

服務質素改善建議
Service Quality
Improvement Initiatives





改善建議 Recommended Improvements

除了公平、公正地處理投訴，以化解投訴人的不滿外，香港投訴警察制度的最終目標是提升警方的服務質素，從而避免同類型的投訴再次發生。因此，監警會除了觀察、監察和覆檢警方處理和調查須匯報投訴的工作，亦會在嚴謹的審核程序中，找出警隊常規或程序可作改進之處，並透過「服務質素改善建議」（改善建議）機制，積極向警方提出改善建議。

自2009年成為獨立法定機構至今，監警會向警方提出超過240項改善建議和意見。報告期內，會方合共提出20項改善建議[詳見第66至67頁]，有助警隊在不同工作範疇上提升服務質素，減少不必要的投訴，藉此加強公眾對投訴制度的信心。

以下是監警會於報告期內向警方提出的改善建議例子：

- (1) 適時評估「轉錯數」個案有否涉及刑事成分
- (2) 提高前線警務人員辨識「精神上無行為能力人士」的敏感度
- (3) 考慮以錄影會面方式向視障人士錄取口供
- (4) 安排同性別警務人員為涉案人士位於身體敏感部位的特徵或傷勢拍照
- (5) 深化警務人員保障市民個人資料私隱的意識

Apart from addressing complainants' grievances by handling complaints in a fair and impartial manner, the primary objective of Hong Kong's police complaints system is to enhance the service quality of the police to prevent the recurrence of similar complaints. In addition to observing, monitoring and reviewing the handling and investigation of Reportable Complaints by the police, the IPCC also identifies areas for improvement in police practices or procedures through a rigorous vetting process and actively makes suggestions for improvement to the police through the Service Quality Improvement Initiative (SQII) mechanism.

Since the IPCC's establishment as an independent statutory body in 2009, the Council has made over 240 SQIIs and comments to the police. During the reporting period, a total of 20 SQIIs were put forward [please refer to pages 66–67 for details] to enhance the service quality of the police in different aspects and reduce unnecessary complaints, thereby strengthening public confidence in the two-tier police complaints system.

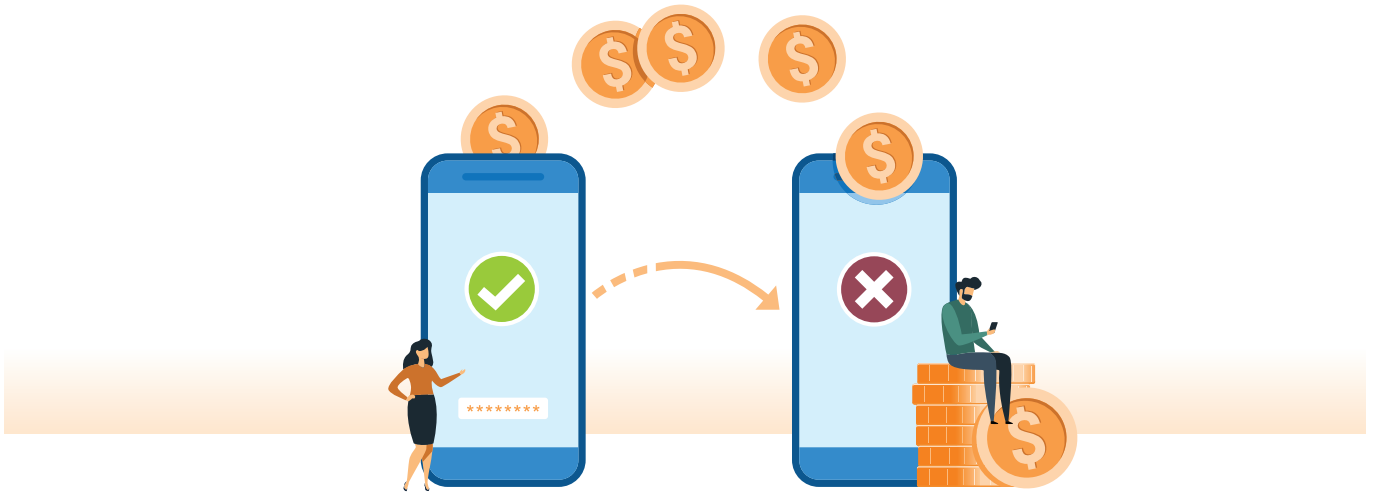
The following are examples of SQIIs made by the IPCC to the police during the reporting period:

