

監警會通訊 IPCC Newsletter

2012年9月 第七期
September 2012 Issue No. 7



監警會與香港電台聯合製作《監警有道》 宣傳工作新里程

**IPCC and RTHK produce IPCC Files
- a milestone initiative**



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

本通訊網上版可在監警會網頁下載
On-line version of this newsletter is available at
www.ipcc.gov.hk

查詢 Enquiries
電話 Tel 2524 3841
傳真 Fax 2525 8042
電郵 Email enq@ipcc.gov.hk

地址 Address
香港灣仔告士打道56號東亞銀行港灣中心10樓
10/F Bank of East Asia Harbour View Centre
56 Gloucester Road, Wan Chai, Hong Kong

封面故事 **Cover Story**

P. 2-4

最新動態 **Recent Activities**

P. 5-9

監警觀點 **Viewpoint from IPCC**

P. 10

真實投訴個案 **Real Complaint Case**

P. 11-13

監警會與香港電台聯合製作《監警有道》 宣傳工作新里程

IPCC and RTHK produce *IPCC Files* - a milestone initiative



為了增進市民對監警會職能的認識和加強大眾對兩層架構投訴警察制度的信心，監警會與香港電台合作，製作《監警有道》迷你電視劇集。

《監警會條例》在2009年6月1日生效，監警會正式成為獨立的法定機構。其時會方在《監警會條例》之下被賦予新的職能，就是加強公眾對監警會的角色認識。隨著監警會成為獨立的法定機構，兩層架構的投訴警察制度亦同時得以確立。以香港警務處投訴警察課作為架構中的第一層，負責處理及調查警察投訴；獨立監察機構監警會是第二層，負責審核投訴警察課的調查報告，確保警方在處理投訴的過程全面、客觀、公平和公正。

To enhance public understanding of the work of the Independent Police Complaints Council (IPCC) and strengthen public confidence in the two-tier police complaints system, the IPCC has partnered with Radio Television Hong Kong (RTHK) to produce a mini TV series called *IPCC Files*.

The IPCC became an independent statutory body when the Independent Police Complaints Council Ordinance (IPCCO) was implemented on 1 June 2009. At that time, the Council was given the new task of promoting public awareness of its role. In conjunction with the establishment of the statutory IPCC, a two-tier police complaints system was set up. The first tier is the Complaints Against Police Office (CAPO) of the Hong Kong Police Force, which handles and investigates complaints against the Police; the second tier is the IPCC as an independent oversight body, which ensures that the handling and investigation of complaints against the Police are conducted thoroughly, objectively, fairly and justly by monitoring the investigation reports submitted by CAPO.



監警會秘書長朱敏健先生
Mr Ricky Chu,
Secretary-General, IPCC



監警會副秘書長梅建明先生
Mr Daniel Mui,
Deputy Secretary-General, IPCC



監警會法律顧問陳敏儀女士
Ms Cherry Chan,
Legal Adviser, IPCC



監警會委員張達明先生
Mr Eric Cheung Tat-ming,
IPCC Member

現時市民大眾對投訴警察最大的疑慮是警方「自己人查自己人」的可信性。因此，兩層架構投訴警察制度的成功，有賴公眾對監警會的信心，而宣傳工作在這方面就發揮了很大作用。宣傳工作讓市民認識監警會的角色，並有助釋除大眾對投訴警察的疑慮。針對大眾對投訴警察制度的觀感問題，監警會遂著手製作《監警有道》，以增加大眾對投訴警察制度的認識。

《監警有道》是一連8集，每集5分鐘，簡單易明的迷你電視劇集。這些簡單易明的迷你電視劇集由真實投訴個案改編，反映警民的日常衝突及投訴發生的情況。此外，劇中亦反映了監警會努力確保投訴警察的個案獲全面、客觀、公平和公正的方式處理，並在提升警隊服務質素方面，向警方提出建議。

而多位監警會委員和秘書處的職員均有在劇集中亮相，解釋監警會的角色和職能。配合現時的快速生活節奏，每集5分鐘的《監警有道》可在香港電台的網頁重溫，方便觀眾選擇有興趣觀看的集數。

劇中兩位主角的角色Jessica（張文慈飾）和Hardy（譚俊彥飾），是根據兩位真實的審核主任塑造而成的。其他參演的演員還有飾演投訴人的張致恆和麥基。而翟紹唐主席、鄭經翰先生（委員）、朱敏健先生（秘書長）和梅達明先生（副秘書長）亦粉墨登場，在劇中演回自己。節目中登場的監警會委員還有林志傑醫生、張達明先生、方敏生女士和劉玉娟女士，而監警會法律顧問陳敏儀女士亦有在劇集內解釋投訴調查結果的分類。為求真實感，劇集的拍攝工作大多在監警會的辦公室進行。

監警會安排了一連串的活動宣傳《監警有道》，包括港鐵廣告、傳媒探班活動和傳媒試映會等。會方相信《監警有道》有助市民認識監警會的職能，並且增強大眾對兩層架構投訴警察制度的信心。

The public's biggest concern over the police complaints system has been the credibility of Police investigations into complaints against themselves, as they represent the first tier. Therefore, the success of this two-tier system rests on public confidence in and support for the second tier — the IPCC and its independent monitoring of Police investigations. Publicity plays a significant role in raising the public awareness of the role of the IPCC and addressing negative perceptions of the police complaints system. To promote better public understanding of the system, the IPCC undertook the production of the *IPCC Files*.

