



香港
刑事檢控
PROSECUTIONS
HONG KONG
2024



律政司
香港特別行政區政府
Department of Justice
The Government of the Hong Kong
Special Administrative Region





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律政司司長林定國資深大律師, GBS, SC, JP

林司長：

謹呈上刑事檢控科 2024 年的工作回顧。

本科在 2024 年邁步向前，碩果纍纍。除了提升運作效率外，本科主辦了第 11 屆國際檢察官聯合會亞洲及太平洋地區會議。通過這個饒有意義的平台，我們與國際同業就新興科技罪行的檢控工作交流知識及經驗。我們亦藉此機會向國際社會展示香港在“一國兩制”原則下積極維持穩健的法律制度，並獲得祖國的堅實支持，為此我們深感自豪。

重要的是，本科人員一如既往，竭誠守正、專業幹練地服務社會，維護法治。我們會繼續以獨立檢控權作為運作的基石，在熱切追求公義之餘，亦矢志保持工作透明度，勇於承擔，以公平、公正和專業的方式履行職責。

年內承蒙司長及同事一直鼎力襄助，謹此由衷致謝。能與各位攜手協力，共同維護香港未來的繁榮穩定，實在與有榮焉。



刑事檢控專員

楊美琪

2025 年 8 月 27 日

The Honourable Mr Paul T K Lam, GBS, SC, JP
Secretary for Justice

27 August 2025

Dear Secretary for Justice,

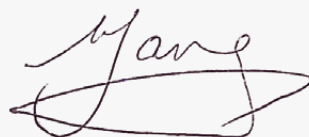
I am pleased to submit to you the Yearly Review of the Prosecutions Division for 2024.

2024 was a significant year of progress and achievement for the Division. Aside from enhanced operational efficiency, the Division hosted the 11th Asia and Pacific Regional Conference of the International Association of Prosecutors. The conference served as a meaningful platform through which we engaged our international counterparts to exchange knowledge and experience on the prosecution of emerging technology crimes. We also took pride in showcasing to the international community Hong Kong's proactive efforts in maintaining a robust legal system under the "One Country, Two Systems" principle while enjoying staunch support from our motherland.

Importantly, officers of the Division have continued to serve the community and uphold the rule of law with integrity, dedication, and professionalism. We will continue our fervent pursuit of justice with prosecutorial independence as the cornerstone of our operations. At the same time, we will remain highly committed to maintaining transparency and accountability while discharging our duties fairly, impartially, and professionally.

May I take this opportunity to express my sincere gratitude to you and my colleagues for the continued and unwavering support I have received throughout the year. I am honoured and proud to join hands with you all in safeguarding peace and prosperity for the future of Hong Kong.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Maggie Yang', with a stylized, flowing script.

(Maggie Yang)
Director of Public Prosecutions

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刑事檢控專員的序言

Director's Overview

2024 年是刑事檢控科的另一關鍵篇章。本科人員繼續以竭誠守正和專業的態度，堅定不移地維護法治。除了提升運作效率外，本科也積極與國際同業就新興科技罪行的檢控工作交流知識及專業技能。整體而言，本科在 2024 年邁步向前，碩果纍纍，發展成為優秀的檢控機關，能充分應付現代刑事司法工作不斷變化的國際需求，為此我深感自豪。

本年度工作回顧的主題為“自主透明、勇於承擔、踐行公義的新時代檢控工作”，旨在反映我們恪守的核心價值，致力應對多變的刑事罪案趨勢。一如既往，《基本法》第六十三條確立的檢控獨立這項基本原則是我們運作的基石，讓我們主管刑事檢察工作，不受任何干涉。同樣重要的是，我們繼續致力保持工作透明度及問責性，鞏固市民對本港刑事司法制度廉潔高效的信心。自主透明和勇於承擔的原則共同指引着檢控工作的方方面面，確保法治得以維護，公義亦得以實踐並彰顯人前。

最重要且必須強調的是，我們所做的一切皆以公眾利益為依歸。檢控人員作為秉行公義者，肩負為社會和代表社會行事的崇高使命，而檢控程序的各個階段均顯示檢控人員有責任這樣做，確保最符合公眾的整體利益。公眾有合法權益看到公義的伸張（無論其形式是裁定被告有罪或無罪）沒有出現不當拖延，故我們如提出檢控，就會盡力確保案件獲迅速審理。因此，自主透明和勇於承擔的原則規範我們實際上如何追求公義，而公眾利益誠然是我們追求公義的原因。畢竟，我們有責任公平、公正和專業地履行各項職能及職責，為社會伸張正義。

近年，科技發展導致涉及科技層面的罪案激增。罪犯越來越擅於利用科技，以創新方式干犯傳統罪行。隨着刑事罪案趨勢不斷轉變，檢控人員的知識及專業技能也須與時俱進。為了全面履行我們的社會責任，我們必須時刻走在法律、新興科技及最新犯罪趨勢的最前沿。

2024 was yet another pivotal chapter for the Prosecutions Division. Officers of the Division continued to steadfastly uphold the rule of law with integrity, dedication, and professionalism. On top of enhanced operational efficiency, the Division proactively engaged its international counterparts to exchange knowledge and expertise on the prosecution of emerging technology crimes. On the whole, I am proud to say that 2024 was a year of significant progress and achievement, which saw the Division emerge as a prosecution service that is well-equipped to meet the evolving international demands of modern criminal justice.

The theme of this year's review, "Prosecution in Modern Times – Pursuit of Justice with Independence, Transparency, and Accountability", centres around the core values that guide our work as we navigate and adapt to the ever-changing criminal landscape. The cardinal principle of prosecutorial independence, as enshrined in Article 63 of the Basic Law, continues to be the cornerstone of our operations, enabling us to control criminal prosecutions free from any interference. Equally importantly, our continued commitment to maintaining transparency and accountability reinforces public trust in the integrity and efficiency of our criminal justice system. Together, independence, transparency, and accountability guide every aspect of prosecutorial work to ensure that the rule of law is upheld, and that justice is both done and seen to be done.

Above all, it cannot be emphasised enough that the public interest lies at the heart of all that we do. Prosecutors are ministers of justice charged with the noble calling to act for and on behalf of the community. A prosecutor's duty to do that which best serves the general public interest is manifested at all stages of the prosecutorial process. Where prosecution is brought, diligent effort is made to ensure that cases are proceeded with expeditiously, for the community has a legitimate interest in seeing that justice, be it in the form of a conviction or acquittal of an accused person, is not unduly delayed. Thus, while the principles of independence, transparency, and accountability govern how we pursue justice in practice, the public interest dictates why we do so. After all, we owe it to the community to deliver justice by discharging our functions and duties in a fair, impartial, and professional manner.

In recent years, advancements in technology have given rise to a proliferation of crimes involving a technological dimension. Criminals are becoming increasingly adept at exploiting technology to commit traditional crimes in creative ways. Yet, as the criminal landscape evolves, so too must the knowledge and expertise of prosecutors. In order to fully discharge our duty to

本科非常榮幸能在 11 月 27 日至 29 日主辦第 11 屆國際檢察官聯合會亞洲及太平洋地區會議，作為我們 2024 年的重點項目。是次會議的主題為“科技時代的高效檢控服務”，正好切合現今科技發展一日千里的背景。這個重要會議讓來自超過 30 個司法管轄區的資深檢控人員、高級官員及知名學者聚首一堂，就有關調查和檢控科技罪行的最新議題及事宜展開有意義的對話。香港上一次主辦國際檢察官聯合會地區會議已是 20 年前的事。是次會議凸顯香港一直致力推動國際合作，不斷追求最高的檢控水平，力臻卓越，同時印證香港在“一國兩制”原則下維持穩健的法律制度，並獲得祖國的堅實支持。

是次盛會廣受代表及與會者讚賞，實有賴所有同事悉力籌辦，謹此向各位致以由衷敬意和感謝。我們熱切期待在 2025 年 9 月舉行第 15 屆中國—東盟成員國總檢察長會議，現正進行相關籌備工作。

年內，除了舉辦國際檢察官聯合會地區會議外，本科檢控人員也參加了多個國際研討會及會議，包括在巴黎舉行的財務行動特別組織全體會議及工作小組會議、在阿塞拜疆舉行的第 29 屆國際檢察官聯合會年會暨會員大會，以及在新加坡舉行的第 14 屆中國—東盟成員國總檢察長會議。這些會議匯聚來自世界各地的檢控人員及代表，探討相關的刑事法律議題，促進各方交流知識及經驗。我們藉着與國際社會攜手合作，提升共同打擊跨國罪行的能力，因為同心協力更勝單打獨鬥。

儘管本科要處理的案件數量繁多，工作日程緊促，我們仍在 2024 年為同事提供多元又獨特的培訓機會。年內，我們邀得多位著名嘉賓和資深同事主持一系列內部研討會，涵蓋不同的議題，包括檢控洗黑錢罪行、提出數碼證據，以及支援易受傷害證人的最佳做法。為培育新晉人才，本科繼續舉辦刑事訟辯課程、部門檢控人員培訓課程及法庭檢控主任培訓課程，向參加者傳授有效地進行檢控所需的基本實務知識。

the community, it is incumbent upon us to remain at the forefront of the law, emerging technologies, and latest crime trends.

As a highlight of 2024, the Division had the great honor of hosting the 11th Asia and Pacific Regional Conference of the International Association of Prosecutors (“IAP”) from 27 to 29 November, under the theme “Effective Prosecution Service in the Technological Age” – tailored for the modern backdrop of rapid technological advancements. The milestone event brought together experienced prosecutors, senior officials, and acclaimed scholars from over 30 jurisdictions into meaningful dialogue on cutting-edge topics and issues related to the investigation and prosecution of technology crimes. Marking two decades since Hong Kong last hosted an IAP regional conference, the event underscored Hong Kong’s unwavering commitment to international collaboration and its constant pursuit of the highest standards of prosecutorial excellence. It was also testament to the fact that Hong Kong maintains a robust legal system under the “One Country, Two Systems” principle while enjoying staunch support from our motherland.

To all my esteemed colleagues, may I extend my heartfelt and sincere gratitude to all of you for your tremendous efforts in organizing this spectacular event, which was widely commended by delegates and participants alike. With much anticipation, we look forward to organizing the 15th China-ASEAN Prosecutors-General Conference in September 2025, for which preparations are already under way.

Apart from organizing the IAP regional conference, prosecutors of the Division also participated in a range of international conferences and meetings throughout 2024, including the Financial Action Task Force Plenary and Working Group Meetings in Paris, the 29th IAP Annual Conference and General Meeting in Azerbaijan, and the 14th China-ASEAN Prosecutors-General Conference in Singapore. These events brought together prosecutors and delegates from around the world to discuss pertinent criminal law issues, facilitating mutual exchange of knowledge and experience. By joining hands with the international community, we strengthen our collective capacity to combat transnational crime, for we can achieve more together than we can alone.

Amidst its heavy caseload and demanding work schedule, the Division provided colleagues with diverse and unique training opportunities in 2024. Throughout the year, various distinguished guests and experienced colleagues delivered a series of in-house seminars on diverse topics including prosecuting money laundering offences, presenting digital evidence, and best

此外，我們挑選了一些檢控人員到英國、新加坡及北京參加海外培訓課程，以提升他們的訟辯技巧，讓他們拓闊視野，增進知識及實務技能。我深信，通過這些培訓課程及其他陸續推出的培訓措施，本科定會與時並進，以堅毅幹練、竭誠不懈的態度迎接未來的挑戰。

時至今日，在我們生活的現代城市中，科技對市民和罪犯來說已成為新常態。毫無疑問，前頭的旅程會帶領我們穿越崎嶇甚或有時前所未見的法律領域，但這對於維護香港未來的繁榮穩定同樣不可或缺。展望未來，我堅信我們將迎接科技時代的來臨，並會繼續為社會提供最優質的檢控服務。縱使世界瞬息萬變，引領我們實踐使命的價值觀將始終如一：力求卓越、熱心服務公眾的精神及對追求公義永不止息的熱忱。

practices in supporting vulnerable witnesses. To nurture new talents, the Division continued to deliver the Criminal Advocacy Course, Departmental Prosecutors Training Course, and Court Prosecutors Training Programme, imparting upon participants essential practical knowledge for conducting effective prosecutions. Selected prosecutors also attended overseas training courses in the United Kingdom, Singapore, and Beijing to enhance their advocacy skills and broaden their practical and intellectual exposure. With these and other training initiatives to come, it is my firm belief that our Division will keep up with the times and stand ready to tackle the challenges ahead with skill, resilience, and diligence.

We live in a modern city in modern times, where technology is becoming the new normal for citizens and criminals alike. No doubt, the journey ahead will lead us through rough and at times novel legal terrains, but it will also prove indispensable in safeguarding peace and prosperity for the future of Hong Kong. Looking ahead, I have every confidence that we will embrace the onset of the technological age and continue serving the community as a prosecution service of the highest calibre. For in a world of change, the values which guide our mission will always remain unchanged: a commitment to excellence, a strong public spirit, and an insatiable passion for justice.

司法人員任命

Judicial Appointment

譚耀豪法官 The Honourable Mr Justice William Tam Yiu-ho



譚耀豪法官於 1994 年加入當時的律政署擔任檢察官，一年後隨即晉升為高級檢察官。他於 2007 年晉升為副首席政府律師，並於 2012 年晉升為首席政府律師，出任副刑事檢控專員。2015 年，他在香港獲委任為資深大律師。

他在律政司服務的 30 年間，曾檢控各式各樣矚目、複雜且重要的原訟和上訴案件，包括賄賂罪行、公職人員行為失當、欺詐和殺人案。他每每以細緻嚴謹的態度處理檢控工作，並悉心扶掖後進，因而廣受業界和律政司稱許。2021 年，他在香港大學取得法學碩士（人權）學位，足證其追求法律知識的熱忱。

他在律政司工作期間曾帶領不同分科，包括訟辯及上訴、商業罪案、法律指引，以及政策及政務分科。他在 2024 年離開律政司之前為商業罪案分科主管。2024 年 8 月，譚法官獲委任為高等法院原訟法庭法官。

Mr Justice Tam joined the then Attorney General's Chambers as a Crown Counsel in 1994 and was promoted to Senior Crown Counsel just one year later. In 2007, he was promoted to Deputy Principal Government Counsel and to Principal Government Counsel in 2012, taking up the post of Deputy Director of Public Prosecutions. In 2015, he was appointed as Senior Counsel in Hong Kong.

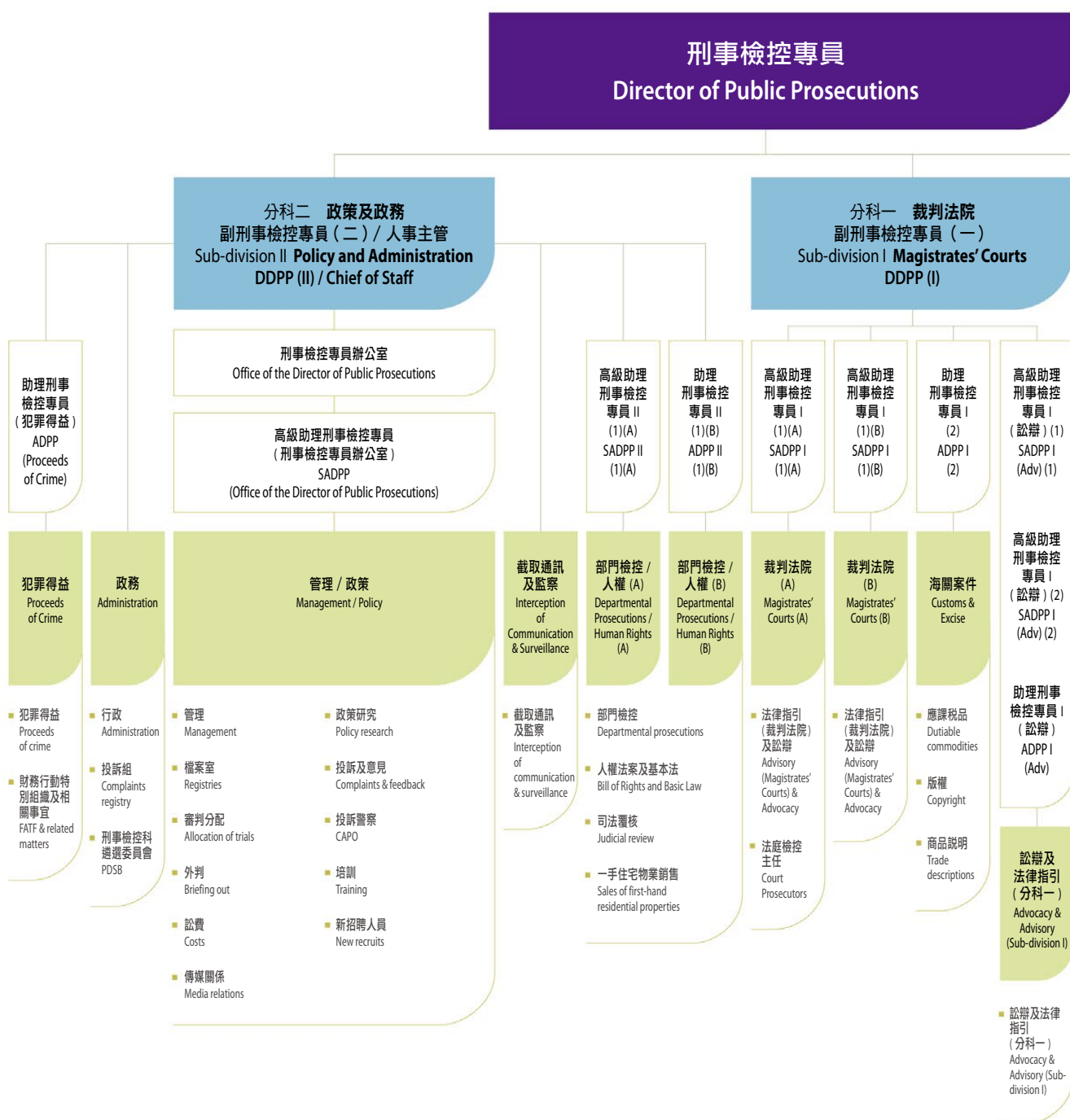
During his 30 years of service with the Department, he prosecuted a wide array of high-profile, complex and important cases, including bribery offences, misconduct in public office, fraud and homicide, at first instance or on appeal. His strive for meticulousness in prosecutorial work and enthusiasm in training younger prosecutors were highly recognised by the profession and the Department. His drive for the pursuit of legal knowledge is attested by the Master of Laws (Human Rights) degree he obtained from the University of Hong Kong in 2021.

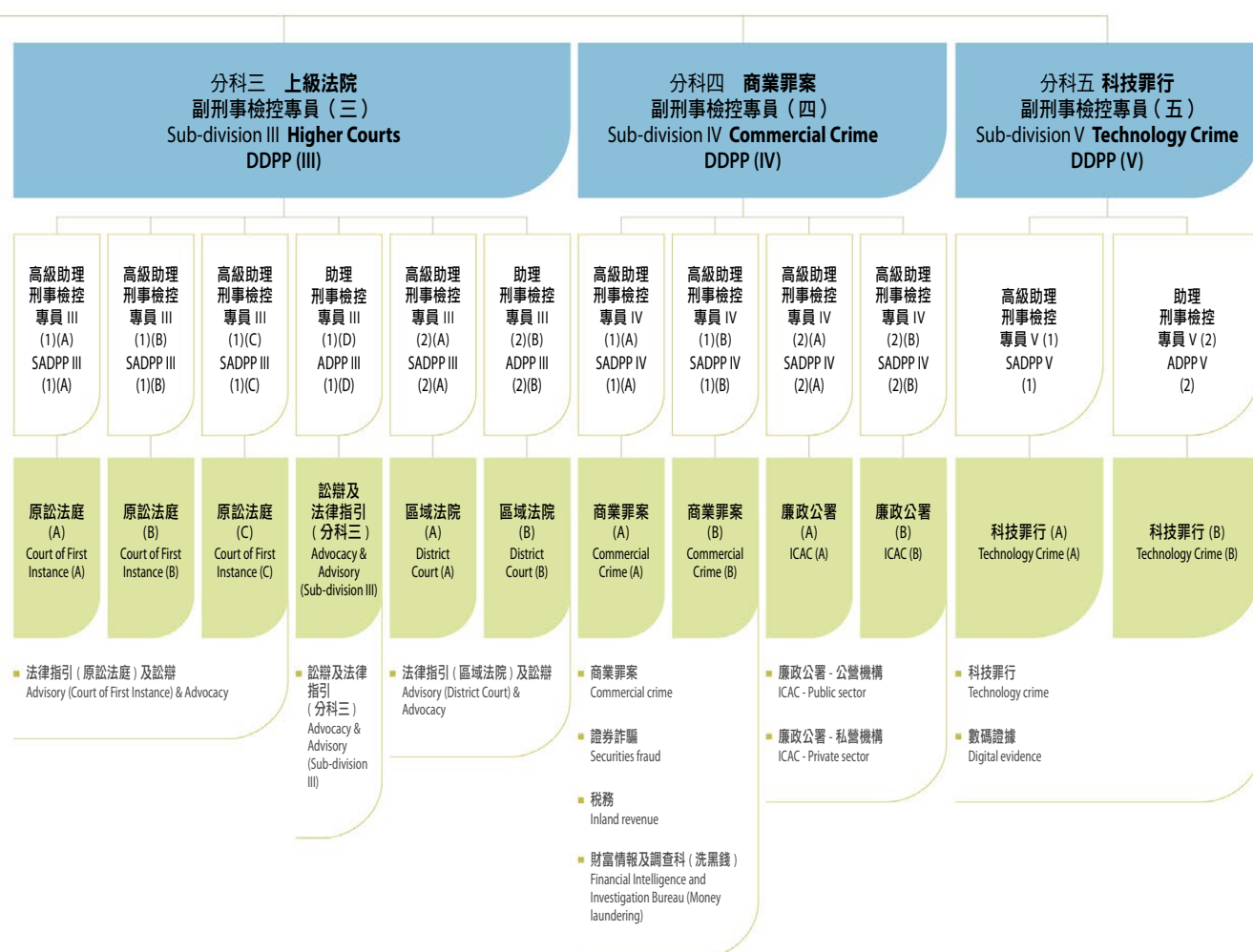
Over the years in the Department, he had led different sub-divisions, including Advocacy and Appeals, Commercial Crime, Advisory, and Policy and Administration. Before he left the Department in 2024, he was in charge of the Commercial Crime Sub-division. In August 2024, Mr Justice Tam was appointed as a Judge of the Court of First Instance of the High Court.

架構及職責

Structure and Duties

刑事檢控科組織圖表 Prosecutions Division Organization Chart





圖例 Legend

DDPP = Deputy Director of Public Prosecutions
 SADPP = Senior Assistant Director of Public Prosecutions
 ADPP = Assistant Director of Public Prosecutions
 PDSB = Prosecutions Division Selection Board
 CAPO = Complaints Against Police Office
 FATF = Financial Action Task Force
 ICAC = Independent Commission Against Corruption

服務承諾

本科負責向執法機關提供有關刑事方面的法律指引，並代表律政司司長行使《基本法》第六十三條規定的酌情權，以決定是否提出刑事訴訟。本科並負責於香港各級法院進行一切刑事案件的主控工作。

本科承諾如下：

- 在刑事訴訟程序方面執行律政司的檢控守則；
- 就提出和進行刑事訴訟的決定，周詳考慮所有有關事宜；
- 在接獲執法機關要求提供法律指引時，於 14 個工作天內作覆；如問題較為複雜，則於 14 個工作天內給予初步回覆，說明估計可於何時提供指引；如投訴警察課要求提供指引，於法律程序完成並取得所有資料後的 14 天內作覆；
- 在法院所定的期限內就案件有關事宜提供法律指引；
- 在裁判法院命令將被控人交付審判後七天內，擬備公訴書並送交原訟法庭；
- 在裁判法院命令將案件移交區域法院的日期後 14 天內，擬備控罪書並交付區域法院司法常務官；
- 在刑事訴訟中，恪守充分而適當地向辯方披露資料的責任，尤其遵行與香港大律師公會和香港律師會就送達文件所達成的協議；
- 按照《罪行受害者約章》規定，將不提出檢控的決定通知罪行受害者並處理他們的查詢；以及
- 在接獲關於檢控政策或決定的查詢時，於 14 個工作天內作覆；如果未能在這限期內詳盡作覆，也會給予初步回覆。

Performance Pledge

The Division advises law enforcement agencies in relation to criminal matters and exercises on behalf of the Secretary for Justice the discretion of whether or not to bring criminal proceedings, in accordance with Article 63 of the Basic Law. It also has conduct of all criminal cases in the Courts of Hong Kong.

Our pledges are:

- To apply the Prosecution Code of the Department of Justice in relation to criminal proceedings;
- To give thorough consideration to all matters relevant to the making of decisions in relation to the institution and conduct of criminal proceedings;
- Upon the receipt of a request from a law enforcement agency for legal advice, to provide such advice within 14 working days, and in more complex cases to provide an interim reply within 14 working days with an estimated time within which the advice will be provided; for requests from the Complaints Against Police Office of the Police, to provide information about Court proceedings within 14 days after all materials are available upon completion of those proceedings;
- To provide legal advice in matters connected with Court cases within the time limit set by the Courts;
- To prepare and file indictments in the Court of First Instance within 7 days of committal of the accused in the Magistracy;
- To prepare and deliver charge sheets to the Registrar of the District Court within 14 days after the date of the order of transfer of the case from the Magistracy to the District Court;
- To rigorously comply with our obligation to make full and proper disclosure of material to the defence in criminal proceedings and in particular to abide by agreements reached with the Hong Kong Bar Association and the Law Society of Hong Kong in respect of the service of documents;
- To inform victims of crime of the decision not to prosecute, and to attend to their enquiries, in accordance with the Victims of Crime Charter; and
- To reply to enquiries on matters related to prosecution policy or decision within 14 working days of receipt of such enquiries, and to issue an interim reply if a substantive reply is not available within this period.



