



特別職務 Special Duties

由 2019 年社會事件而起的案件規模之大、歷時之久和數量之多，均是前所未有的，為刑事檢控科帶來巨大挑戰。為應對如此嚴峻的情況，刑事檢控科在 2020 年 4 月中成立特別職務組。五名首長級人員、三名高級檢控官和九名檢控官被調派特別職務組，以應付歷來罕見的案件量。特別職務組由副刑事檢控專員周天行先生掌管。

The scale, duration and volume of the cases arising from the 2019 social turmoil are unprecedented and posed huge challenges to the Prosecution. To tackle the dire situation, a Special Duties (SD) Team has been set up in the Prosecutions Division in mid-April 2020. Five directorate officers, three Senior Public Prosecutors and nine Public Prosecutors have been deployed to the SD Team to cope with the record high caseload handled by the team. The SD Team is headed by Mr Anthony Chau, Deputy Director of Public Prosecutions.

特別職務組專責檢控各種公眾秩序相關罪行，包括暴動、非法集結、管有炸藥、縱火、有意圖而傷人和管有攻擊性武器等。一般公眾秩序罪行可涉及大量被捕人，證據和資料繁多，包括各種錄影片段。部分大型事件的涉案疑犯更可多達數百人。在提供法律意見前，特別職務組律師必先審查和分析所有相關證據（尤其是大量現場錄影片段），甚為費時。這些案件往往性質嚴重且受到公眾關注，特別職務組律師必須在緊迫時間內周詳思慮和準確擷取每名被捕人的案情證據，才可適時向法院提出控罪。當中涉及無數法律問題，有時關乎人權和《基本法》，特別職務組律師因此須進行廣泛法律研究和給予大量法律意見。

特別職務組律師不僅負責提供法律意見，還負責代表檢控方處理審訊和上訴聆訊，以及出席其他不同類型的相關聆訊。以下是特別職務組律師在 2021 年處理的一些具重要性的案件：

- (i) 在香港特別行政區 訴 盧建民及香港特別行政區 訴 湯偉雄 (2021) 24 HKCFAR 302 案中，終審法院闡明《公安條例》(第 245 章) 第 18 及 19 條下“非法集結”罪和“暴動”罪的控罪元素，並裁定該兩項罪行均屬參與性質，控方無須證明額外的共同目的（即使參與者參與非法集結或暴動的額外意圖）。法院亦裁定，就該兩項罪行而言，基本形式的共同犯罪計劃既非必要，亦不適用，因為這會不必要地增加控方的舉證責任，並可能使陪審團出現混淆。
- (ii) 在香港特別行政區 訴 陳俊傑（終審法院刑事上訴案件 2022 年第 1 號）案中，終審法院就《簡易程序治罪條例》第 17 條下“管有適合作非法用途的工具”罪，裁定條文中“其他適合作非法用途的工具”的表述需受同類原則約束，即其含義需與“撬棍、撬鎖工具、百合匙”等條文列出的物品作同類詮釋，而被詮釋為“適合作非法進入的工具”。就此罪行的犯意，終審法院亦裁定“作任何非法用途使用”的相關意圖需對應該物件或工具的種類。

The SD Team specializes in the prosecution of a wide variety of public order related offences, including riot, unlawful assembly, possession of explosives, arson, wounding with intent and possession of offensive weapons. A typical public order offence may involve a large number of arrested persons with voluminous evidence and materials, including various kinds of video footages. For some large-scale incidents, the number of suspects can go up to the hundreds. Much time has to be spent on reviewing and analysing all relevant evidence in particular the vast amount of video footages capturing the scene before legal advice can be provided. These cases are often serious in nature and attract public attention, calling for detailed consideration and clear distillation of factual evidence in respect of each arrested person under a pressing timeframe as charges must be laid in court in a timely manner. A myriad of legal issues, sometimes relating to human rights and the Basic Law, are involved and hence extensive legal research and input from counsel of the SD Team are required.