Adapted from real complaint cases against the Police, the *IPCC Files*, in eight five-minute, viewer-friendly episodes, presents various daily-life conflicts and common complaints that arise between citizens and the Police. These episodes illustrate the IPCC's efforts to ensure that complaints against the Police are handled thoroughly, objectively, fairly and justly, while providing practical recommendations to enhance the quality of police services.

To give the public a deeper understanding of the Council, a number of IPCC Members and Secretariat staff appear in different episodes to explain the role and work of the IPCC. The five-minute episodes, archived online by RTHK, provide viewers with the option of watching whatever episode they find most interesting, in consideration of the quick pace of life nowadays.

The depiction of the two protagonists, "Jessica" and "Hardy", played by Miss Pinky Cheung Man-chi and Mr Shaun Tam Chun-yin, are based upon two real IPCC vetting officers, while Mr Steven Cheung Chi-hang and veteran actor Mr Mak Kei play the complainants. In addition, Mr Jat Sew-Tong (IPCC Chairman), Mr Albert Cheng (Member), Mr Ricky Chu (Secretary-General), and Mr Daniel Mui (Deputy Secretary-General), all play themselves in various episodes. IPCC Members Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Ms Noeline Lau Yuk-kuen and in-house Legal Advisor Ms Cherry Chan are also featured in the episodes to explain the role and work of the IPCC. Most of the filming took place in the IPCC office to enhance the realism.

Publicity initiatives to promote the *IPCC Files* include an MTR advertising campaign, the media filming visit and a media preview session. Looking ahead, the IPCC is confident that *IPCC Files* will help enhance public understanding of the Council and raise public confidence in the two-tier police complaints system.



監警會委員鄭經翰先生
Ir Albert Cheng,
IPCC Member



監警會委員劉玉娟女士
Ms Noeline Lau yuk-kuen,
IPCC Member



監警會委員林志傑醫生
Dr Lawrence Lam Chi-kit,
IPCC Member



監警會委員方敏生女士
Ms Christine Fang Meng-sang,
IPCC Member

《監警有道》各集主題

- 第一集 兩層架構的投訴警察制度
- 第二集 監警會審核案件的程序
- 第三集 投訴調查結果的分類
- 第四集 如何處理投訴項目以外的其他不當行為
- 第五集 監警會委員職能
- 第六集 投訴人或被告訴人若果不滿意調查結果的覆檢機制
- 第七集 監警會除了審核投訴警察的案件之外，亦會向警方提供改善服務的建議
- 第八集 監警會服務承諾

Themes of the IPCC Files Episodes

- Episode 1 Two-tier police complaints system
- Episode 2 IPCC procedures in reviewing complaint cases against the Police
- Episode 3 Classifications of investigation results
- Episode 4 How to handle improper conduct other than the reported allegations
- Episode 5 Powers and duties of IPCC Members
- Episode 6 Appeals against investigation results
- Episode 7 IPCC recommendations for enhancing the quality of police services
- Episode 8 The IPCC's performance pledge

《監警有道》節目播映時間

2012年8月12日起，逢星期日

亞洲電視本港台 上午11時

無線電視翡翠台 下午3時20分

IPCC Files TV Broadcast Schedule

Every Sunday from 12 August 2012

ATV Home at 11:00 am

TVB Jade at 3:20 pm

*電視台有可能調動節目播映時間

*Programme schedules are subject to modification by the TV stations

網上重溫 Online Archive

香港電台網站 RTHK website

<http://programme.rthk.hk/rthk/tv/programme.php?name=tv/ipccfiles&p=5603>

《監警有道》網站 IPCC Files website

<http://ipcc.etvonline.tv/2012/index.html>

監警會網站 IPCC website

<http://www.ipcc.gov.hk/tc/video.html>

八集五分鐘的單元劇集，以模擬戲劇的形式，為觀眾打開獨立監察警方處理投訴委員會（簡稱監警會）之門，帶你審察不同的警察投訴事件之餘，同時簡介有關監警會的種種。

監警會於2009年成為法定機構，為香港投訴警察制度中兩層架構的一個主要部份。它屬獨立機構，可直接向行政长官匯報，以及就投訴提供意見和建議。所有投訴個案均會先交由轄屬警務處

監警會簡介 各集內容

主演演員

監警會在2012年6月至9的活動

The IPCC's recent activities from June to September 2012

6月21日 21 June

第六期「監警會通訊」發佈

Release of the IPCC Newsletter No. 6

監警會舉行第六期「監警會通訊」的傳媒發佈會。宣傳及意見調查委員會主席鄭經翰先生介紹通訊內容和最新的宣傳活動。秘書長朱敏健先生詳細講述一宗投訴個案，彰顯監警會以嚴謹方式處理警方的問責性。

A media briefing was held to release the sixth issue of the *IPCC Newsletter*. Ir Albert Cheng, Chairman of the IPCC's Publicity and Survey Committee, presented the highlights of the latest IPCC Newsletter and outlined upcoming publicity initiatives; Mr Ricky Chu (Secretary-General) detailed a real complaint case to illustrate the IPCC's meticulous approach to police accountability.



