



## 刑事檢控專員的序言 Director's Overview



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2012 年是充滿挑戰及成果特別豐碩的一年。當一所機構面對挑戰之際，就是內部人員發揮實力才幹，創出佳績之時。這正正是刑事檢控科去年工作的寫照。科內每位成員都各司其職，各盡所能服務本科和市民大眾，確保時刻以同等的尺度，不偏不倚地推展刑事司法規則。

司法公正有很多方面，對不同人有不同意義。就法律概念而言，司法公正是指通過公平、應有的程序，就法律上的問題及爭議提供公正的解決方法。刑事司法的公正是關乎社會公義。正如我一再指出，公職檢控人員並非代表政府或執法機構，而是代表社會。作為檢控人員，我們每天的職務和責任，是為社會服務。

The year 2012 was one of numerous challenges and extraordinary achievements. Whenever an organization is put to the test, it provides an opportunity for its officers to display their strengths and virtues and to excel. This is exactly what the Prosecutions Division did throughout the year. Each and every member of the Division in his or her own particular way served the office and the community with skill and dedication to ensure that the imperatives of criminal justice were furthered with equal measure and in an even handed manner at all times.





對於首次干犯輕微罪行的罪犯，本科按照檢控常規及指引，採取較負責任的做法，在適當情況下讓罪犯簽保。實施這項措施並不容易，檢控人員必須有公正處理案件的決心，作出慎重和周詳的考慮，確保案件有公正的結果，給予罪犯改過自新的機會，避免留下案底。這個方法不單只顧及罪犯的利益，還要考慮受害者以至社會的利益，因此必須以公平為原則作出適當平衡。我們注意到，當罪犯因此而有機會改過自身，他們絕少會重蹈覆轍。這個方法確能有效地引導他們遠離罪惡，不再以身試法。刑事定罪是一生的烙印：對於年輕的犯罪者，刑事定罪會使他們意志消沉，前程盡毀，難令他們步入正軌；而對於大半生清白的年長犯罪者，刑事定罪會帶來極大的恥辱和不安。每宗案件都值得我們深思熟慮和了解，而就適合的案件而言，不尋求刑事定罪是彰顯公義。

我必須強調，簽保並不是讓罪犯逍遙法外。在某些情況下，與慣常的量刑選擇（例如罰款）相比，簽保所施加的懲處更為有效。罪犯如獲判簽保，須在公開法庭承認他所犯的罪行及接受告誡，然後向法庭承諾在最多兩年內守行為；如違反承諾，則須另受懲處，最高可判處監禁 6 個月。裁判官曾有這項不將定罪予以記錄的權力，但在 1986 年被撤消。當局應重新賦予裁判官這項權力。

與此同時，本科以同樣的決心和果敢打擊嚴重罪行。我們經常在高等法院就林林總總的刑事案件，尤其是殺人及性暴力案件，作出檢控。我們也本着無懼無私的精神，就涉及高級公務人員和社會上富裕人士的案件作出檢控。年內，


Justice has many facets to it. It can mean different things to different people. But as a concept in law, justice seeks through fair and due process to provide just resolution to legal issues and disputes. Criminal justice is community justice. As I have said repeatedly, a public prosecutor does not represent the government or law enforcement agencies: he or she represents the community and it is the community that we serve in our everyday duties and responsibilities as prosecutors.

The Division has taken a more responsible role, according to its practice and guidelines, in addressing first time offenders of minor crime who are dealt with by way of a bind over where it is appropriate. This has not been easy and requires a determined effort to provide justice to a case. It involves careful and anxious consideration in ensuring a just resolution is achieved by giving the offender a second chance in that a conviction is not recorded against his or her name. It also involves taking into account not only the interest of the offender but also that of the victim and the community and that is why it requires striking a fair balance as to what is appropriate. When someone has been given a second chance in this way we notice that they rarely offend again. It does work and we see people being steered away from crime and not into it. A criminal conviction can brand a person for life and with young offenders that can break their spirit, ruin their career and send them down the wrong path; with elderly offenders who have lived a hitherto blameless life it can

bring a disproportionate level of shame and anxiety. Each case deserves our thoughtful consideration and understanding and, in appropriate cases, justice is served by not seeking a criminal conviction.

