

第三章

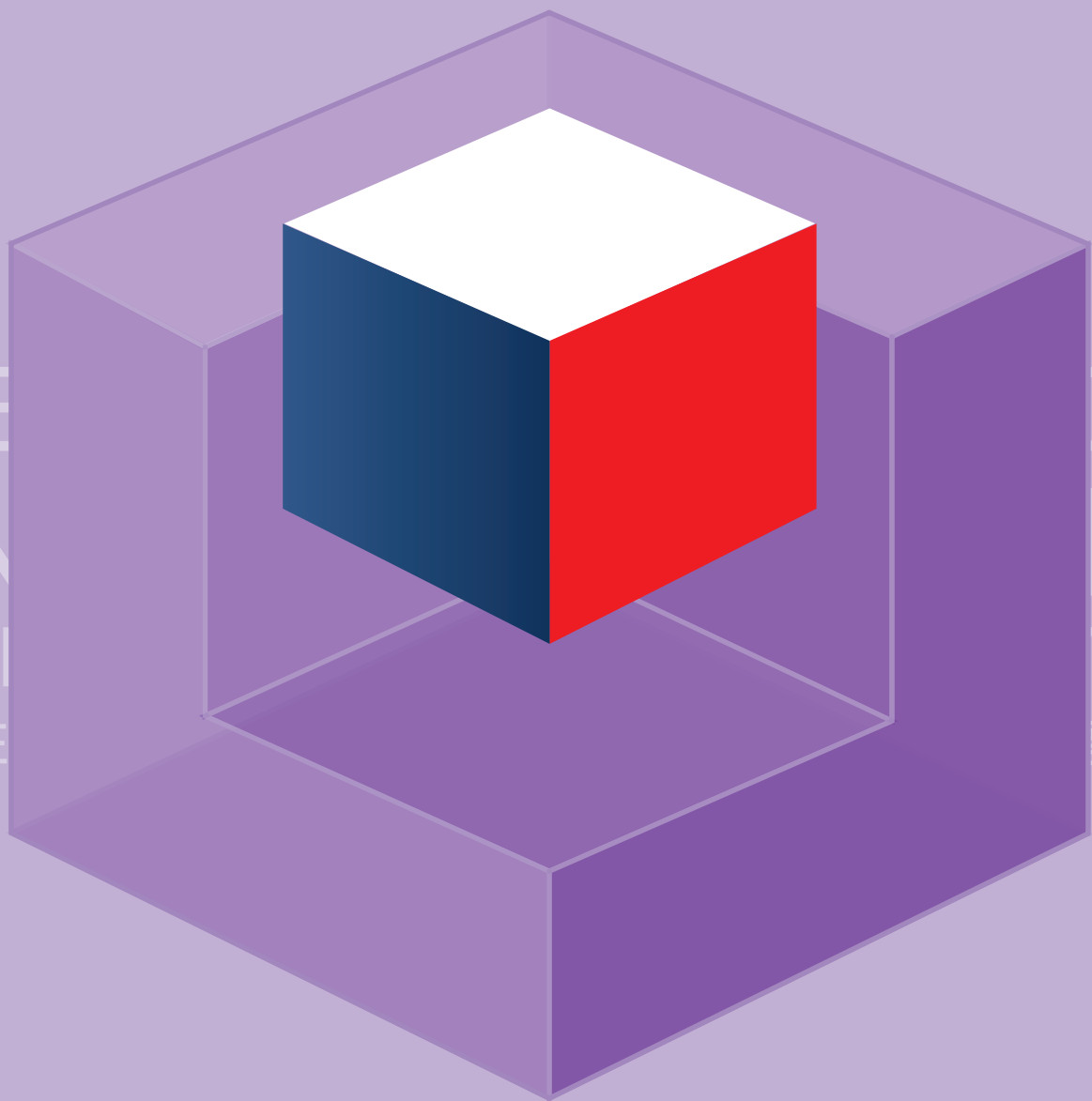
Chapter 3

# 處理投訴警察議題 和改善建議

## Police complaints- related issues and recommendations

監察 INDEPENDENCE 獨立  
MONITOR 監察 INDEF  
IMPARTIALITY 公正 INTEGRITY 誠信 INI  
監察 INDEPENDENCE 獨立 IMPARTIALITY 公正 MONITOR 監

INTE  
PEN  
DEPE  
監察 INTE



DR  
PA  
公正  
監察 IND



## 警方處理大型公眾活動

## Police handling of large-scale public order events



警方處理大型公眾活動不時引起市民關注，監警會自2009年起便和警方跟進處理大型公眾活動的相關事宜，包括邀請警方的代表出席聯席會議，為監警會委員簡介警方處理有關活動的原則和主要考慮因素。

為更全面了解公眾及關注團體對警方處理大型公眾活動的意見，監警會委員在2011年開始和主辦示威遊行的團體及其他持份者會面。持份者除了向委員表達對警方處理大型公眾集會的意見外，並建議監警會現場觀察這些活動。此後，監警會便開始研究在不影響會方中立公正的情況下，以何種形式觀察大型遊行示威活動。

自2012年開始，監警會現場觀察七一遊行及2013年的元旦遊行，其後於2013年七一遊行、2014年元旦遊行、2014年七一遊行及2015年2月1日遊行，除了派員現場觀察外，亦列席觀察警方與主辦單位的預備會議，期望在不影響會方中立公正的情況下，盡量以多角度觀察大型遊行示威活動，增進委員在這方面的知識，協助委員考慮這些活動衍生的投訴個案。

監警會期望繼續與警方及持份者聯繫，作為雙方的橋樑以加強彼此的溝通，藉此減少不必要的投訴。

The Police's handling of large-scale public order events often attracts considerable public interest. Since 2009, the IPCC has been connecting with the Police on matters relating to their handling of public order events, such as by inviting police representatives to brief IPCC Members on the guiding principles and factors considered in the Police's handling of such events at the joint IPCC/CAPO meetings.

From 2011 onwards, IPCC Members have been holding meetings with the organisers of large-scale processions and other stakeholders to gain a comprehensive understanding of the views of the public and concern groups on how the Police handle large-scale public order events. Besides offering their opinions on the Police's handling of such events, stakeholders also invited the IPCC to conduct on-site observations. Based on this suggestion, the IPCC began to examine ways to observe large-scale public order events without compromising its impartiality.

