

關於監警會 About the IPCC





香港的投訴警察制度 Police Complaints System in Hong Kong

香港的投訴警察制度是由兩層架構組成，所有投訴警察的個案，均由香港警務處轄下的投訴警察課處理及調查，此為投訴警察制度的第一層。

待投訴警察課完成投訴調查後，便會把須匯報投訴的調查報告，連同所有調查的相關檔案、文件及材料，提交予獨立監察警方處理投訴委員會（監警會）審核。

監警會在審核調查報告及相關資料時，如察覺有疑點，會要求投訴警察課澄清或提供更多資料；如發現有不足之處，可要求該課重新調查。監警會在完全同意投訴個案處理得當後，才會通過調查結果，此為投訴警察制度的第二層。

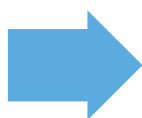
Hong Kong has adopted a two-tier police complaints system. All complaints against the police are handled and investigated by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force. This is the first tier of the police complaints system.

After CAPO has completed the investigation of a Reportable Complaint, it will submit the investigation report, together with the relevant files, documents and materials, to the Independent Police Complaints Council (IPCC) for scrutiny.

If any doubt arises in the course of reviewing the investigation reports and the relevant materials, the IPCC will ask CAPO for clarification or further information. If the IPCC finds the investigation inadequate, it will request that the case be further investigated. Only when the IPCC is completely satisfied that the complaint case has been properly handled will it endorse the investigation report. This is the second tier of the police complaints system.



投訴警察課調查投訴個案
CAPO investigates complaints



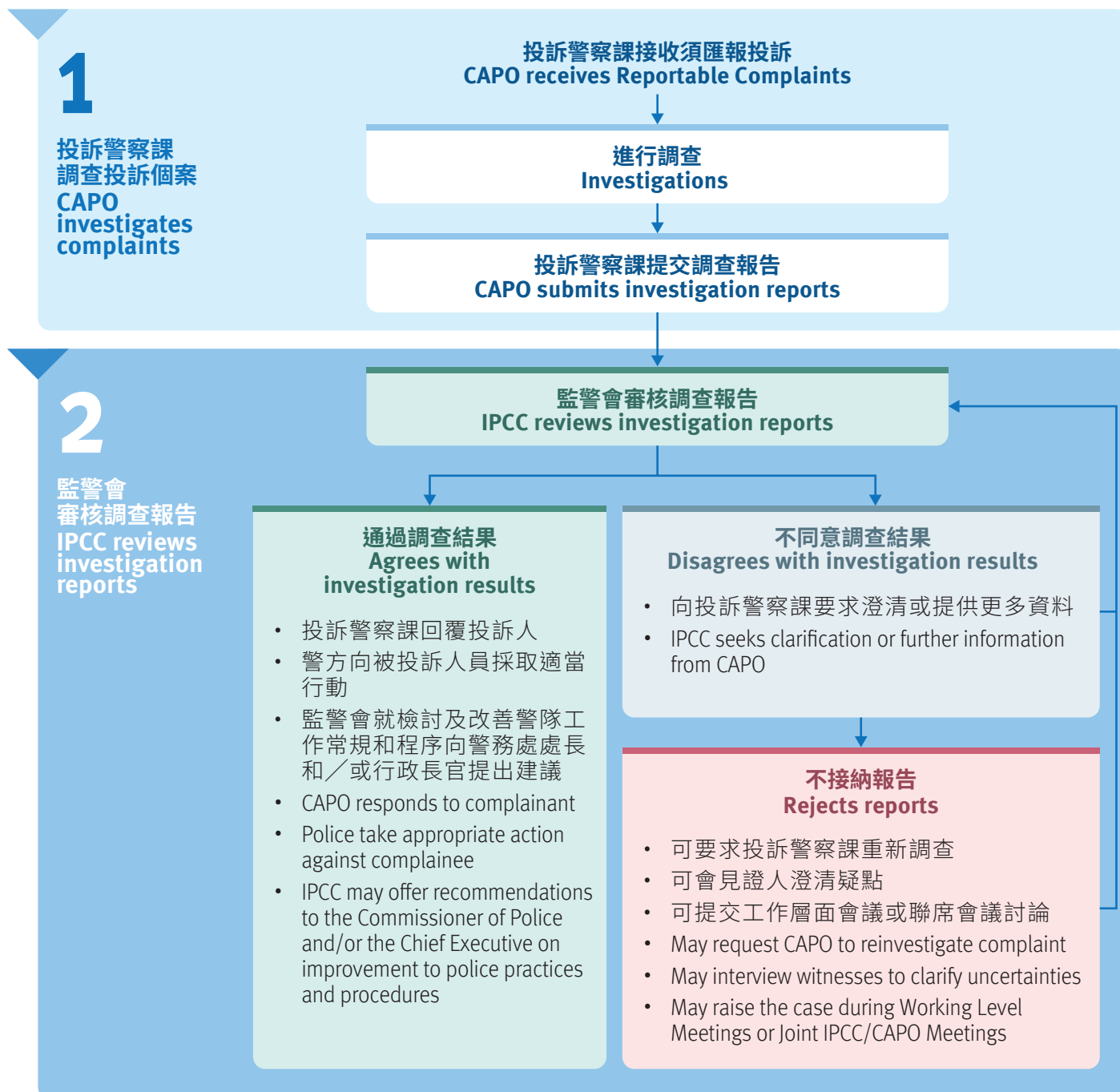
監警會審核調查報告
IPCC reviews investigation reports

