

# 監警會 通訊

# IPCC NEWSLETTER

2016年公眾意見調查結果：

**市民對監警會的認知維持高水平；  
受訪者更勇於表達立場**

2016 public opinion survey results:

**The IPCC maintains high level of public awareness;  
higher tendency for respondents to take a stance**



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

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**監警會頻道 IPCC Channel**

<http://www.youtube.com/user/ipccchannel>



監警會網頁  
IPCC Website



監警會YouTube頻道  
IPCC YouTube channel

p.2-6 封面故事 **Cover story**

監警在線 **IPCC online** p.7

p.8-14 最新動態 **Recent activities**

監警觀點 **Viewpoint from IPCC** p.15-16

p.17 監警會委員和觀察員  
**IPCC Members and Observers**

真實投訴個案 **Real complaint case** p.18-24

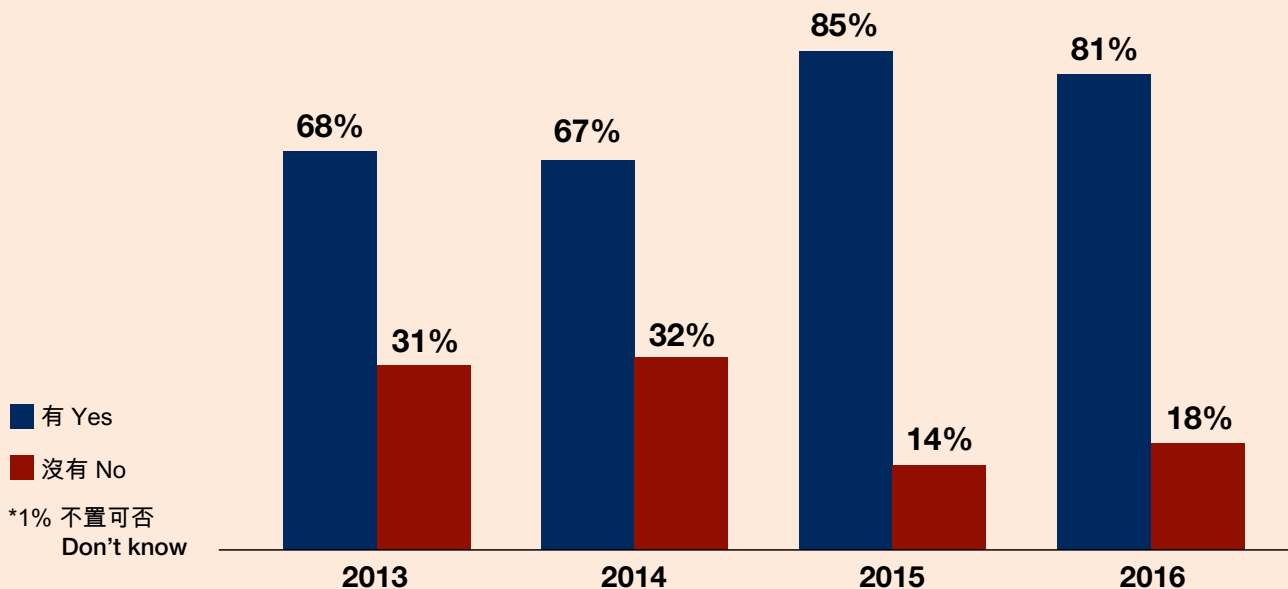
### 2016年公眾意見調查結果： 市民對監警會的認知維持高水平； 受訪者更勇於表達立場

2016 public opinion survey results:  
The IPCC maintains high level of public awareness;  
higher tendency for respondents to take a stance

圖一 Figure 1

#### 監警會公眾認知度維持高水平 The IPCC maintains high level of public awareness

問: 喺呢個電話訪問前，請問你有冇聽過「獨立監察警方處理投訴委員會」，或者簡稱「監警會 (IPCC)」呢一個機構呢？  
Q: Prior to this survey, have you heard of the Independent Police Complaints Council, or IPCC?



近年獨立監察警方投訴委員會(簡稱監警會)，會定期透過進行公眾意見調查，了解公眾對監警會的認知和觀感有何變化，以履行《獨立監察警方投訴委員會條例》(簡稱《監警會條例》)第8條(1)(e)賦予的法定職能—「加強公眾對監警會的角色認識」。調查的指標包括公眾對監警會的認知度及整體形象的觀感、對監警會及

In recent years, the Independent Police Complaints Council (IPCC) has been regularly conducting public opinion surveys to measure changes in the public awareness and perception of the IPCC, which in turn assists the Council in discharging its statutory duty, “to promote public awareness of the role of the Council”, under section 8(1)(e) of the Independent Police Complaints Council Ordinance (IPCCO). Indicators from the survey include the public’s awareness of the IPCC, the overall image of the IPCC, confidence in the IPCC and confidence

圖二 Figure 2

### 更多受訪者認識監警會的工作包括「監察投訴警察課處理個案的程序」 More respondents are aware of IPCC's duties including "Monitoring CAPO case handling process"

問：據你了解，「監警會」嘅主要工作係啲乜呢？

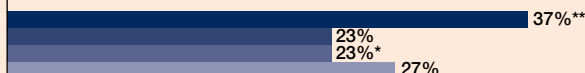
Q: To your knowledge, what are IPCC's duties?

\*\*p<0.01, \*p<0.05

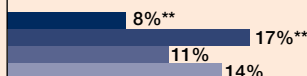


#### 監警會職能 IPCC duties:

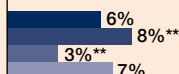
監察「投訴警察課」所處理個案的程序 / 監察警方處理投訴  
Monitor CAPO case handling process /  
Monitor how Police handle complaints



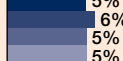
監察警方對被投訴警務人員採取的跟進及紀律行動  
Monitor Police's follow-up /  
disciplinary actions towards officers being complained



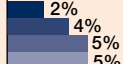
找出警方工作程序中，引起投訴或可能引起投訴的不當之處  
Identify mal-practices in Police's works that  
has led or may lead to complaints



審閱 / 覆檢「投訴警察課」所處理個案既調查報告 / 結果  
Review / verify investigation reports / results by CAPO



其他正確答案  
Other correct answers



**監警會職能：**  
**IPCC duties:**  
2016 – 49%  
2015 – 49%\*\*  
2014 – 40%\*\*  
2013 – 48%

#### 非監警會職能 Non-IPCC duties:

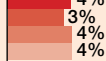
監察警務人員的行為 / 操守  
Monitor Police's behaviour / conduct



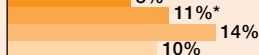
直接接受 / 調查市民投訴警察個案  
Receive / Investigate citizen's complaints on Police directly



其他錯誤答案  
Other wrong answers



不知道 / 不記得  
Don't know / can't remember



**非監警會職能：**  
**Non-IPCC duties:**  
2016 – 55%  
2015 – 54%  
2014 – 59%\*\*  
2013 – 53%

兩層投訴警察制度的信心等。一直以來，這些重要的數據有助監警會評估及擬定公眾教育及傳訊的方向，務求讓市民認識監警會的角色及職能。

今年是監警會連續第四年委託香港大學民意研究計劃進行公眾意見調查。過去四年，社會見證不少重大事件，如2014年的佔領事件、2016年的旺角騷亂，無疑影響社會的整體氣氛，以至公眾對監警會的看法。今年的調查於2016年3月7日至3月17日期間進行，以隨機抽樣電話訪問形式成功訪問了1,002位18歲或以上的香港居民。

調查結果顯示，監警會在數項指標上大致維持2015年的成績，例如公眾對監警會的認知度維

in the two-tier police complaints system etc. These key metrics have assisted the Council in assessing and mapping out the direction of its public education and communication initiatives, the goal of which is to enhance public awareness of the IPCC's role and functions.

This is the fourth consecutive year in which the Council has commissioned the University of Hong Kong's Public Opinion Programme to conduct a public opinion survey. During the past four years, society has witnessed several significant events, such as the Occupy Movement in 2014 and the Mong Kok riot in 2016, which would inevitably influence the overall public sentiment and in turn, perception of the IPCC. This year's survey was conducted on a random sample by telephone interviewers from 7 March to 17 March 2016. 1,002 successful interviews were held with Hong Kong residents aged 18 or above.

Results of the 2016 survey show that the IPCC was able to more or less maintain some of the positive results from 2015, such as maintaining

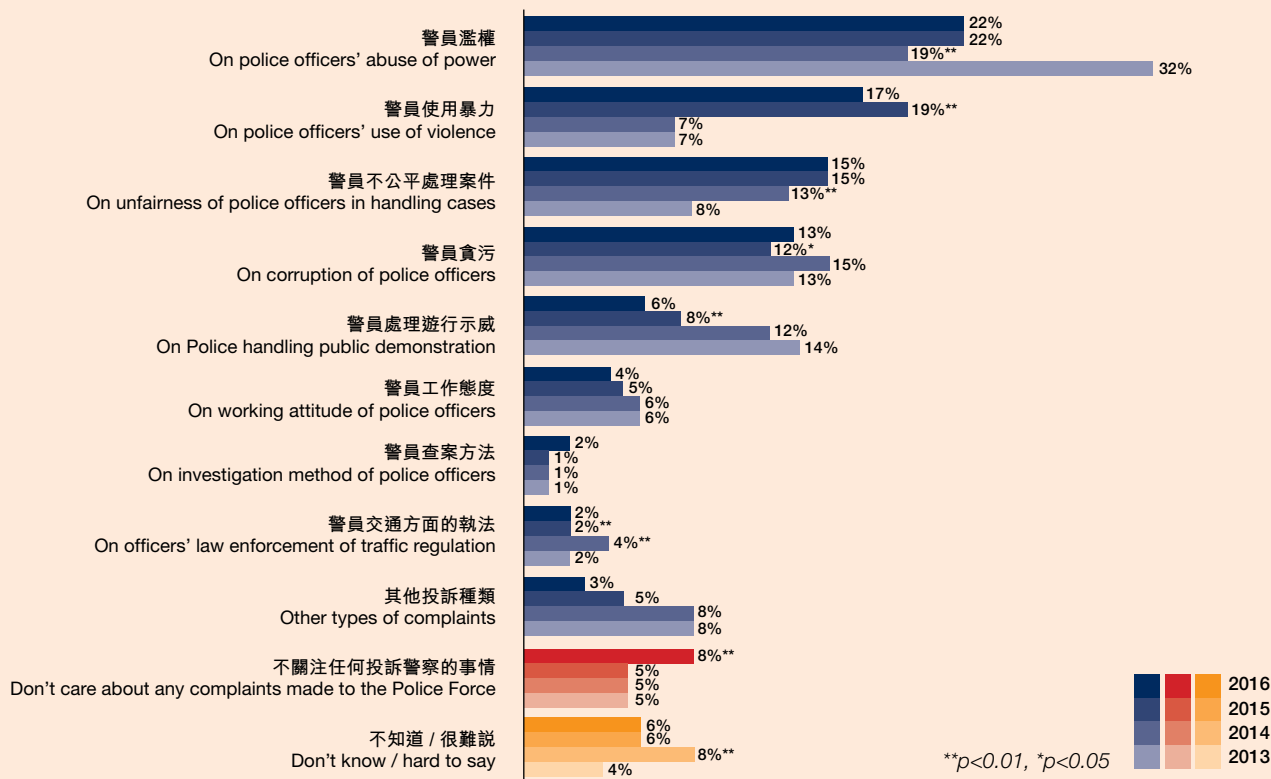
圖三 Figure 3

### 受訪者最關注警員濫權的投訴

### Respondents cared most about complaints against police officers' abuse of power

問: 就以下各類對警員嘅投訴嚟講, 你自己會最關注邊一類投訴?

