

Further statement by DoJ on delegation of authority to DPP to handle ICAC complaint involving CE

After the issue of a statement by the Department of Justice (DoJ) yesterday (October 9), there are inaccuracies and misinterpretation in some of the reports by the local and foreign media on the statement. In order to avoid misunderstanding and in further response to media enquiries, a spokesman for the DoJ made the following elaboration today (October 10):

(1) The purpose of the delegation of authority by the Secretary for Justice to the Director of Public Prosecutions (DPP) to handle the complaint involving the Chief Executive is to avoid any public perception of bias or partiality in the handling of the case. As in previous similar cases, the delegation of authority was made in accordance with the established procedure of the DoJ. The same format and wording as used in previous delegations of authority were adopted in the statement yesterday.

(2) The investigation work of the case will be conducted by the relevant law enforcement agency (i.e. the Independent Commission Against Corruption (ICAC)). The DPP will not participate in the investigation work, but will upon receipt of relevant information or when necessary provide legal advice so as to ensure that the investigation and other related work will be conducted strictly in accordance with the law and the Prosecution Code.

(3) As the ICAC has only just received the complaint, the case is still at a very preliminary stage. The fact that the DPP is authorised to handle the case should not be misinterpreted as the DoJ having reached any decision whether on the issue of criminal liability or other issues. Indeed, as mentioned in the statement yesterday, the DPP will handle the case in accordance with the law and the Prosecution Code.

Ends/Friday, October 10, 2014