



資深大律師任命

Senior Counsel Appointments



副刑事檢控專員

譚耀豪資深大律師

William Tam, SC

Deputy Director of Public Prosecutions



譚耀豪先生在 1994 年 12 月加入當時的律政署為檢察官。在 1995 完成基本訓練後，譚先生先調往研究及一般法律意見組，其後在 1996 至 1999 年期間任職區域法院案件籌備組，主要職責是就刑事事宜向執法機關提供法律指引。在此期間，除了負責提供法律指引外，譚先生也不時獲指派在法庭審訊中擔任主控官，從而磨練他的訟辯技巧。他在加入律政署一年後，即晉升為高級檢察官。

譚先生在 1999 至 2000 年期間調任訟辯及勞工組，其間他被認定有潛質成為出色的訟辯律師。2000 年，他獲派到重案檢控組，專責在高等法院檢控較棘手或敏感的原審及上訴案件。

在 2001 至 2005 年期間，譚先生獲委擔任商業罪案、電腦罪案及版權組的副主管，這崗位讓他有機會接觸形形色式的複雜商業詐騙案件，並在其中一些案件的審訊中親自出庭檢控。2005 至 2007 年期間，他出任廉政公署案件 (A) (公營機構) 組副主管，因而對反貪污的法律這另一個重要的刑事法範疇見識大增。

譚先生在 2007 年 3 月晉升高級助理刑事檢控專員，掌管區域法院案件籌備組，其後於 2010 至 2011 年，他調任裁判法院法律指引組主管。在領導這兩個法律指引組期間，除了履行管理職務外，他也繼續檢控上訴案件。

2012 年 2 月，譚先生晉升副刑事檢控專員，掌管上訴分科，他在督導分科職務同時，也專門在上訴法庭和終審法院執行檢控上訴案件。

回顧過去 20 多年的法律生涯，譚先生特別感謝部門給他很多發展機會，栽培他成為一個全面的訟辯律師。他也不忘感激一眾現任及已離職的同事和良師，多年來向他循循善誘及鼓勵支持。他表示，“我有幸作為檢控人員為律政司效力，能夠以檢控人員身份服務香港社會，我實在引以為榮。”

Mr William Tam joined the Legal Department (as it then was) in December 1994 as Crown Counsel. After completing the basic training, he was first posted to the Research and General Advice Section in 1995 and then to the Trial Preparation Unit (District Court) in 1996-1999, primarily engaged in giving legal advice to law enforcement agencies on criminal matters. During that time, apart from discharging his advisory duties, he was regularly instructed to attend court to prosecute trials and to develop his advocacy skills. Within one year of joining the Department, he was promoted to the rank of Senior Crown Counsel.

In 1999-2000, Mr Tam was posted to the Advocacy and Labour Section. His potential to become an effective advocate was recognised and in 2000, he was transferred to the Court Specialists Section, specialising in prosecuting the more difficult or sensitive trials and appeals in the High Court.

In 2001-2005, Mr Tam was appointed as the Deputy Section Head of the Commercial Crime, Computer Crime and Copyright Section. In that posting, he was given exposure to cases of complex commercial frauds and prosecuted some of those trials himself. In 2005-2007, he became the Deputy Section Head of the ICAC(A) (Public Sector) Section. That posting provided him with insights to another important area of the criminal law, namely, the law of corruption.

In March 2007, Mr Tam was promoted to the rank of Senior Assistant Director of Public Prosecutions and became the head of the Trial Preparation Unit (District Court). In 2010-2011, he was posted to lead the Magistrates' Courts Advisory Section. Whilst discharging the management duties as the head of those advisory sections, he continued to practise his appellate advocacy.

In February 2012, Mr Tam was promoted to the rank of Deputy Director of Public Prosecutions and became in charge of the Appeals Sub-division. In that capacity, apart from attending to his supervisory duties, he prosecuted exclusively in the Court of Appeal and the Court of Final Appeal.