分科一（裁判法院） Sub-division I (Magistrates' Courts)

分科一設有三個法律指引組，分別為裁判法院 (A)、裁判法院 (B) 和海關案件組。香港七所裁判法院審理多種多樣對市民日常生活影響重大的罪行，而本分科在監督該等刑事案件的檢控工作中，扮演關鍵的角色。

裁判法院 (A) 和裁判法院 (B)

兩個裁判法院組的律師不僅就定於裁判法院審訊的案件是否有足夠證據和控罪是否合適提供法律指引，也在整個調查過程中向各執法機關提供法律指引。兩組的律師負責就傳統罪行提出檢控，包括關乎不誠實行為、暴力、性的不當行為、賭場、賣淫場所和交通違例事項的罪行，亦負責就其他不同性質的罪行提出檢控，如侮辱國歌及殘酷對待動物等。他們還負責處理牽涉複雜法律問題的敏感案件及隨後的覆核和上訴，確保公義得以充分全面彰顯。

2024 年，裁判法院共審理 145,009 宗由各執法機關調查的刑事案件。當中相當數量的案件需要法律指引，而法律指引主要由本分科的高級檢控官和檢控官提供。本分科在 2024 年向執法機關提供法律指引的數量保持穩定，高達 4,828 項，接近去年的數字。本分科的律師竭誠盡責，仔細評估可供採納的證據，再根據《檢控守則》擬定合適的控罪，秉持最高的專業和公正水平。

就侮辱國歌的罪行提出檢控，有助加強維護社會價值的決心，團結大眾。在香港特別行政區訴陳柏叟 KCCC 2746/2023 案中，於 FIVB 世界女排聯賽香港 2023 其中一項賽事開始前，被告在主持人宣布播放中華人民共和國國歌時，做出倒豎拇指的手勢，兀然坐下，並以雙手掩耳，在國歌播放期間高唱另一首歌。國歌播放完畢後，被告重覆做出倒豎拇指的手勢，並發出“噓”聲。法院裁定被告“侮辱國歌”罪罪成，判監八星期。法院判刑時強調，有關法律旨在維護國歌的尊嚴，須予充分執行，以

Sub-division I consists of three advisory sections, namely Magistrates' Courts (A), Magistrates' Courts (B), and Customs and Excise Section. Sub-division I plays a pivotal role in overseeing the prosecution of criminal cases within Hong Kong's seven Magistrates' Courts, which address a wide spectrum of offences that significantly impact the daily lives of the community.

Magistrates' Courts (A) and (B)

Counsel of the two Magistrates' Courts sections not only give legal advice regarding the sufficiency of evidence and the appropriateness of charges for cases set to be tried at the Magistrates' Courts but also provide legal guidance to various law enforcement agencies throughout the investigative process. Counsel of these two sections are tasked with prosecuting traditional crimes, including offences related to dishonesty, violence, sexual misconduct, gambling and vice establishments, and traffic contraventions, as well as various offences of a different nature, such as insulting of the National Anthem and animal cruelty. Their responsibilities also extend to handling sensitive cases that involve complex legal issues and handling subsequent reviews and appeals, ensuring that justice is served in a thorough and comprehensive manner.

In 2024, the Magistrates' Courts processed a total of 145,009 criminal cases investigated by various law enforcement agencies. A considerable portion of these cases required legal advice, primarily provided by the Senior Public Prosecutors and Public Prosecutors within this Sub-division. The volume of legal advice provided to law enforcement agencies in 2024 remained impressively steady at 4,828, matching the previous year's figures. Counsel in this Sub-division diligently fulfilled their responsibilities by thoroughly assessing the available evidence and advising on the appropriate charges in accordance with the Prosecution Code while upholding the highest standards of professionalism and impartiality.

By prosecuting offences against the National Anthem, a society reinforces its commitment to its values and promotes unity. In *HKSAR v Chan Pak-yui* KCCC 2746/2023, prior to the start of a match in the FIVB Volleyball Nations League Hong Kong 2023, the defendant made a thumbs-down gesture and abruptly sat down when the host announced that the National Anthem of the People's Republic of China would be played. He also covered his ears with both hands and loudly sang another song while the National Anthem continued. After the National Anthem concluded, the defendant repeated the thumbs-down gesture and made a 'boo' sound. The Court found the defendant guilty

保護國歌免受侮辱，使其達到原定目的。

嚴厲檢控暴力罪行對於締造一個安全穩定的社會至關重要。在香港特別行政區訴 *Khan Shahzad* ESCC 1738/2023 案中，一名 13 歲男童在宗教課上未能背誦《可蘭經》一節經文。盛怒下，任職老師的被告三次徒手打其背部。男童轉身面向被告時，被掌摑臉部，導致其眼鏡和穆斯林帽子飛脫。男童的左眼持續感到痛楚，因而求醫，被診斷為視網膜脫落，隨後接受眼科手術。法院在被告承認控罪後裁定他“襲擊他人致造成身體傷害”罪罪成。法院判刑時指出，事發時被告是該名男童的老師，而男童的家人相信教育中心及被告會提供適當的照料，把男童託付給他們。法院指出，雖然男童的傷勢已穩定下來，但他在事發一年後仍需接受手術，顯示有關襲擊對他造成長久深遠的影響。法院最終判處被告監禁 15 星期。

在香港特別行政區訴 曾維誠及另二人 KCCC 2666/2023 案中，於九龍城潑水節舉行期間，各被告襲擊三名正在執行人羣控制職務的輔警人員，向他們近距離射水和潑水。即使警務人員示意各被告停止，他們依然繼續，並以同一方式襲擊三名無綫新聞記者。各被告被控三項“襲擊警務人員”罪及兩項“普通襲擊”罪，他們否認全部控罪。法院指出，儘管事發時正值節慶，各被告無視警務人員和記者的反對，持續向他們潑水。法院提到，有關警務人員在公眾面前被淋濕，並無即時採取行動或離開崗位，但各被告仍繼續其行為，未有止息。法院最終裁定各被告罪成。各被告就每項“襲擊警務人員”罪被判處監禁 28 天，另就每項“普通襲擊”罪被判處監禁 14 天。法院下令全部刑期同期執行，即總刑期為 28 天。法院判刑時強調，警務人員必須受保護及尊重，若他們無法執行職務，最終只會令公眾利益受損。

兩個裁判法院組致力以一視同仁的方式處理所有案件，不會理會犯罪者的地位或背景。在香港特別行政區訴 許浩誠 FLCC

of a count of “insulting the National Anthem” and sentenced him to eight weeks’ imprisonment. In arriving at the sentence, the Court emphasised that the law aims to uphold the dignity of the National Anthem and must be fully enforced to protect it from insults in order to achieve its intended purpose.

Prosecuting violence offences rigorously is essential for fostering a safe and secure society. In *HKSAR v Khan Shahzad* ESCC 1738/2023, a 13-year-old boy failed to recite a verse from the Quran in a religious class. In a fit of rage, the defendant, who was the boy’s teacher, hit the boy’s back three times with bare hands. When the boy turned to face the defendant, he was slapped in the face, causing his glasses and Muslim cap to fall off. The boy experienced persistent pain in his left eye and sought medical treatment. He was diagnosed with retinal detachment and subsequently underwent eye surgery. The Court convicted the defendant of “assault occasioning actual bodily harm” upon his guilty plea. In determining the sentence, the Court noted that at the time of the incident, the defendant was serving as the boy’s teacher, and the boy’s family had entrusted their child to the education centre and the defendant, believing that they would provide proper care. The Court noted that while the boy’s injuries had stabilised, he still required surgery a year after the incident, indicating that the assault had a long-term and profound impact on him. Ultimately, the Court sentenced the defendant to 15 weeks’ imprisonment.

In *HKSAR v Tsang Wai-shing and 2 others* KCCC 2666/2023, during the celebration of the Songkran Festival in Kowloon City, the defendants assaulted three auxiliary police officers who were performing their crowd control duties by squirting and spraying water at them from close range, even after the police officers signalled them to stop. They also assaulted three reporters from TVB News in the same manner. The defendants were charged with three counts of “assaulting a police officer” and two counts of “common assault”, and they pleaded not guilty to all charges. The Court noted that, while the incident occurred during a festive celebration, the defendants ignored the objections of both the police officers and the reporters while spraying water at them. The Court remarked that the police officers were doused in front of the public without taking immediate action or leaving their posts, while the defendants continued their actions unabated. Ultimately, the Court found the defendants guilty of the offences. The defendants were sentenced to 28 days’ imprisonment for each count of “assaulting a police officer” and 14 days’ imprisonment for each count of “common assault”, respectively. The sentences were ordered to run concurrently, resulting in a total of 28 days’ imprisonment. In determining the sentences,



2188/2024 及 FLCC 2320/2024 案中，任職警員的被告被控在 2022 年及 2023 年調查兩宗入屋犯法案時，分別在案發現場偷走一部 iPad 及珠寶。被警隊停職期間，被告在某酒店取走一名遊客的背包，偷去包內的 iPad 及配件，其後把缺少了該等物品的背包帶往警署，報稱是拾獲的失物。被告被裁定三項“盜竊”罪罪成，判監合共 15 個月，並須根據補償令支付港幣 5,200 元。法院批評被告執勤時犯案，指所涉行為辜負公眾的信任並損害警隊的聲譽，這兩點屬量刑時的加刑因素。

在香港特別行政區訴張國振 FLCC 1573/2023 案中，任職消防員的被告在 2021 年至 2023 年執勤期間在消防局內偷拍女同事，被控七項“窺淫”罪及一項“非法拍攝私密部位”罪。被告趁一名女同事在浴室淋浴期間，將手機伸入浴室門下的空隙。調查期間，警方在被告住所檢獲被告的手機、平板電腦、手提電腦及 USB 存盤，發現除該名女同事的錄像外，還有另一名女同事的影片，包括她如廁時的影像。法院裁定被告八項控罪全部成立，並強調這些罪行性質嚴重，尤其因為被告長時間持續犯案，因此判監合共 22 星期。

在香港特別行政區訴劉冠希 ESCC 2041/2024 案中，一名 23 歲中學教學助理被控一項“違反保密”罪，違反《香港考

the Court emphasised that police officers must be protected and respected; if they are unable to perform their duties, it ultimately harms the public interest.

The two Magistrates' Courts sections are committed to treating all cases equally, regardless of the perpetrator's position or background. In *HKSAR v Hui Ho-shing* FLCC 2188/2024 & FLCC 2320/2024, the defendant, a police officer, was prosecuted for stealing an iPad and jewellery during the investigation of two burglary cases in 2022 and 2023 at the respective crime scenes. While under suspension from the police force, the defendant took a tourist's backpack from a hotel, stole the iPad and accessories that were inside the backpack, and later reported the backpack without the items inside to the police station as a found item. The defendant was found guilty of three counts of "theft" and was sentenced to 15 months' imprisonment in total, along with a compensation order of HK\$5,200. The Court criticised the defendant for committing crimes while on duty, stating that these actions violated the public's trust and tarnished the reputation of the Police Force, which were aggravating factors in sentencing.

In *HKSAR v Cheung Kwok-chun* FLCC 1573/2023, the defendant, a fireman, was charged with seven counts of "voyeurism" and one count of "unlawful recording of intimate parts" for secretly filming his female colleagues at the fire station during his duty from 2021 to 2023. The defendant held a mobile phone protruding through a gap under the bathroom door while one of his female colleagues was showering inside. During the investigation, the Police seized the defendant's mobile phone, tablet, laptop, and USB drive from his residence, uncovering not only footage of the mentioned female colleague but also recordings of another female colleague, including images of her using the restroom.

試及評核局條例》(第 261 章)第 15(1) 及 (3) 條。她在 2024 年香港中學文憑英國語文科考試舉行期間，擔任另一所中學的校外監考員，獲准保留多份考試材料。考試結束不久，她把部分考試材料發布於其提供線上學術諮詢及補習服務的小紅書帳號。香港考試及評核局向警方報案後，她刪除了涉事帖文。她被警方逮捕，並在警誡下承認急於開展線上補習業務。她認罪後被判監兩星期和罰款港幣 500 元。

兩個裁判法院組也處理涉及動物福利的案件。在香港特別行政區訴謝皓鈞 WKCC 5063/2023 案中，一名獸醫被控在寵物診所為動物注射犬心絲蟲疫苗時虐待動物。他持金屬摺梯猛力推撞一隻狗，並以梯腳戳牠的嘴巴，使其大量出血並失禁。他其後抓着狗帶把狗隻提起，導致牠昏迷 15 分鐘。診所的閉路電視錄影片段顯示，被告在盛怒下大聲叫喊，狗隻則顯得極度惶恐，沒有表現出任何攻擊迹象，且在受襲後倒下，兩至三分鐘沒有動作。被告辯稱他的行為是為了固定狗隻和縮短注射疫苗的時間，但遭法院駁回。審訊後，法院裁定被告的暴力行為既過分也不必要，對狗隻造成嚴重身心傷害。法院形容被告行為殘忍，裁定被告“殘酷對待動物”罪罪成，判監三個月。法院判刑時指被告的行為極不尊重生命，且背叛自身的專業責任。

這兩組也負責裁判法院案件的上訴及覆核，而終審法院在 2024 年釐清了關乎根據《裁判官條例》(第 227 章)第 113 條就裁判法院判決提出上訴的法律，意義重大。在此之前，一系列案例裁定就這類上訴而言，上訴法院只會在裁判官對事實的裁斷或對證人可信性的裁定明顯有錯的情況下，偏離該等裁斷或裁定。在香港特別行政區訴許麗琪 (2024) 27 HKCFAR 265 案中，終審法院解釋，這一系列案例不應予以遵循，因為這不符合以重審方式進行上訴的本質。第 113 條的上訴是以重審方式進行的上訴，審理上訴的法官有責任根據法庭席前的證據得出自己的結論，如其觀點與裁判官的觀點不同，這已構成足以支持上訴的錯誤。

The Court found the defendant guilty of all eight charges. It emphasised the seriousness of the offences, particularly given their prolonged duration, and sentenced the defendant to 22 weeks' imprisonment in total.

In *HKSAR v Lau Kwun-hei* ESCC 2041/2024, a 23-year-old teaching assistant in a secondary school was charged with one count of “breach of secrecy” under section 15(1) and (3) of the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261). She was an external invigilator of the 2024 Hong Kong Diploma of Secondary Education English Language Examination in another secondary school, and was permitted to keep copies of the examination materials. Shortly after the examination, she posted part of the examination materials on her RedNote (Xiaohongshu) account which offered online academic consultation and tuition services. The Hong Kong Examinations and Assessment Authority reported the case to the Police. She subsequently deleted the post. She was arrested by the Police and admitted under caution that she was eager to start an online tuition business. She pleaded guilty and was sentenced to two weeks' imprisonment and given a HK\$500 fine.

The two Magistrates' Courts sections also address cases related to animal welfare. In *HKSAR v Tse Ho-kwan* WKCC 5063/2023, a veterinarian was prosecuted for animal abuse at a pet clinic while administering a heartworm injection. He used a metal folding ladder to forcefully push a dog and jabbed its mouth with the ladder leg, resulting in severe bleeding and incontinence. He subsequently lifted the dog by its leash, causing it to lose consciousness for 15 minutes. CCTV footage from the clinic revealed that the defendant was shouting violently in a state of rage, while the dog appeared terrified and did not show any signs of aggression — the dog collapsed and remained still for two to three minutes post-attack. The Court dismissed the defendant's argument that his actions were meant to restrain the dog and hasten the injection. Following a trial, the Court determined that the defendant's violent behaviour was both excessive and unnecessary, and inflicted significant physical and psychological harm on the dog. The defendant's actions were labelled as cruel, and he was found guilty of “cruelty to an animal”, leading to a sentence of three months' imprisonment. In reaching the sentence, the Court characterised the defendant's conduct as a grave disrespect for life and a betrayal of his professional duties.

The two sections are also responsible for appeals and reviews of Magistracy cases. 2024 is a year in which the Court of Final Appeal made a critical clarification of the law concerning magistracy appeals under section 113 of the Magistrates

海關案件組

海關案件組的律師負責處理由香港海關執法的案件，惟《危險藥物條例》(第 134 章)所規管的罪行除外。這些案件涉及多種由不同法例規管的罪行，當中包括與反走私、保護版權及商標、保障政府收入、保障消費者權益和不良營商手法有關的罪行。雖然這類案件大多由裁判法院審理，但性質較嚴重的會交予區域法院審理。下文載述一些被告在 2024 年被定罪和判刑，由該組處理並值得留意的案件。

在香港特別行政區訴呂鴻安及另一人 [2024] HKDC 1165 案中，香港海關截獲一個來自韓國的空郵包裹，申報載有書籍，卻檢獲未經申報的新台幣現鈔，總值約港幣 120 萬元。跟進調查發現，兩名非本地被告自 2022 年 12 月起曾多次把未經申報的現金輸入香港，以清洗犯罪得益，涉及的總額約達港幣 1,800 萬元。他們被裁定一項“串謀處理已知道或相信為代表從可公訴罪行的得益的財產”罪罪成，違反《有組織及嚴重罪行條例》(第 455 章)。第二被告另被裁定一項“安排輸入未經申報的貨幣及不記名可轉讓票據”罪罪成，違反《實體貨幣及不記名可轉讓票據跨境流動條例》(第 629 章)。他們分別被判監禁 28 個月及 30 個月。

在香港特別行政區訴洪恩典及另一人 [2024] HKDC 247 及 [2024] HKDC 329 案中，一批從馬來西亞運抵香港國際機場的空郵包裹被截獲，內有 240 公斤未經申報的穿山甲鱗片。跟進調查期間，海關人員在其他入境空郵包裹再檢獲約 200 公斤未經申報的穿山甲鱗片。檢獲的物品估計總值約港幣 170 萬元。第一被告因被檢獲的穿山甲鱗片被捕，經審訊後被裁定一項“串謀進口附錄 I 物種的標本”罪及一項“串謀管有或控制附錄 I 物種的標本”罪罪成，兩項罪行均違反《保護瀕危動植物物種條例》(第 586 章)及《刑事罪行條例》(第 200 章)。第一被告被判監禁 48 個月，而第二被告經審訊後被裁定罪名不成立。

Ordinance (Cap. 227). Previously, there was a line of authorities which held that on such an appeal, the appellate Court would only depart from a magistrate's finding of fact or determination of a witness's credibility if the finding or determination was plainly wrong. In *HKSAR v Hui Lai-ki* (2024) 27 HKCFAR 265, the Court of Final Appeal clarified that this line of authorities should not be followed, for it was inconsistent with the nature of an appeal by way of rehearing. Section 113 appeals are appeals by way of rehearing, and the appellate judge has a duty to come to his or her own conclusion based on the evidence before the Court: if a judge comes to a view different from that of the magistrate, that is a sufficient error to justify the appeal.

Customs and Excise Section

Counsel of the Customs and Excise Section are responsible for handling cases concerning offences enforced by the Customs and Excise Department except those under the Dangerous Drugs Ordinance (Cap. 134). These cases encompass an extensive range of offences under various legislations, including offences pertaining to anti-smuggling, copyright and trademark protection, revenue protection, consumer rights protection, and unfair trade practices. While the majority of these cases are dealt with in the Magistrates' Courts, cases of more serious natures would be brought up to the District Court. Below are some noteworthy cases handled by the Section with the defendants convicted and sentenced in 2024.

In *HKSAR v Lu Hung-an and another* [2024] HKDC 1165, an air parcel from Korea declared as books was intercepted, and undeclared New Taiwan currency banknotes with a total value of around HK\$1.2 million were seized. Investigation revealed that two non-local defendants had repeatedly imported undeclared cash into Hong Kong to launder crime proceeds since December 2022, with the aggregate amount involved reaching about HK\$18 million. They were both convicted of one count of “conspiracy to deal with property known or believed to represent proceeds of an indictable offence”, in contravention of the Organized and Serious Crimes Ordinance (Cap. 455). The second defendant was additionally convicted of one count of “causing to be imported undeclared currency and bearer negotiable instruments”, contrary to the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Cap. 629). They were sentenced to 28 months and 30 months of imprisonment respectively.

In *HKSAR v Hong Endian and another* [2024] HKDC 247 & [2024] HKDC 329, a batch of air parcels arriving from Malaysia to Hong



在香港特別行政區 訴 新匯藥業有限公司及另二人 FLCC 2107/2023 案中，海關人員從相關藥房檢獲一批新冠口服藥物，其成分經政府化驗所確認與包裝上的商品說明不符。藥物亦屬未經註冊藥劑製品，銷售與貯存受相關規例嚴格管制。涉案藥房及其銷售人員承認多項控罪，包括“供應及為銷售用途而管有附有虛假成分說明的新冠口服藥物”罪，違反《商品說明條例》（第 362 章），以及“銷售和管有未經註冊藥劑製品”罪，違反《藥劑業及毒藥規例》（第 138A 章）。涉案藥房及其銷售人員分別被判處罰款港幣 50,000 元及港幣 20,000 元。針對涉案藥房董事的控罪，最終以簽保守行為的方式處理。

在香港特別行政區 訴 梁儲衍 FLCC 1488/2022 及香港特別行政區 訴 優樂生活有限公司 FLS 11050/2022 案中，裝修公司及其董事向顧客作出虛假聲稱，表示將於指定日期展開裝修工程，惟最後並無向顧客提供任何服務，涉及的合約款項共約港幣 190,000 元。裝修公司及其董事各承認一項“應用虛假商品說明於裝修服務”罪，違反《商品說明條例》（第 362 章），並分別被判處罰款港幣 3,000 元及監禁八個月。案中董事的判刑是自《商品說明條例》於 2013 年 7 月修訂以來，法院對裝修服務不良營商手法判處的最高刑罰。

Kong International Airport were intercepted with about 240 kg of undeclared pangolin scales inside. In a follow-up investigation, Customs officers further seized about 200 kg of undeclared pangolin scales from other inbound air parcels. The total value of the seizures was estimated to be around HK\$1.7 million. The first defendant was arrested in connection with the seized pangolin scales and was convicted after trial of one count of “conspiracy to import specimens of Appendix I species” and one count of “conspiracy to possess or control of specimens of Appendix I species”, both in contravention of the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) and the Crimes Ordinance (Cap. 200). He was sentenced to 48 months of imprisonment. The second defendant was acquitted after trial.

In *HKSAR v Sun Wui Medicine Company Limited and 2 others* FLCC 2107/2023, Customs officers seized from the concerned pharmacy a batch of COVID-19 oral drugs, the ingredients of which were confirmed by the Government Laboratory to not match the trade descriptions listed on their packaging. The drugs were also unregistered pharmaceutical products; their sale and storage were subject to strict control under the relevant regulations. The pharmacy and its salesperson pleaded guilty to various offences, including “supplying and possessing for sale COVID-19 oral drugs with false descriptions”, in contravention of the Trade Descriptions Ordinance (Cap. 362), and “selling and possessing unregistered pharmaceutical products”, in contravention of the Pharmacy and Poisons Regulations (Cap. 138A). The pharmacy and its salesperson were fined HK\$50,000 and HK\$20,000 respectively. The case against the director of the pharmacy was disposed of by way of a bind-over order.

In *HKSAR v Leung Chu-hin* FLCC 1488/2022 and *HKSAR v Yolo Living Limited* FLS 11050/2022, the renovation company and its director falsely claimed to a customer that renovation services would commence on a specified date; however, no services were provided to the customer in the end. The total contract amount involved was about HK\$190,000. The renovation company and its director each pleaded guilty to the offence of “applying a false trade description to renovation services”, in contravention of the Trade Descriptions Ordinance (Cap. 362), and were fined HK\$3,000 and sentenced to eight months of imprisonment respectively. The prison sentence the Court imposed on the director is the highest penalty for unfair trade practices related to renovation services since the Trade Descriptions Ordinance was amended in July 2013.



分科二（政策及政務）

Sub-division II (Policy and Administration)

分科二由刑事檢控專員辦公室（“專員辦公室”）、犯罪得益組、兩個部門檢控／人權組、政務和多個支援組組成，負責各式各樣的案件和檢控事務。

2024年，本分科竭誠秉行公義，致力提升檢控工作的成效和公正。分科律師就政策、部門檢控和犯罪得益的相關事宜向各決策局及執法機關提供法律指引。另一方面，分科律師繼續履行其訟辯職責，為各級法院的審訊和上訴出庭檢控，並參與限制和沒收法律程序。2024年，專員辦公室和包括各分科律師在內的本地籌委會攜手合作，在11月27至29日成功舉辦第11屆國際檢察官協會亞洲及太平洋地區會議2024。

刑事檢控專員辦公室

專員辦公室致力促進刑事檢控科日常運作的成效，職責範圍廣泛多元，涵蓋行政和管理事宜，以及科內的政策發展工作。專員辦公室律師的工作分五大範疇，包括管理、政策研究、培訓、傳媒關係和投訴及意見。專員辦公室也督導科內各組法律支援人員，包括法律翻譯主任和律政書記。這些人員提供的法律支援服務對科內所有律師得以專業並且高效地履行職務來說是不可或缺的。

管理

對管理組而言，保持本科的高效及暢順運作至關重要。專員辦公室的主要職責之一是審視和評估法庭案件，繼而將案件分派給合適的科內檢控人員或外判律師，以及把尋求法律指引的個案轉交具備合適經驗及專門知識的檢控人員處理。專員辦公室在監督分工時須保持謹慎敏銳，確保案件會以快捷專業的方式妥善處理。

2024年，商業罪案、詐騙和性罪行等複雜敏感案件的數目仍然高企。有見及此，管理組格外謹慎，指派合適而富經驗的律師處理這些案件，以確保刑事檢控科不負所望，保持卓越的專業水平。

Sub-division II, with a diverse portfolio of cases and prosecution affairs, comprises the Office of the Director of Public Prosecutions (“ODPP”), the Proceeds of Crime Section, the two Departmental Prosecutions / Human Rights Sections and the Administration and Support Units.

