

# 監警會通訊 IPCC Newsletter

2012年6月 第六期  
June 2012 Issue No. 6



## 監警會發布李克強副總理訪港 投訴個案中期報告

**IPCC releases interim report on complaints related to  
Vice Premier Li Keqiang's visit**



獨立監察警方處理投訴委員會  
Independent Police Complaints Council

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## 監警會發布李克強副總理訪港而衍生的投訴個案中期報告

### IPCC releases interim report on complaints related to Vice Premier Li Keqiang's visit

國務院副總理李克強先生在2011年8月16日至18日訪問香港，在副總理訪港期間，他曾到訪多個地點。為了保護副總理，警方在整個訪問期間採取了一連串措施，包括在副總理到訪的地點及其車隊所經路線實施了保安行動。惟警方在這次保安行動所採取的幅度和規模引起公眾的不滿和關注，結果警方的投訴警察課接獲16宗有關的「須匯報投訴」和6宗「須知會投訴」。

投訴警察課在完成15宗「須匯報投訴」投訴個案的調查工作後，便將調查報告交由監警會審核。由於監警會非常關注這類牽涉公眾利益的投訴，遂將副總理訪港而衍生的投訴個案交由嚴重投訴個案委員會跟進及審核。

為了讓公眾了解投訴個案的處理進度及增加透明度，監警會在2012年5月3日發布副總理訪港的投訴個案中期報告。在中期報告中交代投訴警察課接獲的16宗須匯報投訴之中，有9宗個案已獲監警會通過。監警會正就其餘6宗個案的調查結果向投訴警察課質詢。最後一宗個案則根據「有案尚在審理中」的程序，監警會同意投訴警察課暫停調查工作。

監警會從一個整體的方向去審閱、監察及覆檢該16宗須匯報投訴的調查報告。綜觀這些投訴個案，可以發現投訴人普遍並不察覺或不同意警方需要在不同地點實施有關保安措施的理據，包括封閉行人天橋、在遠離活動地點設置指定採訪區和指定公眾活動區、驅散路人、移走市民，以及在處理記者和示威者時行使警權等。

除了仔細及嚴謹地審閱每宗個案的調查報告外，監警會亦試圖找出引致這些投訴的原因，和警方的保安行動是否恰當及有否充足理據。如在過程中發現警方的常規或程序有任何過錯及不足之處，監警會可履行《監警會條例》第8條的職能，向警務處處長及/或行政長官作出建議。因此，監警會決定把中期報告提交給行政長官及立法會，以供參考。

The Vice Premier (VP) of the State Council of the Central People's Government, Mr Li Keqiang, visited Hong Kong from 16 to 18 August 2011. During his stay the VP attended a number of functions at different locations. To ensure his protection, the Police took certain security measures at the sites he would visit and along the routes his motorcade would travel. Afterward, widespread public concerns arose from the magnitude and latitude of the security arrangements adopted by the Police. The Complaints Against Police Office (CAPO) received 16 Reportable Complaints and six Notifiable Complaints related to these measures.

After investigating 15 Reportable Complaints, CAPO submitted its report to the IPCC. The IPCC is very concerned about complaints relating to the public interest; therefore it decided that the investigation of complaints related to the VP's visit should be monitored and examined by the Serious Complaints Committee.

To ensure transparency and openness with regard to these investigations, on 3 May 2012 the IPCC published an interim report on complaints related to the visit by the VP. The interim report stated that CAPO had received 16 Reportable Complaints; in nine cases the IPCC endorsed CAPO's findings; in six others it requested further information from CAPO. Since the last case is related to criminal proceedings which is still ongoing, the IPCC agreed with CAPO that its investigation should be suspended on the grounds of "Sub-judice".

The IPCC has taken a holistic approach in reviewing, monitoring and examining the 16 Reportable Complaints. In general the complainants were not aware of, or disagreed with, security measures taken by the Police at different locations. These included the closure of footbridges, the location of Designated Press Areas (DPA) and Designated Public Activity Areas (DPAA) too far from the event venues, the clearance of pedestrians and the execution of police powers against journalists and protesters.

In the course of its careful and conscientious review, the IPCC explored the reasons for the complaints and considered whether the police security measures were justifiable. Under IPCC Ordinance Section 8, the IPCC may offer recommendations to the Commissioner of Police and/or the Chief Executive if it finds police actions to be at fault or inadequate. Therefore the IPCC decided to submit its interim report to the Chief Executive and to make it available to the Legislative Council as well.

自去年九月開始，投訴警察課總共進行了109次調查行動，包括會面和證據收集工作。當中達97%有監警會觀察員出席監察。在審議這些個案時，監警會循下列三方面提出質詢：

1. 監警會觀察到很多投訴人不滿的是警方的行動，而不是在現場前線警務人員處理當時的情況。因此被投訴人應該是負責警方行動的高級警務人員，而不是前線警員；
2. 監警會觀察到有些個案的投訴人沒有為投訴警察課錄取口供，但視乎投訴人所提供的資料詳情，以及投訴人是否願意和投訴警察課保持聯繫，投訴警察課仍應展開全面調查；
3. 為找出引致這些投訴的原因，以及評估警方的保安行動是否恰當及有理據，監警會要求投訴警察課提供有關的行動指令及其他相關文件，讓監警會可以有詳盡和全面的資料，來評估警方保安行動背後的依據。

監警會預計以上的質詢尚需要更多的時間及工作來處理，因此決定先發表中期報告，讓公眾了解投訴個案的處理進度。監警會期望投訴警察課能在短期內回應質詢。待所有資料齊全後，會方便會著手撰寫最後報告，內容包括餘下6宗未通過的個案結果。至於「有案尚在審理中」的個案調查工作能否完成，則有待審訊結果。

Since September, CAPO has taken 109 investigative actions, including interviews and evidence collection. IPCC Observers were present during 97% of these actions. In reviewing the cases, the IPCC raised queries according to the following directions:

1. The IPCC is of the view that in many cases the complainants were dissatisfied with the police actions in question rather than the way the police officer(s) at the scene handled the situation(s), hence these complaints should be directed against the senior police officer(s) responsible for the actions rather than the frontline police officer(s);
2. The IPCC is also of the view that in cases where the complainants did not provide statements to CAPO, full investigations should be conducted with regard to the information provided by the complainants, contingent upon their willingness to maintain contact with CAPO;
3. In order to identify the causes leading to these complaints, and to find out if the police security operations were proper and justified, the IPCC has requested CAPO to provide all relevant operational orders and related documents, to allow the IPCC to thoroughly and comprehensively assess the rationale behind the police actions in question.