Looking back at his legal career for over 20 years, Mr Tam was most grateful to the Department for giving him so many opportunities so as to train and develop him to become an all-round advocate. He was also thankful to his mentors and colleagues (some of whom had already left the Department) for their advice, guidance, support and encouragement throughout the years. *"It has been my great privilege and honour serving the Department of Justice as a prosecutor, a role in which I take much pride in serving the community of Hong Kong."*

副刑事檢控專員

梁卓然資深大律師

David Leung, SC

Deputy Director of Public Prosecutions



2015年，我與三位律政司同事一同獲委任為資深大律師，深感榮幸。小兒Ethan對這次委任也很雀躍，他決定在資深大律師的委任儀式舉行前剛好30天出生，好趕及出席儀式。

當初修讀法律時，我一直希望擔任訟辯律師，因而渴望成為大律師。然而，身為家中長子，我需要有穩定的收入，於是選擇當事務律師。然而，我在成為執業事務律師後的三年間，處理了50多次法庭審訊，加深了我對訟辯工作的熱忱。我很感激杜浩成先生，在他的鼓勵和勸說下，我申請加入當時的律政署。在面試時，我表明只會加入刑事檢控科，因為我希望能負責更多法庭訟辯工作。

我在1995年10月12日上任，趕不上在9月開班的刑事訟辯課程，但很快便派到西區裁判法院開展檢控生涯。說起首天工作，至今仍歷歷在目：我負責檢控的三宗審訊都在鄧立泰裁判官（現為退休法官）席前進行，而所有被告人最後都被裁定罪名不成立。身為檢控官，我感到挫敗，但也親身體會到，確保被告得到公平審訊（而非審訊的結果）至為重要。

有趣的是，我還記得首次在高等法院檢控由陪審團審訊的案件，以及首批裁判法院上訴的案件，都在司徒敬法官（現為終審法院非常任法官）席前進行。當時我的部門主管在分工表上寫道：“祝你好運”。在他的祝福下，我總算順利渡過聆訊。

感謝部門20年來給我眾多機會，讓我在法律專業上不斷進步，最後獲委任為資深大律師。1998年8月8日我獲認許為大律師當日，動議者開玩笑的說：“法官閣下，梁先生原先是事務律師，現在成為大律師，他的家人已厭倦出席他的畢業典禮或這類儀式，他們說日後頂多再出席一次，就是梁先生獲委任為資深大律師之時；但若成事，法官閣下今天得先認許他為大律師。”當時可沒想過，這個玩笑竟會成真。

其實，我第一次被稱呼為“Senior Counsel”（資深大律師），是1999年左右的事。當時我在一個電腦罪行講座擔任講者，向主辦機構提供了詳盡履歷，包括我當時的職銜“Senior Government Counsel”（高級政府律師）。舉行講座當天，我發現單張上印有“David Leung, Senior Counsel”（梁卓然資深大律師），我隨即作出更正。主辦機構解釋，履歷上已說明我在律政司工作，“Government”一詞是多餘的，於是便予以刪除。最後我要向參加講座人士道歉，實在非常尷尬。

我想鄭重指出，我獲委任為資深大律師，不僅是我個人成就，也是對律政司一眾同事的充分肯定。他們努力不懈，竭誠維護香港的刑事司法制度。我在此衷心感謝他們的不懈支持，並就如何成為並保持一名公正的檢控官給我寶貴的意見。

I am deeply honoured to be appointed as a Senior Counsel, together with 3 colleagues of the Department of Justice, in 2015. My son, Ethan, was excited about the appointment too and hence decided to come to this world exactly 30 days before the silk appointment ceremony – so that he could be present.

I have always wanted to be an advocate, hence a barrister, when I was reading law. However, being the eldest son in the family, I needed a steady income and so the solicitor stream was the preferred route. Yet, after conducting 50 odd trials in the 3 years' practice as a solicitor, my passion for conducting more advocacy work was reinforced. With the encouragement and persuasion of Mr Joseph To (to whom I am most grateful), I applied to join the then Legal Department. During the interview, I expressly indicated I would only join the Prosecutions Division as I wanted to conduct more advocacy work.

I reported duty on 12 October 1995 and was quickly sent to the Western Magistrates' Courts to start my prosecution career after missing the Criminal Advocacy Course conducted in September. I still remember today vividly the 3 trials on my first day of prosecuting before Mr Tallentire (as His Honour then was) all ended in acquittals. With the sense of being defeated, I experienced first-hand as a prosecutor that ensuring the defendant has a fair trial (but not the result) is of utmost importance.

It is interesting to recall that my first jury trial and first batch of magistracy appeals were both before Stock J (as Stock NPJ then was). On the assignment sheet, my section head wrote: "Good luck". With his blessings, I survived the hearings.