In 2024, the Sub-division is dedicated to upholding justice and aims to enhance the effectiveness and integrity of prosecutorial practices. Counsel rendered legal advice on matters relating to policy, departmental prosecutions and proceeds of crime to policy bureaux and law enforcement agencies. On the other hand, counsel of the Sub-division continued with their advocacy duties by prosecuting trials and appeals at different levels of Court as well as attending restraint and confiscation proceedings. In 2024, the ODPP together with the Local Organizing Committee comprising counsel from all Sub-divisions put their efforts together in bringing the successful 11th Asia and Pacific Regional Conference of the International Association of Prosecutors which took place on 27 to 29 November.

Office of the Director of Public Prosecutions

The ODPP is dedicated to facilitating the effective day-to-day operation of the Prosecutions Division. Its responsibilities are extensive and multifarious covering administrative and management matters as well as policy development of the Division. Counsel of the ODPP work across five major areas of work, including management, policy research, training, media relations, as well as complaints and feedback. The ODPP also supervises the Division’s legal support teams, comprising Law Translation Officers and Law Clerks. Their legal support service is indispensable to the professional and efficient discharge of the duties of all counsel within the Division.

Management

As the Management Unit, it is essential to maintain effective and smooth functioning of the Division. One of its primary duties is to scrutinise, assess and assign court cases to suitable in-house prosecutors or counsel on fiat, and also to refer requests for legal advice to prosecutors having the appropriate experience and expertise in dealing with them. The Unit has to monitor and supervise the assignment of duties carefully and sensitively to ensure that cases would be handled properly, efficiently and professionally.

此外，管理組在調派律師時發揮最大的資源效益，同時讓有關律師在經驗累積和獲得所需培訓上獲益。

政策

政策組主要負責就擬訂新法例和修訂現行法例所引起與檢控政策相關的事宜，提供法律指引。

2024 年，政策組曾就多項重要的擬議法例提供法律指引，其中包括：

- (1) 《2024 年吸煙（公眾衛生）法例（雜項修訂）條例草案》：該條例草案旨在推行一系列控煙措施，進一步減低吸煙率和減少二手煙對市民的影響；
- (2) 修訂《房屋條例》（第 283 章）的立法建議；
- (3) 修訂《建築物條例》（第 123 章）的立法建議；
- (4) 《專上學院（修訂）條例草案》；
- (5) 《海上安全（酒精及藥物）條例草案》；
- (6) 《2023 年野生動物保護（修訂）條例草案》；
- (7) 《2024 年消防安全（建築物）（修訂）條例》；
- (8) 《2024 年道路交通（車輛登記及領牌）（修訂）（第 2 號）規例》；以及
- (9) 《2024 年公眾衛生及市政（修訂）條例草案》：該條例草案就店鋪阻街的新罪行訂定條文。

此外，政策組定期就廣泛範疇的議題向政府決策局及部門提供法律指引，並代表律政司出席青少年罪犯問題常務委員會的定期會議。

The number of complex and sensitive cases such as commercial crime, deception and sexual offences remained high in 2024. The Unit had to exercise additional care in engaging suitable and experienced counsel to handle these cases so as to ensure and maintain the high level of professional competency expected of the Division.

In parallel, the Unit arranges deployment of counsel to the maximisation of resource effectiveness and, at the same time, for the benefit of counsel in terms of exposure and training needs.

Policy

The main duty of the Policy Unit is to give legal advice on issues relating to prosecution policy arising from proposed new legislation and amendments to existing legislation.

Notable proposed legislation which the Policy Unit had advised upon in 2024 include:

- (1) Smoking (Public Health) Legislation (Miscellaneous Amendments) Bill 2024 which aims to implement a host of tobacco control measures with a view to further reducing the smoking prevalence and minimising the effect of secondhand smoke on the public;
- (2) Legislative proposal to amend the Housing Ordinance (Cap. 283);
- (3) Legislative proposal to amend the Buildings Ordinance (Cap. 123);
- (4) Post Secondary Colleges (Amendment) Bill;
- (5) Marine Safety (Alcohol and Drugs) Bill;
- (6) Wild Animals Protection (Amendment) Bill 2023;
- (7) Fire Safety (Buildings) (Amendment) Ordinance 2024;
- (8) Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulation 2024; and
- (9) Public Health and Municipal Services (Amendment) Bill 2024 which provides for a new offence of shopfront extension.

In addition, the Policy Unit regularly gives advice to government bureaux and departments on wide-ranging issues and represents the Department at regular meetings of the Standing Committee on Young Offenders.



培訓

刑事檢控科致力培訓檢控人員，協助他們掌握所需的最新法律知識及訟辯技巧，以高度專業水平執行檢控工作。這方面的工作由培訓組領導。

2024 年，每半年一度的刑事訟辯課程、每年一度的部門檢控人員培訓課程及一系列為科內律師、執法人員和其他政府部門的調查人員及檢控人員而設的培訓活動均已圓滿舉行。現時研討會可以網上形式延伸至多個收看地點舉行，以便政府各部門的調查人員及檢控人員參加。

該科提供全面的法律培訓，兼備理論及實踐範疇。除了講座和研討會，培訓組也為調查人員和檢控人員舉辦模擬法庭實習訓練，以為他們在受訓後參與不同性質的法律程序作好充分準備。

傳媒關係

律政司認同傳媒在促進公眾了解刑事司法制度方面擔當重要的角色。2024 年，專員辦公室繼續依據《檢控守則》的指引，適時向傳媒提供準確的刑事案件資訊，包括已在公開聆訊中披露的事宜、與案件有關事宜的進度和其他相關公開資訊。專員辦公室分享這些資訊的目的，是提高法律制度的透明度和問責性，並在保障公眾知情

Training

The Division is dedicated to equipping prosecutors with the necessary and up-to-date legal knowledge and advocacy skills to conduct prosecutions at the highest professional standard. The Training Unit takes the lead in this endeavour.

In 2024, the bi-annual Criminal Advocacy Course, the annual Departmental Prosecutors Training Course, and a series of training sessions for Department in-house counsel, law enforcement officers, as well as investigators and prosecutors from other government departments were successfully organized. Seminars can now be extended to multiple viewing locations via webinar to accommodate investigators and prosecutors from various government departments.

The comprehensive legal training includes both theoretical and practical sessions. In addition to lectures and seminars, mock court exercises were organized for investigators and prosecutors, who were well-prepared to attend court proceedings of various natures after completion of the training.

Media Relations

The Department acknowledges the crucial role of the media in keeping the public informed about the criminal justice system. In 2024, the ODPP continued to provide the media with accurate information about criminal cases in a timely manner, in accordance with the principles set out in the Prosecution Code. Such information included matters presented in open court, progress of events, and other relevant public information. By sharing this information, the ODPP aims to promote transparency and accountability in the legal system, while balancing the

權和所涉各方的私隱權之間取得平衡。專員辦公室致力與傳媒保持負責任的關係，確保司法制度公開公正。

投訴及意見

專員辦公室負責處理公眾和非政府機構對刑事檢控科工作的投訴，以及答覆有關查詢。專員辦公室秉持公平、公正和專業的態度，按個別個案的情況就各項投訴進行調查，並採取適當的行動跟進每宗個案所提出的關注事項，包括獨立覆核不檢控個別案件的決定、評估覆核刑罰或上訴的勝訴機會、檢討法律程序中的檢控工作，以及在適當情況下向相關組別提出建議。

2024 年，專員辦公室共處理 643 宗有關刑事檢控科工作的投訴和查詢。

犯罪得益組

限制和沒收犯罪得益對打破犯罪循環、防止罪行再次發生，以及剝奪用作資助犯罪的收益十分關鍵。2024 年，執法機構大力打擊跨境金融罪行，當中往往存在特殊的挑戰，需要仔細入微的調查和分析資金流向。犯罪得益組致力執行香港在追討資產和打擊洗黑錢方面的法例。2024 年，該組取得合共 40 項限制令和 31 項沒收令，涉及被限制的可變現財產價值為港幣 23,975,752.61 元，被法院頒令沒收的犯罪得益總額則為港幣 25,322,218.33 元。

下文概述一些由本組處理的重要案件。

在香港特別行政區訴哈弼意 [2025] 2 HKLRD 468 案中，上訴人承認一項違反《防止賄賂條例》(第 201 章)第 9 條所訂的“向代理人提供利益”罪，被原訟法庭裁定沒收港幣 6,300 萬元，上訴人不服裁決，獲批予許可提出上訴，但上訴最終被駁回。上訴人是案中的共同被告，曾在 2007 年 1 月至 2008 年 5 月期間向德意志銀行首席衍生認股權證交易員支付約港幣 630 萬元賄款，以獲取有關衍生認股權證交易的消息及提

public's right to know with the right to privacy of the parties involved. The ODPP is committed to maintaining a responsible relationship with the media to uphold the principle of open justice.

Complaints and Feedback

The ODPP handles complaints and answers enquiries from the general public and non-Government bodies concerning the work of the Division. It investigates all complaints by adopting a case-sensitive approach and takes appropriate follow-up actions to address the concerns raised in each individual case in a fair, impartial and professional manner. Follow-up actions taken by the ODPP include conducting an independent review of the decision not to prosecute in a particular case, assessing merits of reviews of sentence or appeals, reviewing the prosecution conduct in proceedings, and making recommendation to the relevant Sections as appropriate.

In 2024, the ODPP handled a total of 643 cases of complaints and enquiries about the work of the Division.

Proceeds of Crime Section

Restraint and confiscation of proceeds of crime play a crucial role in disrupting the cycle of criminal activities, preventing further crimes, and taking out the profits that fund crimes. In 2024, significant efforts were made by law enforcement agencies to combat cross-border financial crimes, which often present unique challenges, and require meticulous investigation as well as fund flow analysis. In turn, the Proceeds of Crime Section strived for the enforcement of asset recovery and anti-money laundering laws in Hong Kong. In 2024, a total of 40 restraint orders and 31 confiscation orders were successfully obtained. HK\$23,975,752.61 worth of realisable property was restrained, and the total amount of crime proceeds ordered to be confiscated was HK\$25,322,218.33.

Some notable cases handled by the Section are summarised below.

In *HKSAR v Ha But-ye* [2025] 2 HKLRD 468, the appeal was dismissed after leave had been granted for the appellant to appeal against the Court of First Instance's decision to confiscate HK\$63 million from him after pleading guilty to one count of "offering an advantage to an agent", contrary to section 9 of the Prevention of Bribery Ordinance (Cap. 201). The appellant was the co-defendant who paid bribes in the period between January 2007 and May 2008 to the Chief Trader of Deutsche Bank in

示。原訟法庭在考慮沒收涉案犯罪得益時接納控方的觀點，即上訴人因提供賄款所得的協助，獲取高達港幣 1.25 億元收益，有關金額即為其犯罪得益。法庭以上訴人的可變現資產為考量，頒令上訴人支付港幣 6,300 萬元。這項裁決獲上訴法庭合議庭接納。上訴法庭駁回上訴人的論點，並指出上訴人在認罪時接納和承認屬實的案情撮要，已述明在某個指明時段內涉案利益的範圍。上訴人的律師不得迴避或撤回上訴人在案情撮要中明確的招認。

在香港特別行政區訴 *Ho Ho-yin* [2025] HKCFI 992 案中，被告的車內及家中均發現有危險藥物及若干筆款項。海關人員進行的財務調查發現，被告的銀行及投資帳戶被用作洗黑錢。控方案情指被告收受的得益合共港幣 3,588,700.28 元。2024 年 11 月 22 日，被告承認兩項違反《危險藥物條例》(第 134 章)第 4(1)(a) 及 (3) 條有關“販運危險藥物”的控罪，以及四項違反《有組織及嚴重罪行條例》(第 455 章)第 25(1) 及 (3) 條的“處理已知道或相信為代表從可公訴罪行的得益的財產”罪，被判監禁六年。法庭亦於同日頒下沒收令，命令被告在六個月內向政府繳付港幣 924,240.14 元，否則須在因干犯上述刑事罪行被判的六年刑期外加監兩年以作抵償。被告其後遵從沒收令。

除了在法院處理案件外，犯罪得益組人員也為執法機關主講關於刑事資產追討的研討會。2024 年 4 月及 10 月，一名檢控官在一場關於限制和沒收法律程序的分享會上發表演說，其後並於 2024 年 7 月及 12 月擔任香港律師會網上研討會的其中一名講者，講題為“洗黑錢罪行、舉報可疑交易及通報：法律責任與法律專業保密權”。2024 年 11 月，本分科與廉政公署合辦一場研討會，主題為“資產追討為首要”，以宣揚資產追討這一環對打擊罪行的重要性。2024 年 6 月，一名高級檢控官為澳門特別行政區的檢察官主講一場關於“刑事資產追討的法庭程序及成功個案”的研討會。

derivative warrants. Bribes of some HK\$6.3 million were paid by the appellant for information and advice concerning derivative warrant transactions. In seeking confiscation, the Court of First Instance accepted the Prosecution's position that the appellant had benefitted to the extent of HK\$125 million in connection with the bribe payment and hence the assistance given to him, hence the proceeds of crime in that amount. The appellant was ordered to pay HK\$63 million in the light of his realisable assets. This position was accepted by the full bench in the Court of Appeal. In rejecting the appellant's arguments, the Court of Appeal pointed out that the Summary of Facts, which the appellant accepted and admitted when he pleaded guilty, explicitly stated the scope of the advantages concerned during a specific period. It is not open to the appellant's counsel to go behind, if not resile from, the plain terms of the appellant's admissions in the Summary of Facts.

In *HKSAR v Ho Ho-yin* [2025] HKCFI 992, dangerous drugs were found in the defendant's vehicle as well as in his home, along with sums of money. Financial investigation by the Customs & Excise officers detected bank and investments accounts belonging to the defendant being used for money laundering. The prosecution case was that the total amount of benefit of the defendant was HK\$3,588,700.28. On 22 November 2024, the defendant pleaded guilty to two charges of "trafficking in a dangerous drug", contrary to section 4(1)(a) and (3) of the Dangerous Drugs Ordinance (Cap. 134) and four counts of "dealing with property known or believed to represent proceeds of an indictable offence", contrary to section 25(1) and (3) of the Organized and Serious Crimes Ordinance (Cap. 455). He was sentenced to six years' imprisonment. A confiscation order was also obtained on the same date in which the defendant was ordered to pay HK\$924,240.14 to the Government within six months or in default serve a term of imprisonment of two years consecutive to his sentence of six years for the criminal offences. The defendant has since complied with the confiscation order.

Apart from conducting cases in Court, members of the Proceeds of Crime Section delivered seminars to law enforcement agencies on criminal asset recovery. In April and October 2024, a Public Prosecutor spoke at a sharing session on restraint and confiscation proceedings. He also spoke in July and December 2024, amongst other speakers, at the Law Society webinar on "Money Laundering Offence, Suspicious Transaction Reporting & Tipping Off: Legal Obligations & Legal Professional Privilege". A seminar was also held with the ICAC in November 2024 on the topic of "Prioritising Asset Recovery", to convey the message of this critical component in combatting crime. In June 2024, a Senior Public Prosecutor gave a seminar to prosecutors in the

2024 年 6 月，一名高級檢控官出席在新加坡舉行的財務行動特別組織全體會議及工作組會議，討論香港與墨西哥共同領導的國家洗黑錢風險評估指引修訂專案。會議期間也談及其他議題，例如資產追討和實益擁有權登記制度的實行。本分科也曾與其他機構舉行會議，以加強各司法管轄區之間就資產追查的相互理解和合作。

部門檢控 / 人權 A 組及 B 組

部門檢控 / 人權 A 組及 B 組於 2022 年成立，以分擔過去由兩個獨立組別（即人權組和部門檢控組）負責的職務。

部門檢控 / 人權組的主要職責包括為逾 30 個部門執法機關提供法律指引，該等部門包括入境事務處、勞工處、屋宇署、地政總署、房屋署、強制性公積金計劃管理局、社會福利署和差餉物業估價署。部門檢控 / 人權組的職責也涵蓋在刑事事宜（包括各級法院的審訊和上訴）以至司法覆核中出現的《基本法》和人權問題，從檢控角度提供法律指引。部門檢控 / 人權組的律師也負責處理各級法院的審訊和上訴。

部門檢控 / 人權組在 2024 年合共提供 2,596 項法律指引。部門檢控工作牽涉的幾乎全

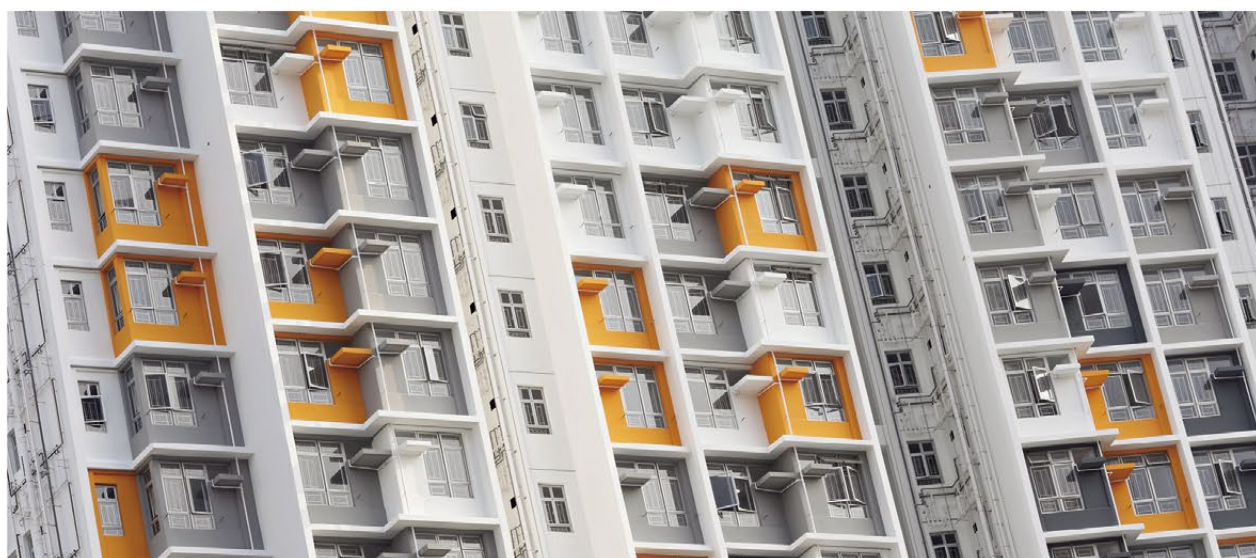
Macao SAR on “The Court Procedures of Criminal Asset Recovery and Successful Cases”.

In June 2024, a Senior Public Prosecutor attended the Financial Action Task Force (FATF) – Plenary and Working Group Meetings, a conference held in Singapore, with discussions on the revision of the National Risk Assessment Guidance in which Hong Kong and Mexico co-led the project. Other issues such as asset recovery and implementation of a beneficial ownership registry were discussed. Meetings were held with other authorities to enhance mutual understanding and cooperation between jurisdictions for asset tracing.

Departmental Prosecutions / Human Rights Sections (A) & (B)

Departmental Prosecutions / Human Rights Sections (A) and (B) were established in 2022 to share the portfolios previously handled by two separate sections, namely the Human Rights Section and the Departmental Prosecutions Section.

The major responsibilities of the Departmental Prosecutions / Human Rights Sections include giving legal advice to over 30 departmental law enforcement agencies including the Immigration Department, Labour Department, Buildings Department, Lands Department, Housing Department, Mandatory Provident Fund Scheme Authority, Social Welfare Department and Rating and Valuation Department. Their responsibilities also include giving legal advice from the Prosecution’s perspective on the Basic Law and human rights issues arising in criminal matters including trials and appeals in all levels of Court as well as judicial reviews. Counsel of the Sections



是法定罪行，性質通常極為技術性，涉及艱澀的科學鑑證證據，以及複雜的法律問題，卻只有為數不多的判例可供依據。

濫用公共房屋問題最近備受公眾關注。2024年，部門檢控／人權組繼續處理與《房屋條例》（第283章）所述刑事罪行相關的案件。這類案件正與日俱增，當中大多涉及第283章所指住戶明知或疏忽向房屋署作出虛假陳述，以及把公共房屋單位非法轉讓。與作出虛假陳述有關的案件多數涉及在物業繼承、婚姻財產分配及他人持有衡平法權益方面作出虛假陳述。至於轉讓方面，香港房屋委員會的居者有其屋計劃、私人機構參建居屋計劃及租者置其屋計劃下的房屋單位均受第283章所限。在解除轉讓限制之前，該等單位不得出售、出租或再按揭。未經許可而把該等單位出售、出租或按揭，或構成第283章的刑事罪行。

2023年9月，超強颱風蘇拉導致大潭紅山半島部分山坡有大量山泥塌下，因而揭露該處的一些住屋存在多項僭建物。在屋宇署及地政總署進行廣泛調查後，部門檢控／人權組在2024年就案件所涉不同條例的刑事罪行向兩個部門提供檢控指引。例如，其中一宗案件涉及三間獨立屋，有關業主均承認違反《土地（雜項條文）條例》（第28章）第6(4A)條所訂的“參與在未批租土地上建造非法構築物”罪，被判罰款。除上述罪行外，其他相關罪行包括違反第28章第6(4)條所訂的“未有停止佔用政府土地”罪；違反《建築物條例》（第123章）第14(1)及第40(1AA)條所訂的“明知未獲得批准及同意而進行建築工程”罪；違反第123章第40(6)條所訂的“身為與法人團體的管理有關的高級人員而同意或縱容該法人團體干犯罪行”罪；以及違反第123章第40(1BA)條所訂的“無合理辯解而沒有遵從拆卸僭建物的命令”罪。部門檢控／人權組會繼續與執法機關協力處理餘下案件。

部門檢控／人權組也處理與《業主與租客（綜合）條例》（第7章）第IVA部（對分間單位租賃作出規管）所述罪行相關的案件，

are also responsible for conducting trials and appeals in all levels of Court.

In 2024, the Sections provided a total of 2,596 pieces of legal advice. Almost all of the offences under the departmental prosecutions portfolio were statutory offences which were often very technical in nature involving difficult scientific forensic evidence and complex legal issues with little jurisprudence for guidance.

Public housing abuse has recently been a public concern. In 2024, the Sections continued to handle the rising number of cases in relation to criminal offences under the Housing Ordinance (Cap. 283). The majority of these cases involves tenants knowingly or negligently making false statements to the Housing Department, as well as unlawful alienation of public housing flats under Cap. 283. For cases related to making false statements, the majority of them concern false statements made in relation to succession of properties, distribution of matrimonial properties, and holding of equitable interest by another person. Regarding alienation, flats under the Home Ownership Scheme, the Private Sector Participation Scheme and the Tenants Purchase Scheme of the Hong Kong Housing Authority are subject to restrictions under Cap. 283. Before the alienation restrictions are lifted, such flats may not be sold, leased, or re-mortgaged. Unauthorised sale, leasing or mortgage of such flats may constitute criminal offences under Cap. 283.

In September 2023, Super Typhoon Saola had swept away much of the soil on some cliffs at the Redhill Peninsula in Tai Tam exposing unauthorised building works at some of the residential houses thereat. Following extensive investigations conducted by the Buildings Department and Lands Department, in 2024, the Sections gave prosecutorial advice to both departments concerning criminal offences under different ordinances. For example, one of such cases concerned three of the houses, in which the owners pleaded guilty to the offence of “engaging in unlawful erection of structures on unleased land”, contrary to section 6(4A) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) and were fined. Apart from the abovementioned offence, other relevant offences include “failing to cease occupation of government land”, contrary to section 6(4) of Cap. 28; “knowingly carrying out building works without approval and consent”, contrary to sections 14(1) and 40(1AA) of the Buildings Ordinance (Cap. 123); “being an officer concerned in the management of a body corporate consenting or conniving to the commission of an offence by the body corporate”, contrary to section 40(6) of Cap. 123; and “failing to comply with an order

這類案件正持續增加。第 7 章第 IVA 部規限規管租賃的各個範疇，包括支付公用設施的收費、提供租金收據及禁止侵擾租客。此外，自第 IVA 部於 2022 年生效兩年以來，涉及次期租賃如重訂要約和加租等新範疇的案件在 2024 年開始出現。重要罪行包括違反第 7 章第 120AAZT 條所訂的“拒絕或忽略向差餉物業估價署署長提交通知租賃詳情的通知書”罪；違反第 7 章第 120AAZL 條所訂的“要求租客就有關租賃支付不屬准許種類的款項”罪；以及違反第 7 章第 120AAZM 條所訂的“要求租客繳付有關公用設施收費的付還而未有提供該等繳費單的副本及帳目以顯示就該等繳費單關乎的處所的不同組成部分所分攤的款額”罪。

另一方面，勞工安全一直是政府非常重視的議題。2023 年，政府提高《職業安全及健康條例》(第 509 章)下涉及職業安全及健康罪行的最高刑罰，以加強阻嚇作用。在近期香港特別行政區訴雅潔洗衣有限公司 WKS 9475/2024 案中，被告為一名送貨員的僱主，被控沒有向其在工作中的僱員提供安全的工作系統、足夠的安全資訊、指導、訓練及監督。該送貨員在香港國際機場上落貨區從一輛貨車的尾板升降台墮下倒地，導致傷重死亡。經本組別提供法律指引後，被告被控第 509 章第 6(1)、(2)(a)、(2)(c) 及 (3) 條所涉的相關罪行。2024 年 7 月，被告承認傳票控罪，被判罰款港幣 450,000 元。這是首宗自提高最高刑罰以來因違反第 509 章而被判刑的致命案件。

to demolish unauthorised building works without reasonable excuse”, contrary to section 40(1BA) of Cap. 123. The Sections will continue to work with the law enforcement agencies to deal with the remaining cases.