The IPCC foresees that more time and effort will be required for the above queries to be fully responded; therefore it decided to release an interim report to update the public on the handling of these cases. The IPCC expects CAPO to respond to the inquiries soon. Once all relevant information has been gathered, a final report will be compiled, in which all outstanding issues, including the classification of allegations in the six yet-to-be endorsed cases, will be addressed. Whether or not the investigation into the sub-judice case can be completed depends on the outcome of the trial.



## 16宗「須匯報投訴」個案總覽 Overview of 16 Reportable Complaints

編號 No.	個案名稱 Case Name	投訴性質 Nature of Complaint	指控 Allegations	投訴課的分類 CAPO Classification	監警會的評估 IPCC Assessment
1	封閉通往香港會議展覽中心的行人天橋 Closure of footbridge to HKCEC	封閉行人天橋 Closure of footbridge	(a)-(c) 疏忽職守 (a)-(c) Neglect of Duty (NOD)	投訴撤回 Withdrawn	通過 Endorsed
2	封閉通往入境事務大樓的行人天橋 Closure of footbridge to Immigration Tower		疏忽職守 NOD	透過簡便方式解決 Informally Resolved	進一步質詢 Further query
3	封閉通往中信大廈的行人天橋 Closure of footbridge to CITIC Tower		疏忽職守 NOD	無法追查 Not Pursuable	進一步質詢 Further query
4	封閉通往香港藝術中心的行人天橋 Closure of footbridge to HK Arts Centre		疏忽職守 NOD	無法追查 Not Pursuable	通過 Endorsed
5	驅散紅棉路的行人 Clearing pedestrians on Cotton Tree Drive	驅散行人 Clearance of pedestrians	粗魯無禮 Rudeness	透過簡便方式解決 Informally Resolved	通過 Endorsed
6	驅散港灣道的行人 Clearing pedestrians on Harbour Road		粗魯無禮 Rudeness	無法追查 Not Pursuable	通過 Endorsed
7	香港大學的保安安排 Security arrangements at HKU	香港大學的保安安排 Security arrangements at HKU	(a)-(c) 疏忽職守 (a)-(c) NOD	透過簡便方式解決 Informally Resolved	通過 Endorsed
8	新政府大樓外的抗議行動 Protest outside CGC	行使警權及 指定公眾活動區的位置 Execution of police powers and location of DPAA	(a),(b)及(e) 疏忽職守 (c)及(d) 行為不當 (a),(b) & (e) NOD (c) & (d) Misconduct	透過簡便方式解決 Informally Resolved	通過 Endorsed
9	通往新政府大樓的行人天橋上的抗議行動 (一) Protest on footbridge to CGC (I)		疏忽職守 NOD	透過簡便方式解決 Informally Resolved	通過 Endorsed
10	通往新政府大樓的行人天橋上的抗議行動 (二) Protest on footbridge to CGC (II)		濫用職權 Unnecessary Use of Authority (UUOA)	無法追查 Not Pursuable	通過 Endorsed
11	會景閣外的抗議行動 Protest outside Convention Plaza	行使警權及 指定公眾活動區的位置 Execution of police powers and location of DPAA	(a) 毆打 (b) 濫用職權 (a) Assault (b) UUOA	尚待監警會同意 Not yet agreed by IPCC	進一步質詢 Further query
12	向副總理遞交請願信 Submission of petition letters to VP		疏忽職守 NOD	尚待監警會同意 Not yet agreed by IPCC	進一步質詢 Further query
13	一名男子在麗港城被移走事件 Removal of a male at Laguna City	行使警權 Execution of police powers	毆打 Assault	無法追查 Not Pursuable	進一步質詢 Further query
14	記者與警方在麗港城及黃祖棠社會服務大樓的接觸 Reporters' encounters with Police at Laguna City and Wong Cho Tong Building		(a),(g)及(h) 濫用職權 (b)及(i) 疏忽職守 (c) 無禮 (d)及(j) 行為不當 (e) 行為不當 (f) 疏忽職守 (a),(g) & (h) UUOA (b) & (i) NOD (c) Impoliteness (d) & (j) Misconduct (e) Misconduct (f) NOD	證明屬實 證明屬實 證明屬實 證明屬實 並無過錯 並無過錯 Substantiated Substantiated Substantiated Substantiated No Fault No Fault	通過 Endorsed
15	中環廣場外的抗議行動 Protest outside Central Plaza		(a) 疏忽職守 (b) 毆打 (a) NOD (b) Assault	有案尚在審理中 Sub-Judice	有待調查 Pending Investigation
16	指定採訪區的位置及記者個人物品的搜查 DPA locations and search of reporters' personal belongings	指定採訪區的位置 Location of DPA	(a),(c),(d)及(f) 疏忽職守 (b) 濫用職權 (e) 行為不當 (a),(c),(d) & (f) NOD (b) UUOA (e) Misconduct	尚待監警會同意 Not yet agreed by IPCC	進一步質詢 Further query

