

Statement by Department of Justice

The Department of Justice has in place established mechanisms to ensure that prosecution decisions are made fairly and impartially. In general, if there are sensitivities with regard to a particular case, delegating the prosecution decision to the Director of Public Prosecutions or seeking independent advice from outside counsel or both are options available for consideration. These options have been adopted in past cases.

In respect of the case involving the arrest of a former Principal Official of the Government of the Hong Kong Special Administrative Region by the Independent Commission Against Corruption (ICAC), it is in the public interest to make it clear from the outset as to how the Department of Justice will handle the matter. The Secretary for Justice, in order to avoid any possible perception of bias or improper influence, after satisfying himself that Mr Kevin Zervos, SC, the Director of Public Prosecutions, has no connection with the persons involved in the case, has delegated to the Director of Public Prosecutions the authority to handle the case and if and when required to consider whether any prosecution action is warranted.

The Secretary for Justice, as head of the Department of Justice, will ensure that due and proper processes are observed in the conduct of the case and in strict accordance with the law and prosecution policy.

While ICAC's enquiries are continuing, no further comments will be made at this stage.

Ends/Thursday, March 29, 2012