The Sections also dealt with an increasing number of cases related to offences under Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) which regulates tenancies of subdivided units. Part IVA of Cap. 7 governs various aspects of regulated tenancies including payment of utility charges, provision of rental receipts, and prohibition of harassment on tenants. Furthermore, with Part IVA having been in effect for two years since 2022, cases involving new types of issues related to second term tenancies, such as renewal offers and rent increases, began to emerge in 2024. Notable offences include “refusing or neglecting to submit a notice to notify the Commissioner of Rating and Valuation of the particulars of the tenancy”, contrary to s.120AAZT of Cap. 7; “requiring the tenant to pay any money in relation to the tenancy other than the permitted types”, contrary to s.120AAZL of Cap. 7; and “requiring the tenant to pay for reimbursement of utility charges without providing a copy of the bill and an account showing the apportioned amounts for different parts forming the premises to which the bill relates”, contrary to s.120AAZM of Cap. 7.

On the other hand, labour safety has always been the Government's top priority. Maximum penalties for occupational safety and health offences under the Occupational Safety and Health Ordinance (Cap. 509) had been increased in 2023 in order to enhance their deterrent effect. In the recent case of HKSAR v Vogue Laundry Service Limited WKS 9475/2024, the defendant, an employer of a delivery worker, failed to provide a safe system of work, sufficient safety information, instruction, training, and supervision to its employee at work. The delivery worker fell from the tail lift platform of a truck onto the ground at the loading/unloading bay at the Hong Kong International Airport and sustained fatal injuries. Upon advice of the Sections, the defendant was prosecuted for the relevant offence under section 6(1), (2)(a), (2)(c) and (3) of Cap. 509. In July 2024, the defendant pleaded guilty to the summons and was fined HK\$450,000. It was the first fatal case in which sentence was passed for contraventions of Cap. 509 since the increase in maximum penalty.



分科三（上級法院）

Sub-division III (Higher Courts)

刑事檢控科的分科三負責上級法院（即原訟法庭和區域法院）審理的檢控。分科三的檢控官負責監督各個階段的檢控工作，從提供法律指引開始到跟進審訊，以至處理其後向上訴法庭及終審法院提出的上訴。

分科三設有六個組別：分科三第 1A、1B、1C 及 1D 組是原訟法庭的法律指引及訟辯組，而分科三第 2A 及 2B 組是區域法院法律指引及訟辯組。六個組別的檢控官主要負責就原訟法庭或區域法院審理的刑事罪行向執法機關提供法律指引，並須根據《檢控守則》所載的指引決定是否提出檢控。基本原則是，除非有充分的可接納證據令案件有合理機會達致定罪，而提出檢控乃符合公眾利益，否則不應展開檢控。

除了提供法律指引的職務，分科三的檢控官還會參與多項法庭工作，包括出席答辯及判刑聆訊、審訊、上訴案件及保釋申請。

分科三在 2024 年的工作範疇及一些值得注意的案件，現重點載述如下。

原訟法庭：分科三 第 1A、1B、1C 及 1D 組

分科三第 1A、1B、1C 及 1D 組的檢控官負責處理原訟法庭審理的嚴重刑事案件（例如謀殺、誤殺、強姦、販毒、綁架及持械搶劫）。檢控官根據《檢控守則》評估是否有足夠證據提出檢控和控罪是否合適，並會在提供法律指引後繼續與執法機關一同密切跟進後續的案件調查及籌備工作，然後交付原訟法庭作審訊或判刑。該等組別的檢控官亦會出席提訊日聆訊，協助案件適時交付原訟法庭。

就交付原訟法庭審訊的案件，檢控官會擬備及存檔公訴書，以及遞交“標明頁碼的交付文件冊”。他們會與相關案件的控方律師緊密聯絡，確保能有效而適當地在審訊中把證據呈現在法官和陪審團席前。就交付原訟法庭判刑的案件，檢控官會擬備

Sub-division III of the Prosecutions Division takes charge of prosecutions to be dealt with in the Higher Courts, namely, the Court of First Instance (“CFI”) and the District Court (“DC”). Public Prosecutors in the Sub-division oversee the conduct of such prosecutions from the advisory stage to trial, and subsequently to the appellate stage where appeals are lodged from such cases to the Court of Appeal (“CA”) and the Court of Final Appeal (“CFA”).

There are six sections under Sub-division III: sections III(1)(A), (B), (C) and (D) are the Court of First Instance Advisory & Advocacy sections, whereas sections III(2)(A) and (B) are the District Court Advisory and Advocacy sections. Public Prosecutors in these sections are primarily responsible for advising law enforcement agencies on criminal offences to be tried in the CFI or the DC. They must act in accordance with the guidelines set out in the Prosecution Code in making a decision to prosecute or not to prosecute. The fundamental principle is that unless there is sufficient admissible evidence so that the case has a reasonable prospect of conviction, and that it is in the public interest to prosecute, no prosecution should be commenced.

Apart from advisory duties, Public Prosecutors in Sub-division III also engage in various Court work including plea and sentence hearings, trials, appeals and bail applications.

The areas of work of Sub-division III in 2024 are set out below where some notable cases are highlighted.

Court of First Instance: Sections III(1)(A), (B), (C) & (D)

Public Prosecutors in sections III(1)(A), (B), (C) and (D) handle serious criminal matters which are dealt with in the CFI, such as murder, manslaughter, rape, drug trafficking, kidnapping and armed robbery. In accordance with the Prosecution Code, they assess the sufficiency of evidence and the appropriate charges to be laid. After the giving of legal advice, Public Prosecutors continue to work closely with law enforcement agencies to follow up on further enquiries and preparation of the cases for committal to the CFI for trial or sentence. Public Prosecutors in the sections also attend return day hearings to facilitate the committal of cases to the CFI in a timely manner.

For cases committed to the CFI for trial, Public Prosecutors would deal with the preparation and filing of the indictment and lodging of the paginated committal bundle. They would liaise closely with prosecuting counsel of the case to ensure the effective and proper presentation of evidence before the judge

標明頁碼的“聽取對控罪的回答及判刑文件冊”，以及在原訟法庭出席判刑聆訊。他們亦會協助判刑法官去因應案件的所有情況判處公正公平的刑罰。

2024 年，交付原訟法庭的案件有 450 宗，其中 120 宗是交付審訊，而 330 宗是在被告認罪後交付判刑。此外，有 2 份公訴書是按上訴法院的重審令提交法庭存檔。

原訟法庭審理的重要案件包括：

- (1) 在香港特別行政區 訴 張煒倫 [2024] HKCFI 2540 案中，一名與被告人從不相識的 74 歲老翁於案發當日凌晨時分獨自一人在深水埗通州街散步時，突然遭被告用刀刺入胸口。受害人胸口傷勢嚴重，猶幸經緊急手術搶救成功。被告在警誡下表示他為了入獄，在街上隨意找個目標刺傷。被告承認“企圖謀殺”罪，被判監十年十個月。
- (2) 在香港特別行政區 訴 K.K.W. [2024] HKCFI 2978 案中，被告被控“強姦”罪、“亂倫”罪、“企圖強姦”罪、“猥褻侵犯”罪及“與年齡在 16 歲以下的兒童作出嚴重猥褻行為”罪。他曾多次非禮和強姦在案發時年齡僅介乎 9 至 12 歲的親生女兒。經審訊後，陪審團裁定被告所有罪名成立。法官考慮到被告毫無悔意，以及需表明公眾對被告所犯嚴重罪行的憎惡，判處被告監禁合共 17 年。
- (3) 香港特別行政區 訴 黃振強及另四人 [2024] HKCFI 3416 案是香港首宗援引《聯合國（反恐怖主義措施）條例》（第 575 章）所訂罪行作檢控的案件，關乎一項殺害警員的計劃。案中的串謀者策劃於 2019 年 12 月 8 日公眾遊行期間，趁着把警員誘至軒尼詩道之際，引爆設置在該處的兩枚炸彈，並打算在爆炸後用槍射殺警員。該計劃因部分核心成員於 2019 年 12 月 8 日凌晨時分被捕而告終。各被告被控干犯不同罪行，包

and the jury at trial. For cases committed to the CFI for sentence, Public Prosecutors would prepare the paginated plea and sentence bundle and attend the sentencing hearing in the CFI. They would assist the sentencing judges in imposing sentences which are just and fair in all the circumstances of the case.

In 2024, 450 cases were committed to the CFI, of which 120 cases were committed for trial and 330 cases were committed for sentence upon pleas of guilty by the defendants. In addition, 2 indictments were filed pursuant to orders for retrial made by the appellate courts.

Significant cases heard in the CFI include:

- (1) *HKSAR v Cheung Wai-lun* [2024] HKCFI 2540, a 74-year-old man walking alone at Tung Chau Street, Sham Shui Po in the early hours of the day was suddenly stabbed in the chest by the defendant who was unknown to the victim prior to the incident. The victim suffered a severe wound to his chest but was fortunately rescued in a successful emergency operation. When cautioned, the defendant stated that he had randomly looked for a target to stab on the street in order to get imprisoned. The defendant pleaded guilty to “attempted murder” and was sentenced to 10 years and 10 months’ imprisonment.
- (2) *HKSAR v K.K.W.* [2024] HKCFI 2978, the defendant was charged with offences of “rape”, “incest”, “attempted rape”, “indecent assault” and “committing acts of gross indecency with a child under 16”. He had repeatedly molested and raped his own daughter who was only aged between 9 and 12 at the time of the offences. He was convicted of all counts by the jury after trial. Considering that the defendant had demonstrated no remorse and the need to mark the public abhorrence of his serious crimes, the judge imposed a total sentence of 17 years’ imprisonment on the defendant.
- (3) *HKSAR v Wong Chun-keung and 4 others* [2024] HKCFI 3416, the first case in Hong Kong in which offences under the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) were invoked for prosecution. The case related to a plot to kill police officers in which the conspirators planned to set up and ignite two bombs on Hennessy Road when police officers were drawn to the scene during a public procession on 8 December 2019. After the explosion, guns would be used to shoot and kill police officers. The plot was brought to a halt following the arrest of some of its key members in the early hours of 8 December 2019. The defendants were respectively charged with different offences, including

括“串謀犯對訂明標的之爆炸”罪、“串謀提供或籌集財產以作出恐怖主義行為”罪、“串謀謀殺”罪，以及“意圖危害生命而管有槍械及彈藥”罪。共有九名被告被定罪和判處監禁，最高刑期為 23 年 10 個月。

- (4) 在香港特別行政區訴文達仁 [2025] HKCFI 564 案中，被告從來不是一名註冊中醫或表列中醫，但仍數度為案中死者進行針灸治療，而被告最後一次為死者施針時，死者曾投訴無法呼吸，送院後當晚證實死亡。被告承認控罪，被裁定“誤殺”罪及“未經註冊作中醫執業”罪罪成，判監合共六年。

區域法院：分科三 第 2A 及 2B 組

分科三第 2A 及 2B 組的檢控官主要負責就區域法院處理的案件向執法機關提供法律指引。兩個組別就多種刑事罪行提供指引，包括欺詐和洗黑錢等商業罪行，以至販毒、意圖傷人和性罪行等嚴重罪行。兩個組別亦會處理嚴重交通意外所引致的罪行，因這類罪行的刑罰或會超出裁判法院的判刑上限。

除肩負提供法律指引的職責外，分科三第 2A 及 2B 組的檢控官還會為區域法院審理的案件準備案件審前工作。他們與執法機關及參與審訊的檢控官保持緊密聯繫，確保案件在審訊前得到妥善及充分的準備。兩個組別的檢控官也定期在答辯日出庭，協助區域法院訂定審訊、審前覆核及答辯和判刑聆訊的日期。檢控官會出席答辯和判刑聆訊，協助法官在判刑時準確掌握案情，從而向被告判處公平恰當的刑罰。他們亦會在區域法院出席審訊，並處理其後向上訴法庭及終審法院提出的上訴。

2024 年對兩個組別而言繼續是充滿挑戰的一年。兩個組別共接獲 2,238 宗需索取法律指引的案件。除了尚待進一步調查而未結案

“conspiracy to commit bombing of prescribed objects”, “conspiracy to provide or collect property to commit terrorist acts”, “conspiracy to murder” and “possession of arms and ammunition with intent to endanger life”. A total of nine defendants were convicted and sentenced up to 23 years and 10 months’ imprisonment.

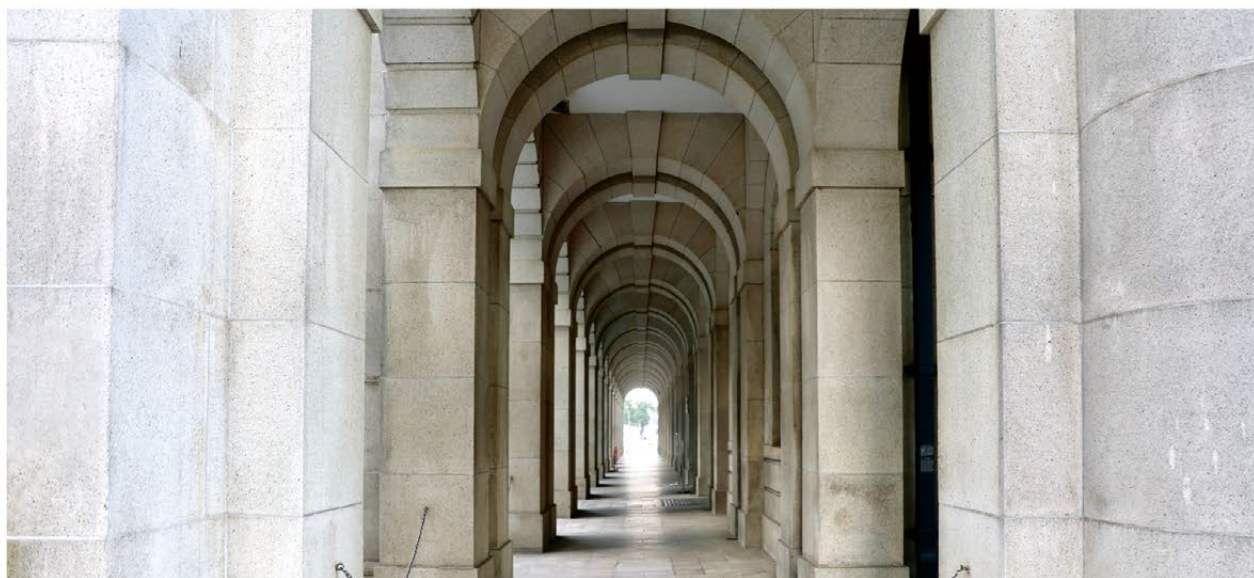
- (4) *HK SAR v Man Tat-yan* [2025] HKCFI 564, the defendant, who was never a registered Chinese medicine practitioner or a listed Chinese medicine practitioner, performed acupuncture treatment on the deceased on multiple occasions. On the last occasion when the defendant performed such treatment on the deceased, the deceased complained that she could not breathe and was sent to the hospital where she was certified dead on the same night. The defendant was convicted of “manslaughter” and “practicing Chinese medicine without registration” upon his guilty plea and was sentenced to a total term of six years’ imprisonment.

District Court: Sections III(2)(A) & (B)

Public Prosecutors in sections III(2)(A) and (B) are primarily responsible for providing legal advice to law enforcement agencies on cases to be dealt with in the DC. The sections advise on a variety of criminal offences ranging from commercial crimes such as fraud and money laundering to hard crimes such as drug trafficking, wounding with intent and sexual offences. The sections also deal with offences arising from serious traffic accidents which may attract sentences beyond the sentencing limits of the magistracy.

Apart from their advisory duties, Public Prosecutors in sections III(2)(A) and (B) conduct trial preparation for cases to be tried in the DC. They maintain close liaison with law enforcement agencies as well as trial prosecutors to make sure that cases are properly and sufficiently prepared for trial. Public Prosecutors in the two sections also regularly appear in the DC on plea days to assist the Court in the fixing of trial dates, pre-trial reviews and plea and sentence hearings. Public Prosecutors attend plea and sentence hearings to assist sentencing judges in grasping the facts of the case accurately and sentencing the defendants fairly and properly. They also prosecute trials in the DC and conduct subsequent appeals before the CA and the CFA.

The year of 2024 has continued to be a challenging year for the sections. The sections received a total of 2,238 cases for legal



的案件、建議在其他級別法院審理的案件及建議不予進行法律程序的案件外，2024 年共有 1,624 宗案件轉交區域法院處理。

以下是兩個組別的檢控官在 2024 年處理的一些重要和值得注意的案件：

(1) 在香港特別行政區 訴 趙詠茜及另二十人 [2024] HKDC 107、[2024] HKDC 1101、[2024] HKDC 1606、[2023] HKDC 1811 及 [2024] HKDC 1645-1652 案中，21 名被告被控共 160 項“看管兒童的人虐待或忽略兒童”罪。被告均在童樂居（香港保護兒童會轄下一間營運中心）任職幼兒工作員或幼兒工作助理。2021 年 12 月 17 日，香港保護兒童會接獲一名鄰近居民的電郵，指從睡房俯視童樂居的戶外操場，發現有童樂居職員在其戶外康樂設施襲擊兒童。經警方調查並翻查所得的閉路電視片段後，發現共有 407 宗虐兒事件，而大部分事件涉及上述 21 名被告。在 21 名被告中，19 名在認罪或經審訊後被裁定罪成。趙詠茜承認合共 54 項控罪，被裁定罪成和判處監禁五年四個月。

(2) 在香港特別行政區 訴 Shabbir Asim [2024] HKDC 2004 案中，被告被控一項“向年齡在 16 歲以下的兒童作出猥褻

advise. Apart from cases which were yet to be finalised pending further investigation, cases advised to be heard at other levels of court and cases advised not to be proceeded with, a total of 1,624 cases were transferred to the DC in the year of 2024.

The following are examples of some significant and notable cases handled by Public Prosecutors of these sections in 2024:

(1) *HKSAR v Chiu Wing-sin and 20 others* [2024] HKDC 107, [2024] HKDC 1101, [2024] HKDC 1606, [2023] HKDC 1811 and [2024] HKDC 1645-1652, 21 defendants were charged with a total of 160 counts of “ill-treatment or neglect of child by persons in charge of that child”. The defendants were either childcare workers or assistants at Children’s Residential Home (“CRH”), one of the operating centres under the Hong Kong Society for the Protection of Children (“HKSPC”). On 17 December 2021, the HKSPC received an email from a nearby resident whose bedroom overlooked the playground of CRH, alleging that some staff members of CRH were assaulting the children at its outdoor recreational facility. Upon investigation by the Police who reviewed the available CCTV footage, a total of 407 child abuse incidents were revealed and the said 21 defendants were respectively involved in the majority of those cases. Out of the 21 defendants, 19 were convicted either after trial or on their own pleas. Chiu Wing-sin, who was convicted of a total of 54 charges on her own pleas, was sentenced to five years and four months’ imprisonment.

(2) *HKSAR v Shabbir Asim* [2024] HKDC 2004, the defendant was charged with one count of “indecent conduct towards a child under 16”, two counts of “indecent assault” and one

行為”罪、兩項“猥褻侵犯”罪，以及一項“作出一項傾向並意圖妨礙司法公正的作為”罪。被告在 2017 年至 2021 年期間，多次非禮朋友當時年僅 7 至 11 歲的女兒。被告更威脅事主，如她向他人披露事件，便會殺死她的母親。被告經審訊後被裁定所有罪名成立，判監合共五年六個月。

- (3) 香港特別行政區 訴 張栢浩 [2024] HKDC 1069 案的被告為一名巴士迷，他在凌晨時分闖入九龍巴士公司兩個站長室，偷去多份巴士路線圖和巴士時間表。被告認罪後，被裁定兩項“入屋犯法”罪罪成，判監合共六個月。

- (4) 在香港特別行政區 訴 高衛健 [2024] HKDC 932 案中，被告被控一項“以欺騙手段取得財產”罪和四項“欺詐”罪。他用不同的偽名透過社交平台或親身接觸多名受害人，聲稱可協助受害人還清欠債，並慫恿他們購買金飾、開設銀行戶口及 / 或以他們的名義借貸。多名受害人把貴重財物、銀行卡和支票簿交予被告，但他沒有履行承諾為該些受害人還款。被告承認全部控罪，被裁定罪成和判處監禁合共一年七個月。

- (5) 在香港特別行政區 訴 C.Y.S. 及 W.Y.C. [2024] HKDC 1544 案中，事發時兩名被告育有兩名分別為兩歲和六歲的男童。他們於 2021 年 11 月 4 日深夜至翌日清晨期間，嘗試在兩名兒子睡覺時，在他們的寢室內燒炭自殺。兩人最後終止試圖自殺，而兩名男童沒有受傷或患病。事件是稍後在警員到達涉事單位查問並嗅到單位傳出燒炭氣味而被揭發的。兩名被告經審訊後被裁定“對所看管兒童虐待或忽略”罪罪成，判監九個月。

- (6) 在香港特別行政區 訴 郭展昇及另七人 [2024] HKDC 1520 及 [2024] HKDC 1762 案中，事發時為在職警務人員的八名被告被控“妨礙司法公正”罪、“藉公職作出不當行為”罪、“對他人

count of “doing an act tending and intended to pervert the course of public justice”. He had molested his friend’s daughter on numerous occasions between 2017 and 2021 when she was only aged between 7 and 11. The defendant further threatened to kill the complainant’s mother if the complainant disclosed the incidents to others. The defendant was convicted of all charges after trial and was sentenced to a total of five years and six months’ imprisonment.

- (3) *HKSAR v Cheung Pak-ho* [2024] HKDC 1069, the defendant was a bus enthusiast and trespassed into two Kowloon Motor Bus regulator offices in the small hours for stealing bus route maps and bus schedules. He was convicted of two counts of “burglary” upon his guilty pleas and was sentenced to a total of six months’ imprisonment.

- (4) *HKSAR v Ko Wai-kin* [2024] HKDC 932, the defendant was charged with one count of “obtaining property by deception” and four counts of “fraud”. He had approached the victims via social media platforms or in person using false names, claiming that he could help the victims clear their outstanding debts and urging the victims to buy gold accessories, open bank accounts and/or obtain loans in their names. The valuables, bank cards and cheque books were given to the defendant but he did not repay the victims as promised. He was convicted of all charges upon his own plea and was sentenced to a total term of one year and seven months’ imprisonment.

- (5) *HKSAR v C.Y.S. and W.Y.C.* [2024] HKDC 1544, the two defendants were the parents of two boys aged two and six respectively at the time of the incident. Between the late night of 4 November 2021 and the morning of the next day, they tried to commit suicide by burning charcoal in their bedroom where their sons were sleeping. They eventually desisted from the attempt and no injury or illness was sustained by the two boys. The incident was unveiled when the Police later attended the flat for enquiry and noticed the smell of burnt charcoal inside the flat. The defendants were both convicted after trial of “ill-treatment or neglect of children by persons in charge of those children” and were sentenced to nine months’ imprisonment.

- (6) *HKSAR v Kwok Chin-sing and 7 others* [2024] HKDC 1520 and [2024] HKDC 1762, the eight defendants were serving police officers at the time of the incident and were charged with offences of “perverting the course of public justice”, “misconduct in public office”, “inflicting grievous bodily

身體加以嚴重傷害”罪及“刑事損壞”罪。該案涉及眾被告分別於兩天在深水埗通州街公園虐待兩名露宿者。2020年2月4日，其中兩名被告意圖遮蓋閉路電視，以防止眾被告在案發現場的行為被攝錄。另外三名被告其後在其警員記事冊及／或證人供詞作出虛假記錄，指一名露宿者管有危險藥物，但有關記錄與設於案發現場附近的閉路電視所攝錄的片段不符。兩名被告後來成功遮蓋閉路電視，阻止案發現場情況被攝錄。案中其中六名被告經審訊後被裁定有關控罪罪成和判處監禁，最高刑期為三年五個月。

harm” and “criminal damage”. The case concerned the maltreatment of two street sleepers by the defendants at Tung Chau Street Park in Sham Shui Po on two days. On 4 February 2020, two of the defendants attempted to cover up a CCTV camera to prevent it from capturing the defendants’ actions at the scene. Three other defendants then falsely made a record in their police notebooks and/or witness statements that a street sleeper was in possession of dangerous drugs, contrary to what was captured by the CCTV camera installed nearby. Two defendants later successfully covered up the CCTV camera to prevent it from capturing what was to happen at the scene. Six of the defendants were convicted after trial of their respective charges and were sentenced to imprisonment of up to three years and five months.

上訴法庭和終審法院審理的上訴案件

Appeals before the CA and the CFA

除上述六個組別的職務外，本分科的檢控官也負責處理所有由區域法院和原訟法庭的檢控所衍生並提交上訴法庭及終審法院審理的上訴案件（由其他分科處理涉及商業罪行和科技罪行的案件除外）。上訴法庭審理的事宜包括被告就下級法院的定罪及／或所判處的刑罰提出的上訴及上訴許可申請。2024年，由被定罪的被告提出的上訴申請有282宗，其中116宗被駁回，32宗獲判得直，134宗由被告放棄上訴。

Apart from the responsibilities of the six sections mentioned above, Public Prosecutors in the Sub-division are also responsible for overseeing all appeal cases heard in the CA and the CFA arising from prosecutions in the DC and the CFI, other than cases involving commercial crimes and technology crimes which are handled by other Sub-divisions. Matters heard in the CA included appeals and applications for leave to appeal lodged by defendants against their convictions and/or sentences from the lower courts. In 2024, 282 appeal applications were brought by the convicted defendants, of which 116 were dismissed, 32 were allowed and 134 were abandoned.

