



維 護 法 治

UPHOLDING THE RULE OF LAW

刑事檢控專員

Director of
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刑事檢控科在2008年向前邁進，信心堅定，使命清晰。檢控人員克盡己職，以專業精神和創意思維履行職務。現代檢控機關必須恪守原則，提出有效的檢控，並在有需要時堅決維護檢控工作的信念。本科的檢控人員行事向來獨立自主，無畏無懼，對認為正確的決定予以堅持。在發展新技巧遏止罪行時，我們也緊記既定的專業操守。我們堅定不移，公正無私地檢控罪犯；對於刑事案件中各有關方面的人士，不論身為何，我們都會保障他們的合法權益。

過去一年，刑事檢控科致力改革，在維持最高水平而又切合社會期望的檢控服務方面，取得實質的進展。我們在關鍵時刻推行了一系列刑事司法措施，確保檢控程序與時並進。擬備新的檢控政策指引，是我們優先處理的工作。我們也製備披露材料手冊、刑事訟辯手冊和用以加強擬定控罪一致性的罪行詳情範本手冊，以作補充。我們採取措施盡速處理家庭暴力案件，並就檢控人員所使用的對待受害者及證人指引，展開檢討工作。本科竭盡所能，致力提升服務水平，使法律制度更趨完善。

刑事檢控科秉持《2007至2012年度策略性發展計劃》（“《策略性發展計劃》”）所訂下的理念，在各個主要範疇穩步發展。我們致力加強檢控人員的專業能力，確保檢控工作更具成效，能為執法機關提供最高水平的服務，並努力汲取其他司法管轄區的經驗。新入職人員接受各項刑事檢控職責的深入訓練，尤其是訟辯及專業操守水平。本科參與檢控官交流計劃，藉以與世界各地的



In 2008, the Prosecutions Division moved forward with confidence and a sense of mission. Prosecutors were diligent and professional in discharging their duties, and innovative in their thinking. A modern prosecution service must be principled and effective, and prosecutorial values were asserted whenever necessary. Prosecutors acted independently at all times, and were fearless in upholding the decisions they believed to be right. In the development of new techniques to counter crime, sight was not lost of established ethics. Offenders were prosecuted in a way that was firm but fair, and the interests of those caught up in criminal cases in whatever capacity were protected.

The past year was one of reform for the Division. Solid progress was made in achieving a prosecution service of the highest quality, and a service attuned to the aspirations of the community. A host of criminal justice initiatives was pursued, and our processes were modernised at a crucial time. A priority was the preparation of new prosecution policy guidelines, and these were supplemented by manuals on disclosure and advocacy, as well on specimen charges to promote consistency in offence formulation. Measures to fast-track domestic violence cases were adopted, and a review began of the guidelines used by prosecutors in the treatment of victims and witnesses. The Division was committed to raising the levels of service it was able to provide in the interests of a better legal system.

Guided by the vision of its *Strategic Development Programme 2007-2012 (SDP)*, the Division moved forward with a sure step in all key areas. Expertise was honed to ensure more effective prosecutions and the highest levels of service to law enforcement agencies, and every effort was made to learn from the experiences of other jurisdictions. New recruits received intensive training in all aspects of prosecutorial responsibility, with a particular emphasis on standards of advocacy and ethics. A prosecutor exchange programme was adopted to facilitate closer ties with international prosecutors, and to promote the exchange of information between their agencies. The *SDP* placed an important focus upon strengthening the Division

檢控官建立更緊密的聯繫，並加強與這些檢控官所屬的檢控機關交流資訊。《策略性發展計劃》的重點在於從人力、資源和架構重整各方面提升本科的能力。年內，檢控人員審慎推行《策略性發展計劃》，使本科得以加強凝聚力，更有效地檢控罪案。刑事檢控專員諮詢小組於年內舉行季度會議，鼓勵各級檢控人員加強內部溝通。

在2008年，本科奉行與社會各界保持緊密聯繫的政策。檢控人員開誠布公，樂意闡釋檢控過程。本科舉行了多次新聞簡報會，檢控人員在報章專訪中暢談工作情況。在為各所大學舉辦的職業發展面談中，檢控人員與師生談論他們感興趣和關注的課題。易受傷害證人組積極與公眾接觸，並與關注團體及市民保持緊密聯繫。我們為那些對檢控決定感到受屈的人士檢討了投訴機制，並樂意與涉案人士討論其案件。本科向立法會簡介影響刑事法的事宜，並向公眾發表工作檢討和與傳媒討論，藉以加強問責性。

由於罪行趨向全球化，世界各地的檢控人員必須通力合作，制定有效的策略，以打擊罪行和提出檢控。本科在國際檢察官聯合會內致力增強對抗罪行的能力，並支援提升刑事司法服務水平的措施。本科的檢控人員對其他檢控機關的培訓計劃提供協助，並積極參與國際行動，打擊貪污、欺詐、清洗黑錢、兒童色情物品和跨境罪行。我們向訪港的檢控人員簡介本科的刑事檢控工作和最新發展，並與中國內地其他地方的檢控人員保持密切聯繫。年內，本科檢控人員獲邀請在國際活動中擔任講者、主持人和導師，與同業分享經驗。