監警會中期報告已上載至監警會網頁：[http://www.ipcc.gov.hk/tc/reports\\_other.html](http://www.ipcc.gov.hk/tc/reports_other.html)  
The IPCC interim report is now available at：[http://www.ipcc.gov.hk/en/reports\\_other.html](http://www.ipcc.gov.hk/en/reports_other.html)

### 監警會在2012年3月至6月的活動

### IPCC's recent activities from March to June 2012

3月8日 8 March

探訪投訴警察課

Visit to CAPO

翟紹唐主席、副主席石禮謙議員、張達明先生、馬恩國先生、陳培光醫生、劉玉娟女士、鄧麗芳女士、黃德蘭女士、葉振都先生和鍾偉雄先生一同參加了此次活動。委員除了參觀投訴警察課的報案室及其他設施，還與投訴警察課的代表小組進行意見交流。

An IPCC delegation, including Mr Jat Sew-tong (Chairman), the Hon Abraham Shek Lai-him (Vice-chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Dr Chan Pui-kwong, Ms Noeline Lau Yuk-kuen, Ms Belinda Tang Lai-fong, Ms Mary Teresa Wong Tak-lan, Mr Adrian Yip Chun-to, and Mr Gerard Chung Wai-hung, visited the CAPO. In addition to viewing the reporting room and other facilities, the Council Members met with representatives of CAPO to exchange views and ideas on matters of mutual interest.



3月9日 9 March

出席醒目警察大挑戰

Attendance at Smart Cops Challenge

翟紹唐主席、張達明先生、馬恩國先生和劉玉娟女士應邀出席醒目警察大挑戰決賽，支持警隊預防投訴的活動。

Mr Jat Sew-tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, and Ms Noeline Lau Yuk-kuen were invited to attend the Smart Cops Challenge to support the Police Force's campaign for preventing complaints against the Police.



3月15日 15 March



#### 監警會與民間人權陣線會面

#### IPCC Meeting with Civil Human Rights Front

翟紹唐主席、林志傑醫生、方敏生女士、葉成慶先生、馬恩國先生、劉玉娟女士、黃幸怡女士、黃碧雲博士及鄭承隆先生和民間人權陣線代表會面。會上民間人權陣線代表向委員表達對警方處理型公眾集會的意見，並希望監警會可以觀察這些活動。監警會積極研究有關建議，期望在不影響中立持平的立場下參與觀察這類活動。

Mr Jat Sew-tong (Chairman), Dr Lawrence Lam Chi-kit, Ms Christine Fang Meng-sang, Mr Ip Shing-hing, Mr Lawrence Ma Yan-kwok, Ms Noeline Lau Yuk-kuen, Ms Sandy Wong Hang-ye, Dr Helena Wong Pik-wan, and Mr Edwin Cheng Shing-lung attended a meeting with the Civil Human Rights Front (CHRF). Representatives of CHRF voiced their opinions on the way the Police handle public meetings, and hoped that the IPCC could observe such meetings. The IPCC will actively explore the possibility of observing the Police's way of handling public order events without compromising its impartiality and independence.

3月16日 16 March

#### 參與服務質素監察部運動會

#### Take part in Service Quality Wing Sports Day

翟紹唐主席、張達明先生和監警會秘書處職員一同參與警方服務質素監察部運動會。

Mr Jat Sew-tong (Chairman), Mr Eric Cheung Tat-ming, and the IPCC Secretariat representatives took part in the Sports Day of the Police Service Quality Wing.



3月23日 23 March



#### 監警會與香港記者協會會面

#### IPCC Meeting with Hong Kong Journalists Association

翟紹唐主席、林志傑醫生、張達明先生、方敏生女士、吳克儉先生、馬恩國先生、葉成慶先生、馬學嘉博士、黃碧雲博士及葉振都先生和香港記者協會代表會面。香港記者協會代表向委員表達對警方的採訪區安排及消息發放的意見。

Mr Jat Sew-tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Mr Eddie Ng Hak-kim, Mr Lawrence Ma Yan-kwok, Mr Ip Shing-hing, Dr Carol Ma Hok-ka, Dr Helena Wong Pik-wan, and Mr Adrian Yip Chun-to met with representatives of the Hong Kong Journalists Association (HKJA). Representatives from the HKJA expressed concerns over the Police's arrangements for the Designated Press Areas and the release of information.

3月30日 30 March

新界北總區研究預防投訴警察委員會

New Territories North Regional Complaint Prevention Committee Meeting

馬恩國先生應邀出席新界北總區研究預防投訴警察委員會會議，了解警方預防投訴的工作。

Mr Lawrence Ma Yan-kwok attended a meeting of the New Territories North Region Complaint Prevention Committee to better understand the Police's efforts to prevent complaints.

4月13日 13 April

出席九龍東總區研究預防投訴警察委員會

Kowloon East Regional Complaint Prevention Committee Meeting

林志傑醫生和馬恩國先生應邀出席九龍東總區研究預防投訴警察委員會會議，了解警方預防投訴的工作。

Dr Lawrence Lam Chi-kit and Mr Lawrence Ma Yan-kwok attended a meeting of the Kowloon East Region Complaint Prevention Committee to better understand the Police's efforts to prevent complaints.

4月14日 14 April

監警會主席擔任大專辯論賽2012評判

IPCC Chairman Serves as Judge at the Inter-collegiate Debate Competition 2012

翟紹唐主席擔任香港電台主辦的大專辯論賽2012評判。

Mr Jat Sew-tong was invited to be a member of the panel judges at the Inter-collegiate Debate Competition 2012 organised by the Radio Television Hong Kong.



