

裁判法院 Magistrates' Courts



裁判法院 (A)、(B) 及 (C) 三組就一系列於裁判法院審理的刑事案件提供法律指引和提出檢控，當中涉及的罪行範圍廣泛，涵蓋傳統罪行 (例如性罪行、危險藥物罪行、涉及不誠實行為的罪行、虐兒和道路交通罪行)，以至近年趨增的罪行 (例如洗黑錢、殘酷對待動物和起底的罪行)。

The Magistrates' Courts Sections (A), (B) and (C) advise on and prosecute a broad range of criminal offences at the Magistrates' Courts, from conventional crimes such as sexual offences, dangerous drugs, dishonesty offences, child abuse, and road traffic offences to emerging crimes including money laundering, animal cruelty, and doxing.

下文載述該組在 2025 年處理的一些值得關注的案件。

Some notable cases handled by the Sections in 2025 are highlighted below.

1



在**香港特別行政區訴陳子健** [2026] HKCFI 650 一案，被告於交通意外中受傷，其後向社會福利署申請交通意外傷亡援助，並提交虛假醫療記錄作為證明文件。他被控一項“欺詐”罪。他承認控罪，向署方全數歸還款項，被判入獄五個月。高等法院駁回他就刑罰提出的上訴，確認案中所判的監禁刑罰恰當，反映濫用公共援助計劃須承擔的嚴重後果。

In **HKSAR v Chan Tsz-kin** [2026] HKCFI 650, after being injured in a traffic accident, the defendant applied to the Social Welfare Department for Traffic Accident Victims Assistance and submitted false medical certificates in support. He was prosecuted for one count of “fraud”. He pleaded guilty, repaid the full amount to the Department, and was sentenced to five months’ imprisonment. The High Court dismissed his appeal against sentence, affirming the custodial sentence as appropriate to reflect the seriousness of abusing a public assistance scheme.

2



在**香港特別行政區訴賈鵬及另一人** TMCC 2408/2025 案中，兩名中國內地學生各自被控“企圖以欺騙手段取得服務”罪。二人為一間本地大學學士學位課程四年級學生，因其英語測試成績未能符合大學畢業要求，而安排人假冒他們於海外應考托福 (TOEFL) 考試，並向大學提交經修改的考試成績單。校方察覺成績單上所見的考生與該兩名學生的外貌不符，遂揭發罪行。兩名學生認罪後被裁定罪名成立，各被判監三個月。

In **HKSAR v Jia Peng and another** TMCC 2408/2025, two Chinese Mainland students were each charged with “attempting to obtain services by deception”. They were final year undergraduate students at a local university who failed to achieve satisfactory English test results to fulfil the university’s graduation requirements, so they arranged for impostors to sit overseas TOEFL tests on their behalf and submitted edited TOEFL score reports to the university. The university discovered the offences upon noting that the candidates shown in the TOEFL reports did not match the students’ appearances. The two students were convicted upon their own pleas and sentenced to three months’ imprisonment each.

3



在**香港特別行政區訴蔣定邦** [2025] HKCFI 5217 一案，一名警員被控一項“對所看管兒童虐待或忽略”罪。他曾先後八次用被子蓋住其九個月大兒子的身體（包括頭部），每次歷時由 14 秒至 1 小時 48 分鐘不等。其子在最後一次事件中身亡。被告經審訊被裁定罪名成立，判處入獄 14 個月。他就定罪及刑期提出上訴，但被駁回。

In **HKSAR v Chiang, Filomeno** [2025] HKCFI 5217, a police officer was charged with one count of “ill-treatment or neglect by those in charge of a child”. He used a blanket to cover the body, including the head, of his nine-month-old son on eight separate occasions, lasting from 14 seconds to one hour and 48 minutes. His son passed away on the last occasion. The defendant was convicted and sentenced to 14 months’ imprisonment after trial. His appeal against the conviction and sentence was dismissed.

