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第二章 CHAPTER 2

監察投訴處理和 改善建議

Monitoring the Handling of Complaints and Recommendations

調查報告及指控數字

Number of Investigation Reports and Allegations

通過及接獲的投訴個案數字

Number of complaint cases endorsed and received



在本報告期內（2012年4月1日至2013年3月31日），監警會共接獲投訴警察課就2,427宗新個案的調查報告，較去年同期的2,840宗個案減少了約14.5%。

同年，監警會通過了2,489宗投訴個案的調查結果（包括138宗的覆核個案），比去年同期的3,145宗投訴個案減少了20.9%。除了覆核個案外，涉及的指控有4,884項，其中主要的三項指控為「疏忽職守」（47.4%）、「行為不當/ 態度欠佳/ 粗言穢語」（36.6%）及「毆打」（6.6%）。指控的數字比2011/12年的6,239項指控減少了約21.7%。

During the reporting period (1 April 2012 to 31 March 2013), the IPCC received reports on the investigation of 2,427 new cases, a decrease of 14.5% compared to the 2,840 cases in the same period last year.

In the same year, the IPCC endorsed the results of investigations into 2,489 complaint cases (including 138 reviewed cases), a decrease of 20.9% compared to the previous year's figure of 3,145. These cases involved 4,884 allegations apart from the reviewed cases. The three major allegations were "Neglect of Duty" (47.4%), "Misconduct/ Improper Manner/ Offensive Language" (36.6%), and "Assault" (6.6%). The number of allegations decreased by 21.7% over the figure of 6,239 in 2011/2012.

2011/12和2012/13年通過、以及按性質分類的指控數字可見下表：

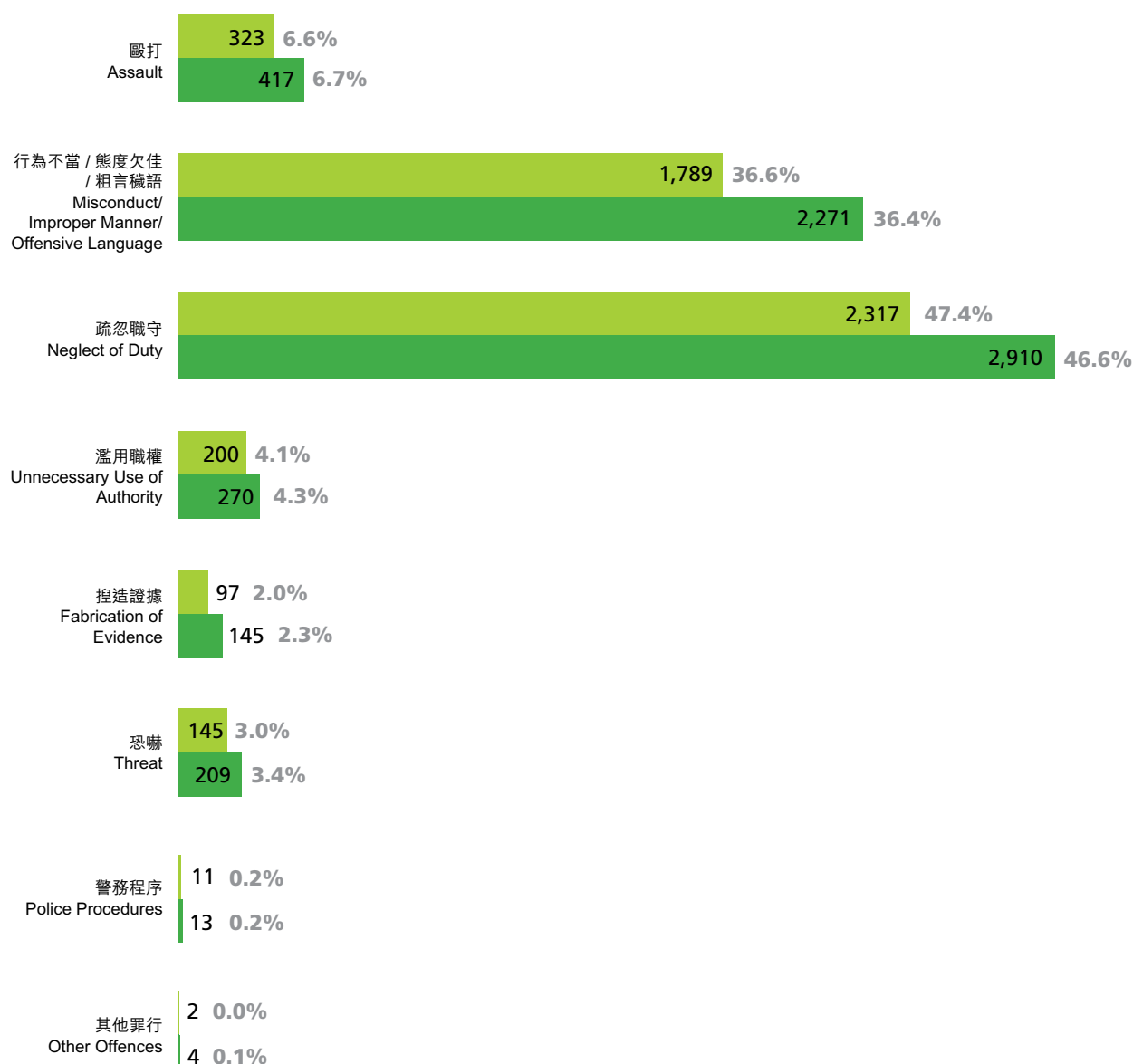
The following chart is a breakdown by nature of allegations endorsed for the years 2011/12 and 2012/13:

監警會通過的指控

Allegations endorsed by the IPCC

2012/13 指控總數 Total number of allegations **4,884**

2011/12 指控總數 Total number of allegations **6,239**



* 註：由於進位原因，百分率的總和可能與總數略有出入。
年度數字截至該年度的3月31日。

* Percentage shares may not add up to the total due to rounding.
Figures as at 31 March of respective reporting year.

調查結果

Investigation Findings



在2012/13年獲通過的4,884項指控中，經全面調查的指控有1,507項，當中101項被列為「獲證明屬實」，佔所有經全面調查指控的6.7%。61項被列為「未經舉報但證明屬實」佔4.0%，29項被列為「無法完全證明屬實」佔1.9%，630項被列為「無法證實」佔41.8%，605項被列為「並無過錯」佔40.1%，81項則被列為「虛假不確」佔總數的5.4%。

在其餘的3,377項無需進行全面調查的指控中，511項「透過簡便方式解決」，佔無需進行全面調查指控中的15.1%。1,970項被列為「投訴撤回」佔58.3%，885項被列為「無法追查」佔26.2%和11項被列為「終止調查」僅佔0.3%。

Of the 4,884 allegations endorsed in 2012/13, 1,507 were fully investigated. Of these, 101 (6.7% of fully investigated allegations) were classified as “Substantiated”; 61 (4.0%) as “Substantiated Other than Reported”; 29 (1.9%) as “Not Fully Substantiated”; 630 (41.8%) as “Unsubstantiated”; 605 (40.1%) as “No Fault” and 81 (5.4%) as “False”.

Of the remaining 3,377 allegations that were not fully investigated, 511 (15.1% of those not fully investigated) were “Informally Resolved”; 1,970 (58.3%) were classified as “Withdrawn”; 885 (26.2%) as “Not Pursuable” and only 11 (0.3%) as “Curtailed”.

