

DoJ's response to procession by members of legal profession

In response to the procession by certain members of the legal profession today (August 7), a spokesman for the Department of Justice (DoJ) issued the following statement:

Prosecutors of the DoJ always uphold the constitutional duty under Article 63 of the Basic Law in handling all prosecution works in a fair and impartial manner. Article 63 of the Basic Law provides that "the DoJ of the Hong Kong Special Administrative Region shall control criminal prosecutions, free from any interference".

In making decisions of whether or not to prosecute in each case, the DoJ must make an objective and professional assessment of the available evidence and applicable law, and act in accordance with the Prosecution Code. The DoJ will not handle the cases differently due to the political beliefs or background of the persons involved. Any person suspected of breaking the law, including when acts of violence or vandalism are involved, the decision on prosecution and related charges will be made in accordance with the above principles and there is no political consideration.

All investigations are conducted by law enforcement agencies which will, after completion of investigation and when necessary, refer the cases to the DoJ for making independent prosecutorial decisions. The time required for making prosecutorial decisions depends on a number of factors, including the time required for law enforcement agencies to conduct the investigation, the amount of evidence and the nature and complexity of the cases.

The Secretary for Justice, the Director of Public Prosecutions and the prosecution team have all along been discharging their prosecutorial duties fairly and without prejudice or favour so as to safeguard criminal justice.

In addition, the Secretary for Justice and DoJ colleagues have all along maintained communication with different parties in the legal and dispute resolution sectors. A number of meetings with representatives of these sectors to exchange views and suggestions on the present situation and the Policy Address have been held recently. The DoJ will continue to liaise with other members of these sectors to meet and is willing to listen to the views of the legal and dispute resolution sectors on appropriate occasions.