

A-G always trapped in endless 'no-win' situations

"THE most interesting four years of my life." That's how outgoing Attorney General John Griffiths terms his stint in Hongkong.

Mr Griffiths, who leaves his post in the middle of this month, said his job in Hongkong had dimensions that are rarely seen in private practice.

On top of it, having an input into policy matters, through posts held on Legco and Exco, has also served to make the term in office very exciting.

Still, he lamented about having to miss his family. This is the only disadvantage, he hastened to add.

"I have an 83-year-old mother and two children in school in the UK. Being out here I've missed all the school plays and weekends at home ... holidays are not quite the same."

Nevertheless, speaking as a professional, he lightens up. He says Hongkong is exciting because it is "a

melting pot of laws from different countries."

Quoting the example of the money lending law, Mr Griffiths points out that ideas were taken from similar statutes or laws in Australia, New York and England.

"We worked with the basic frame and added our own ideas to make it acceptable to people in Hongkong," he said.

This, he said, is generally the attitude adopted to lawmaking in Hongkong.

"We use a pattern that has been tested elsewhere. However, we alter it a bit to suit local needs. It's rather like a suit, the general shape is the same, but the cuts differs from person to person," he explained.

Recalling his most difficult decision over the past four years, Mr Griffiths said the decision whether or not to prosecute in some cases has always been a problem.

The MacLennan case, he cited as one example, but "there have been others" too.

"Anyone can decide to take a case to court and prosecute. If the person is acquitted, he's acquitted. But I think that can be terribly unfair because people may say 'There's no smoke without fire.' So one has to remember the power you have; to unleash it on anyone without careful thought is wicked," he said.

He adheres to the policy of prosecuting if the case stands a better chance of obtaining a conviction.

However, despite this, Mr Griffiths still feels that the attorney general is trapped in endless "no-win situations."

"The object of prosecuting is to act as a deterrent for other people doing the same thing. One must however, pay attention to whether this public interest outweighs the individuals' liberty ...

it's one thing to accuse, it's quite another to prove it," he added.

Personally, Mr Griffiths said he appeals about 12 cases a year out of the average 5,000 prosecutions that take place.

Turning to the local drug scene, which disturbed him when he arrived in 1979, Mr Griffiths said, "The problem with Hongkong is that such vast profits are at stake for the trafficker that he will go to any lengths to get it."

The facile approach to soft drugs is also cause for concern, he said. "Luckily this is changing, slowly though."

"The problem with these soft drugs is that they cause otherwise responsible members of the community to say 'It doesn't matter.' But soft drugs lead to hard drugs (not necessarily by addiction but by association) ... the man who sells cannabis today will sell heroin tomorrow."