香港投訴警察制度的兩層架構

兩層架構的優點是確保投訴警察個案可以得到公平公正的處理。監警會作為獨立法定機構，可以客觀地觀察、監察和覆檢警務處處長對須匯報投訴的處理和調查，並向警務處處長和行政長官提供與須匯報投訴有關的意見和建議。

Hong Kong's two-tier police complaints system

The advantage of the two-tier system is that it ensures fair and just handling of complaints against the police. As an independent statutory body, the IPCC objectively observes, monitors and reviews the handling and investigation of Reportable Complaints by the Commissioner of Police, and puts forward opinions and recommendations regarding such complaints to the Commissioner of Police and the Chief Executive.



監警會的角色和職能

The Role and Functions of the IPCC

監警會是於2009年6月1日根據《獨立監察警方處理投訴委員會條例》(簡稱《監警會條例》)(香港法例第604章)成立的法定機構，其職能是觀察、監察和覆檢警務處處長就須匯報投訴的處理和調查工作。隨着《監警會條例》生效，警方有法定責任遵從監警會根據條例所提出的要求。《監警會條例》確保監警會的獨立性，以履行其監察職能。

監警會由一名主席、三名副主席和不少於八名委員組成，委員全部由行政長官委任，分別來自社會不同界別。監警會借助委員多方面的專業知識及社會經驗，獨立、公正、透徹地監察投訴警察課的調查工作。截至2024年3月31日，監警會共有18名委員。

The IPCC was established as a statutory body on 1 June 2009 under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604, Laws of Hong Kong) to observe, monitor and review the Commissioner of Police's handling and investigation of Reportable Complaints against the police. With the IPCCO taking effect, the police have statutory duty to comply with the IPCC's requests. The IPCCO ensures the independence of the IPCC in carrying out its monitoring functions.

The IPCC comprises a Chairman, three Vice-Chairmen and not less than eight Members, who are all appointed by the Chief Executive from different walks of life. This composition enables the IPCC to draw upon the diverse expertise and experience of its Members to monitor CAPO's investigation of complaints in an independent, impartial and thorough manner. As of 31 March 2024, the IPCC comprises 18 Members.



《監警會條例》賦予監警會的主要職能如下：

The main functions of the IPCC under the IPCCO are:

- 1 觀察、監察和覆檢警務處處長處理和調查須匯報投訴的工作
To observe, monitor and review the handling and investigation of Reportable Complaints by the Commissioner of Police
- 2 監察警務處處長已經或將會向與須匯報投訴有關的警務人員採取的行動
To monitor actions taken or to be taken in respect of any police officer by the Commissioner of Police in connection with Reportable Complaints
- 3 找出警隊工作常規或程序中引致或可能引致須匯報投訴的缺失或不足之處
To identify any fault or deficiency in police practices or procedures that has led to or might lead to Reportable Complaints
- 4 向警務處處長和／或行政長官提供與須匯報投訴有關的意見和／或建議
To advise the Commissioner of Police and/or the Chief Executive of its opinions and/or recommendations in connection with Reportable Complaints
- 5 加強公眾對監警會的角色認識
To promote public awareness of the role of the Council

