

Yearly Review shows increase of prosecution workload in 2009  
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The Prosecutions Division of the Department of Justice saw an increase in workload in 2009, according to statistics published in its Yearly Review today (October 29).

Criminal prosecutions and appeals conducted in court increased both in terms of the number of cases and the number of court days. The total number of cases was 5,455 in 2009, as compared to 4,981 in the previous year, representing an increase of 9.5%. The total number of court days went up 14% from 8,388 in 2008 to 9,564 in 2009.

As a result, the total number of court days undertaken by in-house counsel has increased from 3,564 in 2008 to 4,299 in 2009, an increase of 20.6%.

The court work undertaken by solicitors or barristers prosecuting for the division on fiat also increased, from 4,825 days in 2008 to 5,266 days in 2009, an increase of 9.1%. In terms of court level, the majority of appeals and Court of First Instance cases were conducted by in-house counsel, while fiat counsel were mainly called upon to prosecute cases at District and Magistrates Courts.

Legal advice provided to law enforcement agencies also recorded an increase of 7.6% from 15,356 in 2008 to 16,520 in 2009.

In the overview of the Division's Yearly Review, the Director of Public Prosecutions (DPP), Mr Ian McWalters, described 2009 as a year of transition.

Upon assumption of office in October 2009, the new DPP felt that the time was right to review the division's structure to see whether changes should be made, having regard to the following goals:

- \* Whatever structure was in place, it must be able to maximise the efficient use of counsel in the division;

- \* Each part of the structure should be focused on servicing its core responsibilities; and

- \* To improve the advocacy capacity of the Division by developing the advocacy skills of counsel and

increasing the representation of the Division's prosecutors in all level of courts in Hong Kong.

"The Division is committed to the fair and effective administration of the system of public prosecutions and to enhancing the delivery of justice for the people of Hong Kong," Mr McWalters said. He hoped that the achievement of these goals would ensure a modern and highly efficient prosecuting authority capable of meeting the challenges of the twenty-first century.

Preparatory work and the endorsement of the Secretary for Justice (obtained towards the end of 2009) led to the commissioning of the former DPP of England and Wales, Lord Ken Macdonald, to conduct a review of the Prosecutions Division.

Lord Macdonald conducted his review in early 2010 and then submitted a report to the DPP with a roadmap for achieving the aforesaid goals.

Following this, Mr McWalters, with the support of the Secretary for Justice, implemented measures to streamline the operation of the Prosecutions Division. These included the re-structuring of certain sub-divisions with a consequential redistribution of work and redeployment of counsel, enhancing the advocacy capacity of the Division and the setting up of an office whose counsel would assume responsibility for conducting legal research and providing legal and public policy advice to the DPP on prosecution matters. The reform of the Division is an on-going process and steady progress is being made in achieving the goals the DPP has set for the Division.

The Review also detailed the responsibilities of various sub-divisions and highlighted some of the major cases and events of last year. It can be browsed at: [www.doj.gov.hk/eng/public/year\\_book2009.htm](http://www.doj.gov.hk/eng/public/year_book2009.htm) .

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