



監警會發佈就李克強副總理訪港 而衍生的投訴個案審查最終報告

**The IPCC releases the final report on complaint cases against
the Police arising from the visit by the Vice Premier Mr Li Keqiang**



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

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

地址 Address
香港灣仔港灣道26號華潤大廈10樓1006-10室
Rooms 1006-10, 10/F, China Resources Building
No.26 Harbour Road, Wan Chai, Hong Kong

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監警會發佈就李克強副總理訪港而衍生的投訴個案審查最終報告

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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，副總理訪港期間，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保安措施，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，卻引起公眾對警權可能過大而不滿和關注，結果警方的投訴警察課就事件接獲16宗「須匯報投訴」。去年5月獨立監察警方處理投訴委員會(監警會)發佈其監察和審核投訴警察課投訴調查的中期報告，讓公眾了解投訴個案的處理進度及增加透明度。該報告內的16宗「須匯報投訴」之中，有9宗個案已獲監警會通過。其後，監警會繼續向投訴警察課提出質詢，並檢閱投訴警察課提供的相關文件，以解決尚未處理的投訴個案。

在2012年12月19日監警會發表就李克強副總理訪港而衍生的投訴個案審查最終報告。報告顯示7宗尚未處理的投訴個案中，有5宗已獲得通過，另外有一宗仍然是「有案尚在審理中」。而最後一宗個案監警會只是通過了6項指控中的4項，其餘兩項關於警方決定設立指定採訪區的地點，監警會和投訴警察課則未能就意見分歧達成共識。因此監警會在最終報告闡述了雙方的意見分歧，並根據《監警會條例》第19(3)條將這宗個案呈交予行政長官考慮。

此外，由於警方保安措施的幅度引起廣泛不滿，監警會除了履行《監警會條例》第8(1)(a)條賦予的職能，監察和審核投訴警察課的投訴調查外；亦履行《監警會條例》第8(1)(c)條的職能，檢討警方就副總理訪港所安排的保安措施，找出警隊工作常規及程序不足之處，從而向行政長官和/或警務處處長提出建議，以改善警方將來部署及執行類似的行動。

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, a number of public concerns arose at the magnitude and latitude of the security arrangements adopted by the Police. The Complaints Against Police Office (CAPO) received 16 Reportable Complaints. In May last year, the Independent Police Complaints Council (IPCC) released an interim report on its monitoring and review of the CAPO complaint investigations, to ensure that the investigative process was transparent and open. In the interim report, nine of the 16 Reportable Complaints were endorsed. Since then the IPCC has raised further queries with, and examined relevant documents from, the Police via CAPO for the purpose of resolving the outstanding issues.

On 19 December 2012, the IPCC released its final report on complaint cases against the Police arising from the visit by the VP Mr Li Keqiang. The final report revealed that five of the seven outstanding complaint cases were endorsed, while one remains "Sub-Judice". The final case was partially settled, with four of six allegations endorsed by the IPCC. The remaining two allegations, which focused on the Police's decision in setting up the designated press area, remain unresolved, owing to different views between CAPO and the IPCC. This difference is addressed in the final report for the Chief Executive's consideration pursuant to section 19(3) of the Independent Police Complaints Council Ordinance (IPCCO).

Widespread public discontent and concern over the magnitude of the security arrangements adopted by the Police, on top of discharging its statutory responsibilities under section 8(1)(a) of the IPCCO in monitoring and scrutinising the relevant complaint investigations conducted by CAPO, the IPCC conducted an examination under section 8(1)(c) of the IPCCO of the security measures implemented to protect the VP, with a view to identifying inadequacies in police practices and procedures. As a result, the IPCC made a number of recommendations to the Commissioner of Police and/or the Chief Executive to improve the planning and execution of similar operations in the future.

這次保安行動的幅度所引起的廣泛關注，很不幸為警隊的聲譽帶來負面影響。但從正面來看，這次寶貴的經驗讓警方有機會從中汲取教訓。監警會衷心希望最終報告內的觀察和建議，有助防止將來引起類似的投訴，遂建議警方採取以下的改善措施：

1. 行動部應擔任總指揮單位的角色，統籌一切溝通的工作；
2. 發給前線警務人員的所有行動指令及其他相關文件均必須清晰地臚列出行動的使命及目的，以確保他們在執行任務時不會有任何誤解或混淆；
3. 在可行的情況下，加強與傳媒及市民的溝通，以取得他們的配合和諒解；以及
4. 定期審慎地檢討相關的保安措施，確保該等措施既能達致保安行動的要求，而又無礙市民應有的權利。

為了詳細解釋最終報告的內容，監警會主席翟紹唐先生及秘書長朱敏健先生分別接受不同的傳媒訪問。而秘書長朱敏健先生亦應邀出席城市論壇，與香港人權監察代表和香港記者協會代表討論報告內容。

監警會最終報告已上載至監警會網頁：
http://www.ipcc.gov.hk/tc/reports_other.html



Public concern over the magnitude of security operations has unfortunately cast a shadow on the reputation of the Police. From a positive perspective, it has provided the Police with a valuable opportunity to learn from this experience. The IPCC sincerely hopes that the observations and recommendations in its final report will help prevent similar complaints in the future. It therefore recommends that the Police seek improvement in the following areas:

1. Improve and better coordinate communications, with the Operations Wing as the central command unit;
2. Provide clear guidelines in the Operational Orders or other instructions to frontline officers to ensure that police powers are exercised without misunderstanding or confusion as to the missions and objectives to be achieved;
3. Enhance communication with members of the public and the press insofar as practicable for the purpose of enlisting their cooperation and understanding; and
4. Review the relevant security measures vigilantly and at regular intervals to ensure that the right balance is maintained between security requirements and citizens' rights.

To further explain the content of the final report, IPCC Chairman Mr Jat Sew-Tong and Secretary-General Mr Ricky Chu conducted various media interviews. Mr Ricky Chu was also invited to attend the City Forum to discuss the final report with representatives from the Hong Kong Human Rights Monitor and the Hong Kong Journalists Association.