Counsel in the SD Team are responsible for, not only giving legal advice, but also prosecuting trials and appeals, and attending different types of related hearings. The following are some notable cases handled by counsel of the SD Team in 2021:

- (i) In *HKSAR v Lo Kin-man and HKSAR v Tong Wai-hung* (2021) 24 HKCFAR 302, the CFA elucidated the elements of “unlawful assembly” and “riot” under sections 18 and 19 of the Public Order Ordinance (Cap. 245) and held that both offences are participatory in nature and there is no requirement for the Prosecution to prove any extraneous common purpose, i.e. an external objective motivating the participants in unlawful assembly or riot. The Court further held that basic form of joint enterprise is found to be unnecessary and not applicable, for it would add unwarranted burden on the Prosecution and cause possible confusion to jury.
- (ii) In *HKSAR v Chan Chun-kit* FACC 1/2022, in the context of the offence of “possession of an instrument fit for unlawful purposes” under section 17 of the Summary Offences Ordinance (Cap. 228), the CFA held that to properly reflect the legislative intent of the offence provision, the phrase “other instrument fit for unlawful purposes” should be read *ejusdem generis* with the preceding words “any crowbar, picklock, skeleton-key”, to restrict its meaning to refer to instruments that are fit for gaining unlawful access. As regards the *mens rea* requirement, it was held that the intended unlawful purpose must correspond to the category of the articles or instruments.