It must be emphasized that a bind over is not a let off. In some circumstances it imposes a much more effective sanction than customary sentencing options, such as a fine. An offender admits his or her wrongdoing and is admonished in open court, and then gives an undertaking to the court to be of good behaviour for up to 2 years with the added sanction of up to 6 months' imprisonment for breaching the undertaking. This power of not recording a conviction was once given to Magistrates but was taken away in 1986. It should be given back to them.

At the same time, the Division has been equally determined and resolute in fighting serious crime. We regularly prosecute the full array of criminal cases, in particular, homicide and sexual violence cases in the High Court. We have instituted prosecution action in cases involving high ranking public officials and wealthy members of the community without fear or favour. We have successfully prosecuted numerous high profile cases throughout the year. Our focus is to make sure our cases are thoroughly prepared and clearly presented. We are regarded as world leaders in prosecuting white collar crime, in particular, cases involving corruption, money laundering, major fraud and market misconduct. We have established a Cybercrime Unit to deal with the somewhat vexed and neglected area of



我們成功檢控多宗廣受矚目的案件。我們的工作重點，是確保審慎籌備案件，並清晰地陳述案情。本科在檢控白領罪行，特別是涉及貪污、洗黑錢、嚴重詐騙及市場失當行為的案件方面，有全球首屈一指的稱譽。本科成立了電腦網絡罪行組，專責處理頗為棘手而又備受忽略的電腦網絡執法工作。我們注意到，經社交網絡和聊天網站干犯的性侵犯罪行，以及非法入侵他人電腦和詐騙案件，都有所增加。

檢控機關必須與時並進。我已確保本科人員言行一致，尤其是在達致我們所訂的目標。為保持高度專業，我已推行一系列訓練課程及措施，讓科內律師及私人執業律師從中汲取檢控技巧與經驗，為社會提供高水平的法律服務，以秉持刑事司法公正。我們亦為科內所有律師舉辦連串關於使用淺白英語這個課題的講座。這些講座極為有用，有助推動我們在口語和書面溝通上摒棄深奧的法律用語，能與現代的法律行業趨於一致。至於在達至公開問責方面，我曾按情況所需談論一些議題和對案件作出解釋。縱使有時候傳媒就有關言論作出並不準確或有欠公允的報道而令我感到遺憾，但也無阻我貫徹本科訂定的重要目標，就我們的具體工作和整體的刑事司法制度，與市民保持溝通。科內檢控人員不時出席會議及研討會，就本科的整體工作作全面的介紹，並探討一些當前關注的事項和問題。在2012年，我首次舉辦檢控週，藉此推廣刑事司法制度及增進公眾對該制度的認識，同時尋求在維護法治方面，與公眾建立夥伴關係。這項獨特的措施成效十分理想，將會成為本科的年度項目。正如我曾經說過，公眾對刑事司法制度的認識愈多，便愈了解和支持我們為公眾所做的工作。

本科推行的另一個改革重點，是促進與其他司法管轄區的檢控人員緊密合作。我們常常參與交流計劃，安排其他司法管轄區的檢控人員到本科實習，從而加深了解彼此的法律制度，並就執行刑事法所共同關注的事宜，特別是跨國罪行，發展更緊密的聯繫。我們已推行一項外展計劃，讓發展中國家的檢控人員

law enforcement of cyberspace. We have seen an increase in cases involving sexual predatory offences via social networks and chat sites, as well as hacking and fraud.

The prosecution service is moving with the times. I have made sure that we practise what we preach, especially in meeting our objectives. In terms of being highly professional, I have introduced a range of training programmes and initiatives to give lawyers, both in-house and from the private profession, the skills and experience to provide high-level legal service to the community in seeking criminal justice. We also held a series of seminars for all counsel of the Division on Plain English for Lawyers. This proved to be an invaluable exercise with the object of shedding the legalese in our oral and written communication and bringing us in line with modern practices in the law. In terms of being open and accountable, I have discussed issues and explained cases when and where required. I regret that sometimes the media have let us down by not reporting accurately or fairly what has been said, but that has not deterred me from the important stated objective of engaging the community with our work specifically and the criminal justice system generally. Prosecutors regularly attend conferences and seminars, providing a comprehensive account of our work and addressing current concerns and issues. I introduced Prosecution Week in 2012 as a means to promote the criminal justice system and increase community awareness, while at the same time seeking to forge a partnership with the community in upholding the rule of law. This unique initiative has proved highly successful and will now become an annual event. As I have stated, a community more informed about the criminal justice system will make for a community that is more understanding and supportive of the work we do for it.

