the TGS. The contention, rejected by Underhill J and the Court of Appeal, is that, following the announcement of the TGS on 16 October 2012, Haringey, even though not minded to propose a scheme in accordance with it, acted unlawfully in failing to enlarge its consultation exercise so as to refer to it. But adoption of a scheme in accordance with the TGS would have left Haringey with a net shortfall in its receipts of council tax and have therefore required its absorption in other ways. Granted that reference should in any event have been made to other ways in Haringey's consultation exercise, the TGS did not add any substantially different dimension to the relevant possibilities. In the light also of the practical consideration that the announcement of the TGS was made on a date when Haringey's consultation exercise was less than five weeks short of completion, I also consider that it was not unlawful for Haringey to fail to refer to the TGS. In its argument on this ground, however, Haringey makes an illuminating concession, namely that, had it known of the TGS when it commenced its consultation exercise, it would have referred to it. The need for brief reference to other discarded options which would have required absorption of the shortfall in ways other than by reduction of council tax support is indeed the basis of my earlier conclusion.
33. In addition to the declaration to which in my view she is entitled, Ms Moseley aspires, albeit with little apparent enthusiasm, to persuade the court to order Haringey to undertake a fresh consultation exercise, in accordance with the terms of its judgments, in relation to its CTRS for the forthcoming year 2015-2016. Paragraph 5(5) of the schedule requires it to comply with paragraph 3, including therefore to undertake the consultation exercise mandated by paragraph 3(1)(c), only if it is minded to revise its CTRS. It is unclear whether it is so minded but, if so, no doubt it will undertake its exercise in accordance with the terms of this court's judgments. The proposed mandatory order would therefore have practical effect only in the event that Haringey was not minded to revise its CTRS. My conclusion is that it would not be



proportionate to order Haringey to undertake a fresh consultation exercise in relation to a CTRS which will have been in operation for two years and which it is not minded to revise.

## **LORD REED**

34. I am generally in agreement with Lord Wilson, but would prefer to express my analysis of the relevant law in a way which lays less emphasis upon the common law duty to act fairly, and more upon the statutory context and purpose of the particular duty of consultation with which we are concerned.
35. The common law imposes a general duty of procedural fairness upon public authorities exercising a wide range of functions which affect the interests of individuals, but the content of that duty varies almost infinitely depending upon the circumstances. There is however no general common law duty to consult persons who may be affected by a measure before it is adopted. The reasons for the absence of such a duty were explained by Sedley LJ in *R (BAPIO Action Ltd) v Secretary of State for the Home Department* [2007] EWCA Civ 1139; [2008] ACD 20, paras 43-47. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. The general approach of the common law is illustrated by the cases of *R v Devon County Council, Ex p Baker* [1995] 1 All ER 73 and *R v North and East Devon Health Authority, Ex p Coughlan* [2001] QB 213, cited by Lord Wilson, with which the *BAPIO* case might be contrasted.
36. This case is not concerned with a situation of that kind. It is concerned with a statutory duty of consultation. Such duties vary greatly depending on the particular provision in question, the particular context, and the purpose for which the consultation is to be carried out. The duty may, for example, arise before or after a proposal has been decided upon; it may be obligatory or may be at the discretion of the public authority; it may be restricted to particular consultees or may involve the general public; the identity of the consultees may be prescribed or may be left to the discretion of the public authority; the consultation may take the form of seeking views in writing, or holding public meetings; and so on and so forth. The content of a duty to consult can therefore vary greatly from one statutory context to another: “the nature and the object of consultation must be related to the circumstances which call for it” (*Port Louis Corporation v Attorney-General of Mauritius* [1965] AC 1111, 1124). A mechanistic approach to the requirements of consultation should therefore be avoided.

37. Depending on the circumstances, issues of fairness may be relevant to the explication of a duty to consult. But the present case is not in my opinion concerned with circumstances in which a duty of fairness is owed, and the problem with the consultation is not that it was “unfair” as that term is normally used in administrative law. In the present context, the local authority is discharging an important function in relation to local government finance, which affects its residents generally. The statutory obligation is, “before making a scheme”, to consult any major precepting authority, to publish a draft scheme, and, critically, to “consult such other persons as it considers are likely to have an interest in the operation of the scheme”. All residents of the local authority’s area could reasonably be regarded as “likely to have an interest in the operation of the scheme”, and it is on that basis that Haringey proceeded.
38. Such wide-ranging consultation, in respect of the exercise of a local authority’s exercise of a general power in relation to finance, is far removed in context and scope from the situations in which the common law has recognised a duty of procedural fairness. The purpose of public consultation in that context is in my opinion not to ensure procedural fairness in the treatment of persons whose legally protected interests may be adversely affected, as the common law seeks to do. The purpose of this particular statutory duty to consult must, in my opinion, be to ensure public participation in the local authority’s decision-making process.
39. In order for the consultation to achieve that objective, it must fulfil certain minimum requirements. Meaningful public participation in this particular decision-making process, in a context with which the general public cannot be expected to be familiar, requires that the consultees should be provided not only with information about the draft scheme, but also with an outline of the realistic alternatives, and an indication of the main reasons for the authority’s adoption of the draft scheme. That follows, in this context, from the general obligation to let consultees know “what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response”: *R v North and East Devon Health Authority, Ex p Coughlan* [2001] QB 213, para 112, per Lord Woolf MR.
40. That is not to say that a duty to consult invariably requires the provision of information about options which have been rejected. The matter may be made clear, one way or the other, by the terms of the relevant statutory provisions, as it was in *R (Royal Brompton and Harefield NHS Foundation Trust) v Joint Committee of Primary Care Trusts* [2012] EWCA Civ 472; [2012] 126 BMLR 134. To the extent that the issue is left open by the relevant statutory provisions, the question will generally be whether, in the particular context,

the provision of such information is necessary in order for the consultees to express meaningful views on the proposal. The case of *Vale of Glamorgan Council v Lord Chancellor and Secretary of State for Justice* [2011] EWHC 1532 (Admin) is an example of a case where such information was not considered necessary, having regard to the nature and purpose of that particular consultation exercise, which concerned the proposed closure of a specific court. In the present case, on the other hand, it is difficult to see how ordinary members of the public could express an intelligent view on the proposed scheme, so as to participate in a meaningful way in the decision-making process, unless they had an idea of how the loss of income by the local authority might otherwise be replaced or absorbed.

41. Nor does a requirement to provide information about other options mean that there must be a detailed discussion of the alternatives or of the reasons for their rejection. The consultation required in the present context is in respect of the draft scheme, not the rejected alternatives; and it is important, not least in the context of a public consultation exercise, that the consultation documents should be clear and understandable, and therefore should not be unduly complex or lengthy. Nevertheless, enough must be said about realistic alternatives, and the reasons for the local authority's preferred choice, to enable the consultees to make an intelligent response in respect of the scheme on which their views are sought.
42. As Lord Wilson has explained, those requirements were not met in this case. The consultation document presented the proposed reduction in council tax support as if it were the inevitable consequence of the Government's funding cuts, and thereby disguised the choice made by Haringey itself. It misleadingly implied that there were no possible alternatives to that choice. In reality, therefore, there was no consultation on the fundamental basis of the scheme.
43. I therefore concur in the order proposed by Lord Wilson.

