



分科一 — 法律指引

Sub-division I - Advisory

分科一負責向執法機關提供法律指引，並就多種刑事案件作出檢控決定，包括由裁判法院審理的店鋪盜竊、普通襲擊、違例駕駛，以至由原訟法庭審理的強姦、搶劫、謀殺罪。檢控官從執法機關接獲案件的檔案後，會審視所得的證據，全面及仔細地評估證據是否充分，以及就合適的控罪（如有）及適當的審訊法院，提供法律指引。

Sub-division I is responsible for advising law enforcement agencies and making prosecutorial decisions on a wide spectrum of criminal cases, ranging from shoplifting, common assault, driving offences in the Magistrates' Courts to rape, robbery, murder in the Court of First Instance. Having received files from the law enforcement agencies, Public Prosecutors go through the available evidence, conduct thorough and careful assessment on the sufficiency of evidence and advise on the proper charges to be laid (if any) and the appropriate venue of trial.

分科一設有四組，各組有特定的工作範疇。下文闡述分科一的工作範疇及 2019 年內經該分科處理的一些值得注意的案件。

Sub-division I comprises 4 sections, each handling its specific area. A description of those areas and a highlight of some notable cases handled by the Sub-division in 2019 are set out below:

分科一第 1 組 — 原訟法庭法律指引

原訟法庭法律指引組負責就原訟法庭審理的刑事案件，向警方及其他執法機關提供法律指引。該等刑事案件包括只容許在原訟法庭審理的罪行，例如殺人和強姦罪，以及販毒和搶劫等其他嚴重罪行。

Section I(1) – Court of First Instance Advisory

The Court of First Instance (“CFI”) Advisory Section gave legal advice to the Police and other law enforcement agencies on criminal matters dealt with in the CFI. Such criminal matters include offences which can only be tried in the CFI, such as homicide and rape, as well as other serious offences such as drug trafficking and robbery.

該組檢控官負責就證據是否充分及適當的控罪提供法律指引。檢控官在提供指引後，會處理案件交付原訟法庭審判的整個程序及相關法律程序事宜，以確保案件可適時交付原訟法庭審理或判刑。

Public Prosecutors in the Section would advise on the sufficiency of evidence and the appropriate charges. After giving advice, Public Prosecutors would see the case through the committal proceedings and attend to procedural matters to ensure that cases are committed to the CFI for trial or sentence in a timely manner.

於 2019 年交付原訟法庭審理的案件有 417 宗，其中 152 宗交付審訊，265 宗交付判刑。此外，依據上訴法院的重審令而提交法庭存檔的公訴書有六份。受香港特別行政區訴吳文南 [2016] 5 HKLRD 1 一案裁決的直接影響，於 2019 年交付原訟法庭審訊的案件數目，與該案裁決前的數年相比持續減少。上訴法庭在吳文南案的裁決中，修訂有關被告承認控罪即可獲減刑的一般做法。

In 2019, there were 417 cases committed to the CFI, of which 152 cases were committed for trial and 265 cases were committed for sentence. In addition, 6 indictments were filed pursuant to orders for retrial made by the appellate courts. As a direct consequential result of the decision in *HKSAR v Ngo Van-nam* [2016] 5 HKLRD 1, where the Court of Appeal revised the general practice of affording a discount of sentence to those defendants who plead guilty to the charges brought against them, the number of cases committed to the CFI for trial continued to reduce in 2019 when compared with the years before *Ngo Van-nam*.