- (1) Assess in a timely manner whether cases of “mis-transfer of money” contain any criminal elements
- (2) Enhance frontline police officers' sensitivity towards identifying mentally incapacitated persons
- (3) Consider taking statements from visually impaired persons by way of video-recorded interviews
- (4) Assign a police officer of the same gender as the person involved in a police case to take photos of any marks or injuries on sensitive body parts of the concerned person
- (5) Deepen police officers' awareness of protecting personal data privacy of the public



1. 適時評估「轉錯數」個案有否涉及刑事成分

Assess in a timely manner whether cases of “mis-transfer of money” contain any criminal elements



電子支付日益普及，不論是與朋友「食飯夾錢」、向商戶轉賬，還是繳交水、電、煤等費用，交易過程都比以往更加快捷，為市民的日常生活帶來更大便利。以「轉數快」(FPS)為例，用戶只需輸入收款人的手機號碼或電郵地址即可隨時隨地過數。然而，如用戶不慎輸入錯誤資料，相關款項便有機會落入陌生人手中。

在一宗投訴個案中，投訴人以「轉數快」轉賬時，錯誤輸入收款人的手機號碼，導致該筆款項錯誤地傳送予另一人士。投訴人發現「轉錯數」後，於翌日通知銀行。銀行曾就事件發信聯絡收款人，但未獲回覆，故在事發一個月後通知投訴人未能與收款人取得聯絡，並建議投訴人可自行聯絡該名收款人、諮詢法律意見，或者向警方報案。

投訴人其後前往警署報案。警務人員在了解事件後，曾協助投訴人致電該名收款人，但電話未能接通。警務人員考慮過銀行給予投訴人的資料後，認為當時未有足夠證據證明收款人知悉事件，並存心拒絕退款，故該警務人員未有為投訴人開立檔案展開刑事調查，並建議投訴人向銀行查詢與收款人的溝通進展，如有需要可進一步尋求警方協助。投訴人就此指控警務人員疏忽職守。

With the increasing popularity of digital payment, transactions such as sharing dining bills, transferring money to merchants, and settling utility bills, can now be made more efficiently, providing the public with greater convenience in their daily lives. Take the Faster Payment System (FPS) as an example, users only need to enter the recipient's mobile phone number or email address to transfer money anytime, anywhere. However, if the user enters incorrect information by mistake, the relevant money may end up in the hands of strangers.

In one complaint case, money from the complainant (COM) was transferred to a wrong recipient via FPS due to an incorrect mobile phone number being entered for the recipient. Realising that the money had been transferred by mistake, COM notified the bank one day after the incident. The bank tried to contact the recipient by mail regarding the incident, but did not receive any response. One month after the incident, the bank informed COM that they were unable to reach the recipient and recommended that COM approach the recipient directly, seek legal advice, or report the incident to the police.

COM later reported the incident at a police station. Upon understanding the incident, a police officer assisted COM to contact the recipient by phone, but was unsuccessful. Having considered the information provided to COM by the bank, the police officer held that there was insufficient evidence to prove that the recipient was aware of the incident and deliberately refused to return the money; thus, the officer did not open a crime investigation file for COM but suggested COM to enquire the progress in liaising with the recipient from the bank and seek further police assistance if necessary. In this regard, COM made an allegation of “Neglect of Duty” against the police officer.

投訴人在事發約三個月後再次報警，指出收款人尚未回覆。考慮到收款人此時理應已知悉投訴人錯誤轉賬一事，但仍未有主動聯絡銀行或投訴人，顯示收款人有刻意拒絕退還款項予投訴人之嫌。因此，案件被轉介至刑事調查隊跟進。警方經調查後發現收款人已長居內地多年且未曾回港，故此未有查閱銀行早前發出的通知書。

經調查後，投訴警察課留意到投訴人在「轉錯數」後不久便報案，時間上難以斷言收款人是否已獲悉錯誤轉賬一事或明知而不誠實地拒絕退還款項予投訴人，也未能就此斷定案件涉及刑事成分。故此，有關警務人員當時未有為投訴人開立檔案展開刑事調查，並非不合理。投訴警察課因此將指控分類為「並無過錯」。