Q: Which one of the following types of complaints of the Police Force would you care about most?



持在八成以上。整體受訪者中，聽過監警會的佔81%，雖然較2015年的85%下跌了4個百分比，但相比2014年的67%及2013年的68%，認知度仍然相當高（參考圖一）。表示從互聯網（包括在去年4月推出的新監警會網站）得知監警會的人數持續上升，由去年的33%微升至36%。調查結果亦顯示，超過六成聽過監警會的受訪者知道監警會的獨立性質，並能夠正確地指出「監警會是獨立於警察部門的機構」。

聽過監警會的受訪者中，有一半人（49%）能夠正確地指出監警會至少一項職能，其中能夠指出監警會負責「監察投訴警察處理個案的程序」的人數大幅增加，由2015年的23%上升至2016年的37%。但另一方面，仍有55%受訪者錯誤回答監警會的職能（參考圖二）。被問到哪裡是處理投訴警察最有效的渠道時，接近三分之一（30%）的受訪者認為是「監警會」，比起「投訴警察課」的人數（16%）多出接近一倍。要特別指出的是，在香港兩層架構的投訴警察

the public awareness level at above 80%, with 81% of respondents indicating that they had heard of the IPCC. While this represents a drop of four percentage points from 85% in 2015, it is still significantly higher than the awareness levels of 67% in 2014 and 68% in 2013 (see figure 1). The percentage of respondents who have heard of the IPCC via the internet —including the IPCC website, which was revamped last April — continues to rise, reaching 36% this year, slightly higher than the 33% of respondents last year. The survey results also show that over 60% of respondents were aware of the independent nature of the IPCC and were able to correctly answer that “The IPCC is a totally independent organisation, not under the Police”.

Among respondents who have heard of the IPCC, half (49%) could correctly identify at least one of the IPCC's duties, with 37% correctly answering that the IPCC's duties include “monitoring the Complaints Against Police Office (CAPO)'s case handling process”, significantly higher than the level of 23% in 2015. On the other hand, 55% of respondents incorrectly identified the IPCC's duties (see figure 2). When asked what they think is the most effective channel to lodge a complaint against the police, almost one-third (30%) of respondents believe that the IPCC is the most effective channel for complaints against the police, which nearly doubles the percentage of those who believe that CAPO is the most effective channel (16%). It is worth pointing out that under Hong Kong's two-tier police complaints system, CAPO is the first tier and thus it should

圖四 Figure 4

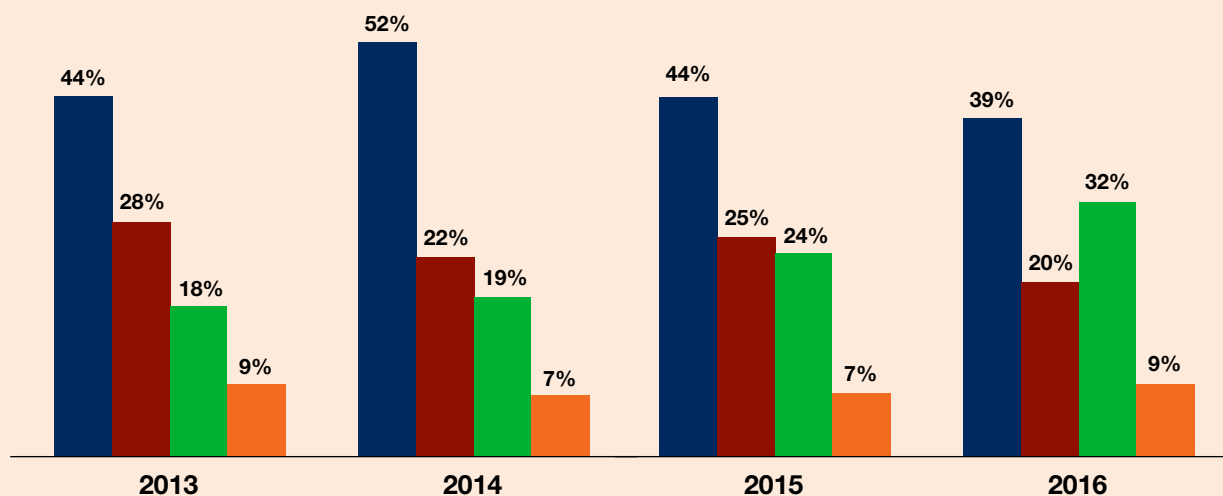
### 受訪者對兩層架構投訴警察制度的信心

#### Respondents' confidence in the two-tier police complaints system

問: 請問你對現時兩層架構嘅投訴警察制度有冇信心?

Q: Are you confident in the existing two-tier police complaints system?

■ 有信心 Confident ■ 沒有信心 Not Confident  
■ 一般 Half-half ■ 不知道 Don't Know



制度下，投訴警察課為此制度的第一層，所以正確的投訴警察渠道是投訴警察課。

調查亦分別訪問市民對投訴警察及監警會有哪些關注。最多人能說出投訴警察的新聞仍是佔領事件(32%)，排第二的是「七警察」(28%)。被問到最關注投訴警察的類別，排首位的是有關警員濫權(22%)，排第二是有關警員使用暴力(17%) (參考圖三)。有四成受訪者表示聽過投訴監警會的新聞，最多人想起的是關於監警會處理投訴不公/偏幫警察或示威者。港大民意研究計劃總監鍾庭耀博士分析指，這數組調查數據反映，近年來社會上發生的大型公眾事件，在影響警隊形象之餘，似乎亦同時影響了公眾對監警會的觀感。

最後，調查亦分別訪問市民對監警會及兩層投訴警察制度的信心，對兩者表示「有信心」的受訪者同樣有39%，較2015年下跌5個百分比。選擇「一般」的人數則分別跌至22%及20%，是四年以來的新低。表示對監警會及兩層投訴警察制度「沒有信心」的百分比則明顯上升，由2015年的24%分別升至

be the correct channel for lodging complaints against the police.

The survey also asked respondents about their major concerns in relation to complaints against the police and complaints against the IPCC. In regards to news related to complaints against the police, most people were able to specifically indicate that they have heard about news related to the Occupy Movement (32%), followed by those being able to indicate the “Seven police officers case” (28%). When asked on the types of police complaints they cared about the most, topping the list is “On police officers’ abuse of power” (22%) and in second place, “On police officers’ use of violence” (17%) (see figure 3). Over 40% of respondents have heard of news on complaints against the IPCC, with most people being able to recall news about IPCC handling complaints unfairly/ is biased towards the police or protestors. Dr Robert Chung, Director of the University of Hong Kong’s Public Opinion Programme, stated in his analysis that these survey data reflect that the large-scale public order events in recent years have not only affected the Police’s image, but seem to have affected the public perception of the IPCC as well.

Lastly, the survey also asked respondents about their confidence in the IPCC and the two-tier police complaints system. For both questions, 39% of respondents answered “Confident”, representing a drop of five percentage points from 2015. The percentages opting for “Half-half” have dropped to 22% and 20%, respectively, the lowest in the past four years. The percentages of those who said they were “Not Confident” in both the IPCC and the two-tier police complaints system and the IPCC have also risen noticeably, from 24% in 2015 to 34% and 32% respectively in

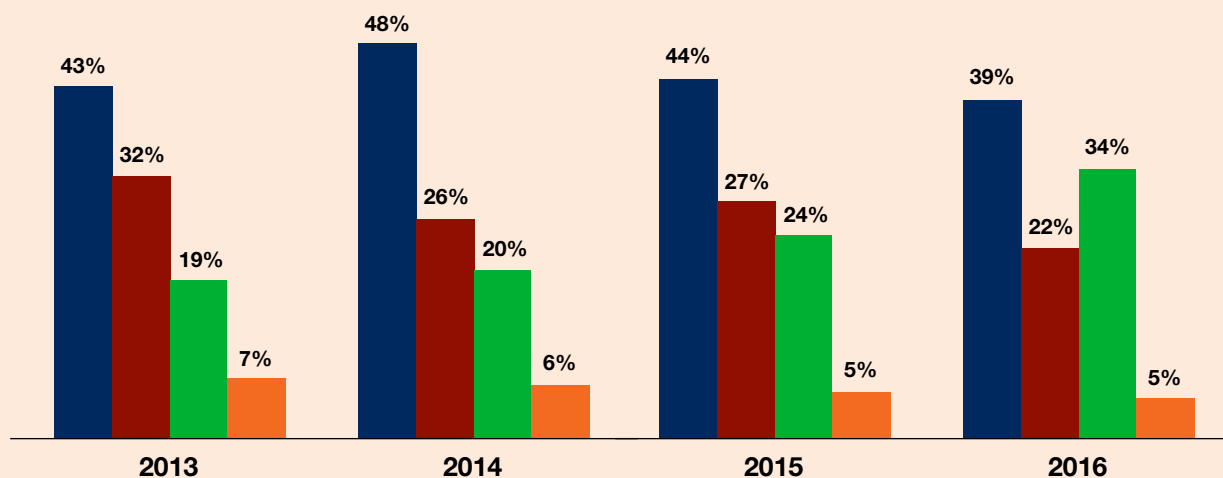
圖四 Figure 4

### 受訪者對監警會的信心 Respondents' confidence in the IPCC

問：請問你對監警會有信心嗎？

Q: Overall speaking, are you confident in the IPCC?