I am grateful for all the opportunities provided by the Department in the past 20 years for me to develop professionally leading to my appointment as Senior Counsel. When I was admitted as a barrister on 8 August 1998, I never thought the joke told by the person moving my admission would come true: "My Lord, the family members of Mr Leung are fed up with attending his graduation ceremonies and admissions, first being a solicitor and now a barrister. They said they would only attend one more ceremony – when Mr Leung takes silk. But this will only be possible if your Lordship admits him as a barrister today."

In fact, the day I was referred to as a "Senior Counsel" came in around 1999 when I gave a talk on Cybercrime. I provided the organizers with a full CV and my title: Senior Government Counsel. On the day, I noticed the flyer read "David Leung, Senior Counsel". I pointed out the error. The organizer explained that as my CV had stated I was working in the Department of Justice, the word "Government" would be redundant and hence they deleted it. I ended up tendering an apology to the audience with huge embarrassment.

On a serious note, my appointment as a Senior Counsel is not only a personal achievement but a true recognition of the hard work and commitment of all my colleagues in the Department of Justice in upholding the criminal justice system in Hong Kong. It remains for me to thank them for their unflinching support and invaluable guidance on how to become and remain a fair prosecutor.

副刑事檢控專員

許紹鼎資深大律師

Martin Hui, SC

Deputy Director of Public Prosecutions



一年易過，今天跟讀者重談與律政司另外三位我敬重的同事在去年獲委任為資深大律師，仍自覺深得眷遇，仿如做夢。能獲如此認可，固然榮幸不已，但我提醒自己在樂得殊榮之餘，勿自志高意滿，因為仍待我掌握的知識和重要技巧何其多，而在法律專業路上相逢的新知身上，又有無數地方可堪借鏡。的確，司內共事的檢控人員有眾多出類拔萃之士，他們知我所未聞，諸般表現出色令我望塵莫及，着實自嘆不如。

《論語》有云，子曰：“三人行，必有我師焉。擇其善者而從之，其不善者而改之。”

我求學時期在耶穌會學校領受很多實訓，心坎常受謙卑的美德觸動。有智者言：“謙卑不是把自己說得微小一些，而是少談自己一點。”不過，既然我應允在本年度的工作回顧中作自我介紹，還望容許我在此不遵這至理明言，多談一點自己和我如何一路走到今天。

從在法學院上課第一天，我就希望成為訟辯律師，尤其有志於刑事法和公法。因此，從大學畢業後，我很自然希望投身檢控官的行列。後來幸得見習律政人員計劃取錄的良機，我毫不猶豫接受，在1995年加入當時的律政署成為助理檢察官，展開實習。我第一個政府律師崗位是1996年派駐區域法院案件籌備組，在該組工作兩年間，我不放過每個機會盡力打好基礎，掌握對初出道的檢控官最關鍵的技巧和知識。其後，我調往管理及培訓組，有機會從另一角度了解刑事檢控科的日常運作。我晉升高級政府律師後，調往分科四服務七年，先後在分科內各組別工作，專責處理商業詐騙、貪污、電腦罪行和侵犯版權的案件。

其後，我的事業稍為轉向訟辯範疇發展。2008年，我調任重案檢控及特別職務組，負責檢控設陪審團的審訊和其他複雜的案件，磨煉訟辯技巧。2010年，我加入上訴分科，相繼派駐於其下三個組別，拓展了我熱愛的上訴訟辯工作。最後，我留在人權組發展這方面法律的專門知識，直到2011年獲擢升接掌該組。由於自覺在這個法律領域尚有不少學習空間，我報讀了人權法兩年制兼讀碩士學位課程，在2013年取得人權法碩士學位。雖然其間不少光陰是在夜深奮苦幹讀中度過，但所得的經驗教我大開眼界，受用甚深。

2015年，我的前任黃惠沖資深大律師離開刑事檢控科，就任法律政策專員，而我被委出任人事主管的艱巨崗位，接手現在的副刑事檢控專員一職，掌管政策及政務分科。此職位工作繁重，我雖終日伏案工作，但仍熱衷訟辯工作，對不時有機會為上訴或審訊案件出庭檢控，總是十分珍惜。

回想有幸成為資深大律師，我衷心感謝這二十年來一直教導和提挈我的所有友好，指引我走到今天。我也要向各位克己敬業的同事由衷致謝，欣見他們齊心一致，秉承維護公平、公義和法治的崇高理想，其實這份榮譽他們佔的功勞最大。我能與如此傑出勤勉的檢控團隊，一起服務社會，實感榮幸。

