



刑事檢控專員的序言 Director's Overview

刑事檢控科在 2023 年邁進新里程。本科在 2022 年重組架構後運作效率提升，年內成立了新分科，以提升應對最新犯罪趨勢的專業技能。本科在年內也重踏世界舞台，與海外司法管轄區就備受國際關注的相關刑事法律事宜展開對話和合作。回顧 2023 年，我可以驕傲並且堅定地說，本科繼續以正直之心、專業精神和滿腔熱忱悉力追求公義。

本年度工作回顧的主題為“秉正行義 恪盡己任”，正扼要說明了檢控人員作為秉行公義者肩負服務社會和維護法治的崇高使命。從作出檢控決定、處理審訊和上訴案件，以至檢討和制定檢控政策，檢控人員的工作本質上以公眾為中心，直接影響社會和市民。因此，在執行任何方面的檢控工作時，我們都有責任公平地行事並以公眾利益為依歸，秉持熱心服務公眾的精神履行職責。

正因為公正行事是我們的職責，提出檢控的目的並非是要達致定罪，而是確保在所有刑事案件中，公義得以公平，公正，和不偏不倚地伸張。「公義」包括對犯罪者履行公義、為罪行受害者彰顯公義，以及為社會秉行公義，把罪有應得的人治罪，還無辜者清白，都與公眾切身利益攸關。最重要而必須強調的是，熱切尋求和伸張公義的精神是我們檢控人員的命脈。

在履行維護公義的職責時，公眾利益是我們最重要的依歸。檢控人員代表社會，是廣大市民的代表。為確保我們妥善履行肩負的社會責任，《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。全賴由基本法確立的檢控獨立原則，我們得以秉持不懼不偏的精神，恪守信念，鍥而不捨地追求公義。

我們身處的社會科技發展日新月異，罪犯以現代科技作為犯案工具和媒介，情況日趨嚴重。本科在 2023 年悉力以赴，作好一切準備應對數量劇增的科技罪案，致力尋求和伸張公義。2023 年 7 月，本科成立了科技罪行分科。該

2023 was a milestone year for the Prosecutions Division. With increased operational efficiency following our restructuring in 2022, a new Sub-division was established this year to foster expertise for tackling latest crime trends. The year also saw the Division's return onto the world stage, engaging overseas jurisdictions into dialogue and collaboration on pertinent criminal law issues of international concern. Reflecting on 2023 in hindsight, I am able to proudly and firmly say that the Division continued to fervently pursue justice with integrity, professionalism, and passion.

The theme of this year's review, "Upholding Justice with Integrity – Our Entrenched Duty at All Times", encapsulates the noble calling of prosecutors to serve the community and the rule of law as ministers of justice. From making prosecutorial decisions, prosecuting trials and appeals, to reviewing and formulating prosecution policies, the work of a prosecutor is inherently public-centered, directly affecting the community and those who live in it. It is therefore incumbent upon us to act fairly and in the public interest in conducting all aspects of prosecutorial work, a duty which we discharge with a strong sense of public spirit.

Our duty to act fairly dictates that the purpose of bringing prosecutions is not to secure convictions, but to secure the delivery of justice in a fair, impartial, and even-handed manner in all criminal cases. "Justice" includes justice to those having committed crimes, justice for victims of crime, and justice to the community which has a vested interest in seeing that the guilty are convicted and the innocent are acquitted. Above all, it bears emphasizing that a passion to seek and deliver justice forms the very lifeblood of us prosecutors.

In discharging our duty to uphold justice, nothing occupies a greater importance than the public interest. Prosecutors represent the community, and the community as a whole. To ensure the proper discharge of our duty to the community, Article 63 of the Basic Law provides that the Department of Justice shall control criminal prosecutions free from any interference. This constitutional enshrinement of prosecutorial independence allows us to pursue public justice without fear or favor, but with an abundance of faith, righteousness, and perseverance.

We live in a society characterized by incessant technological advancements, where modern technology is increasingly being exploited by criminals as an instrument and medium of crime. The Division made every effort in 2023 to ensure that it is fully

分科由專責處理科技罪行案件的檢控人員組成，他們和電腦網絡和法證專家及執法機關緊密合作。把科技罪行罪犯繩之於法是我們一直進行的工作，而該分科匯聚具備處理科技罪行知識的專才，對執行這項工作大有裨益。

然而，打擊科技罪行並非任何一個司法管轄區能獨立成事。科技罪行跨越司法管轄界限，其罪證亦可能遍佈世界各地。要成功打擊這類具跨國特性的罪案，國際間通力合作至關重要。我們除了成立專門分科外，亦通過參與一系列的研討會及會議與國際交流，包括由國際檢察官協會及財務行動特別組織主辦的會談。會議上，多個司法管轄區的檢控機關代表聚首一堂，本科的檢控官更與他們討論在現今科技時代打擊罪案等議題，成果豐碩。在可見將來，國際外展事務是我們其中一個重要的工作範疇。我們將繼續與海外司法管轄區交流知識和經驗，確保我們準備周全，能夠在持續變化的世界中維護和伸張公義。

