

SJ's speech at 12th Heads of Prosecuting Agencies Conference
(English only)

Distinguished guests, ladies and gentlemen:

On behalf of the Department of Justice, may I extend my warmest welcome to all our guests tonight, especially those who came from overseas to attend the 12th Heads of Prosecuting Agencies Conference (HOPAC).

It is an honour for the Department of Justice to have the privilege to host this biennial conference in Hong Kong. Since the first conference held in Sydney in 1991, HOPAC has established itself as an important forum for useful exchange of views and sharing of experience on matters essential to the proper provision of prosecution services.

The theme of this 12th Conference is "Challenges to a modern prosecution service: moving with the times". This theme, if I may say, is as well chosen as apposite. The ultimate objective of any criminal justice system is to serve and protect the people of the relevant community. As our society evolves, our criminal justice system and thus prosecution service have to appropriately develop so as to meet the changing needs of our society.

Like it or not, the world is changing, and perhaps changing significantly and rapidly. Globalisation, regional integration as well as technological advances including those concerning computer and Internet technology have contributed to changes on a global, national and local level. Besides, no jurisdiction can be completely immune from what is going on in other jurisdictions.

To ensure that our prosecution services can meet the challenges of the modern and ever changing world, there is a need to share experience and to conduct comparative studies on issues of common concerns so that we can learn from each

other. Professor Richard Vogler, who advocated a comparative or global perspective of criminal justice, wrote in his work "A World View of Criminal Justice" (Note 1) as follows (Note 2):

"Criminal justice can no longer be seen as a purely local phenomenon. Its historical roots lie in the global communication of ideas and procedures in the great periods of imperial expansion and revolution. In the contemporary era of electronic communication, vastly increased international commerce and travel, our common interest in fair and efficient criminal procedure everywhere is all too apparent."

The attractions of comparative studies hardly require detailed elaboration. Sir Anthony Mason, in an article discussing the use of comparative law in Hong Kong, described such attractions as follows (Note 3):

"In many situations, it will be instructive to ascertain how the same, a similar or a related question of law has been dealt with by the courts of another jurisdiction. No jurisdiction has a monopoly on judicial wisdom. It may be that the courts of another jurisdiction have succeeded in evolving an approach to a particular problem which is superior to that so far adopted by the home jurisdiction. It is possible that a foreign court, through adopting an approach similar to that accepted in the home jurisdiction, develops a refinement in the application of that approach - a refinement which throws light on the resolution of the problem."

As we have over 40 heads of prosecution or their representatives attending this conference, I have no doubt that the collective wisdom and synergy so produced will bring about all the benefits of comparative studies and beyond, whether in terms of providing ideas for immediate solution or paving the way for future law reform.

I am equally confident that the network and mutual

understanding built up as a result of this conference will also help to further enhance international, regional and transnational co-operation amongst prosecuting agencies. At this day and age, such co-operation is not a luxury but a must, especially for the purpose of combating certain types of criminal activities such as money laundering, cyberspace crime and drug trafficking.

On this note, may I wish the 12th Heads of Prosecuting Agencies Conference every success, and for those who travelled from overseas to attend this conference, may I also wish you an enjoyable stay in Hong Kong.

Thank you.

Note 1: Ashgate, Aldershot (2005). For an interesting review, see: Paul Roberts, "Comparative Criminal Justice Goes Global", Vol. 28, No. 2 (2008) Oxford Journal of Legal Studies 369.

Note 2: At pp. 2-3.

Note 3: Sir Anthony Mason, "The Place of Comparative Law in Developing the Jurisprudence on the Rule of Law and Human Rights in Hong Kong" (2007) 37 HKLJ, 299 (at 307).

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