

**司法及法律事務委員會**

**在2019年1月28日會議上通過有關  
"律政司的檢控政策"的議案**

法治是本港賴以成功的基石，亦是本港社會極為重視的核心價值之一，而《基本法》第六十三條對律政司主管刑事檢察工作，不受任何干涉的規定，對捍衛本港法治，保障律政司的檢控人員獨立行事，不受任何政治或不恰當壓力的干預，至為重要；就此，本委員會呼籲各界共同遵守《基本法》第六十三條的規定，避免及不應對律政司在制訂《檢控守則》，以及如何行使檢控政策時，作出任何不恰當的施壓，從而損害律政司獨立行使檢控決定的權力及責任，以及抵觸《基本法》第六十三條的規定；同時，本會支持律政司繼續獨立及專業地根據《檢控政策》行事。

動議人： 李慧琼議員

和議人： 廖長江議員

(Translation)

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

**Motion on  
"Prosecution policy of the Department of Justice"  
passed at the meeting on 28 January 2019**

The rule of law constitutes the cornerstone of Hong Kong's success and is one of the highly regarded core values of the Hong Kong community, and the provision of Article 63 of the Basic Law ("BL63") that the Department of Justice ("DoJ") shall control criminal prosecutions free from any interference is of utmost importance to safeguarding the rule of law in Hong Kong and ensuring that prosecutors within DoJ may act independently without any political or improper interference; in this connection, this Panel urges various sectors to make a concerted effort to abide by BL63, avoid and refrain from imposing improper pressure on DoJ in its formulation of the Prosecution Code and enforcement of the prosecution policy hence undermining DoJ's rights and responsibilities in exercising its prosecution decisions independently and violating BL63; at the same time, this Panel supports DoJ's continued effort to act independently and professionally in accordance with the Prosecution Policy.

Moved by : Hon Starry LEE Wai-king

Seconded by: Hon Martin LIAO Cheung-kong