

Department of Justice releases “Prosecutions Hong Kong 2017”

The Prosecutions Division of the Department of Justice today (December 31) released its annual report, "Prosecutions Hong Kong 2017", which reviews the division's work and important cases last year.

In his letter presenting the report to the Secretary for Justice, the Director of Public Prosecutions, Mr David Leung, SC, highlighted one of the most important guiding principles for the division's prosecutors: "As ministers of justice, we are dedicated to upholding the rule of law by conducting criminal prosecutions free from any interference. The responsibilities that we take up are heavy, the challenges and criticisms that we face are immense, but we have and shall continue to uphold the rule of law with professionalism, independence, and transparency."

In the Director's Overview, Mr Leung made clear his goal to enable prosecutors in the division to gain more exposure in court work and to enhance their advocacy skills. He also further elaborated on the key challenges for the division in 2017. For cases related to the Occupy Central Movement and incidents in Mong Kok involving violence in February 2016, as in any other case, "prosecutors...considered the decision of whether to prosecute and if so, the appropriate charge(s) purely on the available evidence and the principles set out in the Prosecution Code – nothing else," Mr Leung said. In respect of the review of sentences cases, he reiterated that "prosecutors only conduct review of sentences in the rarest of cases."

As to the continuing verbal abuses of prosecutors, Mr Leung emphasised that "while prosecutors are not immune from criticisms, they and their family members should not become victims of such unwarranted abuses. Prosecutors conduct criminal prosecutions not because of their personal interests. They do so on behalf of the public as ministers of justice..." And noting attacks on the presiding judges when the outcome of the cases with a political background do not tally with their expectation, Mr Leung stressed that "the public should have confidence in the judicial system and judicial officers of Hong Kong and refrain from lodging baseless attacks on judges."

Apart from the key challenges, Mr Leung also set out in the Director's Overview the important achievements made in 2017. Firstly, various measures were taken to strengthen the prosecution services at the magistracy level. Secondly, in May 2017, the Department of Justice organised the Criminal Law Conference in partnership with the Hong Kong Bar Association and the Law Society of Hong Kong. Thirdly, the division continued to actively reach out to its partners and the community by organising events such as the Prosecution Week and the "Meet the Community" Programme.

Apart from a detailed account of the main activities of and key cases handled by the different sub-divisions and units of the Prosecutions Division, this latest review also provides information on various trainings

as well as conferences, both locally and internationally, in which prosecutors participated during the year.

The review also contains two feature articles – one on "Anguish and Joy as DPP" and the other on "Surviving Practice as a Criminal Lawyer". For the former, Mr Keith Yeung, SC, shared his thoughts and feelings during his term as the Director of Public Prosecutions. For the latter, Mr Jonathan Caplan, QC, sets out his various reflections on his practice as a barrister over the last 25 years in both the United Kingdom and Hong Kong.

"Prosecutions Hong Kong 2017" is available at the website of the Department of Justice (www.doj.gov.hk/eng/public/yrreviewpd2017.html).