

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

1. The Hong Kong Bar Association refers to remarks made by Mr. Zhang Xiaoming, Deputy Director, Hong Kong and Macau Affairs Office, on 10th November 2009 when he commented that development of Macau since the handover had been different from Hong Kong in that (among other things) Macau placed more emphasis on co-ordination among the Executive, Legislative and Judicial branches and was more constructive. (“特別是行政、立法、司法之間的關係，更多是注重相互之間的配合，更加具有建設性”)
2. The Bar respects the political and judicial system of Macau, which is based on the Macau Basic Law. It also respects the freedom of expression of Mr. Zhang. However, since his comments touched on (and drew comparison with) Hong Kong, the Bar regards it as necessary to re-state its position on a matter of fundamental importance to Hong Kong.
3. In Hong Kong the legality of Executive action, as well as the constitutionality of legislation passed by the Legislature, is subject to supervision by an independent Judiciary which is free from pressure and interference from the Executive and Legislature. Judicial independence is and has been one of the most important factors contributing to the unique success of Hong Kong in this region. It has been recognized as such by the architects of the concept of “One Country Two Systems”, who had preserved and entrenched Judicial Independence through the Sino-British Joint Declaration and the Basic Law of the HKSAR.
4. The Judiciary is not and should not be seen as part of the governance team of Hong Kong. However laudable a Government policy may be and however expedient a course of action may be, the Government has to act in accordance with the law. The Judiciary plays the indispensable role of providing the necessary check and control over abuse, illegal or excessive use of Executive and Legislative power, and it does so in an open and transparent legal system.

11th November 2009
Hong Kong Bar Association