儘管工作繁重，我們並沒有輕忽為同事加強培訓和專業發展。年內，本科為見習律政人員和新入職的檢控官舉辦了刑事訟辯課程，以及為來自政府各決策局和部門的檢控人員，舉辦了

equipped to seek and deliver justice amidst the proliferation of crimes featuring a technological dimension. In July 2023, the Division established the Technology Crime Sub-division, a dedicated team of prosecutors who specialize in handling technology crime cases, and who work closely with cyber and forensic experts and law enforcement agencies. The Sub-division, being the locus of knowledge and expertise relating to technology crimes, will be instrumental in our ongoing efforts to bring offenders of technology crimes to justice.

Yet, the fight against technology crimes cannot be fought by any one jurisdiction alone. Technology crimes know no jurisdictional boundaries, and often involve evidence scattered across the globe. The trans-national nature of such crimes means that concerted international effort is crucial in mounting a successful fight against them. On top of our efforts to establish a dedicated Sub-division, we reached out to the international community by participating in a series of conferences and meetings hosted by organizations such as the International Association of Prosecutors and the Financial Action Task Force. These conferences brought together prosecutorial agencies of various jurisdictions, with which the Division engaged in fruitful discussions on, amongst other things, combatting crime in the modern technological age. With international outreach being an integral part of our work in the foreseeable future, we will continue to engage overseas jurisdictions in knowledge and experience exchange to ensure that we are best equipped to uphold and deliver justice in an ever-changing world.



部門檢控人員培訓課程。這些密集式課程重點教授刑事訴訟程序、審訊籌備，及審訊訟辯，為參加者在法庭上進行公平妥善的檢控工作做好準備。此外，資深同事、執法機關代表，和著名嘉賓講者主持多個有關刑事法律和常規的內部研討會。數名檢控官更參加了海外培訓課程，以磨練及進一步提升訟辯技巧。我們將持續追求專業發展，而我深信本科會貫徹如一，繼續以最高水準和能力維護公義。

展望未來，香港將於 2024 年 11 月主辦國際檢察官協會第 11 屆亞太區會議，討論在科技時代如何運作有效的檢控服務，以及在刑事司法制度中應用科技等相關議題。我們期待國際同業參與這項有意義的活動。來自不同司法管轄區的檢控人員可藉此良機交流知識、探索新興趨勢和促進合作，以推進我們共同打擊罪案的工作。

熱衷追求公義是檢控精神的本質。檢控人員在妥善執行刑事司法工作中擔當不可或缺的角色。在市民和同事的大力支持下，我們會繼續緊貼變化萬千的刑事罪案趨勢，為市民提供卓越的檢控服務。各位同事一直鼎力支持，克盡厥職，謹此衷心致謝。我們會繼續同心協力，以正直之心秉行公義，以不亢不卑的態度履行固有職責，並以此為榮。

Amidst the heavy workload, we have not lost sight of the importance of enhancing training and professional development for our colleagues. Throughout 2023, the Division held the Criminal Advocacy Course for legal trainees and new recruits, and the Departmental Prosecutors Training Course for lay prosecutors from government bureaux and departments. These intensive courses, with a particular emphasis on criminal procedure, trial preparation, and trial advocacy, prepared participants for conducting fair and proper prosecutions in court. In addition, various in-house seminars on criminal law and practice were delivered by experienced colleagues, representatives of law enforcement agencies, and distinguished guest speakers. A number of prosecutors also attended overseas training courses to hone and further sharpen their advocacy skills. With our ongoing commitment to professional development, I am confident that the Division will continue to uphold justice as a prosecution service of the highest standard and caliber.

Looking ahead, Hong Kong will host the 11th Asia and Pacific Regional Conference of the International Association of Prosecutors in November 2024, to discuss pertinent topics relating to the operation of an effective prosecution service in the technological age, and the use of technology in the criminal justice system. We look forward to welcoming our international counterparts to this meaningful event, which will be a major platform for prosecutors from different jurisdictions to exchange knowledge, explore emerging trends, and foster collaborations to further our collective anti-crime agendas.

A passion for justice defines the essence of the prosecutorial spirit. Prosecutors play an indispensable role in the due administration of criminal justice. With strong support from the public and my colleagues, we will continue to serve the community as a first-class prosecution service which stays abreast of the ever-changing criminal landscape. It only remains for me to wholeheartedly thank all of our colleagues for their continued support and dedication. Together, let us make every effort to continue delivering justice with integrity – our entrenched duty which we will always discharge with humility, dignity, and honor.