

DOJ's Prosecutions Division releases its Yearly Review 2012

The Prosecutions Division of the Department of Justice today (August 19) released Prosecutions Hong Kong 2012, its annual review of the work of the Division for the previous year.

Describing the year 2012 as one of numerous challenges and extraordinary achievements, the Director of Public Prosecutions (DPP), Mr Kevin Zervos, SC, highlights major issues and concerns addressed during the year in the Director's Overview. The DPP also shares his thoughts and perspectives on the work of the prosecution service, including the need to keep "prosecutorial responsibility separate from regulatory or investigatory agencies" to ensure that such agencies do not become the "judge of its own cause".

Mr Zervos also emphasises the fundamental right to a peaceful and lawful demonstration. "Respect for the law and for each other is the golden thread that runs through the fabric of our constitutional order. As prosecutors, we try to strike the right balance in dealing with offending conduct at public order events," Mr Zervos said. He added that prosecution has been reserved for the most blatant cases when people clearly crossed the line by disregarding and violating the law.

Acknowledging that the Division has firmly established itself as an internationally recognised and respected modern prosecution service, the DPP outlines the major initiatives undertaken in 2012 to improve and reform the prosecution service, which include:

- * Establishing a specialised Cybercrime Unit;
- * Appointing a Coordinator for Human Exploitation Cases and establishing an Advisory Committee to better understand and deal with associated legal and social problems;
- * Promoting accountability and greater transparency through

initiatives such as Prosecution Week and explaining prosecutorial decisions where appropriate;

- * Implementing specially tailored and comprehensive training programmes for in-house lawyers and those from the private sector;

- * Engaging regional and international bodies, as well as conducting exchange programmes for prosecutors from other jurisdictions and providing placements in the Division to prosecutors from developing countries;

- * Taking a leading role in organising conferences and seminars to stimulate discussions on sentencing, hearsay, environmental law, cybercrime and criminal justice reforms within the profession and the community;

- * Modernising and revamping the Division's office structure and procedures;

- * Reviewing and updating the Division's guidelines, instructions and manuals; and

- * Continuing to develop a partnership with lawyers in the private profession and closer collaboration with law enforcement agencies.

"The achievements of the Division reflect a dedicated and highly professional group of people who met the challenges that confronted them with skill and enthusiasm. Openness and accountability, together with principled professionalism and independence, remained our priority as we forged forward in our pursuit of justice," Mr Zervos said.

Prosecutions Hong Kong 2012 includes highlights of the Division's work, key cases and statistics, and also features articles on topical issues. In "Prosecuting with Public Confidence and Trust", the DPP talks about the importance of gaining public confidence through good work and effectively upholding the rule of law. "Public confidence and trust is the lifeblood of a prosecution service. Without it, a prosecution service will fail to establish the requisite legitimacy and standing within the community to fulfil its role," he said.

In "What it Means To Be a Modern Prosecutor", Deputy Director of Public Prosecutions Mr Wesley Wong, SC, says he believes prosecutors now need to adopt a "360 approach". "It is no longer realistic for prosecutors to confine themselves to the practice of criminal law in the strict sense. A working knowledge of the law and practice of human rights should now be second nature to anyone making prosecutorial decisions and when appearing in court," Mr Wong wrote.

Hong Kong's success in combating money laundering has won recognition resulting in the Financial Action Task Force (FATF) removing Hong Kong from its follow-up list. Assistant Director of Public Prosecutions Mr Paul Ho explains the work of the Division in this respect and makes the case for a civil-based forfeiture regime for proceeds of money laundering in "The Battle against Money Laundering Must Go On". Dr Simon Alderson, Honorary Professor, School of English, University of Hong Kong, provides practical advice on the use of Plain English by the legal profession in "Sensible Sentencing: Plain English and the Prosecutions Division."

Prosecutions Hong Kong 2012 is available at www.doj.gov.hk/eng/public/yrreviewpd2012.html.

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