監警會的監察程序 Monitoring Procedures of the IPCC

在投訴警察制度的兩層架構下，當監警會收到投訴警察課呈交的須匯報投訴調查報告後，會交由秘書處進行初步審核，並就調查報告向投訴警察課提出質詢及要求該課澄清或提供更多資料。若秘書處對調查報告沒有質詢，便會把調查報告提交予監警會委員審核。如有需要，委員可進一步提出質詢，並與投訴警察課召開工作層面會議或聯席會議討論。

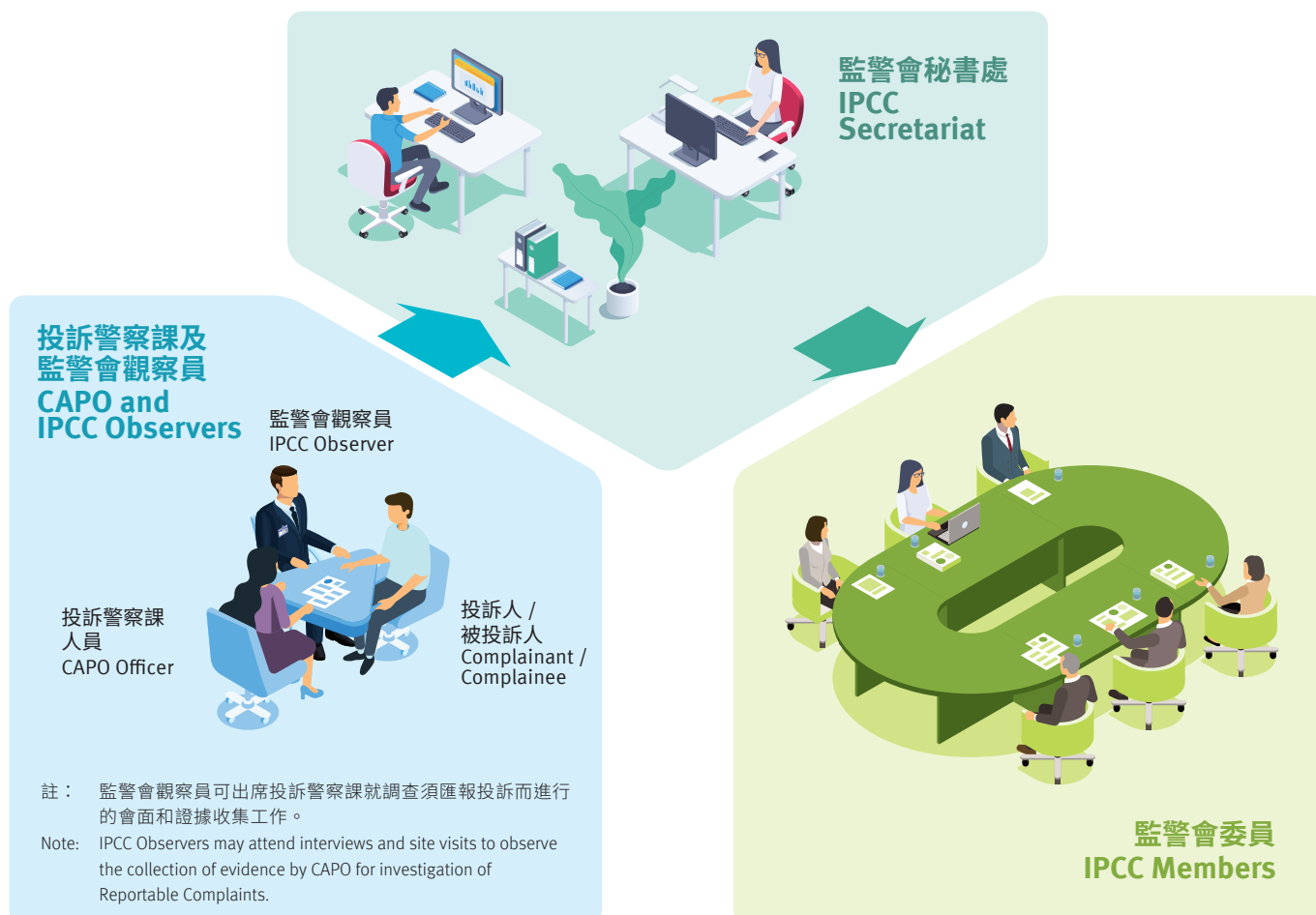
監警會亦設有觀察員計劃（詳情請參閱第25頁），以提升監察作用，確保在投訴警察課調查期間就投訴進行的會面及搜證工作公平、公正。另外，監警會可就個別情況進行會面，協助委員了解投訴事宜及澄清疑點。兩項權力均能讓監警會更有效履行法定職能。