The final report is available on the IPCC website at:
http://www.ipcc.gov.hk/en/reports_other.html

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 Allegation	最終分類 Final Classification
1	封閉通往香港會議展覽中心的行人天橋 Closure of footbridge to Hong Kong Convention and Exhibition Centre (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
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
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
4	封閉通往香港藝術中心的行人天橋 Closure of footbridge to Hong Kong Arts Centre		疏忽職守 NOD	無法追查 Not Pursuable
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
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
7	香港大學的保安安排 Security arrangements at the University of Hong Kong (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
8	新政府大樓外的抗議行動 Protest outside Central Government Complex (CGC)	行使警權及指定公眾活動區的位置 Execution of police powers and location of Designated Public Activity Area (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
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
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
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	(a) 無法證實 (b) 並無過錯 (a) Unsubstantiated (b) No Fault
12	向副總理遞交請願信 Submission of petition letters to VP		疏忽職守 NOD	並無過錯 No Fault
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
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	獲證明屬實 獲證明屬實 獲證明屬實 獲證明屬實 並無過錯 並無過錯 Substantiated Substantiated Substantiated No Fault No Fault
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 (Pending Investigation)
16	指定採訪區的位置及記者個人物品的搜查 Designated Press Area (DPA) locations and search of reporters' personal belongings	指定採訪區的位置 Location of DPA	(a) 疏忽職守 (b) 濫用職權 (c) 疏忽職守 (d)及(f) 疏忽職守 (e) 行為不當 (a) NOD (b) UUOA (c) NOD (d) & (f) NOD (e) Misconduct	並無過錯 獲證明屬實 獲證明屬實 監警會沒有通過調查結果* 投訴撤回 No Fault Substantiated Substantiated Not Endorsed by the IPCC* Withdrawn

* 投訴警察課建議分類為「並無過錯」；監警會建議分類為「無法證實」

* "No Fault" proposed by CAPO; "Unsubstantiated" proposed by the IPCC

監警會在2012年9月至2013年2月的活動

The IPCC's recent activities from September 2012 to February 2013

9月6日 6 September

第七期「監警會通訊」發佈暨傳媒午餐會

Release of the *IPCC Newsletter* Issue No.7 cum Media Luncheon

監警會舉行第七期「監警會通訊」的傳媒發佈會暨傳媒午餐會。翟紹唐主席分別介紹通訊精華及最新的宣傳活動。秘書長朱敏健先生則詳細講述兩宗交通投訴個案，彰顯監警會在審核個案時公正客觀、一絲不苟。

發佈會後，翟紹唐主席聯同林志傑醫生、張達明先生、鄭經翰先生、馬恩國先生、劉玉娟女士及鄭承隆先生，和傳媒代表一同午膳交流。

The IPCC held a media briefing cum media luncheon to release the *IPCC Newsletter* Issue No.7. Mr Jat Sew-Tong (Chairman) introduced the highlights of the newsletter and presented recent publicity activities. Mr Ricky Chu (Secretary-General) shared two real traffic-related complaint cases to illustrate the IPCC's impartial, objective, and meticulous handling of complaint cases.

After the media briefing, Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Ir Albert Cheng, Mr Lawrence Ma Yan-kwok, Ms Lau Yuk-kuen and Mr Edwin Cheng Shing-lung had lunch with the reporters.



9月27日 27 September

監警會秘書長擔任扶輪社演講嘉賓

The IPCC Secretary-General's Speech at Rotary Club

秘書長朱敏健先生出席扶輪社午餐會，向扶輪社會員介紹監警會及其工作。

Mr Ricky Chu (Secretary-General) was invited to deliver a presentation on the work and role of the IPCC at a Rotary Club luncheon.



10月4日 4 October

探訪機動部隊總部

Visit to the Police Tactical Unit (PTU) Headquarters

翟紹唐主席、林志傑醫生、張達明先生、陳培光醫生、馬恩國先生、黃幸怡女士、黃德蘭女士、鄭承隆先生、鍾偉雄先生及甄孟義先生一同探訪機動部隊粉嶺總部。部隊代表向委員講解及示範有關處理大型公眾活動的工作，並向他們介紹機動部隊的裝備。委員亦藉此機會與前線人員代表交流。

A delegation including Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Miss Sandy Wong Hang-yee, Miss Mary Wong Tak-lan, Mr Edwin Cheng Shing-lung, Mr Gerard Chung Wai-hung, and Mr John Yan Mang-yee visited the PTU Headquarters in Fanling. Representatives of the PTU delivered to the Council Members a presentation and a demonstration related to the handling of public order events, and showed them the gear used by the PTU. The Council Members also took this opportunity for an exchange of views with representatives of frontline officers.



11月15日 15 November

出席新界北總區研究預防投訴警察委員會會議

Attending New Territories North Regional Complaints Prevention Committee Meeting

張達明先生和葉振都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 Eric Cheung Tat-ming and Mr Adrian Yip Chun-to attended a meeting of the New Territories North Regional Complaints Prevention Committee, to better understand the Police's ongoing effort to prevent complaints.



11月29日 29 November

參與由香港大學學生會法律學會和民間法治關注組合辦的法治教育論壇

Participating in a Legal Forum jointly organised by the Law Association of the Student Union of the University of Hong Kong and the Rule of Law Education Project

秘書長朱敏健先生應邀參與由香港大學學生會法律學會和民間法治關注組合辦的法治教育論壇，與其他嘉賓，包括香港大學法律系副教授戴耀廷先生、香港人權監察第一副主席莊耀洸先生和立法會議員（法律界）郭榮鏗議員，討論公民訴求、警察權力與社會秩序。

Mr Ricky Chu (Secretary-General) was invited to participate in a legal forum organised by the Law Association of the Student Union of the University of Hong Kong and the Rule of Law Education Project, to discuss the relationship between freedom of expression, police power, and public order with other speakers including Mr Benny Tai, Associate Professor, Faculty of Law, the University of Hong Kong; Mr Chong Yiu Kwong, First Deputy Chair, Hong Kong Human Rights Monitor; and the Honourable Dennis Kwok, Legislative Councillor (Legal).



