

給律政司司長的信

Letter to **Secretary for Justice**

律政司司長

袁國強資深大律師

袁司長：

謹呈上刑事檢控科 2016 年的工作回顧。

對刑事檢控科來說，2016 年雖然充滿挑戰，卻是碩果纍纍。年內，我們的工作量依舊繁重，處理的案件仍舊艱巨和富爭議性，所受的公眾監察更是前所未有。這正是我們面對的種種挑戰。我們的檢控團隊一貫專業盡責，自豪不屈，時刻秉持公正獨立、不偏不倚，令我深感欣慰。然而，身為檢控人員，忠於“秉行公義者”的角色，我們除了執行檢控工作，也致力推動刑事司法制度發展。於這範疇的努力，已見成效。2016 年，我們分別進行兩項公眾諮詢，一項是關於在裁判法院的檢控工作，另一項涉及申訴人就某些性罪行的審訊以電視直播聯繫方式提供證據。這兩項諮詢在今年早前終見成果。而在香港特別行政區訴吳文南及另一人案中，我們的論據有助法院修改以往的判刑慣例，即縱使被告在正式開審前一刻方才認罪，法院也給予三分之一的十足刑期減免。此項修改對全部三級法院的被告認罪模式帶來深遠影響。另一方面，司法機構在 2016 年 9 月展開工作，將原訟法庭刑事訴訟程序案件管理制度現代化，最終於今年 6 月敲定並實施《實務指示 9.3》。刑事檢控科亦有積極參與所涉的諮詢工作。團隊就上述各方面所作出的努力，我會在下文的序言交代詳情。

回顧過去一年，本科團隊實應為取得的成果感到自豪。於我，四年過去，在這第四封，亦是最後一封我以刑事檢控專員身分寫給司長的信，我向本科優秀團隊和司長致謝（請恕我先提及本科團隊，因為本着真正的法治精神，無人能夠凌駕本科團隊所代表的價值觀）。承蒙各位過去一直支持、協助和賜教，不勝感銘，更感謙卑。



刑事檢控專員
楊家雄資深大律師

2017 年 8 月 21 日

The Honourable Rimsky Yuen Kwok-keung, GBM, SC, JP Secretary for Justice

21 August 2017

Dear Secretary for Justice,

I am pleased to submit to you the Yearly Review of the Prosecutions Division for 2016.

2016 was as challenging as it was fruitful for the team. Workload remained heavy. Cases continued to be difficult and controversial. Public scrutiny was at all-time high. Those were the challenges. I am glad to report that the team faced them professionally, with pride, whilst demonstrating at all times integrity, impartiality and independence. However, and true to our role as ministers of justice, we prosecutors do much more than just prosecute. We also see to the development of the criminal justice system. Here comes the fruitful part. We in 2016 took forward two separate public consultations, one on prosecution works in the Magistracy, and the other on the use of live television link by complainants when giving evidence on certain sexual offences. Both of them finally bore fruits earlier this year. Our arguments in *HKSAR v Ngo Van Nam & Anor* contributed towards the revision by the court of the previous sentencing practice of giving a full one third discount to even court-door pleas, which revision brought about far-reaching changes to plea patterns at all three levels of the court system. The Prosecutions Division also took active part in the exercise commenced in September 2016 by the Judiciary in modernizing the case management regime in criminal proceedings in the Court of First Instance, leading to the finalization and implementation of Practice Direction 9.3 in June this year. You will see details of all these efforts in my Overview later.

Looking back, the team can be proud of what it had achieved last year. On my part, looking back even further, and in this fourth and last letter from me as DPP to you, I express my gratitude to this fine team and you (and yes, please forgive me for putting the team first, because in the true spirit of the rule of law, no one can be above the values this team represents) for the support, assistance and guidance during my term. I am grateful, as am humbled.

Yours sincerely,



(Keith Yeung, SC)
Director of Public Prosecutions