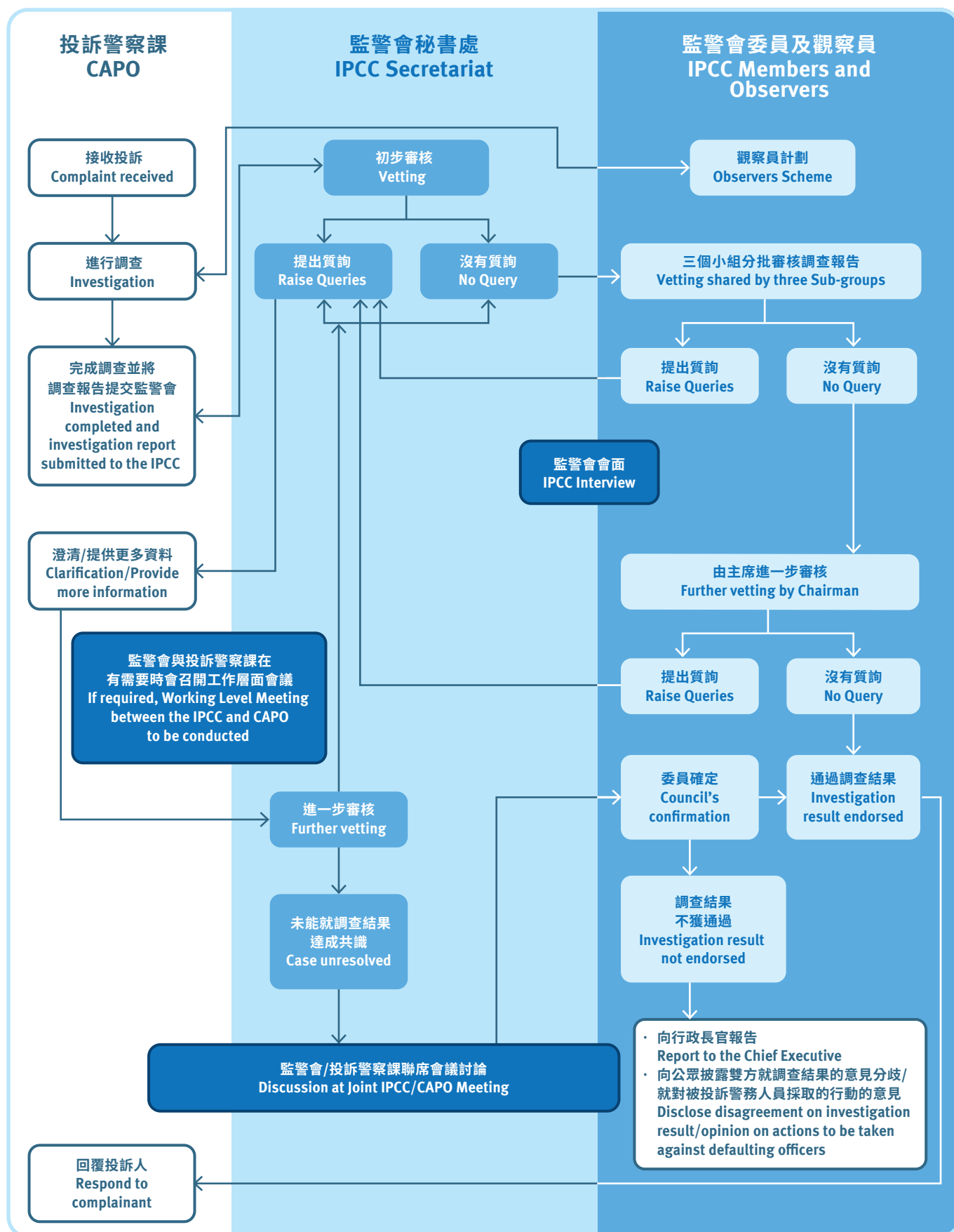
如監警會最終未能與投訴警察課達成共識而決定不通過某宗投訴個案的調查結果，可向行政長官報告和／或向公眾披露雙方對調查結果的意見分歧。

Under the two-tier police complaints system, after an investigation report of a Reportable Complaint is submitted by CAPO to the IPCC, the Secretariat will conduct a preliminary examination and may raise Queries and ask for clarification or further information from CAPO. If the Secretariat has no Query, the report will be submitted to Members for scrutiny. Members can raise further Queries and discuss the case with CAPO at Working Level Meetings or Joint Meetings if necessary.