#### **LADY HALE AND LORD CLARKE**

44. We agree that the appeal should be disposed of as indicated by Lord Wilson and Lord Reed. There appears to us to be very little between them as to the correct approach. We agree with Lord Reed that the court must have regard to the statutory context and that, as he puts it, in the particular statutory context, the duty of the local authority was to ensure public participation in the decision-making process. It seems to us that in order to do so it must act

fairly by taking the specific steps set out by Lord Reed in his para 39. In these circumstances we can we think safely agree with both judgments.

## Consultation Principles

This guidance sets out the principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation. It replaces the Code of Practice on Consultation issued in July 2008. It is not a 'how to' guide but aims to help policy makers make the right judgments about when, with whom and how to consult. The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken, and thought should be given to achieving real engagement rather than merely following bureaucratic process. Consultation forms part of wider engagement and decisions on whether and how to consult should in part depend on the wider scheme of engagement.

Policy makers should bear in mind the Civil Service Reform principles of open policy making throughout the process and not just at set points of consultation, and should use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions. Modern communications technologies enable policy makers to engage in such discussions more quickly and in a more targeted way than before, and mean that the traditional written consultation is not always the best way of getting those who know most and care most about a particular issue to engage in fruitful dialogue.

### Subjects of consultation

There may be a number of reasons to consult: to garner views and preferences, to understand possible unintended consequences of a policy or to get views on implementation. Increasing the level of transparency and increasing engagement with interested parties improves the quality of policy making by bringing to bear expertise and alternative perspectives, and identifying unintended effects and practical problems. The objectives of any consultation should be clear, and will depend to a great extent on the type of issue and the stage in the policy-making process – from gathering new ideas to testing options.

There may be circumstances where formal consultation is not appropriate, for example, where the measure is necessary to deal with a court judgment or where adequate consultation has taken place at an earlier stage for minor or technical amendments to regulation or existing policy frameworks. However, longer and more detailed consultation will be needed in situations where smaller, more vulnerable organisations such as small charities could be affected. The principles of the Compact between government and the voluntary and community sector must continue to be respected<sup>1</sup>.

### Timing of consultation

Engagement should begin early in policy development when the policy is still under consideration and views can genuinely be taken into account. There are several stages of policy development, and it may be appropriate to engage in different ways at different stages. As part of this, there can be different reasons for, and types of consultation, some radically different from simply inviting response to a document. Every effort should be made

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<sup>1</sup> "Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach." The Compact (Cabinet Office 2010) para 2.4)

to make available the Government's evidence base at an early stage to enable contestability and challenge.

Timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response and where the consultation spans all or part of a holiday period<sup>2</sup> policy makers should consider what if any impact there may be and take appropriate mitigating action. The amount of time required will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might typically vary between two and 12 weeks. The timing and length of a consultation should be decided on a case-by-case basis; there is no set formula for establishing the right length. In some cases there will be no requirement for consultation, depending on the issue and whether interested groups have already been engaged in the policy making process. For a new and contentious policy, 12 weeks or more may still be appropriate. When deciding on the timescale for a given consultation the capacity of the groups being consulted to respond should be taken into consideration.

### **Making information useful and accessible**

Policy makers should be able to demonstrate that they have considered who needs to be consulted and ensure that the consultation captures the full range of stakeholders affected. In particular, if the policy will affect hard to reach or vulnerable groups, policy makers should take the necessary actions to engage effectively with these groups. Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter. The choice of the form of consultation will largely depend on: the issues under consideration, who needs to be consulted, and the available time and resources.

Information provided to stakeholders should be easy to comprehend – it should be in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter. Consideration should be given to more informal forms of consultation that may be appropriate – for example, email or web-based forums, public meetings, working groups, focus groups, and surveys – rather than always reverting to a written consultation. Policy-makers should avoid disproportionate cost to the Government or the stakeholders concerned.

### **Transparency and feedback**

The purpose of the consultation process should be clearly stated as should the stage of the development that the policy has reached. Also, to avoid creating unrealistic expectations, it should be apparent what aspects of the policy being consulted on are open to change and what decisions have already been taken. Being clear about the areas of policy on which views are sought will increase the usefulness of responses.

Sufficient information should be made available to stakeholders to enable them to make informed comments. Relevant documentation should be posted online to enhance accessibility and opportunities for reuse. To ensure transparency and consistency of approach, all consultations should be housed on the Government's single web platform (GOV.UK).

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<sup>2</sup> Holiday period assumptions: Easter = 5 Working Days (1 Week); Summer (August) = 22 Working Days (4.2 Weeks); Christmas = 6 Working Days (1.1 Week)

To encourage active participation, policy makers should explain what responses they have received and how these have been used in formulating the policy. The number of responses received should also be indicated. Consultation responses should usually be published within 12 weeks of the consultation closing. Where Departments do not publish a response within 12 weeks, they should provide a brief statement on why they have not done so. Departments should make clear at least in broad terms what future plans (if any) they have for engagement.

### **Practical considerations**

Consultation exercises should not generally be launched during local or national election periods. If exceptional circumstances make a consultation absolutely essential (for example, for safeguarding public health), departments should seek advice from the Propriety and Ethics team in the Cabinet Office.

Departments should be clear how they have come to the decision to consult in a particular way, and senior officials and ministers should be sighted on the considerations taken into account in order to enable them to ensure the quality of consultations.

Departments should seek collective ministerial agreement before any public engagement that might be seen as committing the Government to a particular approach. Ministers are obliged to seek the views of colleagues early in the policy making process and the documents supporting formal consultations should be cleared collectively with ministerial colleagues. If departments are intending to use more informal methods of consultation, they should think about at what point, and with what supporting documentation, collective agreement should be sought. The Cabinet Secretariat will be able to advise on particular cases.

This guidance does not have legal force and does not prevail over statutory or mandatory requirements<sup>3</sup>.

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<sup>3</sup> Some laws impose requirements for the Government to consult certain groups on certain issues. This guidance is subject to any such legal requirement. Care must also be taken to comply with any other legal requirements which may affect a consultation exercise such as confidentiality or equality.



## **Background Document on Public Consultation**

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## 1. PUBLIC CONSULTATION: CORE ELEMENTS

### What is Public Consultation?

1. Public consultation is one of the key regulatory tools employed to improve transparency, efficiency and effectiveness of regulation besides other tools such as Regulatory Impact Analysis (RIA), regulatory alternatives and improved accountability arrangements. There are three related forms of interaction with interested members of the public. In practice, these three forms of interaction are often mingled with public consultation programmes, complementing and overlapping each other:

- **Notification.** It involves the communication of information on regulatory decisions to the public, and it is a key building block of the rule of law. It is a one-way process of communication in which the public plays a passive consumer role of government information. Notification does not, itself, constitute consultation, but can be a first step. In this view, prior notification allows stakeholders the time to prepare themselves for upcoming consultations.
- **Consultation.** It involves actively seeking the opinions of interested and affected groups. It is a two-way flow of information, which may occur at any stage of regulatory development, from problem identification to evaluation of existing regulation. It may be a one-stage process or, as it is increasingly the case, a continuing dialogue. Consultation is increasingly concerned with the objective of gathering information to facilitate the drafting of higher quality regulation.
- **Participation.** It is the active involvement of interest groups in the formulation of regulatory objectives, policies and approaches, or in the drafting of regulatory texts. Participation is usually meant to facilitate implementation and improve compliance, consensus, and political support. Governments are likely to offer stakeholders a role in regulatory development, implementation and/or enforcement in circumstances in which they wish to increase the sense of “ownership” of, or commitment to, the regulations beyond what is likely to be achieved via a purely consultative approach.