One other area of reform that the Division has focused on is the need to work closely with our counterparts in other jurisdictions. We have regularly engaged in exchange programmes, arranging placements for prosecutors of other jurisdictions with the

Division. This helps us to achieve a better understanding of our respective legal systems and develop closer ties with each other in our mutual concern to deal with the enforcement of the criminal law, in particular, transnational crime. We have initiated an Outreach Programme where we provide placements in our office to prosecutors from developing countries to develop their skills and to give them experience in certain areas of the criminal law. In order to address the wider concern of Human Exploitation/Trafficking, I appointed a senior lawyer within the Division as the Coordinator for Human Exploitation Cases and established an Advisory Committee of legal practitioners with an interest in this area to better understand and deal with the legal and social problems. It has become apparent that we need to acknowledge where appropriate that people charged with criminal offences in cases of this type might be victims themselves and therefore should be treated with that fact in mind. This is particularly so in cases involving women for the provision of sexual services.

We have been at the forefront of criminal justice reforms. We took the initiative to raise within the community a variety of legal issues or topics for discussion and reform. We held a Sentencing Conference with Professor Arie Frieberg as the keynote speaker who discussed the establishment and workings of Sentencing Councils which have been introduced in various states of Australia. We held a Hearsay Conference with members of the Judiciary and the private profession to take forward the Law Reform Commission Report on Hearsay. We held an Environmental Law Conference with Professor Simon Molesworth QC, the Chairperson of the International National Trusts Organization who addressed the need for effective enforcement of environmental laws. We held a cybercrime seminar with Dr. Jonathan Clough, an expert in this field and author of "Principles of Cybercrime". In November 2012, we conducted a one-day conference on Criminal Justice Reform with an attendance of over 200 legal practitioners discussing

到本科實習，以磨練法律技巧，並就刑事法某些範疇汲取經驗。為處理剝削他人 / 販運人口這個廣受關注的議題，我委任科內一名資深律師為協調人員，處理有關剝削他人的案件，並成立一個由關注這範疇的法律執業者組成的諮詢委員會，以便更深入了解並處理所涉及的法律和社會問題。就某些個案而言，在特殊的情況下，我們需要承認，在這類案件中被控以刑事罪行的人，本身可能就是受害者，因此我們在對待這類人士時應緊記這點，尤其是當案件涉及提供性服務的女性時，更應如此。

我們一向積極支持推行刑事司法改革。我們主動提出多個法律問題或議題，讓社會人士討論，從而實施改革。我們舉辦量刑研討會，邀得 Arie Frieberg 教授擔任主講嘉賓，討論設立量刑諮詢委員會及其運作模式（澳洲多個州均已設立這類委員會）。我們與司法機構人員及私人執業律師舉行傳聞證供研討會，以推展法律改革委員會傳聞證供報告書所提出的建議。我們與國際國民信託組織主席御用大律師 Simon Molesworth 教授舉行環境法研討會，探討有效執行環境法的需要。我們亦舉辦了一個電腦網絡罪行研討會，並邀得這方面的專家，即“Principles of Cybercrime”（電腦網絡罪行原理）一書的作者 Jonathan Clough 博士出席。2012 年 11 月，我們舉辦為期一天以刑事司法改革為題的研討會，討論的議題共 44 個，出席的法律執業者逾 200 人，包括英格蘭及威爾斯的刑法和證據法律專員 David Ormerod 教授、新西蘭最高法院法官 Susan Glazebrook、英格蘭及威爾斯上訴法院前法官 Anthony Hooper 勳爵、英格蘭及威爾斯御用大律師 David Perry 先生及 Jonathan Caplan 先生。本港司法機構資深人員及私人執業律師亦有參與是次研討會，會上討論的議題廣泛，並提出不少改革建議。我們為研討會編製了題為“Postscript”（附錄）的小冊子，收錄分別有關該 44 個議題的文章和討論內容。為了維持改革動力，我們計劃在 2013 年籌備名為“The Debates”（辯論）的研討會，並會選定若干改革課題進行討論。