- (iii) 在香港特別行政區 訴 劉家棟 (高院裁判法院上訴 2020 年第 137 號) 一案中，上訴人是一名社工。他在 2019 年 7 月 27 日元朗的非法集結期間站在警方防線前方，阻礙警方向前推進以驅散示威者。法院在聆訊上訴時闡釋“阻撓警務人員”罪的相關法律和元素，並裁定案發時上訴人的行為構成故意阻撓在正當執行職務的警務人員。
- (iv) 在香港特別行政區 訴 盧佩瑤 [2021] 4 HKLRD 868 一案中，上訴人和另外五人在 2019 年 11 月 11 日把竹枝擲在鐵路路軌上。她被裁定“抗拒在正當執行職務的警務人員”和“危害他人的安全”罪罪成，判處監禁八個月。法院駁回她就刑罰提出的上訴時強調，訂立“危害他人的安全”罪旨在確保鐵路運作暢順和使用者安全。為免他人仿效，刑罰必須具有阻嚇力。法院亦在判決中羅列該罪行的量刑因素。
- (v) 當律政司司長認為法庭施加的刑罰原則上錯誤或明顯不足，可引用《刑事訴訟程序條例》(第 221 章)第 81A 條覆核刑罰。在律政司司長 訴 周建諾 (覆核申請 2021 年第 1 號) 一案中，答辯人在 2020 年 5 月 13 日沙田某商場的未經批准集結中破壞一間茶飲店。上訴法庭批准控方的覆核刑罰申請，裁定律政司司長 訴 黃之鋒 [2018] 2 HKLRD 657 一案所列明關於非法集結的量刑原則適用於任何擾亂公眾秩序的罪行。在這類案件中，懲罰與阻嚇是重要的量刑考慮因素。法庭進一步裁定，針對特定背景或立場店舖的刑事損壞行為帶有“仇視、霸凌、恫嚇和滅聲”的特徵及效果，應予以阻嚇。法庭撤銷原有的社會服務令，答辯人被判入更生中心。
- (vi) 在律政司司長 訴 朱沛恒 [2021] 5 HKLRD 812 一案中，答辯人與其他示威者在 2019 年 7 月 22 日破壞位於商場內的立法會議員辦事處。答辯人被裁定“刑事損壞”罪罪成，被判處感化令。其後控方提出覆核，裁判官改判 200 小時社會服務令。上訴法庭裁定答辯人有預謀犯案，其行為有極高風險煽惑更多和更廣泛的刑事作為。
- (iii) In *HKSAR v Lau Ka-tung* HCMA137/2020, on 27 July 2019, the appellant, a social worker, stood in front of the police check line during an unlawful assembly in Yuen Long and obstructed the Police from marching forward to disperse protestors. On appeal, the Court explicated the laws and elements of the offence of “obstructing a police officer” and held that the appellant’s conduct amounted to wilful obstruction of police officers in due execution at the material time.
- (iv) In *HKSAR v Lo Pui-yiu* [2021] 4 HKLRD 868, on 11 November 2019, the appellant and five other persons, threw bamboo sticks onto railway tracks. She was convicted of “resisting a police officer in the due execution of his duty” and “endangering the safety of others”, and was sentenced to eight months’ imprisonment. In dismissing her appeal against sentence, the Court stressed that the objective of the offence of “endangering the safety of others” is to ensure the smooth operation of the railway and the safety of railway users, and sentence must have deterrence effect in order to prevent people from following suit. In its judgment, the Court also laid down a list of factors relevant to the sentencing of the offence.
- (v) When the Secretary for Justice considers that the sentence imposed by the Court is wrong in principle or manifestly inadequate, a review of sentence can be invoked under section 81A of the Criminal Procedure Ordinance (Cap. 221). In *Secretary for Justice v Chow Kin-nok* CAAR 1/2021, on 13 May 2020, the respondent damaged a tea shop in an unauthorized assembly in a shopping mall in Shatin. In allowing the Prosecution’s application for review of sentence, the Court of Appeal held that the sentencing principles set out in *SJ v Wong Chi-fung* [2018] 2 HKLRD 657 concerning unlawful assembly are also applicable to any offences that disturb public order. Punishment and deterrence would be important considerations in sentencing these cases. The Court further held that the acts of criminal damage that target shops with a certain background or stance have characteristics and effects of “hate, bullying, intimidation and silencing” and should be deterred. The original community service order was quashed and the respondent was sentenced to rehabilitation centre.
- (vi) In *Secretary for Justice v Chu Anson Pui-hang* [2021] 5 HKLRD 812, on 22 July 2019, the respondent damaged the office of Legislative Council Member at a shopping mall together with other protestors. The respondent was convicted of “criminal damage” and was initially sentenced to a probation order, which was subsequently substituted by a 200 hours’ community service order by the magistrate upon a review initiated by the Prosecution. The Court of Appeal held that the respondent had committed the offence with premeditation

法庭撤銷原來的社會服務令，把答辯人判入教導所。

- (vii) 在律政司司長 訴 陳業云 (覆核申請 2021 年第 5 號) 一案中，答辯人在 2020 年 1 月 1 日於暴動現場附近向一輛人羣管理特別用途車投擲磚塊，以及被發現管有用作損壞財產的工具。被告被裁定“刑事損壞”及“管有物品意圖損壞財產”罪罪成，判處 18 個月感化令。控方申請覆核刑罰，上訴法庭撤銷原來刑罰，改判答辯人於勞教中心羈留，以恰當反映罪行的嚴重性。
- (viii) 在香港特別行政區 訴 潘榕偉 (覆核申請 2020 年第 16 號) 一案中，答辯人在 2019 年 9 月於 Facebook 群組發布帖文，呼籲網民包圍新屋嶺扣留中心，並指稱女示威者在中心內遭輪姦。他被裁定“煽惑他人參與非法集結”罪罪成，判處 160 小時社會服務令。上訴法庭裁定，考慮到答辯人對公眾秩序構成的潛在風險及其帖文的影響力，判處監禁具充分理由，因此撤銷社會服務令，改判答辯人監禁 13 個月。
- (ix) 除上訴及覆核案件外，特別職務組律師亦在源自重大公眾秩序活動的案件審訊中出庭檢控，以及出席認罪和判刑的聆訊。以香港特別行政區 訴 黃英傑及其他人 (區院刑事案件 2019 年第 888 號、2020 年第 11 及 734 號 (合併)) 一案為例，此案涉及 2019 年 7 月 21 日在港鐵元朗站內、英龍圍對開、港鐵元朗站 J 出口及形點商場發生的三宗暴亂事件，涉案暴動者逾 100 人。七名被告被裁定“暴動”、“意圖傷人”及 / 或“串謀意圖傷人”罪罪成，判處監禁三年六個月至七年不等。
- (x) 在香港特別行政區 訴 溫嘉霖 (區院刑事案件 2020 年第 737 號) 及香港特別行政區 訴 * (區院刑事案件 2020 年第 738 號) 兩案中，大批暴力示威者在 2019 年 8 月 31 日於旺角地區集結，部分人湧入港鐵太子站大肆破壞。前案被告被裁定“暴動”罪罪成，判處監禁 40 個月，而後案被告則承認一項“非法集結”及一項“管有攻擊性武器”罪，被判入教導所。