### Why is public consultation important?

2. As the *OECD-APEC Integrated Checklist on Regulatory Reform* highlights regulations should be developed in an open and transparent fashion, with appropriate and well publicized procedures for effective and timely inputs from interested national and foreign parties, such as affected business, trade unions, wider interest groups such as consumer or environmental organisations, or other levels of government. Consultation improves the quality of rules and programmes and also improves compliance and reduces enforcement costs for both governments and citizens subject to rules.

3. Public consultation increases the information available to governments on which policy decisions can be based. The use of other policy tools, particularly RIA, and the weighing of alternative policy tools, has meant that consultation has been increasingly needed for collecting empirical information for analytical purposes, measuring expectations and identifying non-evident policy alternatives when taking a policy decision.

4. Regulation and its reforms affect all the participants in civil society, and therefore, in order to better assess the impacts and minimise costs, all the parts involved should be able to participate somehow in the regulatory processes. That is where public consultation has become one of the best tools to improve quality in regulation.

5. Consultation increases the level of transparency and it may help to improve regulatory quality by:

- Bringing into the discussion the expertise, perspectives, and ideas for alternative actions of those directly affected;
- Helping regulators to balance opposing interests;
- Identifying unintended effects and practical problems. Using pre-notification it is possible to foresee more easily the consequences of some planned policies, becoming one of the most productive ways to identify administrative burdens;
- Providing a quality check on the administration's assessment of costs and benefits;
- Identifying interactions between regulations from various parts of government;

6. Consultation processes can also enhance voluntary compliance for two reasons: first because changes are announced in a timely manner and there is time to adjust to changes, and second because the sense of legitimacy and shared ownership that gives consultation motivate affected parties to comply.

7. Consultation can also have some impact if it is used for amending legislation. Changing legislation using public consultation is more difficult and time-consuming than when amending less formal government policy documents.

## 2. TOOLS USED FOR PUBLIC CONSULTATION

8. Basically there are five instruments or different ways to perform public consultation, depending on who is to be consulted, how formal the process is, and the communication means used.

### *Informal consultation*

9. Informal consultation includes all forms of discretionary, ad hoc, and unstandardised contacts between regulators and interest groups. It takes many forms, from phone-calls to letters to informal meetings, and occurs at all stages of the regulatory process. The key purpose is to collect information from interested parties. Informal consultation is carried out in virtually all OECD countries, but its acceptability varies tremendously. This approach can be less cumbersome and more flexible than more standardised forms of consultation; hence, they can have important advantages in terms of speed and the participation of a wider range of interests.

**Box 1. Informal consultation.**

In the **United Kingdom**, regulatory bodies have traditionally had close and informal contacts with major interests, particularly businesses, and informal consultation is seen as a norm of the regulatory process, prior to formal consultation in line with the code of practice on written consultation. The same tradition of informal contacts exists in **France**. In **Japan**, informal consultation is crucial in shaping consensus around the final product. In **Canada**, the government has encouraged regulators to consult informally prior to formal consultation. By contrast, informal consultation is viewed more suspiciously in the **United States** as a violation of norms of openness and equal access, and in many cases it is a violation of the administrative procedure act requiring equal access for all interested parties.

10. The disadvantage of informal procedures is their limited transparency and accountability. Access by interest groups to informal consultations is entirely at the regulator's discretion. Informal consultation resembles "lobbying", but in informal consultation it is the regulatory agency that plays the active role in establishing the contact. The line between these two activities, however, is potentially difficult to draw.

### *Circulation of regulatory proposals for public comment*

11. This form of public consultation is a relatively inexpensive way to solicit views from the public and it is likely to induce affected parties to provide information. Furthermore, it is fairly flexible in terms of the timing, scope and form of responses. That is why it is among the most widely used form of consultation.

12. This procedure differs from informal consultation in that the circulation process is generally more systematic, structured, and routine, and may have some basis in law, policy statements or instructions. It can be used at all stages of the regulatory process – but is usually used to present concrete regulatory proposals for consultation. Responses are usually in written form, but regulators may also accept oral statements, and may supplement those by inviting interested groups to hearings.

13. Regulators generally retain much discretion over access and process but, in practice, important proposals are circulated widely and systematically. Countries have begun to explore the possibilities for improving access and timeliness of consultation that are provided by information technology. The Internet is increasingly being used for this purpose.

14. The negative side of this procedure is again the discretion of the regulator deciding who will be included in the consultation. Important groups will not usually be neglected, as this is likely to create difficulties for the regulatory proposal when it reaches the cabinet or parliament. However, less organised groups are in weaker positions in this respect.

### *Public notice-and-comment*

15. Public notice-and-comment is more open and inclusive than the circulation-for-comment process, and it is usually more structured and formal. The public notice element means all interested parties have the opportunity to become aware of the regulatory proposal and are thus able to comment. There is usually a standard set of background information, including a draft of the regulatory proposal, discussion of policy objectives and the problem being addressed and, often an impact assessment of the proposal and, perhaps, of alternative solutions. This information – and particularly the RIA elements – can greatly increase the ability of the general public to participate effectively in the process, although most countries find that participation remains at a quite low level for all but a few controversial proposals.

#### **Box 2. Notice-and-comment in the OECD countries**

Notice-and-comment has a long history in some OECD countries, and its use has become much more widespread in recent years. It was first adopted for lower-level regulations in the **United States** in 1946. The practice was subsequently adopted in **Canada** in 1986 – called "pre-publication" – and in **Portugal** in 1991. By 1998, 19 OECD countries were using public notice-and-comment at least in some situations. **Japan** adopted notice-and-comment requirements for all new regulatory proposals (and revisions to existing rules) in April 1999. In other countries such as

**Hungary**, the process is proceeding on an ad hoc basis, with individual Ministries deciding their own policies.

Procedures vary widely. In the **United States** and **Portugal**, the procedure is prescribed by law and judicially reviewed, while **Canada** has adopted the procedure through a policy directive that has no legal force. The **United States** model is the most procedurally rigid: comments are registered in a formal record of the rule-making and regulators are not permitted to rely on factual information which is not contained in this public record. United States' policymakers may accept or reject comments at their discretion, but those who ignore major comments risk having the regulation overturned in court. In **Denmark**, by contrast, notice-and-comment arrangements are also widely used in the preparation of "substantially important" lower level rules, but there is no standardised, formal, and systematic set of requirements.

However, many countries have found that levels of participation have in practice been low. This can be particularly so when the mechanism is first introduced, because familiarity is lacking. Established groups may prefer to keep their special relations with government officials than to participate in more open processes. Participation is also dependent on the ease of response and the expected results of participation, including the effectiveness of the notice process, the amount of time allowed for comment, the quality and nature of the information provided to interested parties and the attitudes and responsiveness of regulators in their interactions with participants in the comment process.

