

Decisions on appeal or review strictly made in accordance with law

In response to some media reports that repeatedly resort to biased language to describe the Department of Justice (DoJ)'s decisions on appeal or review in some criminal cases, the DoJ today (February 5) reiterated that all decisions on appeal or review are made after thorough consideration and strictly in accordance with relevant laws. The appeal or review cases are then determined by the courts in accordance with the law.

In the course of the legal proceedings, prosecutors of the DoJ have the duty to provide accurate and comprehensive submissions on the law to assist the courts in the determination of cases. In respect of the sentences imposed by the courts, the DoJ will carefully consider the relevant information, including the reports of the prosecutors and the reasons for sentence of the courts. Where appropriate, applications for review of sentence may be instituted by the DoJ in accordance with the Magistrates Ordinance or the Criminal Procedure Ordinance. If the court's verdict of acquittal is perverse or erroneous in point of law, the DoJ may lodge an appeal under the Magistrates Ordinance or the District Court Ordinance.

In 2020, the DoJ lodged a total of 17 applications for the review of sentence under section 81A of the Criminal Procedure Ordinance. Of the 12 such applications decided last year, 11 were allowed.

The DoJ has all along strived to ensure the proper conduct of its prosecutions. Prosecutors have always adhered to the highest of professional standards in handling criminal cases for justice to be administered with equal measure and in an even-handed manner at all times. Regrettably, some media, without regard to the grounds put forward by the DoJ at the hearings and the reasons for decisions set out in the courts' judgments, use biased expressions in their reports which do not truly reflect the facts.

Ends/Friday, February 5, 2021