# 特別職務
# Special Duties

刑事檢控科在 2020 年 4 月中成立特別職務組，以處理因 2019 年社會動盪而起的大量刑事案件。在 2022 年內，特別職務組律師在各級法院代表控方處理各種公眾秩序相關罪行的上訴和審訊，角色十分重要。

In mid-April 2020, a Special Duties (SD) Team was established within the Prosecutions Division to tackle the substantial number of criminal cases arising from the social unrest in 2019. Throughout 2022, SD Team's counsel played a significant role in prosecuting appeals and trials of a wide variety of public order related offences at all levels of Courts.

# 上訴

在 2022 年，特別職務組律師代表控方處理大量上訴，包括在上訴法庭及終審法院進行的上訴。這些案件往往涉及重要法律事宜，包括與《基本法》相關的事宜。為履行檢控職務，特別職務組律師須進行廣泛的法律研究和給予大量法律意見，公正客觀地協助法庭於社會和被告之間依法秉公行義。

以下是特別職務組律師在 2022 年處理的一些具重要性的上訴：

(1) 在*香港特別行政區 訴 蔡健瑜* [2022] HKCFA 27 案中，答辯人近距離尾隨一名便衣警務人員，被裁定參與非法集結罪成。答辯人向原訟法庭提出上訴，法官因未能就答辯人有所需參與意圖作出不可抗拒的推論，裁定答辯人的定罪上訴得直。控方以裁決造成實質及嚴重不公平為由，向終審法院提出上訴。

終審法院裁定控方上訴得直，並重申在*香港特別行政區 訴 盧建民* (2021) 24 HKCFAR 302 案中討論有關非法集結的法律。終審法院裁定，根據裁判官的裁斷，答辯人意圖加入近距離纏繞該名警員的羣眾。答辯人對其他參與者的行為知情，並意圖作出拍攝該名警員的被禁止行為。鑑於案中沒有任何事情妨礙法官就答辯人有所需意圖作出不可抗拒的推論，法院回復定罪裁決和判刑。

(2) 在*香港特別行政區 訴 陳佐豪*（刑事上訴案件 2021 年第 14 號）一案中，申請人被裁定參與暴動罪成。他以擔任義務急救員所以在案發現場出現為理由，就定罪申請上訴許可。上訴法庭駁回上訴許可申請，裁定在暴動中以聲稱急救員的身分行事，並非有效的抗辯理由。正如兩軍對壘，雙方或會派遣醫護兵上前線，但救人並不等同中立，某國的醫護兵依然是該國的士兵。同理，即使某人在暴動中認定自己是急救員，但只要其造意和行為都符合“暴動”罪的元素，即視為參與暴動。

# Appeal

In 2022, SD Team's counsel prosecuted a significant number of appeals including appeals at the Court of Appeal and the Court of Final Appeal. These cases often entail important legal matters including those related to the Basic Law. Extensive legal research and input are required from SD Team's counsel to fulfill their prosecutorial duties to fairly and objectively assist the Court in doing justice between the community and the accused according to law.

The following are some notable appeals prosecuted by SD Team's counsel in 2022:

(1) In *HKSAR v Choy Kin-yue* [2022] HKCFA 27, the respondent was convicted of taking part in an unlawful assembly by trailing closely behind a plainclothes police officer. On appeal to the Court of First Instance, the judge allowed the respondent's appeal against conviction because he could not draw the irresistible inference that the respondent had the necessary participatory intent. The Prosecution appealed to the Court of Final Appeal (CFA) on the basis that substantial and grave injustice had been done.

In allowing the Prosecution's appeal, the CFA reiterated the law on unlawful assembly as discussed in *HKSAR v Lo Kin-man* (2021) 24 HKCFAR 302. The CFA held that according to the magistrate's findings, the respondent had the intent to become part of the group of people who pestered the officer at close distance. The respondent was aware of the other participants' conduct and intended to engage in his own prohibited act of filming the officer. There was nothing to preclude the judge from drawing the irresistible inference that the respondent had the requisite intent. The conviction and sentence were restored.

(2) In *HKSAR v Chan Cho-ho* CACC 14/2021, the applicant was convicted of taking part in a riot. He applied for leave to appeal against conviction on the ground that he attended the scene as a volunteer first aider. In dismissing the leave application, the Court of Appeal held that acting as an alleged first aider during a riot was not in itself a valid defence. As with the scenario where two armies confront each other, both sides may have medical officers sent to the forefront, but saving lives is not equal to neutrality, and the medical officers of one country remain as soldiers of that country. Likewise, even if someone self-identifies as a first aider during a riot, as long as his intentions and actions meet the elements of the "riot" offence, he is considered to have participated in the riot.

