

主席前言 Chairman's Foreword



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若以豐富多樣來形容獨立監察警方處理投訴委員會（監警會）過去一年的工作，或許略嫌輕描淡寫。這一年，監警會慶祝成為法定機構十周年。在這十年間，會方固然累積了不少寶貴經驗，但無論汲取經驗多少，都遠不足以應付擺在我們以及整個香港社會面前史無前例的艱鉅挑戰。

在監警會十周年的研討會上，會方回顧了過去十年各方面的工作成果。就在活動圓滿結束的三日後，由《逃犯及刑事事宜相互法律協助法例（修訂）條例草案》（《逃犯條例》修訂草案）引發的連串大型公眾活動開始席捲全城，導致我們的社會面臨開埠170多年以來最嚴峻的局面。高等法院上訴法庭在《禁止蒙面規例》案件的判詞開首（CACV 541, 542及583/2019，2020年4月9日頒下判詞）對香港的情況描述得十分貼切：

「1. 自2019年6月起，香港經歷了嚴重的社會動盪，公共秩序受到擾亂，全港各處出現示威、暴力升

It would be an understatement, if one were to say that the Independent Police Complaints Council (IPCC) has had an eventful year! This year the IPCC celebrated its tenth year of existence as a statutory body. We have certainly gathered experience but whatever we have learnt or experienced in the last ten years, did not prepare us adequately for the unprecedented challenges both we, and our City, have had to face.

Just three days after the successful conclusion of the IPCC's Symposium to take stock of its work in the past ten years, large-scale public order events (POEs) arising from the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill (Fugitive Offenders Bill) swept across the city, leading to arguably the most serious crisis in the City's 170-year history. This situation could not be better described than what the Court of Appeal said in the opening paragraphs of their Judgment in the Anti-Mask Regulation Case (CACV 541, 542 and 583/2019 handed down on 9 April 2020):

“1. Since June 2019, Hong Kong has experienced serious social unrests and public disorders marked by protests, escalating violence, vandalisms and arsons across the territory. It is a dire

級、破壞及縱火。這是過去50年來未曾出現的危急情況。

2. 暴力升級造成大量財產損失、個人受到襲擊，以及主要的公共交通設施和公路受到嚴重破壞而中斷。這些暴力行為和破壞主要是由戴上口罩及身穿黑色裝束的示威者造成。與此同時，許多參與公眾集結及遊行的示威者並無參與暴力行為，但亦戴上口罩及穿上黑色裝束，這種現象成為常態。」

很不幸，直至2019年末暴力和破壞事件仍未停息。至2020年初，新型冠狀病毒疫情開始在本港肆虐之時，經濟已遭受無法估算的巨大衝擊。除了實質破壞之外，互聯網上亦流傳仇恨警務人員及其家屬的訊息，內容罔顧事實，言辭無禮。這些仇恨訊息以及示威活動和媒體的相關報道籠罩著整體社會，令周遭充斥仇恨和不满情緒。歷史的經驗告訴我們，只有明辨事實，才可以化解憤恨和不满。

鑑於獨立審視所獲得的示威活動相關事實，可協助會方之後審核有關的須匯報投訴個案調查報告，並讓社會大眾知悉這些事實，監警會在2019年7月決定首度在完成審核投訴警察課處理的大量相關投訴個案之前，主動展開關於2019年6月起《逃犯條例》修訂草案引發的大型公眾活動及相關的警方行動專題審視工作（專題審視工作）。

監警會作為法定公營機構，工作原則以公眾利益為前提，並嚴格按照法定框架行事，因此一如既往，監警會在履行法定職能時，一直堅守四大關鍵要素：（一）重法規；（二）重事實及公道；（三）重優化；及（四）重合作。

重法規

正如我多次提及，監警會是根據《監警會條例》所賦予的法定權力，履行法定職能。監警會成立的目標並非調查，而是旨在監察，以確保投訴警察課處理投訴調查工作時保持公平、全面，並向違反警隊紀律或法例的警務人員採取適當行動。監警會另一項法定職能，是向警務處處長（處

situation that has not been seen in the last 50 years.

