

## **Press Statement of the Hong Kong Bar Association**

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1. In a speech delivered in a meeting with principal Executive, Legislative and Judiciary officials during his recent visit to the Hong Kong Special Administrative Region (“HKSAR”), Vice-President Xi Jin-ping (習近平) stated, amongst others, that there should be solidarity and sincere co-operation within the governance team (“團結，管治團隊要精誠合作”). Vice-President Xi further stated that there should be mutual understanding and support amongst the Executive, the Legislature and the Judiciary (“行政、立法、司法三個機構互相理解，互相支持”).
2. These remarks have caused debates and concerns, especially in respect of the call for mutual understanding and support amongst the Executive, the Legislature and the Judiciary.
3. The Bar does not attribute to Vice-President Xi any intention to interfere with the independence of our Judiciary, which is firmly guaranteed by Articles 2 and 85 of our Basic Law. However, the Bar believes it is important to recognize, reiterate and affirm the importance of an independent Judiciary in the HKSAR, which is of vital importance to the maintenance of the Rule of Law in the HKSAR as well as its long term stability and prosperity.
4. The Judiciary in Hong Kong has always been, and under the Basic Law it shall remain, separate and independent from the Executive and the Legislature. It is not, and should not be regarded as, part of the governance team. Legality of government action is subject to judicial scrutiny. Unless the Judiciary is truly independent, it cannot fulfill its role of ensuring that the Government is acting in accordance with the law. Nor can it discharge its function of ensuring that legislation passed by the Legislature is consistent with the Basic Law and the international legal obligations of the HKSAR.

Hong Kong Bar Association  
9 July 2008