44 topics. Participating in the conference were Professor David Ormerod, the Law Commissioner on Criminal Law and Evidence of England and Wales, the Hon. Justice Susan Glazebrook of the Supreme Court of New Zealand, the Rt. Hon. Sir Anthony Hooper, a former member of the Court of Appeal of England and Wales, Mr. David Perry QC and Mr. Jonathan Caplan QC, both of England and Wales. Senior members of the Judiciary and the private profession also participated in the conference, which covered a wide range of topics and produced a number of suggestions for reform. We produced a conference booklet entitled “Postscript” with papers and discussion on each of the 44 topics. In 2013, we intend to maintain

the momentum for reform by arranging a conference entitled “The Debates” where we will debate a selected number of topics requiring reform.

We have also been active in revamping our office structure and procedures with the object of improving efficiency and professionalism. We produced an Advocacy Manual which we distribute to practitioners as a training tool and reference text in the conduct of criminal cases. We set up a committee to rewrite our Prosecution Policy and Practice by stating and updating our objectives and approach in the handling of prosecutions and the decisions we make in relation to them. We will ensure that particular emphasis is placed on our commitment to human rights and





此外，我們正積極改組本科的架構及工作程序，目的是提升工作效率及專業水平。我們編撰了訟辯手冊，分發予法律執業人士作為處理刑事案件的培訓教材及參考書目。我們成立了一個委員會，負責重寫《檢控政策及常規》，說明並更新我們處理檢控工作及作出相關決定的目標和方向。我們會確保我們所做的工作，會特別着重對人權及憲法保障方面的承諾。

社會對於獨立的檢控機關，有過不少討論，但卻甚少談及這個機關應如何運作。要維護公正的法治精神，獨立的檢控機關至為重要，這涉及公正地執行公正的法律；為確保達至這目標，我們作為檢控機關，是獨立於其他政府部門和執法機構。我深信，不論建議採取什麼模式，檢控機關是否獨立，最終取決於兩項基本要素：即檢控機關人員的操守和誠信，以及他們對法律及服務社會是否作出真誠和堅定的承擔。

我確信，在香港的刑事司法制度下，檢控職能必須與規管或調查機構（尤其是同時具有強制調查權力的機構）分開。不然，檢控責任最低限度也應受到獨立檢控機關有效及直接的督導及監控。由獨立檢控機關作出檢控決定，可對執法機關的權力作出重要和必需的制衡。把

constitutional guarantees in the work we do.

Much has been said about an independent prosecution service but little has been said about how it should work. An independent prosecution service is vital for upholding the just rule of law. This involves the just application of just laws, and we, as a prosecution service, stand apart from government and law enforcement agencies in making sure this happens. I strongly believe that, whatever model may be proposed, the independence of a prosecution service will ultimately depend on two fundamentals: the integrity and honesty of the people who make up the prosecution service, and their genuine and steadfast commitment to the law and the community they serve.

I am firmly of the view that under our criminal justice system, it is imperative to keep the prosecutorial responsibility separate from regulatory or investigatory agencies, especially when they also possess coercive powers of investigation. Otherwise, at the very least prosecutorial responsibility should be effectively and directly supervised and controlled by an independent prosecution service. Keeping the prosecution decision-making with an independent prosecution service

provides an important and necessary check on the powers of law enforcement agencies. To give a law enforcement agency the responsibility for prosecution is a matter of some concern. It could result in such agency becoming judge of its own cause, something that should be avoided. The Independent Commission Against Corruption (ICAC) as an anti-corruption agency has coercive powers but is subject to oversight by the Operation Review Committee (ORC). It has no prosecutorial responsibility. That is handled by the Prosecutions Division which acts as a further check mechanism in the law enforcement process. I note that the Securities and Futures Commission (SFC) is a regulatory and investigatory agency with extensive coercive powers. But it also has prosecutorial responsibility and in this regard there has been tension between us. Unlike the ICAC, there appears with the SFC to be a lack of appropriate internal regulation and policing as well as effective oversight as seen with the ORC. There is cause for concern and it would be preferable if the SFC did not have any prosecutorial responsibility which would be better placed with an independent prosecution service.