and that the risk of respondent's acts inciting further and more extensive criminal acts was extremely high. The Court of Appeal quashed the original community service order and sentenced the respondent to Training Centre.

- (vii) In *Secretary for Justice v Chan Yip-wan* CAAR 5/2021, on 1 January 2020, the respondent hurled a brick at a Special Crowd Management Vehicle ("SCMV") at the vicinity of a riot and was found to have possessed tools for damaging property. The defendant was convicted of "criminal damage" and "possession of things with intent to damage property", and was sentenced to probation order for 18 months. Upon the Prosecution's application for review of sentence, the Court of Appeal quashed the original sentence and imposed a detention centre order against the respondent to properly reflect the seriousness of the offences.
- (viii) In *HKSAR v Poon Yung-wai* CAAR 16/2020, in September 2019, the respondent published posts in a Facebook group calling netizens to besiege San Uk Ling Holding Centre and alleging that female protesters were being gang raped inside it. He was convicted of "inciting others to take part in an unlawful assembly" and was sentenced to 160 hours' community service order. The Court of Appeal held that a custodial sentence was warranted considering the potential risk the respondent had posed to public order and the influence of his posts. The community service order was quashed and the respondent was sentenced to thirteen months' imprisonment.
- (ix) Apart from appeals and reviews, counsel of the SD Team also prosecuted trials and attended plea and sentence hearings for cases arising from significant public order events. For example, *HKSAR v Wong Ying-kit and Others* DCCC 888/2019, 11 & 734/2020 (consolidated) is concerned with the three riotous incidents which involved more than 100 rioters, taking place in Yuen Long MTR Station, outside Ying Lung Wai, and at Exit J of Yuen Long MTR Station and YOHO Mall on 21 July 2019. Seven defendants were convicted of "riot", "wounding with intent" and/or "conspiracy to wound with intent" and were sentenced to imprisonment for a term ranging from three years and six months to seven years.
- (x) In *HKSAR v Wan Ka-lam* DCCC 737/2020 and *HKSAR v ** DCCC 738/2020, on 31 August 2019, a large number of violent protestors assembled in the area of Mongkok, and some flooded into and caused large-scale vandalism at Prince Edward MTR station. The defendant was convicted of "riot" and was sentenced to 40 months' imprisonment, whereas the defendant in the latter case pleaded guilty to one count of "unlawful assembly" and one count of "possession of offensive weapon" and was sentenced to training centre.