12月4日 4 December

出席2012年警方優質服務獎勵計劃決賽暨頒獎典禮

Attending the Service Quality Award 2012 Final Competition cum Presentation Ceremony of the Police

林志傑醫生、馬恩國先生及葉振都先生應邀出席2012年優質服務獎勵計劃決賽暨頒獎典禮，支持警隊繼續改善服務質素。

Dr Lawrence Lam Chi-kit, Mr Lawrence Ma Yan-kwok, and Mr Adrian Yip Chun-to were invited to attend the Service Quality Award 2012 Final Competition cum Presentation Ceremony to support the Police Force's campaign to continue to improve their quality of service.



12月6日 6 December

監警會傳媒工作坊

IPCC Media Workshop

監警會舉行了一個傳媒工作坊，由監警會高級審核主任蘇幹明先生向傳媒朋友介紹監警會的工作程序、投訴調查監察過程、投訴調查結果分類、以及監警會工作的相關知識等，協助傳媒朋友掌握監警會和投訴警察相關的訊息，以便準確地報道這些新聞故事。是次工作坊受傳媒朋友歡迎。

The IPCC organised a media workshop to explain the IPCC's workflow, complaint investigation monitoring process, complaint results classification, and other aspects of the IPCC's work, to assist reporters in accurately covering news about the IPCC and stories related to police complaints. The media workshop was hosted by Mr Henry So, Senior Vetting Officer of the IPCC, and was well attended by reporters.



12月19日 19 December

監警會2011/12工作報告提交立法會

The IPCC submits its 2011/12 Report to the Legislative Council

副主席李國麟議員代表監警會向立法會提交監警會2011/12工作報告，並報告監警會在2011/12的工作情況和統計數字。同日中午，翟紹唐主席和秘書長朱敏健先生主持監警會2011/12工作報告發佈會暨傳媒午餐會，向傳媒朋友講解工作報告的內容。林志傑醫生，張達明先生，陳培光醫生，鄭經翰先生，馬恩國先生，劉玉娟女士，梁繼昌議員和鄭承隆先生也一同出席午餐會，和傳媒代表一同午膳交流。

有關監警會2011/12工作報告的詳細內容，請瀏覽：

<http://www.ipcc.gov.hk/report/2011/report2011.pdf>

On behalf of the IPCC, Dr Hon Joseph Lee Kok-long (Vice-Chairman) submitted the IPCC Report 2011/12 to the Legislative Council and reported on the IPCC's work in this period, along with relevant statistics. Mr Jat Sew-Tong (Chairman) and Mr Ricky Chu (Secretary-General) hosted a media briefing cum lunch to launch the IPCC Report 2011/12 on the same day. Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Ir Albert Cheng, Mr Lawrence Ma Yan-kwok, Ms Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, and Mr Edwin Cheng Shing-lung also attended this event and had lunch with the reporters.

For details of the IPCC Report 2011/12, please visit

<http://www.ipcc.gov.hk/report/2011/report2011.pdf>.

監警會發佈就李克強副總理訪港而衍生的投訴個案審查最終報告

The IPCC's Final Report on Complaint Cases Arising from the Visit by the Vice Premier Mr Li Keqiang

監警會在2011/12工作報告發佈會暨傳媒午餐會後，發表就李克強副總理訪港而衍生的投訴個案審查最終報告。發佈會當日，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。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。

After the launch of the IPCC Report 2011/12 cum media lunch, the IPCC held a media briefing to present its final report on complaint cases arising from the visit by the Vice Premier 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. After the briefing, Mr Jat and Mr Chu provided additional information to enhance public understanding about the report in separate interviews with the media.

12月23日 23 December

參與香港電台節目《城市論壇》

Participating in the City Forum organised by Radio Television Hong Kong

秘書長朱敏健先生應邀出席由香港電台製作的《城市論壇》，與其他嘉賓，包括香港記者協會主席麥燕庭女士和香港人權監察總幹事羅沃啟先生，討論監警會所發佈就李克強副總理訪港而衍生的投訴個案審查的最終報告。

Mr Ricky Chu (Secretary-General) was invited to participate in the City Forum organised by Radio Television Hong Kong (RTHK), to discuss the IPCC's final report on complaint cases arising from the visit by the Vice Premier Mr Li Keqiang with other speakers including Ms Mak Yin-ting, Chairperson of the Hong Kong Journalists Association, and Mr Law Yuk-kai, Director of the Hong Kong Human Rights Monitor.



12月31日 31 December

出席警方元旦大遊行簡報會

Attending Police Briefing on 1 January 2013 Public Procession

鄭經翰先生、葉成慶先生、鄭承隆先生、鍾偉雄先生、甄孟義先生、陳建強醫生、何世傑博士和陸貽信先生出席警方元旦大遊行的簡報會。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。

Ir Albert Cheng, Mr Ip Shing-hing, Mr Edwin Cheng Shing-lung, Mr Gerard Chung Wai-hung, Mr John Yan Mang-ye, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho and Mr Arthur Luk Yee-shun attended a police briefing on the arrangements for a public procession on 1 January 2013. The briefing was aimed at enhancing the IPCC Members' understanding of police procedures in handling public order events from the perspective of public safety.

1月1日 1 January

監警會現場觀察元旦大遊行警方處理大型公眾活動

IPCC takes part in the 1 January Procession to better understand Police Handling of Public Order Events

在出席完12月31日的簡報會後，多位監警會委員包括葉成慶先生、鄭承隆先生、杜國濠先生、陳建強醫生、何世傑博士和陸貽信先生，以及14位秘書處職員一同出席元旦大遊行，以便委員進一步了解遊行起點的安排、警方的人流及交通管制措施、街站的情形，和政府總部外的集會情況。

活動在警察總部開始，委員隨後沿民間人權陣線和人民力量的遊行路線到不同位置觀看，最後抵達政府總部。委員認為參與這次活動獲益良多。而出席委員期後亦向全體委員報告，以便作出跟進、討論和商議。

After the briefing on 31 December, a group of IPCC Members including Mr Ip Shing-hing, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho, Mr Arthur Luk Yee-shun and 14 Secretariat staff took part in the 1 January 2013 procession. The visit was to provide IPCC Members with a better understanding of police arrangements for the starting point of the procession; for handling pedestrian flow, traffic, and street stations; and for the gathering outside the Central Government Complex.