(3) 在*香港特別行政區 訴 鄧希雯*(刑事上訴案件 2021 年第 164 號)一案中，申請人經審訊後被裁定於 2019 年 11 月 12 日在香港中文大學參與暴動罪成。在當日的暴動中，有暴力示威者向警方投擲磚塊、硬物及汽油彈。警方進行驅散其間，申請人被警務人員當場制服。申請人在審訊中作供，承認在暴動現場逗留超過 13 分鐘。法庭經考慮相關證供後，裁定申請人提出的上訴理由毫無合理可爭辯之處，並駁回就定罪提出的上訴許可申請。

(4) 在*香港特別行政區 訴 畢慧芬*(刑事上訴案件 2021 年第 11 號)一案中，申請人經審訊後被裁定於 2019 年 8 月 13 日在香港國際機場參與暴動罪成。案中一名中國記者被暴動者束縛身體和公然襲擊。申請人被判監共四年三個月。上訴法庭在駁回她就定罪及判刑提出的上訴許可申請時，裁定原審法官的事實認定和法律適用皆正確無誤，沒有任何推翻定罪及判刑的理由。

(5) 在*香港特別行政區 訴 董栢輝*(刑事上訴案件 2021 年第 231 號)一案中，申請人在一名立法會議員進行競選活動時刺傷該名議員的胸口。申請人承認“有意圖而傷人”等多項控罪，被判監共九年。法庭在駁回其上訴許可申請時，裁定“有意圖而傷人”罪的控訴要旨在於施襲者意圖對受害人造成真正嚴重的身體傷害，而受害人實際上是否受到真正嚴重的身體傷害屬於其次。鑑於申請人存心傷害受害人已久、精心策劃犯案和可能令受害人喪命等加刑因素，以 12 年為量刑起點並非明顯過重或原則上錯誤。

(6) 在*香港特別行政區 訴 李鈞浩及其他人*(刑事上訴案件 2022 年第 31 號)一案中，各申請人串謀損壞輕鐵站設施，經審訊後被裁定“串謀刑事損壞”罪罪成，判監 18 個月。上訴法庭拒絕就定罪提出的上訴許可申請，裁定各申請人如欲質疑記錄他們討論損壞設施過程的片段是否準確，便需在審訊時作供和接受盤問，否則案中根據控方證據所作的強而有力推論無可削弱或推翻。

(3) In *HKSAR v Tang Hei-man* CACC 164/2021, the applicant was convicted after trial of taking part in a riot at the Chinese University of Hong Kong on 12 November 2019. During the riot, violent protestors threw bricks, hard objects and petrol bombs at the police. Upon dispersal, the applicant was subdued by police officer at scene. The applicant gave evidence at trial and admitted staying at the riot scene for over 13 minutes. Taking into account the evidence, the Court held that none of the grounds of appeal were reasonably arguable and dismissed the application for leave to appeal against conviction.

(4) In *HKSAR v Pat Wai-fun Amy* CACC 11/2021, the applicant was convicted after trial of taking part in a riot at the Hong Kong International Airport on 13 August 2019, where a Chinese reporter was physically restrained and blatantly attacked by rioters. She was sentenced to a total of four years and three months' imprisonment. In dismissing her application for leave to appeal against conviction and sentence, the Court of Appeal held that the trial judge's finding of facts and application of law were correct, and there was no reason to quash the conviction and sentence.

(5) In *HKSAR v Tung Pak-fai* CACC 231/2021, the applicant stabbed a legislative councilor on his chest during his election campaign activity. The applicant pleaded guilty to, *inter alia*, "wounding with intent" and was sentenced to a total of nine years' imprisonment. In dismissing the leave application, the Court held that the gravamen of the "wounding with intent" offence lies in the assailant's intention to cause the victim really serious bodily harm and whether the victim in fact suffered from really serious bodily harm is of secondary significance. Taking into account the aggravating features including the longstanding intention to harm the victim, careful planning and the potential fatal consequence, a starting point of 12 years was not manifestly excessive or wrong in principle.

