

維護法治 UPHOLDING THE RULE OF LAW

刑事檢控專員

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Director of Public Prosecutions

A decorative graphic on the left side of the page consists of a vertical, curved shape resembling a tree trunk, divided into horizontal bands of color: dark red at the top, light red, yellow-green, light yellow, and dark red at the bottom. From the right side of this shape, a series of thin, white, wavy lines flow downwards and to the right, creating a sense of movement and depth.

2007年是刑事檢控科一個重要的里程碑；本科面對各種挑戰，成績斐然。自從制定《2007至2012年度策略性發展計劃》（“《策略性發展計劃》”）後，本科推行連串措施，以提升運作效率。有關措施的重點在於推動改革和現代化，加強培訓及提升透明度。我們與那些有相同承擔的人並肩工作，致力使法律制度更趨完善，並竭盡所能，鞏固本科在本地和國際上的地位。《策略性發展計劃》是我們各項工作的焦點。

設立刑事檢控專員諮詢小組，是《策略性發展計劃》的其中一部分，有助促進科內各級檢控人員之間的溝通。專員諮詢小組每季召開會議一次，就專員所關注的事宜提供意見，而小組成員亦可提出他們關心的問題。本科推行專員嘉許信計劃，以表揚工作水準出色的同事。年內，專員共向3位在整體上或在個別案件中表現卓越的檢控人員頒發嘉許信。《策略性發展計劃》也建議本科密切留意科內律師的事業發展；這項建議已在年內妥為實施。

年內，有12名新檢控人員加入刑事檢控科，令本科檢控各類罪行的能力有所加強。《策略性發展計劃》建議，



In 2007, the Prosecutions Division faced various challenges, and it proved to be a landmark year. Following the introduction of its *Strategic Development Programme 2007-2012* (SDP), the Division advanced a series of initiatives to improve our operations. The focus was very much on reform and modernisation, training and transparency. We worked in tandem with those who shared our commitment to a better legal system, and did all we could to strengthen our position, both locally and internationally. The SDP provided an important focus to our activities.

The establishment of the Director's Advisory Group (DAG), as part of the SDP, facilitated communication within the Division amongst prosecutors of all ranks. The DAG met on a quarterly basis and advised the DPP upon issues of concern to him, while members themselves raised matters which exercised them. To acknowledge high standards of performance the DPP's Appreciation Letter Scheme (ALS) was introduced, and three awards under the ALS were made during the year to prosecutors who had excelled either generally or in a particular case. The SDP also recommended the closer monitoring of career development for counsel, and this was duly implemented.

The welcome arrival of 12 new prosecutors in 2007 strengthened the capacity of the Division to prosecute all types of crime. As recommended by the SDP, new recruits received extended and rigorous advocacy training before substantive postings. Their arrival relieved pressure all round, and this in turn reduced the backlog in the advisory teams and facilitated compliance with the performance pledges. Arrangements were made for new prosecutors to receive advocacy training in London, and to exchange views with their counterparts from other jurisdictions at international conferences, as proposed by the SDP.

Given the scope of transnational organized crime, close liaison amongst prosecutors is essential. Crime is now globalised and multi-faceted, and prosecutors in different places must co-operate if crime is to be combated and if successful prosecutions are to be mounted. Throughout 2007, we worked closely at the international level with those involved in the combat of money laundering, corruption, fraud, copyright piracy, and technology crime,

新入職人員在獲委派實任職位前必須接受較長和嚴格的訟辯訓練。新入職的檢控人員整體上紓緩了本科繁重的工作壓力，令提供法律意見的小組所積壓的工作減少，有利於本科達到服務承諾所訂的目標。我們按照《策略性發展計劃》的建議，安排新入職的檢控人員到倫敦接受訟辯訓練，並讓他們在國際會議上與其他司法管轄區的檢控人員進行交流。

跨境有組織罪行涉及的範圍甚廣，檢控人員之間必須保持緊密聯繫。現時罪行趨向全球化，而且涉及多方面，若要打擊罪行，成功提出檢控，各地檢控人員必須互相合作。年內，本科除了對傳統罪行提出檢控外，在國際層面上，我們也致力與打擊清洗黑錢、貪污、欺詐、侵犯版權及科技罪行的執法人員緊密合作。本科檢控人員獲邀請擔任其他司法管轄區的導師，與有關人員分享專門知識，提升他們的執法成效。不少到訪的代表團均希望向我們學習，親身了解我們的技巧。

本科自2001年加入國際檢察官聯合會（“聯會”）以來，一直積極參與聯會的事務。在2004年主辦聯會亞太區會議後，本科再於2007年主辦聯會的年會暨會員大會。這對本科來說是一項重大的挑戰。在9月舉行的5天會議期間，約有500名來自世界各地的檢察官和嘉賓雲集香港，一同探討責任承擔、透明度、獨立自主和現代檢察官與各方的關係等議題。這次會議對與會者來說都是一次寶貴經驗；本科舉辦如此大型的會議，不論在提供後勤支援或處理其他艱巨工作，都應付裕如，備受稱許。作為一個檢控機構，我們取得如此佳績，實在感到光榮。