The visit began at the Police Headquarters. The Council Members then proceeded to various strategic locations along the routes of the public processions organised by the Civil Human Rights Front and People Power, ending at the Central Government Complex. The Council Members considered their experience beneficial and fruitful. The Council Members that participated later reported and discussed their visit with the whole Council.



1月15日 15 January

與民主倒梁力量會面

IPCC Meeting with the Anti-CY Alliance

張達明先生、鄭經翰先生、葉成慶先生、鄭承隆先生及陳建強醫生與民主倒梁力量代表會面，聽取他們對元旦大遊行的安排及當晚有關警方處理大型公眾活動的意見，並向民主倒梁力量代表講解監警會的職能和工作。

Mr Eric Cheung Tat-ming, Ir Albert Cheng, Mr Ip Shing-hing, Mr Edwin Cheng Shing-lung and Dr Eugene Chan Kin-keung met with representatives from the Anti-CY Alliance. The Members listened to the representatives' views concerning police arrangements for the public procession on 1 January 2013 and the police handling of public order events that evening. They also took the opportunity to introduce the IPCC's functions and work to the representatives.



1月23日 23 January

出席港島總區研究預防投訴警察委員會會議

Attending Hong Kong Island Regional Complaints Prevention Committee Meeting

葉成慶先生和何世傑博士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。

Mr Ip Shing-hing and Ir Dr Vincent Simon Ho attended a meeting of the Hong Kong Island Regional Complaints Prevention Committee to better understand the Police's ongoing effort to prevent complaints.

1月31日 31 January

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open Meeting



在是次公開會議上，監警會分享會方元旦大遊行當日的觀察，並和投訴警察課跟進與當日遊行相關的投訴個案。

During this opening meeting, the IPCC shared their observations during the 1 January 2013 procession, and followed up with CAPO complaints in relation to the procession on that day.

2月5日 5 February

出席立法會保安事務委員會會議

Attending 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，回應該會議員對監警會就李克強副總理訪港而衍生的投訴個案審查最終報告的提問。

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 final report on complaint cases arising from the visit by the Vice Premier Mr Li Keqiang.

主席和秘書長接受傳媒訪問

Media Interviews with the Chairman and the Secretary-General

在2012年9月至2013年1月間，翟紹唐主席接受無線電視節目《講清講楚》、香港電台節目《千禧年代》和香港電台電視節目《星期五主場》的訪問；而秘書長朱敏健先生則接受上海廣播電視台廣播新聞中心、香港電台節目《自由風自由Phone》、Now 電視節目《大鳴大放》和《時事全方位》，以及無線電視節目《講清講楚》的訪問。他們就投訴警察相關的議題和監警會的工作發表意見。

Between September 2012 and January 2013, Mr Jat Sew-Tong (Chairman) was interviewed by TVB's "On the Record", RTHK's radio programme "Millennium Era" and RTHK's TV programme "Face to Face", while Mr Ricky Chu (Secretary-General) was interviewed by the Shanghai People's Radio Station, RTHK's radio programme "Open Line Open View", Now TV's "Now Forum" and "News Magazine", as well as TVB's "On the Record". They shared views on various issues relating to complaints against the Police and the work of the IPCC.



監警會委員和觀察員 IPCC Members and Observers

新任命的監警會副主席和委員：

Names of newly appointed IPCC Vice-Chairman and Members:

- | | |
|--|----------------------|
| 1. Mr Clement TAO Kwok-lau, BBS, JP* | 杜國鑾先生，BBS，JP* |
| 2. Mr John YAN Mang-ye, SC* | 甄孟義資深大律師* |
| 3. Hon CHAN Kin-por, BBS, JP (Vice-Chairman)** | 陳健波議員，BBS，JP (副主席)** |
| 4. Dr Eugene CHAN Kin-keung, JP** | 陳建強醫生，JP** |
| 5. Ir Dr Vincent Simon HO** | 何世傑博士** |
| 6. Mr Arthur LUK Yee-shun, BBS, SC** | 陸貽信資深大律師，BBS** |
- * (from 1 October 2012 to 31 May 2014)
* (任期由2012年10月1日至2014年5月31日)
** (from 1 January 2013 to 31 December 2014)
** (任期由2013年1月1日至2014年12月31日)

再獲任命的監警會副主席和委員

(任期由2013年1月1日至2014年12月31日)：

Names of re-appointed IPCC Vice-Chairmen and Members (from 1 January 2013 to 31 December 2014):

- | | |
|--|--------------------|
| 1. Dr Hon LAM Tai-fai, SBS, JP (Vice-Chairman) | 林大輝議員，SBS，JP (副主席) |
| 2. Hon Abraham SHEK Lai-him, SBS, JP (Vice-Chairman) | 石禮謙議員，SBS，JP (副主席) |
| 3. Mr Eric CHEUNG Tat-ming | 張達明先生 |
| 4. Ms Christine FANG Meng-sang, BBS, JP | 方敏生女士，BBS，JP |
| 5. Mr IP Shing-hing, JP | 葉成慶先生，JP |
| 6. Ms LAU Yuk-kuen | 劉玉娟女士 |
| 7. Hon Kenneth LEUNG Kai-cheong | 梁繼昌議員 |
| 8. Dr Carol MA Hok-ka | 馬學嘉博士 |
| 9. Miss Sandy WONG Hang-ye | 黃幸怡女士 |
| 10. Dr Hon Helena WONG Pik-wan | 黃碧雲議員 |
| 11. Miss Mary WONG Tak-lan | 黃德蘭女士 |
| 12. Mr Adrian YIP Chun-to, BBS, MH, JP | 葉振都先生，BBS，MH，JP |