2011/12年和2012/13年的數據比較可見下表：

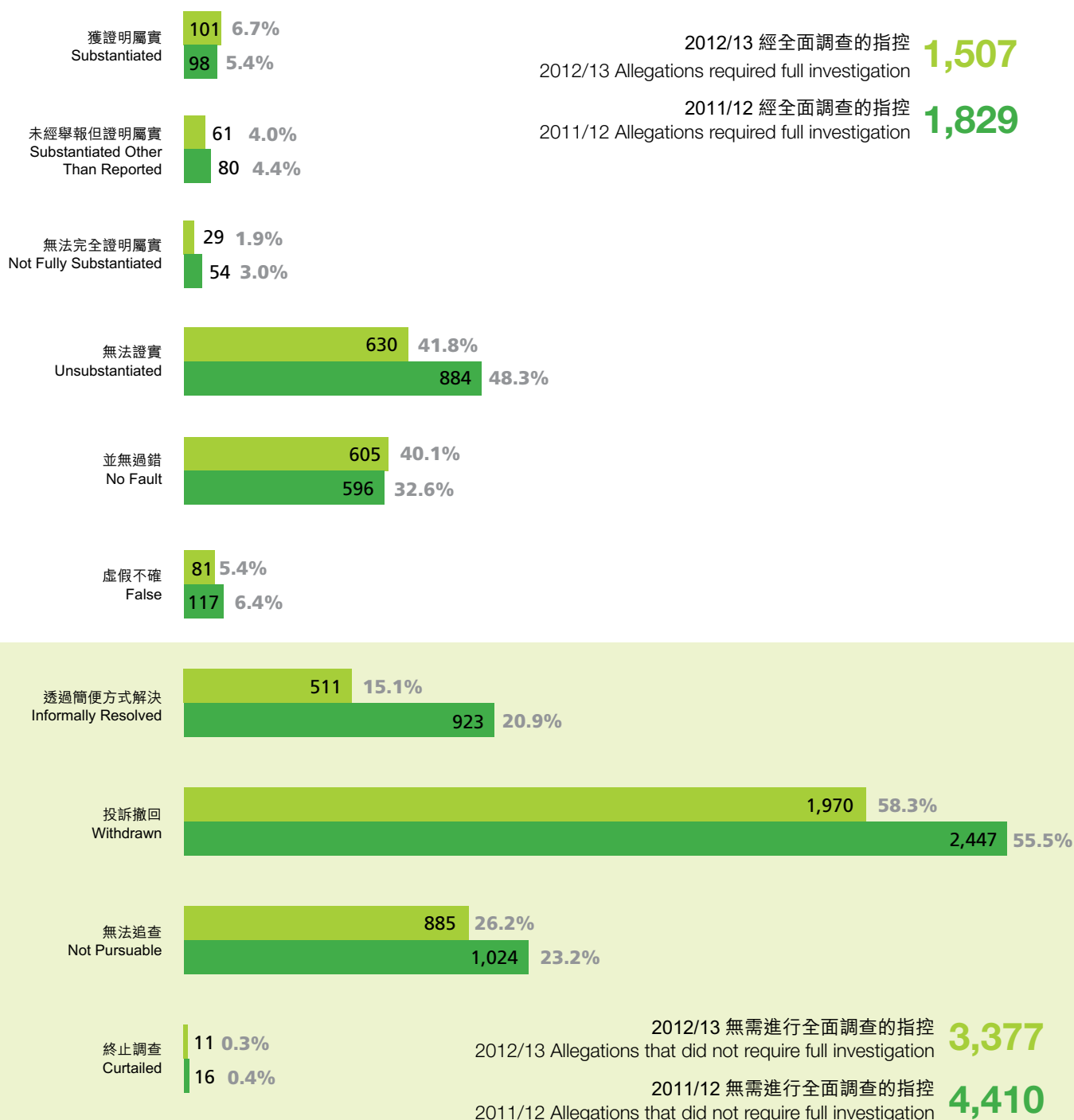
Refer to the table below for a comparison of the 2011/12 and 2012/13 figures:

監警會通過的調查結果：

Investigation results endorsed by the IPCC:

2012/13 指控總數 Total number of allegations **4,884**

2011/12 指控總數 Total number of allegations **6,239**



監警會通過投訴警察課個案的指控數字 (根據性質和調查結果劃分)

Number of allegations involved in CAPO cases endorsed by the IPCC
(by nature and by results of investigations)

年份 Year	毆打 Assault		行為不當/ 態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language		疏忽職守 Neglect of Duty		濫用職權 Unnecessary Use of Authority	
	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12
經全面調查的指控 Fully Investigated Allegations								
獲證明屬實 Substantiated	0	0	15	21	77	67	8	6
未經舉報但證明屬實 Substantiated Other Than Reported	0	0	7	5	52	73	1	1
無法完全證明屬實 Not Fully Substantiated	1	1	5	7	17	38	6	6
無法證實 Unsubstantiated	19	36	294	388	258	378	38	48
虛假不確 False	15	30	20	23	8	6	2	1
並無過錯 No Fault	15	10	102	98	416	417	40	40
小計 Sub-total	50	77	443	542	828	979	95	102
無需進行全面調查的指控 Other Concluded Allegations (Without Full Investigation)								
透過簡便方式解決 Informally Resolved	0	0	258	446	252	477	0	0
投訴撤回 Withdrawn	130	181	774	969	916	1062	51	98
無法追查 Not Pursuable	143	159	310	306	317	385	51	69
終止調查 Curtailed	0	0	4	8	4	7	3	1
小計 Sub-total	273	340	1346	1729	1489	1931	105	168
總數 Total	323	417	1789	2271	2317	2910	200	270

捏造證據 Fabrication of Evidence		恐嚇 Threat		警務程序 Police Procedures		其他罪行 Other Offences		總數 Total	
2012/13	2011/12	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12
1	2	0	0	0	2	0	0	101	98
0	0	0	0	1	1	0	0	61	80
0	0	0	1	0	0	0	1	29	54
11	11	8	21	2	0	0	2	630	884
25	43	10	14	0	0	1	0	81	117
20	23	6	2	6	6	0	0	605	596
57	79	24	38	9	9	1	3	1507	1829
0	0	0	0	1	0	0	0	511	923
26	40	71	92	1	4	1	1	1970	2447
14	26	50	79	0	0	0	0	885	1024
0	0	0	0	0	0	0	0	11	16
40	66	121	171	2	4	1	1	3377	4410
97	145	145	209	11	13	2	4	4884	6239

對違規人員採取的跟進行動

Police Actions against Defaulting Officers

在本報告年度獲監警會通過的個案中，遭紀律聆訊或在內部採取其他行動的警務人員共173名，涉及127宗個案。分項數字見下表：

In this reporting year, disciplinary proceedings or internal actions were taken against 173 police officers with respect to 127 cases endorsed by the IPCC. Please refer to the breakdown of figures below:

警方就2011/12至2012/13年監警會通過的投訴個案 向違規的警務人員採取的行動

Police actions taken against defaulting officers with respect to cases endorsed by the IPCC from 2011/12 to 2012/13

