

**Speech by Mr Keith Yeung, SC, Director of Public Prosecutions
at the Closing Ceremony of “The Debates : Criminal Justice Reform”
on Saturday, 2 November 2013**

Distinguished guests, ladies and gentlemen, friends,

It is nearly six o'clock. If the cows are about to go home, we can give a whole new meaning to the saying, “We can debate till the cows go home.” Despite that, we are just warming up. We have now spent eight hours from nine o'clock this morning debating four very interesting but important criminal law topics and looking towards reform. We forego what we otherwise prefer to do on a Saturday morning and afternoon, and no doubt that is not because of the Continuing Professional Development (CPD) points, but because of the presence of our distinguished guests, judges, debaters, all of whom have spent a lot of time preparing for the debate and preparing for this event. May I invite everybody to join me for giving everybody a big hand again.

It is useful for us to pause here a bit and rethink what we have discussed today.

This morning we talked about money laundering. The key questions remain are the *mens rea* and the need or otherwise to prove the predicate offence, as well as a very interesting topic which cropped up this morning – the possibility to split up the offence depending upon the *mens rea* and the degree of culpability. The debate probed very deeply into various aspects of this

topic, and no doubt we will carry on considering the implication and the wide nature of this offence and see whether that is justified in the light of our economic climate.

For the motion concerning disclosure by the defence, it is a question of how we see the true meaning of “equality of arms” in action in the context of the criminal trial process. It is a very interesting topic, and Wesley I guarantee you have done well.

Legal professional privilege, or LPP as we usually call it, is always a very provocative topic. As we have seen from the delicate points of law presented by the two sides, it is a fertile ground for exploration into the intricacy of the law. Should balancing exercise be permitted? What price are we prepared to pay if LPP is to be abrogated? Interception of communication? Any way to look at it, the proper protection of LPP, which is the bedrock of our legal system, and remedies for its infringement, pose indeed genuine questions to be answered.

Just a moment ago, we have also had the last motion on sentencing guidelines and tariffs. Uniformity, strait jacket, individual justice are all very important and thought-stimulating topics which I hope will be brought from here into the court room.

As I have put down in my welcome message in the booklet of today’s event, the Prosecutions Division, being a key player in our criminal justice system, and I am going to emphasise it time and time again in the future that

we as ministers of justice in the discharge of our duties, always bear in mind the importance of remaining sensitive to the needs of a constantly changing society. With the useful views provided by all of you today, we will continue to keep under review the operation of our criminal justice system and identify aspects of it which may be considered to be in need of reform. In this regard, we look forward to working with other interested parties – the Bar Association, the Law Society, the Judiciary – in various forums, various different formats, various different means, including similar events hopefully to be organised again in the future, to foster a favourable environment for the continuous evolution of the system in a way which best serves the overall interests of the society and to maintain fairness and the rule of law.

On this note, I declare this forum close. And I take this opportunity to thank again the Bar Association, the Law Society and last but definitely not least our distinguished adjudicators, panellists, judges, friends and also my colleagues from the Department of Justice for their participation and support.

Thank you.