任期於2012年12月31日屆滿的監警會副主席和委員：

Names of retired IPCC Vice-Chairman and Members (term of appointment ends on 31 December 2012):

- | | |
|--|--------------------|
| 1. Dr Hon Joseph LEE Kok-long, SBS, JP (Vice-Chairman) | 李國麟議員，SBS，JP (副主席) |
| 2. Dr Lawrence LAM Chi-kit, BBS, MH | 林志傑醫生，BBS，MH |
| 3. Professor Stephen CHEUNG Yan-leung, BBS, JP | 張仁良教授，BBS，JP |
| 4. Mr David FONG Man-hung, BBS, JP | 方文雄先生，BBS，JP |

任期於2012年12月31日屆滿的監警會觀察員：

Names of retired IPCC Observers

(term of appointment ends on 31 December 2012):

- | | |
|-----------------------------|--------------|
| 1. Mr LEE Tak-kuen | 李德權先生 |
| 2. Dr LUI Ming-wah, SBS, JP | 呂明華博士，SBS，JP |

新任命的監警會觀察員：

Names of newly appointed IPCC Observers :

- | | |
|---------------------------------|-----------|
| 1. Mr CHAN Pok-chi# | 陳博智先生# |
| 2. Dr Edwin CHENG Kwok-kit, MH# | 鄭國杰博士，MH# |
| 3. Ms Esther CHU Jing# | 朱靖女士# |
| 4. Mr Witman HUNG Wai-man# | 洪為民先生# |
| 5. Mr LAM Faat-kang, MH# | 林發耿先生，MH# |
| 6. Mr LEE Kar-ki# | 李嘉騏先生# |
| 7. Mr LI Sai-wing# | 李世榮先生# |
| 8. Mr Barry WONG Man-sing, MH# | 黃萬成先生，MH# |
| 9. Mr Peter WONG Kit-hin# | 王吉顯先生# |
| 10. Mr SHIU Ka-fai# | 邵家輝先生# |
| 11. Mr Simon SIU Chak-yu, JP# | 蕭澤宇先生，JP# |
| 12. Mr Alan YOUNG Tim-tsan# | 楊添燦先生# |
| 13. Mr KWAI Ting-kong## | 季霆剛先生## |
| 14. Mr LAU Ka-keung### | 樓家強先生### |
- # (from 1 November 2012 to 31 October 2014)
(任期由2012年11月1日至2014年10月31日)
(from 1 January 2013 to 31 October 2014)
(任期由2013年1月1日至2014年10月31日)

再獲任命的監警會觀察員：

Names of re-appointed Observers:

- | | |
|------------------------------------|---------------|
| 1. Mr Haydn CHAN Mou-keung^ | 陳茂強先生^ |
| 2. Ms Rainbow LI Yuen-wah^ | 李婉華女士^ |
| 3. Mr Norman LO Kam-wah, MH, JP^ | 盧錦華先生，MH，JP^ |
| 4. Mr LO Yan-lai, JP^ | 羅仁禮先生，JP^ |
| 5. Mr Rex MOK Chung-fai, MH^ | 莫仲輝先生，MH^ |
| 6. Miss WONG Yuen-chi^ | 王婉芝女士^ |
| 7. Dr LIU Kai-ming^^ | 廖啟明醫生^^ |
| 8. Mr Edward PONG Chong, BBS, JP^^ | 龐劄先生，BBS，JP^^ |
- ^ (from 1 November 2012 to 31 October 2014)
^ (任期由2012年11月1日至2014年10月31日)
^^ (from 1 January 2013 to 31 October 2014)
^^ (任期由2013年1月1日至2014年10月31日)

任期於2012年10月31日屆滿的監警會觀察員：

Names of retired IPCC Observers

(term of appointment ends on 31 October 2012):

- | | |
|-----------------------------------|-------------|
| 1. Dr Raymond CHAN, JP | 陳煒文博士，JP |
| 2. Ir William CHAN Lee-shing, JP | 陳理誠工程師，JP |
| 3. Miss Grace CHAN Man-ye | 陳文宜女士 |
| 4. Mr CHU Kwok-leung | 朱國樑先生 |
| 5. Miss Julia LAU Pui-g | 劉佩芝女士 |
| 6. Dr Ellen LAU Yuet-yung | 劉月容博士 |
| 7. Mr LEUNG Siu-tong | 梁兆棠先生 |
| 8. Mr LI Hon-hung, MH, JP | 李漢雄先生，MH，JP |
| 9. Miss Iris LIU Kam-fung | 廖金鳳女士 |
| 10. Miss LO Jane Curzon | 羅孔君女士 |
| 11. Mr Lawrence LO Wing-man, JP | 盧永文先生，JP |
| 12. Mr Raj Sital MOTWANI, BBS, JP | |
| 13. Mr TANG Kwong-shing | 鄧廣成先生 |
| 14. Prof WONG Chun-yu | 王振宇教授 |

服務六年親歷警監會到監警會
專訪李國麟議員和林志傑醫生

Witnesses to the evolution of the IPCC in their six years of tenure: Interview with Dr Hon Joseph Lee Kok-long and Dr Lawrence Lam Chi-kit



《監警會條例》(第604章)在2009年6月1日生效，以往的警監會亦隨之轉為法定機構監警會。「監警會通訊」今期訪問了兩位剛卸任的監警會委員，前副主席李國麟議員和林志傑醫生，了解他們過去六年服務監警會的觀察和感受。

曾在立法會討論及通過《監警會條例》的李國麟議員說：「條例實施前，警監會只是一個行政組織，角色比較被動，而警方亦不是必然要聽從警監會的要求。但《監警會條例》實施後，警方便有法定責任遵從監警會根據條例所提出的要求。條例進一步提高監警會的獨立性，以履行其監察職能。」



