

Transcript of remarks of press conference

The Chief Executive, Mrs Carrie Lam, held a press conference this afternoon (March 30) on the approval by the Standing Committee of the National People's Congress of the amended Annex I to the Basic Law on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II to the Basic Law on Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures. Also joining were the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai; and the Permanent Secretary for Constitutional and Mainland Affairs, Mr Roy Tang. Following is the transcript of remarks of the press conference.

Reporter: The first question, is it appropriate to let national security police have a say on who can stand in elections and make a decision on local politics, and is the power given above their duties as law enforcement? The new vetting body and the national security commission comprise the CE and senior government officials, would there be a conflict of interest involved as the current CE, you yourself, can basically decide who can run in the next CE election and possibly as your opponent, and who will be voting in the CE election as well? Second question, will the candidate qualification process filled with hurdles and screening and the directly elected seats in all bodies kind of significantly reduced? Critics have been asking, why not just do appointments instead of elections? How will you answer to that? Thank you

Chief Executive: The first question, let me repeat it again and read out what is in the National Security Law – in the National Security Law that was enacted on June 30 last year and implemented in Hong Kong, it has Article 17, which specifies the duties and functions of the Department for Safeguarding National Security of the Hong Kong Police Force. It does include very categorically to conduct national security review. It is the function of the Hong Kong Police Force, they are only conducting review, they are doing the fact finding, and then present the facts to the committee that I chair, that is the Committee for Safeguarding National Security of the Hong Kong SAR. The decision of whether a candidate, based on the findings, could fulfil or meet the statutory requirements of swearing allegiance to the Hong Kong SAR and upholding the Basic Law is not one for the Hong Kong Police Force. It is one for this committee, and by the way the English translation of this committee is the Candidate Eligibility Review Committee. That is point number one. And it is only right because you need resources, you need to build up that expertise on how to find the facts. It is not something that you and I can do. The Police has been given this responsibility under the National Security Law, it is only right that they will discharge this duty as required under the National Security Law.

The second question is about conflict of interest. First of all, this committee is comprised of not one single individual, but several Principal

Officials. Although I said that if they are disqualifying candidates on the basis of national security, then they could not disclose why, that is the details, and the decision is not subject to judicial review. But it is all in the public domain for people to see whether a particular person has been disqualified. I don't think that the mere fact that the Chief Executive is the chairman of the national security committee will be able to singlehandedly decide who is eligible, who is not eligible. The public has all to judge whether a decision has been made rightly or wrongly because for somebody to compete or contest in a CE election, it could not be somebody who is totally unknown. I'm sure that society will be able to judge how could this candidate be disqualified. There must be expression of opinion if that sort of thing happened just because of an incumbent Chief Executive trying to interfere with the decision of the Candidate Eligibility Review Committee.

The third question is a very broad one, about how one should look at this set of improvements to the electoral system of Hong Kong, or how one could justify this set of improvements to the people of Hong Kong. That brings me back to the question of democracy. How one should judge democracy? What is the best system of democracy? I am one of those who will not subscribe to a view that there is only one single model of democracy in this world. There's no one size that fits all. If you want to look at which is optimal democratic process or development in a place, then you have to look at several factors. One is the constitutional status of this place, whether it is a country, whether it is a federal state, whether it is a special administrative region that is a district administration like Hong Kong. Secondly is the actual circumstances, the pace of development and so on. In our case, since 1997, we have several rounds of elections and I may as well say this very categorically that the Central Government is very sincere to give Hong Kong people so-called more democracy that is universal suffrage. On three occasions, since 1997, the National People's Congress Standing Committee has passed decisions or interpretations to allow us to move forward. But who has jeopardised those improvements? I'm sure you have an answer. As lately as the last one, which was conducted by me as a team leader, I was very convinced then, I am very convinced now that that is a very good package that will enable Hong Kong people to choose the Chief Executive by "one person, one vote". But that was vetoed by the so-called "pro-democracy" members in the Legislative Council. We could not blame the Central Government, we could not blame the Hong Kong SAR Government. What we have seen since around 2014, maybe "Occupy Central", then we have the Mong Kok riot, we have the Fugitive Offenders Ordinance, then all these riots, and then we have the "35-plus" and all these things that get people very worried what will happen if we do not plug the loopholes in the Hong Kong electoral system. It is for that reason that this set of improvements has to be put in place in order to ensure that Hong Kong's electoral system is in line with "One Country, Two Systems". It will not return candidates who become politicians or who become part of the governing team that will endanger national security and do not mind destroying Hong Kong. That has been a slogan, adopted by the so-called "pro-democracy" camp, they don't mind to destroy Hong Kong as long as they seize the majority in the Legislative Council and force the Chief Executive to resign, then force the Central Government to step in and then riots and bloodshed. These are all writings

that have been expressed by somebody who wanted to destroy Hong Kong. It's not created out of the blue by myself.

It is with that sort of chaotic and dangerous situation that the Central Government has no option but first to enact the National Security Law and then now to improve the electoral system. But, the ultimate purpose of universal suffrage is still there. It has not been changed. Article 45 and Article 68 of the Basic Law that provide for universal suffrage as an ultimate goal for Hong Kong have not changed. Not a single word has changed. What will happen is as we move ahead with the current set of improvements in place, then in accordance with Hong Kong's actual situation, and in an orderly and gradual manner, and meeting the requirements in Article 45, I'm quite certain that we will still have universal suffrage in selecting the Chief Executive. We just need to act in concert and make sure that we are not moving away from this very fundamental concept of "One Country, Two Systems". Thank you.