讓我回頭以謙遜美德作結。謙遜是老子《道德經》中三寶的其中一寶，其文曰：“我有三寶，持而保之。一曰慈，二曰儉，三曰不敢為天下先。慈故能勇；儉故能廣；不敢為天下先，故能成器長。”

這些金石良言我時刻謹記，也以此繼續走前面的人生路。

To this day it still sounds surreal to me to be able to share the great privilege of being appointed Senior Counsel a year ago with my three other more worthy contemporaries from the Department of Justice. Of course I feel extremely honoured to receive such recognition, but the privilege apart, I remind myself not to be complacent. There are still so much that I do not know and so many important skills that I have not yet mastered. And there are a lot to be learned from all those with whom I cross path in my professional career. Indeed I am truly humbled by the strengths and brilliance of many of my fellow prosecutors who know things that I don't and who excel in many respects that I can't.

The wisdom of the Confucian Analects has a place here. When asked how a man may find instructors for himself, the Master said, "When I walk along with two others, they may serve me as my teachers. I will select their good qualities and follow them, their bad qualities and avoid them."

Amongst the many valuable teachings that I received in my formative years of Jesuit schooling, the virtues of humility have always struck deep in my heart. Someone wise has once said "humility is not to talk less of oneself but to talk of oneself less". But since I have been asked specifically to write about myself in this yearly review, so I guess I may be forgiven for acting against that sage advice, and for talking a bit more about myself and how I have come all the way to where I am.

I had always aspired to be an advocate since my first day at law school and was particularly interested in criminal and public law. A career as a prosecutor thus became a natural choice for me upon graduation from university. Hence when I was fortunate enough to be offered a place in the Legal Trainee Scheme, I grabbed the opportunity without hesitation and joined the then Attorney General's Chambers in 1995 to undertake my pupillage as an Assistant Crown Counsel. My first posting as a Crown Counsel in 1996 was to the Trial Preparation Unit (District Court) where I stayed for two years, savouring every opportunity to build as solid a foundation as I could for the skills and knowledge that were essential to any budding prosecutor. I then moved on to the Management & Training Section where I was given the chance to acquire an understanding of the day-to-day workings of the Prosecutions Division from a different angle. Upon promotion to the rank of Senior Government Counsel, I was posted to the Sub-division IV in 2001 where I spent 7 years rotating among different teams specialising in commercial fraud, corruption, computer crime and copyright infringement cases.

My career path then took a slight turn to the side of advocacy. In 2008, I was transferred to the Court Specialists & Special Duties Section to hone my advocacy skills through prosecuting jury trials and other more complicated cases. In 2010, I began my tour among the three teams under the Appeals Sub-division to develop my passion in appellate advocacy, ending up in the Human Rights Section where I stayed on and developed my specialty in this area of law. In 2011, I was promoted to head the Human Rights Section. Realising that there was still so much to learn in this area, I took a 2-year part-time master degree course studying human rights law and obtained my LLM in Human Rights in 2013. Despite the many late hours of work and study, the experience was eye-opening and rewarding.

In 2015, upon the departure of my predecessor Mr Wesley Wong SC to assume the office of the Solicitor General, I was given the daunting mission of trying to fill the big shoes of the Chief of Staff and take up my present post as the deputy director heading the Policy and Administration Sub-division. Notwithstanding the mounting workload in this deskbound job, I remained eager for advocacy work and treasured every chance of being given an appeal or trial to prosecute from time to time.

Reflecting upon my silk appointment, I am truly grateful to all those who have taught and supported me along the way for the past 20 years, guiding me to where I am. My deepest gratitude also extends to all those dedicated colleagues who work alongside me selflessly, all committed to the same noble cause of upholding fairness, justice and the rule of law. The accolade should in large measure be theirs. It is my honour to be able to serve the community among such a brilliant and dedicated group of fellow prosecutors.

I conclude by returning to the fine virtue of humility. It is one of the three precious things that Lao Tzu spoke about in his Sayings: "I have three precious things which I hold fast and prize. The first is gentleness; the second is frugality; the third is humility, which keeps me from putting myself before others. Be gentle and you can be bold; be frugal and you can be liberal; avoid putting yourself before others and you can become a leader among men."

Heeding the wisdom of these sayings, I continue treading the path that lies ahead.