

Transcript of remarks at press conference on Basic Law (1)

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The Chief Executive, Mr C Y Leung, held a press conference today (November 7) with the Chief Secretary for Administration, Mrs Carrie Lam; the Secretary for Justice, Mr Rimsky Yuen, SC; and the Secretary for Constitutional and Mainland Affairs, Mr Raymond Tam. Following is the transcript of remarks at the press conference:

Chief Executive: Certain elected members of the current-term Legislative Council (LegCo), including Leung Chung-hang and Yau Wai-ching, deliberately violated the oath-taking procedure and content requirements of the oath. They even insulted the Country and the Chinese people in their words and deeds in the oath-taking, as well as advocated "Hong Kong independence". Their conduct has caused widespread indignation in Hong Kong and across the Country. The SAR Government considers that their conduct seriously undermines the rule of law and deals a heavy blow to "one country, two systems".

On the 18th of last month, the SAR Government commenced legal proceedings in the court, requesting the court to rule that Leung and Yau have failed to fulfill the legal requirements and should be disqualified as LegCo members in accordance with Article 104 of the Basic Law, the Oaths and Declarations Ordinance, as well as previous court rulings of related cases.

This morning at its meeting in Beijing, in accordance with the requirements of Article 67(4) of the Constitution and Article 158(1) of the Basic Law, the Standing Committee of the National People's Congress (NPCSC) issued its Interpretation (Interpretation) and clear explanations concerning oath-taking by public officers specified in Article 104 of the Basic Law, including LegCo members, when assuming office.

It is an important part of the constitutional and legal systems of HKSAR for the NPCSC to exercise its power conferred by the Constitution and the Basic Law to interpret provisions of the Basic Law. The Interpretation is intended to ensure that public officers specified in Article 104 of the Basic Law, when assuming office and taking oath in accordance with law, must read out the oath as prescribed in the law, including "to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China", in an accurate, complete and solemn manner.

The Interpretation has clarified that any oath taken in a manner that is not sincere or solemn is considered a "decline" to take an oath, and that the oath taken is rendered invalid. As such, the person taking the oath is regarded as having forthwith lost his/her qualification for the corresponding public office and they therefore cannot assume such public office, nor exercise his/her duties or enjoy the corresponding benefits of the office.

The Interpretation clearly explains the meaning of Article 104 of the Basic Law and the consequences of contravening the provision. The Interpretation also explains clearly the requirements for oath-taking by specified public officers.

All specified public officers, including LegCo members, when taking oath in assuming office, must pledge in the oath in a sincere and solemn manner to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China. This is both to comply with the legal and constitutional requirements and a prerequisite for standing for election or assuming office. Any words or deeds that deliberately contravene the above requirements, defy the

prescribed oath-taking procedure, or even use the opportunity to insult the Country and the Chinese people, and advocate secession must be stopped in accordance with the law. I and the SAR Government support the Interpretation passed by the NPCSC today. As the Chief Executive of the SAR, I have the duty to implement the Basic Law in accordance with Article 48 of the Basic Law. I and the SAR Government will implement the Interpretation fully.

Hong Kong is an inalienable part of the Country. The Hong Kong people have the duty to uphold national unity, territorial integrity and security, as well as the dignity and interests of the Chinese people. I am certain the Hong Kong community will agree that every LegCo member has the duty to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and to fully implement the constitutional arrangements and legal requirements under "one country, two systems".

(To be continued.)

Ends/Monday, November 7, 2016