公眾對檢控人員期望甚大，檢控人員必須秉行公義。透過履行服務承諾，檢控人員維持服務的水平。年內，有9名新檢控人員加入刑事檢控科，即時舒緩了本科繁重的工作壓力，而本科展開法庭檢控主任的招聘工作，對循簡易程序執行司法工作提供了有利的條件。本科一貫致力執行妥善的案件管理工作，以客觀的準則作出決定，並向辯方提供必需的協助。我們明白，公眾對本科運作的信心至關重要；在取得公眾信心後，我們更要維

in terms of manpower, resources and re-structuring, and its measured implementation throughout the year lent cohesion to our efforts to prosecute crime more effectively. The Director's Advisory Group met on a quarterly basis during the year to encourage greater levels of internal communication amongst prosecutors at all levels.

Throughout 2008, the Division pursued a policy of close engagement with the community. Prosecutors were frank about the way they did things, and ready to explain their processes. Media briefings were arranged, and prosecutors discussed their work in media interviews. Career interviews were given at the universities, and prosecutors discussed areas of interest and concern with teachers and pupils. The Vulnerable Witness Team was proactive in its dealings with the public, and close liaison was maintained with concerned groups and citizens. The complaints system was reviewed for the benefit of persons aggrieved by prosecution decisions, and our door was always open to those who wished to discuss their cases. The Legislative Council was briefed on issues affecting the criminal law, and a work review was released to the public and discussed with the media in the interests of greater accountability.

As crime is globalised, the prosecutors of the world must co-operate to develop effective strategies for its combat and prosecution. The Division worked within the International Association of Prosecutors to enhance responses to crime, and supported measures to promote higher standards of criminal justice. Our prosecutors contributed to the training agendas of other prosecution services, and were active in international efforts to counter corruption, fraud, money laundering, child pornography and transnational crime. Visiting prosecutors were briefed on public prosecutions and latest developments, and close liaison with prosecutors from other parts of China was maintained. Our prosecutors were in demand throughout the year as speakers, facilitators and trainers at the international level, and we shared our experiences with our counterparts.

Much is expected of those who prosecute, and they

持公眾的信心。本科時刻力求主動確立行事綱領，而不單只是對事件作出回應。

年內，我們極重視檢控人員的培訓。打擊罪案的策略如要奏效，檢控人員必須掌握最新的技巧和思維方法，無論是在提供法律指引或出庭時，都能夠運用所需的專門知識。本科為檢控人員安排全面的培訓，並審視各方面的事宜，包括上訴訟辯、人權、專家證據、司法覆核、司法互助、有效陳述案情和商業罪案的處理。培訓旨在加強檢控人員處理案件的能力，使他們能夠處理複雜和犯案手法精密的案件，以及確保他們有能力應付在處理刑事案件期間出現的任何問題。

這是本科第11冊周年工作回顧，記錄我們自回歸以來取得的成就。本科致力提升刑事司法服務水平，增進公眾對檢控工作的了解。我們在國際社會表達意見，也推動策略打擊各種罪案。現在，我們必須再接再厲，精益求精，在1997年至今建立的基礎上，鞏固我們一流檢控機關的地位。

must strive to achieve justice. By fulfilling performance pledges, prosecutors maintained the standards of service. The arrival of nine new prosecutors in 2008 relieved the immediate pressures on the Division, and the launch of a court prosecutor recruitment exercise augured well for the delivery of justice at the summary level. The Division was committed throughout to the proper management of cases, the application of objective criteria in the taking of decisions and the provision of necessary assistance to the defence. We recognised that public confidence in our operations was essential, and that once this had been secured it had to be retained. The Division sought at all times to set its own agenda, and not simply to respond to events.

Training for prosecutors was a priority throughout the year. Strategies to counter crime can only succeed if prosecutors are aware of latest techniques and thinking, and able to apply the necessary levels of expertise at the advisory stage and at court. A comprehensive training agenda was arranged, which examined issues as diverse as appellate advocacy, human rights, expert evidence, judicial review, mutual legal assistance, effective case presentation and the processing of commercial crime cases. The objective was to hone the capacity of prosecutors to handle cases irrespective of complexity and sophistication, and to ensure that they were able to deal with any issues arising in the conduct of criminal cases.

This is the eleventh *Yearly Review* of the Division, and it reflects our achievements since reunification. We contributed to improved levels of criminal justice, and promoted greater awareness of our work. Our voice was heard at the international level, and we advanced strategies to combat all forms of crime. We must now build upon the foundations we have laid since 1997, and seek to consolidate our status as a prosecution service of the first rank.