

**For discussion on  
15 July 2024**

**Legislative Council Panel on  
Administration of Justice and Legal Services**

**Annual Report of the Prosecutions Division  
“Prosecutions Hong Kong 2023”**

**Purpose**

This paper briefs the Panel on the newly released annual report of the Prosecutions Division (PD) of the Department of Justice (DoJ), “Prosecutions Hong Kong 2023”<sup>1</sup>, which reviews the DoJ’s prosecution work for the year 2023, a milestone year for PD.

**Background**

2. To promote open justice and transparency in prosecution service, it is an ongoing initiative of PD to release each year an annual report which reviews the DoJ’s prosecution work of the year. “Prosecutions Hong Kong 2023”, released on 17 June 2024, is the latest annual report of PD presenting an overview of its work and highlighting some of the key challenges and achievements in the year 2023.

3. The theme of the 2023 review, “Upholding Justice with Integrity – Our Entrenched Duty at All Times”, encapsulates the noble calling of prosecutors to serve the community and the rule of law as ministers of justice. From making prosecutorial decisions, prosecuting trials and appeals, to reviewing and formulating prosecution policies, the work of a prosecutor is inherently public-centered, directly affecting the community and those who live in it. It is therefore incumbent upon prosecutors to act fairly and in the public interest in conducting all aspects of prosecutorial work, a duty which

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<sup>1</sup> Available at [www.doj.gov.hk/en/publications/yrreviewpd2023.html](http://www.doj.gov.hk/en/publications/yrreviewpd2023.html).

each prosecutor discharges with a strong sense of public spirit.

4. While PD has been publishing yearly reviews for over a quarter of a century featuring each year's achievements and developments, the year 2023 is considered a milestone year and an opportune time to look ahead with renewed focus and efforts. With increased operational efficiency following PD's restructuring in 2022, a new Sub-division was established in 2023 to foster expertise for tackling latest crime trends, Technology Crime. With resumption of normalcy after the pandemic, the year also saw our return onto the world stage, engaging overseas jurisdictions into dialogue and collaboration on pertinent criminal law issues of international concern.

### **Key Achievements in 2023**

#### *Increased operational efficiency*

5. A facet of our duty of fairness to the community is our obligation to make and proceed with prosecutorial decisions as expeditiously as possible. For this reason, we never lose sight of the need to maintain and increase operational efficiency. As compared to 2022, the total number of cases conducted by in-house prosecutors and fiat counsel increased in 2023 by 348, representing a 7.7% increase. The number of cases conducted by in-house prosecutors increased by 19.1% while the number of cases conducted by fiat counsel decreased by 14.8%. In addition to court work, PD gave a total of 15,486 legal advice on criminal matters to government bureaux and law enforcement agencies in 2023, representing a 6.0% increase as compared to the number of legal advice given in 2022. Of the requests for legal advice, 95.3% were replied to within 14 working days, an increase from 89.5% in 2022. We will continue to strive to improve.

#### *Establishment of the Technology Crime Sub-division*

6. In recent years, there has been a sharp increase in sophisticated cybercrimes. Such crimes have permeated all corners of the world, including Hong Kong, resulting in significant harm and loss to individuals as well as posing huge challenges to the safety and security of society as a whole. There arises a strong need for prosecuting authorities to stay abreast of technological

developments and potential technology crime trends in order to adequately address the challenges.

7. With a view to strengthening Hong Kong's capability to combat technology crimes and respond to the challenges brought on by technological advancements, PD established in July 2023 the Technology Crime Sub-division, serving as the locus of knowledge and expertise relating to technology crimes. The new Sub-division specializes in handling complex high-tech crimes, and tech-crimes involving syndicates or of large-scale operations which cause or may cause serious harm to this jurisdiction.

8. In addition to promptly and effectively combatting high-tech crimes through the provision of legal advice and prosecution services, the Sub-division also assists in further honing the legal framework with a view to more effectively fighting technology crimes, by reviewing the adequacy of existing criminal law, in terms of both the substance and the extraterritorial effect, and by proposing the enactment of new laws to criminalise cyber-related misconduct through participation in the Law Reform Commission of Hong Kong.

9. Members of the Sub-division have been working closely with cyber and forensic experts in seminars and conferences; and the Police's Cyber Security and Technology Crime Bureau to keep pace with the unprecedented changes in these specialized areas, as well as the trends and patterns of criminal activities. The Sub-division is also keen on training up expert witnesses from the Police and prosecutors, so as to more effectively investigate and prosecute high-tech crimes. The Sub-division will continue to promote cooperation between stakeholders to combat high-tech crimes in all ways possible.

#### *Active role in international outreach*

10. The fight against crimes cannot be fought by any one jurisdiction alone. Crimes nowadays know no jurisdictional boundaries, and often involve evidence scattered across the globe. The trans-national nature of such crimes means that concerted international effort is crucial in mounting a successful fight against them.

11. To keep abreast of the latest developments in criminal law and to strengthen efforts in combatting crimes collectively on an international level, PD actively reached out to the international community in 2023 by fostering links with counterparts in other jurisdictions and participating in a series of conferences and meetings hosted by organizations such as the International Association of Prosecutors and the Financial Action Task Force. These conferences brought together prosecutorial agencies of various jurisdictions, with which PD engaged in fruitful discussions on, amongst other things, combatting crime in the modern age.

#### *Training returning to full force*

12. Amidst the heavy workload, PD did not lose sight of the importance of enhancing training and professional development for colleagues. Training returned to full force in 2023 after the pandemic in both local and international dimensions. In addition to topical training sessions conducted by in-house as well as outside experts, a number of prosecutors attended overseas training courses, to hone their knowledge and skills necessary for a more efficient discharge of their duties and to foster exchange of views and practices with prosecutors from other jurisdictions.

#### **Looking Ahead**

13. PD will continue to engage local stakeholders and regional and overseas counterparts in knowledge and experience exchange to ensure that prosecutors are best equipped to uphold and deliver justice in an ever-changing world.

14. DoJ will host the 11<sup>th</sup> Asia and Pacific Regional Conference of the International Association of Prosecutors (IAP) in November 2024, 20 years after it was last held in Hong Kong. The theme of the conference is “Effective Prosecution Service in the Technological Age”. Pertinent topics relating to the operation of an effective prosecution service in the technological age and the use of technology in the criminal justice system will be discussed. We look forward to welcoming our international counterparts to this meaningful event, which will be a major platform for prosecutors from different jurisdictions to exchange knowledge, explore emerging trends, and

foster collaborations to further the collective anti-crime agendas.

## **Conclusion**

15. As “Prosecutions Hong Kong 2023” demonstrates, PD experienced a year which was eventful, challenging yet fruitful, and a strong momentum has been established. PD will continue to serve the community as a first-class prosecution service and deliver justice with integrity – “Our Entrenched Duty” which is always discharged with humility, dignity, and honor.

**Department of Justice**  
**July 2024**