2. The increasing violence has resulted in widespread property damage, assaults on persons, serious damage and interruptions to major public transport facilities and highways. The violence and damage are mostly caused by protestors wearing masks and dressed in black outfits. At the same time, it is a common phenomenon that many other protestors participating in public assemblies and processions who are not involved in violence are also wearing masks and dressed in black outfits.”

The violence and destruction unfortunately did not stop at the end of 2019. By the time the COVID-19 pandemic began to envelop Hong Kong in the beginning of 2020, incalculable damage has been done to the economy. Accompanying the physical damage were hate messages spread through the internet against the Police and members of their families with no regard for fact or respect for decency. These hate messages and the general atmosphere created by the protests and their reporting by the media turned the community into a tinderbox of hatred and discontent. Throughout history, resolution of hatred and discontent could only begin with understanding of the facts.

So that an independent study of the facts surrounding the protests may facilitate the Council's subsequent review of related Reportable Complaint investigation reports as well as make such facts available to the community, the IPCC, in July 2019, for the first time in its history, decided, before concluding its work on complaints which have begun to flood into the Complaints Against Police Office (CAPO), to proactively carry out a Thematic Study on the Public Order Events arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response (Thematic Study).

As a public statutory body, the IPCC's actions have been guided by principles firmly tied to the public interest and to the statutory framework within which we operate. In this regard, the IPCC, as in the past, held fast to four crucial elements which have guided our actions in the performance of our statutory duties: (1) "Respect for Law", (2) "Respect for Fact and Fairness", (3) "Respect for Best Practices" and (4) "Respect for Collaboration".

Respect for Law

As I have mentioned on many occasions, it is the legal framework set out in the IPCC Ordinance that empowers and lays the foundation for IPCC to carry out its functions. The IPCC was set up not as an investigatory body but a body to ensure that investigations by CAPO are fairly and fully investigated and appropriate actions are taken against police officers who have been found to have infringed either police discipline or the law. It also has the function to bring to the attention

長)及行政長官提出可改善的警方常規或程序，以減少未來出現投訴的機會。

專題審視工作進行期間，曾有司法覆核挑戰專題審視工作的合法性，當中主要針對監警會的權力，質疑會方沒有權力主動展開專題審視工作，而須待會方先完成審核投訴警察課就個別投訴個案的調查。最終，法庭裁定監警會既然有權向處長作出建議，亦意味會方有權基於專題審視工作所陳述的理據，審視相關事實，尤其是《監警會條例》第8(2)條中訂明，監警會「可作出為執行它在本條例下的職能而合理地需要作出，或附帶於或有助於執行該等職能的所有事情。」

雖然會方堅信專題審視工作的法律基礎堅實穩固，但為了尊重司法程序，會方遂決定暫緩原定準備發表的中期報告，同時致力爭取司法覆核案早日獲得裁決。在高等法院裁定專題審視工作是在會方的法定職權範圍內進行後，會方和屬下專案組旋即全力推進工作，在2020年5月15日發表了一份全面的專題審視報告，報告全文可於監警會網站閱覽：www.ipcc.gov.hk。

重事實及公道

監警會認為，若要充分履行法定職能，必須先從宏觀角度釐清大型公眾活動所有相關事實。因此，專題審視工作並非一份調查個別警務人員操守的報告，而是旨在重組連串大型公眾活動的事實和時序，整理出大場景，讓會方深入了解大型公眾活動相關投訴個案的背景，有效監察和覆檢投訴警察課對個別投訴個案的調查工作，並向警方作出務實的建議。

除了呼籲各方提供相關資料之外，監警會亦就專題審視工作的相關議題進行研究，包括委託英國基爾大學，就警員身份識別制度的相關國際慣例進行研究；亦邀請倫敦大學學院，就本港警務人員對大型公眾活動和相關警務工作的觀感進行研究；以及委託香港中文大學傳播與民意調查中心，就示威者及公眾人士的觀感進行意見調查。這些研究結果為專題審視工作提供有用的背景資料，包括示威者、市民大

of the Commissioner of Police (Commissioner) and the Chief Executive any police practice or procedure which may be improved to reduce future complaints.