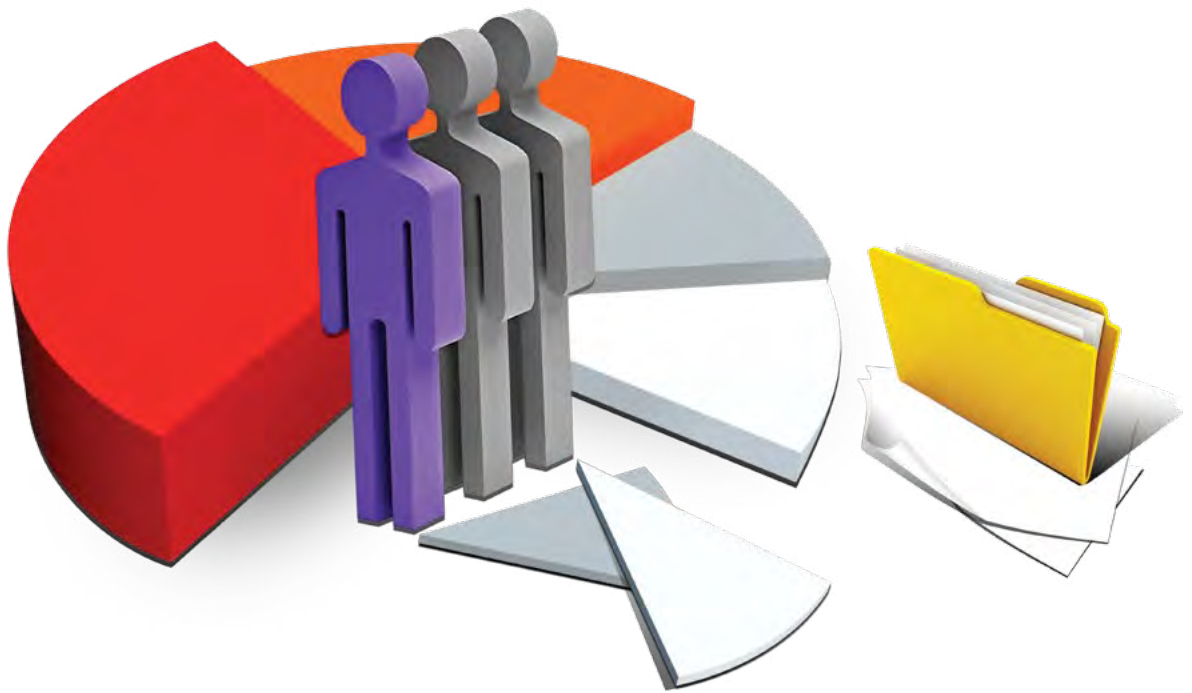
	警務人員數目 Number of Officers	
	2012/13	2011/12
A. 刑事訴訟 Criminal proceedings	0	0
B. 紀律聆訊 Disciplinary proceedings	12	35
C. 其他內部措施 Other internal actions		
警告 Warnings	41	43
訓諭 Advice	120	173
總數 Total	173	251

註：2011/12年的數字已因應部份個案覆核後予以調整。

Note: Figures for 2011/12 have been adjusted after case reviews.

觀察員計劃

Observers Scheme



2012/13年，監警會的委員及觀察員共進行了2,012次觀察（預先安排的有1,667次，突擊的有345次）。較2011/12年的2,021次觀察輕微下跌了0.4%。在2,012次觀察中，有1,685次是觀察會面的進行，其餘327次是觀察證據收集的工作。

在觀察投訴調查和透過簡便方式解決會面的數字方面，有595次為透過簡便方式解決會面，比去年同期的789次減少了24.6%。投訴調查的觀察則為1,417次，比2011/12的1,232次增加了15%。

Under the Observers Scheme, 2,012 observations were conducted by Members and Observers of the IPCC (1,667 scheduled observations and 345 surprise observations) in the year 2012/13. The number of observations slightly decreased, by 0.4%, compared with the 2,021 observations in 2011/12. Of the 2,012 observations, 1,685 involved the conducting of interviews and 327 involved the collection of evidence.

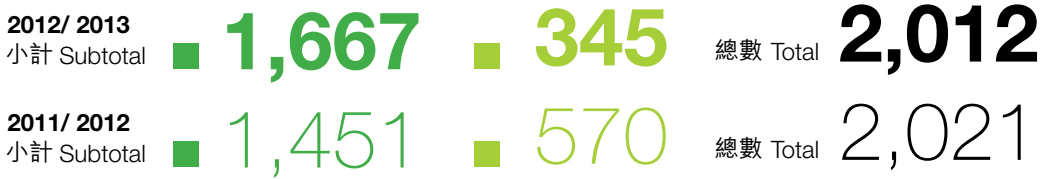
Among all the observations conducted, 595 were on informal resolution interviews, a decrease of 24.6% from last year's figure of 789. Another 1,417 cases involved IPCC observation of investigations, an increase of 15%, from 1,232 in 2011/12.

監警會委員及觀察員進行觀察的每月分項數字請見下表：

For the monthly breakdown of observations conducted by IPCC Members and Observers, please refer to the table below:

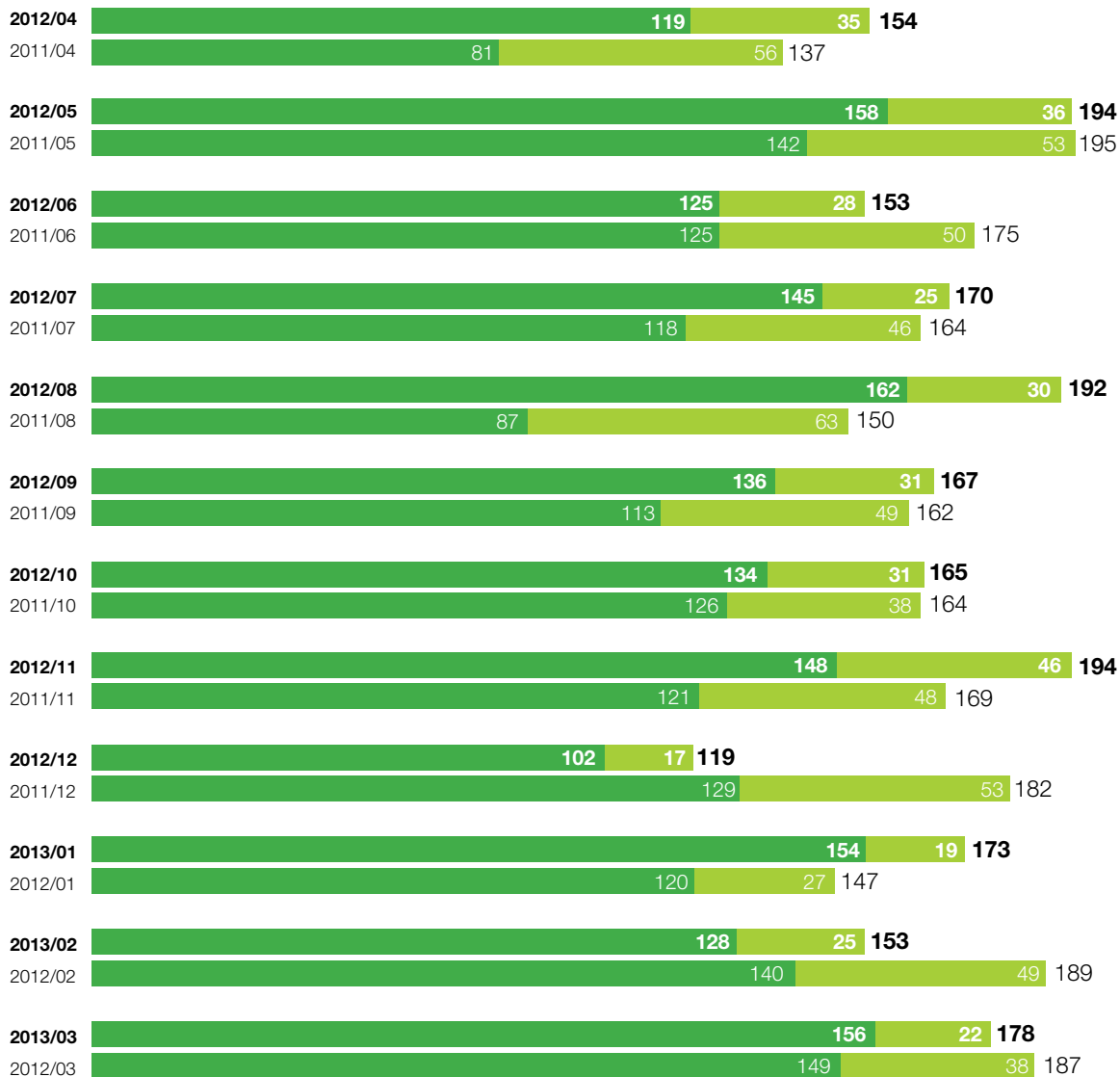
預先安排和突擊觀察的分項數字

Number of scheduled and surprise observations



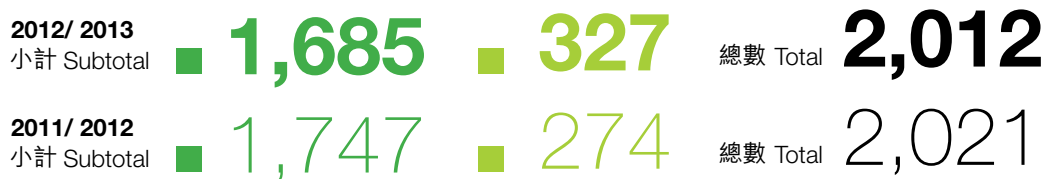
年/月
Year/Month

■ 預先安排 Scheduled ■ 突擊 Surprise

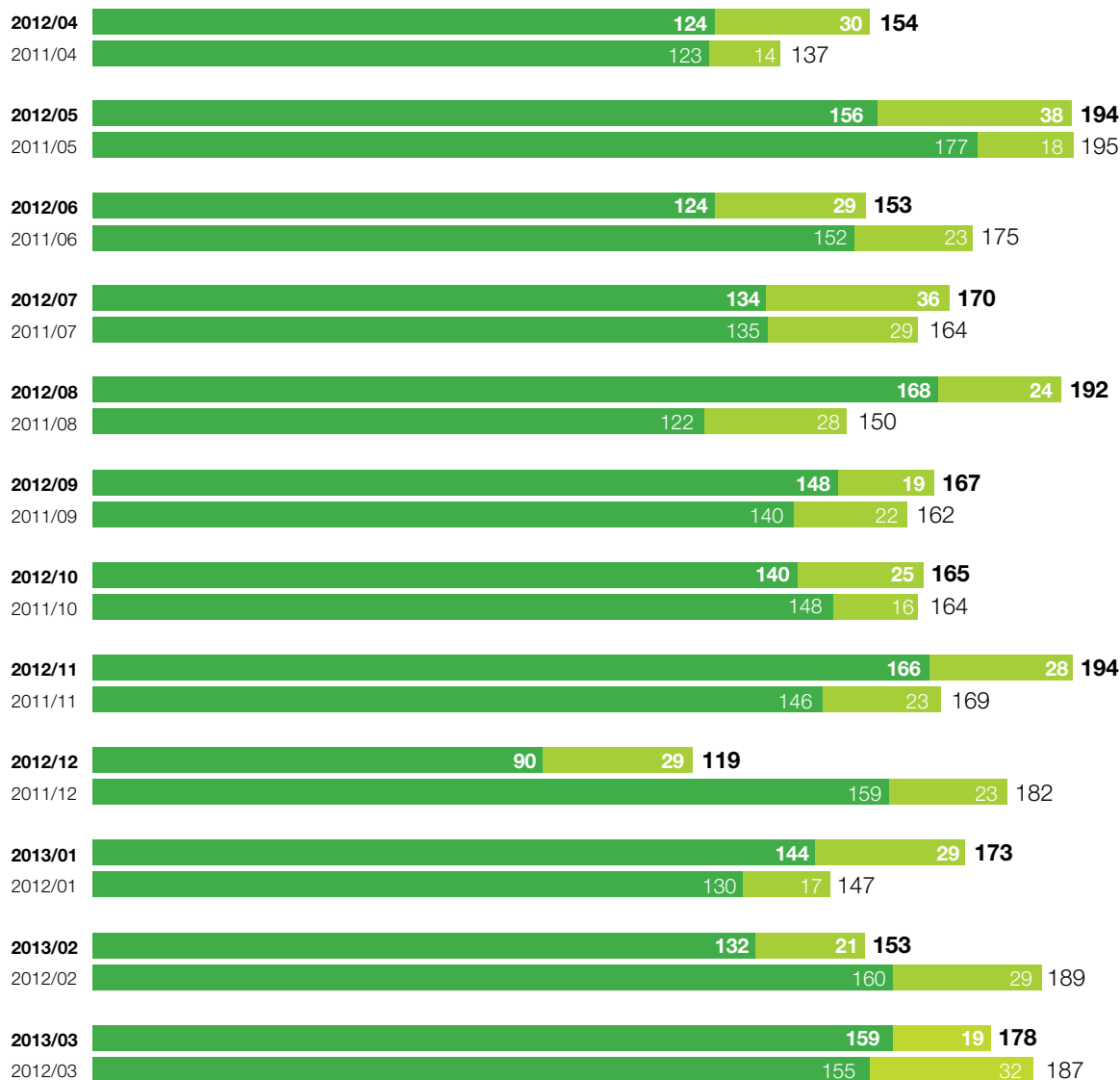


觀察調查會面和證據收集工作的分項數字

Statistics on the observation of interviews and the collection of evidence



年/月 Year/Month ■ 會面 Interviews ■ 證據收集 Collection of evidence



2012/13 觀察投訴調查和透過簡便方式解決會面的分項數字

2012/13 Number of observations of complaint investigations and interviews for informal resolutions

投訴調查的觀察

Observations of complaint investigations:

■ 會面 Interviews ■ 證據收集 Collection of evidence

■ 透過簡便方式解決的會面觀察

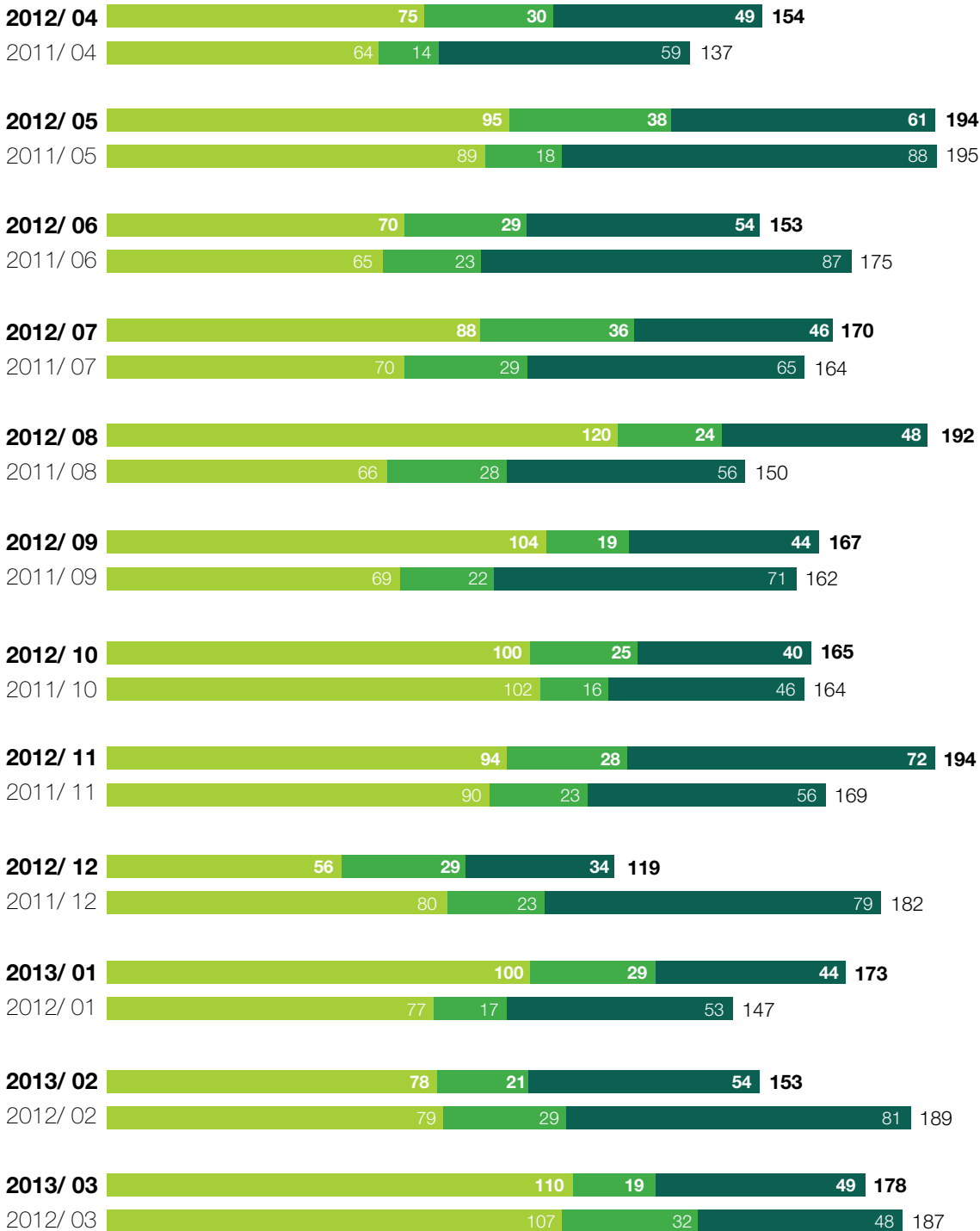
Number of informal resolution interviews

2012/13 透過簡便方式解決會面總數 **595**
2012/13 Interviews conducted for informal resolution

2011/12 透過簡便方式解決會面總數 **789**
2011/12 Interviews conducted for informal resolution

2012/13 觀察投訴調查總數 **1,417**
2012/13 Observations conducted for complaints investigation

2011/12 觀察投訴調查總數 **1,232**
2011/12 Observations conducted for complaints investigation



投訴警察課的通知 Notifications from CAPO

投訴警察課會盡量在可行的情況下，於會面或證據收集進行前，給予監警會不少於48小時的通知。在2012/13年，近九成（89.4%）的通告是在不少於48小時前收到；比起2011/12年的92.1%稍遜。

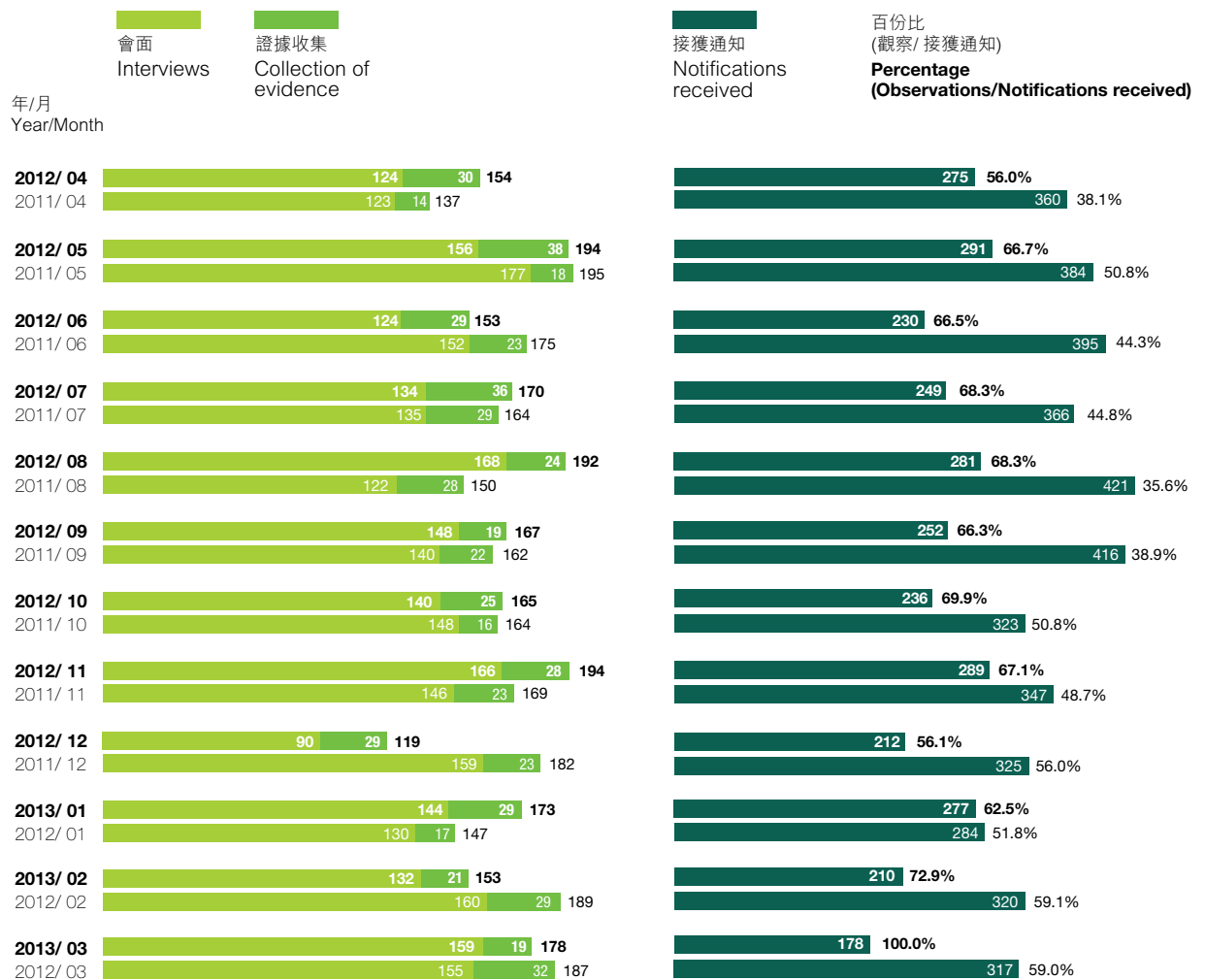
在本報告期內，監警會接獲投訴警察課共2,980次通知，觀察員出席了當中的2,012次，包括觀察會面工作和證據收集工作，佔整體的67.5%，較2011/12年的47.5%出席比率大幅增加20%（接獲投訴警察課的4,258次通知，並出席當中2,021次）。

Insofar as practicable, CAPO has agreed to notify the IPCC at least 48 hours in advance of any impending interview or collection of evidence. In 2012/13, 89.4% of such notifications were given within at least 48 hours, a slight reduction from 92.1% in 2011/12.