4月23日 23 April

### 探訪新界南總區

#### Visit to New Territories South Region

翟紹唐主席、副主席林大輝議員、張達明先生、馬恩國先生、黃幸怡女士和鍾偉雄先生一同參加了此次活動。新界南總區代表向委員簡介處理業主立案法團及村民糾紛的情況。會後，委員和投訴警察課的代表小組交流意見。

Mr Jat Sew-tong (Chairman), Dr the Hon Lam Tai-fai (Vice-chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Ms Sandy Wong Hang-ye, and Mr Gerard Chung Wai-hung visited the New Territories South Region, where representatives of the Region explained to the IPCC Members how disputes were handled between Owners' Corporations and villagers. Group discussions were also held between IPCC Members and representatives from CAPO.



4月25日 25 April

### 爽報推出監警會專欄

#### IPCC Column in Sharp Daily

監警會和爽報合作，一連六星期每逢周三刊登監警會專欄，深入淺出地講解多個警察投訴相關的議題。爽報亦就不同的議題，分別訪問了多名監警會委員，包括林志傑醫生、張達明先生、方敏生女士、陳培光醫生、葉成慶先生、梁繼昌先生、黃幸怡女士、黃碧雲博士、鄭承隆先生及梅達明副秘書長。



The IPCC has partnered with Sharp Daily in a project of sharing with the public on significant issues relating to IPCC's work by way of publishing articles in a column every Wednesday for six consecutive weeks. The IPCC Members including Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Mr Ip Shing-hing, Mr Kenneth Leung Kai-cheong, Ms Sandy Wong Hang-ye, Dr Helena Wong Pik-wan, Mr Edwin Cheng Shing-lung, and Deputy Secretary-General Mr Daniel Mui were interviewed by Sharp Daily on various subjects pertaining to complaint handling and related matters.

4月26日 26 April

### 監警會主席擔任扶輪社演講嘉賓

#### IPCC Chairman's Speech at Rotary Club

翟紹唐主席出席扶輪社聯合晚宴，向逾百名扶輪社會員介紹監警會及其工作。

Mr Jat Sew-tong (Chairman) was invited to speak on the work of the IPCC at a Rotary Club dinner.





5月3日 3 May

### 監警會發布李克強副總理訪港投訴個案中期報告

The IPCC's Interim Report on Complaints Arising from the Visit by Vice Premier Mr Li Keqiang

監警會舉行傳媒發布會，講解李克強副總理訪港投訴個案中期報告的內容。發布會當日，監警會翟紹唐主席在秘書長朱敏健先生和一眾委員的陪同下會見傳媒。警方及持份者認同報告內容。翟紹唐主席和秘書長朱敏健先生在會後亦分別接受傳媒訪問，加強公眾對報告內容的了解。

The IPCC held a media briefing to present its Interim Report on complaints arising from the visit to Hong Kong by VP Mr Li Keqiang. During the briefing, Mr Jat Sew-tong (Chairman), together with Mr Ricky Chu (Secretary-General) and Council Members, explained the report to the media. Both the Police and the associated stakeholders welcomed the report. After the briefing, in separate interviews with the media, Mr Jat and Mr Chu provided additional information for enhancing public understanding about the report.



5月8日 8 May

### 監警會和西澳洲國會代表會面

IPCC Meeting with a Delegation from the Parliament of Western Australia

副主席李國麟議員、馬恩國先生、葉成慶先生和監警會秘書處代表應邀和西澳洲國會代表會面。西澳洲國會代表是當地罪案和貪污委員會聯合常設委員會的成員，是次訪問旨在和監警會交流處理警察投訴的經驗。

Dr the Hon Joseph Lee Kok-long (Vice-chairman), Mr Lawrence Ma Yan-kwok, Mr Ip Shing-hing, and the IPCC Secretariat representatives met with a delegation from the Parliament of Western Australia, who are also members of the Joint Standing Committee on the Corruption and Crime Commission. The visit aimed at exchanging experience in handling complaints against police officers.



5月16日 16 May

### 出席九龍西總區研究預防投訴警察委員會

Kowloon West Regional Prevention Committee Meeting

張達明先生應邀出席九龍西總區研究預防投訴警察委員會會議，了解警方預防投訴的工作。

Mr Eric Cheung Tat-ming attended a meeting of the Kowloon West Region Complaints Prevention Committee to better understand the Police's efforts to prevent complaints.



6月5日 5 June

出席立法會保安事務委員會會議

Attendance at Legislative Council Security Panel Meeting

監警會秘書長朱敏健先生和法律顧問陳敏儀女士，出席立法會保安事務委員會會議，回應該會議員對有關李克強副總理訪港投訴個案中期報告的問題。

Mr Ricky Chu (Secretary-General), together with Ms Cherry Chan (Legal Adviser), attended the Legislative Council Security Panel Meeting to respond to the Legislative Members' questions concerning the IPCC's Interim Report on complaints arising from the VP's visit to Hong Kong.

6月8日 8 June

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open Meeting



是次公開會議上，監警會繼續向警方跟進副總理訪港的相關投訴個案。

During this open meeting, the IPCC has continuously followed up with the Police Force the complaints from the VP's visit to Hong Kong indicated in its Interim Report.

## 主席傳媒訪問

Media Interviews with the Chairman

除了爽報的監警會專欄外，翟紹唐主席亦在3月至6月其間接受了信報、星島日報、南華早報、蘋果日報和香港電台《千禧年代》的訪問，介紹監警會及其工作。

In addition to the column with Sharp Daily, Mr Jat Sew-tong (Chairman) was interviewed by the Hong Kong Economic Journal, Sing Tao Daily, South China Morning Post, Apple Daily, and RTHK's radio programme, Millennium Era, between March and June, on various issues relating to the IPCC.



## 香港電台監警會節目

RTHK Programme on the IPCC

為加強公眾對監警會的認識，監警會和香港電台聯合製作監警會節目。透過投訴警察個案，介紹監警會的職能和在投訴警察制度中所發揮的作用。監警會節目計劃於八月中開始在亞洲電視本港台和無線電視翡翠台播放。

The IPCC has collaborated with the RTHK to produce a TV programme aiming at enhancing public understanding on the IPCC's work and the police complaint system through adaptation of complaint scenarios drawn from real cases. This TV programme will be released in mid-August on both ATV Home and TVB Jade.