就區域法院裁定被告無罪的案件而言，檢控官會適時考慮控方應否根據《區域法院條例》（第336章）第84條，以案件呈述方式提出上訴。只有經過慎重考慮案件的所有情況後，以及在無罪裁定涉及錯誤的法律觀點或裁定屬有悖常情（即合理的事實裁斷者按照案情不會作出如此裁決）的情況下，才會決定以案件呈述方式提出上訴。

In cases where the defendant is acquitted in the DC, Public Prosecutors would promptly consider whether or not an appeal should be lodged by the Prosecution by way of case stated under section 84 of the District Court Ordinance (Cap. 336). Decisions to appeal by way of case stated are taken only after careful consideration of all the circumstances of the case, and only where an acquittal involves an erroneous point of law, or is one that is perverse in the sense that no reasonable tribunal of fact would have reached the same conclusion, will an appeal by way of case stated be pursued.

此外，六個組別的檢控官也會考慮原訟法庭或區域法院所判處的刑罰是否合適，以及應否根據《刑事訴訟程序條例》（第221章）第81A條向上訴法庭提出覆核刑罰申請。如同以案件呈述方式提出上訴的決定，只有經過慎重考慮案件的所有情況後，在

Besides, Public Prosecutors in the six sections also consider the appropriateness of sentences passed in the CFI or the DC and whether or not an application for review of sentence should be made to the CA under section 81A of the Criminal Procedure Ordinance (Cap. 221). Similar to decisions to appeal by way of case stated, decisions to lodge applications for review of



認為刑罰有原則上錯誤及 / 或明顯不足或過重的情況下，才會決定申請覆核刑罰。

2024 年，律政司司長共提出四宗覆核刑罰申請。該四宗申請均屬區域法院案件，其中兩宗在年內由上訴法庭審理，均獲判得直。

有些案件涉及具有重大而廣泛的重要性的法律論點，或曾有實質及嚴重的不公平情況，因而需由終審法院考慮下級法院的裁決。2024 年，在區域法院及原訟法庭被定罪的被告向終審法院提出的上訴許可申請有 71 宗，其中七宗獲批上訴許可。在 2024 年裁決的上訴案件中，有六宗獲終審法院判處得直，另有兩宗被駁回。

以下是一些值得注意的案件：

- (1) 在律政司司長 訴 陳皓傑 [2024] 6 HKC 641 案中，答辯人就兩宗涉及欺詐保釋金的電話詐騙案承認一項“串謀詐騙”罪及一項“洗黑錢”罪，案中騙徒向年長的受害人訛稱他們的兒子被捕並需要保釋金。判刑法官判處答辯人監禁合共兩年兩個月。律政司司長以法庭判刑明

sentence are only taken after careful consideration of all the circumstances of the case. Such applications will only be made where it is considered that a sentence is wrong in principle and/or manifestly inadequate or excessive.

In 2024, a total of four applications for review of sentence were lodged by the Secretary for Justice. All four applications were arising from the DC. Two of those applications were heard by the CA within that year and both were allowed.

There are cases involving points of law of great and general importance, or where substantial and grave injustice has been done, which require consideration by the CFA of the decisions of the lower courts. In 2024, 71 applications for leave to appeal were brought by convicted defendants in the DC and the CFI to the CFA, in which leave to appeal was granted in seven cases. For appeals decided in 2024, six appeals were allowed by the CFA and two appeals were dismissed.

Below are some notable cases:

- (1) *Secretary for Justice v Chan Ho-kit* [2024] 6 HKC 641, the respondent pleaded guilty to one count of “conspiracy to defraud” and one count of “money laundering” for two telephone deception offences involving bail money scams in which the fraudsters falsely represented to the elderly victims that their sons were arrested and needed money for bail. He was sentenced to a total term of two years

顯不足及原則上錯誤為由，申請覆核刑罰。鑑於這類電話詐騙顯然旨在利用受害人急於幫助親人的心理，令受害人深感恐慌，上訴法庭批准律政司司長的申請，並裁定“串謀詐騙”罪的適當量刑起點為監禁四年。另外，鑑於答辯人顯然對所涉的電話詐騙並非只有粗略的理解，上訴法庭也裁定“洗黑錢”罪的適當量刑起點為監禁三年。因此，上訴法庭改判答辯人監禁四年。

- (2) 在香港特別行政區 訴 詹心榮 (2024) 27 HKCFAR 332 案中，上訴人被裁定兩項“謀殺”罪及兩項“意圖造成身體嚴重傷害而射擊”罪罪成。案中被告安排家人共進午膳以討論已故外婆的遺產分配事宜，之後邀請多名家人前往鄰近公園，繼而用手槍擊斃其中兩人和射傷另外兩人。在審訊期間，她就兩項“謀殺”罪提出因神志失常而減責的免責辯護。陪審團裁定她的所有罪名成立，上訴法庭也駁回她就定罪提出的上訴許可申請。她獲批許可就以下法律問題向終審法院提出上訴：《殺人罪行條例》(第339章)第3(2)條對上訴人施加法律責任，要求她根據相對可能性的衡量準則證明自己當時受減責神志失常影響，是否不合理地減損上訴人的無罪推定權利？終審法院一致駁回上訴人的上訴，並裁定該條例第3(2)條沒有觸及或減損無罪推定原則，因為上訴人引用該項免責辯護時並非假定無罪的人。

- (3) 在香港特別行政區 訴 李名豪 [2024] 1 HKLRD 1186 案中，上訴法庭就販毒罪行的量刑原則進行全面檢討。繼在香港特別行政區 訴 Herry Jane Yusuph [2021] 1 HKLRD 290 案中訂立經修訂的量刑方式(該方式明顯更着重評估犯案者的角色及罪責)後，法庭進一步檢討在香港特別行政區 訴 Abdallah [2009] 2 HKLRD 437 及香港特別行政區 訴 鍾炳焜 [2014] 6 HKC 106 案中所闡述的量刑方式是否仍然有效。上訴法庭指出六個與 Abdallah 一案所述的量刑方式相關

and two months' imprisonment by the sentencing judge. The Secretary for Justice made an application for review of sentence on the basis that the sentence imposed was manifestly inadequate and wrong in principle. The CA allowed the Secretary's application and held that a starting point of four years' imprisonment would be appropriate for the charge of "conspiracy to defraud" given that such telephone deception was clearly aimed at exploiting the victims' urge to help their relatives and putting them in great fear. The Court also held that a starting point of three years' imprisonment was appropriate for the "money laundering" charge given that the respondent clearly had more than a sketchy understanding of the telephone deception involved. Accordingly, the Court substituted a sentence of four years' imprisonment.

- (2) *HKSAR v Tsim Sum-kit, Ada* (2024) 27 HKCFAR 332, the appellant was convicted of two counts of "murder" and two counts of "shooting with intent to do grievous bodily harm". After a family lunch arranged to discuss the division of her late grandmother's estate, the defendant invited various family members to a nearby park. She then killed two of them and wounded two others with a pistol. At trial, she raised the defence of diminished responsibility to the "murder" counts. She was convicted by the jury on all counts and her application for leave to appeal against conviction was dismissed by the CA. She was granted leave to appeal to the CFA on the legal question of whether section 3(2) of the Homicide Ordinance (Cap. 339) unjustifiably derogated from the appellant's right of presumption of innocence by placing a legal burden on the appellant to establish, on a balance of probabilities, that she was suffering from diminished responsibility. The CFA unanimously dismissed the appellant's appeal and concluded that section 3(2) of the Ordinance did not engage or derogate from the presumption of innocence as the appellant was not someone presumed innocent at the point when she invoked the defence.
- (3) *HKSAR v Lee Ming-ho* [2024] 1 HKLRD 1186, the CA conducted a comprehensive review of the sentencing principles for drug trafficking offences. Following the introduction of the revised sentencing approach in *HKSAR v Herry Jane Yusuph* [2021] 1 HKLRD 290 which places significantly more emphasis on an assessment of the offender's role and culpability, the Court further reviewed whether the sentencing approach enunciated in *HKSAR v Abdallah* [2009] 2 HKLRD 437 and

的主要問題，並提出經修訂的量刑方式。這項判決補充了上訴法庭在 *Herry Jane Yusuph* 案中的判詞，並應與該判詞一併閱讀。雖然量刑方式有變，但法庭明確表示不預期這項判決會導致刑罰上訴湧現。

- (4) 在香港特別行政區 訴 張祺忠 [2025] 1 HKLRD 481 案中，上訴人是本港一所大學的工程學院副教授。他用一段電線纏繞其妻子的頸部，把她勒斃。上訴人在審訊時承認殺害死者，但依據他被激怒及因神志失常而減責作為局部免責辯護，並傳召兩名精神科醫生及一名心理學家以支持該等辯護。控方沒有援引專家證據來反駁該等局部免責辯護，但依據上訴人在殺人之前、期間和之後的行為，證明該案既非關乎被激怒，亦非關乎因神志失常而減責。上訴法庭審視了因神志失常而減責這項免責辯護的元素、即使辯方援引的精神科專家證據沒有被反駁，仍可妥為撤回謀殺控罪而不讓陪審團考慮的情況的罕見性、法官就“大為減輕”向陪審團作出的指示、以及關於“大為減輕”這個爭議點的心理學家證據的可呈堂性。法庭裁定，法官指示陪審團在考慮因神志失常而減責時無須理會心理學家證據，構成重大的不當之處，使有關上訴人的審訊變得不公平，因而下令重審。

HKSAR v Chung Ping-kun [2014] 6 HKC 106 remained valid. The CA identified six essential problems associated with the approach promulgated in *Abdallah* and proposed a revised sentencing approach. This judgment complements what the CA has said in *Herry Jane Yusuph*, and should be read in conjunction with it. Notwithstanding the change in sentencing approach, the Court expressly stated that it does not expect a floodgate of sentence appeals as a result of this judgment.

- (4) *HKSAR v Cheung Kie-chung* [2025] 1 HKLRD 481, the appellant was an Associate Professor in the Faculty of Engineering at a local university. He killed his wife by encircling her neck with a length of electric wire. At trial, the appellant admitted killing the deceased but relied on the partial defences of provocation and diminished responsibility, calling two psychiatrists and a psychologist in support of those defences. The Prosecution did not adduce expert evidence to rebut those partial defences but relied on the appellant's conduct before, during and after the killing to prove that it was neither a case of provocation nor diminished responsibility. The CA addressed the elements of the defence of diminished responsibility, the rarity of cases where the charge of murder may properly be withdrawn from the jury even when the psychiatric evidence adduced by the Defence is uncontradicted, the direction to the jury on "substantial impairment" and the admissibility of psychological evidence on the issue of "substantial impairment". The Court held that the judge's direction to the jury to ignore the psychological evidence when considering diminished responsibility constituted a material irregularity and rendered the appellant's trial unfair. A retrial was ordered.



分科四 (商業罪案)

Sub-division IV (Commercial Crime)

在 2024 年 9 月發布的第 36 期《全球金融中心指數》報告中，香港位居全球第三位。香港得以鞏固國際金融中心的地位，全賴有效檢控各種白領罪行。分科四包括兩個商業罪案法律指引組和兩個廉政公署法律指引組，致力打擊商業罪案和貪污，這些罪行不少屬跨國或複雜性質。本分科專責就罪案的審訊和上訴提供法律指引和作出檢控，所涉罪行包括商業詐騙、洗黑錢（《有組織及嚴重罪行條例》（第 455 章））、行賄貪污（《防止賄賂條例》（第 201 章）及公職人員行為失當）、選舉不當行為（《選舉（舞弊及非法行為）條例》（第 554 章））、市場失當行為（《證券及期貨條例》（第 571 章））、保險業失當行為（《保險業條例》（第 41 章））和稅務詐騙（《稅務條例》（第 112 章））。

本分科與多個執法機關緊密合作，包括香港警務處（特別是商業罪案調查科和財富情報及調查科）、廉政公署、證券及期貨事務監察委員會（證監會）、保險業監管局（保監局）及稅務局。2024 年，本分科繼續加快檢控涉及使用傀儡戶口處理犯罪得益的“洗黑錢”案件，並在適當情況下尋求加重刑罰，確保對同類案件起足夠的阻嚇作用（例如香港特別行政區訴 *Yu Tsz-sang* [2024] HKDC 2093 及香港特別行政區訴 *Cheung Kwan-po* [2024] HKDC 2039 等）。

本分科就多項事宜提供法律指引，例如是否有充分證據提出檢控；如證據充分，便就適當的控罪和進行審訊的法院等範疇提供法律指引，一切以《檢控守則》為依歸。分科律師會在可行情況下處理按分科指引進行審訊的檢控工作，但部分案件或會委託具相關專長的外判律師處理。分科律師會密切監察審訊結果，在需要時負責提出上訴和覆核，並就該等上訴和覆核進行檢控和訟辯。

2024 年，分科四共有 30 名律師，並設有四個組別，即分科四第 1A 組、第 1B 組、第 2A 組及第 2B 組。首兩組就警方（主要為商業罪案調查科和財富情報及調查科，但也包括警方其他單位）調查的案件提供法律指

Hong Kong ranked third globally in the Global Financial Centres Index 36 Report published in September 2024. Hong Kong's status as an international financial centre is upheld by the effective prosecution of various white-collar crimes. Sub-division IV, which includes two Commercial Crime Advisory Sections and two ICAC Advisory Sections, is dedicated to combatting commercial crime and corruption. Many of these offences are transnational or sophisticated in nature. This Sub-division specialises in advising on and prosecuting the trials and appeals for crimes such as commercial deception, misconduct in public office, money laundering under the Organized and Serious Crimes Ordinance (Cap. 455), bribery and corruption under the Prevention of Bribery Ordinance (Cap. 201), election misconduct under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), market misconduct under the Securities and Futures Ordinance (Cap. 571), insurance industry misconduct under the Insurance Ordinance (Cap. 41), and revenue fraud under the Inland Revenue Ordinance (Cap. 112).

The Sub-division collaborates closely with various law enforcement agencies, including the Hong Kong Police Force (particularly the Commercial Crime Bureau (“CCB”) and the Financial Intelligence and Investigation Bureau (“FIIB”)), the Independent Commission Against Corruption (“ICAC”), the Securities and Futures Commission (“SFC”), the Insurance Authority (“IA”) and the Inland Revenue Department (“IRD”). In 2024, the Sub-division continued to expedite prosecution of money laundering involving stooge accounts, seeking enhanced sentence where appropriate to ensure effective deterrence of similar cases (see for example, *HKSAR v Yu Tsz-sang* [2024] HKDC 2093 and *HKSAR v Cheung Kwan-po* [2024] HKDC 2039).

Legal advice of the Sub-division encompasses issues such as the sufficiency of evidence for prosecution, and, if so, the appropriate charge(s) and the venue of trial, all in accordance with the Prosecution Code. Whenever feasible, counsel will prosecute trials arising from advice of the Sub-division; however, some cases may be briefed out to specialised fiat counsel. Counsel of the Sub-division diligently monitor trial outcomes and are responsible for initiating, prosecuting and arguing the appeals and reviews when warranted.

In 2024, Sub-division IV consisted of 30 counsel organized into four sections: Sections IV(1)(A), IV(1)(B), IV(2)(A) and IV(2)(B). The first two sections advise on cases investigated by the Police, mainly the CCB and FIIB but also other formations of the Police. Section IV(1)(B) additionally advises the IA, IRD, and SFC on cases investigated by them. Sections IV(2)(A) and IV(2)(B) provide advice

引，而第 1B 組同時就保監局、稅務局及證監會調查的案件提供法律指引。第 2A 組及第 2B 組就廉政公署調查的案件提供法律指引，前者集中處理涉及公營機構貪污和選舉罪行的案件，而後者則負責私營機構貪污案件。分科律師在 2024 年曾提供 3,475 項書面和口頭法律指引，出庭日數共 1,330.5 日。下文載述各組別在年內處理的一些案件。

分科四第 1A 組— 商業罪案 (A)

在香港特別行政區 訴 孫健榮 [2024] HKCFI 1805 案中，被告承認兩項“洗黑錢”罪，被裁定罪成和判處監禁 10 年。被告是一家瑞士私人銀行的聯席董事，於 2016 年 6 月至 2018 年 6 月期間向客戶訛稱他能協助客戶從內地轉撥資金來港，誘使他們把約港幣 1.3 億元存入其指定帳戶，然後挪用該筆資金。判刑法庭強調由於案件涉及巨額款項，且被告知悉該筆資金的非法性質，因此必須判處具阻嚇性的刑罰。

在香港特別行政區 訴 李寶麗 [2025] HKCFI 1252 案中，被告承認 31 項“盜竊”罪。被告在 2020 年 6 月至 2021 年 5 月受僱於 18 家不同的公司期間，藉冒認簽署或竄改公司支票的收款人資料盜取合共約港幣 900 萬元。此外，她承認兩項“以欺騙手段取得金錢利益”罪，在其兩份工作申請中虛報資料。另外，她承認兩項“以欺騙手段取得財產”罪及一項“使用他人身分證”罪，盜取同事的信用卡和身份證，然後使用盜取的信用卡購買首飾和手提電話，以及使用盜取的身分證預訂酒店房間以避開警方的偵查。原訟法庭判處被告監禁六年八個月。

在香港特別行政區 訴 潘焯鉉及另三人 [2024] HKDC 300 案中，一個集團的成員冒充銀行職員，通過非應邀營銷電話或 WhatsApp 信息欺騙受害人，誘使他們支付費用以取得據稱的低息貸款。部分據稱的

to the ICAC, focusing on public sector corruption and electoral crimes, and private sector corruption respectively. During the year, counsel of the Sub-division gave 3,475 written and oral advice and attended Court for a total of 1,330.5 Court days. Below are some of the cases handled by each section in 2024.

Section IV(1)(A) – Commercial Crime (A)

In *HKSAR v Suen Kin-wing* [2024] HKCFI 1805, the defendant was convicted upon his own pleas of two counts of “money laundering” and sentenced to 10 years’ imprisonment. Between June 2016 and June 2018, the defendant, an associate director of a Swiss private bank, falsely represented to clients that he could facilitate the transfer of funds from Mainland China to Hong Kong and induced them to deposit approximately HK\$130 million into his designated accounts. He then misappropriated the funds. The sentencing Court emphasised that a deterrent sentence was warranted due to the substantial amount involved and the defendant’s knowledge of the illicit nature of the funds.

In *HKSAR v Li Po-lai* [2025] HKCFI 1252, the defendant pleaded guilty to 31 counts of “theft”. From June 2020 to May 2021, while employed at 18 different companies, the defendant forged signatures or altered the details of payees on those companies’ cheques, thereby stealing a total of around HK\$9 million. Additionally, she pleaded guilty to two counts of “obtaining pecuniary advantage by deception” for providing false information in her two job applications. Furthermore, she pleaded guilty to two counts of “obtaining property by deception”, and one count of “using an identity card relating to another person” for stealing the credit card and identity card belonging to a colleague and then using the stolen credit card to purchase jewellery and mobile phones and using the stolen identity card to book a hotel room in order to avoid police’s detection. The Court of First Instance sentenced her to six years and eight months’ imprisonment.

In *HKSAR v Pun Cheuk-wang and 2 others* [2024] HKDC 300, a syndicate posing as bank staff deceived victims through cold calls or WhatsApp messages, tricking them into paying fees for obtaining purported low-interest loans. Some of the purported loan applications were processed by fictitious law firms, resulting in a total loss of HK\$1,822,000 for the victims. D1 impersonated a lawyer at two of the bogus law firms and faced five counts of “conspiracy to defraud”. D2 defrauded one of the victims and faced one count of “conspiracy to defraud”. The syndicate also used the bank accounts of D2 and D3 to launder approximately



貸款申請由虛假的律師行處理，導致受害人損失合共港幣 1,822,000 元。第一被告冒認其中兩間虛假律師行的律師，被控五項“串謀欺詐”罪。第二被告詐騙其中一名受害人，被控一項“串謀欺詐”罪。該集團也利用第二和第三被告的銀行帳戶清洗受害人的被騙金錢，約港幣 320 萬元；因此，第二被告被控七項控罪，而第三被告被控一項“洗黑錢”罪。法院接納該集團的詐騙計劃是埋沒良心的騙案，須判處阻嚇性刑罰。三名被告全部認罪，第一被告因在該等騙局中扮演關鍵角色，被判監禁 42 個月，而第二和第三被告分別被判監禁 34 個月及 8 個月。

分科四第 1B 組一 商業罪案 (B)

在香港特別行政區 訴 曾耀光 [2024] HKCA 1062 案中，上訴人（第二被告）利用名下三個個人帳戶清洗達港幣 1,259 萬元的總款項，經審訊後被裁定三項“洗黑錢”罪罪成，判監三年九個月。第二被告在上訴時辯稱，判刑法官錯誤地重複計算該三個帳戶之間的跨行轉帳，並指量刑應以港幣 800 萬元的淨款項計算。上訴法庭裁定，上述的跨行轉帳構成“多層化”操作，因而加重罪責。法庭認同答辯人提出的量刑方法，即 (1) 先根據該淨款項釐定刑期，然後再把刑期上調，從而反映“多層化”操作的嚴重

HK\$3.2 million of the victims' money; thus, D2 faced seven counts, and D3 faced one count of “money laundering”. The Court acknowledged that the syndicate's fraudulent scheme was a heartless scam which called for deterrent sentences. All three defendants pleaded guilty: D1 received 42 months' imprisonment for his key role in the scams, while D2 and D3 were sentenced to 34 months' and 8 months' imprisonment respectively.

Section IV(1)(B) – Commercial Crime (B)

In *HKSAR v Tsang Yiu-kong* [2024] HKCA 1062, the appellant (D2) was convicted after trial of three counts of “money laundering” involving his three personal accounts, laundering a gross amount of HK\$12.59 million. He was sentenced to three years and nine months' imprisonment. On appeal, D2 contended that the sentencing judge erred by double-counting the inter-bank transfers between those three accounts, and the net amount of HK\$8 million should have been considered for sentencing. The Court of Appeal held that those inter-bank transfers constituted “layering” which warrants an increased culpability. The Court endorsed the sentencing approaches proposed by the respondent, namely, (1) basing the sentence on the net amount and adjusting it upwards to reflect the seriousness of “layering”, or (2) basing the sentence on the gross amount and adjusting the sentence downwards for a proportionate sentence that accurately reflects the criminality of the offence. That said, in this case, given that D2's co-defendant (D3) who dealt with HK\$8.13 million was given an unduly low starting point of three years and six months' imprisonment, in order to avoid disparity of sentence, the Court of Appeal adopted a reduced starting point of three years and nine months' imprisonment for the appellant.

In *HKSAR v Fung Kai-sun* FLCC 861/2024 and *HKSAR v So Wai-ming* FLCC 886/2024, the defendants, acting as stooge account holders, laundered HK\$2.54 million and HK\$3.1 million respectively. They pleaded guilty to their “money laundering” charges and were sentenced to 11 months' and 12 months' imprisonment respectively. The sentencing magistrate dismissed the Prosecution's applications for review of the sentences on the basis that the sentences passed were manifestly inadequate and/or wrong in principle. These two cases are now being taken further to the Court of Appeal for reviewing the sentences.

In *HKSAR v Ng Tsz-nok* [2024] HKDC 42, the defendant, aged 20 years at the time of sentencing, was sentenced to four years' imprisonment upon conviction on his own pleas of 30 counts of “fraud”. He deceived 30 victims by impersonating bank staff

程度；或 (2) 先根據該總款項釐定刑期，然後再把刑期下調，從而得出既相稱又能準確反映刑責的刑期。儘管如此，就本案而言，原審法官曾就第二被告的同案被告（第三被告）處理港幣 813 萬元而對其定了過低的量刑起點（即監禁三年六個月），為免刑期不一，上訴法庭把上訴人的量刑起點調低至監禁三年九個月。

在香港特別行政區 訴馮啟榮 FLCC 861/2024 及香港特別行政區 訴蘇偉明 FLCC 886/2024 案中，被告以傀儡帳戶持有人的身分，分別清洗港幣 254 萬元及港幣 310 萬元。他們承認“洗黑錢”控罪，分別被判監禁 11 個月及 12 個月。判刑裁判官駁回控方以判刑明顯不足及／或原則上有錯為由提出的覆核刑罰申請。兩宗案件現正進一步提交上訴法庭覆核刑罰。

在香港特別行政區 訴吳子諾 [2024] HKDC 42 案中，判刑時 20 歲的被告承認 30 項“欺詐”罪，被裁定罪成和判處監禁四年。他冒充銀行職員，並通過非應邀營銷電話及文字信息欺騙 30 名受害人，游說他們透露流動支付服務的一次性驗證碼及密碼，從而盜取約港幣 66 萬元。在被告多部手提電話內找到的證據與致電受害人所用的電話號碼吻合，被告的電腦也載有部分受害人的資料及交易記錄。

在香港特別行政區 訴 Avelino Kristine Annette Discher [2024] HKDC 40 案中，被告承認兩項“盜竊”罪。她在 2009 至 2017 年受僱於兩家受害公司並擔任簿記員及辦公室經理，負責準備待批核的支票，其間她竄改僱主的 194 張支票，盜用約港幣 573 萬元。基於這是一宗違反誠信的案件，法庭判處被告監禁 44 個月。

在香港特別行政區 訴李凱斌 [2024] HKDC 297 案中，被告承認兩項“欺詐”罪。受害人受非應邀營銷電話中聲稱提供的虛假低息貸款吸引，誘使他們支付據稱的保險或會員費用，作為取得虛假貸款的先決條件。該欺詐案涉及使用偽造文件，以及被告假

through cold calls and text messages, persuading them to reveal their one-time passcodes and passwords for mobile payment services, resulting in the theft of approximately HK\$660,000. The evidence found on the defendant's mobile phones matched with the phone numbers used in calling the victims and the defendant's computer contained some victims' information and transaction records.

