

LCQ7: Manpower issues in the Prosecutions Division of the DoJ

Following is a question by Dr Hon Margaret Ng and a written reply by the Secretary for Justice, Mr Wong Yan Lung, SC, in the Legislative Council today (January 26):

Question:

It has been reported that this year, three of the four incumbent Deputy Directors of Public Prosecutions in the Prosecutions Division (PD) of the Department of Justice (DoJ) have left or will soon leave office, while seven of the 15 Senior Assistant Director of Public Prosecutions positions have been vacant or will soon become vacant, which means that staff changes of an extensive scale will take place in PD. It has also been reported that the officers to fill these vacancies do not have a lot of experience and hence, quite a number of members of the public are worried that there is succession problem in PD which may affect the quality of prosecution. In this connection, will the Government inform this Council:

(a) of the respective numbers of officers in each rank in PD at present, including Public Prosecutors, Senior Public Prosecutors, Senior Assistant Directors of Public Prosecutions and Directors of Public Prosecutions, and among them, the respective numbers of those with experience of five or more years and those with experience of 10 or more years (set out in table form);

(b) whether DoJ has formulated measures to prevent massive manpower wastage in PD or ensure that there will be enough senior officers to fill the vacancies; if it has, of the specific measures; and

(c) whether DoJ has formulated measures to prevent the quality of prosecution being affected by manpower wastage; if it has, of the specific measures?

Reply:

President,

(a) The respective number of officers in each rank in the Prosecutions Division as at January 21, 2011 and the respective numbers of those with experience (counting from the date of their joining the Government Counsel grade) of five or more years and those with experience of 10 or more years are set out in Annex.

Currently, there are no unfilled directorate vacancies in the Prosecutions Division.

(b) The Department of Justice, including the Prosecutions Division, is prepared for staff wastages, be it natural or unnatural wastage. We periodically review the Department's directorate succession plan to identify capable counsel with potential and provide them with professional and management training that meet their developmental needs. Such training would equip these counsel to rise up to the challenges and demands of different positions when they arise. Furthermore, in the light of difficulties in recruitment and retaining members of the Government Counsel grade in recent years, on the invitation of the Administration, the Standing Commission on Civil Service Salaries and Conditions of Service (Standing Commission) conducted in 2008 a review of the Grade Structure for the non-directorate Government Counsel Grade. The Standing Commission made a number of recommendations with a view to retaining capable officers by providing a reasonable career path for aspiring and competent counsel. With the approval of the Legislative Council's Finance Committee in December 2009, the recommendations made by the Standing Commission in respect of advancement and introduction of extra omitted point were implemented with retrospective effect from April 1, 2009. The proposal to rationalise the structure of the Government Counsel grade so as to retain experienced

counsel, that is, the re-creation of the Assistant Principal Government Counsel (DL1) rank, the review of the current Senior Government Counsel (SGC) posts and where justified, the upgrading of SGC to the DL1 posts, will be submitted to Finance Committee for approval on January 28, 2011. By adopting the above measures, we hope to be able to address the recruitment and retention problems. We also communicate with closely with members of different ranks of the Government Counsel grade to better understand their needs and expectations in respect of their work and to cater for such needs, for example through the provision of appropriate support staff, as far as we can. Furthermore, we would continue to recruit additional staff and brief out cases where appropriate to alleviate the impact of unnatural wastages.

(c) The Department of Justice takes the quality of prosecution services very seriously. All prosecutors in the Prosecutions Division attend an advocacy training course in the first year upon their joining the Division to obtain intensive advocacy experience. Thereafter, they will receive regular training on a wide range of issues conducted by outside experts and senior lawyers in the Department. Prosecutors also attend overseas advocacy courses to enrich their skills. Such training helps to enhance the quality of our prosecution services. Within the Prosecutions Division, counsel are rotated to different sections periodically to enable them to acquire different and well-rounded legal knowledge, experience and practical skills. These together with the measures mentioned in paragraph (b) above reduce the impact of staff wastage and ensure the quality of our prosecution services.

Ends/Wednesday, January 26, 2011

LEGCO QUESTION NO. 7

Annex

- (a) The respective number of officers in each rank in the Prosecutions Division as at January 21, 2011 and the respective numbers of those with experience (counting from the date of their joining the Government Counsel grade) of five or more years and those with experience of 10 or more years are set out in the table below -

Post (Rank)	Number of officers	Years of service in Government Counsel Grade		
		No. of officers with less than 5 years	No. of officers with 5 but less than 10 years	More than 10 years
Director of Public Prosecutions	1	0	0	1
Deputy Director of Public Prosecutions	3	0	0	3
Senior Assistant Director of public Prosecutions	16	0	0	16
Senior Public Prosecutor	62	3	9	50
Public Prosecutor	36	35	0	1
Total	118	38	9	71