■ 有信心 Confident ■ 沒有信心 Not Confident  
■ 一般 Half-half ■ 不知道 Don't Know



34%及32%(參考圖四)。其中18歲至29歲的受訪者比其他年齡組別，對監警會持負面觀感的增幅較為明顯。鍾庭耀博士認為，隨著社會變得兩極化，公眾關注警隊工作的焦點有所轉移，公眾對監警會的印象和評價亦相應改變。

會方明白在加強公眾對監警會角色的認識方面仍需下很多功夫，來年會致力加強對外的傳訊工作及與持份者的溝通，包括與關注遊行活動的持份者（如民間人權陣線）會面，亦會在遊行當日進行現場觀察。另一方面，會方會繼續和各警察職方協會會面，了解前線警務人員執行職務時遇到的困難。會方亦會繼續到訪各區撲滅罪行委員會及於公眾講座發表演講等，並計劃在下一個學年起走進學校作宣傳推廣。

會方期望透過逐步接觸更多不同的持份者，了解各方的憂慮和期望，加強他們對監警會運作和兩層投訴警察制度的認識，以提升會方的透明度。無論政治環境如何轉變，監警會定當迎難而上，繼續努力維護其獨立、公正和誠信的核心價值。

2016 (see figure 4). In particular, respondents aged between 18 and 29 show a more significant increase in perceiving the IPCC negatively when compared with other age groups. Dr Robert Chung believes that with the continued polarization of society, the public's focus on the Police's work has shifted, and in turn, the public perception and image of the IPCC has also changed accordingly.

The Council understands that there is more work to be done in terms of improving the public's understanding of the IPCC's role, and will step up its efforts in enhancing publicity and strengthening its engagement with various stakeholders. This includes meeting with public order events-related stakeholders (such as the Civil Human Rights Front) and conducting on-site observations of the processions. The Council will continue its meetings with police staff associations to better understand the difficulties faced by frontline officers when carrying out their duties. The Council will also continue to visit the District Fight Crime Committees, give public talks, and is planning to roll out a pilot school programme in schools in the upcoming academic year.

The Council aims to gradually reach out to more different groups of stakeholders in order to gain a better understanding of their main concerns and expectations, and strengthen their understanding of the operation of the IPCC and the two-tier police complaints system, which in turn increases the transparency of the IPCC. Regardless of the changes in the political climate, the IPCC will rise up to these challenges and continue to uphold its core values of independence, impartiality and integrity.

### 監警會在2016年3月至2016年7月的網上動態 IPCC's online activities from March 2016 to July 2016



朱敏健秘書長出席香港樹仁大學周會影片經已上載

*Video of Mr Ricky Chu (Secretary-General) at HKSYU assembly has been uploaded*

#### 朱敏健秘書長出席香港樹仁大學周會影片經已上載至YouTube「監警會頻道」

為了履行《監警會條例》第8條1(e)賦予監警會的法定職能—加強公眾對監警會的角色認識，監警會一直積極向公眾介紹兩層投訴警察制度以及會方的角色。

在2016年1月26日，朱敏健秘書長應香港樹仁大學的邀請，出席新聞與傳播學系的周會講座，向近四百名學生介紹監警會的歷史和職能，並接受了《樹仁新傳網》的訪問，討論監警會的角色和公信力。本會在此鳴謝香港樹仁大學新聞及傳播學系製作周會影片，該影片現已上載到YouTube「監警會頻道」，供公眾觀賞。

#### Video of Mr Ricky Chu (Secretary-General) at Hong Kong Shue Yan University (HKSYU) assembly uploaded to the IPCC YouTube Channel

For the IPCC to discharge its function under section 8(1)(e) of the IPCCO, to promote public awareness of its role, the Council diligently introduces the public to the two-tier police complaints system and the role and work of the IPCC on an on-going basis.

On 26 January 2016, Mr Ricky Chu (Secretary-General) was invited by the Department of Journalism and Communication of HKSYU to attend their weekly assembly, and gave a talk on the history and functions of the IPCC to around 400 students. He was then interviewed by the "Shue Yan Media Lab", to discuss the role and credibility of the IPCC. We would like to thank the Department of Journalism and Communication of HKSYU for producing the video of the assembly. This video is now available on the IPCC YouTube Channel for public viewing.

### 監警會在2016年3月至7月的活動

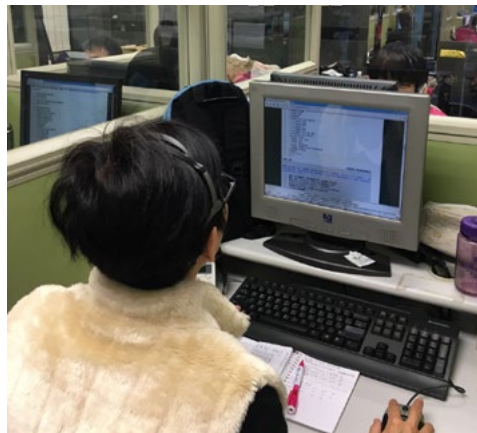
#### IPCC's recent activities from March to July 2016

# 7-17

3月 MAR

#### 香港大學民意研究計劃進行意見調查

Public opinion survey conducted by the University of Hong Kong Public Opinion Programme (HKUPOP)



監警會今年再次委託香港大學民意研究計劃進行公眾意見調查，以了解公眾對監警會及其職能的認識。調查以隨機抽樣電話訪問形式進行，並成功訪問了1,002位18歲以上的香港居民。

This year, the IPCC once again commissioned HKUPOP to conduct a public opinion survey to assess the general public's awareness of the IPCC and its duties. The survey was conducted by telephone interview on a random sample. There were 1,002 successful interviews with Hong Kong residents aged 18 or above.

# 9

3月 MAR

#### 第十八期《監警會通訊》 傳媒發佈會

Release of the IPCC  
Newsletter issue no. 18

監警會推出第十八期《監警會通訊》，並舉行新聞發佈會介紹通訊內容。發佈會當日，郭琳廣主席和宣傳及意見調查委員會主席劉文文女士在梅達明副秘書長(行動)陪同下，向傳媒講解監警會的最新活動。本期通訊包括監警會與持份者的聯繫及會面、由前宣傳及意見調查委員會主席鄭承隆先生和剛卸任監警會委員陳培光醫生撰寫的文章、委員會近期的活動以及會方在網上工作的最新動態。此外，梅達明副秘書長詳細講述一宗警方因調查「失竊」案所衍生的「濫用職權」的投訴個案。



A media briefing was held to release the eighteenth issue of the *IPCC Newsletter*. During the briefing, Mr Larry Kwok Lam-kwong (Chairman), Miss Lisa Lau Man-man (Chairman of the Publicity and Survey Committee) and Mr Daniel Mui (Deputy Secretary-General, Operations) presented highlights of the IPCC's latest publicity initiatives. The newsletter included the IPCC's continuous outreach and engagement with various stakeholders; articles contributed by former Chairman of the Publicity and Survey Committee, Mr Edwin Cheng Shing-lung, and recently retired Member Dr Chan Pui-kwong; the Council's recent activities; and the IPCC's online activities. Mr Daniel Mui then illustrated how the IPCC examined a complaint of "Unnecessary Use of Authority" in the Police investigation into a "Theft" report.



# 最新動態

## Recent activities

# 9

3月 MAR

### 到訪九龍城區撲滅罪行委員會

### Visit to the Kowloon City District Fight Crime Committee



鄭錦鐘博士及朱敏健秘書長出席九龍城區撲滅罪行委員會的會議，介紹監警會的職能和工作，並向委員講解兩層架構投訴警察制度的運作。

Dr Eric Cheng Kam-chung and Mr Ricky Chu (Secretary-General) attended the Kowloon City District Fight Crime Committee meeting. They introduced the functions and work of the IPCC, and explained the operation of the two-tier police complaints system.

# 14

3月 MAR

### 與警隊員佐級協會會面

### Meeting with the Junior Police Officers' Association (JPOA)



郭琳廣主席、副主席謝偉銓議員、葉成慶先生、劉玉娟女士、黃幸怡女士、杜國鑊先生、劉文文女士、蘇麗珍女士、許宗盛先生、關治平工程師及錢志庸先生與警隊員佐級協會代表會面，聆聽他們就監警會的公正性，以及警察處理公眾活動所面對的困難和挑戰等範疇的意見。

Mr Larry Kwok Lam-kwong (Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Ms Sandy Wong Hang-ye, Mr Clement Tao Kwok-lau, Miss Lisa Lau Man-man, Ms Ann So Lai-chun, Mr Herman Hui Chung-shing, Mr Edgar Kwan Chi-ping and Mr Barry Chin Chi-yung met with representatives of the JPOA to listen to their opinions on the impartiality of the IPCC, and difficulties and challenges faced by the Police in handling public order events.



# 16

3月 MAR

### 到訪觀塘區撲滅罪行委員會

### Visit to the Kwun Tong District Fight Crime Committee



鄭錦鐘博士、蘇麗珍女士及朱敏健秘書長出席觀塘區撲滅罪行委員會的會議，介紹監警會的工作和職能，並向委員講解監警會審核投訴個案的程序。

Dr Eric Cheng Kam-chung, Ms Ann So Lai-chun and Mr Ricky Chu (Secretary-General) attended the Kwun Tong District Fight Crime Committee meeting. They introduced the work and functions of the IPCC, and explained the procedures for reviewing complaint cases.



# 16-17

3月 MAR

### 出席特立尼達和多巴哥警察投訴局舉辦的「監察執法機構」研討會

### Attended the Trinidad and Tobago Police Complaints Authority's Oversight of Law Enforcement Conference

法律顧問陳敏儀女士、審核主任區兆卉女士及鄧弄明女士，應邀出席由特立尼達和多巴哥警察投訴局(Police Complaints Authority)於西班牙港舉辦的「監察執法機構」研討會，就會議主題「監察組織及公民監察機構的挑戰和成效」與外地專家交流意見。



Ms Cherry Chan (Legal Adviser), Miss Elsa Au (Vetting Officer) and Miss Alice Tang (Vetting Officer) were invited by the Trinidad and Tobago Police Complaints Authority to attend the Oversight of Law Enforcement Conference in Port-of-Spain, Trinidad and Tobago. They exchanged views with overseas experts under the theme of the conference, "Challenges and Benefits of Oversight Bodies and Civilian Oversight Institutions".

