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DEPARTMENT OF JUSTICE  
Prosecutions Division

12/F, West Wing, Justice Place  
18 Lower Albert Road  
Central, Hong Kong

Fax: 852-3902 8347

本司檔號 Our Ref: DOJ PRO 5001/8/9C PT 13

來函檔號 Your Ref:

電話號碼 Tel. No.: 3902 8001

4 October 2021

The Law Society of Hong Kong  
3/F Wing On House  
71 Des Voeux Road  
Hong Kong

Dear Sir/Madam,

**Prosecution on Fiat**

As you are aware, the Prosecutions Division of the Department of Justice briefs out a number of criminal prosecutions and appeals to solicitors practising in the private sector to meet operational needs. For that purpose, a few Briefing Out Lists are maintained for cases at different court levels, which include:

- (i) Magistrates' Courts ("MC") "B" List (substituting court prosecutors);
- (ii) MC "A" [Special Fiat] List;
- (iii) District Court List; and
- (iv) Court of First Instance List.

The briefing out practice also helps promote a strong and independent legal profession and secure a pool of experienced prosecutors to supplement those within the Prosecutions Division. To this end, we would like to introduce to you the process of (i) inclusion on and (ii) upgrading to our Briefing Out Lists. Your assistance is also sought to promulgate the matter to members of your society.

## **Inclusion on the Briefing Out Lists**

For solicitor with more than five years' admission, he/she should make a written application (see attached form), together with a copy of his/her full practising certificate and curriculum vitae, to us. Applicants should indicate in their applications the Briefing Out List(s) in which they would like to be included. After being considered by the Prosecutions Division Selection Board ("Board"), the applicant will be informed after a decision is made.

The Hong Kong Advocacy Training Council ("HKATC") organises a "Prosecution on Fiat Training Programme" to train counsel/solicitors with at least one year's call/post-qualification experience in the practice, procedure and skills in conducting prosecutions on fiat in the Magistrates' courts. For solicitors with less than five years' post-qualification experience, upon completion of the programme (including satisfactory performance at the mock trials) or other equivalent training course, they may apply to join an assessment to be separately arranged by us to be considered for inclusion on our MC "B" List. Solicitor interested to attend the programme may contact the HKATC at 2869 0783 or email: [enquiry@hk-atc.org](mailto:enquiry@hk-atc.org) for any queries about the programme.

## **Upgrading to the Briefing Out Lists**

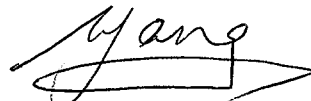
Existing fiat solicitor may make a written application (see attached form), together with his/her updated curriculum vitae, to us for upgrading. He/she may indicate in the application the Briefing Out List(s) he/she would like to be upgraded to. After reviewing his/her performance in prosecuting on fiat, the applicant will be informed after a decision is made.

We should be most grateful if you can bring the above information to the attention of all members of your society. Interested solicitor should complete the attached application form and send it together with the supporting documents to the following officer for processing:-

Chief of Staff  
Prosecutions Division  
12/F, West Wing, Justice Place  
18 Lower Albert Road  
Central  
Hong Kong

Should they have further enquiries on the application procedures, they may wish to call Mr Matt Lui, Executive Officer (Prosecutions Division)3 at 3902 8040.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Yang', with a stylized flourish underneath.

(Ms Maggie Yang)

Director of Public Prosecutions

Encl.



DEPARTMENT OF JUSTICE

PROSECUTION ON FIAT

**(1) Personal Particulars**

Name: (English) (Mr/Mrs/Miss/Ms) \_\_\_\_\_  
Surname Other Names (in full)

(Chinese) \_\_\_\_\_

Date of Call/Admission (mm/yyyy):

Hong Kong \_\_\_\_\_

Other Jurisdiction(s) (please specify) \_\_\_\_\_

Name of Chambers/Firm: \_\_\_\_\_

Address of Chambers/Firm: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

**(2) Please indicate the Briefing Out List(s) that you are interested to be included in/upgraded to**

- ☐ Magistrates' Courts ("MC") "B" List (substituting court prosecutors)
- ☐ MC "A" [Special Fiat] List
- ☐ District Court ("DC") List
- ☐ Court of First Instance ("CFI") List

**(3) Please indicate the level of criminal cases that you currently handle for the Legal Aid Panel (where appropriate)**

- ☐ DC cases (since \_\_\_\_\_)
- ☐ CFI cases (since \_\_\_\_\_)
- ☐ Appeals from the MC (since \_\_\_\_\_)
- ☐ Appeals to Court of Appeal (since \_\_\_\_\_)
- ☐ Appeals to Court of Final Appeal (since \_\_\_\_\_)



- (4) Please provide information on advocacy training received (if any)\*

Date/Period	Name of training course and organiser

- (5) Please set out below the relevant information in relation to the criminal cases which you have previously handled or been involved in (please indicate your role in the cases, i.e. as lead counsel or junior counsel)\*

Case No.	Nature of Charge	Nature of Proceeding	Role as lead counsel or junior counsel
e.g. DCCC 123 of 2019	(1) Wounding with intent (2) Blackmail (3) Claiming to be a member of a triad society	Trial	Lead counsel for D1

\* If the space provided is not enough for your answers, please continue in a separate sheet of paper.



**(6) Chinese Proficiency**

- (i) Can you read Chinese? ☐ Yes ☐ No
- (ii) Can you draft documents in Chinese? ☐ Yes ☐ No
- (iii) Can you conduct court proceedings in Chinese? ☐ Yes ☐ No

**(7) Confirmation**

- (i) I confirm that I will, subject to availability, accept any brief offered, at the standard brief fee.
- (ii) I confirm that I will endeavor at all times to meet the high standards to be expected of those who conduct prosecutions on behalf of the Hong Kong Special Administrative Region.
- (iii) I confirm that I do not have any criminal convictions and have not been the subject of any disciplinary proceedings, as a member of a professional body (such as the Hong Kong Institute of Certified Public Accountants or one of the colleges of the Academy of Medicine).
- (iv) I attach copies of my full practising certificate and curriculum vitae.

Signature : \_\_\_\_\_

Name : \_\_\_\_\_  
(in block letters)

Date : \_\_\_\_\_

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**Notes:**

- (1) Please submit the completed form, together with copies of your full practising certificate and curriculum vitae by post to:

12/F, West Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong  
(Attn: Chief of Staff, Prosecutions Division)

- (2) The Department of Justice may require further information or proof of the information provided.

- (3) Personal Data

- (a) The personal data collected by means of this form and/or attached hereto will be used by the Department of Justice (and may be transferred/disclosed to relevant Government departments) for the purpose of considering your suitability for inclusion in/upgrading to the Briefing Out Lists of the Prosecutions Division of the Department of Justice.



- (b) The provision of personal data by means of this form and/or any attachment hereto is voluntary. If you do not provide sufficient information, we may not be able to assess your suitability for inclusion in/upgrading to the Briefing Out Lists of the Prosecutions Division of the Department of Justice.
- (c) You have a right to request access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486). Your right of data access includes the right to obtain a copy of your personal data provided by this form and/or any attachment hereto.
- (d) Enquiries concerning the personal data collected by means of this form and/or any attachment hereto, including the making of a data access or correction request, should be addressed to Mr Matt Lui, Executive Officer (Prosecutions Division) 3, Department of Justice, Prosecutions Division, Administration Unit, 12/F, West Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong (Tel: 3902 8040; Email: [mattlui@doj.gov.hk](mailto:mattlui@doj.gov.hk)).

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