

刑事檢控科服務承諾

Prosecutions Division Performance Pledge



刑事檢控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。該科並負責於香港各級法院進行一切刑事案件的主控工作。

該科承諾如下 —

- 在刑事訴訟程序方面執行律政司司長的檢控政策
- 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
- 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

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 Secretary for Justice's Prosecution Policy 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 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
- 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