

SJ and SCMA speak to the media

Following is the transcript of the replies by the Secretary for Justice, Mr Wong Yan Lung, SC, and the Secretary for Constitutional and Mainland Affairs, Mr Stephen Lam, to media questions on the replacement mechanism at a media session at the Central Government Offices tonight (June 29) (English portion):

Reporter: The unconstitutional elements of the original proposal remain in the revised proposal, meaning that a candidate of a different list actually can fill a seat of another list. And both Hong Kong's professional legal bodies have spoken against the proposal. Do you think that your legal advice to the government could be more on shaky grounds?

Secretary for Justice: First of all on particular legal issues, different people have different views or come to different conclusions. One can understand that it's actually quite normal. In fact, we have set out our reasons in writing before and we have elaborated on some of reasons as to why we believe that the revised proposal we have put forward is constitutional and reasonable. I think your first question is that because the revised proposal still contains elements which some considered to be unconstitutional then what is my response to that. I have said in my opening remarks that when you look at the current revised proposal, you look at it as a whole. To see what are the problems identified by some parties in relation to the original proposal, to see to what extent the revision could address those concerns. Once you put things in context, some of the so called "anomalies" could in fact disappear or could be addressed in the revised proposal. You have to look at it in that light. I have actually given some details. I hope you can refer to that and I will give more opportunities to others to ask some other questions.

Reporter: The Government consulted the public on the 50 cents levy on plastic bags. Why wouldn't you consult the public when you are taking away people's right in voting in a by-election?

Secretary for Constitutional and Mainland Affairs: On the question of public consultation, I would emphasise four points.

Firstly, ever since the five legislators resigned in 2010, there is widespread opinion among Hong Kong society that this problem of unnecessary resignations should be dealt with and that the Government should take proactive action to plug the loophole to avoid such unnecessary resignations and to avoid unnecessary public expenditure so that the operation of the Legislative Council will not be affected and the people of

Hong Kong will continue to be fully represented in our Council.

Secondly, throughout the last year and a half or so, both within and outside the Legislative Council we have had pretty full discussions about various possible remedies to this problem. In fact, one of the legislators put forth a Private Member's Bill. All these options we have discussed and evaluated thoroughly.

Thirdly, in the course of the one-and-a-half-month since we, as the Government, put forward our proposals, both within the legislature and outside the Legislative Council we have had quite a lot of public discussions. In particular, on June 18, the Legislative Council held a public discussion forum and we received views from over 100 representatives of organisations and individuals. These views covered a very full spectrum of opinions, both in support of and in opposition to our proposals. Those who came to present views also put forth various possible solutions.

Fourthly, having evaluated all these views which we have received, yesterday we put forth a revised set of proposals to the legislature. The key element in our revised proposals is that henceforth, any legislator who resigns or vacates his seat can first be replaced by a candidate from his original list - a candidate who stood in the same general election as this resigning Member. This will help us to preserve the distribution of seats according to the proportional representation system that we have put forth for Hong Kong. This revision of our proposal demonstrates very fully the sincerity and commitment on the part of the Government to address this problem in a manner which is consistent with public opinion, which is legal, which is constitutional and which will provide a solution to Hong Kong society.

Therefore, the most essential feature of a public consultation exercise has already been dealt with - we have listened to public views, we have put forth a revised set of proposals. We believe the time for enacting legislation has come. We hope that we will continue to receive sufficient support within the legislature for this to be taken forward.

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

Ends/Wednesday, June 29, 2011