

# 刑事檢控科的實況及統計資料

## Facts and Figures of the Prosecutions Division



### (I) 服務表現的標準及目標

2012年，刑事檢控科的服務表現大致達標。在所有尋求法律指引的個案中，有87.5%的個案是檢控人員在14個工作天內向有關部門作出回覆，而2011年的相關數字為88.6%。然而，在過去一年尋求法律指引個案中，佔20.4%是檢控人員透過FAST法律指引制度，於即日內向執法機關給予有關法律指引。

#### 工作量

案件籌備及提供法律指引的工作

本科提供法律指引的次數較2011年減少12.5%。為了善用律師的時間，本科鼓勵尋求法律指引的部門參考以往同類案件的法律指引。此舉減少了有關部門就一般簡單案件重複尋求法律指引。而擬備公訴書和控罪書的數目則保持相對穩定。

### (I) Performance Standards and Targets

In 2012, the Prosecutions Division generally met its performance targets. Of all the requests for legal advice, 87.5% were replied to within 14 working days, as compared to 88.6% in 2011. However it should be noted that 20.4% of these requests were processed through the FAST advisory system where the advice were normally given to the law enforcement agencies within the same day.

#### Caseload

*Trial preparation and advisory work*

The number of legal advice given decreased by 12.5% as compared to 2011. For better use of counsel's time, client departments were encouraged to refer to previous advice when handling cases of a similar nature. This reduced the number of simple and repetitive requests, whilst the number of indictments and charge sheets prepared remained relatively stable.

	2011	2012
Number of legal advice given 提供法律指引次數	12,067	10,554
Number of indictments (Court of First Instance) 原訟法庭的公訴書數目	278	306
Number of charge sheets (District Court) 區域法院的控罪書數目	1,388	1,206

### 政府律師及外判律師處理的法庭檢控個案

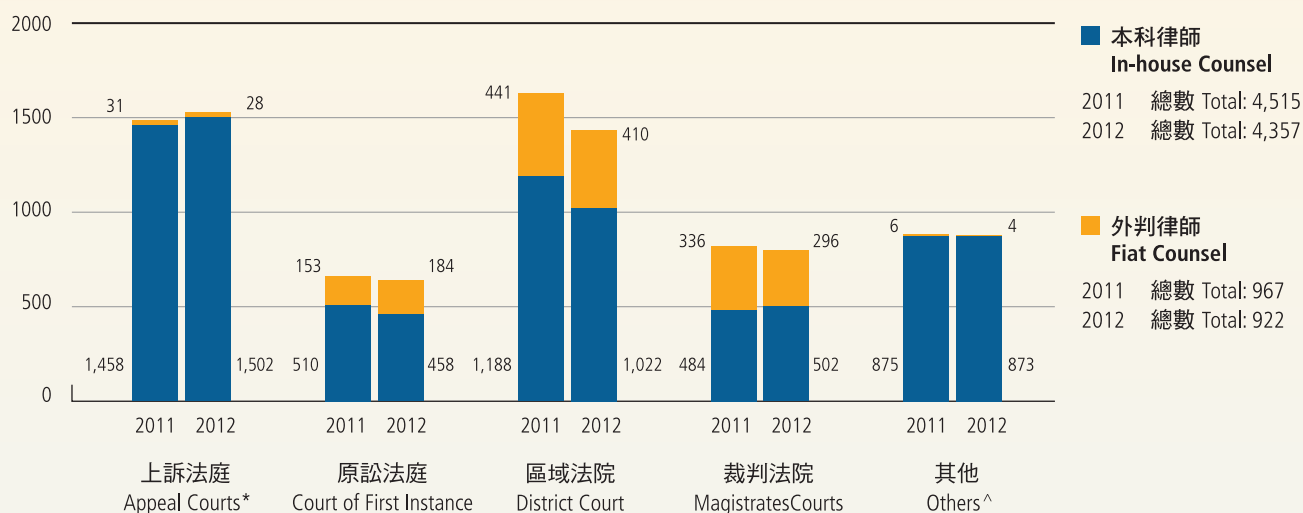
去年處理的案件總數略為減少。本科律師及外判律師處理的案件數目，較2011年分別減少3.5%及4.7%。本科律師的出庭日數減少了3.4%，外判律師代替本科律師出庭的日數則減少9.8%。

### Court work undertaken by Government Counsel and Fiat Counsel

There was a slight decrease in the total number of cases conducted for the year. The number of cases conducted by in-house and fiat counsel reduced by 3.5% and 4.7% respectively as compared to 2011. The number of court days undertaken by in-house counsel decreased by 3.4%, and the number of court days undertaken by fiat counsel in place of in-house counsel reduced by 9.8%.