During the course of the Thematic Study, there was a Judicial Review (JR) against the legality of the Study. The main thrust of the legal attack on the IPCC's powers was that the IPCC had no power to proactively conduct a thematic study in the manner envisaged by the IPCC but must wait until it has completed its study of the individual complaints investigated by CAPO. In the end, the Court decided that the IPCC's powers to make recommendations to the Commissioner imply a power to study facts on the ground as envisaged in the Thematic Study, particularly in light of Section 8(2) of the IPCC Ordinance which states that the IPCC "may do all such things that are reasonably necessary for, or incidental or conducive to, the performance of its functions under this Ordinance".

Though IPCC held the view that it had strong legal basis for the Study, the Council respected the legal process and thus put on hold the release of the planned interim report while doing its utmost to solicit an early determination of the JR. Once the High Court ruled that the conduct of Thematic Study was within the remit of the IPCC's statutory authority, the Council and the Special Task Force stepped up its work and published a full Report on 15 May 2020. The Report may be read from the IPCC's website: www.ipcc.gov.hk.

Respect for Fact and Fairness

The Council considered that in order to fully perform its statutory functions, it was necessary to find out all relevant facts of the POEs from a macro perspective. Thus, the Thematic Study was not an investigation report into the conduct of individual police officers, but aimed at reconstructing the facts and chronology of the series of events and presenting a broad picture which would allow the Council to gain a deep understanding of the background of the POE-related complaint cases, so as to monitor and review investigation of individual complaint case submitted by CAPO effectively and make practical recommendations to the Police.

Apart from appealing for relevant information, the IPCC also conducted researches on issues relevant to the Thematic Study - the Keele University of the United Kingdom was commissioned to carry out a research on international practices of police identification system; the University College London was engaged to conduct a survey on police officers' perception of large-scale POEs and relevant policing duties; the Centre for Communication and Public Opinion Survey of The Chinese University of Hong Kong had also been appointed to conduct a study on the views of the protesters and members of the public. These research findings provided useful background information for

眾和警方在連月的大型公眾活動期間的情緒、觀感以及他們採取某些行動的目的。研究結果有助會方了解大型公眾活動的全貌，當中不僅包括示威活動期間發生過甚麼事情，還有推動示威行動的主因或理念。

當監警會全速進行專題審視工作之際，會方對恆常的監察投訴個案工作並未鬆懈。投訴警察課提交的每份投訴個案調查報告必須經會方根據嚴謹審核程序仔細審核，並透過向投訴警察課提出質詢，達到有效的監察和制衡，確保有效監察投訴個案的處理。報告期內，有220項指控經監警會質詢後，修正為更加明確和恰當的調查結果分類，按年增加約60%，包括162項指控由「無法證實」、「無法追查」、「投訴撤回」重新分類為「獲證明屬實」、「並無過錯」或「虛假不確」，充分顯示監警會審核工作的嚴謹度，以及鏗而不捨的精神。

我們的委員和觀察員在報告期內完成2,127次觀察，出席率高達96.5%，連續第四年有所攀升。此外，會方、觀察員和秘書處同事亦竭力確保所有與大型公眾活動相關的觀察工作均有100%出席率，以確保投訴警察課的證據收集工作在公平、公正的基礎上進行。

重優化

香港是一個國際都會，監管制度和法規均常與國際上最高水平的範例作對比。會方在審視投訴個案和進行專題審視工作時，參考了《警察通例》和《程序手冊》，並與相關的國際慣例進行比較，這不僅為了查證警方採取的行動是否符合現行指引，更寬廣的目的是為了汲取經驗，採納佳範，以便會方就警方的常規和程序作出改善建議。

監警會在進行專題審視工作期間，參考了大量海外地區的做法和經驗，例如武力使用以及示威活動期間的警員身份識別問題，旨在協助會方衡量警方現行的指引是否符合國際標準，以及將來面對類似情況時如何改進。會方在專題審視報告中作出52項具前瞻性的建議，以提升警隊的服務質素，及加強公眾對警方的信任。

the Thematic Study about the emotions, perceptions and intentions for some of the actions taken by the protesters, the community and the Police as POEs evolved through the months. It enabled the understanding of the complete picture of the POEs involving not only what had happened but also what had been the driving force or belief that caused actions taken by concerned parties.

