

Selected Criminal Cases handled by Mr. Chan

陳律師負責主理較受關注的刑事案件摘要

Criminal cases involving policemen

涉及警察的案件

HKSAR v Lau Hing Pui CACC 38/2017 (The Seven Policemen’s case)

香港特別行政區 訴 劉興沛 CACC 38/2017 (七警案)

Advised and represented the 4th Defendant in the “Seven Policemen’s case” and was successful in getting him bail pending appeal from the High Court and subsequently his conviction quashed and sentence set aside in the Court of Appeal on 26th July 2019.

成功代表第四被告在高等法院獲准保釋等候上訴，並於 2019 年 7 月 26 日在高等法院上訴法庭上訴得直及宣告定罪和判刑無效，當庭釋放。

HKSAR v Au Chi Wai DCCC 816/2019

香港特別行政區 訴 歐智威 DCCC 816/2019

Advised and represented the Defendant, an Assistant Course Instructor in Police Training School who was prosecuted by the ICAC for corruption and misconduct in public office. The Defendant was acquitted of all charges on 15th August 2020.

成功為被告人作出辯護。區域法院於 2020 年 8 月 15 日裁定被告人被控的涉貪及公職人員行為失當等四項罪名全部罪名不成立。

Criminal cases involving protesters

涉及示威者的案件

HKSAR v Lee Ying To Matthew KCCC200/2020

Advised and represented the Defendant, who was prosecuted for assault occasioning actual bodily harm. The case was disposed of by way of ONE/Bind-over.

為被告人的律師代表並提供法律意見。被告人被控襲擊致造成身體傷害；最終控方撤銷控罪，及法庭以簽保守行為方式處理。

HKSAR v Lo Tsz Kit ESCC 872/2020

Advised and represented the Defendant, who was prosecuted for obtaining access to computer with dishonest intent to deceive. The case was disposed of by way of ONE/Bind-over.

為被告人的律師代表並提供法律意見。被告人被控未經授權從網上取得的警察個人資料於貸款公司網站登記借貸，被控不誠實意圖欺騙而取用電腦；最終控方撤銷控罪，及法庭以簽保守行為方式處理。

- Advised and represented ‘Mr. Lam’, who was arrested in Wanchai on 25th December 2019 for allegedly partaking in an unauthorized assembly. After inspecting the available evidence, Mr. Lam was advised to discontinue his police bail and was eventually unconditionally released without any charge.

為某位林先生就一項於 2019 年 12 月 25 日在灣仔參與未經批准集結的指控的代表律師並提供法律意見。研判相關案情及證據後，林先生接受法律意見拒絕警方要求續保；及後警方撤銷起訴，林先生獲無條件釋放。

- Advised and represented ‘Mr. Chan’, who was arrested in Tung Chung on 11th November 2019 for allegedly partaking in an unlawful assembly. After inspecting the available evidence, Mr. Chan was advised to discontinue his police bail and was eventually unconditionally released without any charge.

為某位陳先生就一項於 2019 年 11 月 11 日在東涌參與非法集結的指控的代表律師並提供法律意見。研判相關案情及證據後，陳先生接受法律意見拒絕警方要求續保；及後警方撤銷起訴，陳先生獲無條件釋放。

- Advised and represented ‘Miss Mok’, who was arrested in Tung Chung on 11th November 2019 for allegedly partaking in an unlawful assembly and illegally masking. After inspecting the available evidence, Miss Mok was advised to discontinue her police bail and was eventually unconditionally released without any charge.

為某位莫小姐就一項於 2019 年 11 月 11 日在東涌參與非法集結及非法使用蒙面物品的指控的代表律師並提供法律意見。研判相關案情及證據後，莫小姐接受法律意見拒絕警方要求續保；及後警方撤銷起訴，莫小姐獲無條件釋放。

- Advised and represented ‘Mr. Ko’, who was arrested in Hung Hom on 26th July 2019 for alleged loitering and theft. After inspecting the available evidence, Mr. Ko was advised to discontinue his police bail and was eventually unconditionally released without any charge.