Reporter: Hi, Mrs Lam. You said you won't be doing the vetting yourself, but how can you expect your Principal Officials to be doing their jobs without fear or favour when they are vetting their boss or their future boss? And how will you choose the convener of the Election Committee? The document says that it will be taken up by someone in an office of state leadership. Does it just leave two of your predecessors in your current job to take up that post? And, again, is there a conflict of interest if you would have a role in picking the convener of that very important Election Committee? Secondly you've said that you want the future elections to represent all sectors of society. Why then have you booted out all District Councillors from the Election Committee, which is by definition the most representative because it was done by universal suffrage, whether it was in a federal or unitary system, and replaced them with Fire Safety Committees and District Fire Crime Committees that very few people in Hong Kong have heard of? And just now you said that Beijing has tried to give Hong Kong more democracy back in 2014. Is it still an intention to bring that proposal back? And is that the next step you will take or is that off your table? Thank you.

Chief Executive: There are four questions. I'll try to answer them. By the way, I do have a bit of time so you can continue to ask. I'll continue to answer your questions because this is such an important subject. As far as the Candidate Eligibility Review Committee, it will be made up of Principal Officials, several Principal Officials. Your worry is about fear or favour and conflict of interest. I'm telling you that, especially talking about the Chief Executive, the Chief Executive candidate will not be a nobody in Hong Kong. Whatever committee, whatever Principal Officials, it is not up to them to arbitrarily decide that a CE candidate does not fulfil the requirements of swearing allegiance to the Hong Kong SAR and upholding the Basic Law. I have to say that that sort of worries are exaggerated.

The second point is about the convener. The convener is not appointed by me. The convener has been specified in Annex I as whoever in the 1 500-strong Election Committee who is assuming duties of a state leader or who is performing state leadership duties. I take it to mean it will be the Vice-

Chairman of the CPPCC (Chinese People's Political Consultative Conference), but I could not tell you which one because it's not specified and it's not for me to say. I want to assure you that this is a clause for use under very, very exceptional and rare situations, and this convener system will only kick in during elections. During normal periods of governance, this convener system or the chief convener has absolutely no role in the governance of the Hong Kong SAR. It certainly will not have any influence over the Chief Executive or the Principal Officials. It is really under very exceptional circumstances during the course of an election that something that is totally unforeseeable has happened, that it needs a plan to tackle, then the Central Government may trigger this convener system. But prior to that I will draw your attention to another paragraph in Article 8 in the March 11 Decision of the NPC (National People's Congress). It says that the Chief Executive of the Hong Kong SAR shall submit in a timely manner to the Central People's Government (CPG) reports on the arrangements for the electoral system and the organisation of elections in the Hong Kong SAR, and other relevant important matters. I would imagine, because if I were the then CE, with this Article 8, if something very exceptional happens in an election, the first thing that will happen is the CE will submit a report to the CPG saying that something very unusual, very exceptional, has happened during an election, then the CPG will consider what action to take. The fact that there is a chief convener within the 1 500 members may be a ready way that something, some action, could be taken. I'm only explaining to you that there is a role of the Chief Executive in the process. But I'm not appointing anyone so it has nothing to do with me, and it will not appear in the local legislation. While I said that the local legislation will need to reflect what is in Annex I and Annex II, this is the thing or the provision that will not appear in Hong Kong SAR electoral laws.

The third is about District Councils. Actually we've got a very detailed answer in this booklet on why District Councils are excluded. District Councils, by definition under Article 97 of the Basic Law, are not supposed to be organs of political power. They are advisory bodies to tender advice to the Government on district matters. They don't even have an executive duty, they don't even exist as a legal entity to pay money to somebody and so on. They are advisory bodies. But over the years, especially after the last election, we have seen this huge politicisation of the District Councils that they've become sort of also organs of political power, trying to influence the political system in Hong Kong and also to use the platforms to do anti-China, anti-government measures and so on. The exclusion of the District Councils is to restore them back to their intended constitutional role, that is they are not organs of political power, they are only advisory bodies to give advice to the Government on various district matters. Having said that, the Central People's Government realised if we are to achieve this broad representation in the Election Committee, and to have balanced participation by more sectors in the population, then we need to find other candidates or other sub-sectors which are able to reflect the district views and also to provide a grass-roots perspective to governance. In the 1 500 members, as you have found it out, there are several sub-sectors which will fulfil this role very nicely. For example, in the 18 districts, each district will have an Area Committee, each district will have a District Fight Crime Committee, and

each district will have a District Fire Safety Committee. If you look back at the history, some of these committees existed well before the District Council, for example DFCC, the District Fight Crime Committee, because in those days safety was paramount. The DFCC actually dated back to 1973. And then the Area Committee, 1972, well before we have District Councils. They are really very ready groups or sub-sectors that could fill this role of reflecting these grass-roots or district views to the Election Committee and to the overall governance in Hong Kong. On top of that, there are still others called the grass-root associations, there are also those called clansmen association. They bring together a very wide spectrum of ordinary people who are able to participate in this Election Committee. I think that is an improvement over the existing system, where because of the loophole in the election system you could have 80 per cent of District Council members coming from one single stance, which is not a balanced representation at all.

The final question is about universal suffrage. As I said, Article 45 and Article 68, that is the ultimate goal of achieving universal suffrage respectively for the selection of the Chief Executive and the formation of the Legislative Council, remain intact – not a single word has been changed. When the actual situation permits, which is written in the two Articles, in a gradual and an orderly manner and in accordance with Article 45, that is the CE has to be nominated by a broadly representative nominating committee, when those conditions are fulfilled, I do not see why we will not move ahead and gradually move towards the ultimate goal of universal suffrage. But it will not happen within my term. We don't have time to allow the system to evolve and establish and mature in order to attain that objective. Thank you.

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