# 監警會委員和觀察員

## IPCC Members and Observers

### 再獲任命的監警會主席及委員

(任期由2012年6月1日至2014年5月31日):

#### Names of re-appointed IPCC Chairman and Member

(from 1 June 2012 to 31 May 2014):

1. Mr JAT Sew-tong, SC (Chairman) 翟紹唐先生, SC (主席)
2. Mr Lawrence MA Yan-kwok 馬恩國先生

### 新任命的監警會觀察員 (任期由2012年4月1日至2014年3月31日):

#### Names of newly appointed IPCC Observers

(from 1 April 2012 to 31 March 2014):

1. Mr CHAN Fu-ming 陳富明先生
2. Mr CHAN Hok-fung 陳學鋒先生
3. Ms CHAN Sau-wan 陳秀雲女士
4. Ms Emily CHEUNG Mui-seung 張妙嫦女士
5. Mr CHOW Yuk-tong, BBS, MH 周玉堂先生, BBS, MH
6. Ms FUNG Mei-wan 馮美雲女士
7. Mr HO Hau-cheung, BBS, MH 何厚祥先生, BBS, MH
8. Ms Mary Ann KING Pui-wai 金佩璋女士
9. Ms KO Po-ling, BBS, MH, JP 高寶齡女士, BBS, MH, JP
10. Ms Pearl LAM Po-ling 林寶苓女士
11. Mr Alvin LEE Chi-wing 李子榮先生
12. Ms NG Ling-ling 吳玲玲女士
13. Mr Michael NGAI Ming-tak 魏明德先生
14. Mr PUN Kwok-wah 潘國華先生
15. Mr Terry TAM Kin-keung 譚見強先生
16. Mr Eric TANG Sze-kin 鄧仕堅先生
17. Mr WONG Chi-wai 黃志偉先生
18. Mr WONG Wai-shun 王威信先生
19. Dr Michael YAM Chi-ho 任志浩博士

### 再獲任命的監警會觀察員 (任期由2012年4月1日至2014年3月31日):

#### Names of re-appointed IPCC Observers

(from 1 April 2012 to 31 March 2014):

1. Mr Henry CHAN Man-yu 陳文佑先生
2. Ms CHAN Yan-chuen 陳仁川女士
3. Mr Holden CHOW Ho-ding 周浩鼎先生
4. Miss Athena KUNG Ching-yee 龔靜儀女士
5. Mr LEUNG Chi-pui 梁志培先生
6. Ms LEUNG Fu-wing, BBS, MH 梁芙詠女士, BBS, MH
7. Mrs Virginia MA LO Kam-wah 馬盧金華女士
8. Mr NGAN Siu-lun 顏少倫先生
9. Ms SO Lai-chun, MH 蘇麗珍女士, MH
10. Mr George TAM Siu-ping 譚兆炳先生
11. Dr John TSE Wing-ling, MH 謝永齡博士, MH
12. Mr Joseph WAN Kwok-hung 溫國雄先生
13. Mr WU Chor-nam, JP 胡楚南先生, JP

### 任期於2012年4月1日屆滿的監警會觀察員:

#### Names of retired IPCC Observers

(term of appointment ends on 1 April 2012):

1. Mr CHAN Ka-wai 陳家偉先生
2. Mr Joseph CHAN Yuek-sut, BBS 陳若瑟先生, BBS
3. Mr CHOW Yick-hay, BBS, JP 周奕希先生, BBS, JP
4. Mr KAN Chi-ho, BBS, MH 簡志豪先生, BBS, MH
5. Ms KO Pui-shuen 高佩璇女士
6. Mr LAM Kwok-keung 林國強先生
7. Dr Francis LEE Wing-lin 李永年博士
8. Dr Jessica LI Chi-mei 李紫媚博士
9. Mr Stephen NG Kam-chun, MH, JP 吳錦津先生, MH, JP
10. Mr Thomas PANG Cheung-wai, BBS, JP 彭長緯先生, BBS, JP
11. Mr PANG Woon-kei 彭桓基先生
12. Mr TAM Kwok-kiu, MH, JP 譚國僑先生, MH, JP
13. Mr Henry TONG Sau-chai 湯修齊先生
14. Mr Justein WONG Chun, BBS, JP 王津先生, BBS, JP
15. Ms Joan WONG Kam-man 王金文女士
16. Ir Billy WONG Wing-hoo, JP 黃永灝工程師, JP
17. Ms Vienna WONG Yuet-wah 黃月華女士
18. Mr Simon YOUNG Ngai-man 楊艾文先生

### 平衡執法與市民權利

### Balancing law enforcement and civil rights



2012年1月1日我正式被任命為監警會委員，與之前出任監警會觀察員的最大分別是現在我更了解警方在執行任務時的職能及程序上的運作，並對審閱警察投訴的調查報告有更深入的了解。

就李克強副總理訪港所衍生的投訴警方事宜上，眼見市民對監警會是否能公平公正地處理事件，有著十分高的期望。作為監警會委員，在前線警務人員執行法紀及保障市民權利這兩者之間找回一個平衡點，正正是我們的職責。在過往的經歷中，亦遇到少數為求達到個人發洩或其他目的而作出不實投訴的個案，此舉不但浪費資源，亦有損警隊的聲譽及士氣，但我相信一支專業及受過嚴格訓練的警隊，絕對經得上考驗。我亦希望大家相信每一宗投訴個案，監警會定必以公平、公正的態度去處理。

我有幸加入監警會，期望能與各委員衷誠合作，以多方面、多角度了解及審閱警察投訴的調查報告。

鄭承隆先生在2011年1月獲保安局委任為監警會觀察員，其後在2012年1月1日獲委任為監警會委員。

On 1 January 2012 I was officially appointed as an IPCC Member. The biggest difference from being an IPCC Observer is that I now have a better understanding of the duties and procedures of the Police, whilst having a more in-depth appreciation in reviewing the police complaint investigation reports.