16. Public notice-and-comment is used both for laws and lower level rules. In many countries, it is regarded as particularly important in respect to lower level rules because it provides some scrutiny to regulatory processes inside ministries which do not benefit from the open law-making processes applying to legislation debated in parliaments.

### **Box 3. Best practices for notice-and-comment in the United States**

The 1946 Administrative Procedure Act (APA) established a legal right for citizens to participate in rule-making activities of the federal government, based on the principle of open access to all. It sets out the basic rule-making process to be followed by all agencies of the United States' government. The path from proposed to final rule affords ample opportunity for participation by affected parties. At a minimum, the APA requires that in issuing a substantive rule (as distinguished from a procedural rule or statement of policy), an agency must:

i) Publish a notice of proposed rule-making in the Federal Register. This notice must set forth the text or the substance of the proposed rule, the legal authority for the rule-making proceeding, and applicable times and places for public participation. Published proposals also routinely include information on appropriate contacts within regulatory agencies.

ii) Provide all interested persons – nationals and non-nationals alike – an opportunity to participate in the rule-making by providing written data, views, or arguments on a proposed rule. This public comment process serves a number of purposes, including giving interested persons an opportunity to provide the agency with information that will enhance the agency's knowledge of the subject matter of the rule-making. The public comment process also provides interested persons with the opportunity to challenge the factual assumptions on which the agency is proceeding, and to show in what respect such assumptions may be in error.

iii) Publish a notice of final rule-making at least thirty days before the effective date of the rule. This notice must include a statement of the basis and purpose of the rule and respond to all substantive comments received. Exceptions to the thirty-day rule are provided for in the APA if the rule makes an exemption or relieves a restriction, or if the agency concerned makes and publishes a finding that an earlier effective date is required "for good cause". In general, however, exceptions to the APA are limited and must be justified.

The American system of notice-and-comment has resulted in an extremely open and accessible regulatory process at the federal level that is consistent with international good practices for transparency. The theory of this process is that it is open to all citizens, rather than being based on representative groups. This distinguishes the method from those used in more corporatist models of consultation, and also from informal methods that leave regulators considerable discretion regarding whom to consult. Its effect is to increase the quality and legitimacy of policy by ensuring that special interests do not have undue influence.

## ***Public hearings***

17. A hearing is a public meeting on a particular regulatory proposal at which interested parties and groups can comment in person. Regulatory policymakers may also ask interest groups to submit written information and data at the meeting. A hearing is seldom an independent procedure; rather, it usually supplements other consultation procedures. According to preliminary results from the most recent OECD survey on regulatory quality indicators, 13 OECD countries used public meetings as a form of consultation by 2005, but there were significant differences in their use vis-à-vis procedures and other aspects of the consultation process.

### **Box 4. Public hearings.**

In the **United States** a hearing is attached to the notice-and-comment procedure as needed. Hearings tend to be formal in character, with limited opportunity for dialogue or debate among participants. Experimentation with “online” hearings has begun. In **Germany**, a regulatory agency circulating a proposal for comment may arrange a hearing instead of inviting written comments, or may do both. In **Finland**, where hearings are a relatively new approach, a hearing is usually arranged instead of, or combined with, the invitation of written comments. In **Canada**, hearings are a formal part of the development of all primary regulatory law – conducted by committees in Parliament. Regulatory departments also often hold public consultation meetings, particularly on major regulatory or secondary legislation proposals.

18. Hearings are usually discretionary and ad hoc unless connected to other consultation processes (for example, notice-and-comment). They are, in principle, open to the general public, but effective access depends on how widely invitations are circulated, the location and timing of the hearing, and the size of the room. Public meetings provide face-to-face contact in which dialogue can take place between regulators and wide range of affected parties and between interest groups themselves.

19. A key disadvantage is that they are likely to be a single event, which might be inaccessible to some interest groups, and thus require more co-ordination and planning to ensure sufficient access. In addition, the simultaneous presence of many groups and individuals with widely differing views can render a discussion of particularly complex or emotional issues impossible, limiting the ability of this strategy to generate empirical information.

## ***Advisory bodies***

20. Besides informal consultation and circulation-for-comment, the use of advisory bodies is the most widespread approach to public consultation among the OECD countries. Some 21 countries use advisory bodies in some form during the regulatory process. Advisory bodies are involved at all stages of the regulatory process, but are most commonly used quite early in the process in order to assist in defining positions and options.

21. Depending on their status, authority, and position in the decision process, they can give participating parties great influence on final decisions, or they can be one of many information sources. Regulatory development – drafting and reviewing proposals, or evaluating existing regulations – is rarely the only, or even the primary, task of advisory bodies. Some permanent bodies, for instance, may have broad mandates related to policy planning in areas such as social welfare or health care. There are many different types of advisory bodies under many titles – councils, committees, commissions, and working parties. Their common features are that they have a defined mandate or task within the regulatory process (either providing expertise or seeking consensus) and that they include members from outside the government administration.

### Box 5. Examples of advisory bodies

Their relationships to regulatory bodies can vary from reacting to a regulator's proposals (such as the **Netherlands'** Social and Economic Council, or **Germany's** expert advisory commissions) to acting as a rule-making body, in which advice is only one of several regulatory functions (such as the **United Kingdoms'** Health and Safety Commission). Advisory bodies may themselves carry out extensive consultation processes involving hearings or other methods. For example, in **Germany**, the mandate of the Deregulation Commission stated that it "may hear experts from research institutions, the business community and associations, and administration if it deems this necessary". In **Mexico**, businesses and other interested parties now participate in an advisory committee to the Federal Regulatory Improvement Council (COFEMER), through a dozen or more ad hoc consultation groups organised to review existing formalities and new regulations. **Korea**, too, has greatly expanded its use of consultative committees in recent years. This has coincided with a massive rise in the number of non-governmental organisations (NGOs), and hence the diversity of views to be incorporated into policy decisions. Committees are generally used as means of improving regulatory quality by assuring the flow of expert advice and information to regulators, but are also important in increasing the perceived legitimacy of laws.

22. There two main different kinds of advisory bodies: first, the bodies seeking consensus are interest groups where they negotiate processes, and secondly, technical advisory groups are formed by experts and their aim is to find information for regulators. The first kind tends to have a permanent mandate while the technical bodies are often *ad hoc* groups to work in concrete issues.

### Box 6. The shift in the Netherlands to more transparent consultation

A core principle in the Dutch process is that of "separation of advice and consultation", which reflects the twin purposes of consultation in obtaining both expertise and consent. There are two formal and distinct consultation structures. The "advisory" function is served by a wide range of ad hoc advisory bodies, created by individual laws.

Membership is based solely on expertise, although in practice direct interests are also represented. "Consultation" is served through a network of advisory bodies created under the Industrial Organisation Act of 1950. Here, the tripartite principle is the underlying factor determining representation. The chief consultative body under the Act is the Social and Economic Council (SER), composed of 15 members representing employers' interests, 15 representing employees and 15 independent experts appointed by the Crown on the advice of the government.

