

THE COUNCIL OF THE HONG KONG BAR ASSOCIATION

PRESS STATEMENT

1. The Council of the Hong Kong Bar Association (“the Bar Council”) issues this statement in response to the debate generated by the recent appointment of its Chairman, Rimsky Yuen, S.C., as a member of the Guangdong Provincial Committee of the Chinese People’s Political Consultative Conference (“CPPCC”).
2. The Bar Council understands the Guangdong Provincial Committee of the CPPCC to be a consultative body whose members are to give advice and freely express views on areas which will generally be confined to the Guangdong Province without being required to execute any decision or conform to any particular line.
3. The Chairman had consulted the Bar Council. The Bar Council does not regard there to be any conflict between the Chairman’s role as a member of the Guangdong Provincial Committee of the CPPCC and his position as Bar Chairman or conflict between the objects of the Bar Association and those of the Guangdong Provincial Committee of the CPPCC, once the role and function of the CPPCC is properly understood. In the unlikely event that conflict between his roles does emerge, the Chairman can and should be trusted to be the first one to acknowledge it and to act appropriately.
4. The Bar Council perceives the appointment as a compliment to the Chairman personally and the position that he holds with the Bar – an institution whose stance in defence of human rights and the rule of law is well known both in Hong Kong and elsewhere. The Bar’s stance on these issues has not changed and will not change. The Bar Council sees the appointment as providing a positive and refreshing opportunity for dialogue and understanding with Mainland China.
5. The Bar Council unanimously supports and welcomes the appointment. A Bar Circular was issued on 15 January 2008 to inform members of the appointment.

16 January 2008

Press Statement

1. My recent appointment as a member of the Chinese People's Political Consultative Conference ("CPPCC") of the Guangdong Province has generated a good deal of debate and discussion.
2. The role of CPPCC is consultative. Members of the CPPCC, whether at the national or local level, are appointed so that they can express their views. Once the role of a CPPCC member is properly understood, there cannot be any valid suggestion of conflict between my role as the Chairman of the Hong Kong Bar Association and my role as a member of CPPCC.
3. There are suggestions that even if there is no actual conflict, the public or a section thereof may perceive that the Bar, headed by a person who is also a member of CPPCC, is no longer independent or objective. I have considered this issue before accepting the appointment. Properly analyzed, such a perception is based on the assumption that the membership of CPPCC will, by itself, affect one's independence. This is not correct. Any member of the CPPCC is entitled to express his or her free views unconstrained by any particular line. Further, my position in the CPPCC will not inhibit me from conducting the affairs of, and speaking out on behalf of, the Bar Association in accordance with its traditions, values and objectives.
4. One of the most important objectives of the Hong Kong Bar Association is to maintain and promote the rule of law. This is what I have been trying to achieve as Chairman of the Bar in the past year. On the other hand, anyone who believes in the rule of law should also agree that it is equally important to promote the rule of law in Mainland China. As a member of the legal profession, I perceive my appointment as a good opportunity to further this objective, as well as to enhance constructive dialogue between the Bar and Mainland bodies.

Rimsky Yuen, S.C.
Chairman of the Hong Kong Bar Association
16 January 2008