

New Prosecution Code released

The Department of Justice (DoJ) today (September 7) released the Prosecution Code 2013, which replaces The Statement of Prosecution Policy and Practice - Code for Prosecutors published in 2009.

Apart from bearing a new title, the Prosecution Code substantially revises the contents of the previous statement, modernising it in terms of substance, presentation as well as language.

The Director of Public Prosecutions, Mr Kevin Zervos, SC, said that the preparation of the new Code had been a major criminal justice initiative of the Prosecutions Division of the DoJ for 2013. "In conducting the exercise, we have taken into account the latest developments of criminal jurisprudence and international trends, and also paid special focus in removing detailed quotations of cases and judgments, as to revamp the document into a clear and succinct statement of the fundamental principles in the conduct of prosecutions," he said.

Apart from revamping and updating information contained in the previous document, efforts were made to include new sections taking into account the prevailing circumstances in which the prosecutors operate. The new sections include Human Exploitation Cases and Public Order Event. They will provide useful guidelines and pointers to prosecutors in the identification of human exploitation cases as well as broad principles regarding their handling having regard to internationally accepted principles, and also helpfully remind prosecutors of the fundamental principles in accordance with which cases related to public order events should be dealt with through highlighting useful references to the Basic Law and the Hong Kong Bill of Rights as well as landmark court decisions. Moreover, taking into account the suggestion of the two legal professional bodies, the factors

for deciding the venue of trial were expanded to cater for the need to consider community standards and/or value, where appropriate.

Mr Zervos pointed out that the Prosecution Code is meant not only for prosecutors but also the community which the prosecution service serves. "The public good is a principal consideration in the conduct of prosecutions. The public are entitled to know that principled criteria guide prosecutors throughout the course of criminal proceedings, and to see for themselves what these are. Hence, the purpose of the Prosecution Code is not only to provide a code of conduct for prosecutors and to promote fair, just and consistent decision-making at all stages of the prosecution process but also to make the community aware of how the public prosecutions system operates.

"The Department of Justice is committed to open justice. Openness and accountability, together with principled professionalism and independence, are the key objectives of a prosecutor in the pursuit of justice," Mr Zervos said.

The Code is operational with immediate effect and the electronic version is made available to Public Prosecutors, Court Prosecutors, Departmental Prosecutors and Counsel who prosecute on fiat. The public can also have access to that through the Department of Justice homepage: www.doj.gov.hk.

Ends/Saturday, September 7, 2013