The observations began in 2012, when the IPCC first observed the 1 July 2012 procession and the 1 January 2013 procession. For subsequent processions on 1 July 2013, 1 January 2014, 1 July 2014 and 1 February 2015, besides observing on-site, the IPCC Secretariat staff also observed the preparatory meetings held between the Police and the procession organisers. This was to enable IPCC Members to gain a multi-faceted view of large-scale public order events without affecting the Council's impartiality. With a more complete grasp of these events, Members could better understand the complaint cases arising therefrom.

The IPCC hopes to continue engaging the Police and the stakeholders and, by acting as a bridge between them, to strengthen their communications with each other and ultimately reduce the number of unnecessary complaints.





## 處理投訴警察議題和改善建議 Police complaints-related issues and recommendations

### 觀察2014年七一遊行

### Observation of the 1 July 2014 procession



委員觀察主辦單位帶頭車輛駛入怡和街的情況

Members observing the situation as the procession organiser's leading vehicle enters Yee Wo Street



委員先到警方指揮中心聽取簡報

Members first attend a briefing by the Police at the command centre



遊行隊伍沿著軒尼詩道西行線前進

The procession passing through the west bound lane of Hennessy Road



委員觀察經過軒尼詩道的遊行隊伍

Members observing the procession on Hennessy Road

監警會應持份者的邀請出席2014年七一遊行的預備會議，及於7月1日當日現場觀察遊行的安排。監警會委員於6月26日出席警方的簡報會，了解警方在公眾安全的前提下處理大型公眾活動的程序。雙方就警方的安排交流意見後，多位監警會委員及秘書處職員一同現場觀察七一遊行。