# 17

3月 MAR

### 監警會和投訴警察課聯席會議

### Joint IPCC and CAPO meeting



是次聯席會議上，警方向監警會簡介「敬賢計劃」的實施及成效，報告與佔領事件投訴統計數據和調查進度，以及2016年2月8日旺角騷亂所衍生的投訴統計數字，雙方並討論有關議題。



At a joint meeting between the IPCC and CAPO, the Police introduced the implementation and effectiveness of "Project RESPECT", and reported the number of complaints they had received in relation to the Occupy Movement, and their progress with the complaints investigations. They also reported statistics on complaints arising from the Mong Kok riot on 8 February 2016. The two parties then discussed matters related to these topics.

# 最新動態

## Recent activities

# 24

3月 MAR

### 與警務處處長及警隊高層聯繫 Engaging the Commissioner of Police and other senior officers

郭琳廣主席、副主席謝偉銓議員、馬恩國先生、葉成慶先生、劉玉娟女士、梁繼昌議員、馬學嘉博士、黃幸怡女士、葉振都先生、杜國鑾先生、甄孟羲資深大律師、陳建強醫生、何世傑教授、陸貽信資深大律師、劉文文女士、蘇麗珍女士、何錦榮先生、許宗盛先生、關治平工程師、任景信先生、錢志庸先生及毛樂禮先生與警務處處長及警隊高層聯繫。

Mr Larry Kwok Lam-kwong (Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, Dr Carol Ma Hok-ka, Ms Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, Mr Clement Tao Kwok-lau, Mr John Yan Mang-ye (SC), Dr Eugene Chan Kin-keung, Ir Prof Vincent Ho, Mr Arthur Luk Yee-shun (SC), Miss Lisa Lau Man-man, Ms Ann So Lai-chun, Mr Richard Ho Kam-wing, Mr Herman Hui Chung-shing, Ir Edgar Kwan Chi-ping, Mr Peter Yan King-shun, Mr Barry Chin Chi-yung and Mr José-Antonio Maurellet met with the Commissioner of Police and other senior officers.



# 20

4月 APR

### 出席中華總商會青年委員會 專題午餐會

### Attended the Chinese General Chamber of Commerce luncheon



郭琳廣主席應邀出席中華總商會青年委員會的專題午餐會並擔任主講嘉賓，就議題「監警會職能與面對的挑戰」與成員交流意見。

Mr Larry Kwok Lam-kwong (Chairman) was invited to be the guest speaker for a luncheon at the Chinese General Chamber of Commerce. He exchanged views with members on the topic "The functions and challenges of the IPCC".

# 4

5月 MAY

### 到訪元朗區撲滅罪行委員會 Visit to the Yuen Long District Fight Crime Committee



鄭錦鐘博士及朱敏健秘書長出席元朗區撲滅罪行委員會的會議，介紹監警會的歷史和工作，並向委員講解投訴個案調查結果的分類。

Dr Eric Cheng Kam-chung and Mr Ricky Chu (Secretary-General) attended the Yuen Long District Fight Crime Committee meeting. They introduced the history and work of the IPCC, and explained the classification of investigation results of complaint cases.



# 最新動態

## Recent activities

# 6

5月 MAY

### 參與警隊服務質素監察部運動會

#### Attended the Police Service Quality Wing Sports Day

馬恩國先生、馬學嘉博士、黃幸怡女士、黃德蘭女士、杜國鏗先生、何世傑教授、劉文文女士、鄭錦鐘博士及關治平工程師與秘書處職員一同參與警隊服務質素監察部運動會。

Mr Lawrence Ma Yan-kwok, Dr Carol Ma Hok-ka, Ms Sandy Wong Hang-ye, Ms Mary Wong Tak-lan, Mr Clement Tao Kwok-lau, Ir Prof Vincent Ho, Miss Lisa Lau Man-man, Dr Eric Cheng Kam-chung, Ir Edgar Kwan Chi-ping and IPCC Secretariat staff took part in the Police Service Quality Wing Sports Day.



# 23-30

5月 MAY

### 監警會觀察員分享會

#### Sharing with IPCC Observers

監警會分別於5月23日及5月30日舉辦了兩場監警會觀察員分享會。葉成慶先生、劉玉娟女士、劉文文女士及蘇麗珍女士與一眾觀察員分享個人觀察經驗和他們對觀察員計劃的期望。懲教署代表則講解了觀察員在懲教院所進行觀察時的安排。此外，秘書處職員亦簡介了一些加強觀察員計劃成效的措施，如電子平台優化計劃，觀察員也藉此機會與投訴警察課代表分享他們的經驗。

The IPCC organised two Observers sharing sessions on 23 May and 30 May. Mr Simon Ip Shing-hing, Ms Noeline Lau-Yuk-kuen, Miss Lisa Lau Man-man and Ms Ann So Lai-chun shared their own experiences and expressed their expectations of the IPCC Observers Scheme. A representative from the Hong Kong Correctional Services Department briefed the Observers on the arrangement for attending interviews at the correctional institutions. Secretariat staff then introduced some measures for improving the effectiveness of the Observers Scheme, such as optimising the e-portal. Observers also took this opportunity to exchange their experiences with CAPO representatives.



# 最新動態

## Recent activities

# 31

5月 MAY

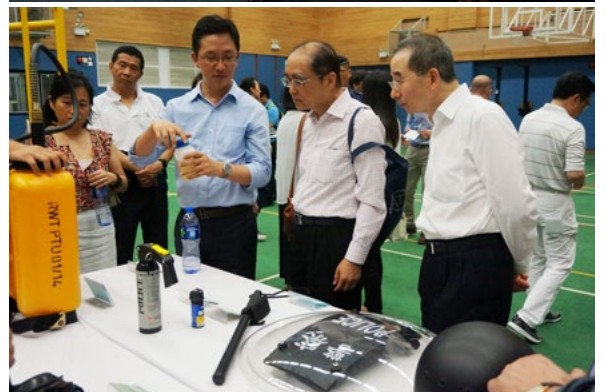
### 探訪機動部隊總部

### Visit to the Police Tactical Unit (PTU) Headquarters



郭琳廣主席、馬恩國先生、葉成慶先生、劉玉娟女士、黃幸怡女士、葉振都先生、陸貽信資深大律師、劉文文女士、鄭錦鐘博士、許宗盛先生、關治平工程師及錢志庸先生與秘書處職員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交流，了解他們處理大型公眾活動時遇到的情況。

Mr Larry Kwok Lam-kwong (Chairman), Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Ms Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, Mr Arthur Luk Yee-shun (SC), Miss Lisa Lau Man-man, Dr Eric Cheng Kam-chung, Mr Herman Hui Chung-shing, Ir Edgar Kwan Chi-ping and Mr Barry Chin Chi-yung together with Secretariat staff visited the PTU Headquarters in Fanling. Representatives of the PTU gave a presentation, demonstrated how they handled public order events, and showed Members the gear used by the PTU. Council Members also took this opportunity to talk with frontline officers to understand the situation they face in handling public order events.



# 8

6月 JUN

### 出席「少訴一族」2週年封面設計比賽頒獎禮

### Attended "Complaint Prevention e-Newsletter Second Anniversary Cover Page Design Competition Awards Presentation Ceremony"

葉振都先生、何世傑教授及錢志庸先生獲邀出席「少訴一族」2週年封面設計比賽頒獎禮，並擔任頒獎嘉賓，頒獎予得獎的警員。

Mr Adrian Yip Chun-to, Ir Prof Vincent Ho and Mr Barry Chin Chi-yung were invited to attend the "Complaint Prevention e-Newsletter Second Anniversary Cover Page Design Competition Awards Presentation Ceremony", where they presented the awards to the winners of the competition.



# 最新動態

## Recent activities

# 23

6月 JUN

### 監警會和投訴警察課 聯席會議

### Joint IPCC and CAPO Open meeting



是次聯席會議上，警方向監警會簡介「2016 重點交通執法項目」，報告有關佔領事件及旺角騷亂的投訴統計數據和調查進度，並匯報警方工作小組在檢視改善精神上無行為能力人士處理手法的工作進度。此外，警方亦交代了2016年5月張德江委員長訪港期間的公眾活動區、採訪區及傳媒聯絡的安排，雙方並就上述議題作出討論。

At a joint meeting between the IPCC and CAPO, the Police introduced the latest traffic enforcement priorities – “STEP 2016”, and reported the number of complaints they had received and the progress with the complaints investigations in relation to the Occupy Movement and the Mongkok Riot. They then reported the progress of the Force Working Group on reviewing the enhancement measures in the handling of MIPs. They also addressed IPCC’s concern about the arrangement of the designated public activity areas, designated press areas and media liaison during the visit of state leader Zhang Dejiang in May 2016. Two parties proceeded to discuss matters related to these topics.

# 27

6月 JUN



### 出席警方七一遊行安排 簡報會

### Attended the Police briefing on 1 July procession

郭琳廣主席、葉成慶先生、黃幸怡女士、陸貽信資深大律師、劉文文女士、關治平工程師、錢志庸先生及陳錦榮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，雙方並就警方的安排交換意見。

Mr Larry Kwok Lam-kwong (Chairman), Mr Simon Ip Shing-hing, Ms Sandy Wong Hang-ye, Mr Arthur Luk Yee-shun (SC), Miss Lisa Lau Man-man, Ir Edgar Kwan Chi-ping, Mr Barry Chin Chi-yung and Mr Clement Chan Kam-wing attended the 1 July procession briefing held by the Police. During the briefing, Members gained a better understanding of how the Police handle public order events under the mandate of ensuring public safety, and exchanged views on Police arrangements for the procession.