6月26日 26 June

傳媒採訪《監警有道》拍攝

Media Visit to the Filming of the *IPCC Files*

為推廣監警會與香港電台聯合製作的迷你電視劇集《監警有道》，會方安排了傳媒探班活動，讓記者採訪《監警有道》的拍攝過程。翟紹唐主席、鄭經翰先生和香港電台助理廣播處長(電視及機構業務) 施永遠先生均有出席這項活動。施永遠先生向監警會以及參與拍攝的台前幕後人員致謝。張文慈小姐和譚俊彥先生分別在劇中飾演高級審核主任和審核主任。

To promote the mini TV series *IPCC Files*, which was jointly produced by the IPCC and RTHK, a media visit was organised and reporters were invited to cover the filming of *IPCC Files* with the participation of Mr Jat Sew-Tong (Chairman) and Ir Albert Cheng. In addition, Mr Forever Sze Wing-yuen, Assistant Director (TV & Corporate Business) of RTHK, attended and expressed his appreciation towards the IPCC, the artists and the crew members. Miss Pinky Cheung Man-chi and Mr Shaun Tam Chun-yin played the protagonists, a senior vetting officer and a vetting officer, respectively.



6月27日 27 June

警方七一遊行安排簡報會

Police Briefing on the IPCC's 1 July Public Procession

翟紹唐主席、張達明先生、馬恩國先生、葉成慶先生、黃幸怡女士、葉振都先生和鍾偉雄先生出席警方七一遊行安排的簡報會。簡報會旨在讓監警會委員了解警方在公眾安全的前提下，處理大型公眾活動的程序。



Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Miss Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, and Mr Gerard Chung Wai-hung, attended a police briefing on the arrangements for the 1 July procession. This briefing was aimed at enhancing IPCC Members' understanding of police procedures in handling public order events from the perspective of public safety.

7月1日 1 July

監警會現場觀察警方處理大型公眾活動

IPCC On-site Observation of Police Handling of Public Order Events

在出席完6月27日的簡報會後，多位監警會委員包括翟紹唐主席、副主席石禮謙議員、張達明先生、方敏生女士、陳培光醫生、鄭經翰先生、馬恩國先生、葉成慶先生、劉玉娟女士、梁繼昌先生、馬學嘉博士、黃幸怡女士、葉振都先生和鄭承隆先生，以及九位秘書處職員一同現場觀察七一遊行安排。



觀察活動在警方的指揮中心開始，由警方講解指揮中心內的工作，委員隨後沿香港職工會聯盟的遊行路線到不同位置觀察，最後抵達政府總部。之後委員往金鐘道和中聯辦觀察人民力量主辦的遊行活動。委員認為參與這次現場觀察獲益良多。而出席委員其後亦向全體委員報告，以便作出跟進、討論和商議。



Following the briefing on 27 June, a group of IPCC Members comprising Mr Jat Sew-Tong (Chairman), the Hon Abraham Shek Lai-him (Vice Chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Mr Albert Cheng, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noline Lau Yuk-kuen, Mr Kenneth Leung Kai-cheong, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-ye, Mr Adrian Yip Chun-to and Mr Edwin Cheng Shing-lung and nine secretariat staff took part in on-site observations of the 1 July procession.



The observations started with a short briefing at the Police Command Centre. The Council Members then proceeded to various strategic locations along the route of the public procession organised by the Hong Kong Confederation of Trade Unions, followed by an observation at the Central Government Offices. The Council Members then observed the procession organised by People's Power at Queensway and the Liaison Office of the Central People's Government. The Council Members expressed the view that their experience was beneficial and fruitful. The Council Members who participated will further update, discuss and deliberate on their on-site observations with the whole Council.

7月11日 11 July

警方七一遊行安排匯報

Debriefing on Police Arrangements for the 1 July Procession

監警會委員出席由警方舉行的匯報會。翟紹唐主席、方敏生女士、葉成慶先生和劉玉娟女士均有出席是次會議。除了聽取警方的匯報以外，委員在會上亦分享他們在現場觀察和與其他委員商議所得的觀點和意見。

IPCC Members attended a debriefing session organised by the Police. Mr Jat Sew-Tong (Chairman), Ms Christine Fang, Mr Ip Shing-hing and Ms Noeline Lau Yuk-kuen attended this debriefing session. In addition to listening to updates from the Police, Council Members shared their views and suggestions with the Police, based upon their observations and deliberations among the Council.