While undertaking the Thematic Study at full speed, the IPCC also maintained its efforts in monitoring the on-going complaint cases. Every complaint investigation report submitted by CAPO must be scrutinised by the IPCC in accordance with stringent vetting procedures. Checks and balances have been achieved by Queries raised to CAPO, which also ensure effective monitoring of the complaint handling. During the reporting period, 220 allegations were reclassified to more definite and appropriate classification results following IPCC's Queries, representing 60% increase in comparison with the previous year. These included 162 allegations that were reclassified from "Unsubstantiated", "Not Pursuable", and "Withdrawn" to "Substantiated", "No Fault", and "False", which clearly indicated the robustness and perseverance of IPCC's vetting process.

Our Members and Observers attended 2,127 observations during the reporting period with an attendance rate of 96.5%, which was on the rise for the fourth consecutive year. Furthermore, extra effort was made by the Council, Observers and Secretariat staff to ensure all observations relating to POEs were 100% attended by the IPCC to ensure evidence collection work was performed in a fair and impartial manner by CAPO.

Respect for Best Practices

Hong Kong is an international city where oversight mechanism and regulatory regime have often been benchmarked with international best practices. In the course of reviewing complaint cases and proceeding with the Thematic Study, Police General Orders and Force Procedures Manual were referenced and compared against relevant international best practices. The objective is not just to verify if police actions conformed to prevailing guidelines. The broader aim is to capture lessons learnt and best practices around the world for making recommendations to the Police so that their practices and procedures may be improved.

During the conduct of the Thematic Study, the IPCC took reference of the practices and experience of many overseas regions in areas such as use of force, police identification during protests, with an aim to evaluate whether the existing guidelines adopted by the Force are on par with international standard and determine how to improve if similar situation arises in the future. In its Thematic Study Report, the IPCC had made 52 forward-looking recommendations with a view to improving the service quality of the Police and enhancing public trust in the Force.

行政長官、保安局及警方對這份專題審視報告的重視，令監警會備受鼓舞。行政長官要求保安局局長親自領導專責小組，跟進會方提出的建議。會方亦將繼續透過現行機制，監察警方實施改善建議的進度。除了這52項建議之外，會方過去十年亦向警方作出超過150項改善建議，協助警隊優化服務質素。

重合作

2019年監警會研討會的主題是「建立互信，迎向未來」。會方相信真誠及理性的溝通、與社區緊密合作，均對兩層投訴警察制度的有效運作至關重要。

專題審視工作能做到詳盡全面紀實，有賴特區政府、警隊以及會方接觸的機構等等的全力配合。公眾人士亦向監警會提供超過23,500張圖片和22,500段錄影片段 / 連結以作參考；會方也從不同途徑尋求協助，並將收獲的資料詳列在專題審視報告中。

報告期內，監警會與本地關注團體、專業組織、學術機構、學者、警察職方協會，以及海外、澳門特別行政區和內地監察機構加強交流經驗和分享挑戰。會方亦透過十周年的慶祝活動、會面、講座、校園計劃、探訪和刊物，在過去兩年間接觸超過30,000名持份者。會方亦加強傳媒聯繫活動，讓外界更加了解監警會的工作進展，尤其是這一年的專題審視工作，以提高會方的透明度。我和委員們亦分別接受了25個傳媒專訪（創下過去5年來的最高紀錄），向外界闡釋監警會的角色及專題審視工作。

社會須邁步向前

監警會希望專題審視工作羅列的事實，可以成為協助化解社會上嚴重分歧的一個起點。我們的社會必須繼續向前行，我再次呼籲市民大眾在行使集會權利的同時，以和平理性的方式表達意見，向暴力說不，擺脫分裂和爭拗，重新出發，讓我們的社會回歸務實與包容，以求同存異的態度凝聚共識。

The IPCC is encouraged that the Chief Executive, the Security Bureau and the Police attached great importance to the Thematic Study Report. As requested by the Chief Executive, the Secretary for Security is personally heading a task force to follow up on these recommendations. The Council will continue to monitor the implementation of improvement measures by the Police through the existing mechanisms. In addition to these 52 recommendations, the Council has put forward more than 150 improvement recommendations in the past ten years to the Police to help the Force improve their service quality.

Respect for Collaboration

The theme of the IPCC Symposium 2019 was: “Building Confidence and Trust – Role of IPCC in the Evolving Future”. The IPCC believes that sincere and rational communication and collaboration with the community are crucial for effective operation of the two-tier police complaints system.