李國麟議員續稱，監警會成為法定機構後，當中有部份職能是警監會年代所沒有的，如根據《監警會條例》，監警會的職能包括在警隊採納的常規或程序中，找出已經或可能會引致「須匯報投訴」的缺失或不足之處，並(如監警會認為適當)就該等常規或程序，向警務處處長或行政長官，

或兼向上述兩者作出建議。這新職能讓監警會在沒有投訴個案的情況下，跟進容易引起投訴的事宜。如2009年警方在觀塘繞道進行反非法賽車行動時，涉嫌徵用市民的車輛以堵塞道路事件便為一例。而監警會最近發表的就李克強副總理訪港而衍生的投訴個案審查最終報告，亦有獨立章節向警方提出建議，預防將來警方在部署及執行領導人訪港的保安措施，再引起投訴。

和警方交往的層面，林志傑醫生補充：「在以往警監會年代，警監會和警方之間的關係很僵化，所有溝通也依賴文件往來，這反映雙方缺乏互信。但過去數年警方和監警會多了溝通，如對個案有不同意見便開會討論，工作更有效率而雙方的互信程度亦有明顯改善。」

When the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604) went into effect on 1 June 2009, it marked the evolution of the IPCC into a statutory body. For this issue of the *IPCC Newsletter*, we interviewed two recently retired IPCC Members, Dr Hon Joseph Lee Kok-long (former Vice-Chairman) and Dr Lawrence Lam Chi-kit, concerning their observations and perceptions of the IPCC during their six years of service.

Dr Hon Joseph Lee Kok-long, who had been involved with passing the IPCCO in the Legislative Council, also took part in the discussion. He said, "Before the implementation of the Ordinance, the IPCC was an administrative organisation taking a rather passive role, and the Police did not necessarily have to do as the IPCC requested. With the Ordinance in place, it is the Police's statutory obligation to comply with the IPCC suggestions as stated in the Ordinance. The IPCCO improves the independence of the IPCC in its duty of monitoring the Police."

Dr Hon Lee further elaborated that after the IPCC became a statutory body, its duties expanded. For example, according to the IPCCO, the IPCC has to identify any fault or deficiency in police practices or procedures that has led to or might lead to Reportable Complaints, and if the IPCC finds it appropriate, to advise the Commissioner of Police and/or the Chief Executive of its recommendations. This new function allowed the IPCC to follow up on situations even if no complaint was received. As an example he cited the 2009 incident at the Kwun Tong Bypass, in which private vehicles were allegedly commandeered by the Police with an intent to block the road in an anti-illegal car racing operation. Moreover, he said, the final report on complaint cases arising from the visit by the Vice Premier Li Keqiang included a section on suggestions to the Police for avoiding similar complaints which would arise from the planning and implementation of the Police's security measures to protect VIPs during their visits to Hong Kong in the future.



On interaction with the Police, Dr Lam added: "Before the IPCC became a statutory body, its relationship with the Police was rather bureaucratic, with all communications through the exchange of documents; this reflected a lack of mutual trust. However, in recent years, communication between

the Police and the IPCC has become more frequent. If there is any disagreement on a certain case, a meeting will be held to discuss the matter. This helps with the efficiency of the work and mutual trust significantly improves."

過去六年閱覽數以千計投訴個案的李國麟議員和林志傑醫生，均認為大部份個案都是意氣之爭，語言及情緒上的衝突，事件性質輕微。但監警會也會一視同仁，慎重處理這類投訴。李國麟議員解釋：「例如因交通告票而引起的衝突，你不可以說這投訴無聊而不處理，被票控者情緒一定不好，而投訴人的情緒其實是重要事宜，如果不慎重處理這些投訴，便對投訴人不公平。」曾出任監警會觀察員六年的林志傑醫生續道：「我擔任觀察員時，看到有投訴人因言語的衝突而投訴警方，在錄取口供的過程仍不斷責難警員。最後該投訴亦不成立。」

至於監警會未來的發展，李國麟議員說：「我希望監警會可以擴充觀察員制度，加強監警會的監察職能。現時我們只是依賴義務性質的觀察員，觀察投訴警察課的調查工作，覆蓋範圍始終有限。如有全職的觀察員，便可觀察更多的投訴調查會面和證據收集工作。另外，持份者亦表達希望監警會可以多出席遊行示威活動，這方面也是需要資源配合才能成事。」

In the past six years, both Dr Hon Lee and Dr Lam said that most of the cases they had been asked to review were minor in nature, mostly concerning a battle of wills, verbal or emotional conflicts. The IPCC nevertheless treats each complaint equally and prudently. Dr Hon Lee explained, "For instance, in a dispute over traffic ticketing, we cannot regard the complaint as trivial and ignore it. The person being ticketed is certainly upset, and the emotion of the complainant plays a significant part in the case. If these kinds of complaints are not treated prudently, the outcome may be biased against the complainant." Dr Lam, who was an IPCC Observer for six years, added, "When I was an Observer, I saw a complainant that had filed a complaint against the Police because of a verbal conflict and continued to blame the police officer during the interview. The complaint was eventually ruled not valid."

Looking at the future of the IPCC, Dr Hon Lee said, "I hope the IPCC will expand the functions of the Observers Scheme, in order to strengthen the monitoring role of the IPCC. At present, we only have Observers working on a volunteer base monitoring CAPO interviews; their scope of service is limited. If there were Observers working full-time, there could be more observations of interviews and collecting evidence. On the other hand, stakeholders have expressed that the IPCC should be present during public order events. In order to achieve this goal, resources would have to be increased."

