

Speech by SJ at Opening Ceremony of Prosecution Week (English only)

Following is the speech by the Secretary for Justice, Mr Rimsky Yuen, SC, at the Opening Ceremony of the Prosecution Week 2012 this morning (July 7):

Chairman of the Bar, Vice President of the Law Society, Distinguished guests, dear friends, ladies and gentlemen,

It gives me great pleasure to join you all today, in my new capacity as the Secretary for Justice, in the official opening of this meaningful new initiative of the Prosecutions Division – Prosecution Week – which seeks to reach out to the public by promoting the rule of law and increasing community awareness of our criminal justice system.

As a member of the legal profession and a former Chairman of the Bar Association, upholding the rule of law is a matter close to my heart, as it is to all of us. This cherished principle is one of the most important core values of our society and one of the keys to the success of our community. It is an important principle which I will at all times adhere to in discharging my duties in my new position.

Among the different functions that the Department of Justice performs, the prosecutions service is possibly the area with which the people of Hong Kong are most familiar. We see in newspapers, almost on a daily basis, news about criminal proceedings and court hearings covering a vast variety of cases. As such, how we take forward our prosecution action is no doubt an important yardstick by which the public will judge the determination of the Department in upholding the rule of law.

The Basic Law provides that the Department of Justice "shall control criminal prosecutions, free from any interference". In this regard, my predecessors had discharged this vitally important constitutional duty with the full support of a strong team of dedicated prosecutors, paralegals and supporting staff of the Prosecutions Division. Under the leadership of Mr Kevin Zervos, SC, the Director of Public Prosecutions, our prosecution team in most cases exercises on behalf of the Department of Justice the discretion whether or not to bring prosecutions. In the performance of this important role, they always make their best endeavour to ensure that justice is done, and is seen to be done, at all times. Only cases with a reasonable prospect of conviction are placed before court. And cases will only be proceeded

with by way of prosecution if it is in the public interest to do so.

The Department of Justice will continue to uphold its long-standing commitment in ensuring a fair and effective administration of the criminal justice system for the welfare and benefit of all the people of Hong Kong. Prosecution decisions will continue to be made and taken forward in a fair, proper and competent manner, in accordance with the established policy guidelines, namely "the Statement of Prosecution Policy and Practice". The Prosecutions Division will have my every support in the pursuit of their goal of providing a first class prosecution service for Hong Kong for the modern era by seeking to achieve professional excellence in upholding the rule of law.

The Department certainly does not work in isolation in enhancing criminal justice. Amongst others, the Department places great emphasis on its cooperation with the private profession. The fact that counsel and solicitors in private practice are regularly retained to prosecute on behalf of the Department is no doubt a clear demonstration of its working partnership with the private profession, which is an important feature of the openness and professionalism of our prosecution service. Moreover, the Prosecutions Division has joined with the Bar Association and the Law Society to provide training courses to newly qualified lawyers who are interested in prosecuting cases for the Department. These training courses enhance the professional standard of the younger members of the legal profession and the quality of prosecutions overall. I am sure this constructive working partnership will continue.

In order to sustain public confidence in the criminal justice system, the Prosecutions Division has developed over the years the culture of promoting greater transparency in prosecutorial work and practice. Apart from the long-established and commendable practice of publishing a Yearly Review which provides the public a detailed account of the challenges it faces and its achievements on an annual basis, the Prosecutions Division has been engaging in active dialogue with interested groups on a variety of issues of common interest in relation to the criminal justice system to enhance openness and to foster closer communication with the community it serves.

The Prosecution Week 2012, which is a first for Hong Kong, is an innovative initiative to further promote transparency of the work of the Prosecutions Division and the rule of law. I am particularly pleased to see here with us today not only representatives of our key law enforcement agencies and the legal professional

bodies, but also representatives of the different sectors of the community for which our prosecutions system serves. I am confident that through the various interesting and yet informative activities like talks, seminars, mock trials and guided visits for different sectors of the community, the public can know more about the Prosecutions Division and how prosecutorial decisions are made within the framework of our legal system.

Ladies and gentlemen, the criminal justice system belongs to the people we serve. We care about what we do and we care about getting things right. I am sure that the Prosecution Week, which has the full support of the Bar Association and the Law Society, will provide a platform for closer links with the public, and help increase accessibility, openness, transparency and accountability of the criminal justice system to the community as a whole.

On this note, I now declare the Prosecution Week open. Thank you.

Ends/Saturday, July 7, 2012