These bodies were historically used within the corporatist system to introduce checks and balances into decisions, to increase the social legitimacy of legislation, and to improve the level of "voluntary" compliance, including a smooth and rapid implementation of new legislation, once agreed. In recent years, however, these structures have been criticised as unsuited to contemporary realities. They are regarded as dampening policy responsiveness, limiting the role of Parliament by locking in "consensus" solutions at an early stage, and as promoting excessive regulatory complexity by trying to balance inconsistent objectives. In addition, the separation of "advice and consultation" has been compromised in practice, while the corporatist and cartel-like structures established under the Industrial Organisation Act are increasingly seen as inconsistent with EU competition principles.

The Dutch Government responded to the criticisms with major reforms. The number of advisory boards was drastically reduced over a number of years, from 491 in 1976 to 161 in 1991 and 108 in 1993. The remainder were abolished in 1997 and replaced with a single advisory body for each Ministry. This reform aims to more clearly separate advice and consultation, and to refocus these bodies on major policy issues rather than details. The ministries are concerned that too many consultative groups have been re-established following the abolition, but they believe that the change has, nonetheless, improved the situation.

### 3. GOOD PRACTICES FOR PUBLIC CONSULTATION IN OECD COUNTRIES

23. In OECD member countries, after identifying important areas of low quality regulation, the first attempts to improve laws and regulations were focused on advocating specific regulatory reforms and scrapping burdensome regulations. Increasingly, however, it was recognised that *ad hoc* approaches to reform were insufficient. Thus, the reform agenda began to broaden to include the adoption of a range of explicit overarching policies, disciplines and tools (OECD: 2002).

24. According to preliminary results from the most recent OECD survey on regulatory quality indicators, 27 Member countries had implemented public consultation with affected parties from a government wide perspective. This represents three more countries than in 2000. Consultation is the most common regulatory tool used among OECD countries.

25. Some of the challenges related to consultation procedures that OECD countries face refer to data collection and transparency in communicating the views of consulted parties. Data collection is inherently expensive, and to make it really effective, the quality of the information and its collection must be efficiently and carefully managed and addressed. A process to monitor the quality of the consultation process should be institutionalised; however, only 5 countries had done so by 2005, according to preliminary results from the most recent OECD survey on regulatory quality indicators. Some other aspects which should be improved in OECD countries are a deficient publication of participants' views and inclusion of consultation results in RIA.

26. Some governments realised that they could share tasks with other parties directly affected by regulation. In many OECD countries, the public has been taking on new roles in the development, implementation, and revision of regulations. Changes in the nature of civil society and the relationships between government and population have been pushing governments toward more extensive use of consultation. Better educated and informed citizens are demanding more information from governments, and thus, creating pressure for more open consultative mechanisms, with better information and more effective opportunities for participation and dialogue. At the same time, advances in information technology are enhancing governments' abilities to meet these demands, as well as the abilities of civil society groups to organise to pursue and promote their goals.

#### **Box 7. Initiatives in Queensland to improve consultations and information dissemination on regulations.**

"Queensland Regulations: Have Your Say" is a regulatory communications system that acts as early warning device for impending regulatory activity by the Government. It has been introduced to assist business and the community to become involved early in the consultation process by clear public disclosure of the Government's regulatory intentions. The system is an interactive Web-based system which enables Government agencies to place information about regulatory proposals on the Department of State Development's Web site ([www.sd.qld.gov.au/qldregulations](http://www.sd.qld.gov.au/qldregulations)). It also enables interested parties to respond through the system direct to an agency's proposal.

In addition, a one-stop-shop referral service, the Business Referral Service, has been implemented to provide business with access to detailed information and advice on government regulations, particularly compliance matters. The Business Referral Service enables business owners and operators, with complex compliance queries, direct access to relevant experts within Government. The service is incorporated in the Department's Smart Licence suite of services.

27. In order to include all interested parties, consultation procedures should not be complex and costly. Consultation should reduce the risk of capture by well financed groups of interest or with a deep legislative

knowledge. Therefore, regulators could increase the use of plain, accessible language as well as offering RIA to help explain the effects of regulation to all the affected parties.

28. Consultation systems should be designed according to each country's context, legitimised by the inclusion of all groups of interest and by transparent procedures, while fighting to improve information quality and spreading the use of the new information technologies. Regulators should ask themselves: '*Have all interested parties had the opportunity to present their views?*'. Regulations should be developed in an open and transparent fashion, with appropriate procedures for effective and timely input from interested parties such as affected businesses and trade unions, other interest groups, or other levels of government (OECD: 2002).

29. To ensure that consultation improves all regulation, these processes should be used for primary legislation as well as for other lower levels of regulation. Flexibility is important to cope with varying circumstances. In some cases even tailored opportunities for dialogue must be established for further interactions with stakeholders that are harder to reach or less able to participate.





DEPARTMENT OF JUSTICE  
**POLICY STATEMENT AND GUIDELINES FOR PUBLIC PARTICIPATION**

**“The Government of Canada has recognized that the legitimacy of public institutions, the quality of public policy, and the responsiveness of public services will require new and better mechanisms for engaging citizens and civil society in governance.”**

***“A challenge of all governments is to find a way to find innovative ways to put citizens at the centre of the governing process, to engage youth in public enterprise, and to give voice to those who find themselves on the margins.”***

**The Right Honourable Jean Chrétien,  
Speech before the Progressive Governance for the 21<sup>st</sup> Century  
Conference, Berlin, June 2000**

DEPARTMENT OF JUSTICE  
**POLICY STATEMENT AND GUIDELINES FOR PUBLIC PARTICIPATION**

Summary

The Policy Statement and Guidelines for Public Participation provides a policy tool for all Department of Justice managers and officials to frame the Department's public participation activities. The Policy Statement outlines a commitment on the part of the Department of Justice to involve Canadians in the development of legislation, policies, programs and services through adequately resourced processes that are transparent, accessible, accountable, supported by factual information, and are inclusive of Canada's diversity.

In recognition of the varied nature of issues addressed by the Department, these policy commitments are meant to apply to areas where public input will make the greatest contribution to the policy development process. The Policy assigns various roles and responsibilities for making decisions with regard to which issues are to be addressed through public participation processes and for ensuring that the Policy's commitments are applied as outlined and assigned.

Department of Justice  
**POLICY AND GUIDELINES FOR PUBLIC PARTICIPATION**

**POLICY STATEMENT**

The Department of Justice Canada is committed to involving individual Canadians and their intermediary organizations in the development, design and evaluation of public policies, programs, legislation and services.

The Department of Justice Canada is committed to undertaking public participation processes that are transparent, accessible, accountable, supported by factual information and inclusive of the broad diversity of Canada. The Department is further committed to reporting back to Canadians on how their views have been considered in the decision-making process.

The Department of Justice Canada is committed to providing resources adequate for effective public participation functions, expanding opportunities for departmental officials to enrich their knowledge and expertise in public participation and supporting the development of new public participation techniques and technologies.

