

Introduction





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The role of the Secretary for Justice



The Department of Justice is headed by the Secretary for Justice, whose paramount duty is to maintain the rule of law. As one of the Principal Officials of the HKSAR Government, the Secretary for Justice discharges a wide range of duties. Chief among these is to act as the principal legal adviser to the Chief Executive, to the HKSAR Government and to government bureaux, departments and agencies. The Secretary for Justice is also a member of the Executive Council.

Under Article 63 of the Basic Law, the Department of Justice shall control criminal prosecutions free from any interference. As head of the Department, this constitutional duty to control criminal prosecutions, including the decision to prosecute criminal offences, is discharged by the Secretary for Justice independently. The Secretary for Justice is also named as the defendant in all civil actions brought against the Government and represents both the Government

and the public interest in legal proceedings.

As guardian of the public interest in a wider sense, the Secretary for Justice may in appropriate case make application for judicial review to enforce public legal rights. The Secretary may also intervene in any case involving a matter of great public interest. The Secretary represents the public interest as counsel to tribunals of inquiry. The Secretary is the Protector of Charities and must be joined as a party in all actions to enforce charitable or public trusts. The Secretary also has a more general public interest role as *amicus curiae* (friend of the court), the most important example of which is bringing alleged contempts of court to the notice of the courts.

Amongst many other functions, the Secretary for Justice is the ex-officio Chairman of the Law Reform Commission, Vice-Chairman of the Fight Crime Committee, and serves on the Chief Secretary for Administration's Policy Committee, the Judicial Officers Recommendation Commission and the Independent Commission Against Corruption's Operations Review Committee.



The Secretary for Justice with staff members of the Secretary for Justice's Office (from left): Administrative Assistant to Secretary for Justice, Mr Howard Lee; Senior Personal Assistant to Secretary for Justice, Miss Polly To; Secretary for Justice, Mr Rimsy Yuen, SC; and Press Secretary to Secretary for Justice, Mr Terence Yu

The Secretary for Justice's Office

The Secretary for Justice's Office provides public relations and administrative support in respect of the Secretary for Justice's many functions. This includes assisting the Secretary in all matters relating to the Executive and Legislative Councils, be it the promotion of legislation or providing answers to legislators' questions. Members of the office ensure that the Secretary is fully briefed on the issues which arise, assist in the analysis of those issues, and help prepare speeches and responses.

Information and public relations

Promoting public understanding of the HKSAR's legal system and the rule of law is an important commitment of the Department of Justice. To this end, the Public Relations and Information Unit of the Secretary for Justice's Office provides information to the public and the media about the work of the Department through press releases, press conferences, answers to media enquiries, and other media and publicity channels. The unit also co-ordinates the preparation of educational materials and publications to introduce different aspects of the Department's works.



Media session arranged by the Public Relations and Information Unit



The Secretary for Justice, Mr Rimsy Yuen, SC (centre), with division heads (from left): Solicitor General, Mr Frank Poon; Law Officer (International Law), Ms Amelia Luk; Director of Administration and Development, Mr Cheuk Wing Hing; Law Officer (Civil Law), Mr Benedict Lai; Director of Public Prosecutions, Mr Keith Yeung, SC; and Law Draftsman, Mr Paul Wan

The divisions

The lawyers (often referred to as Government Counsel) in the Department work in one of five legal divisions, namely Civil, Prosecutions, International Law, Law Drafting and Legal Policy. The legal divisions are provided with general support by the Administration and Development Division, which is headed by the Director of Administration and Development.

Each of the legal divisions is headed by a Law Officer who, as well as directing the work of their respective divisions, assists the Secretary for Justice in the overall management of the Department. The Law Officers are the Solicitor General, the Director of Public Prosecutions, the Law Officer (Civil Law), the Law Officer (International Law) and the Law Draftsman.

While each of the legal divisions has distinct areas of responsibility, many matters or cases handled by the Department require input from more than one division or specialist unit within a division. In such cases, lawyers from each of the relevant units or divisions will work closely together to ensure that the relevant government department or bureau is provided with comprehensive assistance.