In this reporting year, IPCC observers attended 2,012 observations, including interviews and the collection of evidence, comprising 67.5% of 2,980 notifications received from CAPO. The percentage represents a significant increase of 20% over the 47.5% attendance rate in 2011/12 (2,021 observations were conducted out of 4,258 notifications received).

觀察員出席觀察及接獲通知數字 Number of observations attended by IPCC Observers and notifications received

2012/13 出席比率: **67.5%**
2012/13 Attendance rate: **67.5%**
2011/12 出席比率: **47.5%**
2011/12 Attendance rate: **47.5%**



監警會進行會面 IPCC Interviews Conducted

在本報告期內，監警會曾邀請涉及一宗投訴個案的兩位人士（一位投訴人以及一位被投訴人）出席會面。

During the reporting period, the IPCC invited two persons (one complainant and one complaine) to attend interviews involving one complaint case.

進行會面的數據如下：

Please refer to the following table for the number of interviews conducted:

監警會進行會面的數字

Number of IPCC interviews conducted



審核個案的速度

Time Required for Reviewing Complaint Cases

為加快審核個案的速度和處理投訴個案的效率，監警會秘書處於去年簡化內部審核個案的程序。以往每宗投訴個案的調查報告均先由審核團隊檢視，向投訴警察課提出質詢。在收到投訴警察課的回覆後，才再將報告呈交予秘書長及副秘書長審核，並再根據秘書長及副秘書長的疑問向投訴警察課提出質詢。在2011年年初開始，秘書長、副秘書長及法律顧問每周主持內部會議，和審核團隊一同討論每宗投訴個案，再將秘書處的疑問加以整合，一次過向投訴警察課提出質詢，在收到投訴警察課的回覆後，便將調查報告呈交予委員審核。藉此簡化了秘書處的內部審核程序，加快個案審核速度。

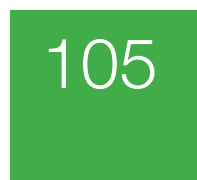
在這安排下，審核個案的平均所需日數，由2010/11年的145天降至2011/12年的86天。在報告期內，審核個案所需的日數亦維持在105天。

In order to accelerate the process of case reviews, the IPCC Secretariat simplified its internal procedures last year. Previously, each report on a complaint investigation had to be checked by a vetting team and queries raised with CAPO. Only after CAPO's reply was received was a report delivered to the Secretary-General and the Deputy Secretary-General for review; additional questions were then raised with CAPO based on their queries. Beginning in early 2011, the Secretary-General, the Deputy Secretary-General and the Legal Advisor conducted weekly internal meetings to discuss each complaint case with a vetting team. The Secretariat then consolidated their queries and forwarded them to CAPO collectively. Once CAPO's reply was received, the investigation report would be reviewed by Members. This streamlined procedure has accelerated the case review process.

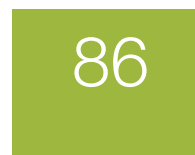
The average number of days required to review an investigated case decreased from 145 days in 2010/11 to 86 days in 2011/12. The time required to review a complaint case remained at 105 days during the reporting year.

審核個案所需的平均日數

Average number of days required to review a complaint case



2012/13



2011/12

向投訴警察課提出質詢

Queries Raised with CAPO

在2012/13年，監警會向投訴警察課分別提出938項質詢或建議。在這些質詢或建議中，有468項獲投訴警察課全面接納，比率為49.9%。

至於其餘的質詢，投訴警察課則向監警會解釋。監警會秘書處在收到這些解釋後，審核小組會再研究，並提交予委員考慮。有需要時並會將相關的質詢資料和解釋，在工作層面會議上和投訴警察課商討尋求共識，待監警會秘書處和委員均接受投訴警察課的解釋，才會通過該投訴個案。

A total of 938 queries and suggestions were made by the IPCC to CAPO in 2012/13. Among these queries and suggestions, 468 were accepted by CAPO and the remainder received satisfactory explanations from CAPO. The acceptance rate was 49.9%.

After the IPCC Secretariat received the explanations, the vetting team studied them and passed them on to the vetting sub-group Members for consideration. When necessary, the queries and explanations were discussed at working level meetings with CAPO. Only when the IPCC Secretariat and Members accepted CAPO's explanation would a complaint case be endorsed.

更改分類

Classification Changes

監警會在2012/13年就調查結果分類提出401項質詢，而為投訴警察課全面接納的則有176項，因此而須予修正的調查結果有166項，包括：

CAPO accepted 176 out of a total of 401 queries raised by the IPCC in 2012/13 regarding the classification of findings. As a result CAPO reclassified the results of 166 investigations, including:

21 項由「無法證實」改列為「並無過錯」
investigation results reclassified from “Unsubstantiated” to “No Fault”

8 項由「無法證實」改列為「無法完全證明屬實」
reclassified from “Unsubstantiated” to “Not Fully Substantiated”

3 項由「無法證實」改列為「獲證明屬實」
reclassified from “Unsubstantiated” to “Substantiated”

46 項由「並無過錯」改列為「無法證實」
reclassified from “No Fault” to “Unsubstantiated”

3 項由「虛假不確」改列為「並無過錯」
reclassified from “False” to “No Fault”

詳細數據請參考下表：

The breakdown of figures is shown in the table:

2012/13年度監警會通過的再分類調查結果

Changes of classification endorsed by the IPCC in 2012/13

原來分類 Original Classification	最後分類 Final Classification								總數 Total
	獲證明屬實 Substantiated	無法完全證明屬實 Not Fully Substantiated	無法證實 Unsubstantiated	並無過錯 No Fault	虛假不確 False	終止調查 Curtailed	無法追查 Not Pursuable	投訴撤回 Withdrawn	
獲證明屬實 Substantiated	NA	2	0	0	0	0	0	0	2
無法完全證明屬實 Not Fully Substantiated	6	NA	2	0	0	0	0	0	8
無法證實 Unsubstantiated	3	8	NA	21	1	0	3	0	36
並無過錯 No Fault	4	8	46	NA	14	0	8	5	85
虛假不確 False	0	0	2	3	NA	0	1	0	6
透過簡便方式解決 Informally Resolved	0	0	0	0	0	0	0	1	1
無法追查 Not Pursuable	1	0	1	6	7	1	NA	0	16
投訴撤回 Withdrawn	0	0	0	5	7	0	0	NA	12
總數 Total	14	18	51	35	29	1	12	6	166

此外，監警會年內通過了61項「未經舉報但證明屬實」的指控，當中有27項是經監警會提出質詢後而增加的，另有22宗事件記錄為「旁支事項」*。

* 「旁支事項」是指任何違反紀律或警隊通令的事項。這些事項在調查過程中被披露，但與投訴內容並無密切關係。

Moreover, the IPCC endorsed 61 counts of “Substantiated Other Than Reported” allegations. Of these, 27 were included after the IPCC raised queries and 22 were recorded as Outwith cases*.

* An “Outwith” matter refers to any breach of discipline or Police Force orders that has been disclosed in the course of a complaint investigation but is not closely related to the complaint.

改善警隊常規和程序的建議

Suggested Improvements to Police Practices and Procedures

根據《監警會條例》第8條(1)(c)，監警會可就警隊常規或程序中引致或可能引致投訴的缺失或不足之處，向警務處處長或行政長官作出建議。年內監警會就改善警隊常規和程序提出了11項建議，當中有六項建議為投訴警察課所全面接納。

Under S8(1)(c) of the IPCCO, the IPCC may make recommendations to the Commissioner of Police and/or the Chief Executive if it identifies any fault or deficiency in a police practice or procedure that has led to or might lead to a complaint. During this reporting period, the IPCC suggested 11 improvements to the Police, of which six were accepted by CAPO.