Regarding public concern about the police complaints arising from the visit of Vice Premier Mr Li Keqiang to Hong Kong, it can be seen that the public has high expectations that the IPCC will handle these cases fairly and impartially. As IPCC Members, it is our obligation to respect the frontline police officers' duty to enforce the law, whilst ensuring that the rights of every citizen are protected, so that a balance between these two equally important elements can be maintained. In the past, I have encountered some cases where false complaints were made to express personal grievances, or for some other purposes. Not only is this a waste of resources, it also tarnishes the reputation of the Police and damages their morale. However, I am very confident that our professional, well-trained Police Force is capable of overcoming such challenges. I also hope the public will have faith in the IPCC, who must strictly adhere to our core values of independence, impartiality and fairness in handling every case.

It is my great honour to join the IPCC and I look forward to working with other Members in reviewing police complaint investigation reports from multiple angles and perspectives.

*Mr Edwin Cheng was appointed by the Security Bureau as an IPCC Observer in January 2011; he was then appointed as an IPCC Member on 1 January 2012.*

## 搵阿sir查自己人 投訴多餘?

## Why file a complaint against the Police if they investigate their own colleagues?

投訴警方機制被指是警方自己人查自己人，不少曾投訴警方的市民均批評，警方有偏幫「自己人」之嫌，亦不滿程序繁複，「錄份口供要搞成半日，阻住搵食」。監警會早前成立專責小組與警方檢討投訴機制，研究找獨立第三者調解及錄影口供等，以優化機制及提高效率。

監警會副秘書長梅達明指出，不滿「投訴警察課」(CAPO)的個案不多，而且多屬性質輕微，主要投訴CAPO未有按照規定，定期匯報調查進展，監警會於去年接獲涉投訴CAPO的個案只有15宗，合共24項指控。

## 投訴人怨阻住搵食

監警會檢討投訴機制專責小組召集人方敏生表示，小組曾聽取常與警方發生衝突，如職業司機及性工作者等團體意見，發現警方處理投訴的程序繁複，欠缺效率，「錄口供你講一句佢抄一句，然後佢又讀多次畀你聽去確認，浪費唔少時間，阻住人搵食，咁會嚇怕人」。小組建議口供以錄影代替筆錄，並提高警方的處理技巧等。

小組亦關注法例規定投訴人若選擇簡易程序處理投訴會「無得翻案」，令不少投訴人卻步，建議找獨立第三者如律師或調解員協助調解。

梅達明補充，若監警會發現有關結果有問題，可代投訴人追究，「但可唔可以翻案重新展開調查，就需要探討，唔排除要修例」。

## 新機制試行六個月

提及警方於今年4月1日試推「表達不滿」新投訴機制，為期半年至10月。

方敏生指出，部分投訴只是不滿警方機制，希望警方改進，小組及警方認為這新機制可有效處理這類個案，而且警方承諾必須是市民願意及有「翻案」機會，並會定期向監警會匯報；監警會不排除會抽查個案仔細審閱，以免新機制成為「搵低」投訴警方數字的手段。

原文刊於2012年5月16日爽報及爽報網站，網上版可瀏覽：

<http://www.sharpdaily.hk/article/news/20120516/90508/>

Some people who have filed complaints against police officers have criticised that their complaints are handled by other police officers; they suspect that the Police may be biased towards their own peers. Some have also complained about the cumbersome procedures, claiming that it takes up to half a day to file a statement, which interrupts their livings unnecessarily. The IPCC has set up a Working Group to review the protocol of handling police complaints and explore the feasibility of engaging an independent third party to mediate and record the statements on video, to optimise procedures and improve efficiency.

IPCC Deputy Secretary-General Mr Daniel Mui pointed out that there had been only a few cases of dissatisfaction with the Complaints Against Police Office (CAPO), and that most of them were minor in nature. The majority criticised CAPO for failing to issue regular reports on the progress of investigations, in accordance with regulations. Last year the IPCC received 15 complaints against CAPO, involving 24 allegations.

## Complainants find procedures too time-consuming

IPCC Convener of the Working Group Ms Christine Fang said that its members had listened to representatives of groups that frequently come into conflict with the Police, such as professional drivers and sex workers and had found the procedures for filing a complaint against the Police complicated and inefficient. "They jotted down complainant's sentence by sentence and then read it back to me to confirm the contents. This is time-consuming and it interrupts complainant's work. It simply scares people off," Ms Christine Fang said. The Working Group suggested that statements be recorded on video rather than in writing, to improve efficiency.

The Working Group was concerned that according to the law, once a complainant has opted for an informal resolution in settling a complaint, the complainant will not be able to request full investigation afterwards. This hinders complainants from choosing informal resolution. The Working Group recommended to engage an independent third party, such as a lawyer or mediator, in handling the informal resolution process.

Mr Daniel Mui added that if the IPCC finds the result of an investigation questionable, they can look into it actively. "Whether or not the case can be reopened requires further study and an amendment to the Ordinance may not be ruled out," he said.

## New protocol on trial for six months

A new mechanism proposed by the Police on 1 April 2012 for handling Expressions of Dissatisfaction (EOD) has been implemented on a six-month trial basis, until October this year.

Ms Christine Fang pointed out that some complainants aim at expressing dissatisfaction with the police procedures and request improvements rather than looking for a full investigation of their complaints. The Working Group and the Police believe that under the new EOD protocol, complaints will be handled more effectively. The Police agree that the EOD protocol must be drawn up on the basis that members of the public agree to resolve their complaints by the EOD mechanism and that they have the right to request full investigations at a later stage should they change their minds. The Police also agree to regularly report EOD complaint cases to the IPCC. The IPCC may review such cases at random, so that the new protocol will not become merely a tactic to reduce the number of police complaints.

