

Change of titles of counsel in the Prosecutions Division

The titles of Senior Government Counsel and Government Counsel in the Prosecutions Division of the Department of Justice have been changed to Senior Public Prosecutor and Public Prosecutor, respectively, with the enactment of the Statute Law (Miscellaneous Provisions) Ordinance 2008 today (July 11).

A spokesman of the Department of Justice said these titles in Schedule 1 to the Legal Officers Ordinance (Cap. 87) may sometimes have given rise to the perception that prosecuting counsel in the department act on behalf of the government, when, in fact, their role is independent of the government.

The notion of prosecutorial independence has been central to the role of the public prosecutor, both before and after reunification, and it is therefore important that they are seen to be independent of the government, the spokesman explained.

Prior to reunification, with the titles of Senior Crown Counsel and Crown Counsel, the prosecutor represented the Crown and not the government, indicating this independent function.

Following reunification, prosecutorial independence is guaranteed by Article 63 of the Basic Law. The prosecutor now represents the Hong Kong Special Administrative Region, not the government.

To emphasise the independence of the public prosecutor and to help to correct the erroneous impression that prosecutors are agents of the government, prosecutors who hold the ranks of Senior Government Counsel and Government Counsel will be known, respectively, by the titles Senior Public Prosecutor and Public Prosecutor, with their ranks unaffected.

The titles of directorate officers in the Prosecution Division, namely Director of Public Prosecutions, Deputy Director of Public Prosecutions and Senior Assistant Director of Public Prosecutions, which reflect the independence of the prosecutor, remain unchanged.

The change will not affect the titles of the Senior Government Counsel and Government Counsel in other divisions of the Department of Justice.

Ends/Friday, July 11, 2008