

Speech by SJ at opening ceremony of Prosecution Week 2013
(with photo)

Chairman of the Bar, Vice President of the Law Society, the
Honorable Legislative Councillor Mr Dennis Kwok,
distinguished guests, ladies and gentlemen:

It gives me great pleasure to be here with you all at
the official opening of this meaningful event, Prosecution
Week 2013, organised by the Prosecutions Division of the
Department of Justice. It is the second time the meaningful
function, Prosecution Week, is held. The theme chosen this
year is "ROLE" which signifies Rule of Law - Enforced. Its
purpose is to promote community awareness of the Rule of Law
in the criminal context.

The rule of law is one of the most important core values
of our society and the cornerstone of our success as a safe,
fair and just community. Each of us should strive to uphold
rule of law at all times and with firm commitment. Disrespect
for the law is disrespect for our values, our way of life,
our community and most importantly, each other.

Almost on a daily basis, we see in newspapers numerous
reports of criminal proceedings and court hearings covering
a wide variety of cases, ranging from shop theft in the
Magistrates' Courts to highly complex commercial cases tried
in the District Court or the Court of the First Instance. It
is therefore understandable that the public will judge the
Department's performance in upholding the rule of law through
the work of the Prosecutions Division, including its
decisions to prosecute and the ways it handles cases.

Article 63 of the Basic Law provides that the Department
of Justice "shall control criminal prosecution, free from any
interference". The strong team of dedicated prosecutors,
paralegals and supporting staff of the Prosecutions Division,

led by Mr Kevin Zervos, SC, our Director of Public Prosecutions (DPP), provides strong support to me and the Department in discharging this constitutional duty. In performing this very important role, prosecutors always use their best endeavours to ensure that justice is done, and is seen to be done, at all times. Prosecutions are handled in accordance with the established policy guidelines, namely "the Statement of the Prosecution Policy and Practice". Only cases with a reasonable prospect of success of conviction are placed before the court. Further, cases will only be proceeded with by way of prosecution if it is in public interest to do so. Prosecution decisions are always made and taken forward in a fair, independent and objective manner. The Department of Justice does not and will not allow any form of interference in the prosecution work.

In pursuit of its goal in upholding its long-standing commitment in ensuring a fair and effective administration of the criminal justice system for the benefit of all the people in Hong Kong, the Department has always placed great emphasis on its co-operation with the legal profession in order to enhance criminal justice. The fact that counsel and solicitors in private practice are regularly retained to prosecute on behalf of the Department is one of the examples which clearly demonstrates the Department's working partnership with the legal profession.

Further, the Prosecutions Division has in the past year organised a number of conferences, including the Criminal Law Conference, which was held in November last year, dealing with criminal justice reform whereby the Judiciary and the legal profession (both local and overseas) jointly discussed major criminal law issues in Hong Kong.

In addition, last month, the Prosecutions Division hosted the 12th Heads of Prosecuting Agencies Conference with the theme "Challenges to a Modern Prosecution Service: moving with the times". The heads of prosecuting agencies of a wide

range of common law and related jurisdictions gathered in Hong Kong to discuss and focus on current trends and issues as well as the challenges faced by a modern prosecution service. During this conference, the Prosecutions Division invited members of the Judiciary and the legal profession to participate in some of the functions so as to provide an opportunity for useful exchange and discussion.

The Prosecutions Division, as part of its commitment for continuing legal education, invites members of the legal profession to participate in training courses conducted by the Prosecutions Division. Since 2011, it has joined hands 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. As I informed the Administration of Justice and Legal Services Panel of the Legislative Council earlier this year, following up on the success of the previous runs of the programme, we will regularise the arrangement of the Joint Training Programme, which will help enhance the professional standard of the younger members of the legal profession and the quality of the prosecution service overall.

All that I have told you regarding the efforts we made in enhancing criminal justice would have been meaningless if we did not have the public's confidence and support in the criminal justice system. Promotion of greater transparency in prosecutorial work and practice is one of the keys to gaining public confidence. In this regard, the Prosecutions Division continues to publish the Yearly Review to provide the public with a detailed account of the challenges it has faced and the achievements it has made during the year under review. Further, it has actively engaged in dialogue with interested individuals or groups on a variety of issues of common interest in relation to the criminal justice system, so as to enhance openness and to foster closer communication with the community it serves.

The Prosecution Week 2013 is to emphasise the role that can be played by individuals and groups in the community in upholding the rule of law. I am very pleased to see here with us today not only representatives of the legal profession and our law enforcement agencies, but also representatives of different sectors of the community which our prosecution system serves. Apart from this opening ceremony, various lively and informative activities - like school talks, guided visits as well as photographs and poster competitions - have been arranged. Through these activities, not only will the public come to know more about the work of the Prosecutions Division and how prosecutorial decisions are made, but more importantly, the role that they, as citizens, can play in furthering the interests of criminal justice.

Last but not least, I wish to thank the Bar Association and the Law Society for the full support that they have given to Prosecution Week 2013. May I also take this opportunity to express my gratitude to our DPP, Mr Kevin Zervos SC, and the other colleagues who assisted in organising this Prosecution Week 2013. Without their hard work and dedication, this event could not possibly have been successfully organised.

On this note, I now formally declare the opening of Prosecution Week 2013.

Thank you.

Ends/Friday, June 21, 2013