The IPCC also administers an Observers Scheme (please refer to page 25 for details) to enhance its monitoring function and ensure that interviews and collection of evidence are conducted by CAPO in a fair and impartial manner during the investigation process. In addition, the IPCC may decide on a case-by-case basis to conduct interviews with a view to assisting Members in understanding the complaints and clarifying any doubt. Both powers enable the IPCC to perform its statutory functions more effectively.

If the IPCC's final decision is not to endorse the investigation results of a particular case, it may disclose the disagreement with CAPO over the findings to the Chief Executive and/or the public.





監警會的會面 IPCC Interview

除了審核調查報告外，監警會亦可要求與個案相關人士會面，以澄清事項。監警會可以會見任何能夠就調查報告向監警會提供資料或其他協助的人士，包括投訴人、被投訴人、證人或其他獨立人士等。

In addition to reviewing investigation reports, the IPCC may ask for interviews with persons related to the case to clarify matters. The IPCC may interview any person who may provide relevant information or assistance, including complainants, complainers, witnesses, or other independent persons.



觀察員計劃 Observers Scheme

監警會透過《監警會條例》下的觀察員計劃加強其監察職能。在這計劃下，監警會的委員和觀察員可在預先安排或未經預約的情況下，觀察投訴警察課就須匯報投訴進行的會面及證據收集工作。

監警會的觀察員來自社會不同界別，他們由保安局局長委任，以義務性質履行觀察職務。

監警會觀察員的角色是觀察和匯報。他們必須保持最高標準的誠信，並秉持中立和公正的準則進行觀察。觀察員不會參與或干預搜證或會見的過程。當觀察員完成觀察後，會向監警會匯報投訴警察課進行的會面或證據收集是否公平公正，若察覺有不當之處，監警會必定與投訴警察課跟進。

投訴人如認為有需要，可要求投訴警察課安排觀察員出席他與該課的會面。監警會將盡力安排觀察員到場。在觀察過程中收集到的所有資料均會保密。

In accordance with the IPCCO, the IPCC administers an Observers Scheme to strengthen its monitoring function. Under the Scheme, IPCC Members and Observers may attend interviews and site visits to observe the collection of evidence in connection with CAPO's investigation of Reportable Complaints. The observations can be carried out on a pre-arranged basis or without appointment.

Appointed by the Secretary for Security, IPCC Observers are drawn from a wide spectrum of society. They serve on a voluntary basis.

The role of an IPCC Observer is primarily to observe and report. Observers must maintain the highest standard of integrity and remain neutral and impartial during observation, without participating in or interfering with the collection of evidence or conduct of interviews. After each observation, Observers will advise the IPCC whether or not the interview or collection of evidence was conducted in a fair and impartial manner. Should any irregularities be reported, the IPCC will take up the matter with CAPO.

Complainants can tell CAPO if they wish an IPCC Observer to be present during their interview with CAPO. The IPCC will endeavour to arrange for an Observer to be present. All information acquired in the course of observations will be kept confidential.



**截至2024年3月31日，
監警會共有118名觀察員。**
**As of 31 March 2024,
there are 118
IPCC Observers.**

觀察員的委任

監警會觀察員是由保安局局長委任。為確保觀察員的中立，《監警會條例》第33條訂明以下人士均**不會**被委任為觀察員：

1. 在政府政策局或部門擔任受薪職位(不論屬長設或臨時性質)的人士
2. 監警會秘書長、法律顧問或任何其他僱員
3. 曾屬警隊成員的人士

Appointment of Observers

IPCC Observers are appointed by the Secretary for Security. To ensure their impartiality, Section 33 of IPCCO stipulates that the following persons are **NOT** eligible for appointment as Observers:

1. A person who holds an office of emolument, whether permanent or temporary, in a Government bureau or department
2. The Secretary-General, the Legal Adviser or any other employee of the Council
3. A former member of the police force



監警會和投訴警察課的聯席會議 Joint Meetings: IPCC and CAPO

監警會和投訴警察課會定期舉行季度聯席會議，討論投訴警察的相關事宜。

為了讓公眾更了解監警會的工作，聯席會議設有公開部分讓市民及傳媒旁聽。聯席會議的日期和議程會在開會前於監警會的網頁公布，公開部分會議的會議紀錄亦會上載至監警會網站 (www.ipcc.gov.hk)。

The IPCC and CAPO conduct quarterly Joint Meetings to discuss matters relating to police complaints.