委員除了由警方陪同下到多個地點觀察外，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料，包括警方在遊行起點的安排、人流及交通的管制措施、街站的處理情況，以及中環遮打道行人專用區的集會情況。

In 2014, IPCC Members were invited by stakeholders to attend the 1 July procession preparatory meeting and to conduct on-site observations on 1 July. On 26 June, IPCC Members attended a briefing held by the Police, to understand how they handle public order events under the mandate of ensuring public safety. After exchanging views and comments on police arrangements, a number of Members and Secretariat staff went on-site to observe the 1 July procession.

Accompanied by the Police, IPCC Members proceeded to several locations, while Secretariat staff split into small groups to observe at different locations along the route of the procession. This was to enable the IPCC to acquire a more complete perspective of the situation, including the police arrangements at the starting point; the handling of pedestrian flows, traffic, and street stalls; and the gathering beside the pedestrian precinct on Chater Road, Central.





## 處理投訴警察議題和改善建議

### Police complaints-related issues and recommendations



遊行隊伍於傍晚時分抵達中環  
The procession arriving at Central by nightfall



委員留至深夜觀察中聯辦外的示威情況  
Members stay until late at night to observe the protests outside the Liaison Office of the Central People's Government



監警會與主辦團體民陣會面，聆聽他們對警方安排七一遊行的意見  
The IPCC meets with CHRF and listens to their views on the Police's arrangements for the 1 July procession

其後，監警會與主辦團體民間人權陣線（民陣）會面。民陣代表向委員提出多項意見，包括開放遊行路線、警方的現場安排及遊行翌日於遮打道行人專用區集會的清場安排。在聆聽民陣的意見後，監警會將有關意見向警方反映，以供考慮。

The IPCC then met with the procession organiser, Civil Human Rights Front (CHRF). CHRF representatives made several suggestions regarding the opening up of the procession route, the police's on-site arrangements and the clearance of the gathering on Chater Road on the day after the procession. The IPCC then relayed these suggestions to the Police.

## 佔領事件

### The Occupy Movement



警方於夏慤道開始清場行動  
The Police commence the clearance operation on Harcourt Road



## 處理投訴警察議題和改善建議 Police complaints-related issues and recommendations



監警會先後與多個持份者會面，聽取他們對警方處理佔領事件的意見

The IPCC meets with several stakeholders and listens to their views on the Police's handling of the Occupy Movement



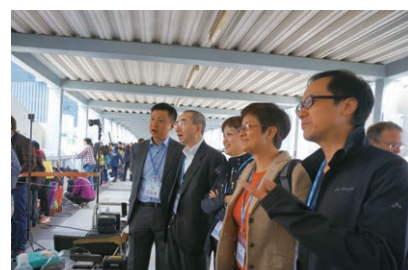
委員沿干諾道中觀察清場

Members observing the clearance along Connaught Road Central



委員於海富中心通往政府總部的行人天橋上觀察

Members observing from the footbridge connecting Admiralty Centre and the Central Government Offices



委員於干諾道中天橋上觀察

Members observing from the footbridge over Connaught Road Central

於2014年9月28日至12月15日期間，在香港發生了一連串的集結和堵路行動，名為「佔領事件」。期間，大批示威者堵塞了金鐘、銅鑼灣及旺角的主要道路及十字路口。

整個堵路行動長達79天，其規模和持續時間都是史無前例的。警方因此調配了大量警務人員到佔領範圍，以維持治安和秩序。期間，警方與示威者在無可避免的情況下發生衝突及肢體碰撞。

在這79天期間，監警會委員自發地到訪各個佔領地區，實地觀察。委員常觀察至夜深，甚至連續數晚進行觀察。這些委員其後再將觀察所得向其他委員報告。

隨著佔領事件持續進行，監警會召開了一次特別內務會議，委員就觀察所得討論警方及示威者的行為，並商討如何處理佔領事件所衍生的投訴。

Between 28 September and 15 December 2014, a series of assemblies and road blockages known as the "Occupy Movement" took place in Hong Kong, during which masses of protestors occupied major roads and intersections in Admiralty, Causeway Bay and Mong Kok.

