

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 20):

Reporter: Just to follow up on the oath-taking process that you said should be finalised soon. There's now a virtual vacuum at the District Councils because around 200 of the Councillors resigned. Is the Government doing anything about this? Will there be any by-elections because there are still more than two years left in this term? Secondly about a remark made by lawmaker Paul Tse. He said he didn't understand why extending some parts of the anti-bribery laws to cover the CE would undermine your constitutional status. Could you explain the rationale behind? And when you say Beijing will see any acts of corruption committed by the Hong Kong leader if any, do you mean the CE doesn't have to answer to local laws here? Thank you.

Chief Executive: Thank you for the two questions. On the first question, the fact that over 200 serving District Council members have voluntarily resigned does result in some of the District Councils having only a very small number of District Council members. I'm not sure if it has reached a stage that there isn't any District Council member in any District yet, but the fact is it is no longer a fully functional District Council as originally conceived. At the end of the day, District Councils, by virtue of the law, and as provided for under the Basic Law Article 97, are advisory bodies. They will perform when the Government seeks their advice. They will perform when the Government provides them with funding and wants to consult them on where to spend the money, either for community involvement or for doing minor works. With a lesser number of members on the District Councils, it means that some of the District Councils are not fully representative of the people in that particular district. For example, some of the constituencies within that district will no longer have any representative on the District Council.

Your question is what will we do about this. We have already started to extend our means of consultation. Area Committees are now taking on a more active role to provide advice to the Government and to talk to us about the problems in their respective districts. District Officers are now also more proactive in reaching out to the various constituencies, especially those with long-standing problems. The Government will, of course, through the various departments and what we call the DMC, the District Management Committee, to address the district problems. I believe those remaining District Council members will continue to do their role.

As far as by-election is concerned, yes, the current District Council still have a term of over two years, in fact it's two and a half years, but in the next nine to 10 months, Hong Kong will have to go through three important elections – the Election Committee Subsector Elections in September

this year, followed by the Legislative Council General Election in December and then the Chief Executive Election in March next year. We do not feel there is sufficient room and time for another set of by-elections, especially of this magnitude because of the number of seats involved. I could say that it would be almost impossible for us to mount a by-election of any District Council vacancies between now and the end of this term, that is, the Government's term between now and June. Of course by July next year, the District Councils will still have another 18 months of service. The question has yet to be dealt with. But I could not, sort of, pre-empt or foretell what will happen then.

I have extensively explained in Cantonese and in English I think over the last week or so about the comment I made in the Legislative Council. You will understand that this is not the first time I talk about this issue. I think some time last year, during the publicity of the 2020 Policy Address, people already asked about this initiative or this promise in my manifesto that I will resolve the constitutional issues to try to implement this recommendation to amend Section 3 and Section 8 of the Prevention of Bribery Ordinance to apply to the Chief Executive. Now I honestly and boldly confess that I have learned in the last two, three years about the role – this very important role – of the Chief Executive, that he or she has dual accountability. She is responsible to the Central People's Government, responsible to the Hong Kong SAR. And if you look through the Basic Law, the Chief Executive is discharging a lot of responsibilities on behalf of the Central Government. She is, sort of, above the Executive, the Legislature and the Judiciary. I'm not saying that the Chief Executive under that sort of constitutional role should be above the law. Of course not. If the Chief Executive commits offences under existing ordinance, especially criminal acts, he or she will be held accountable and face the legal consequences. But on an issue which deals with the sort of integrity of the Chief Executive, I think it will be against the constitutional position to subject him or her to the local legislation which is supposed to be applied to the other public officers. That's the position of me having understood more fully the constitutional arrangements.

This also echoes what Director Xia Baolong (the Director of the Hong Kong and Macao Affairs Office of the State Council) said last Friday, which I came out to echo. He said that Hong Kong has learned a lesson, has learned a deep lesson in the last two years. Prior to the riots and all this anti-government, anti-China acts in Hong Kong, I think very few people within and outside of the Government would realise that Hong Kong was facing such national security risks. We would not appreciate that it was so very important to make sure that Hong Kong has to be governed by people who are patriotic, who are accountable to the Central Government in order to keep our country safe. Having learned this very deeply, and as far as myself is concerned, very painfully, I have to stand very firm on important principles of the Constitution. This is one of those issues that I will have to take a very firm stance.

Thank you very much.

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