7月17日 17 July

與民間人權陣線、香港記者協會、香港攝影記者協會和香港人權監察會面

Meeting with Civil Human Rights Front, Hong Kong Journalists Association, Hong Kong Press Photographers Association and Hong Kong Human Rights Monitor



為聽取持份者對七一遊行安排，以及他們對警方處理大型公眾活動的意見，翟紹唐主席、張達明先生、馬恩國先生、葉成慶先生、馬學嘉博士及鄭承隆先生與多個持份組織代表會面，包括與民間人權陣線、香港記者協會、香港攝影記者協會和香港人權監察。



To gather stakeholders' views on the arrangements of 1 July procession and issues related to the Police's handling of public order events, Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Dr Carol Ma Hok-ka, and Mr Edwin Cheng Shing-lung met with representatives from various external stakeholder groups, including the Civil Human Rights Front (CHRF), the Hong Kong Journalists Association (HKJA), the Hong Kong Press Photographers Association (HKPPA), and the Hong Kong Human Rights Monitor (HKHRM).



8月9日 9 August

《監警有道》傳媒試映會

IPCC Files Media Preview Session

監警會舉行《監警有道》傳媒試映會。《監警有道》旨在增強公眾對現行的兩層架構投訴警察制度和監警會職能的認識。在試映會上，宣傳及意見調查委員會主席鄭經翰先生和監警會秘書長朱敏健先生介紹劇集精華。飾演高級審核主任的張文慈小姐和飾演投訴人的張致恆先生，則在會上分享拍攝點滴。



A media preview session was held to launch the IPCC mini TV series, *IPCC Files*, which was jointly produced and presented by the IPCC and RTHK. The *IPCC Files* aims to enhance public understanding of the existing two-tier police complaints system, and the function of the IPCC in the police complaints system.

During the preview, Ir Albert Cheng, Chairman of the IPCC's Publicity and Survey Committee, and Mr Ricky Chu, Secretary-General of the IPCC, introduced highlights of the mini TV series, while Miss Pinky Cheung Man-chi, who plays a senior vetting officer, and Steven Cheung Chi-hang, who plays a complainant, shared their experiences in filming the series.



8月16日 16 August

出席港島總區研究預防投訴警察委員會

Hong Kong Island Regional Complaints Prevention Committee Meeting

林志傑醫生應邀出席港島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 attended a meeting of the Hong Kong Island Regional Complaints Prevention Committee to better understand the Police's ongoing effort to prevent complaints.



9月6日 6 September

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Opening Meeting

是次公開會議上，監警會繼續向警方跟進胡主席和副總理訪港相關的投訴個案。

During this open meeting, the IPCC has continuously followed up with the Police Force the complaints arising from the President HU's and Vice Premier's visits to Hong Kong.

主席和秘書長接受傳媒訪問

Media Interviews with the Chairman and Secretary-General

在6月至9月間，翟紹唐主席接受有線電視訪問，而秘書長朱敏健先生則先後接受經濟日報、東方日報、明報、香港電台節目《千禧年代》、商業電台《左右大局》和《在晴朗的一天出發》的訪問，就投訴警察相關的議題發表意見。

Between June and September, Mr Jat Sew-Tong (Chairman) was interviewed by Cable TV, while Mr Ricky Chu (Secretary-General) was interviewed by the Hong Kong Economic Times, Oriental Daily, Ming Pao Daily, RTHK's radio programme (Millennium Era), and Commercial Radio Hong Kong's radio programmes (the Tipping Point and On a Clear Day) on various issues related to complaints against the Police.



監警會委員和觀察員 IPCC Members and Observers

已離職的監警會委員

Names of resigned IPCC Members

Mr Eddie NG Hak-kim, SBS, JP (From 1 January 2009 to 30 June 2012)	吳克儉先生，SBS，JP (任期由2009年1月1日至2012年6月30日)
Miss Belinda TANG Lai-fong (From 1 January 2011 to 31 August 2012)	鄧麗芳女士 (任期由2011年1月1日至2012年8月31日)

新任命的監警會觀察員

(任期由2012年8月1日至2014年7月31日)：

Names of newly appointed IPCC Observers

(from 1 August 2012 to 31 July 2014):

1. Mr CHAN Hing-ming	陳慶明先生
2. Mr CHAN Siu-tong, MH	陳少棠先生，MH
3. Mr Alan CHOW Yiu-ming, MH	周耀明先生，MH
4. Mr Ronald KAN Yu-him	簡汝謙先生
5. Ms LAM Yuk-chun, MH	林玉珍女士，MH
6. Mr Sidney LEE Chi-hang	李志恒先生
7. Mr Henry LIM, MH	林亨利先生，MH
8. Mr Alan NG Man-sang	吳敏生先生
9. Mr Thomas NG Siu-keung, MH	吳少強先生，MH
10. Dr YEUNG Hoi-shan	楊凱山博士
11. Mr Stanley YIM Yuk-lun, JP	嚴玉麟先生，JP
12. Ms TSANG Fung-Chu*	曾鳳珠女士*

* from 1 September 2012 to 31 July 2014

* 任期由2012年9月1日至2014年7月31日

再獲任命的監警會觀察員

(任期由2012年8月1日至2014年7月31日)：

Names of re-appointed IPCC Observers

(from 1 August 2012 to 31 July 2014):