(6) In *HKSAR v Li Kwan-ho and Others* CACC 31/2022, the applicants conspired together to damage the facilities of Light Rail Stations and were convicted of "conspiracy to commit criminal damage" after trial. They were sentenced to 18 months' imprisonment. In refusing the application for leave to appeal against conviction, the Court of Appeal held that if the applicants were to challenge the accuracy of the recordings which captured their discussions about damaging the facilities, it was incumbent upon them to give evidence at trial and be cross-examined, otherwise there was nothing to weaken or rebut the strong and compelling inference to be drawn from the Prosecution's evidence.

# 以案件呈述方式上訴

如法院就某案件作出的無罪裁決有悖常理（意即任何明理的法院在妥為顧及相關考慮因素並向本身發出適當指示後均不可能達致這個裁決）或在法律論點上有錯，控方可在適當情況下採取跟進行動，包括：

(i) 根據《區域法院條例》（第 336 章）第 84 條就區域法院審理的案件以案件呈述方式向上訴法庭提出上訴；以及

(ii) 根據《裁判官條例》（第 227 章）第 105 條就裁判法院審理的案件以案件呈述方式向原訟法庭提出上訴。

以*香港特別行政區 訴 林曉樺*（高院裁判法院上訴 2022 年第 32 號）案為例，控方在被告被裁定“阻撓警務人員”和“未能出示身份證明文件以供查閱”罪名不成立後，以案件呈述方式提出上訴。法庭裁定，原審裁判官裁定被告已符合出示身份證明文件供警務人員查閱的要求及其行為不構成阻撓，實有悖常理。法庭裁定，被告手持身份證但不展示其上個人資料，這樣不足以算作出示身份證明文件“以供查閱”。法庭下令把案件發還原審裁判官重新考慮。

# 覆核刑罰

根據《刑事訴訟程序條例》（第 221 章）第 81A 條，如法庭判處的刑罰並非經法律認可、原則上錯誤或明顯不足，律政司司長可向上訴法庭申請覆核刑罰。例如：

(1) *在律政司司長 訴 李汶錡*（覆核申請 2021 年第 17 號）一案中，答辯人及其他人在某馬路交界處聚集，並向警員投擲金屬罐和玻璃瓶。答辯人經審訊後被裁定參與非法集結和襲警罪成。判刑當日，原審裁判官考慮到答辯人因違反宵禁令已還押超過五個月，判處 120 小時社會服務令。控方申請覆核刑罰，上訴法庭裁定鑑於本案案情嚴重，社會服務令並非恰當的判刑選項，適當的刑罰應是即時監禁。法庭考慮

# Appeal by way of Case Stated

When the Court's decision of acquittal in the case is perverse (meaning no reasonable Court, applying its mind to the proper considerations and giving itself the proper directions, could have reached this decision) or erroneous in point of law, the Prosecution may take follow-up action under appropriate circumstances, including:

(i) Appeal by way of case stated to the Court of Appeal under section 84 of the District Court Ordinance (Cap. 336) for cases tried in the District Court; and

(ii) Appeal by way of case stated to the Court of First Instance under section 105 of the Magistrates Ordinance (Cap. 227) for cases tried in the magistrate's court.

As an example, in *HKSAR v Lam Hiu-wa* HCMA 32/2022, the Prosecution appealed by way of case stated after the defendant was acquitted of "obstructing police officer" and "failing to produce proof of identity for inspection". The Court held that the trial magistrate was perverse in ruling that the defendant had met the requirement of producing identity proof to police officer, and that her acts did not amount to obstruction. The Court found that the defendant's manner in presenting her identity card, holding the card in hand but did not display her personal data therein, could not suffice as production "for inspection". The case was ordered to be remitted to the trial magistrate for reconsideration.

# Review of Sentence

Under section 81A of the Criminal Procedure Ordinance (Cap. 221), when the sentence imposed by the Court is not authorized by law, is wrong in principle or is manifestly inadequate, the Secretary for Justice may apply to the Court of Appeal to review the sentence. For example:

(1) In *Secretary for Justice v Lee Man-kei* CAAR 17/2021, the respondent and others gathered at a road junction and threw metal cans and glass bottles at the police. He was convicted after trial of taking part in an unlawful assembly and assaulting police officers. On the date of sentence, taking into account that the respondent had been remanded for over five months for breach of curfew, the trial magistrate imposed a 120 hours' community service order. Upon application for review of sentence, the Court of Appeal held that in view of the seriousness of the case, community