Developed from the article published in Sharp Daily on 16 May 2012 and [sharpdaily.hk](http://www.sharpdaily.hk): <http://www.sharpdaily.hk/article/news/20120516/90508/>

### 嚴謹方式處理投訴個案問責性

### Meticulous approach in reviewing complaint case accountability

#### 個案重點

#### Highlights of the Case

指控 Allegations	被投訴人 Complainees	結果 Results
1 疏忽職守 Neglect of Duty	負責調查個案的警員 The Police Constable (the investigating officer of this complaint case)	透過簡便方式解決 Informal Resolution
2 疏忽職守 Neglect of Duty	負責調查個案的警員及其督察上司 The Police Constable and the Inspector of Police (Supervisor of the Police Constable)	證明屬實 Substantiated

此個案顯示監警會以嚴謹的方式處理事件的問責性。在這宗投訴個案中，即使投訴只涉及一名警員在調查一宗刑事案件期間的疏忽，但是該名警員的上司最後亦要為其下屬的疏忽而負責。經監警會的質詢，由於該兩名警員的疏忽職守，導致涉案疑犯成功逃避司法審判，因此需要加重二人的罰則。

投訴人是一間公司的東主，由於發現一名警員未能就其舉報的一宗盜竊案進行徹底調查而感到不忿，遂投訴該名負責調查案件的警員「疏忽職守」。投訴警察課在調查事件後，把這項「疏忽職守」的指控列為「證明屬實」，並向該名警員發出警告，但事件不記入其分區報告檔案內。隨後，監警會向投訴警察課再就個案進行質詢，投訴警察課最後裁定該名警員的上司亦須為事件負責。鑑於事件的嚴重性，投訴警察課亦同意向二人展開紀律研訊。

#### 詳細個案

2007年，一名公司的東主（投訴人）向警署舉報一宗盜竊案，報稱懷疑其一名前僱員（疑犯）偷去他從客戶收到的款項。一名警員在一名督察（上司）的監督下調查這宗案件。東主為配合調查，向警方提供了一張客戶名單，並稱名單上的人士均可為案件作證。在東主提供的名單上，包括其客戶的姓名、電話號碼及電郵地址。東主向警方提供名單，並聲稱已聯絡這些證人，確認他們均可清楚憶述事件協助調查。

到了2009年，投訴人無法從警方得知調查進展，遂投訴該名警員未能定期提供調查進度報告（**指控一：疏忽職守**）。不過於2010年初，投訴人同意循簡易程序解決此投訴。

This case demonstrates the meticulous approach adopted by the IPCC in terms of accountability. In this instance, although the complaint only involved an allegation of negligence of duty against a Police Constable (PC), in relation to the way he handled a criminal investigation, the PC's supervisor was eventually held accountable for the same negligence after further investigation. As the combined negligence of the two officers resulted in a suspect's evasion of justice, the penalty against them was increased after the IPCC's queries.

The complainant, a company owner, felt aggrieved by the PC's failure to conduct a thorough investigation into a theft he had reported to the Police. He therefore lodged a complaint of "Neglect of Duty" against the PC. After investigating the incident, CAPO recommended that the allegation of "Neglect of Duty" be classified as "Substantiated" and that the PC be warned without Divisional Record File (DFR) entry in his record. Following a query from the IPCC, CAPO further held the PC's supervisor accountable for negligence. Considering the seriousness of the outcome, CAPO also agreed to initiate a disciplinary review against both officers.

#### Details of the Case

In 2007, a company owner (the complainant) reported a theft to the Police as he suspected that a former employee (the suspect) had stolen money he had collected from the company's customers. A PC investigated this report under the supervision of an Inspector of Police (the supervisor). To facilitate the investigation the owner supplied the Police with a list of customers which he said could serve as witnesses to the alleged crime. The list included names, telephone numbers and e-mail addresses. The company owner claimed that he had approached these witnesses and that they could clearly recall the incidents in question, before providing the list to the Police.

In 2009, having received no information from the Police on the progress of the investigation, the complainant filed a complaint against the PC about his failure to provide regular investigation progress report (**Allegation 1: Neglect of Duty**). However, in early 2010, the complainant agreed to resolve the complaint through "Informal Resolution".

其後，警方向投訴人發出書面通知，表示有關案件的調查已經完成，疑犯不會被起訴。投訴人於是聯絡警方，得到的回覆是警方已就事件徵詢律政司的意見，最後以證據不足為理由，取消起訴疑犯。投訴人認為如果警方有聯絡其名單上的證人，必定有足夠證據起訴疑犯。因此，他再投訴該名警員並未有適當調查案件，特別針對該警員沒有聯絡他所提供的證人（**指控二：疏忽職守**）。

當投訴人提出第二項指控後，警方將這宗盜竊案交由另一組刑事罪案團隊重新調查。新團隊聯絡上其中數名證人，並獲對方同意協助調查。另外，負責團隊亦向律政司徵詢法律意見，律政司建議在新證據成立的情況下，起訴疑犯。不過，原先被捕的疑犯已於上一次調查完畢後獲釋，而警方再無法找到疑犯。

經調查後，投訴警察課指出早前調查案件的警員在聯絡證人時只敷衍了事，當部分證人未能回覆時，便沒有繼續跟進。事實上，大部分證人均從未被聯絡，該名警員卻向上司作出口頭匯報，指無法聯絡上任何證人。而該名上司亦只根據下屬的口頭匯報，來徵詢律政司的法律意見，並決定因證據不足，不起訴疑犯。結果，疑犯於盤問期間否認所有控罪，最後無條件獲釋。