Both the scale and duration of the series of protests, which spanned the course of 79 days, were unprecedented. The Police deployed a large number of officers to maintain public order in the occupied areas, during which conflicts and scuffles inevitably occurred between the Police and the protesters.

Throughout the 79 days, IPCC Members took the initiative to visit various occupied areas and made observations, often until late at night and sometimes for several nights in a row. They then reported their observations to other Members.

While the Occupy Movement was ongoing, the Council also called a special in-house meeting to discuss Members' general observations of the police conduct and protestors' behaviour, and the handling of complaints arising from the Occupy Movement.

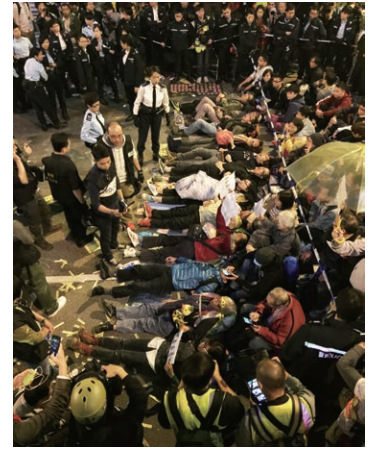




主席郭琳廣向傳媒交代觀察清場的過程  
Mr Larry Kwok Lam-kwong  
(Chairman) briefs the media on  
the observation arrangements



警方於金鐘進行清場行動  
The Police carrying out the clearance operation in  
Admiralty



委員逗留至午夜直至整個清場行動完結  
Members stay until the operation is  
completed after midnight

鑑於公眾對警方處理佔領事件的方法非常關注，監警會先後與多個持份者會面，包括愛護家庭家長協會、文化界監察暴力行動組及民陣。他們表達了各自的擔憂，並將觀察所得向委員分享，委員聽取了有關意見並向警方反映。

因公眾廣泛關注警方協助執達主任在干諾道中、夏慤道及紅棉路執行禁制令的情況，監警會決定於2014年12月11日，在警方安排下到金鐘佔領區觀察清場行動。

監警會委員首先出席於警察總部內的投訴警察課辦公室進行的簡報會，全面了解觀察時的整體安排。委員隨即分成兩組，分別於兩個地點（干諾道中的行人天橋及海富中心通往政府總部的行人天橋上）進行觀察。

部分委員於下午出席監警會和投訴警察課的聯席會議，其餘委員則繼續留守現場，觀察金鐘佔領區的清場行動。在會議結束後，部分委員重返觀察現場，並逗留至午夜直至整個清場行動完結。就觀察所得，監警會認為金鐘清場的過程十分暢順、和平及有秩序，警方及示威者均表現克制。

Given the immense public interest in the Police's handling of the Occupy Movement, the IPCC met with several stakeholders, including the Parents for Family Association (PFA), Hong Kong Shield (HKS), and the CHRF, who expressed their concerns and shared their observations with IPCC Members. Members noted their concerns and relayed the relevant views to the Police.

On 11 December 2014, taking into account the widespread public concern about the Police assisting a bailiff's execution of an injunction order on Connaught Road Central, Harcourt Road and Cotton Tree Drive, the IPCC decided to conduct an on-site observation at the Admiralty occupy site facilitated by Police arrangement.

IPCC Members first attended a police briefing at the CAPO office in the Police Headquarters, to become acquainted with the overall arrangements for the observation. The Members then split into two groups to conduct observations at two locations: the footbridge over Connaught Road Central, and the footbridge connecting Admiralty Centre and the Central Government Office.