到多項因素，包括答辯人已完成 116 小時社會服務，因此行使酌情權不予改判。

(2) *在律政司司長 訴 梁茵琳及其他人*（覆核申請 2021 年第 14 號）一案中，各答辯人被裁定在某商場參與非法集結罪成，判處 240 小時社會服務令。上訴法庭裁定，各答辯人並無顯示真誠悔意，而有關刑罰屬原則上錯誤和明顯不足。法庭考慮到各答辯人的背景、他們已完成社會服務令，加上覆核時通常給予刑期扣減以及公眾利益，因此行使酌情權不予改判。

## 審訊

2022 年，特別職務組律師代表控方處理各級法院的審訊，角色至為重要。特別職務組主力負責檢控各類公眾秩序相關罪行，包括暴動、非法集結、管有炸藥、縱火、有意圖而傷人、管有攻擊性武器等。特別職務組律師就上述審訊提出檢控時，必需徹底地審查和分析相關資料，並加以慎密考慮，以應對各種法律問題和抗辯理由。

特別職務組律師面對的其中一項特別挑戰是處理有關大型暴動事件的檢控，當中涉及眾多被告和大量證據。例如：

(1) 2019 年 9 月 29 日，金鐘政府總部（政總）和金鐘道一帶發生大型暴動，11 宗案件中的 96 名被告被控“暴動”罪。案發時示威者向政總投擲汽油彈和撞擊政總玻璃、破壞和焚燒公眾地方的物件、堵塞主要道路，導致交通嚴重受阻。警方施行驅散，示威者設置路障，向警務人員投擲磚塊和汽油彈。截至 2022 年 12 月 31 日，六宗案件中的 35 名被告被裁定“暴動”罪罪成，被判入勞教中心 / 教導所或判監最長 60 個月（區院刑事案件 2020 年第 288 及 293 號、區院刑事案件 2020 年第 969 號、區院刑事案件 2021 年第 239 號、區院刑事案件 2021 年第 237 號、區院刑事案件 2021 年第 238 號及區院刑事案件 2020 年第 294 號）。

service order was not a proper sentencing option and the appropriate sentence should be one of immediate imprisonment. Having considered various factors including the respondent's completion of 116 hours of community service, the Court exercised its discretion not to disturb the original sentence.

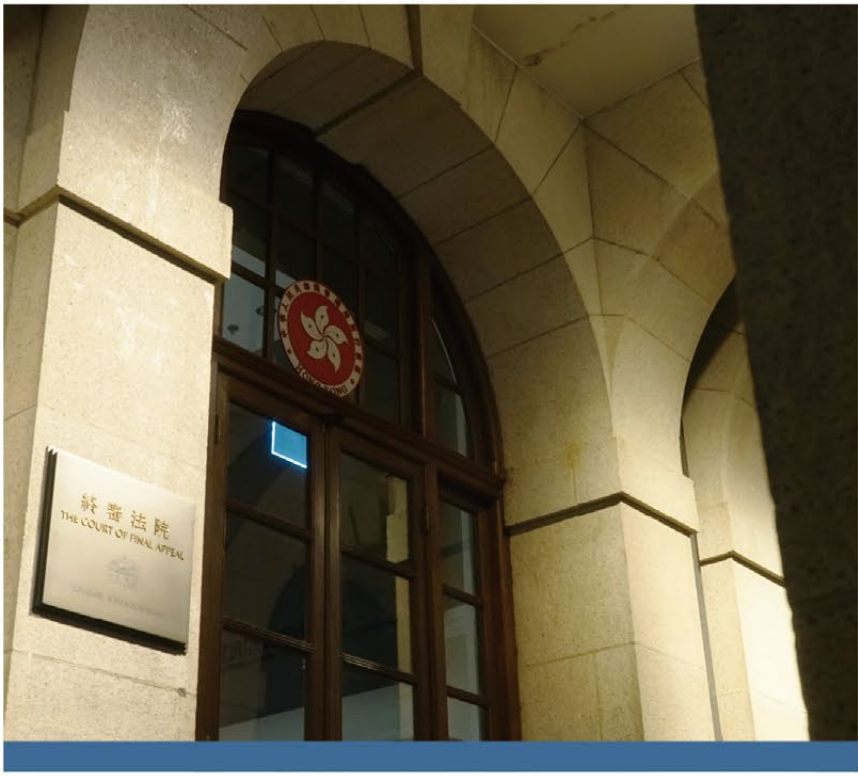
(2) In *Secretary for Justice v Leung Yan-lam and Others* CAAR 14/2021, the respondents were convicted of taking part in an unlawful assembly in a shopping mall and were sentenced to 240 hours' community service order. The Court of Appeal held that the respondents had not demonstrated genuine remorse, and such sentences were wrong in principle and manifestly inadequate. Having considered the respondents' background, their completion of the community service order, the usual discount to be given on review and the public interest, the Court exercised its discretion not to disturb the original sentences.

