

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ001

Question Serial No.

Oral

Head: 92 Department of Justice Subhead(No. & title):

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development

Question :

Will the Administration provide information on the following -

- (1) the number of cases actually conducted by Senior Court Prosecutors II and above;
- (2) the criteria for promotion of court prosecutors, and whether legal qualifications count; and
- (3) legal qualifications of Senior Court Prosecutors II and above.

Asked by: Hon. NG Margaret

Reply:

- (1) In 2001, 19 Senior Court Prosecutors II (SCP IIs) were deployed to prosecute in the plea court and the more serious or complicated cases in trial courts. There were 61,972 cases conducted in the plea courts, and 3,761 serious or complicated cases conducted in the trial courts. About 95% of the cases conducted in the Plea Courts were handled by SCP IIs, the remainder being handled by experienced Court Prosecutors (CPs). A substantial proportion, estimated to be in excess of 70%, of the 3,761 serious or complicated cases conducted in the trial courts, such as affray, blackmail, burglary, deception, forgery, false accounting, conspiracy offences, triad offences, vice establishment cases, perjury, perverting course of justice, dangerous driving causing death, infringing copyright offences, forged trade description offences, forged trademark offences, agents soliciting advantages offences etc, were handled by SCP IIs. Where they were not available, these serious or complicated cases were handled by experienced CPs or fiat lawyers. Occasionally, some important or sensitive cases were conducted by the Chief Court Prosecutor (Operations).
- (2) Selection of officers for promotion to the higher ranks of the CP grade is decided on the criteria of character, ability and experience as reflected in their day-to-day performance. Legal qualification is not a prerequisite for promotion. By continuously monitoring a CP grade officer's performance, the management can assess the officer's suitability for advancement to the higher rank on the basis of his / her abilities in various aspects. These include the possession and application of up-to-date knowledge of the law, of court practice and of court procedure, advocacy skills, the ability to grasp legal issues, to present cases clearly and logically, and to use his / her overall skills and experience to resolve issues in court, professionally and competently. Regard is made to analytical ability and judgement, commitment and drive, capacity to guide and motivate subordinates, to plan and organise work and to communicate with a view to establishing effective work relations. These are the qualities required to discharge the duties in the ranks of SCP II and above.

- (3) To date, of the 34 Senior Court Prosecutors II and above, the following have legal qualifications -
- (a) 5 are admitted as barristers (1 SCP I and 4 SCP IIs);
 - (b) 11 hold LLB degrees (1 CCP, 3 SCP Is and 7 SCP IIs); and
 - (c) 2 SCP IIs are studying for LLB degrees in their spare time.

Signature	_____
Name in block letters	Kevin C M Ho
Post Title	Director of Administration and Development
Date	4 April 2002