

Delegation of prosecution authority to Director of Public Prosecutions in respect of Jeffrey Lam case

Mr Jeffrey Lam, a member of the Executive Council, was charged with the offence of careless driving in connection with a traffic incident that took place on July 1, 2013. When the matter was recently brought before the Magistrates' Courts, a question arose as to whether the offence of careless driving is appropriate in the circumstances of the case.

The relevant file has since been passed by the Police to the Department of Justice (DoJ) for legal advice. The Secretary for Justice (SJ), Mr Rimsky Yuen, SC, in order to avoid any possible perception of bias or improper influence, after satisfying himself that the Director of Public Prosecutions (DPP), Mr Keith Yeung, SC, has no connection with any of the persons involved in the matter, has delegated to the DPP the authority to handle the case, including considering and deciding whether it is necessary to amend the charge.

A spokesman for the DoJ said today (October 4) that since the case has aroused public interest, the SJ took the view that it is in the public interest to notify the community as soon as possible as to how the DoJ will handle the matter.

The DoJ has in place established mechanisms to ensure that prosecution decisions are made fairly, impartially and in accordance with the law. In general, if there are sensitivities with regard to any particular case, delegating the prosecution decision to the DPP or seeking independent advice from outside counsel or both are options available for consideration. These options have been adopted in past cases.

The SJ, as head of the DoJ, will ensure that due and proper processes are observed in the conduct of the case and in strict accordance with the law and prosecution policy.

Ends/Friday, October 4, 2013