## Trial

In 2022, SD Team's counsel played a pivotal role in the prosecution of trials across all level of Courts. SD Team primarily focuses on the prosecution of a wide range of public order related offenses including riots, unlawful assemblies, possession of explosives, arson, wounding with intent, and possession of offensive weapons, etc. SD Team's counsel have to conduct a thorough review and analysis of the relevant materials in prosecuting these trials. Meticulous consideration is also necessary to address a wide spectrum of legal issues and defense challenges.

One particular challenge to SD Team's counsel is to handle and prosecute mass riot incidents that involve large number of defendants and voluminous evidence. For example:

(1) On 29 September 2019, mass riot took place at the area of Central Government Offices and Queensway in Admiralty. 96 defendants were charged with "riot" in 11 cases. During the event, protesters threw petrol bombs towards and smashed glasses of the Central Government Offices, vandalized and burnt objects in public places, blocked major roads and caused serious disruption to traffic. Upon dispersal, protestors set up barricades, hurled bricks and petrol bombs towards police officers. As of 31 December 2022, 35 defendants were convicted of "riot" in six cases and were sentenced to detention centre, training centre or to imprisonment ranging up to 60 months (DCCC 288 & 293/2020, DCCC 969/2020, DCCC 239/2021, DCCC 237/2021, DCCC 238/2021 and DCCC 294/2020).




(2) 2019 年 11 月 18 日，逾千名示威者在油麻地窩打老道與咸美頓街之間的彌敦道一帶集結，並向警方投擲汽油彈。其後，213 人被控“暴動”罪和其他罪行。涉案被告分別被歸入 17 宗案件處理。截至 2022 年 12 月 31 日，17 名被告中有部分承認控罪，餘下被告經審訊後被裁定“暴動”罪罪成。各名被告被判入教導所或判監最長 63 個月（區院刑事案件 2021 年第 438 號、區院刑事案件 2020 年第 751 號，以及區院刑事案件 2020 年第 768 號及 2021 年第 409 號）。

除上述大型暴動案件外，特別職務組律師於 2022 年也在下列重要審訊中出庭檢控，以及出席認罪和判刑的聆訊：

(1) 在*香港特別行政區 訴 劉子龍及陳彥廷*（高院刑事案件 2020 年第 322 號）一案，被告及其他人於 2019 年 11 月 13 日向試圖清理被堵塞路面的途人投擲磚塊。案中受害人被磚塊擊中，其後證實死亡。兩名被告被控“謀殺”、“有意圖而傷人”及“暴動”罪。經審訊後，陪審團裁定兩名被告參與暴動罪成，同被判監五年六個月。

(2) On 18 November 2019, more than a thousand of protestors assembled and threw petrol bombs at the police in the area of Nathan Road between Waterloo Road and Hamilton Street in Yau Ma Tei. A total of 213 persons were subsequently charged with "riot" and other offences. The defendants were split into 17 cases. As of 31 December 2022, 17 defendants either pleaded guilty to or were convicted after trial of "riot". They were sentenced to training centre or to imprisonment ranging up to 63 months (DCCC 438/2021, DCCC 751/2020, and DCCC 768/2020 & DCCC 409/2021).

In addition to the above mass riot cases, SD Team's counsel also prosecuted the following notable trials and attended the relevant plea and sentence hearings in 2022:

(1) In *HKSAR v Lau Tsz-lung Kelvin & Chan Yin-ting* HCCC 322/2020, the defendants and others hurled bricks at passers-by who were trying to clear a blocked road on 13 November 2019. The victim was hit by a brick and was certified dead thereafter. The defendants were charged with "murder", "wounding with intent" and "riot". After trial, the jury returned a verdict that the defendants were guilty of taking part in the riot. Both defendants were sentenced to five years and six months' imprisonment.