該組在 2019 年處理的一些重要案件包括：

Some significant cases that were dealt with by the Section in 2019 include the following:

- (i) 在 *HKSAR v Lee Ka-fai* [2019] HKCFI 3006 一案中，被告以因神志失常而減責為由承認一項“誤殺”罪，被裁定罪名成立。被告在家中砍掉 77 歲病母的頭顱，殺死她後自己從該公屋 16 樓單位躍下，受傷不死。他否認“謀殺”罪，但提出在因神志失常而減責的基礎上承認“誤殺”罪。三名精神科醫生認為他當時患有或很可能患有復發性抑鬱症。鑑於被告對意識責任的判斷能力嚴重受損，控方接納其認罪建議。他被判感化 24 個月。
- (ii) 在香港特別行政區 *訴 但昭娟* [2019] HKCFI 1464 一案中，被告承認一項“有意圖而淋潑腐蝕性液體”罪，被裁定罪名成立。被告與受害人是朋友，同為賭徒。受害人不僅僱用被告工作，亦借錢予被告償還外間債務。後來，兩人發生金錢糾紛。2017 年 4 月 23 日，被告前往受害人家中，從手袋取出一些腐蝕性液體潑向受害人，導致受害人明顯毀容，失去部分鼻軟骨及正常的臉部輪廓。其臉、頸、上身和上肢大部分皮膚長滿深粉紅色的增生性疤痕。被告被判監 12 年。

分科一第 2 組 — 區域法院法律指引

於 2019 年，區域法院法律指引組的成員包括逾 20 名高級檢控官和檢控官。

於 2019 年間，該組向執法機關提供逾 1,300 項法律指引，而年內在區域法院檢控的案件逾 1,000 宗。該組處理的案件種類繁多，包括入屋犯法、搶劫、販毒、嚴重交通意外、性罪行、商業詐騙或行騙和洗錢罪。

除提供法律指引外，該組成員也負責為待審案件作審前準備，並出席就提訊、答辯和判刑、保釋申請、審訊、上訴和死因研訊進行的聆訊。以下是該組在 2019 年處理的重要案件：

- (i) In *HKSAR v Lee Ka-fai* [2019] HKCFI 3006, the defendant was convicted on his own plea of 1 count of “manslaughter” on the ground of diminished responsibility. The defendant after killing his 77-year-old sick mother at home by cutting her head off, jumped out from the flat on the 16th floor of a public housing building. He was injured but somehow survived the jump. He pleaded not guilty to “murder” but offered to plead guilty to “manslaughter” on the basis of diminished responsibility. 3 psychiatrists opined that he was suffering from or was likely to be suffering from Recurrent Depressive Disorder. As his mental responsibility was substantially impaired, the Prosecution accepted the plea offer. He was sentenced to probation for 24 months.
- (ii) In *HKSAR v Dan Zhaojuan* [2019] HKCFI 1464, the defendant was convicted on her own plea of 1 count of “throwing corrosive fluid with intent”. The defendant and the victim were friends and habitual gamblers. The victim not only hired the defendant for work but also lent money to the defendant to repay the defendant’s outside debt. The two later had monetary disputes. On 23 April 2017, the defendant went to the victim’s home, took out some corrosive fluid from her handbag and threw it upon the victim. As a result, the victim had marked disfiguration with partial loss of nose cartilage and normal facial profile. Most part of the skin on face, neck, upper trunk and upper limbs were replaced by extensive deep pinkish hypertrophic scars. The defendant was sentenced to imprisonment for 12 years.

Section I(2) – District Court Advisory

The District Court Advisory Section in 2019 comprised a total of over 20 Senior Public Prosecutors and Public Prosecutors.

In 2019, the Section gave over 1,300 advices to law enforcement agencies and over 1,000 cases were prosecuted in the District Court in 2019. The cases consisted of a wide spectrum comprising burglary, robbery, drug trafficking, serious traffic accidents, sexual offences, commercial fraud or deception and money laundering.