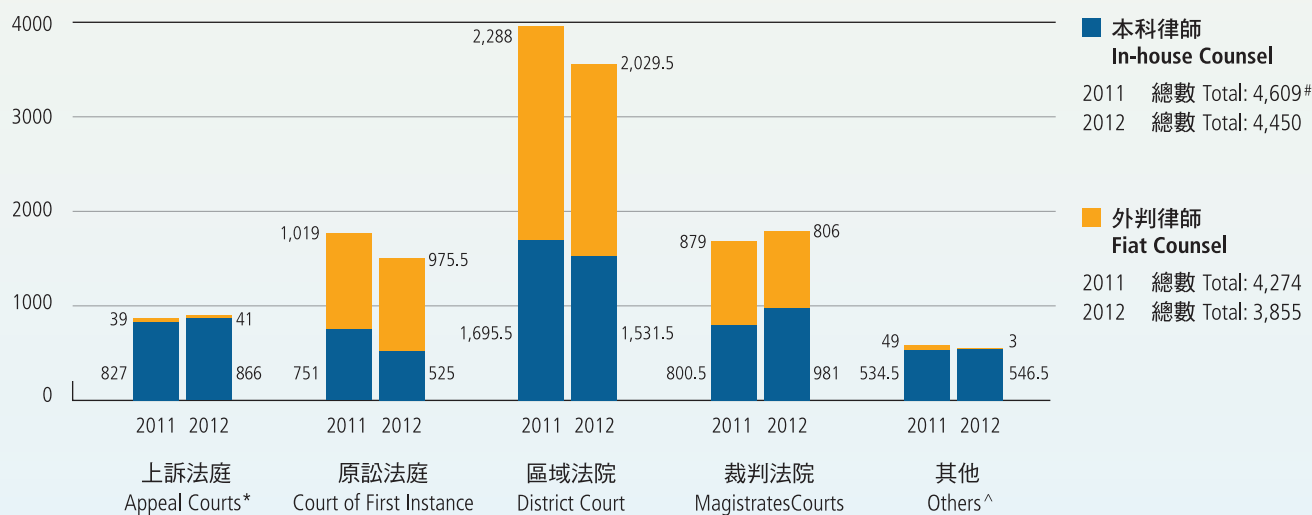
本科律師及外判律師處理的案件數目

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



本科律師及外判律師的出庭日數

Number of court days undertaken by In-house Counsel and Fiat Counsel



\* 包括裁判法院上訴案件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 before the Court of Appeal and the Court of Final Appeal

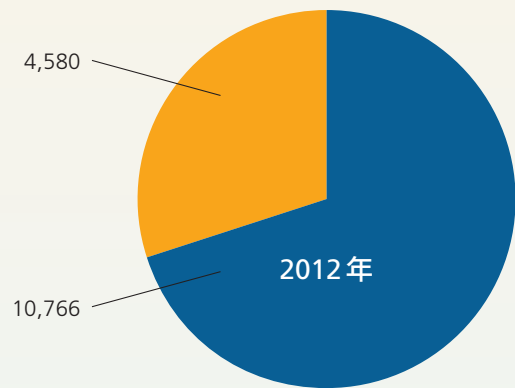
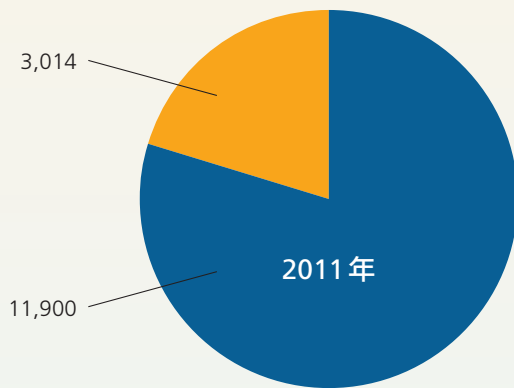
<sup>^</sup> 包括死因研訊、保釋申請、訟費評定及高等法院的雜項程序。  
This includes death inquests, bail applications, taxation of costs and High Court miscellaneous proceedings.

<sup>#</sup> 以四捨五入方式計算至最接近的整數。  
The number is rounded up to the nearest digit.

法庭檢控主任及外判律師進行的法庭檢控個案  
 Court work undertaken by Court Prosecutors and Fiat Counsel

在裁判法院進行的檢控個案數目 Caseload in the Magistrates' Courts	
2011	2012
171,026	170,774

出庭日數  
 Number of Court Days



■ 法庭檢控主任的出庭日數  
 Number of court days undertaken by Court Prosecutors

■ 外判律師代替法庭檢控主任進行檢控的出庭日數  
 Number of court days undertaken by Fiat Counsel in place of Court Prosecutors

2012年，法庭檢控主任每星期可以有1.5天作籌備案件，而之前則為每星期一天。為此，本科需要委聘更多外判律師代替法庭檢控主任進行檢控工作。外判律師代替法庭檢控主任進行檢控的出庭日數因而有所增加。

In 2012, Court Prosecutors were given 1.5 days per week to prepare their cases as opposed to the previous arrangement of 1 day per week. As a result, more fiat counsel were required to prosecute cases in place of Court Prosecutors, hence the increase in the number of court days undertaken by fiat counsel in place of Court Prosecutors.

