

Transcript of remarks by SCMA at media session on District Council Election

Following is the transcript of remarks made by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, at a media session today (October 12) after attending a radio programme:

Reporter: Will the government disqualify candidates who advocate "self-determination" or "independence"? For example, Joshua Wong has said that he still supports "self-determination" when he runs the election. Will he be affected or will he be disqualified?

Secretary for Constitutional and Mainland Affairs: I will not comment on the circumstances of individual nomination. It's clear that the Returning Officers will follow the law to exercise their power and their responsibility to determine the validity of nominations. It's very clear that one of the requirements, which has been confirmed by the court to be a substantive requirement, is that the candidate must uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region. We know very clearly that according to the Basic Law and the "one country, two systems" principle, the Hong Kong Special Administrative Region is part of China. Anyone who advocates independence or "independence as a possible option" is clearly inconsistent with "one country, two systems" and the Basic Law. But I have to emphasise again that for individual nomination, the Returning Officer will consider and decide the validity of the nomination in accordance with the legislation and the information received, the relevant evidence and the court judgment. There is also a mechanism for any aggrieved party to lodge an election petition to pursue the issue. Also, if any nomination is not validated, the Returning Officer will also set out the reasons and make it public.

Reporter: Will the government make use of the Emergency Regulations Ordinance to cancel the District Council Election altogether if the election couldn't be held before December 8 as scheduled?

Secretary for Constitutional and Mainland Affairs: If the election cannot be held as scheduled due to scenarios such as riots, public violence or danger of public safety, there is already a mechanism under the existing law, the District Councils Ordinance, to adjourn or postpone the election. We will follow the provisions of the District Councils Ordinance to deal with these contingency situations. So there is no need and we will not use the Emergency Regulations Ordinance to adjourn or postpone the District Council Election.

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