While some Members attended a scheduled joint IPCC/CAPO meeting that afternoon, others remained on-site throughout the entire Admiralty clearance operation. After the joint meeting, Members returned to the observation site and stayed until the operation was completed after midnight. The IPCC observed that the Admiralty clearance was very smooth, peaceful and orderly, and both the Police and the protestors showed restraint.



## 處理投訴警察議題和改善建議 Police complaints-related issues and recommendations

### 觀察2015年2月1日遊行

### Observation of the 1 February 2015 procession



遊行隊伍進入軒尼詩道  
The procession enters Hennessy Road



委員於遊行出發前向民陣了解遊行的安排  
Members and CHRF discuss the procession arrangements before it starts



於維園一帶觀察遊行出發  
Observing the starting point at Victoria Park



委員於銅鑼灣一帶觀察遊行  
Members observing the procession in Causeway Bay



監察崇光百貨對出的遊行情況  
Observing the procession outside the SOGO Department Store

2015年的2月1日遊行，監警會應持份者的邀請，先於遊行前列席主辦團體與警方的籌備會議，部分委員隨後參與2月1日遊行的現場觀察。

委員先在1月29日出席警方2月1日遊行安排的簡報會，他們與警方討論當日遊行的安排，並進一步了解警方處理大型公眾活動的程序。

除了在警方安排下進行觀察，監警會亦首次獲民陣邀請和他們一同觀察。部分委員由警方陪同下，觀察遊行路線中多個地點的人流管理，包括維多利亞公園和崇光百貨對出的位置，以及沿著軒尼詩道一帶。另外有些委員則加入了民陣的觀察隊伍，一同監察港鐵站的出入口、警察設置鐵馬的情況、崇光百貨對出的位置以及位於灣仔的香港家庭計劃指導會對出的街站。

有些秘書處職員亦於遊行路線中的各個地點作定點觀察，以進一步掌握遊行的實際情況。兩個觀察隊伍在終點中環遮打道的行人專用區集合，連同在這裡加入的委員一同觀察在該處舉行的公眾集會。

At the invitation of stakeholders, the IPCC attended the preparatory meeting between the organiser of the 1 February 2015 procession and the Police. A number of IPCC Members then took part in the on-site observation of the 1 February procession.

Members first attended a briefing session held by the Police on 29 January, in which they discussed the procession arrangements and handling procedures for public order events.

Apart from making observations through arrangements by the Police, the IPCC was, for the first time, invited by the CHRF to observe with their team. Some Members were accompanied by the Police, and proceeded to observe the crowd management at several locations such as the areas outside the Victoria Park, the SOGO Department Store and along Hennessy Road. Other Members joined the CHRF's observation team to observe the MTR entrances and exits, the Police's setting up of barricades, the area outside the SOGO Department Store and the street stalls outside the Family Planning Association in Wan Chai.

Secretariat staff were also stationed at locations along the route to help gather details of the actual situation. The two observation teams then convened at the finishing point – the pedestrian precinct on Chater Road, Central, where they were joined by more Members to observe the public gathering held there.





## 觀察 2015 年七一遊行

### Observation of the 1 July 2015 procession



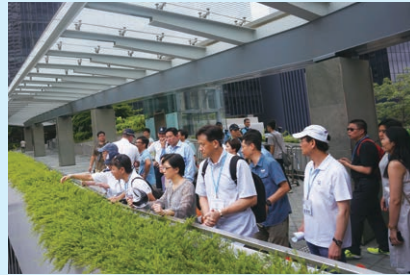
委員先到警方指揮中心聽取簡報  
Members first attend a briefing  
by the Police at the command centre



於維園一帶觀察遊行出發  
Observing the starting point of the procession at Victoria Park



委員沿銅鑼灣一帶觀察  
Members observing the procession in  
Causeway Bay



委員於政府總部外的行人天橋上觀察  
Members observing at the footbridge  
outside the Central Government Offices



遊行隊伍抵達終點添美道的情況  
The procession arriving at the finishing  
point at Tim Mei Avenue