The Department of Justice is committed to promoting a consultative culture across all Sectors, Branches and Divisions of the Department by ensuring adherence to departmental guidelines

**SCOPE**

The Policy Statement and Guidelines on Public Participation endeavour to frame Justice Canada's public participation activities and supports the strategic direction of Serving Canadians, through a commitment "to make the justice system relevant and accessible to the needs of Canadians."<sup>1</sup> The Department already provides a broad number of opportunities for Canadians to become involved in the public policy process, not all of which call for or require consultation or engagement, such as communications activities that are an

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<sup>1</sup> Department of Justice, Strategic Plan 2001-2005, pp. 3-4.

integral part of increasing the participation of citizens in decision-making.<sup>2</sup> Rather than a broad commitment to public participation on every issue, the Policy Statement supports participation activities only where the issues and timelines are such that public input will make a contribution to the policy development process. Where it is determined that public participation will form a part of the policy making process, the Department commits to ensuring that these activities are open, meaningful, timely and properly resourced consistent with the stated strategic direction of Serving Canadians. Determining the policy areas that will include a public participation component is the responsibility of the appropriate departmental authority.

At a minimum the Department must ensure the transparency of its policy development process through the timely provision of information (including accountability through reporting to citizens on results).

Justice Canada's policy guidelines and principles, although primarily concerned with formal public participation activities, also apply to the informal discussions and exchanges between Justice Canada officials and individuals affiliated with organizations active in the justice sector and individual Canadians.

## **AUTHORITY**

This policy is issued under the authority of the Deputy Minister, Department of Justice.

## **APPLICATION**

The policy statement and guidelines apply to all sectors of the Department of Justice Canada and should be followed in all public participation processes, whether they are targeted to citizens<sup>3</sup>, stakeholders or the voluntary sector.

The policy statement and guidelines supplement the federal government's Policy Statement and Guidelines on Consulting and Engaging Canadians<sup>4</sup> published under the authority of the Treasury Board Secretariat (TBS).

While this policy statement is primarily concerned with the Department's practices in involving Canadians in the public policy process, it also recognizes

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<sup>2</sup> Communications activities are the responsibility of the Communications and Executive Services Branch. Government-wide, these activities are governed by the government communications policy, Treasury Board Secretariat, (1995), Guide IX: Communications, ([http://www.tbs-sct.gc.ca/pubs\\_pol/opepubs/tb\\_o/siglist\\_e.html](http://www.tbs-sct.gc.ca/pubs_pol/opepubs/tb_o/siglist_e.html))

<sup>3</sup> The term *citizen* is used throughout in a non-exclusionary fashion to mean all persons, normally resident of Canada, and not just those having the legal status of possessing citizenship

<sup>4</sup> Treasury Board Secretariat, (2001), Policy Statement and Guidelines on Consulting and Engaging Canadians (Working Draft).

the role of both Parliament and stakeholder groups and voluntary associations in communicating the views of Canadians on public policy.

Given the evolving nature of public participation practices, this policy statement and associated guidance documents will be regularly updated to reflect changes to the government-wide policy statement and guidelines as well as ongoing developments in the area public participation.

## **RELEVANT POLICIES AND GUIDELINES**

The Policy Statement and Guidelines is a key element to ensure the realization of the objective established in the Department of Justice Strategic Plan 2001-2005. In addition, the Policy Statement supplements the Treasury Board Secretariat's policies on consultation and engagement and:

- Policies and guidelines applicable to the legislative and regulatory development process;
- Relevant federal Acts and Statutes such as the *Access to Information Act*, *Official Languages Act* and the *Privacy Act*;
- the Treasury Board Secretariat's *Government Communications Policy*<sup>5</sup> and the *Client Consultation Policy*<sup>6</sup>; and
- other current or future Acts, Statutes, policies, guidelines or directives of application to the Department or the whole of the federal government.

## **JUSTICE CANADA'S VISION OF PUBLIC PARTICIPATION**

The Department of Justice is responsible for ensuring that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice whose policies and programs that reaches deep into all communities. This unique responsibility to Canadian society and government is included in the elements of the Strategic Plan that address the building of the Department's policy development capacity and the role of public participation as a contributor to this process.

This integration of public participation into the policy process is vital to the success of departmental and governmental initiatives, especially now that Canada is a more diverse, educated and informed society. The Department also recognizes that public participation is an important tool for sharing information about justice policy issues that affect Canadians.

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<sup>5</sup> Treasury Board Secretariat, (1995), Guide IX: Communications, ([http://www.tbs-sct.gc.ca/pubs\\_pol/ojepubs/tb\\_o/siglist\\_e.html](http://www.tbs-sct.gc.ca/pubs_pol/ojepubs/tb_o/siglist_e.html))

<sup>6</sup> Treasury Board Secretariat (1995), Guide I: Client Consultation, ([http://www.tbs-sct.gc.ca/pubs\\_pol/ojepubs/tb\\_o/siglist\\_e.html](http://www.tbs-sct.gc.ca/pubs_pol/ojepubs/tb_o/siglist_e.html))

The results of public participation processes provide the information needed to develop strategies and action on issues of concern to the Department, justice and non-justice stakeholders and, ultimately, to provide the Minister of Justice and Cabinet with an important decision-making tool on matters pertaining to justice issues.

Justice Canada is committed to working with many different organizations in the non-governmental, voluntary and private sector and seeks to encourage the participation of all Canadians and stakeholders in its policy development and operational activities especially where these affect Canadians and the evolution of their justice system.<sup>7</sup> Public participation mechanisms enable Justice Canada to identify and cope with emerging new areas of law and policy, track new ideas and identify emerging trends in law and policy, as well as define questions and options. In addition, public participation enables the Department to better understand how the Department's mission and activities impact on Canadians, consistent with the strategic direction of Serving Canadians.

The Department of Justice recognizes that meaningful public participation cannot be a one-time process and requires the development of an ongoing relationship between the Department of Justice, Canadians and the many justice and non-justice sector stakeholders. The Department also commits to adequately resource its public participation activities to ensure that these are tailored to the purpose and desired outcomes, the participants involved, and the time available.

As a strategic policy development tool, public participation processes are best suited when applied to the entire policy cycle from problem identification to option selection and, in some cases, implementation. As such, public participation is best used where the issues and timeframes permit the early inclusion of citizens in the policy development process – preceding, where possible, the selection of options and decisions concerning plans for action.

Public participation involves a two-way communication process, in which all parties listen and contribute views, information and ideas, in a process of critical reflection and dialogue. Both provide opportunities for genuine listening, respectful of all views and opinions.

These statements and guidelines supplement the Government of Canada's Policy Statement that are part of its continuing commitment to involve citizens in government decision-making. The Government of Canada's policy and guidelines apply to all federal departments and agencies

As outlined in the Department's Strategic Plan, the Department is committed to participatory processes based upon openness, trust, integrity, mutual respect,

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<sup>7</sup> Department of Justice, Strategic Plan 2001-2005, p. 4.

transparency, inclusiveness and co-operation thus providing the Department with a direct link to the ideas and concerns of Canadians. Mutual trust and understanding, built up over time through a continuing process of involvement, discussion, decision and follow-through (feedback), are the cornerstones of successful public participation processes.