監警會在審閱投訴警察課的調查報告時，雖然同意該課的指控分類，但留意到警方內部指引並未涵蓋協助前線警務人員評估及識別相類似的個案有否涉及刑事成分。在此類事件中，收款人起初是在不知情下收到款項，但若然收款人在知悉錯誤轉賬後，仍然無故拖延或拒絕歸還款項，則有挪佔他人財物之嫌。就此，監警會建議警方整理出一系列相關因素，包括涉案金額的多寡、「轉錯數」事件距離報案的時間、收款人的回應等，以助前線警務人員更全面地判斷事件是否需要展開刑事調查。

參考了監警會的建議，警方將上述涉及錯誤轉賬的個案作為其中一宗案例，加入培訓教材內，並於警察學院向新入職警務人員教授「盜竊」課題時作案例分享。警方亦持續提供培訓，提示現役警務人員如何判斷有關個案是否需轉介刑事調查。

Around three months after the incident, COM filed another report to the police and pointed out that the recipient had yet to respond. Considering that the recipient should have been aware of COM's mistakenly transferred money by that time but did not take the initiative to contact the bank or COM, the recipient was suspected of deliberately refusing to return the money to COM. Therefore, the case was referred to the crime unit for follow-up action. After investigation, the police found that the recipient had been residing on the Mainland for years and had not returned to Hong Kong; thus, the recipient had not read the notice issued by the bank.

Upon investigation, the Complaints Against Police Office (CAPO) noticed that COM had reported the case to the police quite soon after the mis-transfer of money. It was difficult at that juncture to determine whether the recipient was aware of the mistakenly transferred money or knowingly refused to return the money to COM with dishonest intent. It could not be established that the case had any criminal elements. Therefore, it was not unreasonable for the police officer concerned to not open a case file and initiate a criminal investigation for COM at that time. Hence, CAPO classified the allegation as "No Fault".

In the course of examining CAPO's investigation report, the IPCC agreed with CAPO's classification of the allegation, but noticed that police internal guidelines did not cover any aspects to assist frontline police officers in assessing and identifying whether such cases involve any criminal elements. In such incidents, the money is initially transferred to the recipient without the person's knowledge. However, the recipient would be suspected of appropriating property belonging to another person if they delay or refuse to return the mistakenly transferred money after being informed of the situation. In this regard, the IPCC recommended that the police list out a set of criteria to help frontline police officers in making a more comprehensive assessment of whether the incident warrants a criminal investigation. The criteria include the amount of money involved, the time elapsed between the mis-transfer of money and the time of the report to the police, and the recipient's response, among others.

In response to IPCC's recommendation, the Police College has included the above complaint case regarding the mis-transfer of money in the training material as one of the scenarios for case sharing when delivering the lecture on the topic of 'Theft' to the new recruits. The police also continue to provide training to remind serving police officers how to determine if a case should be referred to the crime unit.

2. 提高前線警務人員辨識「精神上無行為能力人士」的敏感度

Enhance frontline police officers' sensitivity towards identifying mentally incapacitated persons



《監警最前線》劇照 Photo from IPCC Frontline

警方在日常工作時會與各種不同的人士接觸或進行調查，當中包括「精神上無行為能力人士」。根據警隊指引，如果警方確認或相信某人為「精神上無行為能力人士」，不論他們在案件中的身分，警方都會在合理可行的情況下，安排「合適成人」（例如親人、社工）陪同有關人士，以保障他們的權利及需要。由於「精神上無行為能力人士」在一般行為上與常人可能無異，非專業人士未必能夠辨識他們的需要，因此警務人員必須熟悉指引的要求，保持專業敏感度，及早識別不同人士的需要，以確保在處理這些個案時能夠保障他們的權利和需求，並作完備的紀錄。以下是三個相關案例：

個案一：未有為被捕人士安排「合適成人」陪同

投訴人因「在公眾地方打鬥」被警方拘捕。由於投訴人報稱受傷，因此由警員押往醫院驗傷。投訴人在醫院等候期間，其女兒到達醫院並告知押送警員，投訴人患有精神病並須向精神科求醫。投訴人於精神科登記後，改由另一名警員看守投訴人，而押送警員在離開前已把投訴人的情況告知看守警員。及後，投訴人向看守警員表示她稍後會自行到精神科求診，因此該警員便把投訴人帶回警署調查。

投訴人聲稱，她於醫院曾向押送警員要求回家拿取精神科藥物，並為她安排與社工會面，但該警員沒有答應其要求，故指控押送警員疏忽職守。由於押送警員否認指控，加上沒有其他獨立證據以支持或否定任何一方的說法，投訴警察課最終將指控分類為「無法證實」。