The Thematic Study could not have been as well documented and covered as much ground without the full collaboration of the HKSAR Government, the Police Force and organisations we approached. The IPCC received over 23,500 photo attachments and 22,500 video attachments / links from the public and there were many sources which the IPCC had sought assistance. These are all documented in the Thematic Study Report.

During the reporting period, the IPCC strengthened its engagement with local concern groups, professional bodies, educational institutions, academics, police staff associations as well as oversight bodies from overseas, Macau SAR and the Mainland through sharing of experience and challenges. Through the IPCC 10th Anniversary activities, meetings, talks, School Programme, visits and publications, we have reached out to over 30,000 stakeholders in the past two years. The IPCC also stepped up media communication activities to promote transparency and understanding of IPCC’s work progress in particular on the Thematic Study this year. Council Members and I also took up 25 media interviews (record high in the past 5 years) to explain IPCC’s roles and the Thematic Study.

Our Community needs to move forward

It is hoped that the facts presented in the Thematic Study would begin to resolve the deep divisions within the community. Our society needs to move forward. Once again, I appeal to all members of the public to express their views in a peaceful and rational manner while exercising their right to assembly, and say no to violence. We need to mend the rift, resolve disputes, and regain momentum so that our community can forge a consensus by adopting a pragmatic, inclusive and accommodating mindset.

我謹藉此機會感謝一眾委員、觀察員和秘書處同事在過去一年緊守崗位，熱誠投入工作，即使面對社會上各種聲音、意見和繁重的工作量，仍然努力完成既複雜且前所未有的專題審視工作，並在履行監警會法定職能時保持專業，恪守公正和誠信的原則。

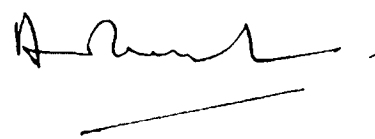
監警會必須與社會與時並進，並確保其法定權力能夠發揮最大效用，以服務市民大眾。會方已確定可進行專題審視工作，而政府亦接納專題審視工作提出的52項建議，並成立了專責小組跟進落實。我相信這是會方的新方向，指引會方更有效地履行其法定職能。展望來年，監警會將邁進第二個十年，我們將在法定框架以內發掘更多空間和途徑，為社會提供更好的服務。此外，監警會亦將進一步向公眾解釋其法定權限，邀請公眾參與，令兩層投訴警察制度更臻完善。投訴警察制度的目的，就是要確保公眾的投訴得到全面及公平的調查和監察，只有投訴人提供全面及完整的資料，制度才得以有效運作。因此，警方、監警會及公眾人士三方面均必須互相配合及溝通，方可達致有效合作。

即使前路挑戰重重，但我深信只要大家保持正面態度，展現同理心，尊重法律，在工作過程中及總結定論時均以事實為基礎，堅守公平原則，博採各地之長，並根據本港客觀環境融會貫通，與各界攜手合作，定能為社會開創一個更美好的將來。

I would like to take this opportunity to thank all Council Members, Observers and Secretariat staff for their commitment and contribution to IPCC's work over the past year. In the face of different voices, opinions and heavy workload, they had striven to complete the unprecedented and complex Thematic Study and maintain professionalism in upholding impartiality and integrity when performing IPCC's statutory functions.

The IPCC must move forward with the community in ensuring that its statutory powers are more thoroughly utilised to serve the community. The IPCC has now established that it may undertake thematic studies and the Government has accepted the 52 recommendations in the Thematic Study and has created task force for implementation. I believe that this is a new direction pointing to more effective performance of its statutory duties. In the coming year, since this is the beginning of the second decade of its existence, the IPCC can explore further avenues within its statutory framework to better serve the public. Furthermore, the IPCC can do more to explain its remit under the law to the public, so that the public's assistance may be enlisted in the improvement of the two-tier police complaints system. As this is a system to ensure that the public's complaints may be fully and fairly investigated and monitored, it can only work if Complainants provide full and complete information. What is needed is that all sides, the Police, the IPCC and the public must engage with each other in effective collaboration.

I am sure there will be daunting challenges ahead, but I firmly believe that as long as we maintain a positive and empathetic attitude, respect the law, plant our work and conclusions firmly upon fact and fairness, attempt to introduce the best practices around the world suited to our circumstances, and strive to work together, we will create a better future for the community.



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