In addition to rendering advices, members of the Section were also responsible for preparing cases for trial, attending hearings for plea days, plea & sentence, bail applications, trials, appeals and death inquests. The following notable cases were handled by the Section in 2019:



(i) 在 *HKSAR v Chan Wing-kai* [2019] HKDC 1073、香港特別行政區訴井躍麗 [2019] HKDC 1197 及香港特別行政區訴曾惠玲 [2019] HKDC 1070 這三宗銀行詐騙案件中，三名被告分別承認多項不誠實相關罪行，被裁定罪名成立。三人的作案手法都非常相似。簡言之，該等被告冒充受害人在銀行出示受害人被盜的香港身分證，並從受害人的銀行帳戶提取巨額存款。這些罪犯屬於集團式的犯罪者。該等被告不但從受害人帳戶提取現金，有時甚至能致使銀行更改受害人的簽名樣本和帳戶密碼，其後從受害人帳戶盜取款項。

在井躍麗一案中，受害人損失存款共港幣 18 萬元，被告被判監禁兩年。

在 *Chan Wing-kai* 一案中，三名受害人損失存款合共逾港幣 650 萬元，被告被判監禁合共三年零 10 個月。

在曾惠玲一案中，受害人損失存款合共逾港幣 100 萬元，被告在初審中被判處監禁共 16 個月。律政司司長尋求覆核刑罰；律政司司長訴曾惠玲 [2020] HKCA 159。上訴法庭批准有關申請，並把刑期大幅增至共監禁 34 個月。

(i) In *HKSAR v Chan Wing-kai* [2019] HKDC 1073, *HKSAR v Jing Yueli* [2019] HKDC 1197 and *HKSAR v Tsang Wai-ling* [2019] HKDC 1070, the defendants in these 3 cases of bank frauds were convicted upon their own pleas of various dishonesty offences. The *modus operandi* of their offending were strikingly similar. In gist, the defendants impersonated the victims by presenting the victims' stolen HKID cards to banks and caused substantial amount of the victims' savings to be withdrawn from their bank accounts. The culprits were syndicated offenders. The defendants not only withdrew cash from the victims' accounts, on some occasions they also managed to cause the banks to change the victims' specimen signatures and the victims' account PIN numbers and subsequently stole money from victims' accounts.

In *Jing Yueli*, the victim lost her savings in a total sum of HK\$180,000. The defendant was sentenced to 2 years' imprisonment.

In *Chan Wing-kai*, 3 victims were involved and they lost their savings in a total sum of more than HK\$6.5 million. The defendant was sentenced to 3 years and 10 months' imprisonment in total.

In *Tsang Wai-ling*, the victim lost her savings in a total sum of more than HK\$1 million. The defendant was sentenced to a total of 16 months' imprisonment at first instance. The Secretary for Justice sought to review the sentence; *Secretary for Justice v Tsang Wai-ling* [2020] HKCA 159. The Court of Appeal granted the application and substantially enhanced the sentence to a total term of 34 months' imprisonment.

分科一第3組 — 裁判法院法律指引

香港所有刑事法律程序均在七個裁判法院展開。除了較嚴重的案件在區域法院和原訟法庭審理，大多數案情較輕的案件均由裁判法院及法庭檢控主任處理。雖然在裁判法院審理的刑事案件案情較輕，通常判處的監禁以兩年為上限，但與各級法院相比，裁判法院案件的性質或許最為繁雜，囊括簡單的交通罪行以至棘手的商業詐騙罪。

於2019年，裁判法院共處理132,097宗刑事案件，當中絕大部分由派駐該七個裁判法院的76名法庭檢控主任處理；而需要提供法律指引的案件則由派駐中環律政中心、隸屬裁判法院法律指引（一般檢控）組的21名高級檢控官及檢控官處理。

法庭檢控主任及檢控官處理的刑事案件本已種類繁多。自2019年6月起社會上出現連串前所未有的動盪，數千人被拘捕，多項涉及的罪行均屬裁判法院司法管轄權範圍，令檢控人員備受考驗。雖然較嚴重的案件已移交上級法院審理，但大部分案情較輕的案件依然由裁判法院審理。

由於與示威相關的案件在2019年整個下半年不斷增加，需要提供法律指引的案件增幅達47%，由2018年的3,880宗增至2019年的5,709宗，且數目隨着過去每月的社會動盪持續增加，促使組內檢控官必須從速處理。各名控檢官均以不偏不倚和專業的態度，公平公正地審視每宗案件所得的證據。