# 1

7月 JUL

### 監警會現場觀察警方處理 七一遊行

### 1 July On-site observation of Police handling of 1 July procession



郭琳廣主席、副主席謝偉銓議員、劉玉娟女士、馬學嘉博士、黃幸怡女士、黃德蘭女士、葉振都先生、杜國鎰先生、何世傑教授、陸貽信資深大律師、劉文文女士、許宗盛先生、錢志庸先生、陳錦榮先生及鄭永銓先生，一同現場觀察七一遊行。

Mr Larry Kwok Lam-kwong (Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Ms Noeline Lau Yuk-kuen, Dr Carol Ma Hok-ka, Ms Sandy Wong Hang-ye, Ms Mary Wong Tak-lan, Mr Adrian Yip Chun-to, Mr Clement Tao Kwok-lau, Ir Prof Vincent Ho, Mr Arthur Luk Yee-shun (SC), Miss Lisa Lau Man-man, Mr Herman Hui Chung-shing, Mr Barry Chin Chi-yung, Mr Clement Chan Kam-wing and Mr Wilson Kwong Wing-tsuen conducted an on-site observation of the 1 July procession.

當日的現場觀察分為兩部分，上半部分委員先到警方指揮中心聽取簡報，隨後觀察維多利亞公園起點的情況，並沿著遊行路線進行觀察。下半部分則是觀察遊行隊伍到達終點夏慤道北面行人路政府總部外的情況。

The observation was in two parts. The first part began with a briefing at the police command centre, after which Members proceeded to the starting point of the procession in Victoria Park, and then continued to observe along the procession route. The second part conducted of observing the procession arriving at the finishing point at the northern pavement of Harcourt Road outside the Central Government Offices.

# 最新動態

## Recent activities

### 主席及秘書長傳媒訪問

#### Media interviews with the Chairman and Secretary-General

郭琳廣主席於報告期內接受無綫電視台電視節目《講清講楚》及南華早報的訪問，討論警民關係、現場觀察大型公眾活動、旺角騷亂及張德江委員長訪港等議題。

此外，朱敏健秘書長亦接受了DBC數碼電台及星島日報的訪問，討論他對秘書長一職的看法，包括秘書長應具備的條件及過去數年所面對的挑戰。

During the reporting period, Mr Larry Kwok Lam-kwong (Chairman) was interviewed by the TVB programme “On the Record” and the South China Morning Post to discuss police-citizen relations, the observation of large-scale public order events, the Mong Kok riot, and state leader Zhang Dejiang’s visit.

Additionally, Mr Ricky Chu (Secretary-General) was interviewed by DBC and Sing Tao Daily regarding his views about the Secretary-General position, including the requirements for the position and the challenges he had experienced over the years.



# 監警觀點

## Viewpoint from IPCC

### 監警會的新委員

#### New Members of the IPCC

因應有數名委員的任期於二零一五年十二月三十一日及二零一六年五月三十一日屆滿，當局委任了四名新委員，任期分別於二零一六年一月一日及二零一六年六月一日開始生效，為期兩年。監警會定必善用新委員之所長，確保香港的兩層投訴警察制度公平、有效和具透明度。本會亦藉此機會介紹四名新委員，並分享他們對加入監警會的看法：

With several Members’ appointment periods having ended on 31 December 2015 and 31 May 2016, four new Members were appointed to the IPCC for a term of two years, effective from 1 January 2016 and 1 June 2016 respectively. The Council will surely benefit from their professional expertise and extensive experience in ensuring a fair, effective and transparent two-tier police complaints handling system in Hong Kong. We would like to take this opportunity to introduce the four new Members and share their thoughts on their appointment:



#### 錢志庸先生

#### Mr Barry CHIN Chi-yung

「素知監警會處事公正，能獲委任為委員倍感榮幸。憑著多年執業律師經驗，我將秉持監警會一貫公平無私的宗旨，處理投訴個案。」

“I have always admired the IPCC for its impartiality when discharging its duties and thus it is my honour to be appointed as an IPCC Member. Through my years of experience as a practicing solicitor, I will uphold the IPCC values of fairness and integrity when handling police complaints.”

### 毛樂禮資深大律師

#### Mr José-Antonio MAURELLET, SC

「監警會主要的法定職能是觀察、監察和覆檢警務處處長對須匯報投訴的處理和調查，並就須匯報投訴的處理和調查，向警務處處長或行政長官(或向兩者)作出建議。」

公眾無疑期望監警會能獨立、公平和有效率地履行這些重要的職能，我們亦定當竭盡所能做好本份，不負大眾所望。」

“Central to the IPCC’s statutory duties is to observe, monitor and review the handling and investigation of reportable complaints by the Commissioner, and to make recommendations to the Commissioner or the Chief Executive (or both of them) in respect of the handling or investigation of reportable complaints.

The public rightly expects the Council to fulfil these important duties independently, fairly and as efficiently as possible. We will all work hard and strive to fulfil these responsibilities.”



### 陳錦榮先生

#### Mr Clement CHAN Kam-wing

「我很榮幸獲邀加入監警會，警察無疑在社會的角色是非常重要，因此必須要有一套完善、公平、公正的機制來監察警隊的工作。我會克盡己任與其他成員合作，發揮監警會的功能。」

“I am very honoured to be appointed to join the IPCC. Undoubtedly, the Police’s role in society is of utmost importance and hence there must be a comprehensive, fair and impartial system in place to monitor the Police’s work. I will do my utmost to fulfil my duty as a Member, and work with all other Members in discharging the functions of the IPCC.”

### 鄺永銓先生

#### Mr Wilson KWONG Wing-tsuen

「我很榮幸獲委任為監警會成員。我將盡我所能，確保投訴警察個案獲得公正的處理，並協助提升警隊表現及服務質素。我期待與各位成員和秘書處緊密合作，共同秉持我們的核心價值。」

“It is my honour to be appointed as an IPCC Member. I will do my best to ensure that police complaint cases will be handled fairly, and help the Police Force improve their performance and service quality. I look forward to working closely with all fellow IPCC Members and the Secretariat. Together, we will continue to uphold the core values of the IPCC.”





# 監警會委員和觀察員

## IPCC Members and Observers

### 新任命的監警會委員 Names of newly appointed IPCC Members:

- |             |                               |
|-------------|-------------------------------|
| 1. 錢志庸先生    | Mr Barry CHIN Chi-yung        |
| 2. 毛樂禮資深大律師 | Mr Jose-Antonio MAURELLET, SC |

(任期由2016年1月1日至2017年12月31日 Appointment period from 1 January 2016 to 31 December 2017)

- |          |                            |
|----------|----------------------------|
| 3. 陳錦榮先生 | Mr Clement CHAN Kam-wing   |
| 4. 鄭永銓先生 | Mr Wilson KWONG Wing-tsuen |

(任期由2016年6月1日至2018年5月31日 Appointment period from 1 June 2016 to 31 May 2018)

### 再獲任命的監警會主席及委員 Names of re-appointed IPCC Chairman and Members:

- |                        |   |
|------------------------|---|
| 1. 郭琳廣先生, BBS, JP (主席) | Mr Larry KWOK Lam-kwong, BBS, JP (Chairman) |
| 2. 杜國鑾先生, BBS, JP      | Mr Clement TAO Kwok-lau, BBS, JP            |
| 3. 甄孟義資深大律師            | Mr John YAN Mang-ye, SC                     |

(任期由2016年6月1日至2018年5月31日 Appointment period from 1 June 2016 to 31 May 2018)

### 任期已屆滿的監警會委員 Names of retired IPCC Members:

- |          |                         |
|----------|-------------------------|
| 1. 馬恩國先生 | Mr Lawrence MA Yan-kwok |
|----------|-------------------------|

(任期於2016年5月31日屆滿 Terms of appointment ended on 31 May 2016)

### 新任命的監警會觀察員 Names of newly appointed IPCC Observers:

- |              |                            |
|--------------|----------------------------|
| 1. 姜志剛先生     | Mr Lawrence KEUNG Chi-kong |
| 2. 麥樂嫦女士     | Ms Mabel MAK Lok-sheung    |
| 3. 林開利先生     | Mr Laurie LAM Hoy-lee      |
| 4. 李超華先生     | Mr Joseph LI Chiu Wah      |
| 5. 胡潔瑩博士, JP | Dr Kitty WU Kit-ying, JP   |

(任期由2016年4月1日至2018年3月31日 Appointment period from 1 April 2016 to 31 March 2018)

### 再獲任命的監警會觀察員 Names of re-appointed IPCC Observers:

- |                        |                                      |
|------------------------|--------------------------------------|
| 1. 周耀明先生, MH           | Mr Alan CHOW Yiu-ming, MH            |
| 2. 蘇慧賢女士               | Ms Herdy SO Wai-yin                  |
| 3. 吳少強先生, MH, JP       | Mr Thomas NG Siu-keung, MH, JP       |
| 4. 盧子安先生               | Mr LO Tze-on                         |
| 5. 林赤有先生, BBS, MH, JP  | Mr Billy LAM Chek-yau, BBS, MH, JP   |
| 6. 方平先生, JP            | Mr FONG Ping, JP                     |
| 7. 吳永嘉先生               | Mr Jimmy NG Wing-ka                  |
| 8. 何偉權先生               | Mr HO Wai-kuen                       |
| 9. 張智彥先生               | Mr Human CHEUNG                      |
| 10. 陳杏女士               | Ms CHAN Hang                         |
| 11. 林振昇先生              | Mr LAM Chun-sing                     |
| 12. 蕭楚基先生, BBS, MH, JP | Mr SIU Chor-kee, BBS, MH, JP         |
| 13. 葉振南先生, BBS, MH, JP | Mr Stephen YIP Chun-nam, BBS, MH, JP |
| 14. 張俊勇先生              | Mr Thomas CHEUNG Tsun-yung           |
| 15. 黃耀聰先生, MH          | Mr WONG Yiu-chung, MH                |

(任期由2016年4月1日至2018年3月31日 Appointment period from 1 April 2016 to 31 March 2018)

### 任期已屆滿的監警會觀察員 Names of retired IPCC Observers:

- |                   |                            |
|-------------------|----------------------------|
| 1. 錢志庸先生*         | Mr Barry CHIN Chi-yung*    |
| 2. 簡汝謙先生          | Mr Raymond KAN Yu-him      |
| 3. 白富鴻先生, JP      | Mr Frank PAK Fu-hung, JP   |
| 4. 李錦明先生, MH      | Mr Daeren LEE Kam-ming, MH |
| 5. 王惠貞女士, SBS, JP | Ms WONG Wai-ching, SBS, JP |

(任期於2016年3月31日屆滿 Terms of appointment ended on 31 March 2016)

\*錢志庸先生於2016年1月1日獲任命為監警會委員。Mr Barry CHIN Chi-yung was appointed as IPCC Member on 1 January 2016.