Much has also been said about public order events but a lot of it is exaggerated or inaccurate. The right to demonstration is an important and vital means by which individuals or groups can express their concerns or views. But it is a right to a peaceful and lawful demonstration. Whilst there is some degree of give and take in a demonstration, a flagrant breach of the law will be seriously considered for prosecution. Respect for the law and for each other is the golden thread that runs through the fabric of our constitutional order. As prosecutors, we try to strike the right balance in dealing with offending conduct at public order events where disorder and unrest has resulted. In 1997, we had about 1,000 authorized demonstrations, and by 2012 it had increased to 7,500. Alongside the substantial increase in the number of demonstrations, there have been more demonstrations where some people

檢控責任交予執法機關，會令人產生憂慮，因為這會造成執法機關自我監督的情況，這情況應要避免。廉政公署是一個具有強制權力的反貪污機構，但須受審查貪污舉報諮詢委員會監察。廉政公署沒有檢控職能，檢控工作由刑事檢控科處理，這是作為執法程序中另一個制衡機制。我也留意到證券及期貨事務監察委員會（“證監會”）是一個具有廣泛強制權力的規管及調查機構，但同時具有檢控職能，我們就此曾與證監會出現過關係緊張的時候。有別於廉政公署設立審查貪污舉報諮詢委員會的做法，證監會似乎並無適當的內部規管和監督，以及有效的監察，這是值得關注的。我認為假如證監會沒有任何檢控職能，而交由獨立檢控機關負責檢控，會是較可取的做法。

此外，社會對公共秩序活動也有過不少討論，但大都流於誇張或失實。示威的權利，是個人或團體表達關注或意見的一個重要及必需途徑，但這項權利是指和平和合法進行示威的權利。儘管示威總會涉及一定程度的妥協和互讓，但當局會慎重考慮對公然違法的案件進行檢控。我們的憲制秩序是以尊重法律為經，尊重他人為緯。身為檢控人員，我們力求在處理公共秩序活動中出現擾亂秩序及引起騷亂的違法行為時，取得適當的平衡。在1997年，香港約有1,000次經批准的示威活動，到了2012年則上升至7,500次。隨着示威活動的次數大幅增加，在示威期間作出激烈行為，有時甚至是暴力行為的情況也愈來愈多。現今的示威活動數目眾多，而我們只針對涉案人士有明顯越軌，漠視或違反法例的公然違規案件作出檢控。相對而言，檢控數字是偏低，這反映我們已充分考慮並尊重市民示威的權利。

審訊過程不會絕不出錯，在某些情況下，必須通過上訴或覆核，最終才能秉行公義。上訴法院主要是糾正或補救已發生的錯誤或不公平情況。然而，上訴法院也可確認或贊同原審法庭的做法或裁決，這對執行司法工作和維持法治同樣重要。無論上訴法院審理什麼案件，作為上訴律師，我們都擔當十分重要


engaged in aggressive and sometimes violent behaviour. Given the large number of demonstrations now taking place, the number of prosecutions has been reserved for the most blatant of cases where people have clearly crossed the line by disregarding and violating the law. Relatively speaking, the prosecution figures are low and reflect due regard and respect to the right to demonstrate.

