

Successful public prosecution system fundamental to rule of law

A successful public prosecution system is fundamental to the rule of law. Hong Kong therefore places great emphasis on promoting a prosecution service that is modern and just, and receptive to the concerns of the community, the Chief Executive, Mr Donald Tsang, said today (September 17).

He was addressing some 450 participants at the opening ceremony of the 12th Annual Conference and General Meeting of the International Association of Prosecutors (IAP).

As an international centre for business and finance, Hong Kong has expanded legal horizons and developed close links with prosecutors in other jurisdictions.

Noting Hong Kong's unique status within China as an autonomous common law jurisdiction, Mr Tsang said that Hong Kong's independent judiciary upheld the common law principles without fear or favour.

"We are also proud of our reputation as a safe and law-abiding city. Our commitment to the rule of law extends to all corners of society," he said.

It is the first time for the Department of Justice to host the IAP conference, which is running from September 16 to 20 with the theme of the Conference as "Relations with Others: Accountability, Transparency and Independence."

Also speaking at the opening ceremony, the Director of Public Prosecutions, Mr Grenville Cross, SC, said that the nature of the relationship between the prosecutor and various stakeholders had to be identified with precision, particularly so when expectations from others were great and increasing.

Mr Cross said that transparency was central to the role of the prosecutor. In Hong Kong, the Department of Justice had published detailed prosecution policy guidelines, which were subject to periodic review. In addition, annual work reviews were published.

Transparency would keep prosecutors on their toes, for they would proceed with care and in accordance with established guidelines if they knew they might be called upon to account for their deeds.

“Transparency, effectively deployed, can defuse tensions and dispel myths,” Mr Cross said.

Mr Cross also said that independence might well be the key to public confidence in the operations of prosecutors, adding that the Basic Law had provided for prosecutorial independence in Hong Kong.

In his address at the opening ceremony, the President of the IAP, Mr François Falletti, said that prosecutors must be accountable for their actions and transparent, and that they “must act with a degree of independence which can be seen”. He expressed his gratitude and that of the IAP to Hong Kong for hosting the Conference.

The Prosecutions Division of the DoJ joined the IAP as its 75th organisational member in 2001.

The IAP is the first and only world organisation of prosecutors. It was established in 1995 at the United Nations Offices in Vienna. The IAP is committed to developing close co-operation among the prosecutors of the world and to promote high standards of criminal justice.

The IAP includes individual and organisational members from over 120 countries. The organisational members are drawn from every region of the world, and represent over 200,000 prosecutors.

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