

Department of Justice releases "Prosecutions in Hong Kong 2014"

The Prosecutions Division of the Department of Justice today (December 30) released its annual report, "Prosecutions in Hong Kong 2014", 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, highlighted one of the most important guiding principles for all prosecutors: "We, as ministers of justice, have an important role to play in maintaining a just criminal justice system."

Mr Yeung said, "Amongst other guiding principles, the prosecutorial independence conferred upon the Department of Justice by Article 63 of the Basic Law to control criminal prosecutions free from any interference - be it real or perceived, political or otherwise - will continue to be the principle that we will carefully guard and uphold for the good of Hong Kong."

In the Director's Overview, Mr Yeung set out the key challenges that the Prosecutions Division faced during the year, and emphasised the importance of ensuring fairness and impartiality when handling them. For cases related to the "Occupy Movement", they have been, and will continue to be, handled with utmost fairness and impartiality, in strict accordance with the law and the division's core principles and values. In cases involving then serving or former officials, measures were taken to foster the public's confidence in the integrity and fairness of the prosecution service as a whole, and at the same time promote the notion of openness and accountability in the way the prosecuting authority approached its tasks.

"I will see to it that all of us in the division would

continue to carry out our duties in the same fair and independent fashion and discharge our constitutional functions with utmost integrity, which is all the more important at times like the present," he said.

During the year, the division also continued to take forward various measures to enhance the community's understanding of the rule of law and the criminal justice system generally, and more specifically the work of the division. Apart from the Prosecution Week covering various promotional activities which has been held on an annual basis since 2012, the division also took forward the Meeting the Community programme, which involved the delivery of talks by counsel in schools and other community organisations on a variety of topics related to the division's work. These two events will be the regular features of the division.

The case-handling and public-oriented aspects of its work aside, the division also took forward various measures to keep its prosecutors abreast of the development of the criminal law and jurisprudence, both locally and on the international front.

This latest review also contains two feature articles - one on "Human rights consideration in the operation and reform of the hearsay rule in criminal proceedings", and the other on "To prosecute or not to prosecute - How do we decide sufficiency of evidence?". For the former, Mrs Justice Maura McGowan of the High Court of Justice of England and Wales shared her views as to whether and to what extent the judgment of the Chamber of the European Court of Human Rights in *Horncastle v United Kingdom* [2014] ECHR 1394 (December 16, 2014) provides a relaxation in the admission of hearsay evidence in criminal proceedings, and the human rights implications arising therefrom. For the latter, Deputy Director of Public Prosecutions (Acting) Mr Martin Hui, SC, and Public Prosecutor Miss Audrey Parwani jointly presented a detailed account as to how the prosecution authority in Hong

Kong and those of other jurisdictions decide sufficiency of evidence in making their prosecutorial decisions.

"Prosecutions in Hong Kong 2014" is available at the website of the Department of Justice (www.doj.gov.hk/eng/public/yrreviewpd2014.html).

Ends/Wednesday, December 30, 2015