1. Mr FONG Ping, JP	方平先生，JP
2. Mr Billy LAM Chek-yau, BBS, MH, JP	林亦有先生，BBS，MH，JP
3. Mr LO Tze-on	盧子安先生
4. Ms Herdy SO Wai-yin	蘇慧賢女士
5. Mr Teddy TANG Chun-keung, MH, JP	鄧振強先生，MH，JP
6. Mr YUNG Chi-ming, MH	翁志明先生，MH
7. Mr Roger YUNG Kwok-chung	翁國忠先生

任期於2012年8月1日屆滿的監警會觀察員：

Names of retired IPCC Observers

(term of appointment ends on 1 August 2012):

1. Mr James KONG Tze-wing, MH, JP	江子榮先生，MH，JP
2. Miss Mable KWOK Ching-wan	郭靜韻女士
3. Mr KWOK Wing-keung, MH	郭永強先生，MH
4. Mr Patrick LAI Shu-ho, BBS, MH, JP	黎樹濠先生，BBS，MH，JP
5. Mr LAM Sek-kong, MH	林錫光先生，MH
6. Mr LEE Yuet-man, MH	李月民先生，MH
7. Mr LO Sai-kwong, MH	羅世光先生，MH
8. Miss TANG Pui-yee	鄧珮頤女士
9. Mr WONG Kin-pan, MH	黃建彬先生，MH
10. Mr John WU Man-keung, BBS, MH	吳萬強先生，BBS，MH
11. Mr Edwin YEUNG Chi-wai, MH	楊志偉先生，MH
12. Mr David YIP Wing-shing, BBS, MH, JP	葉永成先生，BBS，MH，JP

加強公眾對監警會的角色認識

Improving public awareness of the role of the IPCC



監警會的前身警監會是一個默默耕耘，在幕後審閱投訴警察調查報告的行政組織，站在前台與公眾溝通，向來不是警監會的強項。警監會亦沒有和傳媒及公眾打交道的經驗，增加公眾對警監會的認知，從來都不是工作重點。

《監警會條例》在2009年6月1日生效，確立了投訴警察制度的兩層架構。作為獨立監察

機構，監警會其中一項新增的職能是要「加強公眾對監警會的角色認識」。大眾對現時投訴警察制度的最大疑問，是投訴警察的個案由警察「自己人查自己人」，這種處理方式是否可信，因此兩層架構投訴警察制度的成功，有賴公眾對兩層架構中的第二層，即負責獨立監察的監警會的支持和信心。傳訊及宣傳工作對改變大眾的觀感可以發揮很大作用，這些工作實不適宜由警方負責。

過去一年，監警會積極加強宣傳活動。在形象方面，我們以「獨立監察」的鮮明形象推廣監警會，務求增加公眾對我們工作的認識。在加強傳媒關係方面，我們和傳媒合作，以專訪及專欄介紹監警會的工作和審核投訴個案的方式，並定期舉辦新聞發佈會，增加工作的透明度。在傳訊工作方面，我們將監警會通訊由半年刊改為季刊，同時大力改革內容，加入封面故事，務求將監警會的最新資訊迅速發放。同時，我們亦和香港電台合作，製作一連8集由真實投訴個案改編、簡單易明的迷你電視劇集，推廣和介紹監警會的工作。

在與持份者聯繫方面，委員去年積極與警察和其他持份者會面，了解他們對投訴警察制度的意見。年內，監警會先後和香港人權監察、民間人權陣線和香港記者協會會面。他們分別向監警會表達對警方處理大型活動、記者的採訪安排和發放消息的意見。這些會面對監警會的工作有啟迪作用，我們將繼續與持份者保持聯繫。

在市民大眾關注警權和人權的社會氛圍下，我相信監警會的角色在平衡兩者之間的關係至為重要。我期望監警會繼續透過對外的傳訊及宣傳工作，以及定期和持份者聯繫，在兩層架構的投訴警察制度下，發揮獨立監察的作用。

鄭經翰先生
宣傳及意見調查委員會主席

Before the IPCC became a statutory body, it was an administrative organisation working diligently behind the scenes to review police complaint investigations. At that time, communicating with the public was not a strength of the IPCC. The Council lacked experience in dealing with the media and the public, as promoting public awareness of its work was not a priority.

When the IPCC Ordinance went into effect on 1 June 2009, a two-tier police complaints system was established. As an independent monitoring body, one of the IPCC's new roles was "to promote public awareness of the role of the Council". The public's biggest concern about the police complaints system has been that the Police investigate complaints against themselves, which raises questions as to the credibility of the investigations. The success of the two-tier system relies on public confidence in and support of the second tier, the independent monitoring by the IPCC. Publicity plays an important role in shaping public perceptions, but it is not appropriate for this to be done by the Police.