(2) In *HKSAR v Ching Wai-ming* DCCC 5/2022, a riot took place at Yuen Long MTR Station on 21 July 2019 during which the

(2) 在*香港特別行政區 訴 程偉明*(區院刑事案件 2022 年第 5 號)一案中，元朗港鐵站在 2019 年 7 月 21 日發生暴動，其間暴動者以藤條及其他武器襲擊站內其他人。案中被告曾參與該次暴動，以藤條並揮拳襲擊多人，經審訊後被裁定“暴動”及“串謀傷人”罪罪成，判監共四年三個月。

(3) 在*香港特別行政區 訴 周柏均及另一人*(區院刑事案件 2020 年第 475 號)一案中，多名示威者於 2019 年 11 月 11 日在西灣河文娛中心外的過路處設置非法路障。一名軍裝警務人員接報到場試圖移除路障。當時羣眾聚集叫囂辱罵該名警務人員，兩名被告與該名警務人員發生衝突，並數度試圖搶奪警槍。經審訊後，兩名被告被裁定“阻撓警務人員”及“企圖搶劫”警槍罪罪成。其中一名被告同時被裁定“企圖從合法羈押逃脫”罪罪成。兩人同被判監共六年。

(4) 在*香港特別行政區 訴 伍文浩*(區院刑事案件 2021 年第 212 號)一案中，被告是 Telegram 頻道“SUCK Channel”的擁有人兼管理員，而“SUCK Channel”曾發布大量煽惑訊息。被告經審訊後被裁定串謀煽惑他人干犯七項不同的罪行，例如縱火、刑事損壞、暴動等。法庭考慮到有關罪行嚴重，判處被告監禁合共六年六個月。

(5) *香港特別行政區 訴 馬孝文及其他人*(區院刑事案件 2021 年第 22 號)一案涉及在尖沙咀發生的大型暴動，其間有過百名示威者在尖沙咀警署外面及彌敦道一帶聚集，有示威者向在場警員投擲汽油彈。七名被告被裁定“暴動”罪罪成，判監 36 至 45 個月不等。

(6) 在*香港特別行政區 訴 黃鈞華及其他人*(區院刑事案件 2021 年第 189、210 及 809 號)一案中，銅鑼灣在 2020 年 7 月 1 日發生暴動，其間第一被告用刀刺傷一名警務人員的左上臂，導致後者身體受到嚴重傷害。之後，被告擬乘坐飛機逃往倫敦，但在航班起飛前在機上被警方緝捕。他承認“暴動”及“有意圖而傷人”罪，被判監

rioters attacked others in the station with rattan stick and other weapons. The defendant took part in the riot and assaulted various persons by rattan stick and by fist. After trial, the defendant was convicted of "riot" and "conspiracy to wound". He was sentenced to a total of four years and three months' imprisonment.

(3) In *HKSAR v Chow Pak-kwan and another* DCCC 475/2020, a number of protesters set unlawful road blockage at the crossings outside Sai Wan Ho Civic Centre on 11 November 2019. A uniformed police officer responded to the scene and tried to remove the blockage. When the congregated crowd were shouting abuse at the officer, the two defendants confronted the officer and made repeated attempts to snatch his revolver. After trial, the two defendants were convicted of "obstructing a police officer" and "attempted robbery" of a police revolver. One defendant was also convicted of "attempt to escape from lawful custody". Both of them were sentenced to a total of six years' imprisonment.

(4) In *HKSAR v Ng Man-ho* DCCC 212/2021, the defendant was the owner and administrator of a Telegram Channel named "SUCK Channel" in which substantial number of inciting messages were published. He was convicted after trial of conspiracy to incite others to commit seven different offences, e.g., arson, criminal damage, riot, etc. The Court considered the offences to be serious and sentenced the defendant to a total of six years and six months' imprisonment.

(5) *HKSAR v Mah Hau-man Herman & others* DCCC 22/2021 concerned a mass riot in Tsim Sha Tsui, where over 100 protesters gathered outside Tsim Sha Tsui Police Station and along Nathan Road. Protesters hurled petrol bombs against police at scene. Seven defendants were convicted of "riot". They were sentenced to imprisonment ranging from 36 to 45 months.