另一方面，2019年本地判例的新發展亦為處理裁判法院案件的檢控官帶來新挑戰。其中之一涉及終審法院在香港特別行政區訴鄭嘉儀 [2019] 22 HKCFA 97 一案的判決。法院於該案裁定，《刑事罪行條例》（第200章）第161條下“有犯罪或不誠實意圖而取用電腦”罪不涵蓋使用自己的電腦所作之行為，除非其中“涉及取用另一人的電腦”。受該判決影響的範疇，包括在2019年相當普遍、涉及使用智能手機拍攝裙底照片或錄像的案件。儘管如此，在法律改革委員會建議的適切新罪行“窺淫”罪獲引入前，這種不當行為仍可能構成“有違公德行為”罪、“在公眾地方作出擾亂秩序的行為”罪或“遊蕩”罪。

Section I(3) – Magistrates' Courts Advisory

All criminal proceedings in Hong Kong begin in the 7 Magistrates' Courts and apart from the more serious cases that are tried in the District Court and Court of First Instance, the majority of the less serious ones are dealt with in the Magistrates' Courts by Court Prosecutors. Whilst these less serious criminal cases tried in the Magistrates' Courts usually attract a maximum sentence of only 2 years' imprisonment, the diversity in the nature of cases is perhaps the richest amongst the different level of Courts ranging from simple traffic offences to difficult commercial frauds.

In 2019, a total of 132,097 criminal cases had been dealt with in the Magistrates' Courts with the lion share of which handled by the 76-strong Court Prosecutors stationed at the 7 Magistrates' Courts, whilst those requiring legal advices were dealt with by the 21-strong Senior Public Prosecutors and Public Prosecutors of the Magistrates' Courts Advisory (General Prosecution) Section stationed at Justice Place in Central.

Amidst the already rich diversity of criminal cases handled by Court Prosecutors and Public Prosecutors, the unprecedented series of social unrests since June 2019 put prosecutors to the test as thousands of people were arrested and brought to the Magistrates' Courts for an array of offences within the jurisdiction of those Courts. Whilst the more serious ones have been transferred to higher Courts for trial, the majority of the less serious ones stayed in the Magistrates' Courts for trials.

As protest-related cases snowballed through the second half of 2019, our prosecutors had been pushed for dealing speedily with a 47% increase in the number of cases requiring legal advice, namely from 3,880 in 2018 to 5,709 in 2019, which continued to expand with each passing month of the social unrest. Each prosecutor fairly and impartially reviews the evidence available in each case in an unbiased and professional manner.

On the other hand, new developments in the local jurisprudence in 2019 also brought new challenges to our prosecutors dealing with cases in the Magistrates' Courts. One of such developments involved the Court of Final Appeal's decision in *HKSAR v Cheng Ka-yee* [2019] 22 HKCFA 97 in which the Court held that the offence of "obtaining access to computer with criminal or dishonest intent" under section 161 of the Crimes Ordinance (Cap. 200) does not cover the use of one's own computer with criminal or dishonest intent unless that use "involves getting access to another computer". One of the areas affected by the judgment concerns cases involving the use of one's smartphone for taking upskirt photographs or videos which had been rather prevalent in 2019. Nevertheless, such a kind of

另一項值得注意的發展關乎在道路上使用未領牌和未經登記的電動滑板車、懸滑板、兩輪電動踏板車、單輪車和電動單車 / 三輪車 (即個人移動工具 (該等工具)) 作為汽車用途。使用該等工具於 2019 年已變得相當普遍和流行。然而，該等工具因未能符合諸如制動系統和照明的法定安全要求，而被禁止使用，也沒有保險公司為該等工具提供車輛保險。因此，使用該等工具的人士可能干犯一系列的罪行，包括“危險 / 不小心駕駛”、“駕駛未獲發牌照的車輛”、“沒有第三者保險而使用車輛”、“駕駛時無執照”、“在沒有戴上頭盔的情況下駕駛電單車”、“在行人道路上駕駛電單車”罪等。雖然很多涉及該等工具的交通罪行，通常被視為性質輕微，但要在香港人口如此稠密的環境執行和推廣道路安全，檢控這些案件實在至關重要。

