

Secretary for Justice's speech at opening ceremony of "The Debates: Criminal Justice Reform" (English only)

Distinguished Guests, Ladies and Gentlemen:

First of all, may I welcome all of you to this meaningful event, "The Debates: Criminal Justice Reform", which is jointly organized by the Prosecutions Division of the Department of Justice, the Hong Kong Bar Association and the Law Society of Hong Kong.

Conscious of our constitutional duty under Article 63 of our Basic Law, it has always been our mission to ensure that our criminal justice system meets the needs of our ever changing society. With this mission close to our heart, we organized a criminal law conference in November last year, which was aimed at bringing together experienced members of the legal community to reflect on our criminal justice system with a view to stimulating debate on possible need for reform.

Today's event is a sequel to the successful conference held in last November. It is encouraging to see so many of us gathering here on a Saturday with the common objective of exploring how our criminal justice system can be further improved. With this gathering of distinguished members from different sectors of the legal community, there can be no doubt as to the high quality of the debate that we will hear for the rest of today. Indeed, I hope the debate today would help to generate interest amongst the relevant stakeholders and the community, so that consideration of the need for possible reforms will continue after today.

The Department of Justice, in discharging our role in providing an independent prosecution service, is no less committed in respecting and upholding the fundamental rights and freedom which are constitutionally enshrined or which are already part of the common law. As a prosecution authority, we are just as interested to bring criminals to book as we are to avoid wrongful convictions. Unless our criminal justice system is up-to-date, effective, fair and just, we can hardly achieve the objective of upholding the rule of law.

For the purpose of today, we have chosen four interesting and thought-provoking motions, namely: (1) the offence of money laundering; (2) disclosure by the defence in criminal proceedings; (3) legal professional privilege; and (4) guidelines and tariffs in sentencing. The issues arising from these four motions go to the heart of the

question as to how we can give true meaning to the constitutionally guaranteed fundamental rights and freedom without exposing our Basic Law or the Bill of Rights to accusations by the less informed as being a criminal's charter.

Bearing in mind the importance of these issues, we do see the benefit of debating on these motions in a free and informal environment without committing anybody to their standpoint on any given case, but with full regard to the changing needs and aspirations of the community we serve in the Hong Kong context whatever the current status of the law may be.

Notwithstanding the adoption of the format of a debate, we are not so much concerned as to which motions will be carried as to ensuring a constructive exchange of ideas and arguments from both sides. Through these debates, it is hoped that we can be better informed as we go forward in our considerations for possible future developments of our criminal justice system.

I also wish to take the opportunity to underscore the emphasis which the Department of Justice has always placed on its cooperation with different stakeholders in the administration of criminal justice. I firmly believe that events like what we have today are conducive to a better mutual understanding so that the real issues could be identified and focused upon. I look forward to seeing more events of a similar nature in future so that dialogues and discussions on issues of common concern would continue.

Before I conclude, I wish to thank participants of the four debate sessions, for the time and efforts which they have invested to prepare for today's event. In particular, I wish to express our utmost gratitude to the Honourable Mr Justice Mark Weinberg of the Court of Appeal, Supreme Court of Victoria, Australia, and the Right Honourable Sir Anthony Hooper, formerly a Lord Justice of Appeal of the Court of Appeal of England and Wales. Not only have both of them travelled all the way to attend this event, they have also kindly agreed to act as our adjudicators. I am sure we will all benefit from their insights into the issues to be discussed.

Needless to say, I also thank our new Director of Public Prosecutions, Mr. Keith Yeung, SC and the other members of the Organizing Committee of this event as well as other colleagues who have contributed to the conference materials. Without their hard work and dedication, this event would not have been possible.

On this note, may I wish this conference every success. I hope you will enjoy the debates as they unfold.

Thank you.

Ends/Monday, November 02, 2013