To enable the public to better understand the work of the IPCC, part of each Joint Meeting is open to the public and the media. The dates and agenda of the Joint Meetings are published in advance on the IPCC website. Minutes of the open part of each meeting are also uploaded to the IPCC website (www.ipcc.gov.hk).



須匯報投訴和須知會投訴 Reportable Complaints and Notifiable Complaints

須匯報投訴

「須匯報投訴」是指市民就當值的警務人員或表明是警隊成員的休班人員的行為所作出的投訴。這些投訴必須由直接受警務人員行為影響的人士(或其代表)真誠地作出，而且並非瑣屑無聊或無理取鬧的投訴。

投訴警察課必須按《監警會條例》規定，提交須匯報投訴的調查報告予監警會審核。監警會審核投訴個案時，倘若發現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，可向警方提出改善建議。

Reportable Complaints

“Reportable Complaints” refer to complaints lodged by members of the public that are not vexatious or frivolous and are made in good faith, and are pertinent to the conduct of police officers while on duty or who identify themselves as police officers while off duty. The complaint should be made by or on behalf of a person directly affected by the alleged misconduct.

CAPO must submit investigation reports to the IPCC for scrutiny pursuant to the IPCCO. In the event that any fault or deficiency in the police practices or procedures that has led to or might lead to complaint is identified during the course of case vetting, the IPCC may make recommendations to the police for service improvement.



須知會投訴

凡不屬「須匯報投訴」，一律歸類為「須知會投訴」。例如：由匿名人士作出的投訴，或由並非直接受影響的人士作出的投訴。

投訴警察課須定期提交載有「須知會投訴」摘要的列表予監警會檢視。若監警會認為某宗投訴應歸類為「須匯報投訴」，可向投訴警察課作出相應的建議，投訴警察課會重新考慮該宗投訴的歸類。此外，監警會可要求投訴警察課提供某宗投訴歸類的解釋及資料。

根據條例，與下述事項有關的投訴既非「須匯報投訴」，亦不屬「須知會投訴」，而該等投訴並不納入兩層架構內處理。

- 純粹關乎發出傳票或施加定額罰款通知書是否有效而引致的投訴
- 投訴人以自己作為警務人員的身份作出的投訴
- 屬於其他法定機構調查範圍內的投訴

Notifiable Complaints

“Notifiable Complaints” are complaints not categorised as “Reportable Complaints”. These include anonymous complaints or complaints lodged by persons who are not directly affected by the case.

CAPO must regularly submit a list of “Notifiable Complaints” with brief description to the IPCC for examination. If the IPCC considers any of these cases to be “Reportable Complaints”, the IPCC may raise with CAPO, and CAPO will reconsider the categorisation of the complaint. Moreover, the IPCC may request CAPO to submit further explanation or supporting information in relation to the categorisation of any particular complaint.

According to the IPCCO, complaints relating to the following matters are neither Reportable Complaints nor Notifiable Complaints, and they are not dealt with under the two-tier complaints system.

- Complaints arising from the issue of summons or imposition of fixed penalty, which solely relate to the validity of the issue
- Complaints lodged by a person in his official capacity as a member of the police force
- Complaints that fall under the scope of investigation of other statutory bodies



調查結果分類

Classification of Investigation Results

一宗投訴可涉及一項或多於一項的指控。指控經投訴警察課全面調查後，會根據調查結果分類為下列六項之一：

A complaint may consist of one or more allegations. After CAPO has conducted a full and thorough investigation into an allegation, it will be classified as one of the following six types according to the findings:

1 獲證明屬實 如投訴人提出的指控有足夠的可靠證據支持，指控會被列為「獲證明屬實」。

2 未經舉報但證明屬實 如在投訴人提出的原有指控以外，發現其他與投訴本身有密切關係和對調查有重要影響的事宜，並且證明屬實，則該事宜會被列為「未經舉報但證明屬實」。