- (xi) 在香港特別行政區 訴 賴雲龍及其他人 (區院刑事案件 2019 年第 812 號) 一案中，香港國際機場在 2019 年 8 月 13 日發生暴動事件。事件中一名中國記者被暴動者公然襲擊和束縛身體。三名被告被裁定“暴動”、“襲擊致造成身體傷害”及其他罪名成立，最終判處監禁 51 個月至 66 個月不等。
- (xii) 在香港特別行政區 訴 邱宏達 (區院刑事案件 2020 年第 485 號) 一案中，大批暴動者於 2019 年 10 月 1 日在荃灣與警方對峙，其後一名警務人員被暴動者包圍和猛烈襲擊，導致他向一名暴動者開槍。被告試圖走近和協助該名暴動者，被警方制服。被告承認“非法集結”的控罪，被裁定罪名成立，判監 12 個月。
- (xiii) 在香港特別行政區 訴 劉晉旭及其他人 (區院刑事案件 2020 年第 361 號) 一案中，各被告參與 2019 年 11 月 11 日在香港中文大學二號橋發生的暴動，其間警方遭投擲硬物及汽油彈。所有被告被裁定“暴動”及其他罪名成立，判監四年九個月至四年十一個月不等。
- (xiv) 香港特別行政區 訴 陳國威及其他人 (區院刑事案件 2020 年第 234 號) 案是 2019
- (xi) In *HKSAR v Lai Wan-lung and Others* DCCC 812/2019, a riot took place at the Hong Kong International Airport on 13 August 2019, where a Chinese reporter was blatantly attacked and physically restrained by rioters. Three defendants were convicted of “riot”, “assault occasioning actual bodily harm” and other offences. They were eventually sentenced to 51 to 66 months’ imprisonment.
- (xii) In *HKSAR v Yau Wang-tat* DCCC 485/2020, a large number of rioters confronted the Police in Tsuen Wan on 1 October 2019. A police officer was left surrounded by rioters and was attacked severely, causing him to shoot at one of the rioters. The defendant, who tried to approach and assist the rioter, was subdued by the Police. He was convicted of “unlawful assembly” on his own plea and was sentenced to twelve months’ imprisonment.
- (xiii) In *HKSAR v Lau Chun-yuk and Others* DCCC 361/2020, on 11 November 2019, the defendants took part in a riot at No. 2 Bridge at the Chinese University of Hong Kong, in which hard objects and petrol bombs were thrown at the Police. All defendants were convicted of “riot” and other offences and they were sentenced to imprisonment ranging from four years and nine months to four years and eleven months.
- (xiv) *HKSAR v Chan Kwok-wai and Others* DCCC 234/2020 is a riot case which took place on 18 November 2019 in the vicinity of the Hong Kong Polytechnic University (PolyU). There were around 100 rioters equipped with protective gears and armed with offensive weapons such as petrol bombs, iron rods and



年 11 月 18 日在香港理工大學 (理大) 附近發生的暴動案，涉及約 100 名暴動者，他們配備防禦裝備並持有汽油彈、鐵棍及盾牌等攻擊性武器，在加士居道聚集，朝理大方向前進。示威者架設路障，又向警方投擲磚頭及汽油彈。經審訊後，所有被告被裁定“暴動”及其他罪名成立，其中七人判處監禁 38 至 40 個月不等，其餘兩名未滿 21 歲的被告則判入教導所。