遵從警務程序和常規

Compliance with Police Procedures and Practices

監警會可向投訴警察課提出質詢，以確定投訴個案涉及的警務人員在行使職權時，是否已遵從有關警務程序和常規。2012/13年，屬於這類的質詢共有12項，投訴警察課完全同意監警會在其中一項質詢中的觀點。

The IPCC may raise queries with CAPO to ascertain if the police officers involved in a complaint case have complied with relevant police procedures and practices in exercising their constabulary powers. In 2012/13, out of 12 queries raised under this category, CAPO agreed with one observation by the IPCC.



行使警權的理由

Reasons for Exercising Police Power

此外，監警會亦關注警務人員在執勤時的警權運用。在2012/13年，監警會就警務人員在運用警權時的理據提出三項質詢，其中一項獲投訴警察課接納。

The use of police power by officers in the discharge of their duties is also a concern of the IPCC. In 2012/13, the IPCC raised three queries with respect to the reasons for the use of police power. One was accepted by CAPO.

對處理違規人員的行動提出意見

Comments on Actions against Defaulting Officers

雖然向警務人員發出訓諭或採取紀律行動屬警務處處長的職權，但監警會仍可就已經或將會採取的行動提出意見，例如行動是否能適當反映過失的嚴重性等。2012/13年，監警會曾在有關事項上共提出19次意見，其中12次獲投訴警察課全面接納。

While the dispensing of advice or disciplinary action to police officers is a matter for the Commissioner of Police, the IPCC will examine the actions taken or to be taken to ascertain whether they are commensurate with the gravity of the offence. The IPCC commented on such actions on 19 occasions in 2012/13, of which 12 were accepted by CAPO.

澄清調查報告資料

Clarification of Information in Investigation Reports

2012/13年，監警會共提出298項關於調查報告內含糊不清之處的質詢及意見，其中175項獲投訴警察課全面接納。其餘的質詢則獲該課給予圓滿解釋。

In 2012/13, the IPCC raised questions and comments on 298 ambiguous points, of which 175 were accepted by CAPO. The IPCC received satisfactory explanations from CAPO for the rest.



調查透徹度

Investigation Thoroughness

2012/13年，監警會共提出50項有關調查的透徹程度的質詢，其中32項獲投訴警察課全面接納，並就監警會提出的事項作進一步調查和提供更多資料。其餘的質詢則獲該課給予圓滿解釋。

In 2012/13, the IPCC raised 50 questions regarding the thoroughness of police investigations. Of these, 32 were accepted by CAPO, which led to their further investigation and the provision of additional information on the issues raised by the IPCC. The IPCC received satisfactory explanations from CAPO for the rest.

監警會在2011/12年及2012/13年提出質詢或建議的數目和性質請見下表：

The following chart shows the number and nature of the questions and comments raised by the IPCC in 2011/12 and 2012/13:

監警會通過個案提出的質詢/建議

Queries/suggestions raised in respect of cases endorsed by the IPCC

2012/13 質詢總數 Total number of query points **938**

2012/13 投訴警察課接受的質詢 Number of query points accepted by CAPO **468**

年份 Year	質詢總數 Total number of query points		投訴警察課接受的質詢 Number of query points accepted by CAPO	
	2012/13	2011/12	2012/13	2011/12
質詢性質 Nature of Query				
分類 Classification	401	429	176	218
改善警隊常規和程序的建議 Suggested Improvements to Police Practices/Procedures	11	8	6	5
遵從警務程序和常規 Propriety of Police Practices/Procedures	12	3	1	1
行使警權的理由 Reasonable Grounds for Exercise of Police Powers	3	3	1	0
對處理違規人員的行動提出意見 Disciplinary Actions Proposed for Concerned Officers	19	22	12	9
澄清調查報告資料 Clarification on Ambiguity in CAPO Reports/Files	298	451	175	302
調查透徹 Investigation Thoroughness	50	78	32	44
其他質詢 Other Queries	144	159	65	83
總數 Total	938	1,153	468	662

改善警隊常規和程序建議的具體情況

Recommended Improvements to Police Practices and Procedures

本報告期內，監警會在以下方面向警方提出了一些改善建議。

During the reporting period, the IPCC offered some suggestions to the Police regarding the captioned matters.

修改《交通程序手冊》

Modification of the Traffic Procedures Manual

香港每年發生過萬宗的交通意外，單以2012年的數字顯示，涉及交通意外而傷亡的數字超過兩萬人。根據《罪行受害者約章》（《約章》），因第三者不小心駕駛而導致傷亡的受害者的直系家人，亦列為受害者，可要求警方履行《約章》訂明受害者應有的權利。

The number of traffic accidents occurring annually in Hong Kong is more than 10,000; in 2012 alone, there were over 20,000 casualties due to traffic accidents. According to “The Victims of Crime Charter” (“Charter”), the immediate family members of a casualty resulting from a third party’s careless driving are deemed victims, and can request the Police to comply with the “Charter” and give them the same rights as the victim.

《約章》其中一項列明「受害者有權取得調查和檢控工作的資料」，故此警方有責任提供予受害者適當的協助，包括案件的進展情況。若提出檢控，應該告知受害者檢控的步驟、調查的進度、受害者在檢控罪行過程中擔當的證人角色、司法程序的聆訊日期和地點、以及案件最終怎樣處理，包括上訴結果等。若決定不提出檢控，亦應該將決定告知受害者。監警會在審核投訴個案調查報告時，對警方執行《約章》的要求提出服務改善建議。

According to the “Charter” the victim has the right to information, investigation and prosecution; thus it is the duty of the Police to provide assistance to the victim, including reports on progress in the case. Where a prosecution is underway, the victim must be informed of the steps in the prosecution process, the progress of the investigation, the victim’s role as a witness in the prosecution of the offence, the date and place of the hearing, and the final disposal of the case, including the outcome of any appeal. If a decision is made not to prosecute, the victim must be told of that decision. While reviewing complaint investigation reports, the IPCC has made recommendations to the Police for better execution of the “Charter”.

在一宗投訴個案中，投訴人的父親在一宗交通意外中遭一輛公共小巴撞死。其後，中央交通違例檢控組向小巴司機發出傳票，指控其「不小心駕駛」，小巴司機因需要尋求法律意見，案件遂延後聆訊。由事發至聆訊期間，投訴人曾多次向警員詢問案件及聆訊的最新進展，警員卻以聆訊日期未確實回應，沒有向投訴人提供案件的最新消息。最終小巴司機被判罰款3,000元，聆訊結果隨後亦以書面形式回覆予投訴人。投訴人在聆訊後近一個月才獲書面通知結果，認為判罰過輕，惟因未能於14天內提出上訴，最終被迫無奈接受聆訊結果。投訴人因此投訴有關警員，認為該警員未有盡責及時通知聆訊日期。

In one complaint case, the father of the complainant was killed by a minibus in a traffic accident. Subsequently, the Central Traffic Prosecutions Division issued a summons to the driver for “careless driving”. As the driver had to seek legal advice, the hearing of the case was postponed. Between the time of the accident and the time of the hearing, the complainant asked the police officer numerous times for information on the progress of the case and the time of the hearing, but the officer only replied that the date of the hearing had not been confirmed, and provided no update on the case. In the end, the minibus driver was fined \$3,000 and the result of the hearing was only provided to the complainant in writing, almost one month after the hearing. The complainant considered the penalty too lenient, but as he was unable to appeal it within a 14-day period, he was forced to reluctantly accept the result. But he filed a complaint against the police officer concerned for not performing his duty by informing the complainant of the date of the hearing in time.