3 無法完全證明屬實 如投訴人的指控有若干可靠的證據支持，但這些證據未能充分證明投訴屬實，指控會被列為「無法完全證明屬實」。

4 無法證實 如投訴人的指控沒有充分的證據支持，指控會被列為「無法證實」。

5 並無過錯 如指控是因為對事實有誤解或出於誤會而作出，或有足夠的可靠證據顯示，有關警務人員所採取的行動在當時的情況下是公平、合理、出於真誠或符合警察規例及命令，指控會被列為「並無過錯」。

6 虛假不確 如有足夠的可靠證據顯示投訴人的指控並不真確，不論這些指控是懷有惡意的投訴，抑或不合惡意但亦非基於真確理由而提出的投訴，指控會被列為「虛假不確」。
當一宗投訴被列為「虛假不確」時，投訴警察課會視乎情況，徵詢律政司的意見，考慮控告投訴人故意誤導警務人員。

Substantiated

An allegation is classified as “Substantiated” when there is sufficient reliable evidence to support the allegation made by the complainant.

Substantiated Other Than Reported

An allegation is classified as “Substantiated Other Than Reported” when matters other than the original allegations raised by the complainant, which are closely associated with the complaint and have a major impact on the investigation, have been discovered and are found to be substantiated.

Not Fully Substantiated

An allegation is classified as “Not Fully Substantiated” when there is some reliable evidence to support the allegation made by the complainant, but is insufficient to fully substantiate the complaint.

Unsubstantiated

An allegation is classified as “Unsubstantiated” when there is insufficient evidence to support the allegation made by the complainant.

No Fault

An allegation is classified as “No Fault” where the allegation is made either because of misinterpretation of the facts or misunderstanding; or when there is sufficient reliable evidence showing that the actions of the officer concerned were fair and reasonable in the circumstances, done in good faith or conformed to police regulations and orders.

False

An allegation is classified as “False” when there is sufficient reliable evidence to indicate that the allegation made by the complainant is untrue, be it a complaint with clear malicious intent, or a complaint which is not based upon genuine conviction or sincere belief but with no element of malice.

When a complaint is classified as “False”, CAPO will consider, in consultation with the Department of Justice, whether to prosecute the complainant for knowingly or wilfully misleading a police officer.

其他投訴分類

Other Complaint Classifications

有些投訴是透過其他方法處理，無需進行全面調查。這些投訴的分類為： Some complaints are handled by other means so that full investigation is not necessary. These complaints can be classified as:

1 投訴撤回

「投訴撤回」是指投訴人不打算追究。

即使投訴人撤回投訴，監警會仍會審視個案，確保投訴人是自願作出有關決定。

此外，投訴人如撤回投訴，其個案亦不一定被列為「投訴撤回」。監警會及投訴警察課會審閱所得證據，決定是否需要進行全面調查，並根據所得資料，考慮任何一項指控是否屬實。

2 無法追查

在下述情況下，指控會被列為「無法追查」：

- 不能確定被投訴的警務人員的身份
- 未能取得投訴人的合作，以致無法繼續追查

上述定義並不表示若果投訴人未能確定被投訴人的身份，投訴警察課便不會採取進一步行動。投訴警察課會根據所得資料，盡量追查被投訴人的身份；只有追查不果時，才會作出未能確定被投訴人身份的結論。

此外，即使未能核實被投訴警務人員的身份或投訴人未有提供協助，監警會及投訴警察課會審閱所得證據，決定是否需要進行全面調查，並根據所得資料，考慮任何一項指控是否屬實。

3 終止調查

「終止調查」是指有關投訴已由投訴警察課備案，但鑑於特殊情況（例如證實投訴人精神有問題）而獲投訴及內部調查科總警司授權終止調查。

4 透過簡便方式解決

「透過簡便方式解決投訴」旨在迅速解決一些性質輕微的投訴，例如態度欠佳或粗言穢語的指控。

適宜透過簡便方式解決的輕微投訴，不會有全面調查。投訴會由一名總督察或以上職級的人員處理，並擔任調解角色，向投訴人及被投訴人了解實情。如果他認為事件適宜透過簡便方式解決而又得到投訴人同意，有關投訴便可循此途徑解決。

根據條例，投訴經由「透過簡便方式解決」處理則不設任何覆核途徑。

Withdrawn

A complaint is classified as “Withdrawn” when the complainant does not wish to pursue the complaint after making it.

Even when a complainant withdraws a complaint, the IPCC will ensure that the complainant has made the decision voluntarily.