於 2019 年，律政司在全港七個裁判法院派駐 76 名法庭檢控主任。他們聯同檢控官和外判私人執業律師年內共檢控 132,097 宗案件。自 2018 年起，法庭檢控主任的職務劃分為負責非表列職務，而檢控官和外判律師則負責表列職務。該項安排於 2019 年繼續行之有效，使法庭檢控主任可專注於非表列職務，即絕大部分裁判法院審理的各種重要案件，包括規管交通違例事項或輕微規管罪行的傳票、不同類型的駕駛罪行，例如“不小心駕駛”、“危險駕駛”、“酒後駕駛”，以至各種實質刑事罪行，例如“盜竊”、“襲擊”和“管有攻擊性武器”罪。法庭檢控主任在裁判法院檢控案件時，嚴格按照《檢控守則》，專業地運用法律知識和訟辯技巧，與檢控官或外判律師無異。

法庭檢控主任職系的人手一直嚴重緊絀，而不幸地，此情況在未來數年仍會持續。可是，情況在 2019 年有突破性發展。該職系在停止招聘多年之後，終於在 2018 年恢復招聘。兩批新聘法庭檢控主任已先後完成為期九個月的培訓課程 (其中 10 人在 2019 年 5 月至 2020 年 2 月接受培訓，另外五人則在 2019 年 8 月至 2020 年 5 月受訓)，並在各裁判法院投入工作。培訓課程旨在讓新入職人員掌握在裁判法院檢控各類案件所需的刑法知識和訟辯技巧。新聘人員自 2020 年第一季起在各裁判法院工作。2019 年另一令人欣喜的新發展，乃開設了四個高級二等法庭檢控主任職位，以增加法庭檢控主任的晉升機會和應對未來的新挑戰。

misdeed may nonetheless constitute the offences of “outraging public decency”, “behaving in a disorderly manner in public place”, or “loitering” until the introduction of the new befitting offence of “voyeurism” as recommended by the Law Reform Commission.

Another noteworthy development concerns the use of unlicensed and unregistered electric scooters, hoverboards, Segways, unicycles and electric bicycles / tricycles (known as Personal Mobility Devices (“PMDs”)) on roads as motor vehicles which is banned because they fail to meet the statutory safety requirements regarding, for example, braking system and lighting. There are no known insurance companies that provide vehicle insurance policy for PMDs either. As a result, a whole range of offences may be committed by the users of PMDs including “dangerous / careless driving”, “driving an unlicensed vehicle”, “using a vehicle without third party insurance”, “driving without licence”, “driving a motor cycle without wearing a helmet”, “driving a motor cycle on pedestrian road”. Use of PMDs had become rather wide-spread and prevalent in 2019. Although many of the traffic offences involving PMDs are often considered minor in nature, prosecution is vital to the enforcement and promotion of road safety in the densely populated environment of Hong Kong.

In 2019, there were 76 Court Prosecutors posted to the 7 Magistrates’ Courts. The Court Prosecutors, together with Public Prosecutors and lawyers in private practice prosecuting on fiat, prosecuted a total of 132,097 cases in 2019. Their duties have since 2018 been delineated into non-scheduled duties for Court Prosecutors and scheduled duties for Public Prosecutors and the fiat lawyers. The arrangement continued to work well in 2019 allowing the Court Prosecutors to focus on the scope of non-scheduled duties which formed the lion share of diverse and important cases tried in the Magistrates’ Courts ranging from regulatory traffic contraventions or summonses for minor regulatory offences, to different types of driving offences such as “careless driving”, “dangerous driving”, “drink driving” and a wide range of substantive criminal offences such as “theft”, “assault”, “possession of offensive weapons”. The Court Prosecutors applied the same set of legal knowledge and advocacy skills required of Public Prosecutors or lawyers on fiat in prosecuting cases in the Magistrates’ Courts in a professional manner strictly in accordance with the Prosecution Code.