# 真實投訴個案

## Real complaint case

### 監警會全面審視一宗涉及一名精神上無行為能力人士的 警方調查所衍生的投訴個案

### The IPCC holistically examines a complaint in relation to a police investigation involving a mentally incapacitated person

| 指控<br>Allegation(s)                     | 被投訴人<br>Complainee(s)  | 投訴警察課原來分類<br>Original classification(s) by CAPO       | 最後分類<br>Final classification(s)     | 採取的行動<br>Action to be taken  |
|---|--|---|-------------------------------------|--|
| 1 疏忽職守<br>Neglect of Duty               | 一名警長及一名警員(警員一)<br>A Sergeant & a Police Constable (SGT & PC 1)                           | 並無過錯<br>No Fault                                      | 無法證實<br>Unsubstantiated             | -  |
| 2 疏忽職守<br>Neglect of Duty               | 警員一<br>PC 1  | 無法證實<br>Unsubstantiated                               | 獲證明屬實<br>Substantiated              | 作出警告但無須將此事記入其分區報告檔案中<br>Warning without Divisional Record File (DRF) entry |
| 3 疏忽職守<br>Neglect of Duty               | 四名值日官(職級:警署警長、值日官一、二、三、四)<br>Four Duty Officers (rank: Station Sergeant, DO 1, 2, 3 & 4) | 無法證實<br>Unsubstantiated                               | 無法證實<br>Unsubstantiated             | -  |
| 4 行為不當<br>Misconduct                    | 一名總督察及一名警司<br>A Chief Inspector & a Superintendent (CIP & SP)                            | 並無過錯<br>No Fault                                      | 並無過錯<br>No Fault                    | -  |
| 5 捏造證據<br>Fabrication of Evidence       | 警員一<br>PC 1  | 無法證實<br>Unsubstantiated                               | 無法證實<br>Unsubstantiated             | -  |
| 6 行為不當<br>Misconduct                    | 總督察及警司<br>CIP & SP   | 並無過錯<br>No Fault                                      | 無法完全證明屬實<br>Not Fully Substantiated | 作出訓諭但無須將此事記入其分區報告檔案中<br>Advice without DRF entry                           |
| 7 行為不當<br>Misconduct                    | 一名警署警長<br>A Station Sergeant (SSGT)  | 無法證實<br>Unsubstantiated                               | 無法證實<br>Unsubstantiated             | -  |
| 8 行為不當<br>Misconduct                    | 警長<br>SGT  | 獲證明屬實<br>Substantiated                                | 獲證明屬實<br>Substantiated              | 紀律覆檢<br>Disciplinary Review  |
| 9 疏忽職守<br>Neglect of Duty               | 總督察、警署警長及警司<br>CIP, SSGT & SP  | 獲證明屬實<br>Substantiated                                | 獲證明屬實<br>Substantiated              | 紀律覆檢<br>Disciplinary Review  |
| 10 濫用職權<br>Unnecessary Use of Authority | 警司<br>SP   | 無法證實<br>Unsubstantiated                               | 獲證明屬實<br>Substantiated              | 紀律覆檢<br>Disciplinary Review  |
| 11 行為不當<br>Misconduct                   | 總督察及警司<br>CIP & SP   | 無法證實<br>Unsubstantiated                               | 無法證實<br>Unsubstantiated             | -  |
| 12 疏忽職守<br>Neglect of Duty              | 總督察<br>CIP   | 未經舉報但證明屬實<br>Substantiated Other Than Reported (SOTR) | 未經舉報但證明屬實<br>SOTR                   | 紀律覆檢<br>Disciplinary Review  |
| 13 疏忽職守<br>Neglect of Duty              | 警員一<br>PC 1  | 未經舉報但證明屬實<br>SOTR                                     | 未經舉報但證明屬實<br>SOTR                   | 作出訓諭但無須將此事記入其分區報告檔案中<br>Advice without DRF entry                           |
| 14 疏忽職守<br>Neglect of Duty              | 警員一<br>PC 1  | 未經舉報但證明屬實<br>SOTR                                     | 未經舉報但證明屬實<br>SOTR                   | 作出警告但無須將此事記入其分區報告檔案中<br>Warning without DRF entry                          |
| 15 疏忽職守<br>Neglect of Duty              | 警員一<br>PC 1  | -   | 未經舉報但證明屬實<br>SOTR                   | 作出警告但無須將此事記入其分區報告檔案中<br>Warning without DRF entry                          |
| 16 疏忽職守<br>Neglect of Duty              | 一名警員(警員二)<br>A Police Constable (PC 2)   | -   | 未經舉報但證明屬實<br>SOTR                   | 作出訓諭但無須將此事記入其分區報告檔案中<br>Advice without DRF entry                           |
| 17 濫用職權<br>Unnecessary Use of Authority | 警司<br>SP   | -   | 未經舉報但證明屬實<br>SOTR                   | 紀律覆檢<br>Disciplinary Review  |

# 真實投訴個案

## Real complaint case

| 指控<br>Allegation(s) | 被投訴人<br>Complainee(s)                  | 投訴警察課原來分類<br>Original classification(s) by CAPO | 最後分類<br>Final classification(s) | 採取的行動<br>Action to be taken                      |
|---------------------|--|---|---------------------------------|--|
| 18 -                | 一名警員(警員三)<br>A Police Constable (PC 3) | 旁支事項<br>Outwith Matter                          | 旁支事項<br>Outwith Matter          | 作出訓諭但無須將此事記入其分區報告檔案中<br>Advice without DRF entry |
| 19 -                | 值日官二<br>DO 2                           | -   | 旁支事項<br>Outwith Matter          | 作出訓諭但無須將此事記入其分區報告檔案中<br>Advice without DRF entry |
| 20 -                | 一名督察<br>An Inspector (IP)              | -   | 旁支事項<br>Outwith Matter          | 作出訓諭但無須將此事記入其分區報告檔案中<br>Advice without DRF entry |

### 個案重點

此個案反映監警會在審核一宗投訴個案中，如何仔細和全面地審查所有可用的證據，以評核投訴警察課的調查結果。投訴人(一名精神上無行為能力人士)在街上被截停，隨後因涉嫌「謀殺」被捕。警方調查後發現投訴人可能有不在犯罪現場的抗辯理由，需要進一步調查。當警方還在搜集不在場證據時，負責此案的警司決定召開一個臨時簡報會，向公眾交代投訴人被捕的消息，並在投訴人被扣留接近48小時後，以「誤殺」罪名提出起訴。在投訴人被起訴後不久，警司得悉投訴人的不在場證據被確立。投訴人於被扣留多數小時後獲准保釋。

投訴人的哥哥其後代表投訴人對數名警務人員作出投訴，共涉及11項指控(「疏忽職守」、「行為不當」、「捏造證據」及「濫用職權」)。經調查後，投訴警察課發現一名警長在一個已作出警誡的會面裡為投訴人錄取口供時，發問了引導性的問題。該名警司、一名總督察及一名警署警長亦不適當地延誤了警方調查投訴人的不在場證據。因此，投訴警察課將這些指控分類為「獲證明屬實」。至於其餘的指控，投訴警察課將它們分類為「並無過錯」或「無法證實」。此外，投訴警察課亦就不同警務人員在程序及文件記錄上的過失，多加了三項「未經舉報但證明屬實」的「疏忽職守」指控以及一項「旁支事項」。

監警會不認同一些「並無過錯」或「無法證實」的分類，並且認為刑事調查過程中，警方採取的一些行動並不恰當。就監警會提出的質詢，投訴警察課：

- 將一項有關沒有安排投訴人接受醫療護理的「疏忽職守」指控分類，由「無法證實」改為「獲證明屬實」；

### Highlights of the case

This case demonstrates the meticulous and holistic approach that the IPCC has taken in examining the available evidence in its totality to assess CAPO's findings. The Complainant (COM), a mentally incapacitated person (MIP), was intercepted on the street and subsequently arrested for "Murder". Police investigation then revealed that COM might have an alibi defense, and that further enquiries would have to be conducted in this regard. Whilst the alibi evidence was being gathered, the Superintendent (SP) in charge of the case decided to hold a stand-up briefing to inform the public of COM's arrest, and eventually charged COM with the offence of "Manslaughter" after COM had been detained for almost 48 hours. Shortly after COM was charged, the SP was informed that COM's alibi was established. COM was eventually released on Police bail a few more hours later.

COM's elder brother later lodged a complaint on COM's behalf with 11 allegations ("Neglect of Duty (NOD)", "Misconduct", "Fabrication of Evidence" and "Unnecessary Use of Authority (UUOA)") against various officers. After investigation, CAPO found that a Sergeant (SGT) had put forward to COM some leading questions during a cautioned interview. The SP, a Chief Inspector (CIP) and a Station Sergeant (SSGT) had caused undue delay in investigating into COM's alibi. Hence, CAPO classified those allegations as "Substantiated". For the remaining allegations, CAPO classified them as either "No Fault" or "Unsubstantiated". In addition, CAPO registered three counts of "Substantiated Other Than Reported (SOTR)" (NOD) and an "Outwith" matter for some procedural and documentation errors made by different officers.