- (xv) 香港特別行政區訴郭俊明及其他人 (區院刑事案件 2020 年第 1056 號) 案是另一宗與理大有關的暴動案。2019 年 11 月 18 日，數以百計的暴動者在彌敦道及加士居道集結，並朝理大方向前進。他們築起路障，又向警方投擲汽油彈。經審訊後，五名被告中有四人被裁定“暴動”及 / 或其他罪名成立，判監八個月至五年八個月不等。
- (xvi) 在香港特別行政區訴李卓人及其他人 (區院刑事案件 2020 年第 857 至 875、877 至 884、886 至 889、891 及 893 號) (合併) 一案中，2020 年 6 月 4 日維多利亞公園發生未經批准集結，案中 28 名被告被控“煽惑他人在明知的情況下參與未經批准集結”及 / 或“在明知的情況下參與未經批准集結”罪，所有被告經審訊或認罪後被裁定罪名成立，判處緩刑至監禁 14 個月不等。
- (xvii) 在香港特別行政區訴黎智英及其他人 (區院刑事案件 2020 年第 536 號) 一案中，九名被告共同被控於 2019 年 8 月 18 日“組織未經批准集結”及“明知而參與未經批准集結”。各被告不理會警方反對，手持長型橫額離開維多利亞公園，帶領一眾人士遊行至中環遮打道。遊行活動以遮打道為終點，在各被告將長型橫額放置於路上後結束。審訊期間，辯方從系統層面及運作層面就控罪的合憲性提出質疑。系統層面方面，辯方在陳詞時指出此等罪行不應帶有刑事制裁，以及 / 或可判處的最高刑罰為監禁五年屬過於嚴厲，與罪行既不相稱又不合憲。運作層面方面，辯方表示被告不應因參與和平結束的集會而被逮捕及

shields gathering at Gascoigne Road heading towards the direction of PolyU. Protestors set up barricades and threw bricks and petrol bombs at the Police. All defendants were found guilty of “riot” and other offences after trial. Seven were sentenced to imprisonment ranging from 38 to 40 months' imprisonment and the two aged below 21 were sentenced to training centre.

- (xv) *HKSAR v Kwok Chun-ming and Others* DCCC 1056/2020 was another riot case related to PolyU. On 18 November 2019, hundreds of rioters assembled in Nathan Road and Gascoigne Road and headed towards PolyU. They set up barricades and threw petrol bombs at the Police. Four of the five defendants were found guilty of “riot” and/or other offences after trial. They were sentenced to imprisonment ranging from eight months to five years and eight months.
- (xvi) In *HKSAR v Lee Cheuk-yan and Others* DCCC 857-875, 877-884, 886-889, 891 & 893/2020 (consolidated), an unauthorized assembly took place on 4 June 2020 at Victoria Park. 28 defendants were charged and convicted of “incitement to knowingly take part in an unauthorized assembly” and/or “knowingly taking part in an unauthorized assembly” either after trial or on their own pleas. They received sentence ranging from a suspended one to fourteen months' imprisonment.
- (xvii) In *HKSAR v Lai Chee-ying and Others* DCCC 536/2020, nine defendants are jointly charged with “organising an unauthorised assembly” and “knowingly taking part in an unauthorised assembly” on 18 August 2019. Despite the Police's objection, the defendants carried a long banner out of Victoria Park and led a procession of people to Chater Road Central. The procession finished at Chater Road with the defendants laying the long banner down on the road. At trial, the defence raised constitutional challenges on a systemic level as well as an operational level. On the systemic level, it was submitted by the defence that these offences should not carry a criminal sanction and/or the maximum sentence of five years that can be imposed is too severe to be proportional and constitutional. On an operational level, the defence submitted that the defendants should not have been arrested nor prosecuted for what turned out to be a peaceful assembly. After hearing the evidence and both parties' submissions, the Court held that the constitutional challenges failed on both the systemic and operation levels. Seven defendants were convicted after trial whilst two were convicted on their own pleas. They received sentence ranging from a suspended one to twelve months' imprisonment.

檢控。法院聽取證供及雙方陳詞後，裁定有關合憲性的質疑在系統層面及運作層面上均不成立。七名被告經審訊後被定罪，其餘兩名被告則承認控罪，被裁定罪名成立；各人判處緩刑至監禁 12 個月不等。

