



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

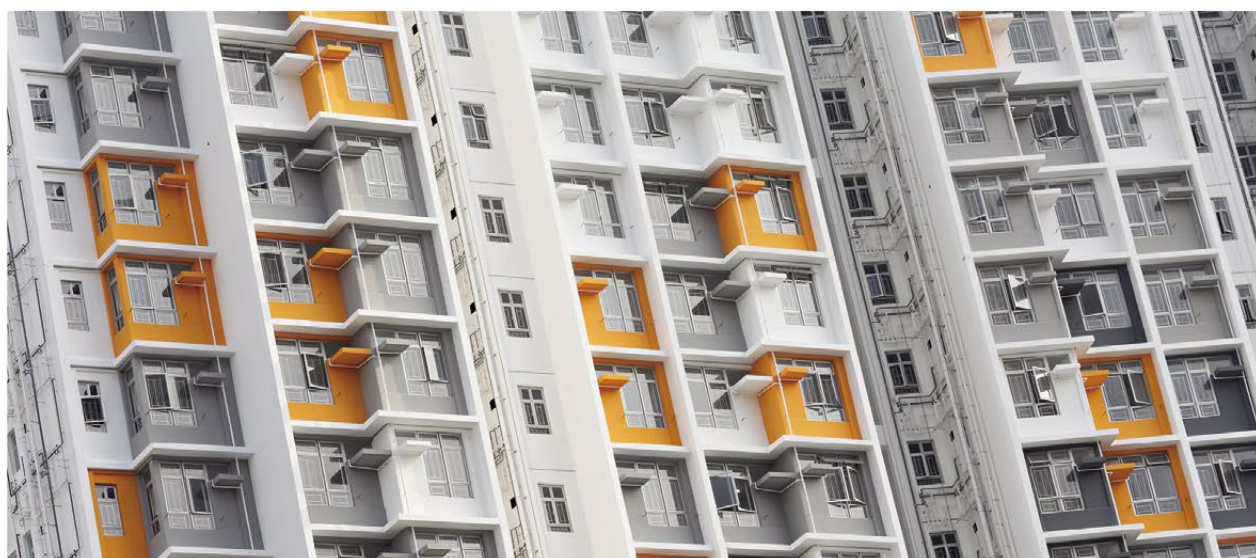
Macao SAR on “The Court Procedures of Criminal Asset Recovery and Successful Cases”.

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.