In *HKSAR v Avelino Kristine Annette Discher* [2024] HKDC 40, the defendant pleaded guilty to two counts of “theft” for altering 194 cheques of her employers and embezzling approximately HK\$5.73 million between 2009 and 2017 while employed as a bookkeeper and office manager for the two victim companies and was responsible for preparing cheques for approval. As this was a breach of trust case, the Court sentenced her to 44 months' imprisonment.

In *HKSAR v Li Hoi-pan* [2024] HKDC 297, the defendant pleaded guilty to two counts of “fraud”. The victims were lured by cold calls with bogus low-interest loans and induced into paying money for purported insurance or membership as prerequisites for obtaining the fictitious loans. The fraud involved the use of forged documents and a bogus loan intermediary office, where the defendant posed as a staff and met the victims. Two victims suffered losses totalling HK\$700,000. In sentencing the defendant to 26 months' imprisonment, the Court emphasised that the seriousness of the defendant's offending lies in the potential future losses had he not been apprehended promptly.

In *HKSAR v Ting Jenny (formerly known as Ting Hak-chun)* [2024] HKDC 635, the defendant, a licensed property agent owning a property agency business, was the registered owner of 10 properties who failed to report rental income or over-claimed home loan interest with an aggregate amount of HK\$4,616,245 between the years of assessment 2008/2009 and 2015/2016. She pleaded guilty to 11 counts of “evasion of tax with wilful intent” and one count of “without reasonable excuse making an incorrect return”. Full repayment of the total undercharged tax of HK\$536,630 was made. In sentencing the defendant to seven months' imprisonment and a fine of HK\$240,000, the Court reiterated that deliberate fraud against the IRD is a serious matter which affects the community at large.

Section IV(2)(A) – ICAC (A) / Public Sector

In *HKSAR v Yeung King-lun & others* [2024] HKDC 2107 (see also [2022] HKDC 429), two assistant officers of the Correctional

扮職員在一間偽冒貸款中介辦公室與受害人會面。兩名受害人損失合共港幣 70 萬元。法庭判處被告監禁 26 個月時強調，若非被告及時被捕，日後可能會造成損失，因此被告的罪行性質嚴重。

在香港特別行政區 訴 丁珍妮 (前稱丁克珍) [2024] HKDC 635 案中，被告人是擁有一項地產代理業務的持牌地產代理，也是 10 個物業的註冊業主。她在 2008/2009 至 2015/2016 課稅年度沒有填報租金收入或申報過多的居所貸款利息，總額為港幣 4,616,245 元。她承認 11 項“蓄意意圖逃稅”罪及一項“無合理辯解而漏報或少報《稅務條例》規定須申報的資料”罪，並已悉數償還合共港幣 536,630 元的少徵稅款。法庭判處被告監禁七個月和罰款港幣 24 萬元時重申，蓄意詐騙稅務局是嚴重事宜，影響整個社會。

分科四第 2A 組一 廉政公署 (A) / 公營機構

在香港特別行政區 訴 楊敬倫及其他人 [2024] HKDC 2107 (另見 [2022] HKDC 429) 案中，兩名懲教署的懲教助理 (第一和第二被告) 各被控一項“串謀犯藉公職作出不當行為”罪。第一被告與一名在囚人士 (第三被告) 串謀，第二被告則與三名在囚人士 (第三至第五被告) 串謀。第一被告縱容第三被告在未經授權下於獄中管有和使用手提電話，而第二被告代在囚的第三被告致電服務熱線，以協助第三被告改善在獄中的信號接收情況。第二被告認罪後被裁定罪名成立，判處監禁七個月；[2022] HKDC 429。第一被告經審訊後被裁定罪名成立。第一、第三和第四被告分別被判處監禁 18 個月、24 個月和 9 個月。

在香港特別行政區 訴 林卓廷 [2024] HKCFA 18 案中，廉政公署就 2019 年 7 月 21 日在元朗西鐵站發生的事件與時任立法會議員

Services Department, D1 and D2, each faced one count of “conspiracy to commit misconduct in public office”. D1 conspired with an inmate (D3) while D2 with three inmates (D3 to D5). D1 connived in the unauthorised possession and use of mobile phone by D3 in a prison, and D2 assisted by calling a service hotline on behalf of the inmate to improve D3’s signal reception in prison. D2 had previously been sentenced to seven months’ imprisonment upon conviction on his own plea: [2022] HKDC 429. D1 was convicted after trial. D1, D3 and D4 were respectively sentenced to 18 months’, 24 months’ and 9 months’ imprisonment.

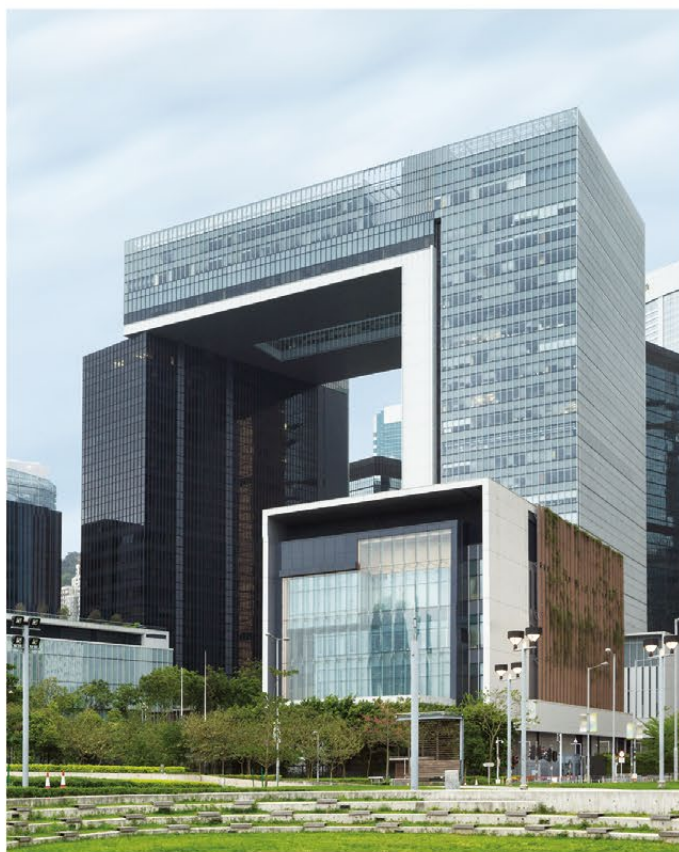
In *HKSAR v Lam Cheuk-ting* [2024] HKCFA 18, the ICAC interviewed the appellant, then a member of the Legislative Council, as a witness regarding an incident on 21 July 2019 at Yuen Long West Rail Station. The ICAC informed him that it was investigating a police officer (“Yau”) for offences under Part II of the Prevention of Bribery Ordinance (Cap. 201) (“POBO”) and the common law offence of “misconduct in public office”. He was warned about the offence under section 30 of the POBO concerning the disclosure of identities of persons being investigated. Shortly after, on three separate occasions the appellant publicly announced that the ICAC was investigating Yau for “misconduct in public office” in relation to the incident. The appellant was convicted after trial of three counts of “disclosing the identity of a person being investigated” under section 30(1)(b) of the POBO. On appeal, the Court of First Instance quashed the convictions on the ground, inter alia, that section 30(1)(b) did not prohibit the disclosure of identity and other information relating to an investigation concerning “misconduct in public office”. The Court of Final Appeal granted the Prosecution’s application for leave to appeal on a certified point of law of great and general importance, namely that having regard to the clear legislative intent behind the section 30 offence of protecting the integrity of ICAC investigations, whether an offence under section 30(1)(b) is committed when a person discloses the identity of a subject person by claiming that the subject person is being investigated by the ICAC of an offence not under Part II of the POBO whilst knowing that the ICAC is indeed investigating the subject person for an offence under Part II of the POBO. The final appeal was heard in 2025.

HKSAR v Wong Man-ho WKCC 3137/2023, the defendant, a resident doctor of the Hospital Authority, pleaded guilty to “fraud”, and was sentenced to a community service order of 160 hours for cheating remuneration on multiple occasions between 2017 and 2019 by either shirking his normal duty time to provide

兼身為證人的上訴人會面。廉政公署告知上訴人，該署正就《防止賄賂條例》(第201章)第II部所訂罪行及普通法中的“公職人員行為失當罪”調查一名警務人員(游氏)，並提醒上訴人注意《防止賄賂條例》第30條所訂有關披露受調查人身分的罪行。不久之後，上訴人在三個不同場合公開表示，廉政公署正調查游氏是否在有關事件中干犯“公職人員行為失當罪”。上訴人經審訊後根據《防止賄賂條例》第30(1)(b)條被裁定三項“披露受調查人身分”罪罪成。原訟法庭在上訴中撤銷定罪，其中一個理由是第30(1)(b)條沒有禁止披露與“公職人員行為失當罪”調查相關人士的身分等資料。終審法院批准控方基於案件的決定涉及具有重大而廣泛的重要性的法律論點提出上訴許可申請：考慮到第30條所訂罪行背後的明確立法意圖是要確保廉政公署的調查公正，某人如知道廉政公署確實正就《防止賄賂條例》第II部所訂罪行調查受調查人，卻聲稱該署正就並非《防止賄賂條例》第II部所訂罪行調查該受調查人，因而披露該受調查人的身分，此舉是否干犯第30(1)(b)條所訂罪行。最終上訴已於2025年進行聆訊。

在香港特別行政區訴王文灝 WKCC 3137/2023 案中，在醫院管理局任職駐院醫生的被告承認“欺詐”罪，被判處160小時社會服務令。在2017至2019年期間，被告多次縮減其正常當值時間，為醫院管理局提供額外服務以賺取外快，或誇大服務時數以申領額外酬金，從而騙取薪酬。

在香港特別行政區訴朱磊 ESCC 1195/2023 案中，在香港賽馬會(馬會)任職高級項目經理的被告收受與馬會經常有商業往來的活動舉辦機構所送贈一隻約值港幣8,200元的腕錶，經審訊後根據《防止賄賂條例》第4條被裁定一項“公職人員接受利益”罪罪成。被告也曾使用虛假資料欺騙馬會向他發放他不合資格領取的酬酢開支，經審訊後根據《防止賄賂條例》第9(3)條被裁定三項“代理人使用文件意圖欺騙其主事人”罪罪成，被法庭判處監禁六個月。



extra services to the Hospital Authority for additional pay or by exaggerating service hours to claim extra remuneration.

In *HKSAR v Chu Lui ESCC 1195/2023*, the defendant, a senior programme manager of the Hong Kong Jockey Club (“HKJC”), was convicted after trial of a charge of “public servant accepting an advantage” under section 4 of the POBO for accepting a watch valued at around HK\$8,200 from an event organizer with regular business with the HKJC. He was also convicted after trial of three counts of “agent using a document with intent to deceive his principal” under section 9(3) of the POBO for using false information to deceive the HKJC into reimbursing him for entertainment expenses to which he was not entitled. The Court sentenced him to six months’ imprisonment.

In *HKSAR v Yau Chun-wo and another WKCC 4344/2023*, a medical social worker (D1) of the Social Welfare Department, and a residential care home proprietor (D2) both pleaded guilty to a joint charge of “conspiracy for a public servant to accept advantage” under section 4 of the POBO. D1 instigated and accepted bribes totalling HK\$83,000 from D2 for referring 14 elderly patients to D2’s residential care home upon their discharge from the hospital. D1 failed to properly document his reasons for recommending D2’s facility, did not declare any conflict of interest

在香港特別行政區訴邱俊和及另一人 WKCC 4344/2023 案中，一名社會福利署醫務社工（第一被告）及一名安老院經營者（第二被告）共同被控《防止賄賂條例》第4條所訂的一項“串謀使公職人員接受利益”罪，二人同告認罪。第一被告向第二被告提出賄賂要求並接受第二被告提供合共港幣 83,000 元賄款，以轉介 14 名年長病人在出院後入住第二被告的安老院。第一被告沒有妥為記錄他推薦第二被告的院舍的原因，沒有申報任何利益衝突，也沒有就接受第二被告的款項尋求批准。第一被告被判監禁八個月，第二被告被判監禁六個月。

分科四第 2B 組一 廉政公署 (B) / 私人機構

在香港特別行政區訴詹培忠及另兩人 [2024] HKDC 2085 案中，詹培忠（第一被告）、其兒子（第二被告）及另一人（馬氏）共同被控兩項“串謀詐騙”罪，第三被告及馬氏則共同被控一項“洗黑錢”罪。第一被告是一家香港上市公司（該公司）的大股東，而第二被告是該公司的執行董事。2013 年，第一和第二被告與馬氏簽訂一項秘密協議（該協議），由馬氏以作價約港幣 2.1 億元取得該公司的控制權。根據該協議，第一和第二被告會先把該公司部分的股票售予馬氏，然後安排該公司發行可換股票據供馬氏認購。在兩次執行董事會議上，包括第二被告在內的一眾董事通過決議，批准該公司發行新股及可換股票據。不過，該協議從沒有向董事會、股東或香港聯合交易所作出披露。馬氏其後指示第三被告以港幣 4,200 萬元買入有關的可換股票據，然後兌換成該公司的股票，再存入第三被告新開立的銀行帳戶。第三被告最後出售所有股票，把所得的款項轉給馬氏。馬氏棄保潛逃，而第一、第二和第三被告經審訊後被裁定所有控罪罪名成立。

and did not seek approval for accepting money from D2. D1 was sentenced to eight months' imprisonment and D2 to six months' imprisonment.

Section IV(2)(B) – ICAC (B) / Private Sector

In *HKSAR v Chim Pui-chung and 2 others* [2024] HKDC 2085, Chim (D1), his son D2 and another person ("Ma") jointly faced two counts of "conspiracy to defraud", and D3 and Ma faced one joint charge of "money laundering". D1 was a substantial shareholder of a Hong Kong listed company (the "Company"), of which D2 was the Executive Director. In 2013, D1 and D2 entered into a secret agreement (the "Agreement") with Ma for Ma to acquire the control of the Company at a price of around HK\$210 million. Pursuant to the Agreement, D1 and D2 would initially sell some of the Company's shares to Ma and then arrange the Company to issue convertible notes for Ma's subscription. In two Executive Directors' meetings, the directors, including D2, passed resolutions that the Company would issue new shares and convertible notes. However, the Agreement was never disclosed to the board of directors, the shareholders or the Hong Kong Stock Exchange. Ma subsequently instructed D3 to purchase the relevant convertible notes at HK\$42 million, which were converted to Company shares and deposited into D3's newly opened bank account. D3 eventually sold all the shares and transferred the monies to Ma. Ma failed to answer his bail and absconded. D1, D2 and D3 were convicted after trial of all the charges they faced.

In *HKSAR v Rumjahn Fatima and 14 others* DCCC 703/2022 & DCCC 603/2023, Rumjahn pleaded guilty to four counts of "agent accepting an advantage" and five counts of "conspiracy for an agent to accept advantage". Between 2018 and 2021, Rumjahn, the administrator of an international kindergarten of the English Schools Foundation, accepted bribes of around HK\$540,000 from various parents for securing placement at the kindergarten for their children. The sentencing of Rumjahn was adjourned for her to testify as a prosecution witness in a trial involving the 14 co-defendants who were parents and middleman facing charges of "agent accepting an advantage", "agent soliciting an advantage", "conspiracy for an agent to accept an advantage" or "inciting an agent to accept an advantage".

In *HKSAR v Au-yeung Yin-tung* [2024] HKDC 1523 and [2024] HKDC 1550, the defendant was convicted after trial of one count of "fraud" and was sentenced to three years eight months' imprisonment. The defendant, a staff member of a stationery

在香港特別行政區 訴 *Rumjahn Fatima* 及另 14 人 DCCC 703/2022 及 DCCC 603/2023 案中，*Rumjahn* 承認四項“代理人接受利益”罪及五項“串謀使代理人接受利益”罪。在 2018 至 2021 年期間，當時在英基學校協會轄下一所國際幼稚園任職行政人員的 *Rumjahn* 收受多名家長約港幣 54 萬元賄款，以助他們子女取得入讀該幼稚園的學位。法庭押後對 *Rumjahn* 判刑，讓她在涉及 14 名同案被告（被控“代理人接受利益”罪、“代理人索取利益”罪、“串謀使代理人接受利益”罪或“煽惑代理人接受利益”罪的家長和中間人）的審訊中，以控方證人身分作供。

在香港特別行政區 訴 歐陽賢冬 [2024] HKDC 1523 及 [2024] HKDC 1550 案中，被告經審訊後被裁定一項“欺詐”罪罪成，判監三年八個月。被告是一家文具公司的職員，違反公司對她的信任，向公司虛報她丈夫擁有和控制的膠粒供應公司提供的報價，是數個競爭對手之中最低的。這項虛假資料誘使被告受僱的公司在兩年半內 34 次向被告的丈夫採購膠粒，採購總額超過港幣 720 萬元。被告及其丈夫在該詐騙計劃中獲利約港幣 170 萬元。

香港特別行政區 訴 黃顯寧 [2024] HKDC 1956 案的被告承認兩項“欺詐”罪。2020 年，被告代其兒子以港幣 998 萬元購買一項住宅物業，並擬申請買價八成的按揭貸款。根據香港金融管理局的指引所訂明，有關物業必須用作自住，方可獲得買價八成的按揭貸款。被告及其兒子在簽署按揭貸款申請表時，聲稱該物業購作自住。該項按揭貸款其後獲批。被告在完成買賣後，曾兩度把物業出租而沒有通知按揭銀行物業用途有變。若按揭銀行之前獲告知此事，便只會批出買價四成的按揭貸款，並行使合約權利要求償還部分或全部貸款和施加其他條件（包括上調貸款利率）。法庭判處被告監禁 14 個月，同時指出被告的行為嚴重損害公眾利益和削弱整體房屋市場政策的完整性。

company, breached the trust reposed in her by falsely reporting to her company that a pellets supplier company owned and controlled by her husband had offered the lowest quotation amongst several competitors. Induced by such false information, the defendant's employer company purchased pellets from the defendant's husband on 34 occasions, spanning a period of two and a half years. The overall purchase prices were over HK\$7.2 million. The defendant and her husband made approximately HK\$1.7 million profit out of the fraudulent scheme.

In *HKSAR v Wong Hin-ning* [2024] HKDC 1956, the defendant pleaded guilty to two counts of "fraud". In 2020, the defendant, on behalf of her son, purchased a residential property at HK\$9.98 million. She intended to apply for a mortgage loan of 80% of the purchase price. The guidelines of the Hong Kong Monetary Authority stipulated that to obtain a mortgage loan of 80% of the purchasing price, the property had to be for self-use. The defendant and her son signed the mortgage loan application claiming that the property was purchased for self-use. Subsequently, the mortgage loan was approved. After completing the purchase, she leased out the property twice without notifying the mortgage bank of the change in use. Had the mortgagee bank been so informed, it would have only approved a mortgage loan of 40% of the purchase price, and exercised their contractual right to demand repayment of part or whole of the loans, as well as impose other conditions, including increasing the loan interest rate. When sentencing the defendant to 14 months' imprisonment, the Court observed that her actions significantly undermined public interest and the integrity of the overall housing market policies.



分科五 (科技罪行) Sub-division V (Technology Crime)

隨着近年科技發展日新月異，利用人工智能、非同質化代幣、虛擬銀行、加密貨幣及其他快速發展、以科技進行的複雜犯罪活動也急劇增加，不僅對企業及個人造成重大損害，也對國家安全構成威脅。此外，運用數碼證據相關的法律問題也越趨複雜。

為應對高科技罪行帶來的挑戰，分科五由具備檢控複雜及有組織科技罪案的專門知識及豐富經驗的律師組成，其主要職責是採取策略性的方式主動打擊科技罪行，其中包括以電腦或網絡為目標、以電腦或網絡為主要犯案工具及牽涉有組織犯罪集團的刑事罪案。本分科已與執法機構及網絡和法證專家建立更緊密的聯繫，並促進本地、區域和國際間合作，以提升預防罪案及執法效率。本分科的工作摘述如下：

1. **向執法機構提供法律指引：**2024 年，分科五定期就涉及較敏感和困難的調查或與科技罪行及數碼證據事宜有關的案件提供法律指引。這些案件由執法機構直接提交或由其他分科轉介本分科處理，涉及網絡攻擊、有組織網上詐騙、虛擬資產交易平台和洗黑錢等嚴重罪行及／或複雜事宜。本分科已就該等案件向執法機關提供法律指引，並委派律師出庭檢控。

為提高處理案件的效率和質素，分科五的其中一項顯著特點是及早參與新興科技罪案案件，與執法機構定期舉行會議，以了解有關案件的調查進展並適時提供法律指引或協助。這個特點的重要性尤其見於該分科去年與警方攜手處理大規模複雜案件之中。

2. **檢控科技罪行罪犯：**分科五律師就多宗案件提出檢控，把科技罪行罪犯繩之於法。一些重要案件包括：
 - (i) 在香港特別行政區訴羅志恆及另一人 [2024] HKDC 1359 案中，兩名被告因經營一間假冒加密貨幣找換店被控多項罪行，包括“欺詐”罪

In recent years, with the advancement of technology at an accelerated pace, there has been a sharp increase in complex criminal activities involving the use of artificial intelligence (AI), non-fungible tokens (NFT), virtual banks, cryptocurrencies and other rapidly evolving technologies, resulting in substantial harm caused to businesses and individuals as well as threats posed to national security. Apart from that, the legal issues relating to the use of digital evidence are also getting more and more complicated.

In response to the challenges posed by high-tech crimes, Sub-division V, comprising counsel with specialised knowledge and built-up experience in prosecuting sophisticated and syndicated technology crime cases, has taken on key responsibilities to adopt a proactive and strategic approach to tackle technology crimes. These include criminal cases that target computers or networks, utilise computers or networks as primary tools for committing crimes, and involve organized crime groups. Efforts have also been stepped up in fostering close liaison and cooperation with law enforcement agencies, cyber experts and forensic experts, locally, regionally and internationally, to enhance crime prevention and enforcement efficiency. Some of the work undertaken by the Sub-division is highlighted below:

1. **Providing legal advice to law enforcement agencies:** In 2024, Sub-division V regularly rendered legal advice on cases which were concerned with more sensitive and difficult investigations or matters relating to technology crimes and digital evidence. These cases, which were submitted directly by law enforcement agencies or referred from other Sub-divisions, involved serious offences and/or complicated matters such as cyber-attacks, organized Internet fraud, virtual asset trading platforms and money laundering. The Sub-division has provided legal advice on these cases to law enforcement authorities and assigned counsel to appear in Court to prosecute them.

In order to enhance the efficiency and quality of case handling, one of the salient features of Sub-division V is its early participation in emerging technology crime cases by holding regular meetings with law enforcement agencies to understand the investigation progress and provide legal advice or assistance in a timely manner. Its significance is particularly evident in its collaboration with the Police in the past year in handling complex cases involving large-scale operations.