The trial process is not infallible and on some occasions it is through an appeal or review that justice is ultimately achieved. The appellate courts primarily correct or remedy any error or any injustice that has been done. However, the appellate courts also confirm or endorse the approach or the decision of the trial court and this can be of equal importance to the administration of justice and the maintenance of the rule of law. As appellate counsel, we have a very important role to play whatever the case before the appeal courts. We should readily and promptly seek to remedy any error or injustice and with equal commitment seek to support a correct and proper decision of the trial court. Overall, our primary duty as appellate counsel is to assist the appeal court as required to achieve a just and proper disposal of the appeal. It is imperative that at this stage of the criminal process that everyone does their job. There are strict procedures and onerous requirements on the parties requiring relevant court papers to be filed and written arguments submitted in a timely and complete manner so that the appellate judges are fully equipped to deal with the issue or matter on appeal. Regretfully, on occasions this is not done as properly as it should be by the parties and can result in delay and incomplete resolution of the appeal. Equally regretful are the occasions when appellate judges, due to an inordinate workload, do not have time to read the papers or the case authorities when oral argument is presented by the parties. The workload has also caused an inordinate delay in the delivery of decisions. This is not conducive to effective justice and needs to be addressed.

Hong Kong has a unique legal setting. One of its strengths is the increasing use of comparative law in the development of its jurisprudence, that is, the comparison of legal principles and their development in different jurisdictions or legal systems. This is best exemplified by the composition of the Court of Final Appeal which may as required invite judges from other common law jurisdictions to sit on the Court (see Article 82 of the Basic Law and Section 9 of the Hong Kong Court of Final Appeal Ordinance, Cap. 484). We have a strong and historical tie with the common law of England and Wales and our link with its private bar has enhanced the common law and improved the quality of work and the skills of the members of the legal profession in Hong Kong. This important cross fertilization has greatly furthered the development of our jurisprudence and strengthened the rule of law. It has also set Hong Kong apart from other common law jurisdictions as an international legal system. We must not lose this unique and special feature. It not only strengthens our rule of law but also provides a meeting point for the common law.

On this issue, we have been conducting more and more trials in Chinese which is to be expected and applauded. But a serious difficulty arises when addressing legal issues and arguments which are in English. In cases conducted in Chinese, prosecutors are often expected to write their legal arguments in Chinese or provide translations of decisions from English to Chinese. Counsel fluent in Chinese find this time-consuming and difficult because it is not easy to translate legal concepts and decisions from English to Chinese. It would be more prudent to keep legal arguments in English while conducting the rest of the case in Chinese. After all, prosecutors are not translators and their time is better spent arguing and developing legal principles in English that can be shared with the rest of the common law world.

I want to say a special word about our Court Prosecutors. They are not necessarily legally qualified, although most have law



的角色。我們必須隨時準備及迅速地尋求上訴法院糾正任何錯誤或不公平情況，而對於原審法庭所作的正確及恰當的裁決，我們必須同樣盡力尋求上訴法院的支持。總括而言，作為上訴律師，我們的基本職責，是適時協助上訴法院公平和恰當地處理上訴案件。在現階段的刑事法律程序中，每個人都須做好本分。根據現有的嚴格程序和詳細規定，有關各方必須適時向法院提交完備的相關法庭文件和書面論據，以便審理上訴的法官能掌握充分資料，處理上訴的爭論點或事項。但令人遺憾的是，有時有關各方未有按照所訂定的方式行事，導致上訴受阻延和未能圓滿解決。同樣令人遺憾的是，審理上訴的法官有時礙於工作量過重，以致沒有時間在各方提出口頭論據前，審閱有關文件或案例。繁重的工作量亦導致法庭遲遲未能宣布裁決。這情況不利於伸張公義，必須予以正視。

香港的法律環境獨特，其中一項優點，是在發展本地的法理學時，愈來愈多採用比較法，即對不同司法管轄區或法律制度的法律原則和發展進行比較。終審法院的組成，正是這個優點的最佳印證。終審法院可根據需要邀請其他普通法適用地區的法官列席終審法院參加審判（見《基本法》第八十二條及《香港終審法院條例》（第484章）第9條）。我們與英格蘭及威爾斯的普通法有深厚的歷史淵源，而我們與當地私人執業大律師的聯繫，有助我們改善普通法，並提升本港法律專業人員的工作質素和技巧。這種交流十分重要，可大大推動本港法理學的進一步發展，並使法治更加鞏固，亦突顯香港有別於其他普通法司法管轄區，是獨樹一幟的國際法律體系。我們必須保持這個獨有的特色，該特色不但鞏固我們的法治，更提供一個讓普通法融匯交流的中心點。

