

**For information**

**Legislative Council Panel on  
Administration of Justice and Legal Services**

**Existing measures by Prosecutions Division of Department of Justice  
in handling victims in sexual offence cases**

In response to the request for information from a Panel Member which was referred to the Department of Justice, among others, by the Panel Secretariat, this paper provides the relevant information on the part of the Department.

2. The Department of Justice and its prosecutors are committed to providing the highest levels of service and support to victims and witnesses. Victims and witnesses are essential to the success of the criminal justice system. They need to know they will be treated throughout with respect, understanding and sensitivity. The taking of practical steps to improve the service to victims and witnesses is just as important as responding sympathetically to their concerns. The Department of Justice is committed to liaising with others in the criminal justice system to protect the interests of victims and witnesses.

3. The proper care and treatment of victims and witnesses is at the forefront of prosecution policy and strategy. All cases involving sexual offences are handled by experienced prosecutors specialised in conducting cases involving in the area.

4. All prosecutors are committed to upholding the principles and practices contained in:

- (a) The Statement of Prosecution Policy and Practice;
- (b) The Victims of Crime Charter;
- (c) The Statement on the Treatment of Victims and Witnesses;
- (d) The Policy for Prosecuting Cases involving Domestic Violence;
- (e) Periodic Legal Circulars on procedures and treatment of victims of crime and witness.

5. Victims and witnesses are entitled to have their rights to privacy and confidentially respected at all stages of the criminal justice process.

6. The means by which prosecutors will protect the privacy and address the psychological impact on victims and witnesses in sexual offence cases include the following :

- (a) **Before trial**, prosecutors will consider whether the attendance of a witness is strictly necessary, and ensure that only the witnesses necessary to prove the charge are called to testify in court. To help the witnesses, prosecutors will, to the extent that this is practicable and/or necessary:-
  - (i) seek to expedite the processing of cases, particularly those involving children and other vulnerable witnesses. If a case concerns a vulnerable witness, the prosecutor is under a duty to remind the court that the Practice Direction PD9.5 'Evidence by way of live television link or video recorded testimony' requires it to be given priority for listing purposes;
  - (ii) ask the court to set a date for trial which is as convenient as possible to witnesses;
  - (iii) ask the police to arrange a visit to court for children or mentally incapacitated witnesses before trial;
  - (iv) ask the court to allow the use of screens to shield the witnesses from the accused while testifying in court;
  - (v) apply to the court the use of two-way closed circuit television to enable witnesses to give evidence outside the courtroom through a televised link to the courtroom;
  - (vi) apply to the court for an order, if necessary, that the identity of witness(es) other than that of the victim of a sexual offence himself/herself (which is already protected under section 156 of the Crimes Ordinance, Cap. 200) shall remain anonymous;
  - (vii) apply to the court for a gag order;
  - (viii) ask the court for closed court hearings.

- (b) **At trial**, prosecutors will:-
  - (i) seek to keep the waiting times for witnesses to a minimum;
  - (ii) take steps to ensure that personal particulars of victims and witnesses, such as addresses, telephone numbers and email addresses, are not necessarily disclosed in open court;
  - (iii) object to defence questioning which is abusive or unjustifiably intrusive or aggressive;
  - (iv) ask the court, when appropriate, to release a witness who has testified, or is no longer required.
- (c) **Upon conviction/At sentencing stage**, when the victim has been harmed or has lost property, prosecutors will:-
  - (i) ensure the court is aware of the consequences of the offence, and if appropriate, ask the court to obtain the latest medical or other relevant reports on the victims;
  - (ii) furnish the court with updated factual information as to the impact of the harm caused to the victim;
  - (iii) make an application, in an appropriate case, for a compensation order and/or restitution order.
- (d) If the case reaches **the appeal stage**, counsel appearing for the prosecution will continue to take measures to ensure that the anonymity of the victim is protected and not mentioned either in open court or in the any judgment to be delivered or handed down by the court.