年內，本科檢控人員專注於刑事司法改革工作。首先進行的是編製刑事訟辯手冊及披露材料手冊，並擬備罪行詳情範本手冊，藉此加強檢控人員擬定控罪的一致性。本科亦研究檢控人員在審訊前會見證人的程序和檢討案件籌備工作的安排。為協助傳媒報道案件，本科公布有關指引，務求在市民獲得資訊的權利和保障審訊過程的完整公正之間取得平衡。為避免出現問題，本科為執法

and also prosecuted the more traditional offences. Our prosecutors were in demand as instructors for other jurisdictions, and we shared our expertise in the interests of better law enforcement. Numerous were the visiting delegations who were anxious to pick our brains and study our techniques at first-hand.

Since the Division joined the International Association of Prosecutors (IAP) in 2001, it has been active in its affairs. Having hosted the IAP's Asia and Pacific Regional Conference in 2004, the Division hosted its Annual Conference and General Meeting in 2007. This posed a major challenge and some 500 prosecutors and guests from all regions of the world visited Hong Kong for five days in September to discuss accountability, transparency and independence, and how the modern prosecutor should best relate to others. This proved to be an invaluable experience for all involved, and by common consent the way in which the Division met the logistical and other challenges involved in arranging an event on such a scale was exemplary. As a prosecution service, we can take quiet pride in what was achieved.

Criminal justice reform pre-occupied prosecutors throughout the year. Work began on a criminal advocacy manual as well as on a disclosure manual, and a manual of specimen charges was prepared to promote consistency in charging. The pre-trial interviewing of witnesses by prosecutors was examined, and trial preparation arrangements were reviewed. To assist the media in its reporting of cases, the Division promulgated guidelines which sought to balance the right of the public to receive information with the need to protect the integrity of the trial process. In order to pre-empt problems, lectures were provided to law enforcement personnel on issues which ranged from the disclosure of material to the defence, the standards to be expected of expert witnesses, and the requirements of the courts in the giving of testimony. Training arrangements were diversified, and private practitioners were welcomed to in-house seminars.

As prosecutors, our priority at all times was the effective prosecution of crime, and this involved the fair and measured application of established prosecution policy guidelines. At periodic meetings with law enforcement

人員舉辦講座，課題包括向辯方披露案件材料、專家證人應具備的專業水平、法庭對提出證供的要求等等。本科的培訓課程多元化，歡迎私人執業律師參與。

我們身為檢控人員，首要任務是有效檢控罪行。因此，我們必須公平而審慎地引用既定的檢控政策指引。本科定期與執法人員及部門檢控人員開會，研究打擊罪案的策略及陳述案情的更佳方法。本科在新聞簡報會上闡釋檢控政策，檢控人員也在一系列報章專訪中暢談他們的職務。本科向立法會簡介影響刑事法的事宜，以及本科的工作。年內，本科致力提高執行刑事司法工作的水平。

本科2007年的培訓計劃，反映我們致力推動持續的法律進修。打擊罪行的策略如要奏效，檢控人員必須能夠洞悉最複雜的罪行，並能夠向調查人員提供專業指引。檢控人員也要掌握傳統罪行的最新趨勢，並留意法律的發展。本科內部研討會集中探討了多個課題，包括三個級別的審訊法院的規定、上訴訟辯的水平、性虐待及家庭暴力案件的處理、應付擱置申請的方法，以及在檢控過程中落實人權保障。

年內，律政司司長黃仁龍資深大律師對本科時加鼓勵，不吝賜教，並贊同本科在本地及國際層面進行的工作。承蒙司長耐心指導，鼎力支持，本人向司長衷心致謝。

personnel and departmental prosecutors, anti-crime strategies were considered, together with better case presentation. Prosecution policy was explained at media briefings, and prosecutors discussed their duties in a series of newspaper interviews. The Legislative Council was briefed on issues affecting the criminal law, as well as upon the tasks of the Division. Our commitment throughout the year was to higher standards in the administration of criminal justice.

The Division's training agenda in 2007 reflected its commitment to continuing legal education. Anti-crime strategies depend for their success on prosecutors being able to understand the most sophisticated of crimes, and being in a position to provide expert advice to investigators. Prosecutors must also be kept abreast of latest developments in traditional crime, and aware of legal developments. In-house seminars focused on topics as diverse as the requirements of the trial courts at all three levels, the standards of appellate advocacy, the handling of sexual abuse and domestic violence cases, the approach to stay applications, and the implementation of human rights in the prosecution process.

Throughout 2007, the Division was encouraged in its work by the Secretary for Justice, the Honourable Wong Yan Lung, SC, JP. He provided us with sound advice, and endorsed our local and international initiatives. I thank the Secretary for his guidance and support.