The strain on the manpower of the Court Prosecutors Grade had been serious and will, unfortunately, continue to be so in the coming years. However, the year 2019 was a breakthrough because after a long-overdue recruitment exercise in 2018, 2 batches of 10 and 5 newly recruited Court Prosecutors had from May and August 2019 to February and May 2020 respectively completed a 9-month training programme and have already started working in different Magistrates’ Courts. The training programme aimed at equipping the new recruits with the requisite knowledge on the substantive

分科一第 4 組 — 公眾秩序活動及電腦網絡罪行

公眾秩序活動及電腦網絡罪行組就涉及公眾秩序活動及電腦網絡罪行的案件，提供實質法律指引，並進行檢控。自 2019 年 6 月起發生的一連串暴亂事件，為該組帶來重大挑戰，當中涉及各種罪行包括但不限於“暴動”、“縱火”、“非法集結”、“管有攻擊性武器”及“襲警”罪。

下文概述該組在 2019 年處理的一些涉及公眾秩序，並值得注意的案件：

- (i) 在香港特別行政區 訴 冼嘉豪 [2020] HKDC 337 一案中，被告承認一項“暴動”罪。2019 年 6 月 12 日中午起，有大概 8,000 至 10,000 名示威者包圍立法會。他們佔據了立法會道、添美道和龍匯道的行人路及馬路。同日稍後時間，約有 40 至 50 名示威者變得情緒激動和暴力，並衝擊立法會綜合大樓外的警方防線。錄影片段顯示，被告在立法會綜合大樓公眾入口外，連同其他示威者推動路障撞向警方，以及向警務人員投擲各種硬物。法院判處被告監禁四年，並在判刑理由中特別指出，有關暴力行為為文明多元的社會所不能容忍，法院有需要判處具阻嚇性的刑罰。
- (ii) 在香港特別行政區 訴 Chan Kwok-ching [2020] HKDC 490 一案中，被告承認“管有物品意圖摧毀或損壞財產”罪。被告在一座住宅樓宇被截停，當時他與一批黑衣人在一起。



law and advocacy skill for prosecuting the array of cases in the Magistrates' Courts. The new recruits have already started working in the different Magistrates' Courts in the first quarter of 2020. Another exciting new development in 2019 was the creation of 4 new posts of Senior Court Prosecutor II which aim at enhancing the promotion prospect of the Court Prosecutors and meeting the new challenges ahead.

Section I(4) – Public Order Events & Cybercrime

The Public Order Events & Cybercrime Section provided substantive legal advice on and prosecuted cases in relation to public order events and cybercrimes. Since June 2019, a series of riotous incidents presented considerable challenge to the Section. They involved myriad offences including but not limited to “riot”, “arson”, “unlawful assembly”, “possession of offensive weapons” and “assaulting police officers”.

Highlighted below are some of the notable cases involving public order dealt with by the Section in 2019:

- (i) In *HKSAR v Sin Ka-ho* [2020] HKDC 337, the defendant pleaded guilty to 1 count of “riot”. On 12 June 2019, an estimated 8,000 to 10,000 protesters surrounded the Legislative Council, occupying the pavements and roads of Legislative Council Road, Tim Mei Avenue and Lung Wui Road since noon of 12 June 2019. Later on the same day, about 40 to 50 protesters became emotional, violent and charged at the Police checkline outside the Legislative Council Complex. The defendant was captured having pushed Police barricades together with other protesters and hurled various hard objects at Police officers outside the public entrance of the Legislative Council Complex. He was sentenced to 4 years' imprisonment. In the reasons for sentence, the Court particularly noted that such violence cannot be tolerated in a civilised and diversified society and a deterrent sentence was called for.
- (ii) In *HKSAR v Chan Kwok-ching* [2020] HKDC 490, the defendant pleaded guilty to “possession of things with intent to destroy or damage property”. He, amongst a group of people clad in black, was stopped at a residential complex. He was dressed entirely in black with a black mask or facial covering and wearing black gloves. He was carrying 3 petrol bombs, 2 spanners, 3 bottles of flammable liquid, 1 bag of powdery corrosive substance, 14 pieces of white fabric, 1 funnel, 4 lighters and 1 pair of scissors. The Court found that a starting point of 4 years' imprisonment was appropriate. After

