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**PRESS RELEASE**

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**The Hong Kong Bar Association's Press Statement on the  
Appointment of the Secretary for Justice**

The Hong Kong Bar Association ("HKBA") welcomes the appointment by the Central People's Government of Mr. Rimsky K K Yuen SC ("Mr. Yuen"), who was Chairman of the Council of the Bar Association in 2007-2009, as Secretary for Justice of the Government of the HKSAR.

香港大律師公會歡迎中央人民政府任命袁國強資深大律師，為香港特區政府律政司司長。袁先生於2007年至2009年期間，曾出任大律師公會主席。

During the time when Mr. Yuen was the Chairman, the HKBA responded to a number of developments that concerned the Rule of Law, Judicial Independence and Administration of Justice in Hong Kong, including:

- the Race Discrimination Bill,
- the revised guidelines of the police force on intimate searches of suspects and detainees,
- the re-designation of the Legal Aid Department to be under the purview of the Home Affairs Bureau (instead of under the immediate portfolio of the Chief Secretary for Administration) following reorganization of the Government Secretariat.

大律師公會在袁先生出任主席期間，對有關在香港特區在法治、司法獨立和秉持公義等議題，曾主動作出回應並提出意見，包括《種族歧視條例草案》、警方對疑犯及被拘留人士進行脫衣搜查的修訂指引，並對政府總部改組後，將原本隸屬政務司司長辦公室之法律援助署，納入民政事務局轄下，表示極度關注。

Further, in the same period of time, the HKBA also commented on the following matters of public concern:

此外，大律師公會在袁先生出任主席期間，亦曾就下列受公眾關注的事件或議題發表意見：

(1) In July 2008 during his visit to Hong Kong, the Vice-President Xi Jinping made a statement calling for “solidarity and sincere co-operation within the governance team” and “mutual understanding and support amongst the Executive, the Legislature and the Judiciary”. Reports of the statement had caused debates and concerns in Hong Kong society. By its press statement dated 9 July 2008, the HKBA re-iterated the importance of judicial independence and stressed that the Judiciary is not and should not be regarded as part of the governance team, and unless the Judiciary is truly independent, it cannot fulfil its role of ensuring that the Government is acting in accordance with the law and that legislation passed by the Legislature is consistent with the Basic Law and the international legal obligations of the HKSAR;

2008年7月國家副主席習近平先生在訪港期間，呼籲「管治團隊要團結並精誠合作」及「行政、立法、司法三個機構，互相理解互相支持」，引起公眾的辯論和關注，大律師公會在七月九日發出聲明，重申司法獨立的重要性，明確地指出司法機構不屬於政府的管治團隊，亦不應被視為團隊之一員，倘若沒有獨立的司法機構，便不能真正擔當監督政府的角色，確保立法機構所通過之法例一貫地遵從基本法，和履行國際的法律義務及責任。

(2) On 6 January 2009, with respect to constitutional reform, indicating that the Government should put forward proposals that would eventually lead to the total abolition of functional constituencies in accordance with Article 25 of the International Covenant on Civil and Political Rights.

2009年1月6日，大律師公會就政改方案發表意見，敦促政府落實建議，實現根據《公民權利和政治權利國際公約》第二十五條，建立選舉制度的承諾並最終全面廢除功能組別。

The HKBA strongly believes that Mr. Yuen will perform his public duties as Secretary for Justice with integrity, ability and diligence. The HKBA is confident that Mr. Yuen will fearlessly discharge the professional responsibility and the social and ethical duty of lawyers “to protect the physical, moral and intellectual integrity of the individual” which he highlighted on 8 December 2008 on behalf of the HKBA when making a joint statement with the Law Society, at the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights (“the Joint Statement”). The Joint Statement said,

“This duty asks that we constantly review our legal regime to ensure that law is never used to support an unjust system or to excuse inaction in the face of abuse of power, and to ensure that the ambit and application of law never involves any derogation from the fundamental rights of the individual, bearing in mind that an injustice committed against any one person is a threat to the very rule of law”.

在 2008 年 12 月 8 日《世界人權宣言》頒布 60 周年時，由袁先生出任主席的大律師公會聯同香港律師會發表聯合聲明，其中指出：

「律師應維護市民的身心尊嚴，這不單是法律界同仁的專業責任，更是當履行的道德義務。正因如此，我們必須不斷審視我們的法律制度，確保法律不會淪為支持不義制度的工具，或面對濫權行為時無動於衷的藉口。並且須確保法例的內容及具體執行，不會導致個人權利的損害，因為對任何一個人的權利的侵犯，均會對法治構成威脅。」

大律師公會深信袁先生將會憑著他的才能，正直不阿地竭力履行律政司司長的職責，並能無畏地恪守法律界上述的專業責任，和肩負法律界在社會和道德上的義務。

Lastly, the HKBA expresses its gratitude and appreciation to Mr. Wong Yan Lung SC, the outgoing Secretary for Justice, for his outstanding service and contribution to the community, the Rule of Law and administration of justice in Hong Kong.

最後，大律師公會藉此向行將卸任的黃仁龍資深大律師於任內對服務社會、維持香港法治及秉持公義所作的卓越貢獻，表達由衷的感激及敬意。

HONG KONG BAR ASSOCIATION  
28 June 2012

香港大律師公會  
2012 年 6 月 28 日