A complainant’s withdrawal does not necessarily result in the case being classified as “Withdrawn”. The IPCC and CAPO will examine the evidence available to ascertain whether full investigation is warranted despite the withdrawal and/or whether any of the allegations are substantiated on the basis of information available.

Not Pursuable

An allegation is classified as “Not Pursuable” when:

- The identity of the officer in the complaint cannot be ascertained
- The cooperation of the complainant cannot be obtained to proceed with the investigation

The above definition does not mean that no further action will be taken when the complainant cannot identify the complainee. CAPO will make every effort to identify the complainee(s) on the basis of the information available. Only after such effort fails will the conclusion be reached that the identity of the complainee cannot be ascertained.

Even though the officer in question remains unidentified or the complainant fails to render assistance, the IPCC and CAPO will examine the evidence available to ascertain whether full investigation is warranted and/or whether any of the allegations are substantiated on the basis of information available.

Curtailed

A complaint is classified as “Curtailed” when it has been registered with CAPO but is curtailed — i.e. not fully investigated — on the authorisation of the Chief Superintendent (Complaints and Internal Investigations Branch), owing to special circumstances such as known mental condition of the complainant.

Informally Resolved

The “Informal Resolution Scheme” aims at speedy resolution of minor complaints, such as allegations of impoliteness or use of offensive language, the nature of which is considered relatively minor.

A minor complaint suitable for Informal Resolution will not be subject to full investigation. Instead, a senior officer of at least the rank of Chief Inspector of Police will act as Conciliating Officer and make separate enquiries with the complainant and the complainee regarding the facts of the complaint. If the Conciliating Officer is satisfied that the matter is suitable for Informal Resolution and the complainant agrees, the complaint will be informally resolved.

According to the IPCCO, there is no procedure for review once a complaint has been dealt with by way of “Informally Resolved”.

監警會歷史 History of the IPCC

1974



投訴警察課成立，專責調查市民對警方的投訴。
CAPO was set up to investigate complaints against the police.

1977



「行政立法兩局非官守議員警方投訴事宜常務小組」（常務小組）成立，負責監察投訴警察課的調查工作，成為兩層架構投訴警察制度的雛型。

The Unofficial Members of the Executive and Legislative Councils (UMELCO) Police Group was established to monitor CAPO's complaint investigations. This was the prototype of the two-tier police complaints system.

1 投訴警察課
CAPO



2 行政立法兩局非官守議員
警方投訴事宜常務小組
UMELCO Police Group

1986



常務小組改組為獨立的「投訴警方事宜監察委員會」。在改組後，委員會成員加入太平紳士，並設立輔助秘書處。

The UMELCO Police Group was restructured and became an independent body named Police Complaints Committee (PCC). After restructuring, the PCC comprised Justices of the Peace as members and a supporting secretariat.

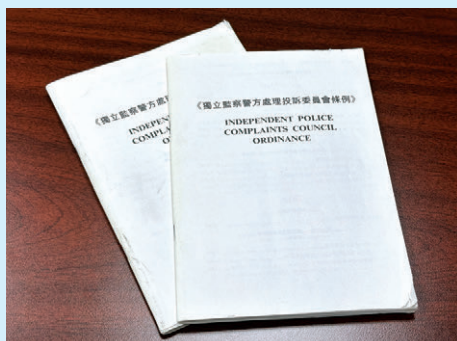
1994



「投訴警方事宜監察委員會」改稱為「投訴警方獨立監察委員會」（警監會），以新名稱反映其獨立地位，並着手策劃把委員會轉變為一個獨立的法定組織，以便更清楚訂明委員會的權力和職能。

The PCC was further revamped to pave the way for an independent statutory body with specific powers and functions. The PCC was renamed as the Independent Police Complaints Council (IPCC) to better reflect its independence.

2008



立法會於2008年7月通過《獨立監察警方處理投訴委員會條例》（監警會條例）。

The Legislative Council passed the Independent Police Complaints Council Ordinance (IPCCO) in July 2008.

2009



《監警會條例》於2009年6月1日生效，監警會正式成為獨立法定機構。「警監會」改稱為「獨立監察警方處理投訴委員會」（監警會），以強調其獨立監察職能。英文名稱則維持不變。

The IPCC became an independent statutory body when the IPCCO came into effect on 1 June 2009. The Chinese name of the Council was modified to highlight its independent monitoring role while the English name was retained.