2. **Prosecution of technology crime offenders:** Counsel of Sub-division V prosecuted numerous cases to bring

及“作出一項或一連串傾向並意圖妨礙司法公正的作為”罪。該詐騙計劃的目標受害人包括投資和買賣“泰特幣”(USDT)(一種加密貨幣)的人。受害人被誘騙到店，以據稱的優惠匯率出售泰特幣套現。被告假扮職員在店守候，在受害人面前揮動偽鈔，承諾會在泰特幣轉帳至指定的加密貨幣錢包後，向受害人支付現款。結果，兩名受害人損失合共 89,525.7 枚泰特幣(相當於當時約港幣 70 萬元)。其後，被告拒絕支付現款，第二被告則當場銷毀偽鈔。兩名被告承認所有控罪，分別被判處監禁 22 個月和 18 個月。

- (ii) 在香港特別行政區 訴 朱鵬鵬及另二人 [2025] HKDC 243 案中，三名被告因利用欺詐手段取得的信用卡憑證，通過流動支付裝置購物，被控“串謀以欺騙手段取得財產”罪。犯罪集團先以欺詐手段取得信用卡資料，再把有關信用卡綁定至多部由屬該犯罪集團的被告帶到香港的手提電話，在多間商店購物。被告在一間電子產品店內因形迹可疑引起店員注意。警方在拘捕被告時，發現他們管有八部手提電話，該等電話已綁定至由不同司法管轄區的銀行簽發的 56 張信用卡。三名被告承認控罪，分別被判處監禁 35 個月及 28 個月。
- (iii) 香港特別行政區 訴 姜健秋及另二人 [2025] HKDC 301 案的三名被告共同被控“串謀欺詐”罪。他們在一項詐騙計劃中分別扮演不同角色，利用電話數據機發送大量釣魚短訊，誘騙受害人向虛假的派遞公司網站提供信用卡憑證，繼而把有關信用卡綁定至虛擬錢包進行購物。騙案中 37 名受害人合共損失近港幣 64 萬元。三名被告均承認控罪。法庭根據他們在案中的角色，分別以 66 個月、36 個月及 48

technology crime offenders to justice. Some notable cases include:

- (i) In *HKSAR v Luo Zhiheng and another* [2024] HKDC 1359, two defendants were charged with various offences including “fraud” and “doing an act or a series of acts tending and intended to pervert the course of public justice” in relation to operating a bogus cryptocurrency exchange shop. The fraudulent scheme targeted victims who were involved in the investment and trading of Tether (“USDT”), a form of cryptocurrency. Victims were enticed to attend the shop and sell their USDT in exchange for cash at purportedly favourable exchange rates. The defendants were stationed at the shop in disguise as staff members. They brandished imitation banknotes to the victims and promised to pay the victims cash after USDT was transferred to designated cryptocurrency wallets. As a result, two victims parted with a total of 89,252.7 USDT (equivalent to around HK\$700,000 at the time). Afterwards, the defendants refused to pay cash, with the 2nd defendant destroying the imitation banknotes at the scene. The two defendants pleaded guilty to all charges and were sentenced to imprisonment of 22 months and 18 months respectively.
- (ii) In *HKSAR v Zhu Pengpeng and 2 others* [2025] HKDC 243, three defendants were charged with “conspiracy to obtain property by deception” in relation to using fraudulently obtained credit card credentials to make purchases via mobile payment devices. Credit card information was fraudulently obtained by a syndicate, and such credit cards were then linked to multiple mobile phones, which the defendants, being part of the syndicate, brought to Hong Kong for the purpose of making purchases at different shops. The defendants were arrested after their suspicious conduct at an electronics shop attracted the attention of staff. Upon arrest, the defendants were found to be in possession of eight mobile phones linked to 56 credit cards issued by banks in various jurisdictions. The three defendants pleaded guilty to the charges and were sentenced to 28 to 35 months' imprisonment..
- (iii) In *HKSAR v Keung Kin-chow and 2 others* [2025] HKDC 301, three defendants were jointly charged with “conspiracy to defraud”. The defendants each played a different role in a fraudulent scheme involving the

個月為量刑起點，另鑑於釣魚騙案及信用卡濫用案件的猖獗程度加刑25%，最終分別判處三名被告監禁55個月、30個月及40個月。

- (iv) 香港特別行政區 訴 馮家俊及另一人 FLCC 440/2024 案涉及網上平台 hklovely.com，該平台表面上是援交論壇，但實際上用作營運賣淫活動。男性會員須付費查閱女性會員的檔案，當中包括明顯涉及性的帖文及有定價的性服務詳情。此外，男性會員可參與“贊助計劃”，以約會為名邀約女性會員進行性交易。第一被告為網站管理人，承認一項“管理經營作賣淫場所的地方”罪，被判監禁五個半月。第二被告利用其銀行帳戶收取男性會員的會費，他承認一項“處理已知道或相信為代表從可公訴罪行的得益的財產”罪，被判監禁四個月。

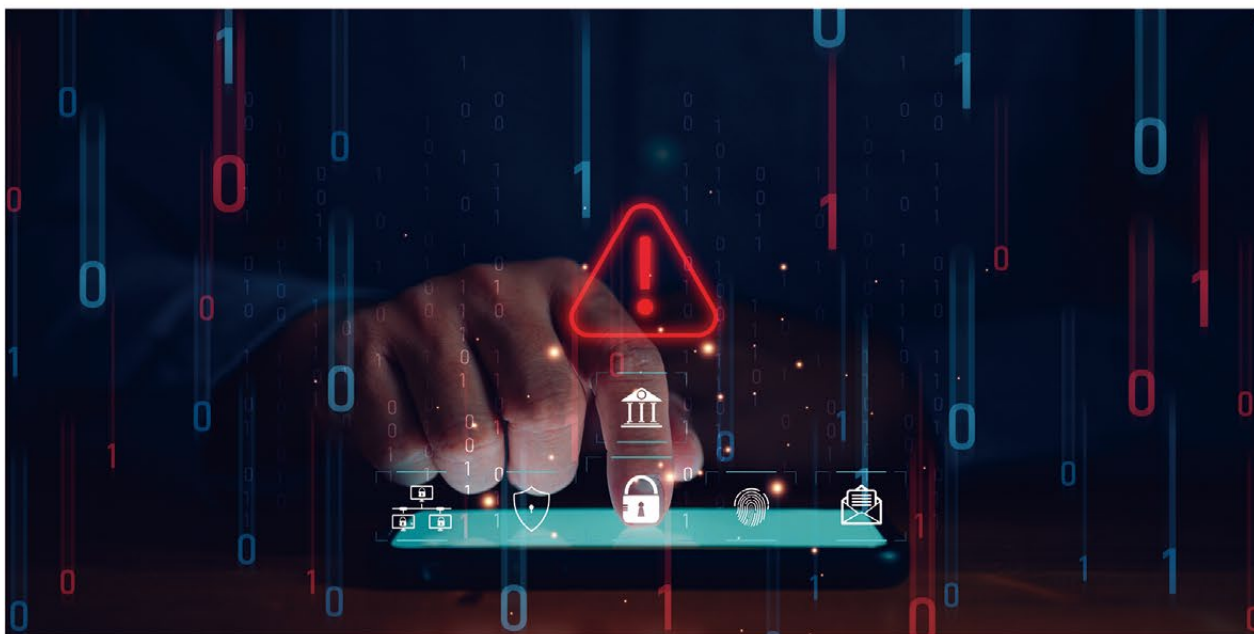
3. **積極參與制定有關網絡安全及科技罪行的新法例：**本分科一直積極參與《保護關鍵基礎設施（電腦系統）條例草案》的草擬過程。該條例草案旨在加強關鍵基礎設施（包括能源、通訊、運輸及金融機構）的網絡安全，以應對全球風險日增的網絡攻擊。條例草案的起草工作於2024年初展開。本分科在仔細審閱草擬本，並研究其他司法管轄區的類似法例後，於不同階段的多個場合，包括多次起草會議，以書面和口頭形式提供建議及意見。本分科全力支援立法過程，確保立法工作能如期完成。

4. **在香港法律改革委員會（法改會）電腦網絡罪行小組委員會分享檢控經驗：**法改會在2019年成立小組委員會研究電腦網絡罪行問題，旨在找出因科技迅速發展而帶來的挑戰、檢討現有法例及相關措施、探討其他司法管轄區的相關發展，以及建議可作出的法律改革。該小組委員會在2022年7月發表諮詢文件，就依賴電腦網絡犯罪的罪行及相關的

use of modem pools to send out mass phishing SMS messages, luring victims to provide their credit card credentials to false websites of delivery companies. The credit cards were then linked to virtual wallets and used to make various purchases. 37 victims suffered a total loss of nearly HK\$640,000 in the scam. All three defendants pleaded guilty to the charge. The Court adopted starting points of 66 months', 36 months' and 48 months' imprisonment according to their respective roles. The Court further enhanced the sentence by 25% in the light of the prevalence of phishing scam and credit card misuse cases. The final sentences for the three defendants were respectively 55 months, 30 months and 40 months' imprisonment.

- (iv) The case of *HKSAR v Fung Ka-chun and another* FLCC 440/2024 involves an online platform, hklovely.com, which was disguised as a compensated dating forum but operated for the purpose of prostitution. Male users paid to access profiles of female members, which included sexually explicit posts and details of sexual services priced according to perceived quality. Additionally, male users could participate in a "sponsorship programme" to engage female members for prostitution under the pretence of dating. The 1st defendant pleaded guilty to the charge of "managing a place kept as a vice establishment" for managing the website and received a sentence of 5.5 months' imprisonment. The 2nd defendant, whose bank account was used to collect membership fees from male users, pleaded guilty to the charge of "dealing with property known or believed to represent proceeds of indictable offence" and was sentenced to 4 months' imprisonment.

3. **Active involvement in new legislation on cybersecurity and technology crimes:** The Sub-division has been actively involved in the drafting process of the Protection of Critical Infrastructure (Computer Systems) Bill, which aims at enhancing cybersecurity for critical infrastructures (including energy, communications, transportation and financial institutions) in response to rising global cyberattack risks. Drafting of the bill commenced in early 2024, with the Sub-division providing, upon thorough consideration of the draft as well as research and consideration of similar legislations in other jurisdictions, written and oral inputs and feedbacks on many occasions at different stages including during multiple drafting meetings. The Sub-division is fully committed



司法管轄權事宜，提出初步法律改革建議。自該小組委員會成立以來，本分科的代表出席了該會的所有每月會議，於會上分享電腦網絡罪行檢控經驗，並就訂立新電腦網絡罪行的建議及相關研究給予實務建議。

5. **交流打擊科技罪案的知識和經驗：**本分科一直積極與各執法機構就打擊科技罪案及運用數碼證據交流資訊和經驗。舉例來說，本分科曾為廉政公署人員舉辦有關電腦罪行的講座，以協助他們更深入了解最新判例、收集數碼證據的要求，以及預備審訊的實務工作。此外，本分科也與香港警務處網絡安全及科技罪案調查科就執法機構在處理科技罪案時面對的困難與挑戰，進行深入討論和交流。其間，本分科的律師曾就刑事法律程序中數碼證據的運用舉辦講座。
6. **持續培訓發展：**為掌握科技發展和科技罪案的趨勢，本分科成員積極參與各類研討會及培訓活動。舉例來說，本分科成員曾參與新加坡科技法律節論壇，聚焦討論生成式人工智能和深偽技術等當前與科技罪案相關的議題。為促進與內地檢察和司法人員在網絡罪案領域的交

to supporting the legislative process to ensure its timely completion.

4. **Sharing prosecutorial experience in the Hong Kong Law Reform Commission Cybercrime Sub-committee:** The Law Reform Commission established a sub-committee in 2019 to study cybercrime issues with an objective to identify the challenges posed by rapid technological advancements, review existing laws and related measures, explore developments in other jurisdictions and recommend potential legal reforms. The Sub-committee published a consultation paper in July 2022, making preliminary law reform proposals on cyber-dependent crimes and related jurisdictional issues. Since its establishment, the representative of the Sub-division has participated in all monthly meetings of the Sub-committee to share prosecutorial experience related to cybercrimes and provide practical suggestions to its proposal on creating new cybercrime offences and its study on cybercrimes.
5. **Exchange of knowledge and experience in combatting technology crimes:** The Sub-division has been actively engaged in information and experience sharing on issues relating to combatting technology crimes and using digital evidence with various law enforcement agencies. For instance, the Sub-division provided lectures on computer-related crimes to officers from the Independent Commission Against Corruption (ICAC) with a view to enhancing their knowledge about the latest case law authorities, the requirements of digital evidence collection and the

流，本分科成員曾訪問廣東省人民檢察院、廣州互聯網法院及廣東省高級人民法院。除進行討論和交流外，成員也旁聽廣州互聯網法院的網上聆訊，以汲取寶貴經驗。

為增進分科五律師的訟辯技巧和審訊經驗，本分科曾檢控及處理多宗不同類型及備受關注的審訊，這些案件均涉及重要法律議題和重大公眾利益。一些重要案例概述於下文。

在 [2024] HKCA 823 的判決中，上訴法庭處理了律政司司長訴王志榮案（律政司司長以案件呈述方式針對第一被告提出上訴）及香港特別行政區訴鄧懷琛及另三人案（第五至第八被告就定罪及／或判刑提出上訴）。兩案涉及於 2019 年 7 月 21 日發生的暴動事件，地點包括港鐵元朗站內（涉及第一、第七及第八被告被控“暴動”及“意圖傷人”罪）、英龍圍外（涉及第五及第六被告被控“暴動”及“串謀意圖傷人”罪），以及形點商場內（只涉第五被告被控“暴動”及“意圖傷人”罪）。一眾被告就該等暴動事件於同一審訊中受審。經審訊後，第一被告被裁定罪名不成立，而第五至第八被告則被裁定罪成。

由律政司司長以案件呈述方式提出的上訴獲判得直，理由是原審法官沒有考慮其他可用以證明第一被告身分的環境證據的疊加效應，因此原審法官就此爭議點所作的裁定有悖常理。案件發還原審法官重新考慮。

關於就定罪及／或刑罰提出上訴，第八被告就定罪提出的上訴得直。法庭依據蘇格蘭案例 *Beattie v Scott* (1990) JC 320 的附帶意見，裁定不應要求被告以任何方式協助控方舉證證明其有罪。因此，原審法官在要求第八被告做出某些動作和同意控方在舉證案情期間要求第八被告展露牙齒時，已超越界線。由於法庭認為身分識別問題具有主觀性質，且沒有任何陪審團都必然會作出的結論，因此拒絕應用但書。至於其

practical approach to trial preparation. In addition, the Sub-division also had in-depth discussions and exchanges on the difficulties and challenges faced by law enforcement agencies regarding technology crimes with the Cyber Security and Technology Crime Bureau (CSTCB) of the Hong Kong Police Force, during which a lecture was given by counsel of the Sub-division on the use of digital evidence in criminal proceedings.

6. **Continuing training development:** In order to stay abreast of technological developments and technology crime trends, members of the Sub-division actively participated in various seminars and trainings. For example, members of the Sub-division participated in the Techlaw.Fest forum in Singapore, which focused on various current issues related to technology crimes, such as generative artificial intelligence and deepfake technology. With a view to promoting communication on cybercrimes with procuratorial and judicial personnel in Mainland China, members of the Sub-division visited the People's Procuratorate of Guangdong Province, Guangzhou Internet Court, and the High People's Court of Guangdong Province. In addition to discussions and exchanges, they also observed online hearings at the Internet Court to gain valuable insights.

To enhance the advocacy skills and trial experience of counsel in Sub-division V, the Sub-division has also prosecuted and handled a number of cases of different types and various high-profile trials involving important legal issues and significant public interest. Some notable examples are outlined below.

In the judgment [2024] HKCA 823, the Court of Appeal dealt with the cases of *Secretary for Justice v Wong Chi-wing* (a case-stated appeal case lodged by the Secretary for Justice against the 1st defendant) and *HKSAR v Tang Wai-sum and 3 others* (appeal against conviction and/or sentence lodged by the 5th to 8th defendants). They concerned the defendants who were tried in the same trial in relation to riotous incidents taking place on 21 July 2019 in Yuen Long MTR Station (involving the 1st, 7th and 8th defendants for “riot” and “wounding with intent”), outside Ying Lung Wai (involving the 5th and 6th defendants for “riot” and “conspiracy to wound with intent”) and inside Yoho Mall (involving the 5th defendant only for “riot” and “wounding with intent”). After trial, the 1st defendant was acquitted, while the 5th to 8th defendants were convicted as charged.

The Secretary for Justice's case-stated appeal was allowed, on the ground that the trial judge failed to take into account the cumulative effect of other circumstantial evidence in support of

餘被告（第五、第六和第七被告）就定罪及／或刑罰提出的上訴則全被駁回。

香港特別行政區 訴 吳偉德及另二人 [2025] HKDC 84 案關乎 2019 年 7 月 21 日晚上在港鐵元朗站發生的暴力事件，案中涉及兩羣敵對人士。一羣大多身穿白衣的人手持籐條及其他武器，襲擊當時身處站內的人。屬白衣人一方的被告參與暴動，以籐條並揮拳襲擊他人。四名被告承認“暴動”罪，其中三人同時承認“串謀傷人”罪，被判監禁 55 至 63 個月不等。

在香港特別行政區 訴 鄧嘉民 [2024] HKDC 1890 案中，2019 年 7 月 22 日在朗和路及港鐵元朗站發生暴動，其間兩羣分別身穿黑色及白色上衣的人互相攻擊。部分身穿白衣的人以木棍及籐條施襲，而身穿黑衣的人大多手持雨傘，並戴着帽及口罩。被告是其中一名身穿白衣的人，他在衝突中向身穿黑衣的人投擲地盤燈及木棍。他被控一項“暴動”罪及一項“串謀有意圖而傷人”罪，經審訊後被裁定兩項罪名成立，判處監禁合共 49 個月。

在香港特別行政區 訴 林卓廷及另六人 [2024] HKDC 2090 案中，七名被告於 2019 年 7 月 21 日在港鐵元朗站大堂的付費區內與其他人集結暴動，被裁定一項“暴動”罪罪成。法院根據證據裁定，除了白衣人發動的暴動外，另有一場在該站付費區內演變而成的暴動。案發當日，部分白衣人進入該站大堂，但起初停留在付費區外。同時，一群人（包括七名被告）開始在付費區內聚集，人數一度超過 100 人。雙方情緒不時高漲。部分身處付費區外的白衣人試圖用棍、雨傘及橫額襲擊付費區內的人，但並未越過入閘機及通道旁的玻璃圍欄。付費區內的人未有離開，但向白衣人作出挑釁動作，包括高聲辱罵、投擲水瓶和用雨傘拍打他們。付費區內的人隨後打開消防喉及滅火器向白衣人噴射，引發大批白衣人衝入付費區甚至上層鐵路月台襲擊他人。法院拒絕接納辯方就暴動的情況下使用合理武力自衛等的陳詞，七名被

the identification of the 1st defendant, and hence his finding on the issue was perverse. The case was remitted to the same trial judge for re-consideration.

Regarding the appeal against conviction and/or sentence, the 8th defendant's appeal against conviction was allowed. The Court followed the *obiter dictum* of a Scottish case *Beattie v Scott* (1990) JC 320 and held that a defendant should not be requested to assist the Prosecution in any way in proving the case against him. Therefore, the trial judge crossed the line when asking the 8th defendant to make some moves and acceding to the Prosecution's request for asking the 8th defendant to show his teeth during the Prosecution's case. Given that the Court was of the view that the identification issue was subjective in nature and there did not exist a conclusion which would be inevitably reached by any jury, the Court declined to apply the *proviso*. As for the remaining defendants (the 5th, 6th and 7th defendants), their appeals against conviction and/or sentence were all dismissed.

The case of *HKSAR v Ng Wai-tak and 2 others* [2025] HKDC 84 concerns the violent incidents that occurred at Yuen Long MTR Station on the evening of 21 July 2019, involving two rival groups. A predominately white-clad group, armed with rattan sticks and other weapons, attacked individuals at the station. The defendants participated in the riot as part of the white-shirted group, engaging in assaults with rattan sticks and fists. Four of the defendants pleaded guilty to the charge of "riot," while three of them also admitted to the charge of "conspiracy to wound". Their sentences ranged from 55 to 63 months of imprisonment.

In *HKSAR v Tang Ka-man* [2024] HKDC 1890, a riot took place at Long Wo Road and Yuen Long MTR Station on 22 July 2019, during which two groups of people who were in black and white tops attacked each other. Some of the white tops used wooden poles and rattan sticks for the attack. Most of the black tops held umbrellas and wore caps and masks. The defendant was among the white tops and had thrown a site light and a wooden stick at the black tops during the clash. He was charged with one count of "riot" and one count of "conspiracy to wound with intent". After trial, he was convicted of both charges and was sentenced to a total of 49 months' imprisonment.

In *HKSAR v Lam Cheuk-ting and 6 others* [2024] HKDC 2090, the seven defendants were convicted of one count of "riot" for having riotously assembled together with other persons inside the paid area at the concourse of Yuen Long MTR Station on 21 July 2019. Based on the evidence, the Court held that apart from the riot staged by the white-clad people, another one evolved inside the paid area of the station. On the day, some white-clad people

告被判監禁 25 至 37 個月不等。案件的上訴程序正在進行。

香港特別行政區 訴 何贊琦 [2024] HKDC 563 案涉及兩群敵對人士於 2019 年 7 月 22 日凌晨在元朗朗和路發生暴力衝突。繼早前於 7 月 21 日晚上在港鐵元朗站出現暴亂活動後，這場衝突隨之發生。被告屬大多身穿黑衣的一方，曾向身穿白衣的敵對一方投擲物件。被告經審訊後被裁定“暴動”罪罪成，判處監禁 33 個月。

在香港特別行政區 訴 黃家豪及另外 12 人 [2024] HKDC 206 案及香港特別行政區 訴 鄒家成 [2024] HKDC 444 案中，共 14 名被告因 2019 年 7 月 1 日或約在當日發生的立法會綜合大樓衝擊事件而被控多項罪名，包括“暴動”罪及“違反行政指令”罪。案發當日，示威者包圍立法會綜合大樓，用鐵枝、鐵籠車及鎚子粗暴地打碎大樓的玻璃幕牆。數百名示威者隨後強行闖進大樓，大肆破壞會議廳及其他設施，造成大樓多處損毀。經審訊後，14 名被告中有 12 人被裁定“暴動”及／或相關罪名成立，判處監禁 54 個月 20 日至 82 個月不等，其餘兩名被告則被裁定“違反行政指令”罪罪成和被判罰款。

entered the station concourse but stayed outside the paid area in the beginning. At the same time, a group of people (including the seven defendants) started to gather in the paid area. People inside the paid area reached more than 100 at one stage. The emotion of both sides flared up at times. Some white-clad people outside the paid area attempted to use sticks, umbrellas and banners to attack those people inside the paid area, but they did not go across the boundary set by the turnstiles and the glass barriers along the corridor. People inside the paid area chose not to leave, but made provocative gestures against the white-clad people by shouting abusive words, hurling water bottles and using umbrellas to hit them. People inside the paid area then turned fire hoses and fire extinguishers on the white-clad people, which triggered a large number of white-clad people to rush into the paid area and even the rail platform on the upper level to assault people. The Court rejected the defence submission on the use of reasonable force for self-defence in the context of a riot. The seven defendants were sentenced to a range of 25 to 37 months' imprisonment. The case is currently undergoing appeal proceedings.

The case of *HKSAR v Ho Tsun-kei Jacky* [2024] HKDC 563 involves a violent confrontation between two rival groups on Long Wo Road, Yuen Long in the early hours of 22 July 2019. The clash followed earlier riotous activities at Yuen Long MTR Station on the evening of 21 July 2019. The defendant was part of the group predominately dressed in black, and was involved in throwing objects at the rival group, which was dressed in white. After standing trial, the defendant was convicted of the offence of "riot" and sentenced to 2 years and 9 months' imprisonment.

In *HKSAR v Wong Ka-ho and 12 others* [2024] HKDC 206 and *HKSAR v Chow Ka-shing* [2024] HKDC 444, a total of 14 defendants were charged with various offences, including "riot" and "contravening administrative instruction" related to the storming of the Legislative Council Complex on about 1 July 2019. On that day, protesters surrounded the Legislative Council Complex and violently smashed the building's glass panels using steel poles, a metal trolley, and hammers. Hundreds of protesters subsequently forced their way into the building, vandalizing the main Chamber and other areas, causing extensive damage to the complex. After trial, 12 out of 14 defendants were convicted of "riot" and/or related offences, and received sentences ranging from 54 months and 20 days to 82 months of imprisonment. The remaining two defendants were found guilty of "contravening administrative instruction" and were fined.



外展及培訓

Outreach and Training

第 11 屆國際檢察官聯合會亞洲及太平洋地區會議

The 11th Asia and Pacific Regional Conference of the International Association of Prosecutors



2024 年 11 月 27 至 29 日，刑事檢控科與國際檢察官聯合會在香港會議展覽中心合辦第 11 屆國際檢察官聯合會亞洲及太平洋地區會議。

國際檢察官聯合會（聯會）於 1995 年成立，並於 1996 年 9 月正式開始運作，是首個也是唯一一個國際性的檢察官組織，擁有逾 183 個來自 177 個司法管轄區的組織成員。聯會在全球各地召開年度會議和地區會議。香港曾於 2004 年主辦聯會亞洲及太平洋地區會議，並在 2007 年主辦聯會年會暨會員大會。

2024 年的地區會議為期三天，以“科技時代的高效檢控服務”為主題，約有 140 位來自約 30 個司法管轄區的代表參與，展示全球致力打擊科技罪行的決心。會議涵蓋一系列議題，包括在科技時代去中心化的挑戰、數碼證據的處理，以及科技發展對刑事證據及法律程序的影響。本港與海外的檢控人員藉此機會交流意見和最佳做法，團結一致銳意打擊科技罪行。

在會議的開幕禮上，行政長官李家超先生指出，香港對上一次主辦這地區會議距今已 20 年。過去 20 年，香港有穩健長足的發展。他向與會代表表示：“我們會堅定不移地推動國際合作，攜手打擊罪行”，並指

From 27 to 29 November 2024, the Prosecutions Division co-hosted the 11th Asia and Pacific Regional Conference of the International Association of Prosecutors (“IAP”) with the IAP at the Hong Kong Convention and Exhibition Centre.

The IAP, established in 1995 and formally inaugurated in September 1996, is the first and only world organization of prosecutors with more than 183 organizational members from over 177 jurisdictions. It holds annual and regional conferences across the globe. Hong Kong previously hosted the IAP Regional Conference in 2004, and subsequently the Annual Conference and General Meeting in 2007.

The three-day Regional Conference in 2024 was themed “Effective Prosecution Service in the Technological Age” and drew about 140 participants from around 30 jurisdictions, underscoring the global commitment to combatting technology crimes. The Conference covered a range of pertinent topics, including the challenges posed by decentralisation in the technological age, the handling of digital evidence, and the impact of technological advancements on criminal evidence and procedure. Prosecutors at home and abroad had the opportunity to exchange views and best practices, fostering a united and determined front against technology crime.

At the Opening Ceremony of the Conference, the Chief Executive, Mr John Lee, said that it had been 20 years since Hong Kong last hosted the Regional Conference and Hong Kong had come a long, good way over these past two decades. He told delegates that “we are deeply committed to international co-operation in the fight against crime” and “[c]ross-jurisdictional sharing of best



“不同司法管轄區互相分享最佳做法和經驗對在國際層面打擊科技罪行至關重要”。此外，律政司司長林定國資深大律師在開幕禮上感謝聯會讓香港獲得主辦是次會議的寶貴機會。他強調：“為應對科技時代的罪行所帶來的挑戰，我們或有需要修改法律、常規和程序，並以不同方式加強國際合作，惟確保檢控公平的基本原則絕不能受到損害，因為法治所講求的是檢控工作必須公平和具成效。”

與會人士在會議期間交流知識和經驗，以期有效防範和打擊網絡犯罪分子，以及加強檢控能力。香港主辦是次會議，向全球展示其完善的法律制度及卓越的檢控水平，展現本港積極在大灣區推動法治建設工作的決心。

practices and experience gained can make a decided difference in tackling technology crime, on an international level”. At the Ceremony, the Secretary for Justice, Mr Paul Lam SC, also thanked the IAP for affording Hong Kong the valuable opportunity of hosting the Conference. He highlighted that “while we may have to change our law, practice and procedure as well as to enhance international co-operation in different ways in order to meet the challenges posed by crimes in this technological age, fundamental principles governing fairness of prosecutions must not be compromised. After all, the rule of law requires that prosecutions must be both fair and effective.”

The Conference provided participants with an opportunity to share knowledge and experiences to stay ahead of cybercriminals and enhance prosecutorial capabilities. It also showcased Hong Kong’s sound legal system and leading prosecution standards to the world, demonstrating Hong Kong’s determination to actively promote the construction of the rule of law in the Greater Bay Area.