Over the past year, the IPCC has taken an active role in promotional activities. We have strengthened our image as an "independent" and "monitoring" body in order to increase public awareness of our work. We have built up relations with the media, collaborating on feature articles as well as an IPCC column on our work, explaining how we review complaints. We have improved communications by reforming our IPCC newsletter from a biannual publication to a quarterly one, and enriching the content with a cover story. This allows us more timely communication with the public on the Council's latest endeavours. Moreover, we worked with RTHK to produce a TV programme of eight episodes adapted from actual police complaints cases, highlighting the work of the IPCC.

On engaging stakeholders, Members of the IPCC have held meetings with the Police and other stakeholders in order to understand their views on the police complaints system. During the past year, the IPCC had meetings with the Hong Kong Human Rights Monitor, the Civil Human Rights Front, and the Hong Kong Journalists Association. They expressed their opinions on the way the Police handled public order events, press arrangements and the releasing of information. These meetings were inspirational to the IPCC; we will continue our communications with these and other stakeholders.

Given public concerns about police power and human rights, I believe the IPCC plays an important role in striking a balance between the two. I hope that through our continuous efforts in communications and publicity, as well as regular meetings with stakeholders, the IPCC will fulfill its role as an independent monitor in the two-tier police complaints system.

Ir Albert CHENG
Chairman of the Publicity and Survey Committee

以透徹和客觀方式處理交通投訴個案

Thorough and objective approach in reviewing traffic-related complaint cases

個案一 Case One

個案重點 Highlights of the Case

指控 Allegation	被投訴人 Complainee	投訴警察課最初分類 Initial Classification by CAPO	最後分類 Final Classification
疏忽職守 Neglect of Duty	一名女警員 A Woman Police Constable	無法證實 Unsubstantiated	並無過錯 No Fault

本個案彰顯監警會在審核投訴個案時公正客觀。投訴警察課原本把一項「疏忽職守」的指控分類為「無法證實」。在審視當時證據後，認為被投訴的警員沒有行為不當，遂建議把指控分類改為「並無過錯」。

個案背景

在2011年的一天，一名女警員被委派處理一宗「車輛阻塞」的舉報。她到場時發現投訴人的車輛違例停泊在非泊車位。由於車上沒有人，女警員遂向車輛發出一張定額罰款通知書(通知書)。其後投訴人回到車輛看到該通知書，在查閱時發現通知書上所寫的車輛登記號碼有一個字母不正確，把「W」字誤寫為「N」字。投訴人認為該女警員表現不專業，便投訴她(指控一：疏忽職守)。同時投訴人亦對通知書提出抗議，結果通知書因而被撤銷。

投訴警察課的調查

投訴警察課的調查發現，女警在她的記事簿上把該字母正確記錄為「W」字，然而通知書上的字跡不太清楚，該字母可以看作「N」字或「W」字。由於沒有確鑿的證據支持指控，因此投訴警察課把指控分類為「無法證實」。

監警會的觀察

監警會認為，縱使女警員在通知書上的字體不清導致她被即時投訴，但她在記事簿上正確地記錄了車輛的登記號碼，而字跡潦草亦未至構成「疏忽職守」。投訴警察課認同監警會的建議，把指控從新分類為「並無過錯」，並提醒女警員以後寫定額罰款通知書時要更加小心。

監警會通過這宗個案的調查結果。

This case highlights the IPCC's impartial and objective handling of a complaint case. CAPO had initially classified an allegation of "Neglect of Duty" as "Unsubstantiated". After examining the available evidence and concluding that there had been no misconduct on the part of the police officer under complaint, the IPCC recommended a "No Fault" classification for the allegation.

Case Background

One day in 2011, a Woman Police Constable (the WPC) was deployed to handle a "vehicle obstruction" report. The WPC arrived at the scene and found the complainant's vehicle parked in an unauthorised parking space. Finding no one inside the vehicle, the WPC issued a fixed penalty ticket (FPT) to the vehicle. Later, the complainant returned to the vehicle and noticed the FPT. When he examined the FPT, he found that one of the letters of the vehicle registration number had been incorrectly written as "N" instead of "W". The complainant considered the WPC unprofessional in this regard and lodged a complaint against her (**Allegation : Neglect of Duty**). The complainant also disputed the FPT, as a result of which the FPT was subsequently withdrawn.

CAPO's Investigation

CAPO's investigation revealed that the WPC had correctly recorded the letter as "W" in her police notebook. However, her handwriting on the FPT was unclear; the letter could have been either an "N" or a "W". There was no conclusive evidence to support the allegation; therefore, CAPO classified the allegation as "Unsubstantiated".

IPCC's Observation

The IPCC was of the view that, despite the WPC's unclear handwriting on the FPT which had led to the instant complaint, the WPC had indeed correctly recorded the complainant's vehicle registration number in her police notebook, and that scribbling did not amount to "Neglect of Duty." CAPO subscribed to the IPCC's recommendation by reclassifying the allegation as "No Fault" and advising the WPC to be more careful in writing FPTs in the future.

The IPCC endorsed CAPO's findings in this case.

