

Welcome Address by Mr. Kevin P. Zervos, SC, JP
Director of Public Prosecutions
at the Opening Ceremony of the Prosecutions Week 2013
on 21 June 2013

Secretary for Justice, Chairman of the Bar Association, Vice President of the Law Society, Mr. Dennis Kwok, Legislative Councillor for the Legal Constituency, distinguished guests and colleagues.

For the second consecutive year the Prosecutions Division of the Department of Justice is holding Prosecution Week. This is an initiative of the Prosecution Division to reach out to the community, especially the young, to explain and discuss the criminal justice system and to strengthen the commitment to uphold the rule of law.

Far too many people fail to understand or appreciate the criminal law – its legal requirements and obligations, its principles, practice and procedure. The law is a stranger to them and we need to correct that. The more people understand, the more they will appreciate what we as prosecutors are doing and why we are doing it. And the more they will get involved in criminal justice. They will understand the purpose of and support the rule of law.

Law enforcement is not an easy job and we cannot do it alone. We need to have and develop strong partnerships with law enforcement agencies, with the private profession and with the community. Reaching out to the public, promoting greater awareness of our work and involving them in the criminal justice system are important initiatives in strengthening the rule of law in Hong Kong. We as prosecutors need to be more open. We need to present ourselves to the community, explain our work and what we do and how we do it, as often as is necessary, in order for the community to appreciate and understand how our criminal justice system works and how members of the community can help in making it work better.

In order to increase the community's awareness about the criminal justice system we need to have an understanding of the purpose of it. It has been said that it is to preserve public order and decency;

protect individuals and their property from harm; provide sufficient safeguards against the exploitation and corruption of others, especially the vulnerable; and punish those who deserve punishment by means of incapacitation, deterrence, reformation or reparation. In these objectives, public prosecutors play a key role in the criminal justice system. We are required to uphold the rule of law and enforce it. This is what society rightfully expects of us. It is also important to bear in mind that we act on behalf of the community and not on behalf of the government or law-enforcement.

Public order is secured by the exercise of power, and without the confidence and trust of the public, those who exercise that power will fail to establish the legitimacy necessary to perform this role. Public confidence and trust are where the public feel assured that prosecutors are doing their job properly by ensuring that justice is dispensed at all times with equal measure and in an even handed manner to all. For the public to have that confidence and trust in the prosecution service, a number of key goals need to be achieved. We need to be professional at all times and ensure that the law is applied equally to all and that we get it right. We need to be fair but firm and ensure that we get just results. It is also important that we be transparent and accountable and not operate behind closed doors. Published guidelines and policies are an important means of informing the profession and the public of how we handle and decide on cases. We need to be prepared to discuss and explain decisions and, in particular, engage the public and address their concerns as and when they arise. Overall we need to make the public confident that we are acting in the best interests of the community as a whole. This means we need to provide a prosecution service that is professional, fair and independent.

Whilst a prosecution service deals with a number of stakeholders, the partnership that it forges with the public is especially important. The public have a right to know, within reason, how public prosecutions are being conducted. Members of the public are becoming increasingly knowledgeable about their rights and obligations. It is therefore imperative that a prosecution service actively seeks to increase the public's knowledge and awareness of the criminal justice system and the role and work of the prosecution service. By educating the public,

we will have an informed and understanding public that will better appreciate and appropriately support the work that we do. Of course, this will depend on the prosecution service doing its job properly. There is also the added advantage that it provides the opportunity to explain to members of the public their civic duties and responsibilities in the pursuit of criminal justice and to encourage them to report crime and assist the authorities. It is vital for all citizens to appreciate the important role they perform, and the responsibility they have, in achieving criminal justice. Taking the mystique out of the law and enabling the public to better understand it will go a long way to help the public feel assured about the criminal justice process.

We have tried to be open and accountable. We explain decisions or cases when required. Sometimes the explanation or message is not fairly or properly conveyed and that can result in misunderstanding or even mistrust. That can be extremely disappointing, and to some extent distressing, because you know where the truth lies but it is being distorted or twisted in such a way that the truth is sacrificed for a good story. The media have an important role to play in informing the community and they should ensure they report accurately and responsibly.

It is opportune to raise an important issue of concern that is facing our community and the rest of the world. It is Human Trafficking or as I would prefer to refer to it Human Exploitation. Late last year we introduced a range of measures to recognize and tackle this nefarious activity. The exploitation of people is something that should be condemned in the strongest terms and not tolerated under any circumstances. Regretfully, the exploitation of people can and does occur in a variety of situations and ways, for example, the trafficking of women for sexual services, the abuse of children and enforced labour.

We have sought to tackle this issue by recording and collating cases with a human exploitation element, by speaking to groups and individuals about the problem and by setting up an Advisory Committee comprised of legal practitioners with an interest in and concern for this problem. The issue of human exploitation has featured predominantly in our list of priorities both in the prosecution of cases and

as an area for reform.

We need to ensure that our offence regime appropriately addresses human exploitation in its various forms and situations. To this end, we will seek to put forward appropriate measures and reforms.

Prosecution Week 2013 is formally opened today. We have arranged for prosecutors to attend schools and community groups to discuss their work and the criminal justice system and the role of the citizen in the law. We have arranged for school children to attend our office to see the prosecution service in action, as well as arrange tours of the courts.

This year we have as our theme YOUR ROLE – rule of law enforced. The emphasis is on making the people of Hong Kong understand the important role they play in upholding the rule of law. The law is for the people. It is there to look after all our interests and to provide for a fair and just society for all of us. It therefore needs the respect and commitment of all of us in order to work.

Let me stress, this is also a time for us as prosecutors to engage in a dialogue with the community and to listen to their concerns and comments about the criminal justice system. It is after all a partnership and together we can strengthen our criminal justice system so that it meets the imperative of upholding the just rule of law through fairness and equality before the law. No one is above the law and no one should expect to disregard the law without impunity. But to be just we must respect the fundamental rights and freedoms that are enshrined in our law through our case law, our legislation and our constitution, the Basic Law.

Hong Kong has an established and respected legal system. The just rule of law is the just application of just laws. To this end, we must always act in the public interest and be guided or directed by public interest considerations in the prosecution of cases. This requires considerations of fairness and justice for the overall public good. Let justice be done, but done so as a community, where we show greater respect and understanding for each other and for the law that protects us

and shapes and maintains our way of life.

Prosecution Week is about the important role we all play in upholding the rule of law but it is something we need to do together. With that aim, every week should be Prosecution Week.