IPCC disagreed with some "No Fault" and "Unsubstantiated" classifications and considered that some actions taken in the criminal investigation were inappropriate. In response to the IPCC's queries, CAPO:

- reclassified an "NOD" allegation about failure to arrange medical care for COM from "Unsubstantiated" to "Substantiated";

# 真實投訴個案

## Real complaint case

- 將一項有關拘留時間過長的「濫用職權」的指控分類，由「無法證實」改為「獲證明屬實」；
- 將一項有關不恰當地召開臨時簡報會的「行為不當」的指控分類，由「並無過錯」改為「無法完全證明屬實」；
- 就警方不恰當地以「誤殺」罪名起訴投訴人，多加一項「未經舉報但證明屬實」的「濫用職權」指控；
- 多加兩項「未經舉報但證明屬實」的「疏忽職守」指控及兩項「旁支事項」以反映警務人員在處理投訴人的刑事調查時的過失；
- 加重對涉事警務人員的處分；及
- 告知監警會警方已成立一個專責工作小組，以優化現時針對成為刑事調查疑犯的精神上無行為能力人士的處理程序。

### 個案背景

一名老人(受害人)於沙田美田路的籃球場上被一名身份不明的男性毆打後身亡。事件中的兩名目擊者其後向警方報案。個案由一名總督察負責調查，並由一名警司負責監督。

根據目擊證人的描述，一名警長及一名警員(警員一)在案發現場附近截查投訴人。據該名警長及警員一所指，投訴人當場承認曾推過受害人，因此他們以「謀殺」罪拘捕投訴人。經過在現場進一步查問後，警方得知投訴人是一間復康中心(中心)的病人，並在他身上找到一些藥物(幫助睡眠的鎮靜劑)。警員一致電予中心，了解到投訴人在案發時可能身在中心。警員一亦致電給投訴人的哥哥，請他到警署陪伴投訴人。到達警署後，警員一為投訴人補錄一份警誡供詞。

當天晚上，警務人員搜查投訴人的住所。不過，其中一名警務人員在查問投訴人前，沒有給予警誡。搜查完畢後，負責此個案的警司及總督察在投訴人的住宅外召開了一個臨時簡報會，向傳媒交代警方就著該案拘捕了一名男子。其後，一名督察和該名警長與投訴人進行了一次警誡後的錄影會面，但投訴人無法以容易理解的答案回應督察的問題。該名警長繼續向投訴人發問一些引導性問題。儘管投訴人在錄影會面的較早時段所給予的答覆含糊不清，該警長仍請投訴人示範如何將受害人推跌。第二天晚上，一名警署警長發

- reclassified an “UUOA” allegation about lengthy detention from “Unsubstantiated” to “Substantiated”;
- reclassified a “Misconduct” allegation about the inappropriate stand-up briefing from “No Fault” to “Not Fully Substantiated”;
- registered an additional “SOTR” count of “UUOA” for the Police’s inappropriate decision to charge COM with “Manslaughter”;
- registered two more “SOTR” counts of “NOD” and two more counts of “Outwith” matters to address the officers’ mistakes in their handling of COM during the criminal investigation;
- escalated the penalties against the officers concerned; and
- informed IPCC that the Police has formed a designated working group to enhance the existing procedures for handling MIP who are suspects of criminal investigations.

### Case Background

An old man (Victim) died after being assaulted by an unknown male at the basketball court at Mei Tin Road, Shatin. The incident was seen by two witnesses, who reported the incident to the Police. The case was investigated by the CIP under the supervision of the SP.

Based on the description given by the witnesses, the SGT and a Police Constable (PC 1) intercepted COM for enquiry on the street near the crime scene. According to the SGT and PC 1, COM, when questioned on the spot, admitted having pushed the Victim and hence they arrested him for “Murder”. Further enquiry at the scene revealed that COM was an inmate of a rehabilitation centre (the Centre) and had some medicines (tranquillizers to help him sleep) on him. PC 1 called the Centre and learnt that COM might be at the Centre at the offence time. COM’s elder brother was contacted to go to the police station to accompany COM. After arriving at the police station, PC 1 took a post-recorded cautioned statement from COM.

On the same night, police officers searched COM’s residence. However, one of the officers failed to caution COM before asking him further questions. After the search, the SP and CIP held a stand-up briefing to the press about arresting a male in connection with the case on the ground floor outside the building where COM resided. Later, an Inspector (IP) and the SGT conducted a cautioned video recorded interview (VRI) with COM, who however was unable to give comprehensible answers to questions asked by the IP. The SGT continued to ask COM some leading questions, and invited COM to demonstrate how he had pushed the Victim onto the floor, despite the unclear answers given in the earlier part of the VRI. At night time on the following day, the SSGT found that, according to the records of the Centre,

# 真實投訴個案

## Real complaint case

現根據中心的記錄，案發時投訴人正在中心服藥，並有一名中心職員照料他。警署警長隨即約見該名中心職員錄取口供。

翌日早上，總督察將上述事件向警司匯報。同日下午，警方為中心職員錄取口供。但是該名警司仍決定以「誤殺」罪起訴投訴人。投訴人當時已被拘留了接近48小時。落案起訴後不久，該名警司被告知，中心職員的口供證實了投訴人不在犯罪現場。數小時後，該警司決定撤回起訴投訴人，並在其母親到達警署後讓投訴人獲准保釋。

投訴人的哥哥隨即代表投訴人投訴數名警務人員，共涉及11項指控【指控一至十一】，包括沒有為投訴人安排合適成人在現場、誣衊投訴人承認犯罪、沒有安排投訴人服用藥物及接受治療、在錄影會面時發問引導性問題、不恰當地召開臨時簡報會、搜查住宅時誘使投訴人認罪、延誤調查、以及拘留投訴人的時間過長。

### 投訴警察課的調查

經調查後，投訴警察課認為刑事調查隊沒有盡早確認投訴人的不在場證據，因此將指控九(疏忽職守—延誤調查)分類為「獲證明屬實」。涉事的總督察和警署警長將接受紀律覆檢；另外會對該名警司作出警告以及將此事記入其分區報告檔案中。

再者，投訴警察課將指控八(行為不當—警長在錄影會面中發問引導性問題)分類為「獲證明屬實」；並建議對涉事的警長作出警告，但無須將此事記入其分區報告檔案中。

至於其餘的指控，投訴警察課將它們分類為「並無過錯」或「無法證實」。

投訴警察課亦發現(i)總督察和警員一沒有根據有關警察指引，把投訴人身上的藥物交給值日官保管；及(ii)警員一在警察記事簿中錯誤地紀錄在投訴人的住宅搜查時檢走的物件數量，以及沒有正確記錄有否要求投訴人再次確認自己是否明白補錄警誡供詞上的聲明。投訴警察課因此對他們多加三項「未經舉報但證明屬實」的「疏忽職守」指控【指控十二至十四】。此外，投訴警察課亦發現一名警員(警員三)在警察記事簿中錯誤紀錄在警署為投訴人提供飲料的時間，因此對他多加了一項「旁支事項」。

COM was taking medicine at the Centre during the offence time with a staff member of the Centre (the Centre Staff) attending to him. The SSGT then made an appointment with the Centre Staff for statement taking.

Next morning, the CIP reported the above to the SP. In the afternoon, a statement was taken from the Centre Staff. The SP, however, decided to charge COM with "Manslaughter". COM had been detained for almost 48 hours at that time. Shortly after the charge was laid, the SP was informed that COM's alibi was confirmed in the Centre Staff's statement. A few hours later, the SP decided to drop the charges against COM and released COM on police bail after his mother arrived at the police station.

COM's elder brother, on behalf of COM, lodged the instant complaint with 11 allegations against various police officers [Allegations 1 to 11], including failure to arrange an appropriate adult to be present at the scene, fabrication of COM's admission, failure to arrange medication and medical treatment, asking leading questions during the VRI, inappropriate stand-up press briefing, inducement for admitting the offence during house search, delay in investigation and lengthy detention of COM.

### CAPO's Investigation

After investigation, CAPO considered that the crime team had failed to take the earliest opportunity to verify COM's alibi. Hence CAPO classified Allegation 9 (NOD – causing undue delay in the investigation) as "Substantiated". Disciplinary review would be initiated against the CIP and the SSGT whereas a "warning with Divisional Record File (DRF) entry" would be issued to the SP.

Moreover, CAPO classified Allegation 8 (Misconduct – the SGT's asking leading questions in the VRI) as "Substantiated"; and proposed the SGT be "warned without DRF entry".

As to the remaining allegations, CAPO classified them either as "No Fault" or "Unsubstantiated".

CAPO also found that (i) the CIP and PC 1 had failed to pass the medicine found on COM to the Duty Officer for safekeeping in accordance with the relevant police guideline; and (ii) PC 1 had made wrong notebook records in relation to the number of items seized during the house search, and failed to properly record his reassurance of COM's understanding of the ending declaration of the post-recorded cautioned statement. CAPO therefore registered three "SOTR" counts of "NOD" against them [Allegations 12 to 14]. In addition, an officer (PC 3) was found to have made a mistake in his police notebook in relation to the time of serving water on COM at the police station and thus CAPO registered it as an "Outwith" matter.

### 監警會的觀察

監警會經審視個案後有以下的觀察：

**指控一【疏忽職守】**—有關警長和警員—沒有在拘捕投訴人時安排一名合適成人在場陪同（投訴警察課的分類：「並無過錯」）

- 監警會認為，由於沒有任何獨立證據顯示投訴人在街上被截停時的行為舉止為何，所以很難斷定當時的情況是否需要安排一名合適成人在現場。因此，這項指控應該被分類為「無法證實」而不是「並無過錯」。

**指控二【疏忽職守】**—有關沒有安排投訴人服用藥物及接受治療（投訴警察課的分類：「無法證實」）

- 投訴人是一位精神上無行為能力人士，需定時服用他帶在身上的藥物。在這種情況下，監警會認為警員一應在投訴人被捕後，安排他服用藥物及接受治療，但他沒有。因此，對警員一的指控應該分類為「獲證明屬實」，而非分別於指控十二中，連同總督察沒有把藥物交給值日官的指控上加添一項「未經舉報但證明屬實」的「疏忽職守」指控（總督察仍然為指控十二的涉事警員，將受到紀律覆檢）。

**指控六【行為不當】**—有關未經徹底調查便召開臨時簡報會（投訴警察課的分類：「並無過錯」）

- 當警方在現場查問時，經已發現投訴人可能有不在場證據。及時向公眾交代一宗「謀殺」案的資訊及發展固然重要，但更恰當的做法是警方應在召開臨時簡報會前，確認或反駁投訴人的不在犯罪現場聲稱。因此，監警會認為應將指控分類更改為「無法完全證明屬實」而不是「並無過錯」。

**指控八【行為不當】**—有關警長在錄影會面中發問引導性問題（投訴警察課的分類：「獲證明屬實」，跟進行動：「作出警告但無須將此事記入其分區報告檔案中」）

- 監警會認同投訴警察課的指控分類，但認為僅對涉事警員作出警告而無須將此事記入其分區報告檔案中的處分未能充分反映指控的嚴重性。監警會認為應該加重處分。

### The IPCC's Observations

Upon examination of the case, the IPCC has the following observations:-

**Allegation 1 [NOD] – concerning the failure of the SGT and PC 1 to arrange an appropriate adult to be present at the scene** (CAPO's classification: "No Fault")

- The IPCC considered that, in the absence of any independent evidence to show COM's demeanour when he was intercepted on the street, it would be difficult to conclude if the situation should have warranted an arrangement of an appropriate adult's presence there and then. Therefore, this allegation should be classified as "Unsubstantiated" instead of "No Fault".