4



在**香港特別行政區訴余令科** KCCC 3027/2024 案中，被告的室友目睹被告兩度踢室友所養貓隻的腹部，導致貓隻撞向乾衣機。該貓隻被送往診所，翌日死亡，死因不明。經審訊，裁判官裁定被告毫無原因踢貓隻，行為殘酷。被告被裁定“殘酷對待動物”罪成，判處監禁五個月。

In **HKSAR v Yu Lingke** KCCC 3027/2024, the defendant was witnessed by his roommate to have kicked his roommate’s cat twice in the stomach, causing the cat to slam into a clothes dryer. The cat was sent to a clinic but died the next day, with the cause of death undetermined. After trial, the magistrate ruled that the defendant had no reason to kick the cat and his actions must be cruel. The defendant was convicted of “cruelty to animal” and sentenced to five months’ imprisonment.

5



在**香港特別行政區 訴 黃樂** ESCC 3400/2024 案中，一宗非禮案的受害人 X 匿名作證，而被告經審訊獲判無罪。其後網上出現有關該案的討論。本案被告利用網上討論區帳戶，鼓勵他人公開 X 的身分。他隨後被控一項“煽惑他人未獲資料當事人同意下披露其個人資料（起底）”罪。他承認控罪，被裁定罪名成立。法院考慮到他有悔意、初犯及其他減刑因素，判處他 120 小時社會服務令。

In **HKSAR v Wong Lok Martin** ESCC 3400/2024, after an acquittal in an indecent assault case in which the victim X had testified anonymously, there was online discussion about the case. Using an online forum account, the defendant encouraged others to expose X's identity. He was then charged with one count of “inciting another person to disclose personal data without the data subject's consent (doxing)”. He was convicted on his own guilty plea. Taking into account his remorse, previous clear record and other mitigating factors, the Court sentenced him to 120 hours of community service.

為維護簡易程序司法公正，裁判法院組會就適當的案件提出覆核，以確保裁決符合法律原則，並在有需要時向上級法院提出上訴。

To safeguard the proper administration of justice at summary level, the Magistrates' Courts Sections would initiate reviews in appropriate cases to ensure decisions accord with legal principles and, where necessary, conduct subsequent appeals in higher courts.

6



在**香港特別行政區 訴 周寶江及另四人** [2025] HKCFI 1735 案中，五名被告被發現在工業大廈一個房間內的非法賭場打麻雀。裁判官裁定被告“在賭場內賭博”罪罪名不成立時，沒有考慮到《賭博條例》（第 148 章）第 19 條訂明的相關法定推定。因此，控方基於裁判官犯了法律上的錯誤，根據《裁判官條例》（第 227 章）第 104 條申請覆核。經覆核，裁判官撤銷無罪裁決，並基於法定推定裁定五名被告上述罪名成立，判處每名被告罰款港幣 4,000 元。該五名被告的定罪上訴被駁回。其中四名被告在 FAMC 17-20/2025 向終審法院提出上訴許可申請，亦被終審法院上訴委員會駁回。

In **HKSAR v Chau Po-kong and 4 others** [2025] HKCFI 1735, five defendants were found playing mahjong in an unlawful gambling establishment located at a room in an industrial building. The magistrate, in acquitting the defendants of the charge of “gambling in a gambling establishment”, failed to take into account the relevant statutory presumptions under section 19 of the Gambling Ordinance (Cap. 148). As a result, the Prosecution applied for a review under section 104 of the Magistrates Ordinance (Cap. 227) on the basis that the magistrate erred in law. After review, the magistrate set aside the acquittal, convicted the five defendants of the said charge on the basis of the statutory presumption and sentenced each of them to a fine of HK\$4,000. The five defendants' appeals against conviction were dismissed. Applications for leave to appeal to the Court of Final Appeal made by four of these defendants were also dismissed by the Appeal Committee of the Court of Final Appeal in FAMC 17-20/2025.