李國麟議員, SBS, JP小檔案

2007年至2012年出任警監會及監警會副主席

職業:

香港公開大學科技學院護理學系主任、副教授

現任主要公職:

- 香港特別行政區立法會議員 (衛生服務界)
- 地產代理監管局成員
- 廉政公署審查貪污舉報諮詢委員會委員
- 策略發展委員會委員
- 葵涌醫院及瑪嘉烈醫院管治委員會成員
- 香港護士協會主席
- 香港嶺南大學亞太老年學研究中心榮譽研究員

林志傑醫生, BBS, MH小檔案

1999年至2006年出任警監會觀察員
2007年至2012年出任警監會及監警會委員

職業:

牙科醫生

現任主要公職:

- 食環署封閉令上訴委員會成員
- 淫洩物品審裁處審裁委員
- 示威及遊行上訴委員會委員
- 保護証人覆核委員會委員
- 香港交通安全隊名譽總監(第五任總監)
- 港島東道路交通安全宣傳運動委員會副主席
- 中西區道路安全宣傳委員會大監事
- 中西區文化藝術協會執行副主席

Profile of Dr Hon LEE Kok-long, SBS, JP

Appointed as the Vice-Chairman of both the then and present IPCC from 2007 to 2012

Occupation:

Associate Professor and Programme Leader of Nursing, Open University of Hong Kong

Present Major Office:

- Legislative Councillor (Health Services) of the HKSAR
- Member, Estate Agents Authority
- Member, Operations Review Committee, Independent Commission Against Corruption (ICAC)
- Member, Commission on Strategic Development
- Member, Hospital Governing Committee of Kwai Chung Hospital and Princess Margaret Hospital
- Chairman, Association of Hong Kong Nursing Staff
- Honorary Research Fellow, Asia-Pacific Institute of Ageing Studies at Lingnan University of Hong Kong

Profile of Dr LAM Chi-kit, BBS, MH

Appointed as the then IPCC Observer from 1999 to 2006
Appointed as both the then and present IPCC Member from 2007 to 2012

Occupation:

Dentist

Present Major Office:

- Panel Member, Appeal Board on Closure Orders of the Food and Environmental Hygiene Department
- Panel of Adjudicator (Control of Obscene and Indecent Articles Tribunal)
- Member, Appeal Board on Public Meetings and Processions
- Member, Witness Protection Review Board
- Honourary Commissioner (Fifth Commissioner), Hong Kong Road Safety Patrol
- Vice-Chairman, Eastern District Road Safety Campaign Committee
- Director, Central and Western District Road Safety Campaign Organising Committee
- Deputy Executive Chairman, Central and Western District Association for Culture and Arts

以仔細和客觀方式審視「無法追查」的投訴個案 Meticulous and objective approach in reviewing a "Not Pursuable" complaint case

個案重點

Highlights of the Case

	指控 Allegation(s)	被投訴人 Complainee	投訴警察課最初分類 Initial Classification(s) by CAPO	最後分類 Final Classification(s)
1	毆打 Assault	一名警長 A Sergeant	無法追查 Not Pursuable	無法完全證明屬實 Not Fully Substantiated
2	疏忽職守 Neglect of Duty		旁支事項 Outwith Matter	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)

此個案反映監警會仔細審視客觀證據。一宗原本分類為「無法追查」的投訴個案，亦因此被再分類為「無法完全證明屬實」。

投訴人被警方拘捕和控告，並被送上法庭應訊。在首次出庭時，投訴人投訴一名警長多項指控，包括在拘捕行動時毆打她。在往後的聆訊，由於控方決定不提供指控她的證據，故投訴人獲法庭無條件釋放。投訴警察課在處理這宗個案時，曾多次去信投訴人，邀請她協助調查，但未獲回覆。在沒有其他途徑可與她聯絡的情況下，投訴警察課初步把這宗投訴個案分類為「無法追查」。然而，保安系統卻攝錄了整個拘捕過程，而投訴警察課亦取得該段閉路電視的錄影片段。有鑑於此，監警會認為該錄影片段存有「毆打」指控的證據，所以個案應分類為「無法完全證明屬實」。此外，在審視證據時，監警會發現警長就該刑事案件的供詞不夠全面，因他遺漏了與投訴人接觸時的一些重要細節。因此，監警會建議多加一項「疏忽職守」的指控，並將該指控分類為「未經舉報但證明屬實」。投訴警察課認同這項建議，並向警長發出警告。

個案背景

在一次警方和入境處的聯合行動中，投訴人（一名持雙程證的內地人）被一名警長拘捕，被控以「為不道德目的而唆使他人」和「違反逗留條件」兩項罪名。其後，投訴人就上述兩項指控到法庭應訊。在庭上她否認控罪，並投訴一名警長，指控包括該名警長在拘捕行動時曾毆打她（**指控1：毆打**）。案件押後審訊。

投訴警察課的調查

投訴警察課接獲投訴後，聯同一名監警會觀察員到案發現場視察。投訴警察課取得閉路電視錄影片段，當中可以見到警長在拘捕過程中「推撞」投訴人。

This case illustrates the meticulous approach adopted by the IPCC in examining a complaint initially classified as "Not Pursuable", but eventually reclassified as "Not Fully Substantiated" on the basis of objective evidence.

The complainant had been arrested by police officers, charged and brought to court. During her initial appearance at court, the complainant made a complaint against a Sergeant, alleging, among other things, that he had assaulted her during the arrest. In the subsequent hearing, the complainant was released unconditionally by the court, as the prosecution offered no evidence against her. CAPO had initially classified the woman's complaint as "Not Pursuable" since she had not responded to CAPO's letters inviting her to assist in the investigation of her complaint, and they had no other means of contacting her. However, the arrest had been captured by a security camera, and CAPO had access to the CCTV footage. The IPCC was of the view that this footage contained evidence to support the "Assault" allegation, and hence the case should be classified as "Not Fully Substantiated". Furthermore, during its examination of the evidence, the IPCC noted that the Sergeant had made an inadequate statement in the criminal case against the complainant, as he had failed to include significant details of his encounter with the complainant. Therefore, the IPCC suggested registering a "Substantiated Other Than Reported" count of "Neglect of Duty" against him. CAPO subscribed to the IPCC's suggestions and the Sergeant was issued a warning.