出席是次會議的嘉賓包括聯會副主席兼中華人民共和國最高人民檢察院常務副檢察長童建明先生、聯會秘書長 Roel Dona 先生，以及來自全球各地的總檢察長、檢察長、檢控人員和官員。

持續法律進修課程

一如往年，本科在 2024 年舉辦了多個研討會和交流會，由來自檢控相關界別的資深講者主講，當中包括：

- “檢控洗錢罪行實務指南：第一部分” — 在 4 月 12 日舉辦，由高級助理刑事檢控專員蕭啟業先生及署理高級助理刑事檢控專員梁育珩先生主講
- “檢控洗錢罪行實務指南：第二部分” — 在 4 月 22 日舉辦，由高級助理刑事檢控專員黃堅邦先生、高級助理刑事檢控專員蕭啟業先生、署理高級助理刑事檢控專員黃俊賢先生、署理高級助理刑事檢控專員何眉語女士及署理高級助理刑事檢控專員梁育珩先生主講
- “數碼證據 — 在法庭內引用數碼證據” — 在 8 月 19 日舉辦，由香港大學楊艾文教授主講
- “數碼罪行 — 有關數碼世界中罪行定義的法律問題” — 在 10 月 30 日舉辦，由香港大學楊艾文教授主講

The Conference was attended by Mr Tong Jianming, Vice President of the IAP and First Deputy Prosecutor General of the Supreme People's Procuratorate of the People's Republic of China, Mr Roel Dona, Secretary-General of the IAP, as well as Attorneys General, Prosecutors General, prosecutors and officials from around the world.

Continuing Legal Education

As in previous years, seminars and sharing sessions were conducted by experienced guest speakers from sectors related to prosecution in 2024. Such seminars and sharing sessions included:

- “A Practical Guide to Prosecuting Money Laundering Offences: Part 1” by Mr William Siu, Senior Assistant Director of Public Prosecutions and Mr Gary Leung, Acting Senior Assistant Director of Public Prosecutions on 12 April
- “A Practical Guide to Prosecuting Money Laundering Offences: Part 2” by Mr Michael Wong, Senior Assistant Director of Public Prosecutions, Mr William Siu, Senior Assistant Director of Public Prosecutions, Mr Nicholas Wong, Acting Senior Assistant Director of Public Prosecutions, Ms Lily Ho, Acting Senior Assistant Director of Public Prosecutions and Mr Gary Leung, Acting Senior Assistant Director of Public Prosecutions on 22 April
- “Digital Evidence – Use of Digital Evidence in Court” by Professor Simon Young of the University of Hong Kong on 19 August
- “Digital Crimes – Legal Issues in the Definition of Crimes in the Digital World” by Professor Simon Young of the University of Hong Kong on 30 October



- “法官的觀察：區域法院案件的處理” — 在 11 月 15 日舉辦，由高等法院原訟法庭法官游德康先生、區域法院法官王詩麗女士及區域法院法官張潔宜女士主講
- “抱同情之心秉行公義：加強檢控人員支援易受傷害證人的能力” — 在 11 月 27 日舉辦，由國際檢察官聯合會總顧問 Shenaz Muzaffer 女士、巴布亞新幾內亞獨立反貪委員會法律執行總監 Belinda Hughes 女士及澳洲維多利亞州刑事檢察處首席律師 Rachel Fitzpatrick 女士主講

實習計劃

在 2024 年，多名中國內地機構官員獲安排在不同時期於刑事檢控科實習，以了解香港刑事司法制度的運作和香港如何進行檢控工作。實習人員包括：

- 中國共產黨中央紀律檢查委員會及中華人民共和國國家監察委員會陳彬先生 (5 月 13 至 17 日)
- 公安部李宇涵女士 (5 月 13 至 17 日)
- 最高人民檢察院郭露遙女士 (5 月 20 至 31 日)
- 中國共產黨中央紀律檢查委員會及中華人民共和國國家監察委員會何晶曼女士 (6 月 17 至 21 日)

練習計劃

自 2020 年起，獲認許後執業少於五年的私人執業大律師及律師可於此計劃下輪流擔任資深大律師或資歷較深的大律師的副手，並以收取每日定額酬金的方式在合適的外判案件中協助進行檢控工作。這項計劃為資歷較淺的律師提供寶貴的學習機會，讓他們汲取檢控複雜和敏感案件的經驗和

- “Observations from the Bench: The Handling of District Court Cases” by Mr Justice Douglas Yau, Judge of the Court of First Instance of the High Court, Her Honour Judge Lily Wong and Her Honour Judge Kathie Cheung, District Judges on 15 November
- “Justice with Compassion: Empowering Prosecutors to Support Vulnerable Witnesses” by Ms Shenaz Muzaffer, General Counsel of the International Association of Prosecutors, Ms Belinda Hughes, Executive Director Legal of the Independent Commission Against Corruption of Papua New Guinea, and Ms Rachel Fitzpatrick, Principal Solicitor of the Office of Public Prosecutions of the State of Victoria in Australia on 27 November

Attachment Programme

In 2024, a number of Mainland China officials from various institutions were attached to the Prosecutions Division in different periods of time during which they were arranged to understudy the operation of the criminal justice system in Hong Kong and how prosecution work is carried out here. The participants included:

- Mr Chen Bin, from the Central Commission for Discipline Inspection of the Communist Party of China and the National Commission of Supervision of the People's Republic of China (13-17 May)
- Ms Li Yuhan, from the Ministry of Public Security (13-17 May)
- Ms Guo Luyao, from the Supreme People's Procuratorate (20-31 May)
- Ms He Jingman, from the Central Commission for Discipline Inspection of the Communist Party of China and the National Commission of Supervision of the People's Republic of China (17-21 June)

Understudy Programme

Since 2020, barristers and solicitors in private practice with less than five years' post call/admission experience can be engaged, on a rotating basis, to act as an understudy to Senior Counsel or senior junior counsel and to take part in the prosecution work of suitable briefed out cases at a fixed daily rate under this programme. This has provided valuable learning opportunities to junior counsel for gaining experience and skills in prosecuting

技巧。在 2024 年，共有十名私人執業的新晉律師參與這項計劃。

刑事訟辯課程

我們在 2024 年為新入職的檢控官和見習律政人員舉辦了兩輪刑事訟辯課程。課程為期 12 星期，包括由資深同事主講的課堂講座，內容涵蓋刑事法律、常規及程序等多項議題。學員參觀了警務處和政府化驗所，並進行了密集式的模擬法庭實習訓練。課程結束前，學員獲派駐裁判法院實習一段時間，其間執行刑事案件的檢控工作。

其他科別的律師如有意提高刑事法知識，也可參加該課程。

部門檢控人員培訓課程



刑事檢控科於 2024 年 6 月舉辦為期 14 天的部門檢控人員培訓課程，共有 107 名來自不同政府決策局／部門及自主機構的非法律專業檢控人員參加。該課程旨在向部門檢控人員傳授履行職務所需的知識和技巧。

課程分為三部分。學員首先須出席一系列課堂講座，內容涵蓋裁判法院程序、訊問

cases of complexity and sensitivity. A total of 10 junior counsel in private practice participated in the programme in 2024.

Criminal Advocacy Course



In 2024, two rounds of Criminal Advocacy Course were held for our newly recruited Public Prosecutors and Legal Trainees. The 12-week course consisted of lectures given by our experienced colleagues, covering a wide range of topics on criminal law, practice and procedures. Participants visited the Police and the Government Laboratory as part of their learning experience. Intensive mock court exercises then followed, with the course concluding with a period of attachment to the Magistrates' Courts where participants prosecuted criminal cases in Court.

The course was also open to Counsel from other divisions wishing to enhance their knowledge on criminal law.

Departmental Prosecutors Training Course

The Prosecutions Division organized a 14-day Departmental Prosecutors Training Course in June 2024. Attended by 107 lay prosecutors from different government bureaux/ departments and autonomous bodies, the course aimed to equip departmental prosecutors with the knowledge and skills necessary for their discharge of duties.

The course consisted of three parts. Participants first had to attend a series of lectures covering topics such as Magistrates' Courts procedures, examination of witnesses, previous consistent/ inconsistent statement, *voir dire* and disposal of exhibits. They then paid a one-day visit to one of the Magistrates' Courts, seeing how the legal principles discussed applied in real cases. The course concluded by their taking part in mock court exercises for

證人、前後一致 / 不一致的陳述、案中案程序及處置證物等議題。然後，他們到其中一所裁判法院參觀一天，體驗在課堂上討論過的法律原則如何應用在實際案件中。課程最後一部分是為期六天的模擬法庭實習訓練，其間學員分別擔當檢控人員、辯方律師或證人的角色。

法庭檢控主任培訓

在 2024 年加入刑事檢控科的法庭檢控主任獲派駐裁判法院工作前，接受了專為他們而設的九個月培訓課程。新聘人員身負重任，負責維持裁判法院的高水平檢控工作。

培訓課程為期九個月，包括一系列課堂講座，內容集中講解實體刑法和程序法的一些重要議題；模擬法庭實習訓練；以及派駐裁判法院實習，其間新聘人員先在督導下執行刑事案件的檢控工作，然後逐漸自行處理有關工作。他們也到訪警務處和政府化驗所，與有關人員會面，以加深認識這些部門的日常運作和加強合作。

本司委聘一名在裁判法院檢控工作方面擁有豐富知識及專業才能的培訓顧問（前任高級助理刑事檢控專員）制訂和監督整個培訓課程。

國際會議

在 2024 年，本科繼續加強與其他司法管轄區的檢控人員的聯繫。我們參與多項國際活動，從中了解刑事法律和檢控方面的最新發展，並與一眾同業交流意見。這些國際活動包括：

- 2024 年 2 月舉行的財務行動特別組織全體會議及工作組會議（法國巴黎）
- 國際打擊野生動植物犯罪聯盟野生動植物非法貿易國際會議（比利時布魯塞爾）

six days, taking on the role of a prosecutor, defence counsel or a witness.

Court Prosecutors Training

Before being deployed to work at the Magistrates' Courts, Court Prosecutors who had joined the Prosecutions Division in 2024 underwent a tailor-made nine-month training programme. The new recruits are expected to play a pivotal role in maintaining the high standard of the prosecution work in the Magistrates' Courts.

The nine-month training programme consisted of a series of lectures focusing on important topics of substantive and procedural law, mock court exercises, and attachment to the Magistrates' Courts during which the new recruits prosecuted criminal cases firstly under supervision and then on their own. The new recruits also paid visits to the Police and the Government Laboratory to meet with their personnel to gain a better understanding of their daily operations and to enhance cooperation.

A Training Consultant, a former Senior Assistant Director of Public Prosecutions with extensive knowledge and expertise in prosecution work in Magistrates' Courts, was engaged to design and oversee the entire training programme.

International Conferences

In 2024, the Division continued to foster links with counterparts in other jurisdictions. Counsel of the Division participated in various international events, in which they kept abreast of the latest





- 2024 年 6 月舉行的財務行動特別組織全體會議及工作組會議（新加坡）
- 2024 年東南亞司法網絡全體會議（老撾永珍）
- 第 29 屆國際檢察官聯合會年會暨會員大會（阿塞拜疆巴庫）
- 第 11 屆國際檢察官聯合會亞洲及太平洋地區會議（中國香港）
- 第 14 屆中國—東盟成員國總檢察長會議（新加坡）
- 第三屆國際檢察官聯合會亞太區研討會（韓國首爾）
- developments in criminal law and prosecutions and exchanged ideas with their counterparts. Such international events include:
 - The Financial Action Task Force Plenary and Working Group Meetings February 2024 (Paris, France)
 - The International Consortium on Combating Wildlife Crime (ICCWC) Illegal Wildlife Trade Global Conference (Brussels, Belgium)
 - The Financial Action Task Force Plenary and Working Group Meetings June 2024 (Singapore)
 - The 2024 Plenary Meeting of the South East Asia Justice Network (Vientiane, Laos)
 - The 29th International Association of Prosecutors Annual Conference and General Meeting (Baku, Azerbaijan)

培訓活動

在 2024 年，本科檢控人員參加了不同類型的培訓活動，藉以增進所需的知識和技巧，以便更有效地履行職務，並為事業發展打好基礎。這些培訓活動包括：

- 中殿大律師學院訟辯課程（英國倫敦）
- 在英國牛津大學基布爾學院舉辦的 South Eastern Circuit Bar Mess Foundation, Tim Dutton CBE KC, 2024 年高級國際訟辯課程（英國牛津）
- 2024 年科技法律節（新加坡）
- 中央人民政府聯絡辦公室舉辦的內地法律制度研習班（中國北京）

- The 11th Asia and Pacific Regional Conference of the International Association of Prosecutors (Hong Kong, China)
- The 14th China-ASEAN Prosecutors-General Conference (Singapore)
- The 3rd International Association of Prosecutors Asia-Pacific Regional Workshop (Seoul, Korea)

Training Activities

In 2024, prosecutors of the Division attended a wide range of training activities to hone their knowledge and skills necessary for a more efficient discharge of their duties and for future career advancement. These activities included:

- Middle Temple Advocacy Course (London, United Kingdom)
- The South Eastern Circuit Bar Mess Foundation, Tim Dutton CBE KC, Advanced International Advocacy Course 2024 at Keble College, University of Oxford (Oxford, United Kingdom)
- TechLaw.Fest 2024 (Singapore)
- Mainland Legal Studies Course organized by the Liaison Office of the Central People's Government (Beijing, China)



統計數字

Statistics

服務表現的標準及目標

在 2024 年，刑事檢控科除處理出庭檢控的工作外，也向政府決策局及執法機關提供了共 17,740 份涉及刑事事宜的法律指引。在所有尋求法律指引的案件中，96.7% 符合本科的服務承諾，即在 14 個工作天內作出回覆，而 2023 年則是 95.3%。

工作量

審訊籌備及提供法律指引的工作

本科在 2024 年提供法律指引的次數較 2023 年增加 14.6%。本科檢控人員會確保提出和進行檢控方面的處理手法貫徹一致，以及在向執法機關提供法律指引時充分斟酌最新法律發展。

Performance Standards and Targets

In 2024, in addition to court work, the Division gave a total of 17,740 legal advice on criminal matters to government bureaux and law enforcement agencies. Of all the requests for legal advice, 96.7% were replied to within 14 working days in accordance with our performance pledge, as compared to 95.3% in 2023.

Caseload

Trial preparation and advisory work

The number of legal advice given in 2024 increased by 14.6% as compared to 2023. Prosecutors will ensure that there is consistency in their approach in initiating and conducting prosecutions, and that recent developments in law are adequately addressed in their advice to law enforcement agencies.

	2023	2024
提供法律指引次數 Number of legal advice given	15,486	17,740
籌備由原訟法庭審理的案件數目 Number of cases prepared for the Court of First Instance	446	452
籌備由區域法院審理的案件數目 Number of cases prepared for the District Court	1,311	1,618

本科檢控人員及外判律師代替本科檢控人員在各級法院出庭檢控的工作

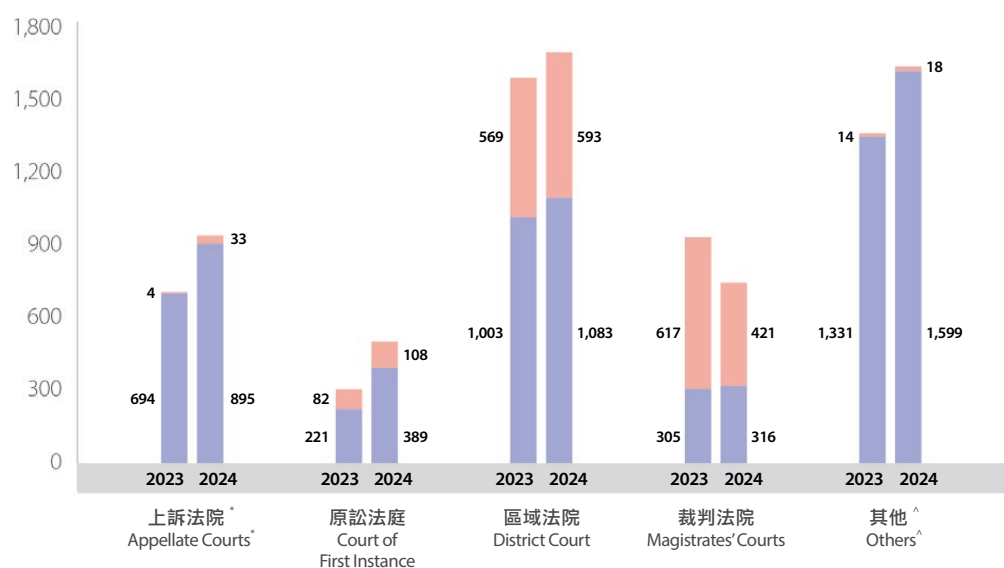
年內處理的案件總數錄得上升。與 2023 年相比，由本科檢控人員處理的案件數目上升 20.5%，由外判律師處理的案件數目則下跌 8.8%。

Court work undertaken by In-house Prosecutors and Fiat Counsel in place of In-house Prosecutors in all levels of Courts

There was an increase in the total number of cases conducted for the year. As compared to 2023, the number of cases conducted by in-house prosecutors increased by 20.5% while the number of cases conducted by fiat counsel decreased by 8.8%.

本科檢控人員及外判律師處理的案件數目

Number of cases conducted by In-house Prosecutors and Fiat Counsel



^{*} 包括裁判法院上訴案件，以及在上訴法庭和終審法院聆訊的上訴案件。
This includes magistracy appeals and appeals heard in the Court of Appeal and the Court of Final Appeal.

[^] 包括限制令申請、死因研訊、保釋申請、訟費評定及高等法院的雜項程序。
This includes restraint applications, death inquests, bail applications, taxations of costs and High Court miscellaneous proceedings.

外判律師
Fiat Counsel

2023
總數 Total: 1,286
2024
總數 Total: 1,173

本科檢控人員
In-house Prosecutors

2023
總數 Total: 3,554
2024
總數 Total: 4,282

法庭檢控主任及外判律師代替法庭檢控主任在裁判法院出庭檢控的工作

Court work undertaken by Court Prosecutors and Fiat Counsel in place of Court Prosecutors in the Magistrates' Courts

法庭檢控主任及外判律師代替法庭檢控主任在裁判法院處理的案件數目

Number of cases conducted by Court Prosecutors and Fiat Counsel in place of Court Prosecutors in the Magistrates' Courts

	2023	2024
法庭檢控主任及外判律師代替法庭檢控主任在裁判法院處理的案件數目	143,824	144,933

案件的結果

Case Outcomes

定罪率

Conviction rates

刑事檢控科用以計算定罪率的統計數字，是以被告人數為基礎*。

The statistics used by the Prosecutions Division to calculate conviction rates are defendant-based*.

	認罪後被定罪的被告人數 No. of defendants convicted on own plea (A)	經審訊後被定罪的被告人數 No. of defendants convicted after trial (B)	經審訊後裁定無罪的被告人數 ^ No. of defendants acquitted after trial ^ (C)	經審訊後的定罪率 Conviction rate after trial (B)÷[(B)+(C)]	包括認罪案件的定罪率 Conviction rate including guilty plea [(A)+(B)]÷[(A)+(B)+(C)]
裁判法院 Magistrates' Courts					
2023	1,101	2,079	1,348	60.7%	70.2%
2024	827	1,915	1,236	60.8%	68.9%
區域法院 District Court					
2023	1,123	289	73	79.8%	95.1%
2024	1,172	283	61	82.3%	96.0%
原訟法庭 Court of First Instance					
2023	197	43	34	55.8%	87.6%
2024	303	44	31	58.7%	91.8%

* 舉例而言，一名被告如被控以四項罪名，最終被裁定一項罪名成立而其他三項罪名不成立，由於定罪率是以被告人數為基礎，這會視為一宗被定罪的案件。
For example, if a defendant faces four charges and if he has been convicted of one charge but not the other three charges, because the conviction rates are defendant-based, this will be regarded as a conviction case.

^ 此欄包括“不提證據起訴”及“簽保”案件的數目。
The numbers in this column include “offering no evidence” and “bound-over” cases.

終審法院及相關申請

Court of Final Appeal and related applications

	由被告提出 By Defendants		由刑事檢控科提出 By Prosecutions Division	
	2023	2024	2023	2024
向上訴法庭或原訟法庭申請證明書以上訴至終審法院： Application for certificate in the Court of Appeal or the Court of First Instance for appeal to the Court of Final Appeal:				
得直 Allowed	4	1	1	1
駁回 Dismissed	14	21	0	1
撤銷 Withdrawn	0	0	0	0
待決 ^註 Pending ^{Note}	3	7	0	0
總數 Total	21	39	1	2
向終審法院提出的上訴許可申請： Application for leave to appeal to the Court of Final Appeal:				
得直 Allowed	10	7	3	2
駁回 Dismissed	30	35	0	1
撤銷 Withdrawn	2	1	0	0
待決 ^註 Pending ^{Note}	26	28	1	1
總數 Total	68	71	4	4
向終審法院提出的上訴： Appeal to the Court of Final Appeal:				
得直 Allowed	3	6	3	1
駁回 Dismissed	5	2	2	0
撤銷 Withdrawn	0	0	0	0
待決 ^註 Pending ^{Note}	2	2	1	1
總數 Total	10	10	6	2

註 — 指於該年提出但尚未完成處理的申請數目。

Note – This refers to the number of applications initiated but had not yet been concluded in the respective year.

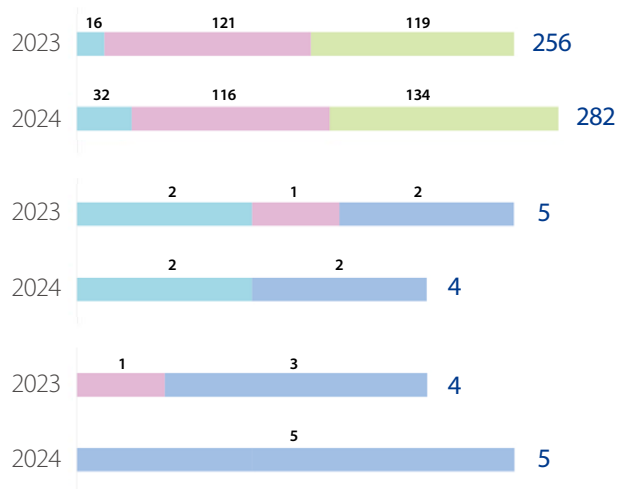
上訴法庭

被告提出的上訴
By Defendants

刑事檢控科提出的覆核刑罰申請
By Prosecutions Division to review sentences

刑事檢控科以案件呈述方式提出的上訴
By Prosecutions Division by way of case stated

Court of Appeal

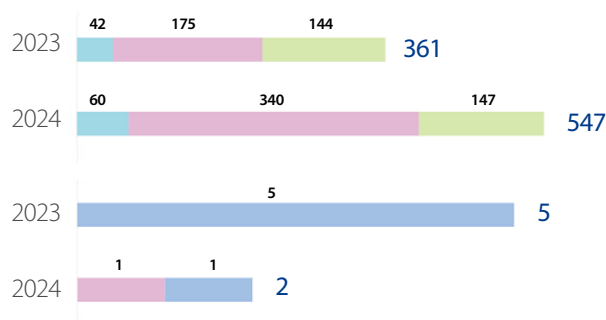


原訟法庭

被告提出的上訴
By Defendants

刑事檢控科以案件呈述方式提出的上訴
By Prosecutions Division by way of case stated

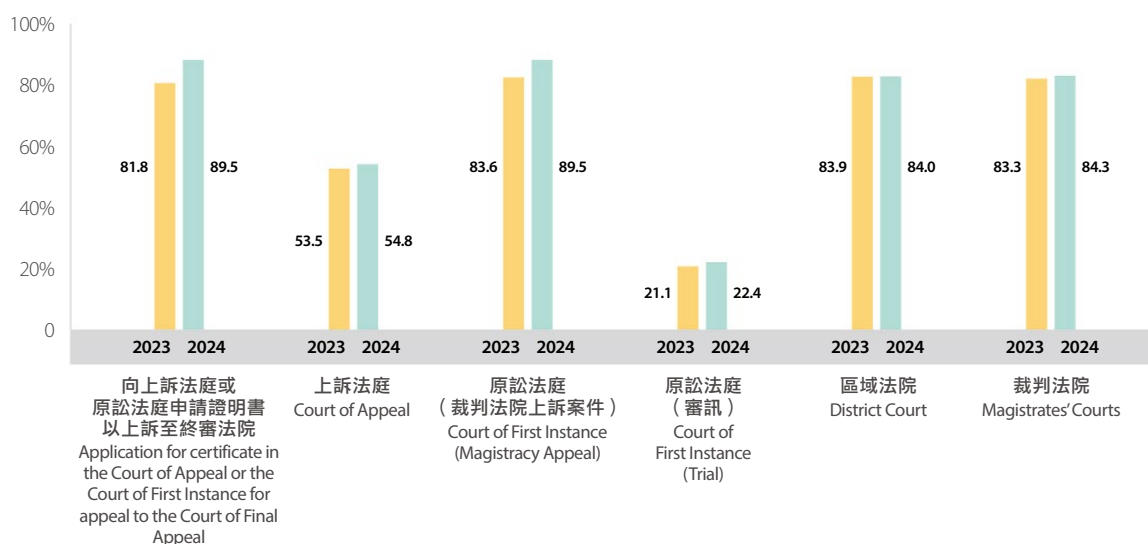
Court of First Instance



註 – 指於該年提出但尚未完成處理的申請數目。
Note – This refers to the number of applications initiated but had not yet been concluded in the respective year.

在法庭雙語並用的狀況 (以中文審理的刑事案件百分率)

Bilingualism in Courts (Percentage of criminal cases conducted in Chinese)



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Acknowledgements

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Department of Justice

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