(6) In *HKSAR v Wong Kwan-wa and others* DCCC 189, 210 & 809/2021, a riot broke out in Causeway Bay on 1 July 2020. During the riot, the 1st defendant stabbed a police officer's left upper arm with a knife, causing him grievous bodily harm. Later, he boarded a plane in order to flee to London. Before the flight took off, the Police located and arrested him. He pleaded guilty to "riot" and "wounding with intent" and was sentenced to a total of five years' imprisonment. Meanwhile, the 1st defendant's girlfriend searched for flight information, purchased a ticket for the 1st defendant for flying from London to Taipei, and accompanied him to the airport. After trial, she was convicted of "doing an act or a series of acts tending and intended to pervert the course of public justice"

合共五年。與此同時，第一被告的女朋友為第一被告搜尋航班資料和購買由倫敦飛往台北的機票，以及陪同他到機場。她經審訊後被裁定“作出一項或一連串傾向並意圖妨礙司法公正的作為”罪罪成，判監12個月。

(7) 在*香港特別行政區 訴 陸家裕及其他人*（區院刑事案件2020年第665及667號）一案中，愛丁堡廣場在2019年12月22日發生暴動，其間一羣示威者襲擊警方。一名被告踢向一名警員的下背，另一名被告則試圖拉走襲擊者，讓其免被逮捕。經審訊後，他們被裁定參與暴動罪成，同被判處監禁共三年九個月。

(8) 在*香港特別行政區 訴 唐建幫及其他人*（區院刑事案件2021年第65及66號）一案中，示威者於2020年5月24日在銅鑼灣發生的暴動中堵路、放火和損壞商舖及公共設施。一名律師在暴動其間遭示威者追打，被人用雨傘及硬物殘暴地襲擊，引致大量出血，身體多處受傷。案中被告曾參與上述襲擊，其中三人承認“非法集結”及“有意圖而傷人”罪，被判入教導所或監禁最長25個月。餘下一名被告本來不認罪，但其後決定承認“暴動”及“有意圖而傷人”兩項控罪。法院判他監禁34個月。

(9) 在*香港特別行政區 訴 尹兆堅；黃碧雲；林卓廷*（東區裁判法院刑事案件2018年第2993號、西九龍裁判法院刑事案件2020 年第3842號、東區裁判法院刑事案件2021年第757號及東區裁判法院刑事案件2021年第758號）案中，三名前立法會議員被裁定干犯《立法會（權力及特權）條例》（第382章）第17(c)及19(b)條的控罪罪成。該等罪行涉及四宗致令立法會委員會會議程序中斷的擾亂事件，以及干預和妨礙立法會保安人員的事件。各名被告承認控罪，被判監三至七星期不等。

儘管工作量繁多，挑戰前所未見，特別職務組律師仍致力嚴格遵照《檢控守則》履行檢控職務。

and was sentenced to 12 months' imprisonment.

(7) In *HKSAR v Luk Ka-yu and others* DCCC 665 & 667/2020, a riot took place at Edinburgh Place on 22 December 2019 during which a group of protestors attacked the police. One defendant kicked the lower back of a police officer while the other defendant tried to pull the attacker away to prevent him from being arrested. After trial, they were found guilty of taking part in the riot and were both sentenced to a total of three years and nine months' imprisonment.

(8) In *HKSAR v Tong Kin-pong & others* DCCC 65 & 66/2021, a riot happened in Causeway Bay on 24 May 2020 with protestors blocking the road, setting fire and damaging shops and public facilities. During the riot, a solicitor was chased and brutally attacked by protestors with umbrella and hard objects, causing extensive bleeding and various injuries on the body. The defendants were involved in the said attack. Three of them pleaded guilty to "unlawful assembly" and "wounding with intent". They were sentenced to training centre or to imprisonment ranging up to 25 months. The remaining defendant originally pleaded not guilty but subsequently decided to plead guilty to both "riot" and "wounding with intent". The Court sentenced him to 34 months' imprisonment.

(9) In *HKSAR v Wan Siu-kin Andrew; Wong Pik-wan; Lam Cheuk-ting* ESCC 2993/2018, WKCC 3842/2020, ESCC 757/2021, ESCC 758/2021, three ex-Legislative Councillors were convicted of charges under sections 17(c) and 19(b) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). These offences concerned four incidents of disturbances which interrupted the proceedings of Legislative Council committee meetings; and interferences and obstruction of security officers of the Legislative Council. The defendants pleaded guilty and were sentenced to imprisonment ranging from three to seven weeks.

Despite the heavy workload and unprecedented challenges, Counsel in the SD Team are committed to discharge their prosecutorial duties in strict compliance with the Prosecution Code.