

Department of Justice releases "Prosecutions in Hong Kong 2013"

The Prosecutions Division of the Department of Justice today (December 30) released its annual report, "Prosecutions in Hong Kong 2013", which reviews the division's work and important cases last year.

In his letter presenting the report to the Secretary for Justice, the Director of Public Prosecutions, Mr Keith Yeung, SC, who assumed office in September 2013, highlighted the importance of independence in the division's operation. "We go by the law, our prevailing prosecution policy, and the evidence. We will use action to refute any suggestion that we may be or may have been affected by any interference, political or otherwise.

"We treasure the prosecutorial independence conferred upon the Department of Justice by Article 63 of the Basic Law to control criminal prosecutions free from any interference. We have stood by it. We will continue to do so," Mr Yeung said.

In the Director's Overview, Mr Yeung pointed out that on top of the day-to-day advisory, case preparation and actual advocacy work, the division spared no efforts in taking forward various measures to ensure that it continues to remain a first-class modern prosecution service which upholds the rule of law whilst achieving professional excellence. One of the most important of such measures was the publication of the Prosecution Code in September 2013. After a very detailed and comprehensive review of the Statement of Prosecution Policy and Practice published in 2009, the contents, substance, presentation as well as language of the new Code had all been modernised.

"It was a major criminal justice initiative of the division for 2013, and a vital step we took in effecting the objectives of openness and accountability, together with principled professionalism and independence," he said.

During the year, the division also continued to actively reach out to its partners in the administration of criminal justice system, both local and overseas, as well as the community which it serves. The major initiatives in this regard include hosting the 12th Heads of Prosecuting Agencies Conference in May 2013; holding a conference

entitled "The Debates: Criminal Justice Reform" in partnership with the Hong Kong Bar Association and the Law Society of Hong Kong in November 2013, and organising Prosecution Week 2013 with the theme "Rule of Law Enforced" in June 2013.

On top of the numerous initiatives on the development front, the division remains mindful of the importance of transparency. During the year, the division, either proactively in respect of cases of substantial public interest or upon enquiries, continued to provide to the public explanations as to why certain prosecutorial decisions were made.

Moreover, in the feature article entitled "TRUSTY AND NOT RUSTY: Dusting the Common Law Offence of Misconduct in Public Office", Deputy Director of Public Prosecutions, Mr Wesley Wong, SC, and Public Prosecutor, Miss Florrie Chan, jointly presented a detailed account as to how Hong Kong and other jurisdictions have resorted to this common law offence since the 1990's to combat corruption, taking its readers through the journey of the jurisprudential development, as illustrated by leading local and overseas cases on the crime's definition and its application, which "makes this common law offence no longer the rough diamond that it once was".

"Prosecutions in Hong Kong 2013" is available at www.doj.gov.hk/eng/public/yrreviewpd2013.html.

Ends/Tuesday, December 30, 2014