## **CONTEXT AND PUBLIC ENVIRONMENT<sup>8</sup>**

The Department of Justice has a long history of successfully consulting citizens on its policy, program and legislative initiatives, the context in which participatory processes are organized has changed significantly in the past decade. Democracy in its many forms, including voting, participating in intermediary organizations (also termed stakeholder groups and voluntary associations), and communicating with elected representatives, Ministers and government officials, remains the principal means by which Canadians participate in the development of policies, programs and legislation. However, in recent years various forces have fundamentally transformed Canada's social, cultural and economic landscape. As Canada's population becomes more diverse, reflecting its multicultural make-up, and also better educated, informed and equipped to participate in shaping the policies that affect them, governments need to adapt their means of involving Canadians in the policy-making process.

Canadians want to engage in the process of discussing the values that underlie policy options and the tradeoffs and choices that must be made by decision-makers, without wishing to impose their views on the leaders they have elected to represent them. Citizens, stakeholders, and interest groups are increasingly unwilling to accept the devolution of public responsibilities to lower levels of government and/or individual citizens without the concomitant devolution of responsibility for defining and advancing public policy issues to those same levels.

While Canadians acknowledge that traditional stakeholder groups, such as the institutional and professional bodies, industry and business associations, as well as the voluntary sector have roles to play, they also believe that citizens can also participate in the process as individuals – independently from these groups.

The federal government has responded by committing itself to enhancing the opportunities for input on the part of the general public, interest groups and stakeholders. This commitment was noted in two recent Speeches from the Throne that emphasized the need to instil a stronger consultative culture across the federal government. A critical part of this new focus is the Social Union Framework Agreement (SUFA). The SUFA calls on the federal government and

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<sup>8</sup> Adapted from Treasury Board Secretariat (2001), Policy Statement on Consulting and Engaging Canadians (Working Draft).



provincial governments to “ensure appropriate opportunities for Canadians to have meaningful input into social priorities and reviewing outcomes.”

It is possible to conclude that the current trend towards greater interactive involvement of citizens in policy making is both unavoidable, and highly desirable. Indeed, where citizens are fully engaged in the policy process, their sense of empowerment is increased, their capacity to act as democratic citizens is enhanced, and the policy options available to government actively reflect the emotive and factual motivations of their constituents. The result: better citizens and better policy.

Public participation is, however, not a “free for all” or a panacea. Public participation efforts must be responsive to the needs of the public, consulting agency and the subject of the public participation. It is critical, therefore, to recognize that each public participation process requires a flexible approach which is appropriate to those needs. One size does not fit all.

## **DEFINITIONS<sup>9</sup>**

**Public participation** has several facets and dimensions ranging from public information and education through to partnerships. In terms of the departmental commitment, public participation primarily refers to processes of public consultation and citizen engagement.

**Consultation** refers to processes through which governments seek the views of individuals or groups on policies, programs or services that affect them directly or in which they have a significant interest. Consultation can occur at various points in the policy development process and can be used to help frame an issue, identify or assess options and evaluate existing policies. Consultation includes processes such as public meetings, advisory committees, polling and focus groups.

**Citizen engagement** refers to processes through which governments seek to encourage deliberation, reflection and learning on issues at preliminary stages of a policy process, often when the focus is more on the values and principles that will frame the way an issue is considered. Citizen engagement approaches include study circles, deliberative polling, citizen juries, and public dialogue.

Citizen engagement differs qualitatively from consultation in a number of ways, including: an emphasis on in-depth deliberation and dialogue, the focus on

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<sup>9</sup> Drawn from Treasury Board Secretariat (2001), Policy Statement on Consulting and Engaging Canadians (Working Draft).

finding common ground, greater time commitments and its potential to build civic capacity. In this regard, citizen engagement processes should be used selectively.

Many public participation processes will involve elements of both consultation as well as citizen engagement mechanisms.

Operationally, public participation requires the allocation of financial and staff resources adequate to fulfil the commitments outlined in this policy statement.

## **ROLES AND RESPONSIBILITIES<sup>10</sup>**

Building a culture of public participation in the Department of Justice is a shared responsibility. Within this context, a variety of players have a direct or catalytic role in supporting and implementing this policy statement and guidelines:

The **Minister of Justice and Attorney General of Canada** often in consultation with Members of Parliament and Senators, provides leadership by setting policy direction, fostering and participating in public participation initiatives and in considering the outcomes of these processes when making decisions. As a member of Cabinet and Member of Parliament, the Minister of Justice and Attorney General of Canada uses the results of public participation processes to make decisions on policy and legislative directions affecting the justice sector.

The **Deputy Minister** is responsible for ensuring that public participation is an integral part of the design, delivery, and evaluation of public policies, programs, and services. The Deputy is accountable to the Minister and the Clerk of the Privy Council for the effective implementation of such processes in the department as reflected in the establishment of clear lines of responsibility and accountability; the allocation of adequate resources; provision of training and professional development; and, given the increasingly cross-cutting nature of public policy issues, providing support to horizontal processes. The Deputy Minister is also responsible for ensuring that the outcomes of departmental public participation processes are integrated into the decision-making processes, and that these processes are evaluated.

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<sup>10</sup> Adapted from Treasury Board Secretariat (2001), Policy Statement on Consulting and Engaging Canadians (Working Draft).

**Sector, Branch and Divisional Heads** have a key responsibility for determining which issues require public participation processes, as well as a responsibility for the planning, undertaking, and evaluating public participation initiatives. They are further responsible for ensuring collaboration in this area, both within the Department and, where required, between federal departments and agencies and other levels of government.

In promoting a consultative culture in the department, Sector, Branch and Divisional Heads must ensure that public participation skills are considered in staffing and performance evaluations. In addition, the following have a particular functional responsibility to support and assist the Department's public participation activities:

**Consultations Unit, Intergovernmental and External Relations Division** is responsible for assisting departmental public participation processes through the provision of advice and support for the development of consultation plans and strategies and logistical support. The Unit is also responsible for ensuring that adequate training opportunities are available for departmental officials and for maintaining a database of key justice sector stakeholders and contacts.

**Regional Office Heads** (including the regional offices of the National Crime Prevention Centre) may be called to assist in the execution of public participation initiatives in the regions, and when appropriate, suggest how collaboration could be achieved with other levels of government within their region.

**Communications and Executive Services Branch** is responsible for the provision of communications support for departmental public participation activities that include strategic communications advice and planning, the development of public information materials, and environmental scanning and analysis.

**Evaluation Division** is responsible for carrying out independent assessments of the Department's public participation processes and providing advice and assistance to managers on self-evaluations, performance measures and results reporting relating to these public participation activities. The Division is also responsible for ensuring adherence to the Treasury Board's guidelines for evaluating public participation processes.

Other Sectors or Divisions may assume particular roles and responsibilities at particular times.

Government-wide, the **Privy Council Office (PCO)** and the **Treasury Board Secretariat (TBS)** and **Canadian Centre for Management Development (CCMD)** have been given particular responsibilities to promote and support a consultative culture across the federal government and in the public service.

## **PUBLIC PARTICIPATION GUIDELINES<sup>11</sup>**

### Operational considerations

#### *Costs to participants:*

In planning public participation processes, it is important to be aware that individuals or groups may incur costs arising from their participation. In selecting the appropriate method of participation, these costs must be weighed against the intended purpose and outcome. Where relevant to achieving the goals and objectives of the public participation, Justice Canada will consider whether cost to participants is an impediment to participation. In such circumstances, the Department may make provisions to defray some or all of these costs, subject to the relevant Treasury Board Secretariat guidelines.

