

Transcript of remarks by CE at media session before ExCo meeting

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam at a media session before the Executive Council meeting today (February 9):

Reporter: It emerged yesterday that the Hong Kong authorities have decided against using a jury for the trial of the first defendant charged under NSL (National Security Law), citing the need to protect the personal safety of jurors and their family members. Wouldn't this give public an impression that the Hong Kong Government does not trust the jury system, which would further erode public trust in the city's rule of law? And shouldn't the Government focus on stepping up measures to protect the jury's safety instead of getting rid of it? And the second question is about the British Consulate said yesterday that it was informed that Hong Kong will no longer allow dual nationality and they may not be able to provide consular assistance to British Chinese nationals in Hong Kong even if they enter the city with a British passport. Did the Hong Kong Government recently remind all consulates about this? And is it true that the Government would from now on strictly enforce this to ban consulates from offering assistance to people with dual nationality, and why didn't the Government offer a formal announcement on this? And the last question is does the Government still consider locking down certain districts as an effective measure to combat the pandemic given most of the lockdowns found no positive cases? Would the Government consider ditching this strategy so Hongkongers do not have to worry about this during the Chinese New Year holiday? Thank you.

Chief Executive: Three questions. The first question is, I would not comment. I would not comment on individual cases which are now under the judicial process. Similarly, I would not comment on a national security case, except to reiterate that this is a piece of national legislation and Hong Kong is the primary authority for implementing this piece of national legislation. That is, investigations will be done by the Police, prosecutions will be laid by the Department of Justice's independent prosecutors and finally the case will be tried in Hong Kong's independent courts. That is already a very strong indication of trust – trust in "One Country, Two Systems", trust in the Hong Kong systems, whether it is executive or judicial.

The second question is about the British National (Overseas) (BNO) passports. I must reiterate that what the British Government has done is in violation of the understanding reached at the time of the Joint Declaration. There was an exchange of memorandum between the two governments about how the holders of the BNO passports will be treated after 1997. That is, the BNO passport is a travel document and is a proof of identity and nothing else. It is not a form of nationality, and the UK government has pledged that it will not grant right of abode or nationality status to holders of BNO, and this understanding has now been breached. As far as visits by the consulates to

their nationals in Hong Kong institutions, there are two authoritative documents that one has to refer to. One is the Vienna Convention, which governs this sort of dual nationality. Where a person has dual nationality – which is accepted and recognised in some places, not all places, certainly not recognised in the Chinese Nationality Law – if that particular person is in one of the places or countries which he possesses one of his national status, then he will not be eligible for this sort of consular protection, including consular visits. That is a general rule applied to all countries and places.

Secondly is the 1996 explanations by the National People's Congress Standing Committee about the application of the Chinese Nationality Law in the Hong Kong SAR after 1997. That has a very specific provision that where people have a foreign nationality or right of abode elsewhere, unless they have renounced and have been approved to renounce that foreign nationality, they are regarded as Chinese nationals in Hong Kong. Likewise, they will not be eligible for consular protection, including consular visits. That is very clear. We are strictly enforcing or implementing that particular policy.

As far as the use of the RTD, the restriction-testing declaration, as a measure to combat COVID-19, we have done 25 such operations. It's a very staff-intensive operation. It's also done as expeditiously as possible in order to reduce the disruption on the residents concerned. It has proven to be effective, I've already mentioned that on previous occasions, but having regard to the importance Hong Kong people attach to Chinese New Year, I think earlier on the Chief Secretary for Administration has mentioned that we will conduct this sort of operations up till 2020年2月10日 (February 10), which will be tomorrow. Whether we will do it or not is still a matter of whether we need to, because every day the public health colleagues have to work with the home affairs colleagues to see whether there is a candidate for the restriction-testing declaration operation. As things now stand, barring unforeseeable circumstances, we will not do any RTD operation during the Chinese New Year holiday.

(Please also refer to the Chinese portion of the transcript.)