

刑事檢控專員的序言

Director's Overview

2022年充滿令人振奮的新挑戰，但最重要的是，本科在這多變的一年成果豐碩。在2019冠狀病毒病疫情期間，本科面對沉重的工作量和空前的挑戰，但仍推行多項措施以提高工作成效和效率，及加深公眾對刑事法律及司法制度的認識。年內，本科人員繼續致力以專業誠信的態度維護法治，為市民提供卓越的檢控服務。團隊上下專業盡責，我身為其中一員，實在與有榮焉。

2022 was another year of new and exciting challenges for the Division, but above all, it was a year of change and remarkable achievement. Amidst heavy caseload and novel challenges brought about by the COVID-19 pandemic, initiatives were pursued to increase the effectiveness and efficiency of our operations and promote public understanding of criminal law and justice. Officers of the Division continue to uphold the rule of law with integrity, commitment, and professionalism, serving the community as a first-class prosecution service – a team of dedicated professionals of which I take pride in being a part.



法治是香港社會有效運作的基石。本年度工作回顧的主題為“鞏固法治 堅定不移”。在維護法治方面，檢控人員的角色舉足輕重。我們作為秉行公義者，須公正地為社會及代社會行事，職務艱巨但光榮。為確保我們妥善履行職責，《基本法》第六十三條訂明律政司主管刑事檢察工作，不受任何干涉。事實上，檢控人員的日常工作離不開檢控獨立這項基本原則。從作出檢控決定、代表控方出庭進行審訊，以至處理刑事上訴案件，檢控人員均須作出獨立判斷，以公眾的最佳利益為依歸。全賴檢控獨立的保證，我們得以堅定不移，無畏無懼地悉力追求公義。

一如在檢控過程其他階段所作的決定，是否提出檢控的決定是單憑證據而獨立作出的。只有在有充分證據顯示有合理機會達致定罪，以及進行檢控是合乎公眾利益的情況下才會提出檢控。在作出檢控決定時，檢控人員必須基於法律、可證明的事實，及整體公眾利益，以公正理智的方式行事。在整個過程中，我們絕不容許不相關的因素（例如個人意見、政治立場，和傳媒的關注程度）影響判斷。我們全力確保所有決定符合公眾利益，因為檢控人員代表廣大市民，最終亦向他們負責。

正因為肩負為社會發聲的重任，檢控人員行事必須持正不阿，恪守最高的公平標準。事實上，檢控人員的首要責任是要對整體社會以及每個疑犯或被告人主持公義。這項責任包括客觀地提出證據、堅定而謙恭地進行訟辯，以及主動披露可能對被告有所幫助的材料。我們滿懷信心地堅定執行檢控工作，也鏗而不捨地維護被告人的權利及利益，並且對他們以禮相待。不論現在還是將來，公平公正都是我們作為秉行公義者行事的根本，絕非言過其實。

盡快作出和落實檢控決定是我們確保公平社會的責任之其一要務。因此，我們並沒有忽視保

The rule of law is the foundation upon which the functioning of our society depends. The theme of this year's review is "Reinforcing the Rule of Law with Unwavering Faith". Prosecutors play an instrumental role in upholding the rule of law. We act as ministers of justice discharging the onerous but honorable duty to act fairly, for and on behalf of the community as a whole. To ensure the proper discharge of our duties, Article 63 of the Basic Law makes clear our Department's mandate: To control criminal prosecutions free from any interference. Indeed, the cardinal principle of prosecutorial independence permeates the day-to-day work of a prosecutor. From making prosecutorial decisions, conducting trials, to handling criminal appeals, prosecutors apply independent judgment to do what best serves the public interest. In doing so, it is the guarantee of prosecutorial independence that allows us to fearlessly and fervently pursue public justice with unwavering faith.

As with decisions made at any other stage of the prosecutorial process, the decision whether to prosecute is made independently, on evidence and evidence alone. A prosecution will only be initiated where there is sufficient evidence demonstrating a reasonable prospect of conviction, and where the public interest requires the prosecution to proceed. In making prosecutorial decisions, prosecutors must act fairly and dispassionately on the basis of the law, the provable facts, and the general public interest. In no part of the decision-making process do we allow irrelevant considerations, such as personal opinion, political stance, and media attention to cloud our judgment. We spare no effort in ensuring that decisions made are in the public good, for it is the community at large that prosecutors represent, and to whom we prosecutors are ultimately accountable.

In shouldering the responsibility of advocating for the community, it goes without saying that prosecutors must act with utmost integrity and align themselves with the highest standards of fairness. In fact, ensuring fairness is the primary obligation of a prosecutor. We owe a duty of fairness not only to the community as a whole, but also individually to each person suspected or accused of crime. This duty includes the objective presentation of evidence, the exercise of firm but courteous advocacy, and the active disclosure of material that may assist an accused. While we prosecute firmly and confidently, we do so with resolute insistence to safeguard the rights and interests of accused persons, treating them with respect and dignity. It is certainly no overstatement to say that fairness is, and always will be, of the essence to our roles as ministers of justice.

