

DOJ's Prosecutions Division releases Yearly Review 2010

The Prosecutions Division of the Department of Justice released today (September 15) its Yearly Review for 2010, describing the work of the Division and highlighting some of the major cases and events of the past year. With its new and contemporary format, this edition of the Yearly Review reflects the approach and thinking of the prosecution service: modern, open and accountable.

The Director of Public Prosecutions, Mr Kevin P Zervos, SC, described the year 2010 as a year of change and innovation. Focus was made on making major improvements in order to increase efficiency and professionalism, as well as to enhance the openness and transparency of the Division.

Initiatives that have been made or are being implemented include:

- * A restructuring and revamping of the organisation to make it more efficient;
- * The establishment of a new sub-division of advocacy to reflect the importance of advocacy expertise and provide the means for specialisation;
- * The establishment of a quick advisory system known as FAST to promptly deal with relatively simple and straightforward cases;
- * The conduct for selected cases of "case review meetings" between prosecutors and relevant officers of the law enforcement agency to see what lessons can be learned and how to improve things for the future;
- * The creation of a Joint Training Programme with the Hong Kong Bar Association and the Law Society of Hong Kong for newly qualified lawyers; and

* The establishment of a staff training unit and of a continuing legal education programme.

"These and other initiatives were long overdue and will go a long way in improving Hong Kong's prosecution service," Mr Zervos said. He also commented that "the process of change is never-ending and will require us to always ask ourselves 'How can we do things better?'"

This year's review also includes feature articles on topical issues such as dangerous driving causing death, strict liability offences and the right to demonstrate. Mr David Perry, QC, who prosecuted the murder trial of Nancy Ann Kissel, has also written an article sharing his experience in coming to Hong Kong to prosecute the case.

Statistics show that the Division succeeded in meeting its performance pledges in 2010. A total of 15,133 items of legal advice were given. Of all the requests for legal advice, 93.1 per cent were replied to within 14 working days and 24.5 per cent of these requests were processed through the FAST advisory system, whereby the advice is normally given to the law enforcement agencies on the same day.

The prosecution success rate offers a positive reflection on the efforts of the Division in bringing offenders to justice. The conviction rate at the Court of First Instance after trial was 71.7 per cent (compared with 65.3 per cent in 2009) and including guilty pleas was 93.8 per cent (compared with 91.7 per cent in 2009). The conviction rate at the District Court after trial was 75.3 per cent (compared with 69.2 per cent in 2009) and including guilty pleas was 93.7 per cent (compared with 92.3 per cent in 2009). The conviction rate at the Magistrates' Courts after trial was 51.6 per cent (compared with 53.4 per cent in 2009) and including guilty pleas was 73.8 per cent (compared with 74.7 per cent in 2009).

The number of criminal prosecutions and appeals conducted in court increased from 5,455 in 2009 to 5,827 in 2010, representing an increase of 6.8 per cent. The majority of the appeals and Court of First Instance cases were conducted by in-house counsel, while fiat counsel were mainly called on to prosecute cases at the District Court and Magistrates' Courts. The number of cases and the number of court days undertaken by in-house counsel increased by 9.9 per cent and 5.9 per cent respectively in 2010 as compared to 2009.

Mr Zervos stressed the Division's commitment to the rule of law and to serve the people of Hong Kong. "At all times prosecutors will discharge their duties and responsibilities in a fair and impartial manner and with the utmost integrity, ensuring that all persons are equal before the law and that the law is applied equally to all persons. It should not be forgotten that the work of a prosecutor is about doing things right and caring about what you do in order to properly and effectively serve the public," he said.

The Yearly Review has been uploaded to the DOJ website and can be accessed at www.doj.gov.hk/eng/public/year_book2010.htm.

Ends/Thursday, September 15, 2011