監警會於5月13日再次收到遊行主辦團體的邀請出席2015年七一遊行的預備會議。委員於6月26日出席警方的簡報會，了解警方在公眾安全和秩序的前提下處理大型公眾活動的程序。

現場觀察分為兩部分，上半部分先觀察維多利亞公園起點的情況，包括維園內的人流管理及遊行隊伍出發的情況，委員隨後沿著遊行路線，觀察遊行人士使用電車路的情況、崇光百貨對出位置及沿途街站。下半部分則觀察遊行隊伍到達終點添美道的情况。

監警會認為是次七一遊行和平暢順，警方在各項措施及安排上表現專業，參加者亦非常合作，雙方表現克制。

IPCC Members were once again invited by the procession organisers to attend the 1 July 2015 procession preparatory meeting on 13 May. On 26 June, Members attended a Police briefing to understand the handling of public order events from the public safety and public order perspective.

The observation was in two parts, with the first part beginning at the starting point in Victoria Park. Members observed the crowd management inside the Park and the departure of the procession, and then proceeded to observe along the procession route, where they observed the participants' use of tram lanes, the area outside the SOGO Department Store and the street stalls. The second part consisted of observing the procession arriving at the finishing point on Tim Mei Avenue.

The IPCC considered that the 1 July procession had been smooth, the Police had been professional in their facilitation and arrangements, the participants had been accommodating, and both sides showed restraint.



## 改善警隊常規和程序建議的具體情況

# Recommended improvements to Police practices and procedures

報告期內監警會向警方提出了多項改善建議，詳情可參考第二章第46至49頁。以下是警方就監警會提出的建議，於年內修改警務程序的例子。

During the reporting period, the IPCC made recommendations for improvements to the Police, details of which could be found in Chapter 2, pages 46 to 49. Below is an actual example of the Police implementing an amendment to their procedures based on the IPCC's recommendation during the reporting period.

### 修改披露犯罪紀錄的程序

## Amendment to procedures regarding the disclosure of criminal records

為確保被告能獲公平審訊的權利，控方須把所獲得或已知的相關或可能相關的材料全面和適時向辯方披露，例如控方尋求援引的所有證據以及被告、投訴人、控方證人或已故受害者以往的定罪紀錄。

In ensuring the accused's right to a fair trial, the prosecution has a duty to disclose to the defence all relevant or possibly relevant materials known to the prosecution in a timely manner, such as all evidence to be relied on by the prosecution and the previous convictions of an accused, a complainant, a prosecution witness or a deceased victim.

在一宗投訴個案中，投訴人被票控「不小心駕駛」。他無法律代表，並向警方查詢控方證人的犯罪紀錄。《警察程序手冊》規定若辯方無法律代表，控方證人的犯罪紀錄僅可向法庭披露。不過，當投訴人向法庭申請檢視紀錄時，法庭要求控方將事件交回警方處理，故犯罪紀錄最終由警方交給投訴人。

In one complaint case, the complainant – who was summonsed for “Careless Driving” and not legally represented – asked the Police for the criminal records of the prosecution witness. The Force Procedures Manual (FPM) stipulated that where the defendant is not represented, the criminal records of the prosecution witnesses will only be disclosed to the court. However, when the complainant asked the court for approval, the court told the prosecutor to refer the case back to the Police, resulting in the Police passing the records to the complainant.

監警會考慮到《警察程序手冊》中程序的正當性，在警方向辯方披露控方證人的犯罪紀錄時，法庭的批准是否必須。監警會認為有迫切需要去修改《警察程序手冊》以提升警方的服務質素。最後警方修正了《警察程序手冊》以符合披露要求。即控方有責任在案件開審前，向辯方披露相關資料。

The IPCC considered the issue of procedural propriety of the FPM, centring on whether the court's approval was strictly necessary for disclosure of the prosecution witnesses' criminal records to the defence. The IPCC was of the view that there was an urgent need to amend the FPM for service improvement. The Police amended the FPM to accord with the disclosure requirement that the prosecution has a duty to supply relevant materials to the defence before the commencement of a trial.