然而，監警會在審核個案時，發現看守警員沒有按照警隊指引，在移交犯人時向警署的值日官報告投訴人是一名「精神上無行為能力人士」，及為她安排一名「合適成人」，以幫助投訴人明白其權利及提供協助，因此要求投訴警察課跟進。看守警員向投訴警察課表示，由於投訴人對答如流，遂認為投訴人不是「精神上無行為能力人

In the course of their daily duties, police officers have to interact and conduct investigations with various individuals, including mentally incapacitated persons (MIPs). According to police guidelines, if a police officer confirms or believes a person to be an MIP, in order to protect the MIP's rights and needs, the officer should, as is reasonable and practicable, arrange an appropriate adult (e.g. a relative or a social worker) to accompany the MIP, regardless of the MIP's role in the case. Since MIPs may not exhibit any obvious differences in their behaviour when compared with that of an ordinary person, non-professionals may not be able to identify the needs of the MIPs. Hence, police officers must be familiar with the requirements under the guidelines in order to maintain professional sensitivity, identify the needs of different individuals early on, safeguard their rights and needs, and make proper records when handling such cases. The following are three relevant cases:

Case 1: Failed to arrange for an appropriate adult to accompany an arrested person

The complainant (COM) was arrested by the police for "Fighting in a Public Place". As COM claimed to have been injured, COM was escorted by a police officer to receive medical examination at a hospital. While COM was waiting at the hospital, her daughter arrived there and informed the escorting officer about COM's mental illness and that she needed to be seen by a psychiatrist. After COM was registered at the Psychiatric Department, COM was guarded by another police officer, and the escorting officer informed the guarding officer of COM's situation before leaving. Subsequently, COM told the guarding officer she would seek treatment from a psychiatrist on her own later. Thus, the officer brought COM to the police station for investigation.

COM claimed she had made a request to the escorting officer at the hospital to allow her to return home to pick up her psychiatric medication and arrange for her a meeting with a social worker, but the officer declined her requests. As such, COM made an allegation of "Neglect of Duty" against the escorting officer. Since the escorting officer denied the allegation and there was no independent evidence to support or negate either party's version of events, CAPO eventually classified the allegation as "Unsubstantiated".

However, when vetting the case, the IPCC found that the guarding officer had not reported to the Duty Officer at the police station that COM was an MIP when handing over COM, and had not arranged an appropriate adult to help COM understand her rights and provide her with assistance, as required under police guidelines. Consequently, the IPCC requested CAPO to follow up on the matter. The guarding officer told CAPO that COM's articulate responses led her to believe that COM was not an MIP. The IPCC's view was that since the escorting

士」。監警會認為，由於押送警員已向看守警員交代投訴人的女兒指投訴人患有精神病，看守警員不應自行評估投訴人的精神狀況，而應按照警隊指引，把投訴人的精神狀況及醫療需要告知值日官。投訴警察課同意本會的觀點，因此對看守警員新增一項「未經舉報但證明屬實」的指控。

個案二：未有在投訴會面期間為投訴人安排「合適成人」陪同

警務人員在處理一宗報案時，懷疑報案人，即投訴人，因精神問題而行為異常，遂引用「精神健康條例」把報案人送往醫院檢查。報案人其後指控警務人員曾對她使用過度武力。

監警會留意到，投訴警察課的調查人員在調查投訴期間，已從個案文件中得知投訴人當日是因為疑似精神問題而送院，不過該調查人員卻沒有向投訴人確認她是否「精神上無行為能力人士」，以至在投訴會面時未有為其安排一名「合適成人」陪同會面，以確保她的權益得到保障。就此，投訴警察課已口頭勸告該名調查人員須遵守為「精神上無行為能力人士」安排「合適成人」的指引，以保障投訴人的權益和需要。

個案三：未有在警察記事冊記錄處理疑似精神問題人士所引用的法例

在另一宗類似的個案中，投訴人懷疑因精神問題而失控，到場處理的警務人員引用「精神健康條例」，把投訴人送往醫院檢查，但未有在其警察記事冊記錄所引用的法例。監警會已建議投訴警察課提醒前線人員在行使警權時，必須在警察記事冊記錄相關的法例，以免引起不必要的爭拗。

