

**Administration's Responses to Points raised on 15 May 2001
by Members of the Bills Committee
on the Chief Executive Election Bill**

(for submission to the Bills Committee meeting to be held on 22 May 2001)

Qualification and disqualification criteria for nomination

Q1: Is a holder of Taiwan Entry Permit eligible for running in the CE election?

A1: Taiwan Entry Permits are not entry permits issued by an authority outside the People's Republic of China. Accordingly, under Clause 14(e), a candidate with Taiwan entry permit will not be disqualified from being nominated as a candidate for the CE election.

Q2: Will a holder of temporary entry permits into other countries (e.g. Vietnam) be disqualified from being nominated as a candidate for the CE election?

A2: We understand that such temporary entry permits are landing cards only and not passports or similar travel documents. Clause 14(e), therefore, does not apply to them and hence holders of such temporary entry permits will not be disqualified from being nominated as a candidate for the CE election.

Q3: What will happen if a CE, after assuming office, acts in such a way (e.g. by acquiring right of abode in a foreign country) which would result in his being disqualified from being nominated in the first place?

A3: Under such unlikely circumstances where the CE acts in contravention of the Basic Law (e.g. by acquiring right of abode in a foreign country), it might become a ground for the LegCo to initiate a motion of impeachment under BL 73(9). The LegCo may pass a motion of impeachment by a two-thirds majority of all its Members and report it to the CPG for decision.

It should be noted that this question is not directly relevant to the consideration of the CE Election Bill since the Bill only deals with the election of the CE.

Q4: What is the basis for the Administration's proposal that BNO passport holders should be disqualified from being nominated as candidates?

A4: Holders of BNO passports are entitled to receive, upon request, British consular services and protection when in third countries. Holders of BNO passports do owe allegiance to the Queen of the United Kingdom and are subject to the law of treason.

Under BL 104, the CE is required to swear allegiance to the HKSAR of the PRC. Under BL 43, the CE is the head of the HKSAR and is required to represent the Region. Under BL 48(9), the CE has the function to conduct, on behalf of the Government of the HKSAR, external affairs. Clearly, any allegiance or duty to a foreign state would be inconsistent with this representational role of the CE. It is, thus, justified for imposing this restriction.

Constitutional Affairs Bureau
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