另一方面，是我們使用中文審訊的案件日益增加，這也是意料中事，亦值得稱許，但在處理以英文表達的法律爭論點和論據時，卻出現嚴重困難。在使用中文審訊的案件中，檢控人員經常須以中文撰寫法律論據，或把裁決從英文翻譯

成中文。熟諳中文的律師會認為這是一項既費時又艱難的工作，因為要把法律概念及裁決從英文翻譯成中文，殊非易事。較審慎的做法，是保留以英文表達法律論據，而進行案件的其餘程序時則使用中文。畢竟檢控人員並非翻譯員，以英文進行辯論和闡釋法律原則，讓其他普通法地區可作參考，是較好善用時間的做法。

我想特別談談法庭檢控主任。雖然他們不一定具有法律專業資格，但大多擁有法律學位或大專學歷。他們每年在七個裁判法院處理約180,000宗案件。大部分法庭檢控主任都已從事這項工作多年，知識豐富，盡忠職守。依我看來，他們是本港刑事司法制度中不可缺少的重要成員。有人要求以具有法律專業資格的律師取代法庭檢控主任，但我認為這個做法並不適當。大部分執業律師都以裁判法院為踏腳石，期望日後可進而處理涉及更高級別或其他層次的法庭工作。與此同時，法庭檢控主任堅守崗位，為裁判法院提供可靠和難得的專業檢控服務。他們工作繁重，任勞任怨。對於他們的辛勤努力，我們衷心感謝，他們確是刑事檢控科的無名英雄。裁判法院的工作日益艱巨和複雜，因此值得考慮在每所裁判法院派駐一些政府律師，與法庭檢控主任攜手合作，以期提升裁判法院檢控工作的效率和專業水平。

最後，我想向刑事檢控科全體人員致意，感謝他們付出的努力和對公職的承擔。由這些人員提供檢控服務，我和全體市民至感榮幸；檢控機關能發揮成效，全賴他們具有堅守原則的專業精神。本科的支援人員，無論是行政人員以至法律輔助人員，均具高質素，他們勤勞工作，無償加班也毫無怨言。本科的律師和法庭檢控主任亦不例外，每日都竭力應付各種各樣有關檢控的問題和工作，他們才智兼備，克盡厥職。我對他們的讚賞，實非筆墨所能形容。但我可以向大家保證，香港刑事司法的前景一片光明，年輕一代的檢控人員出類拔萃，由他們接棒，定能應付裕如，不負所託。

degrees or tertiary qualifications. They work in our seven Magistrates' Courts processing and handling about 180,000 cases a year. Most of them have been doing it for many years. They are extremely knowledgeable and dedicated to their work. To my mind they are an important and essential part of our criminal justice system. There has been a call for their replacement by legally qualified lawyers but I think this would be a mistake. Most career lawyers use the Magistrates' Courts as a stepping stone to higher and other jurisdictions of work. Whilst Court Prosecutors are committed to this jurisdiction and therefore provide reliable and invaluable expertise in the Magistrates' Courts. They do a lot, and have to put up with a lot. We are greatly indebted to the work they do and they are the unsung heroes of the Prosecutions Division. The work of the Magistrates' Court is getting more demanding and complicated and it is worth considering placing a level of government counsel within each Magistrates' Court to work together with Court Prosecutors to enhance the efficiency and professionalism of prosecutions in the Magistrates' Courts.

Finally, I want to acknowledge the work and sense of public duty of the people who make up the Prosecutions Division. I, and we as a community, have been most fortunate to have them and the success of the prosecution service is due to their principled professionalism. The support staff, from the administrative officers to the para-legals, are of high quality who work extraordinary hours, without overtime and without asking for more. The same goes for the counsel and court prosecutors. Day in and day out, they deal with a myriad of issues and matters with respect to prosecutions. They are highly talented and totally committed. I cannot praise them enough but I can assure the community that the future bodes well for criminal justice in Hong Kong. With this younger generation of prosecutors we are in the best of hands.