在審核此個案時，監警會委員認為，警方除了需要向受害者回覆有關案件及聆訊等結果外，亦應提升服務質素，為市民提供專業的服務，包括及時提供予受害者案件及聆訊的最新進展，如調查的進度、聆訊的日期和地點，以免因延誤通報導致受害者未能於14天內提出上訴結果，而失去應有的法律權利。

受害者因刑事罪行，肉體或精神已受到一定程度的傷害，提出檢控希望得到公平的審判，若然因錯失上訴結果的機會，要受害者無奈接受審判結果，不但對受害者造成更大的傷害，亦為社會上帶來更多的不公義，一件看似是警方無心之失的過錯，其影響實在不容忽視。

警方亦從善如流，交通總部隨後就事件進行全面研究，在徵詢五區交通部的意見後，決定修改《交通程序手冊》內有關部份，為警員提供更清晰的程序執行指示。

In reviewing this case, the IPCC concluded that it was not enough for the Police to merely inform the victim of the result of the hearing. The Police should improve their quality of service to the public by providing all relevant information, including the progress of the investigation and the date and place of the hearing, to the victim in time to ensure his right to appeal within 14 days.

The IPCC further pointed out that the prosecution of criminal offenders provides a sense of justice to victims who suffer from physical or emotional injuries. But if a victim misses the opportunity to appeal and has to reluctantly accept the outcome of a trial, it could cause greater harm to the victim and, in fact, could perpetrate injustice. An unintentional mistake by the Police might have a great impact, and this should not be ignored.

The Police accepted this advice and instructed the Traffic Branch Headquarters to conduct a comprehensive review of the incident. After consulting five Traffic Branches, it was decided to modify the relevant section of the "Traffic Procedures Manual" in order to provide the officers with clearer procedural guidelines.

處理失車「違泊」的改善建議

Recommendations on Handling the Illegal Parking of Lost Cars

警方執行交通法例，往往是以預防交通意外、保持交通暢順及提高道路安全水平為目的，當中包括向違例停泊的車輛發出告票，尤其在接獲投訴車輛阻塞的情況下，有可能向同一車輛發出多張告票。

然而，因違例停泊在同一地點而接獲多次告票的車輛，部份有可能是長期擺放的失車。警方會依照《交通程序手冊》，在發出告票檢控前先評估車輛是否為失車，包括檢查車輛是否完整無缺，有否特別痕跡又或車身附有較早前發出的告票等，若警員認為無可疑的情況出現，而該車輛有阻塞交通，甚至接獲車輛阻塞的投訴，則有機會向違例停泊在同一地點的車輛發出多次告票。監警會在審核投訴個案調查報告時，對警方處理失車「違泊」的情況提出改善建議。

The aim of police enforcement of traffic laws is to ensure road safety by preventing traffic accidents and maintaining the smooth flow of traffic. This includes issuing tickets to illegally parked vehicles. In some cases when a vehicle obstruction complaint is received, the same vehicle may receive more than one ticket.

If a vehicle has received several tickets due to illegal parking at the same location, it may be a lost car left unattended. According to the "Traffic Procedures Manual", before a police officer issues a ticket, he or she must first assess whether the vehicle is a lost car by checking if the car is intact, has any special markings on it, or has any prior tickets attached. If the officer finds nothing suspicious and the vehicle is obstructing traffic, or if a traffic obstruction complaint was received, he or she may issue more than one illegal parking ticket to the vehicle parked at the same spot. After reviewing the complaint investigation report, the IPCC offered recommendations to the Police on how to handle the "illegal parking" of lost cars.

在一宗投訴個案中，投訴人向警方報失停泊於深水埗的電單車，警方列為「失竊案」處理，並將該電單車列為「失車」。但兩個月後，投訴人收到三張不同日期發出的定額罰款告票，指其電單車違例停泊於馬鞍山路。投訴人遂於同日到深水埗警署投訴，指其電單車早於兩個月前已向警方報失，認為警方應該察覺電單車已被列為失車。

監警會委員認為警方在發出告票前先評估車輛是否為失車的做法恰當，但在調查期間，監警會和投訴警察課均認為更佳的做法是向指揮及控制中心查詢失車紀錄，以便更準確查證車輛是否失車。警方同意監警會的觀點，並將會檢討有關的警察程序。

In one complaint case, the complainant reported to the Police a missing motorcycle he had parked in Sham Shui Po. The Police filed the case as “theft” and listed the motorcycle as a “lost vehicle”. However, after two months, the complainant received three fixed penalty tickets with different dates, stating that his motorcycle was illegally parked on Ma On Shan Road. The complainant filed a complaint at the Sham Shui Po police station that day, saying he had reported his motorcycle lost two months ago, therefore the Police should treat his motorcycle as a lost vehicle.

An IPCC Member stated that it was an appropriate measure for the Police to assess whether a vehicle was a lost vehicle before issuing a ticket. During the investigation, both the IPCC and CAPO agreed that in addition to the officer’s assessment, an appropriate method would be to ask the Command and Control Centre to check the lost vehicle record to ascertain whether it was actually a lost vehicle. The Police agreed with the IPCC’s view and will review the related police procedure.

在拾獲財物收據加入個人資料通告

Inclusion of Personal Information Messages on Found Property Receipts

智能手機是我們日常生活的一部份，手機內多載有大量個人資料，一旦遺失，或會對物主的個人私隱構成損害。根據警方處理拾獲財物的程序，市民在拾獲財物後交往警署，警方會向拾獲人士發出拾獲財物收據。如財物三個月內無人認領，則拾獲人士可攜同拾獲財物收據，有權將該項財物歸為己有。

在審視過兩宗因警方處理拾獲智能手機程序而衍生的投訴個案後，監警會委員對於警方處理涉及個人資料的失物提出建議，要求清楚向拾獲人士解釋，如拾獲的財物屬智能手機等載有大量個人資料的物品，警方未必會將無人認領的物品發還予拾獲人士，以便警方能更有效保障市民的個人私隱。警方在徵詢前線警務人員及法律意見後，接受監警會的建議，修改拾獲財物收據，加入關於個人私隱條例的通告，列明拾獲的財物如載有個人資料，而資料又不能被警方永久及完全刪除的情況下，警方將根據《個人資料（私隱）條例》處理該項財物，而非發還予拾獲人士。警方並要求拾獲人士於拾獲財物收據中簽署，確認了解有關情況，以保障市民因遺失載有個人資料的財物而損害個人私隱。

Smart phones have become part of our daily lives; we tend to store a great deal of personal information on them so that if one is lost, the owner’s personal privacy may be jeopardised. According to police procedures for handling found property, when a person finds an item and turns it into the police station, the Police provide that person with a Found Property Receipt. If the property remains unclaimed by the owner after three months, the person who found it is entitled to claim the property by presenting the Found Property Receipt.

In reviewing two complaint cases on police handling of found smart phones, IPCC Members made a suggestion to the Police that in handling found property where personal data is involved, the Police should explain clearly to the person who finds such an item that it will not be returned to the finder, even if it remains unclaimed, for privacy protection reasons. After consulting frontline officers and legal opinion, the Police accepted the IPCC’s suggestion and amended the Found Property Receipt by adding a personal privacy clause, clearly stating that if the found property contains personal information that cannot be permanently and completely erased by the Police, the Police will not release the property to the finder and will be handled in accordance with the “Personal Data (Privacy) Ordinance”. The Police must request the finder to counter-sign the Found Property Receipt to indicate his or her understanding of the situation. This measure was adopted to protect the public interest with regard to lost property containing personal data.