被告身穿全身黑色裝束，戴着黑色口罩或蒙面物品和黑色手套，攜帶三枚汽油彈、兩把扳手、三瓶易燃液體、一袋粉狀腐蝕性物質、14 塊白布、一個漏斗、四個打火機及一把剪刀。法院以四年監禁作為適當的量刑起點，但被告因認罪，獲減刑至判監兩年零八個月。

- (iii) 在香港特別行政區訴 *SHY TMCC* 700019/2019 一案中，被告 (15 歲) 因管有雷射筆，違反《簡易程序治罪條例》(第 228 章) 第 17 條，經審訊後被裁定一項“管有攻擊性武器並有所意圖”罪罪名成立；並因攜帶改裝雨傘及行山杖，違反《公安條例》(第 245 章) 第 33 條，經審訊後被裁定一項“管有攻擊性武器”罪罪名成立。被告在 2019 年 9 月 21 日被截停時，其所處位置附近正進行示威活動。而被告被目睹在被捕前不久，帶着雨傘沿警方封鎖線徘徊。裁判官索取報告後，命令被告須被羈留在更生中心。本案被告乃自 2019 年 6 月爆發大規模示威活動以來，首名被發現身處大型示威地點附近、並因管有雷射筆而被定罪的人。被告不服定罪提出上訴，被原訟法庭駁回。雷射筆可被視為攻擊性武器的原則，在上訴時獲得維持。

2019 年，涉及公職人員在執行職務時遭暴力對待的案件，亦見激增，情況令人憂慮。在香港特別行政區訴 *許智峯* [2019] HKMagC 2 一案中，被告在 2018 年 4 月立法會會議期間搶去保安局女職員的智能手機，並指控對方收集議員個人資料，違反私隱。被告其後進入男洗手間查看手機內容，並逗留約 15 分鐘。2019 年 5 月 27 日，東區裁判法院裁判官裁定被告“普通襲擊”、“不誠實取用電腦”及“阻礙公職人員執行職務”三項罪名成立，判處 240 小時社會服務令，並罰款港幣 3,800 元。

discount given on his guilty plea, he was sentenced to 2 years and 8 months' imprisonment.

- (iii) In *HKSAR v SHY TMCC* 700019/2019, the defendant (aged 15) was convicted after trial of 1 count of “possession of offensive weapon with intent”, contrary to section 17 of the Summary Offences Ordinance (Cap. 228) for possessing a laser pointer; and 1 count of “possession of offensive weapon”, contrary to section 33 of the Public Order Ordinance (Cap. 245) for carrying an adapted umbrella and hiking stick. He was intercepted at the location near where a protest was being held on 21 September 2019. He was seen walking up and down along a Police cordon with the umbrella shortly before his arrest. Having called for reports, the magistrate ordered that the defendant be detained in a rehabilitation centre. This defendant was the first to be convicted of possessing a laser pointer who was found to be in the vicinity of large-scale protests since June 2019. His appeal against conviction was dismissed by the Court of First Instance. The principle that a laser pointer could be regarded as an offensive weapon was upheld on appeal.

The year of 2019 also saw a disturbing surge in cases involving physical violence on public officers in the execution of their duties. In *HKSAR v Hui Chi-fung* [2019] HKMagC 2, the defendant snatched a female Security Bureau officer's smartphone, accusing the officer of violating the privacy of lawmakers by collecting their personal information during a Legislative Council meeting held in April 2018. The defendant then went into the men's room to check the phone's content and remained there for about 15 minutes. He was convicted of 3 counts of offences, including “common assault”, “dishonest access to a computer” and “obstructing a public officer in the execution of their duties” by the Eastern Magistrates' Courts on 27 May 2019. He was sentenced to 240 hours of community service and fined HK\$3,800.