- (xviii) 在香港特別行政區 訴 陳皓桓及其他人 (區院刑事案件 2021 年第 107 號) 一案中，八名被告煽惑公眾參加、組織及 / 或明知而參與在 2020 年 7 月 1 日於灣仔軒尼詩道及杜老誌道一帶舉行的未經批准遊行，導致該處交通嚴重受阻。案中七名被告承認控罪，被裁定罪名成立，分別判監 6 至 12 個月不等，其餘一名被告亦在審訊後被定罪，被判監 15 個月。
- (xix) 在香港特別行政區 訴 孔穎琛 (區院刑事案件 2021 年第 344 號) 一案中，被告是入境事務處的文書助理，從入境事務處的電腦系統非法取得 215 名人士 (包括政府高級官員、司法人員、現職高級警務人員、政界及公眾人物) 的個人資料，並向 Telegram 上某幾個起底羣組泄露有關資料，為 2019 年 9 月至 2020 年 8 月期間的起底活動推波助瀾。被告被裁定“藉公職作出不當行為”罪罪成，判處監禁三年九個月。
- (xx) 在香港特別行政區 訴 蕭張龍 (區院刑事案件 2020 年第 853 號) 一案中，被告在其 Telegram 頻道發布一連串帖文，煽惑 Telegram 用戶及網民干犯多項嚴重罪行。被告在發布此等訊息的同時，亦利用該 Telegram 頻道籌集共逾港幣 160 萬元的款項，存放於其銀行帳戶。被告被裁定九項煽惑罪罪名成立，判處監禁四年十個月，而所籌集的款項則視為犯罪得益，全數充公。
- (xxi) 在香港特別行政區 訴 許佩怡 (區院刑事案件 2020 年第 177 號) 一案中，被告於 2019 年 8 月至 11 月期間與其他人串謀運作和管理 Telegram 頻道，在該頻道非法發布超過 1 500 人 (包括政府主要官員、法官、立法會議員、警務人員及其支持者) 的個人資料。該頻道也發布煽惑網民干犯
- (xviii) In *HKSAR v Chan Ho-wun and Others* DCCC 107/2021, the eight defendants incited the general public to join, organised and/or knowingly took part in an unauthorised procession in the vicinity of Hennessy Road and Tonnochy Road in Wan Chai on 1 July 2020, causing serious disruption to the traffic in the area. Seven defendants were convicted on their own pleas and they were sentenced to six to twelve months' imprisonment. The remaining defendant was convicted after trial and was sentenced to fifteen months' imprisonment.
- (xix) In *HKSAR v Hung Wing-sum* DCCC 344/2021, the defendant, a Clerical Assistant of Immigration Department, unlawfully obtained personal data of 215 persons, including senior government officials, judicial officers, serving senior police officers, political and public figures, from the computer system of the Immigration Department and divulged them to some Telegram doxxing groups to fuel the doxxing campaign between September 2019 and August 2020. The defendant was convicted of "misconduct in public office" and was sentenced to three years and nine months' imprisonment.
- (xx) In *HKSAR v Siu Cheung-lung* DCCC 853/2020, between October 2019 and March 2020, the defendant published a series of posts on his Telegram Channel, inciting Telegram users and netizens to commit various serious offences. In posting these messages, the defendant also used the same Telegram Channel to raise a total sum of over HK\$1.6 million which was deposited into his own bank account. The defendant was convicted of nine incitement charges and was sentenced to four years and ten months' imprisonment. The money raised was confiscated as crime proceeds.
- (xxi) In *HKSAR v Hui Pui-yee* DCCC 177/2020, between August and November 2019, the defendant conspired with others to operate and administer a Telegram Channel, on which the personal information of over 1,500 persons were unlawfully disseminated (including those of key government officials, judges, legislative councilors, police officers and their supporters). The Channel also published content inciting netizens to commit serious offences. The defendant was convicted of "conspiracy to incite other persons to commit arson" and "conspiracy to do an act with a seditious intention" and was sentenced to three years' imprisonment.
- (xxii) In *HKSAR v Kwok Wing-kin* WKCC 3842/2020, the defendant was an assistant of a legislative councillor at a meeting of the House Committee of the Legislative Council. On 8 May 2020, a number of legislative councillors staged protests during the meeting, causing disturbances which interrupted the proceedings. The defendant suddenly threw a stack