個案二 Case Two

個案重點

Highlights of the Case

指控 Allegation	被投訴人 Complainee	投訴警察課最初分類 Initial Classification by CAPO	最後分類 Final Classification
疏忽職守 Neglect of Duty	一名警長及兩名警員 A Sergeant and Two Police Constables	獲證明屬實 Substantiated	無法完全證明屬實 Not Fully Substantiated

這宗個案彰顯監警會在審視投訴個案時一絲不苟，以衡量被投訴警員在事件中的責任。

機動三輪車是容許停泊在有「P」字交通標示的地方，即中/重型貨車、巴士、電單車、單車以外車輛使用的車位。在這個案中，三名警員因為對機動三輪車的相關法例和交通執法行動訓練不足，以致錯誤地迫使投訴人放棄他本來有權使用的車位。因應這宗投訴個案的結果，警方隨即發佈「有關機動三輪車的交通執法指引」，而警察學院在訓練新學員、交通警員和交通督導員時，亦加入相關資訊。

個案背景

在事發當日的晚上9時，投訴人把他的機動三輪車停泊在有「P」字交通標示的車位，並於咪錶繳付泊車費。一位駕駛私家車的司機同時想在該車位泊車並與投訴人發生爭執，指車位只供私家車停泊，期間有人報警求助。

一名警長以及兩名警員(警察小隊)到達現場。在聽取雙方陳述後，包括投訴人說其保險代理曾指明機動三輪車可以在該等車位停泊，警察小隊還是認為機動三輪車不可停泊在該車位，因為依他們的見解，該車位只供私家車停泊。警察小隊於是要求投訴人把機動三輪車駛走。警察小隊中的一名警員曾考慮向中央交通違例檢控組(檢控組)諮詢，但因為當時已過了檢控組的辦公時間，所以最後沒有這樣做。警察小隊亦沒有請示上級或警方控制台的意見。

警長向投訴人表明如果不把機動三輪車駛去，便會向投訴人發出告票。在別無選擇的情況之下，投訴人只好遵從警察小隊的指示。其後，他投訴警察小隊不熟悉交通法例，錯誤地要求他把其機動三輪車駛走(指控：疏忽職守)。

投訴警察課的調查

投訴警察課的調查證實機動三輪車是准許停泊在有「P」字交通標示的車位，這些車位是給中/重型貨車、巴士、電單車、單車以外的車輛使用。而警察小隊當時的疏忽，是由於判斷有誤，及對有關的交通法例沒有充份知識。因此，投訴警察課將指控列為「獲證明屬實」。

This case demonstrates the meticulous approach adopted by the IPCC in examining a complaint to consider the liability of the police officers under complaint.

Motor tricycles are allowed to park in places marked by a 'P' traffic signpost, which are designated for vehicles other than medium and heavy goods vehicles, buses, motorcycles and pedal cycles. This case revealed that three police officers had erroneously compelled a complainant to give up a parking space in which he had rightfully parked his motor tricycles due to inadequacies in police training on the legislation and proper traffic enforcement actions concerning motor tricycles. As a result of this complaint case, the Police immediately promulgated a 'Point to Note Message Relating to Traffic Enforcement against Motor Tricycles'. The Police College has also included the related materials in its training for new police recruits and its ongoing training programmes for traffic officers and traffic wardens.

Case Background

At 21:00 hours on the material day, the complainant parked his motor tricycle in a parking space, which was marked by a 'P' traffic signpost, and fed the parking meter. A private car driver who wanted to park his car there argued with the complainant that his motor tricycle could not be parked in that parking space as it was designated solely for private cars. A report was then made to the Police.

A Sergeant and two Police Constables (the Police Party) arrived at the scene. Having listened to both sides, including an assertion from the complainant that his vehicle insurance agent had advised him that the motor tricycle was eligible to park in the parking space, the Police Party concluded that motor tricycles were not allowed to park in the parking space, which in their opinion was reserved for private cars. The Police Party therefore instructed the complainant to drive his motor tricycle away. One of the Police Constables in the Police Party had considered consulting the Central Traffic Prosecution Division (CTPD) on the matter but had not done so because it was outside the office hours of the CTPD.

Neither did the Police Party seek advice from a more senior officer or the Police Console. The Sergeant told the complainant that he would be ticketed should he refuse to drive his motor tricycle away. Having no choice, the complainant complied with the instruction of the Police Party. Later, the complainant complained that the Police Party was not familiar with the relevant traffic regulation and erred in asking him to drive his motor tricycle away (**Allegation : Neglect of Duty**).

CAPO's Investigation

CAPO's investigation confirmed that motor tricycles are allowed to park in parking places marked by a 'P' traffic signpost, which are designated for vehicles other than medium and heavy goods vehicles, buses, motorcycles and pedal cycles. CAPO therefore classified the allegation as 'Substantiated' against the Police Party who made such mistake due to their misinterpretation or inadequate knowledge of the relevant traffic regulations.