Case Background

In the course of a joint operation between the Police and the Immigration Department, the complainant, who was found to be a mainland visitor holding a Chinese two-way permit, was arrested by a Sergeant for the offences of "Soliciting for an Immoral Purpose" and "Breach of Condition of Stay". Subsequently, the complainant was charged with the two offences and brought to court, where she pleaded not guilty to the charges and alleged, among other things, that the Sergeant had assaulted her during the arrest (**Allegation 1 : Assault**). The trial was adjourned to a later date.

CAPO's Investigation

CAPO took up the complaint and conducted a site visit, accompanied by an IPCC Observer. CAPO seized the CCTV footage that showed the Sergeant "pushing" the complainant during the arrest.

在參考過閉路電視的錄影片段和警長的供詞後，控方決定不提出證據指控投訴人，法庭因而無條件把她釋放。

投訴人獲釋後致電投訴警察課，表示有意撤銷投訴。其後她沒有再和投訴警察課聯絡，所以未能確實撤銷投訴。

就此，投訴警察課開展了深入的調查，包括與涉事警長因應「毆打」指控兩次會面、向槍械訓練科索取專家意見、評估事發時警長所使用武力的強度，以及徵詢法律意見了解是否有足夠證據向該名警長作紀律指控。完成調查後，投訴警察課得出結論，認為沒有足夠證據支持對該名警長的指控，所以指控不應分類為「虛假不確」、「無法完全證明屬實」或「獲證明屬實」。加上投訴人沒有回覆投訴警察課的信件和電話，在沒有其他途徑與她聯絡的情況下，投訴警察課根據《投訴手冊》(CM) 4 – 03，把指控分類為「無法追查」。

投訴警察課翻閱警長的記事簿，內裏沒有記錄他使用武力前，曾向投訴人作出口頭警告。故此，投訴警察課建議，因應警長這項疏忽，多加一項「旁支事項」。

監警會的觀察

監警會觀看閉路電視的錄影片段後，認為有確鑿證據證明「毆打」的指控。因此，監警會建議把指控分類由「無法追查」改為「無法完全證明屬實」。

另外，在檢視案情資料後，監警會認為在該宗刑事案件中，警長的供詞未夠詳盡，內容沒有提及他與投訴人接觸時的重要資料。所以監警會認為控方不提供證據指證投訴人是由於警長供詞的粗疏，與閉路電視的證據不符。正因警長的疏忽跟投訴有密切關係，同時對該宗刑事案件的結果有重大影響，監警會建議多加一項「疏忽職守」的指控，並分類為「未經舉報但證明屬實」(指控2：疏忽職守)。

雖然根據專家意見，警長未算使用不必要武力，但考慮到監警會的觀察，即閉路電視的錄影片段、警長未在記事簿記錄相關事項、以及他的口供資料不足，投訴警察課認同這些觀察足以視為支持「毆打」指控的可靠證據，故同意把指控重新分類為「無法完全證明屬實」。另一方面，投訴警察課認為在一般情況下，警員會依據其記事簿記錄作出陳述，兩件事情實同出一轍，因此投訴警察課同意以一項「疏忽職守 - 未經舉報但證明屬實」的指控取代「旁支事項」。

投訴警察課建議就指控向警長發出警告，但不記入其分區報告檔案內。

監警會通過這宗個案的調查結果。

Having examined the CCTV footage and the Sergeant's statement, the prosecution decided to offer no evidence against the complainant, who was then released unconditionally by the court.

After the release, the complainant called CAPO to indicate her intention to withdraw the complaint. After that she had no further contact with CAPO; hence, the withdrawal could not be confirmed.

CAPO therefore commenced an in-depth inquiry by interviewing the Sergeant twice regarding the "Assault" allegation, obtaining the opinion of any expert from the Weapons Training Division to evaluate the level of force used by the Sergeant, as well as seeking legal advice on whether there was sufficient evidence to lay a disciplinary charge against the Sergeant. As the inquiry yielded insufficient evidence against the Sergeant, CAPO considered that the allegation should not be classified as "False," "Not Fully Substantiated" or "Substantiated". Since the complainant had not responded to CAPO's letters and telephone calls, and there was no other means of contacting the complainant, CAPO classified the allegation as "Not Pursuable" in accordance with the Complaints Manual (CM) 4 – 03.

CAPO examined the Sergeant's notebook and found that it did not contain an entry regarding a verbal warning given to the complainant or the Sergeant's subsequent use of force. CAPO therefore recommended that an "Outwith" matter be registered against the Sergeant for this negligence.

IPCC's Observation

Nevertheless, after viewing the CCTV footage, the IPCC was of the view that it contained reliable evidence to support the allegation of "Assault". Thus the IPCC proposed that the classification of the complaint should be amended from "Not Pursuable" to "Not Fully Substantiated".

Furthermore, upon examining the case documentation, the IPCC was of the view that the Sergeant's brief statement in the criminal case against the complainant was inadequate, as he had failed to include significant details of his encounter with the complainant. Therefore, the IPCC deemed that the prosecution's decision to provide no evidence against the complainant was mainly due to the Sergeant's negligence in making his statement, which was inconsistent with evidence contained in the CCTV footage. Since the Sergeant's negligence was closely related to the complaint and had a major impact on the criminal case, the IPCC suggested registering an additional "Substantiated Other Than Reported (SOTR)" count of "Neglect of Duty" against him (**Allegation 2: Neglect of Duty**).

Having considered the IPCC's observations, CAPO accepted that, even though the expert's opinion was that the Sergeant had not used unnecessary force, the CCTV footage and the absence of the relevant notebook entry as well as the inadequate statement of the Sergeant constituted reliable evidence in support of the allegation of "Assault". CAPO therefore agreed that the allegation should be reclassified as "Not Fully Substantiated". On the other hand, CAPO considered that the absence of a notebook entry and the inadequate statement were essentially the same, as police officers normally refer to their notebooks in formulating statements. Hence CAPO also agreed that one count of "SOTR – Neglect of Duty" should be registered against the Sergeant to replace the "Outwith" matter.

CAPO recommended that the Sergeant be issued a warning without a Divisional Record File entry.

The IPCC endorsed CAPO's findings in this case.