投訴警察課最後裁斷該名警員未能適當調查案件，並把第二項指控列為「證明屬實」。投訴警察課認為應向該名警員發出警告，但事件不記入其分區報告檔案內。

另外，投訴警察課認為該名上司在工作上因為需要同時監察多宗案件。在此個案中，如若他已經對下屬發出過清晰指示須聯絡涉案證人協助調查。其後，下屬向他匯報已嘗試聯絡證人但並未聯絡得上，該名上司遂決定不再嘗試聯絡證人。在收到誤導訊息的情況下，上司的錯誤判斷亦可以理解。

然而，監警會對此裁斷有所保留，尤其是該名上司在事件中的角色，以及對該警員採取的行動。以下是監警會觀察所得的結論：

- (i) 監督下屬調查案件時處理是否恰當，明顯是該名上司的分內責任。
- (ii) 該名警員對審問證人一事上，僅提供口頭匯報，這是不尋常的做法。至於該名督察純粹接受下屬的口頭報告，同樣並非常見的做法。一般程序是需要調查案件的警員提交一分書面報告，詳述審問證人的過程及資料。由於部分證人提供了內地電話

Later, the Police sent the complainant a letter stating that the investigation into his crime case had been concluded and the suspect was not to be prosecuted. The complainant contacted the Police, who said that the Department of Justice (DoJ) had been consulted in this case, and had advised against prosecution due to insufficient evidence. The complainant believed that the Police would have discovered sufficient evidence to prosecute the suspect if they had contacted the witnesses on his list; he therefore lodged another complaint, alleging that the PC had failed to properly investigate the case, particularly in not contacting the witnesses provided (**Allegation 2: Neglect of Duty**).

When the complainant lodged his second allegation, the investigation into the theft case was re-activated and assigned to another criminal investigation team. The new team contacted some of the witnesses, who agreed to cooperate with the investigation. The team then sought legal advice from the DoJ, which recommended that with the new evidence in hand the suspect should be charged. However, the Police could no longer locate the suspect, who had been arrested earlier but released upon conclusion of the investigation.

The CAPO investigation revealed that the PC had only made limited attempts to contact the witnesses, and had not pursued the matter after some witnesses failed to respond to his initial efforts. Most of the witnesses had not been contacted. However, the PC verbally reported to his supervisor that none of the witnesses could be located. Relying on this verbal report, the supervisor sought legal advice from the DoJ, which advised against prosecution owing to insufficient evidence. As a result the suspect, who had been questioned but denied all wrongdoing, was released unconditionally.

CAPO decided that the PC had failed to conduct a proper investigation and thus classified the second allegation against him as “Substantiated”. CAPO further recommended that he be warned without Divisional Record File (DRF) entry in his record.

Concerning the supervisor, CAPO noted that he had to monitor numerous investigations at the same time. In this case, he had instructed the PC to locate the witnesses for questioning. Later, the PC verbally reported to the supervisor that he had attempted to locate the witnesses but in vain, based upon which the supervisor decided not to make further attempts to locate the witnesses. Therefore, in light of such misleading circumstance, it is understandable for the supervisor to have made a mistake.

Nevertheless, the IPCC had reservations regarding the role of the supervisor as well as the action to be taken against the PC. The IPCC made the following observations:

- (i) The supervisor had a clear responsibility to oversee the proper conduct of the investigation.
- (ii) It was uncommon for the PC to make only a verbal report concerning the questioning of witnesses, and it was also unusual for the supervisor to accept a verbal report. Normal procedures require that the investigating officer submit written records detailing the questioning of witnesses. Since some of the

號碼或電郵地址等聯絡資料，監警會認為該名督察最少有責任查證其下屬的國際長途電話紀錄及曾發出的電郵，以核實他聯絡證人的工作。然而，該名督察純粹選擇相信其下屬的口頭匯報，並無檢查任何工作紀錄以確認真偽。因此，監警會最後得出的結論是該名督察並未做好其監督的角色，嚴重疏忽職守。

- (iii) 監警會進一步考慮到該名督察向律政司報告警員無法聯絡證人問話，是屬於提供誤導性的資料。
- (iv) 由於該名警員及其上司的疏忽職守，導致疑犯逃避司法審判，這是相當不理想的結果。

鑑於以上結論，監警會認為投訴人的第二項指控應適用於該名警員及其上司，而指控分類應為「證明屬實」。監警會認為二人明顯疏忽職守及引致嚴重後果，遂建議投訴警察課考慮對二人進行更嚴厲的懲處。

而投訴警察課則按照監警會的質詢，重新審視個案，並認同監警會的建議，把該兩位警務人員的指控二列為「證明屬實」，以及向二人展開紀律行動。

監警會通過投訴警察課對這宗個案的調查結果。

witnesses provided mainland telephone numbers or e-mail addresses as their contacts, the IPCC considered it incumbent upon the supervisor to at least check the PC's IDD phone records and e-mails to verify his attempts to contact the witnesses. However, the supervisor simply chose to believe the PC's verbal report without viewing any supporting records. The IPCC thus concluded that the supervisor had failed in his supervisory role, which amounted to serious negligence.

- (iii) The IPCC further considered that the supervisor had provided the DoJ with misleading information by reporting that the PC could not locate the witnesses for questioning.
- (iv) The negligence of the PC and the supervisor had allowed the suspect to evade justice, a highly undesirable outcome.

In view of the above, the IPCC considered that the second allegation should apply to both the PC and the supervisor, and that it should be classified as "Substantiated" against both officers. In view of their blatant negligence and its serious consequences, the IPCC further recommended that CAPO consider more stringent action against them.

After reconsidering the case in light of the IPCC's queries, CAPO subscribed to the IPCC's recommendations that Allegation 2 be classified as "Substantiated" against both officers, and that a disciplinary action be instigated against them.

The IPCC then endorsed CAPO's findings in this case.