監警會關注到非交通警員在有關機動三輪車的情況。投訴警察課亦證實在香港已登記的機動三輪車數量不多，故相關規例在這投訴個案發生前並未列入基本培訓教材中。然而，在得悉這宗投訴個案後，交通總部即時的警方內聯網發放「有關機動三輪車的交通執法指引」。警察學院在訓練新學員、交通警員和交通督導員時，亦加入有關機動三輪車資訊。

此外，投訴警察課認為這宗個案是源於警察小隊對事情的誤解，而他們事前亦確未曾接受過相關訓練，所以此宗個案是個別事件。由於警察小隊並非交通警員，沒有接受有關機動三輪車的法例和交通執法行動的訓練，故投訴警察課把指控改列為「並無過錯」，警察小隊當時所犯的錯不能視為「疏忽職守」。

監警會的觀察

監警會不認同投訴警察課的論點。因為警察小隊的錯誤行動，導致投訴人受到不公平對待，儘管投訴人已入了咪錶，仍被剝奪其使用該車位的權利。監警會的意見是在當時的情況下，警察小隊應採取合理的步驟，例如向控制台或其他當值交通組/警員查詢機動三輪車可否停泊在該車位。可惜警察小隊沒有嘗試上述方法而倉卒地作出錯誤的決定，所以他們的行為是有疏忽的成份。監警會認為投訴警察課提出警察小隊訓練不足的論據，只可視為求情因素。

但投訴警察課回應，因為警察小隊當時專注調解投訴人和私家車司機之間的糾紛，再加上他們當時深信機動三輪車是不可停泊在該車位，才作出相應的行為，因此將維持「並無過錯」的分類。

監警會繼續指出警察小隊要求投訴人放棄車位時，沒有就事件作理性和富邏輯的思考而有所疏忽。如果警察小隊當時有尋求控制台和其他有經驗的當值交通組/警員協助，他們作出正確判斷的機會可大大提高。警察小隊應該問自己一個既實際又簡單的問題：如果一輛已登記並獲准在香港行駛的機動三輪車不可泊一般車位，它可以停泊在甚麼地方呢？

經過監警會的三輪質詢和在與工作層面會議的討論之後，投訴警察課建議把指控分類列為「無法完全證明屬實」。投訴警察課考慮到儘管當時在現場的警察小隊作出了錯誤的決定，令投訴人得到不公平對待，但考慮到警察小隊的過失並沒有惡意，所以將會給予警察小隊適當的忠告。

監警會通過這宗個案的調查結果。

The IPCC raised its concern with CAPO about the inadequacy of police training to non-traffic police officers on the legislation and proper traffic enforcement actions concerning motor tricycles. CAPO confirmed that due to the relatively low number of motor tricycles registered in Hong Kong, regulations relating to motor tricycles had not been included in the basic training materials prior to this instant complaint. Nevertheless, upon learning of the instant complaint, Traffic Branch Headquarters had immediately circulated through the Force's intranet a 'Point to Note Message Relating to Traffic Enforcement against Motor Tricycles'. The Police College had also included the legislation and proper enforcement procedures concerning motor tricycles in its training for new police recruits and its ongoing training for traffic officers and traffic wardens.

Furthermore, CAPO opined that the case was an isolated incident due to the Police Party's genuine misunderstanding and the fact that they received no relevant training before. CAPO then reclassified the allegation as 'No Fault' on the rationale that the Police Party, who were non-traffic police officers, had not received relevant training on the traffic enforcement against motor tricycles and therefore were not aware of the legislation. As such, the circumstances in which the Police Party made the mistake did not amount to "Neglect of Duty".

IPCC's Observation

The IPCC did not subscribe to CAPO's argument. As a result of the Police Party's wrongful action, injustice was done to the complainant, who was deprived of his right to park his motor tricycle in the parking space even though he had fed the parking meter. The IPCC was of the view that, under the circumstances of this case, the Police Party should have taken reasonable steps such as seeking advice from the Console or other Traffic units/officers on duty at that time, to find out whether motor tricycles could be parked in the said parking space. Unfortunately the Police Party jumped to the wrong conclusion without attempting any of the above, hence there was negligence on their part. The IPCC considered that CAPO's argument of inadequate training to the Police Party was only a mitigating factor.

In response, CAPO maintained the 'No Fault' classification by arguing that the Police Party had, during the material time, focused on resolving the dispute between the complainant and the private car driver, and that they had acted in genuine belief that the motor tricycle was not allowed to park in the parking space.

The IPCC further argued that the Police Party was negligent in deciding to compel the complainant to give up the parking space because they had not thought through the matter logically and sensibly. Had the Police Party sought assistance from the Console or other experienced traffic units/officers on duty at that time, the chance of their making the correct decision may well have increased. The Police Party should also have asked themselves a practical and simple question, i.e. where could the complainant park his motor tricycle if he was not allowed to park in an ordinary parking space, bearing in mind that the motor tricycle was legitimately registered and allowed to run on the roads of Hong Kong?

After three rounds of queries and deliberation at a working level meeting with the IPCC, CAPO proposed classifying the allegation as 'Not Fully Substantiated'. CAPO considered that, despite the wrongful decision of officers at scene which caused the complainant to suffer injustice, hence reliable evidence pointing to their negligence, the Police Party had no malicious intent in making the mistake. Suitable advice would be given to the Police Party.

The IPCC endorsed CAPO's findings in this case.