(II) 案件的結果

定罪率

刑事檢控科用以計算定罪率的統計數字，是以各被告人被法院就任何實質或交替罪行定罪的人數為基礎；有關數字並沒有計及被告人被裁定罪名不成立的其他控罪（如有的話）。2012年各級法院的定罪率略低於2011年的水平。

(II) Case Outcomes

Conviction rates

The statistics used by the Prosecutions Division to calculate the conviction rates are defendant-based and in relation to any substantive or alternative offence on which the defendant has been convicted. It does not take into account acquittals of other charges, if any. The conviction rate at all court levels was slightly lower in 2012 than that of 2011.

	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 <sup>註</sup> No. of defendants acquitted after trial <sup>Note</sup> (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)]
<b>裁判法院 Magistrates' Courts</b>					
2011	5,383	3,100	2,915	51.5%	74.4%
2012	5,422	2,690	2,959	47.6%	73.3%
<b>區域法院 District Court</b>					
2011	1,352	278	127	68.6%	92.8%
2012	1,238	204	135	60.2%	91.4%
<b>原訟法庭 Court of First Instance</b>					
2011	399	90	35	72%	93.3%
2012	353	94	41	69.6%	91.6%

註 — 此欄包括“不提證據起訴”及“簽保案件”的數目

Note – The numbers in this column include “offering no evidence” and “bind-over” cases.

#### 終審法院及相關申請

##### Court of Final Appeal and related applications

	由被告提出 From Defendants		由刑事檢控科提出 From Prosecutions	
	2011	2012	2011	2012
<b>終審法院上訴證明書 Certificate to appeal to CFA</b>				
得直 Allowed	8	2	1	1
駁回 Dismissed	34	43	3	1
撤銷 Withdrawn	1	1	0	0
待決 Pending	1	3	0	0
<b>總數 Total</b>	<b>44</b>	<b>49</b>	<b>4</b>	<b>2</b>
<b>向終審法院提出的上訴許可申請 Application for leave to appeal to CFA</b>				
得直 Allowed	9	12	2	2
駁回 Dismissed	61	41	1	1
撤銷 Withdrawn	0	1	0	0
待決 Pending	27	38	2	1
<b>總數 Total</b>	<b>97</b>	<b>92</b>	<b>5</b>	<b>4</b>
<b>向終審法院提出的申請 Application to CFA</b>				
得直 Allowed	9	8	0	2
駁回 Dismissed	1	3	1	1
撤銷 Withdrawn	0	0	0	0
待決 Pending	9	11	2	1
<b>總數 Total</b>	<b>19</b>	<b>22</b>	<b>3</b>	<b>4</b>

上訴法庭

*Court of Appeal*

	2011	2012
<b>被告提出的上訴 By Defendants</b>		
得直 Allowed	108	106
駁回 Dismissed	175	234
撤銷 Withdrawn	243	233
<b>總數 Total</b>	<b>526</b>	<b>573</b>
<b>刑事檢控科提出的覆核刑罰申請<sup>註</sup> By Prosecutions Division to review sentences<sup>Note</sup></b>		
得直 Allowed	0	2
駁回 Dismissed	1	0
待決 Pending	9	6
<b>總數 Total</b>	<b>10</b>	<b>8</b>
<b>刑事檢控科以案件呈述方式提出的上訴<sup>註</sup> By Prosecutions Divisions by way of case stated<sup>Note</sup></b>		
得直 Allowed	0	2
駁回 Dismissed	0	2
待決 Pending	1	1
<b>總數 Total</b>	<b>1</b>	<b>5</b>

註 — 同年提出並聆訊的申請

Note – Applications initiated and heard in the same year.

被告向原訟法庭提出的上訴

*Appeals of defendants to the Court of First Instance*

	2011	2012
得直 Allowed	204	160
駁回 Dismissed	471	439
撤銷 Withdrawn	295	282
<b>總數 Total</b>	<b>970</b>	<b>881</b>

在法庭雙語並用狀況

*Bilingualism in courts*

	2011	2012
<b>法庭級別 Levels of Court</b>		
終審法院 Court of Final Appeal	34.6%	69.6%*
上訴法庭 Court of Appeal	32.1%	36.6%
原訟法庭（裁判法院上訴案件） Court of First Instance (Magistracy Appeal)	79.1%	79.5%
原訟法庭（審訊） Court of First Instance (Trials)	26.8%	33.3%
區域法院 District Court	32.9%	51%
裁判法院 Magistrates' Court	78.6%	74.7%

\* 自 2012 年起，在終審法院雙語並用狀況的百分率有所修訂，以反映只在向終審法院申請上訴證明書時，才使用中文。這是因為向終審法院提出“相關申請”（即上訴許可申請及上訴審訊）的聆訊，均以英語進行。

\* Starting from 2012, the percentage of bilingualism in CFA is amended to reflect the use of Chinese in application for certificate to CFA only (since “related applications” to the CFA, namely the leave applications and substantive appeal hearings are all heard in English).