A facet of our duty of fairness to the community is our obligation to make and proceed with prosecutorial decisions as expeditiously

持並提升工作效率的需要。為精簡工作流程，本科在年內進行重組，令案件從提供法律指引、審訊，以至上訴的階段得到綜合的處理。此外，因應虐兒案件與日俱增，本科成立專責小組，確保此類案件能夠從速通過刑事司法程序，同時將對受害人的影響減至最低。憑着矢志為大眾利益服務的精神，我深信本科人員將一如既往，公平公正、不偏不倚地及時伸張正義。

為掌握知識及專業技巧令我們能夠更妥善地服務社會，本科的其一首要任務是加強同事的培訓，豐富他們的閱歷。年內，本科為逾 30 名新入職人員舉辦刑事訟辯課程，又為超過 90 名來自政府各決策局和部門的非法律專業檢控人員舉辦部門檢控人員培訓課程。我們亦為科內負責在裁判法院執行檢控工作的法庭檢控主任舉辦悉心設計、為期 9 個月的培訓課程。這些課程就刑事法律的常規及程序提供寶貴培訓，重點教授審訊訟辯及上庭檢控的實際技巧。此外，本科亦定期舉辦研討會，由資深同事及來自警隊和其他政府部門的嘉賓講者主持，以確保檢控人員了解業界的最新發展。透過這些及日後陸續推出的培訓措施，我會確保本科上下同心，奮力邁向更高的專業水平。

我們以堅定不移的信念鞏固法治，同時亦十分倚賴公眾對我們的信任。檢控人員與公眾互相信任、尊重和理解至關重要。因此，本科羣策羣力，透過外展活動與社區交流。為推廣法治及加深公眾對本港刑事司法制度的認識，本科在 8 月舉行檢控週 2022，吸引逾 600 名參加者。為期一周的活動包括互動法律問答比賽、標誌創作比賽、模擬法庭、簡介會和法庭參觀。年內，本科的檢控人員亦到不同的中學主持講座，講解多個刑事法律議題。展望未來，社區外展活動將繼續是我們工作的重要一環。我們會繼續鞏固公眾對本科工作的信心和支

as possible. For this reason, we have not lost sight of the need to maintain and increase operational efficiency. To streamline our work process, a restructuring of the Division was undertaken to allow integrated handling of cases at the advisory, trial, and appellate stages. Furthermore, in response to an increasing number of cases involving child abuse, a Task Force was established to ensure that these cases progress expeditiously through the criminal justice system, minimizing the impact on victims. With our strong commitment to serving the public good, I am confident that we will continue to deliver timely justice in a fair and even-handed manner.

In order to equip ourselves with the knowledge and expertise to better serve the community, we make it a priority to enhance training and exposure for our colleagues. Throughout 2022, the Division held the Criminal Advocacy Course for over 30 new recruits and the Departmental Prosecutors Training Course for over 90 lay prosecutors from various government bureaux and departments. A carefully designed 9-month training course was also held for our court prosecutor colleagues, who are in charge of prosecution work at the Magistrates' Courts. These courses provide valuable training on criminal law practice and procedure, with a particular emphasis on trial advocacy and the practicalities of conducting actual prosecutions in Court. Moreover, to ensure that our prosecutors are kept abreast of the latest developments in the field, seminars by experienced colleagues and guest speakers from the Police and other government departments were organized on a regular basis. With these and more training initiatives to come, I will see to it that our Division moves forward collectively in striving for even higher standards of professional excellence.

While we reinforce the rule of law with unwavering faith, we in turn depend heavily on the community's faith in us. Mutual trust, respect, and understanding between prosecutors and the community is vital. The Division therefore made concerted effort to engage the community through outreach activities. To promote the rule of law and enhance public awareness of our criminal justice system, the Division held the Prosecution Week 2022 in August, attracting over 600 participants. The week-long programme featured an interactive law quiz, a logo design competition, mock court sessions, briefings, and court visits. Throughout the year, our prosecutors also visited secondary schools to deliver talks on diverse criminal law topics. Looking ahead, community outreach will remain an indispensable part of our work. We will continue to nourish public confidence and support for what we do, for it is the trust placed in us by the very community we serve that gives us the drive and motivation to exceed even the highest of expectations.



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法治是現代社會的經緯，為所有人帶來和平、和諧及繁榮。法治既是執行刑事司法的關鍵，我們必須以堅定不移的信念和決心，不屈不撓地維護法治，現在如是，將來亦然。除了嚴格保持檢控水準外，我們亦會繼續以正直、誠實和廉潔之心秉行公義。同時，我們沒有驕傲自滿的餘地，並會心存謙卑地追求卓越。無論未來有何挑戰，我們都會堅守對社會的承諾：本着無懼無私的精神，努力不懈維護法治。請與我們同行，鍥而不捨地尋求公義。

The rule of law is the golden thread running through the fabric of our modern society, bringing peace, harmony, and prosperity to all. Being the linchpin on which the administration of criminal justice depends, it must and will be upheld with unwavering faith, strong determination, and enduring perseverance. On top of observing strict adherence to prosecutorial standards, we will continue to deliver justice with integrity, honesty, and probity. At the same time, we make no room for complacency, and will strive to pursue excellence with humility. Whatever challenges the future brings, we stand committed to our promise to the community: To uphold the rule of law fearlessly, tirelessly, and selflessly. Join us, as we continue our journey in the endless pursuit of justice.