

Speech by the Hon Rimsky Yuen, SC, JP
Secretary for Justice
at the Opening Ceremony of the 2015 Criminal Law
Conference
on Saturday 24 October 2015

The Hon Mr. Justice Weinberg, the Hon. Mrs. Justice McGowan, Members of the Judiciary, Members of the Legal Professions, Colleagues, Distinguished Guests, Ladies and Gentlemen:

1. Good morning! First of all, may I extend to all of you our warmest welcome to the “2015 *Criminal Law Conference*”. This is the third conference on criminal justice reform jointly organized by the Prosecutions Division of the Department of Justice, the Bar Association and the Law Society. The event today has another special meaning for the Department, as it is the very first conference held in our new office here. We are excited to receive you as our first group of guests to this newly completed Multi-purpose Hall and we hope you find it comfortable.

2. Our criminal justice system goes well beyond a system simply setting out the rules on how criminal proceedings are to be conducted. It provides for the essential framework which ensures that the defendants facing criminal charges will have a fair trial, and also a framework which ultimately governs how people may exercise their rights and enjoy their freedom to the fullest extent permitted by the law whilst at the same time ensures that the rights of others are duly respected. As such, fairness, justice and transparency are the key attributes of a

criminal justice system which people will expect, embrace and trust.

3. Moreover, to ensure that our criminal justice system serves its important purposes, apart from guarding against any possible erosion of our time-honoured legal principles on which the system is built, it is equally important to remain vigilant of the need for changes and reform. We need to ensure that the system moves forward to meet the changing needs and expectation of the community.
4. It is on the basis of our commitment to these important principles that the four topics for today's discussion are chosen.
5. The first topic, which is human rights consideration in the operation and reform of the hearsay rule in criminal proceedings, is a highly pertinent topic as it concerns an area which reform is being considered. Following the publication of the Law Reform Commission's Report on "Hearsay in Criminal Proceedings", the Department has already consulted the Panel on Administration of Justice and Legal Services of the Legislative Council and has also organized a forum for the purpose of consulting the key stakeholders. A working draft bill is being prepared by the Department with a view to taking the matter forward.
6. The second topic, which concerns the rehabilitative nature of the criminal justice system, is a topic which often comes up in our handling of prosecutions. Amongst others, the question of whether the procedure of offering no evidence and binding over should be used in a particular case often attracts divergent

opinions in the community.

7. The third topic, which concerns the test of “reasonable prospect of conviction” and how to set the threshold appropriately, raises questions that I often consult the Director of Public Prosecutions (DPP) when we have to decide whether cases should be brought before the Court.
8. The fourth and final topic, which concerns money laundering, is of great importance in maintaining the Hong Kong SAR’s reputation as an international financial centre. It is also important in deciding how a proper balance can be struck between combating money laundering on the one hand and protecting legitimate business on the other.
9. I hope today’s conference can provide a platform for a constructive exchange of views on these important issues, so that we can explore how these important areas of law can be further developed to better serve our community.
10. Before I conclude, I would like to take this opportunity to express my gratitude to the two legal professional bodies in joining hands with the Department to organize this event, and also to thank members of the Judiciary and other members of the legal profession for taking time out of their busy schedule to participate in this conference. The Department has always attached great importance to our cooperation with different stakeholders in the administration of criminal justice. Needless to say, we will continue to cooperate with you to organise this and other similar events in future to facilitate continued

dialogues on issues of common interest.

11. I also wish to express my gratitude to participants of the debate sessions today, for the time and efforts which they have contributed in preparing for this conference. And my special thanks goes to the Honourable Mr Justice Weinberg of the Court of Appeal, Supreme Court of Victoria, Australia, and the Honourable Mrs Justice McGowan of the High Court, England and Wales, who have travelled all the way to join us today to share with us their valuable insights on various topics.
12. Last but not least, may I also thank the Organizing Committee members of this event who, under the leadership of our DPP, Mr. Keith Yeung, SC, have made this event possible. The hard work and dedication that they have contributed to the organisation of the event are indeed commendable.
13. On this note, it remains for me to wish this conference every success, and to wish you all an enjoyable and fruitful weekend.

Thank you.