嚴重罪行的內容。被告被裁定“串謀煽惑他人犯縱火罪”及“串謀作出具煽動意圖的作為”罪罪成，判處監禁三年。

- (xxii) 在香港特別行政區 訴 郭永健 (西九龍裁判法院刑事案件 2020 年第 3842 號) 一案中，被告是一名正出席立法會內務委員會會議的立法會議員的助理。2020 年 5 月 8 日，若干名立法會議員在會議期間示威，引起擾亂致令會議程序中斷。被告在會議期間突然從公眾席拋出一疊紙張和大喊口號。突發的擾亂事件令會議中斷，而紙張更擊中一名議員的頭部。保安人員上前制止時，被告激烈反抗，引致一名人員倒地。被告被裁定“藐視罪”及“妨礙正在執行職責的立法會人員”罪罪成，判處監禁兩個月。
- (xxiii) 在香港特別行政區 訴 董栢輝 (高院刑事案件 2020 年第 197 號) 一案中，被告於 2019 年 11 月 6 日在一名立法會議員進行競選活動時刺傷後者胸口，其保鑣制服他時亦遭他刺傷。被告承認一項“有意圖而傷人”及一項“普通襲擊”罪，判處監禁九年。
- (xxiv) 在香港特別行政區 訴 陳真 (高院刑事案件 2020 年第 204 號) 一案中，被告於 2019 年 11 月 3 日在太古刺傷一對夫婦，襲擊他們的親人，並咬斷一名試圖制止他的區議員一隻耳朵。被告經審訊後被陪審團裁定“有意圖而傷人”及“普通襲擊”罪罪成，判處監禁 14 年 6 個月。
- (xxv) 在香港特別行政區 訴 鄭錦輝及其他人 (區院刑事案件 2020 年第 97 號) 一案中，各被告於 2019 年 11 月 2 日前後在灣仔一個住宅單位內儲存 59 枚汽油彈、79 枚半製成的汽油彈及其他武器，被裁定“管有物品意圖損壞財產”罪罪成，判處監禁三年至三年四個月不等。

儘管面對重重挑戰及持續上升的工作量，特別職務組律師仍致力嚴格遵照《檢控守則》履行檢控職務。

of papers from the public gallery during the meeting and shouted slogans. The sudden disturbance caused a halt of the meeting, while a legislator's head was also hit by the papers. When security officers went to stop the defendant, the defendant struggled fiercely and caused an officer to fall onto the ground. The defendant was convicted of “contempt” and “obstructing an officer of the Legislative Council in the execution of duty”, and was sentenced to two weeks' imprisonment.

- (xxiii) In *HKSAR v Tung Pak-fai* HCCC 197/2020, on 6 November 2019, the defendant stabbed a legislative councillor on his chest during his election campaign activity. The defendant also injured the legislative councillor's bodyguard when being subdued. The defendant pleaded guilty to one count of “wounding with intent” and one count of “common assault”, and was sentenced to nine years' imprisonment.
- (xxiv) In *HKSAR v Chen Joe* HCCC 204/2020, the defendant stabbed a couple, assaulted their relative and bit off an ear of a district councillor who attempted to stop him in Taikoo on 3 November 2019. The defendant was found guilty of “wounding with intent” and “common assault” by a jury after trial and was sentenced to fourteen years and six months' imprisonment.
- (xxv) In *HKSAR v Cheng Kam-fai and Others* DCCC 97/2020, on about 2 November 2019, the defendants stored 59 petrol bombs, 79 semi-finished petrol bombs and other weapons in a residential flat in Wanchai. They were convicted of “possessing things with intent to damage property” and were sentenced to imprisonment ranging from three years to three years and four months.

Despite the challenges and continuous upsurge in workload, Counsel in the SD Team strive to discharge their prosecutorial duties in strict compliance with the Prosecution Code.