

Transcript of remarks by CE at media session before ExCo (with video)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting today (July 13):

Reporter: Hello Mrs Lam. Just now you talked about the dinner banquet on March 2 but actually the critics and public are concerned because under the Civil Service Code it says that civil servants must not accept lavish, unreasonably generous or frequent entertainment and bring them or the public service into disrepute, bearing in mind public perception. And it also applies to the political appointees because their code also has a similar provision. Would you please elaborate on why, when some lawmakers and legal experts said the authorities should launch an investigation because of this breach of the code, just now you insisted that the incident should be put to rest? My second question is on the Election Committee because some ex-officio members of the Election Committee said they received forms requiring them to declare whether they or their spouses have foreign passports or the BNO, so would you explain what's the rationale behind this requirement? Would it go too deep into the personal information or privacy of the Election Committee members? Thank you.

Chief Executive: Of the two questions, let me address the second one first. First of all, since we have already completed the special voter registration exercise for the Election Committee Subsector Elections this September, we are now proceeding into the candidate review process. You will recall that in the legislation to improve Hong Kong's electoral system, there is a specific requirement which is to implement one of the provisions in the Decision made by the National People's Congress, and also subsequently in the amendments to Annex I, Annex II of the Basic Law approved by the National People's Congress Standing Committee, that there is this requirement of a very well-instituted system to review the eligibility of the candidates. In Chinese it's "參選資格, 選舉資格 ½ 選舉資格" 選舉資格". This is to us an entirely new system and a new arrangement. We have taken a fresh look on how we can seriously implement this requirement in terms of reviewing the eligibility of candidates including your reference to ex-officio. Somebody will feel that since they are ex-officio, for example by virtue of their status as a deputy to the National People's Congress, or CPPCC (Chinese People's Political Consultative Conference) member, that it should be taken for granted that they will fulfil the patriotic requirement. But in order to ensure equity in application of the candidate review process, everyone who will have a seat in the 1 500-strong Election Committee will have to go through the same process.

This process involves the setting up of a Candidate Eligibility Review Committee which I have appointed, and which will meet shortly this week. In order to assist the work of this Candidate Eligibility Review Committee, we have to collate some facts for the committee to look at and to decide whether

a particular candidate could fulfil the requirements, or if not, if they have any doubt that the candidate should be referred to the committee that I chair, that is the national security committee, to give an opinion before they decide on whether they will accept this particular candidate as a member of the Election Committee or as a candidate to run in an election to become a member of the particular subsector in the Election Committee. In the process of collating the information, of course we need information from the individual, because that is first-hand information that any candidate who wants to be a member of the Election Committee has to provide about his own personal particulars, about other things that we need to know. And on this occasion, yes, we have designed a form for the candidate to complete, which will include some of the information that you have mentioned. This is very basic. We want to know about the spouse of the candidate as well, and we asked whether you have another nationality, whether you are in possession of a BNO passport. These are all collated for the purpose of the review by the Candidate Eligibility Review Committee.

Coming back to the first question. In terms of the regulation under COVID-19, the three officers who have attended in March this year a dinner now confirmed to be in a scheduled premises under Cap. 599F, that is, it is a catering venue, and hence they have been attending this with more than the restricted number of persons at that time which I understand was four. They have all been given a fixed penalty ticket under Cap. 599G, because this is breaching the gathering prohibition. They have all paid the fine, so as far as legal responsibility is concerned, that has been discharged. These officers have no more legal responsibility under the public health regulation.

In so far as the status as a civil servant, the first thing is we do not require the civil servants to report when they have committed fixed penalty offences. Fixed penalty offences happen in terms of driving and illegal parking, and on this occasion it is breaching the limit on the gathering as prohibited. They are not required to report to their supervisor. You mentioned this code whether in the civil service or in the politically appointed officials, I think one has to take an overall view about this sort of events. There is no definition of what is a lavish dinner. There is no definition of what is being unreasonable, and so on. At the end of the day it is a matter of judgement. I would say this – it would be too harsh to say that no public officers could attend social gathering. I hope you will not go to that extreme to suggest that since you are public official you should not go to any social gathering when invited. This is point number one. Point number two is we have to look at whether it is an isolated incident and the circumstances under which this particular incident happened. As I have explained, the three officers were being invited and they were given to understand that the venue is a private place rather than a scheduled premises under the regulation. Since they were being invited, how could they know whether it is a lavish dinner? To put such a harsh requirement on the officials that they need to know exactly what they are going to eat, to drink in a social occasion, which reasonably they should not turn down on every occasion – they could turn down on some occasions just like myself, I turn down 99 per cent of invitations to social gatherings – would be not very

reasonable for a public official. I have taken the view, same as the Chief Secretary for Administration and the Secretary for Security, because we are the supervisors of these three officials at various levels, that this was not a blatant attempt to breach the regulation, and this was not a sort of lavish dinner that they readily received from the host who invited them to the dinner. So we are not going to follow through with any of the actions that you have just mentioned. Thank you.

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