為某位高先生就一項於 2019 年 7 月 26 日在紅磡涉嫌干犯遊蕩和盜竊的指控的代表律師並提供法律意見。研判相關案情及證據後，高先生接受法律意見拒絕警方要求續保；及後警方撤銷起訴，高先生獲無條件釋放。

Criminal investigation involving ‘white collar’ crimes

‘白領’罪行指控調查

SFC investigation

證券及期貨事務監察委員會調查

- Advised and represented ‘Mr. Chow’, who was investigated by the SFC for alleged insider dealing and market misconduct with respect to a company listed on the HKEx. He was eventually not arrested nor charged.

為某位周先生就證監會關於上市公司的內部交易及市場失當行為的指控調查的律師代表並提供法律意見，最終證監會並沒有作出任何起訴或拘捕行動。

- Advised and represented ‘Mr. Chan’, the Chairman, Executive Director and Chief Executive Officer of a company listed on the HKEx, who was investigated by the SFC for alleged insider dealing and market misconduct with respect to the said company, and was eventually not arrested nor charged; Mr. Chan was also being investigated by the HKEx for disciplinary violation with respect to the same company, and was eventually publicly reprimanded.

為某位陳先生作為一間上市公司的主席，執行董事及首席執行官，就證監會關於其上市公司的內部交易及市場失當行為的指控調查的法律代表並提供法律意見。雖然，香港交易及結算所有限公司就陳先生違反上市規則亦作出調查，而最終對陳先生作公開譴責。但證監會並沒有作出任何刑事起訴或拘捕行動。

- Advised and represented ‘Mr. Chiu’, who was investigated by the SFC for alleged insider dealing and market misconduct with respect to a company listed on the HKEx, and was eventually not arrested nor charged.

為某位趙先生就證監會關於上市公司的內部交易及市場失當行為的指控調查的律師代表並提供法律意見，最終證監會並沒有作出任何起訴或拘捕行動。

ICAC investigation

廉政公署指控調查

- Advised and represented ‘Mr. So’, who was investigated by the ICAC for alleged bribery offences with respect to a company listed on the HKEx. Mr. So was arrested but eventually not charged.

為某位蘇先生就廉政公署作出有關一所上市公司涉嫌貪污的指控調查的律師代表並提供法律意見。雖然蘇先生被廉政公署拘捕，但最終並沒有被廉署起訴，並獲無條件釋放。

Criminal cases involving indecency

涉及風化罪行的案件

***HKSAR v Lee Cheuk Fung Jerff* ESCC 2557/2021**

Advised and represented the Defendant, who was prosecuted for indecent assault. The Defendant was sentenced to a community service order.

為被告人的律師代表並提供法律意見。被告人被控猥褻侵犯；最終獲法庭判處社會服務令。

***HKSAR v Ng Chun Kit* ESCC 235/2022**

Advised and represented the Defendant, who was prosecuted for loitering causing concern. The Defendant was sentenced to a community service order.

為被告人的律師代表並提供法律意見。被告人被控遊蕩導致他人擔心；最終獲法庭判處社會服務令。

Criminal cases involving driving offences

涉及違例駕駛的案件

***HKSAR v Wong Kwok Tung* KCCC 1857/2022**

Advised and represented the Defendant, who was prosecuted for 3 charges, namely dangerous driving, driving vehicle with alcohol concentration in breath exceeding the prescribed limit and using a defective vehicle. Despite previous conviction of similar offences and tested at tier 3 alcohol level, the case was successfully mitigated to a community service order and disqualification.

為被告人的律師代表並提供法律意見。被告人被控危險駕駛、在呼氣中的酒精濃度超過訂明限度下駕駛汽車及使用一輛殘缺汽車共三項控罪；被告人有相關定罪紀錄及事發時體內酒精含量達第三級，在求情下最終獲法庭判處社會服務令及停牌。