#### *Providing time for stakeholder participation:*

In planning public participation processes it is important to recognize the resource constraints which affect citizen or stakeholder representatives ability to reply to departmental requests for input. As a consequence, participants are to be given sufficient time to adequately consider, internally consult, and respond to the consultation within time frames which strike a reasonable balance between the Department's needs or exigent circumstances to get something accomplished expeditiously and the need for participants to be involved in a meaningful way.

#### *Sharing knowledge and Information:*

Unequal access to information, or inaccurate assumptions about the knowledge base of participants can negatively impact on the effectiveness of a public participation exercise. As a result, Justice Canada shall endeavour to provide complete and factual background information material to all participants equally.

In recognition of the above noted operational considerations the Department of Justice shall ensure, wherever possible, that the following guidelines are respected:

### **Approval and Planning:**

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<sup>11</sup> These guidelines supplement the relevant Treasury Board Secretariat guidelines and policies. For additional information, please refer to the Department of Justice [Public Participation Guide](#).

1. All formal public participation activities shall require the approval of the relevant departmental authority;
2. Policy plans and Memoranda to Cabinet should, where relevant, include a section addressing what public participation activities are envisaged and, if any, a summary plan included;
3. Public participation plans shall be submitted for comment and approval by the relevant departmental authority;

**General Operational Guidelines:**

1. Ensure that public participation activities are inclusive of the broad spectrum of Canadians and not limited to traditional justice sector stakeholders;
2. Provide to participants a clear context for which public participation is undertaken and decisions will be made. Ensure that participants are informed of existing or potential linkages with other policy initiatives, issues or public participation activities;
3. Ensure that financial and staff resources correspond to the nature and scope of the public participation. Where resources are limited this should be communicated;
4. Ensure that sufficient staff resources are available to carry out the process and trained adequately for this task;
5. Ensure that clear and reasonable timelines are established for participant input and comment and that these timelines are communicated;
6. Ensure that the public participation device used is appropriate to the nature of the issue, the target groups affected and the staff and resources available;
7. Ensure that feedback to participants is built into the process and that participants have opportunities to bring forward additional comment or input as a result of this feedback;
8. Ensure that an evaluation framework is developed and built into the public participation plan;
9. Ensure that participants, affected groups, and stakeholders are informed of the results of the policy process and how their input was used in devising the policy;

10. Ensure that public participation processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of individual Canadians, departmental or other officials, or other participants.

## **PRINCIPLES<sup>12</sup>**

Public participation processes undertaken by the Department of Justice should respect the following guiding principles:

- Commitment:** all Sectors, Branches and Divisions share in Justice Canada's commitment to the process of public participation and its integration into the policy-making process;
- Clarity:** Justice Canada shall ensure that a clear mutual understanding of the objectives, purpose and process of participation and feedback exists and that the parameters of the public participation activity are established in advance and communicated to participants;
- Trust:** Justice Canada shall ensure that open lines of communication and working relationships are established and respected;
- Inclusiveness:** Justice Canada shall ensure that the participation of the broadest possible range of groups or individuals who have an interest in or who may be affected by a government decision is encouraged;
- Accessibility:** Justice Canada shall ensure that appropriate measures to ensure that all Canadians, regardless of their linguistic, regional, ethno-cultural or socio-economic background or physical capabilities, are able to participate;
- Mutual respect:** Justice Canada shall ensure that departmental officials and stakeholders share joint responsibility and commitment to ensuring respect for the legitimacy and views of all participants;
- Responsibility:** Justice Canada shall ensure that the Department and participants share in the responsibility for ensuring that

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<sup>12</sup> Adapted from Treasury Board Secretariat (2001), Policy Statement on Consulting and Engaging Canadians (Working Draft).

public participation processes are held in good faith and that adequate resources and time are allocated to the process;

Accountability: Justice Canada shall ensure that feedback on the outcomes of public participation processes is provided to participants and demonstrate how these outcomes have been considered in the policy-making process;

Co-operation: Justice Canada shall ensure that provincial and territorial governments, as well as other federal departments and agencies, are involved where relevant and practicable, consistent with the principles set out in the Social Union Framework Agreement.

### **CABINET DIRECTIVE ON LAW-MAKING**

In March 1999, Cabinet issued a directive on law-making in relation to consultations where draft legislation itself would be part of the consultation documents. This directive outlines the process to be used to obtain authority to consult on what is otherwise considered to be a Cabinet confidence (i. e. a bill before tabling). If a draft bill is intended to be used in consultation before it is tabled in Parliament, the MC should state that intention and ask for Cabinet's agreement. In the case of a draft bill involving changes to the machinery of government, the approval to consult should generally be sought in a letter to the Prime Minister from the sponsoring Minister.

### **PUBLIC PARTICIPATION WITH OTHER DEPARTMENTS AND GOVERNMENTS**

Where possible, Justice Canada will make every effort to co-ordinate with other federal departments and agencies and, to the extent feasible, with provincial and territorial governments, to address the major issues that impact on Canada's system of justice through:

1. Joint public participation when topics are related;
2. Planning public participation activities so that individuals and organizations affected or interested in justice issues are not forced to address several requests for participation during the same time period;
3. Ensure that, wherever possible, Justice Canada's Public Participation Policy and Guidelines are applied to joint processes.

As a joint partner in a public participation process, or as a participant, Justice Canada will ensure that adherence to the basic principles of commitment, clarity, trust, inclusiveness, accessibility, mutual respect, responsibility, accountability, and co-operation are maintained.

### **PUBLIC PARTICIPATION WITH THE SOLICITOR GENERAL<sup>13</sup>**

The Department of Justice has at different times been involved in the public participation activities of most federal departments and agencies. It is, however, with the Department of the Solicitor General that these activities have mostly been undertaken. As a result of their respective mandates the two departments share many of the issues of interest. For this reason, it is expeditious to work in partnership to develop a policy to engage Canadians so that duplication and overlap is avoided and to ensure the best use of resources.

The Department of the Solicitor General is responsible for protecting Canadians and helping to maintain Canada as a peaceful and safe society. The Department's role encompasses policing and law enforcement, national security, corrections and conditional release.

In all public participation exercises jointly conducted with the Department of the Solicitor General of Canada, Justice Canada will ensure that adherence to the basic principles of commitment, clarity, trust, inclusiveness, accessibility, mutual respect, responsibility, accountability and co-operation are maintained.

When the Department of Justice engages in joint exercises with the Department of the Solicitor General, the conflicting departmental positions on policy will be made clear to participants to enable them to make informed decisions. The aim of the process will not be to choose one course of action over another, but to simply find common ground and suggest a workable solution.

In practical terms, communication between the Department of Justice and the Department of the Solicitor General will be ongoing. It must also be recognized that there will be instances when one department or the other will have issues for public participation which are of no interest to the other.

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<sup>13</sup> Including the Agencies reporting to the Solicitor General of Canada: Royal Canadian Mounted Police; Correctional Services of Canada; Parole Board and, Canadian Security and Intelligence Service.