**Allegation 2 [NOD] – concerning PC 1's failure to arrange medication and medical care for COM** (CAPO's classification: "Unsubstantiated")

- COM was an MIP who needed to regularly take the medication found on him. Under such circumstances, the IPCC considers that PC 1 should arrange medication and medical care for COM after his arrest, but he failed to do so. Hence, PC 1 should be found substantiated for this allegation, instead of being separately registered in the "SOTR" count of "NOD" along with the CIP in Allegation 12 for failing to handle the medicine (the CIP remains as the officer concerned under Allegation 12 and would be subject to "Disciplinary Review").

**Allegation 6 [Misconduct] – concerning the holding of a stand-up press briefing prior to a thorough investigation** (CAPO's classification: "No Fault")

- During police enquiry at the scene, it was revealed that COM might have an alibi defense. Although it was important to timely release the case information and development to the public for a "Murder" case, it would be more appropriate for the police to consider holding a stand-up press briefing after verifying or rebutting the alibi. The IPCC therefore considered that this allegation should be reclassified as "Not Fully Substantiated" instead of "No Fault".

**Allegation 8 [Misconduct] – concerning the SGT's asking leading questions during VRI** (CAPO's classification: "Substantiated", action: "warning without DRF entry")

- Whilst agreeing to the CAPO classification, the IPCC considered that the action of "warning without DRF entry" was insufficient to address the seriousness of the allegation. It should be escalated.

# 真實投訴個案

## Real complaint case

**指控十【濫用職權】**—有關不合理地拘留投訴人超過48小時(投訴警察課的分類：「無法證實」)

- 監警會不認同投訴警察課的指控分類，因為在投訴人被扣留未滿48小時之前，中心職員經已證實了他不在犯罪現場。因此，投訴人應該早點獲釋。所以這項指控應該分類為「獲證明屬實」。

**指控十五【疏忽職守(未經舉報但證明屬實)】**—有關警員一沒有正確記錄投訴人於現場的口供

- 警員一的記事簿內記錄了投訴人簡潔及精確地承認罪行。雖然沒有獨立證據確定投訴人和兩名執行拘捕任務的警務人員(包括警員一)於拘捕現場的實際對話，監警會認為，考慮到(從錄影會面可見)投訴人並沒有清晰回答問題的能力，投訴人和警員一於現場的對話不會是如警員一的記事簿中所記錄。因此，監警會認為應該就著警員一沒有正確記錄投訴人於現場的口供，增加一項「未經舉報但證明屬實」的「疏忽職守」指控。

**指控十六【疏忽職守(未經舉報但證明屬實)】**—有關搜查人員(警員二)在搜查住宅期間向投訴人作出提問前沒有給予警誡

- 監警會認為，由於投訴人是被捕者，警員二在搜查其住宅期間向投訴人作出任何提問之前，應該作出警誡。警員二查問投訴人有關他在案發時所穿的衣服之前，並沒有作出警誡。監警會認為應該向警員二增加一項「未經舉報但證明屬實」的「疏忽職守」指控。

**指控十七【濫用職權(未經舉報但證明屬實)】**—有關警司以「誤殺」罪起訴投訴人

- 投訴警察課的調查顯示，投訴人被起訴之前，已證明他的不在場證據。因此，警司起訴投訴人的決定並不恰當。監警會認為應該向警司提出一項「未經舉報但證明屬實」的「濫用職權」指控。

**「旁支事項」**—有關督察沒有停止錄影會議

- 從錄影會議可觀察到，投訴人沒有能力給予清晰的答覆。在這種情況之下，該名督察應該在警長繼續提問之前，停止錄影會議，但他沒有。因此，應該就這事記錄一項「旁支事項」。

**Allegation 10 [UUOA] – concerning the unreasonable detention of COM for more than 48 hours** (CAPO's classification: "Unsubstantiated")

- The IPCC disagreed with CAPO's classification on the rationale that the alibi had already been confirmed by the Centre Staff before COM was detained for 48 hours. Therefore COM should be released earlier. Hence, this allegation should be reclassified as "Substantiated".

**Allegation 15 [NOD (SOTR)] – concerning PC 1's failure to accurately record COM's response at the scene**

- In PC 1's police notebook, it was recorded that COM admitted the offence in a concise and precise manner. Although there is no independent evidence to ascertain the exact communication between COM and the two arresting officers (including PC 1) on the spot of the arrest, the IPCC considered that, given COM's inability in answering questions clearly (as shown in the VRI), the conversation between COM and PC 1 at the scene could not be in the manner as described by PC 1 in his notebook. Hence, an "SOTR" count of "NOD" should be registered against PC 1 for his failure to accurately record what COM had said on the street.

**Allegation 16 [NOD (SOTR)] – concerning the searching officer (PC 2)'s omission of cautioning COM before asking questions during house search**

- The IPCC opined that PC 2 should have cautioned COM before asking him any questions during the house search, as COM was an arrestee. PC 2, however, asked COM about which outfits he had worn at the offence time without administering caution beforehand. An "SOTR" count of "NOD" should be registered against PC 2.

**Allegation 17 [UUOA (SOTR)] – concerning the SP's charging COM with "Manslaughter"**

- CAPO investigation showed that before the time of charging, COM's alibi had already been established. Hence the SP's decision of laying charge against COM was inappropriate. An "SOTR" count of "UUOA" should be registered against the SP.

**"Outwith" matter – concerning the IP's failure to stop the VRI**

- It is observed in the VRI that COM was unable to give clear answers. Under such circumstances, the IP should have stopped the VRI before the SGT asked further questions. As the IP failed to do so, an "Outwith" matter should be registered in this regard.

# 真實投訴個案

## Real complaint case

「旁支事項」—有關沒有安排合適成人於進行羈留搜查期間在現場

- 當警方得悉投訴人是一名精神上無行為能力人士，所有涉及投訴人的調查都在投訴人的哥哥在場的情況下進行—唯獨是其中一次於警署進行的羈留搜查沒有。監警會認為應就該值日官(值日官二)的疏忽提出一項「旁支事項」。

涉及指控九、十及十七的警司的處分—有關延誤調查、過長拘留及不恰當地起訴投訴人(跟進行動:「作出警告及將此事記入其分區報告檔案中」)

- 被投訴人九負責監督該「謀殺」案的整體調查，所以應承擔最終的責任。因此對該警司的處分應由「作出警告及將此事記入其分區報告檔案中」升級為「紀律覆檢」。

改善建議—優化現行處理精神上無行為能力人士的程序

- 現時警方既定的程序只要求在為精神上無行為能力人士(不論該位精神上無行為能力人士是證人或疑犯)錄取口供的時候，有一位合適成人在場，但沒有明確的指引列出當精神上無行為能力人士成為刑事調查的對象時，應如何處理。警方應該考慮優化有關對精神上無行為能力人士進行刑事調查時的指引。

由於此個案的性質嚴重，當中亦涉及公眾利益，會方決定將此投訴個案的調查交由監警會的嚴重投訴個案委員會審核。經過和監警會討論後，投訴警察課決定接納監警會的看法。就著對警務人員採取的跟進行動，投訴警察課把在錄影會面中提出引導性問題【指控八】的警長的處分，由「作出警告但無須記入分區報告檔案」提升至「紀律覆檢」。對於涉事警司延誤調查、過長拘留及不恰當地起訴投訴人【指控九、十及十七】的處分，則由「作出警告及將此事記入其分區報告檔案中」升級為「紀律覆檢」。至於投訴警察課因應監警會的觀點而須更改分類的調查結果【指控六、十五及十六】，以及新增的「旁支事項」，投訴警察課已向有關的警務人員作出不同的處分(包括「作出訓諭但無須記入分區報告檔案」及「作出警告但無須記入分區報告檔案」)，詳情請參考指控總表。除此之外，警方亦成立了一個工作小組，檢視如何優化處理涉及精神上無行為能力人士案件的程序。

監警會通過了這宗個案中投訴警察課的調查結果。

“Outwith” matter – concerning omission of arranging an appropriate adult to be present during one of the custodial searches

- Upon knowing that COM was an MIP, all the investigative actions on COM were carried out in the presence of COM's elder brother, except for one of the custodial searches conducted on COM at the Police station. An “Outwith” matter should be registered against the relevant Duty Officer (DO 2) for this negligence.

Penalty against the SP in connection with Allegations 9, 10 and 17 – concerning the delay in investigation, lengthy detention and inappropriate charging of COM (action: “warning with DRF entry”)

- COMEE 9 was the supervisor of the overall investigation of the “Murder” case and should hold the ultimate responsibility. Hence, the penalty against the SP should be escalated from “Warning with DRF entry” to “Disciplinary Review”.

Further Improvements – enhancing existing procedures for handling MIP

- Currently, the laid-down police procedure only requires an appropriate adult to be present when taking a statement from an MIP, irrespective of whether the MIP was a witness or a suspect. There is no specific guideline on the handling of an MIP if he is the subject of criminal investigations. The Police should consider enhancing the guidelines with respect to conducting criminal investigation on an MIP.

In view of the serious nature of this case and the public interest arising therefrom, this complaint investigation was monitored by the Serious Complaints Committee of the IPCC. After discussions with the IPCC, CAPO subscribed to the IPCC's views. For actions to be taken against the officers, CAPO escalated the penalty against the SGT for asking leading questions in the VRI and his accountability in the investigation from “Warning without DRF entry” to conducting “Disciplinary Review” [Allegation 8]; and the penalty against the SP for the delay in investigation, lengthy detention and inappropriate charging of COM from “Warning with DRF entry” to “Disciplinary Review” [Allegations 9, 10 & 17]. For the allegations which were reclassified as a result of CAPO's subscription of the IPCC's view [Allegations 6, 15 & 16] and the newly registered “Outwith” matters, different penalties, ranging from “Advice without DRF entry” to “Warning without DRF entry”, were issued to the officers concerned (For details, please refer to the allegation summary table). In addition to the above, the Police also formed a designated working group to explore enhancement of the existing procedures for handling MIP.

IPCC endorsed CAPO's findings in this case.