總括來說，警方就處理「精神上無行為能力人士」已具有清晰的指引，警務人員若在執行任務時，接觸到「精神上無行為能力人士」或懷疑為「精神上無行為能力人士」，應根據指引處理，包括為有關人士安排「合適成人」陪同，並要在其記事冊作出妥善紀錄。這些指引一方面能夠確保有需要人士的權益。另一方面，妥善的紀錄可以協助投訴警察課在處理有關的投訴時釐清事件。但上述三宗個案反映部分前線警務人員對辨識「精神上無行為能力人士」的敏感度不足，以及不熟悉有關指引的要求。就此，監警會建議警方提升前線人員在這方面的意識。警方亦接納本會的建議，並提醒前線人員有關指引的要求，以及必須遵守相關的程序。

officer had already briefed the guarding officer of COM's mental illness, as revealed by COM's daughter, the guarding officer should report COM's mental condition and medical needs to the Duty Officer in compliance with police guidelines, instead of making her own assessment of COM's mental condition. CAPO agreed with the IPCC's views, and thus registered an additional count of "Substantiated Other Than Reported" against the guarding officer.

Case 2: Failed to arrange for an appropriate adult to accompany a complainant during complaint interview

In their handling of a report, the police officers noticed that the informant, i.e. the complainant (COM), was behaving abnormally due to mental illness, and therefore invoked the Mental Health Ordinance (MHO) to send the informant to hospital for examination. The informant later complained the police officers of using excessive force on her.

The IPCC noted that a CAPO investigation officer in his investigation into the complaint learnt from the case file that COM had been sent to hospital on the incident day due to suspected mental illness. However, the investigation officer did not confirm with COM whether she was an MIP, which resulted in the failure to arrange for an appropriate adult to accompany COM during the complaint interview, to ensure that her rights were protected. In this regard, CAPO has verbally advised the investigation officer to adhere to the guidelines for arranging an appropriate adult for MIP to safeguard the rights and needs of complainant.

Case 3: Failed to record the legislation applied in the police notebook when handling an individual with suspected mental illness

In another similar case, the complainant (COM) was suspected to have lost control due to mental illness. The police officer who handled the case at the scene invoked the power under MHO to send COM to a hospital for examination, but he did not record in his police notebook the relevant legislation. The IPCC suggested CAPO remind frontline officers that when exercising police powers, they must record in their police notebooks the relevant legislation to avoid unnecessary disputes.

In summary, the police have clear guidelines on handling MIPs. If police officers encounter MIPs or suspected MIPs in the course of their performance of duties, they should arrange for appropriate adults to accompany the subject persons and keep proper records in their notebooks along the guidelines. These guidelines not only protect the interests of those in need, but also provide CAPO with the necessary documentation to clarify incidents in complaints handling. The three cases above, however, show that some frontline police officers lack sensitivity in identifying MIPs and are unfamiliar with requirements under the relevant guidelines. The IPCC recommended that the police should raise frontline officers' awareness in this regard. The police have accepted the IPCC's recommendation and reminded frontline officers to be mindful of requirements under the relevant guidelines and to comply with the corresponding procedures.



3. 考慮以錄影會面方式向視障人士錄取口供

Consider taking statements from visually impaired persons by way of video-recorded interviews



除「精神上無行為能力人士」外，警方在處理其他身體上有特別需要的人士時，亦須因應他們的身體狀況作出適切安排，以保障他們的權益。

在其中一宗投訴個案中，投訴人為視障人士。他早前在返回住所時，發現金屬門鎖損壞，懷疑有人故意為之，遂向警方舉報。一名警務人員在警署內會見投訴人，筆錄他的證人口供並向投訴人閱讀口供以核實內容。會面完畢後，投訴人回到家中使用字元閱讀器讀取口供副本時，發現部分口供內容不正確，遂向投訴警察課指控有關警務人員疏忽職守，沒有準確記錄他的證人口供。投訴警察課在調查期間，發現該名警務人員沒有在投訴人的口供內記錄投訴人為視障人士，亦不恰當地使用「睇到」、「查看」、「閱讀」等字眼來描述投訴人如何發現其金屬門鎖受損，甚至在結尾聲明中寫下投訴人已「閱讀並確認」口供內容。投訴警察課認為該名警務人員沒有適切地筆錄投訴人的證人口供，把指控分類為「獲證明屬實」。

在處理與視障人士相關的個案時，警方應考慮其身體狀況，為視障人士提供適當協助，並採取適當的措施以照顧有關人士的特別需要。警務人員替視障人士錄取書面口供後，視障人士在沒有其他輔助工具或設備下，往往未能即時確認口供內容。事後，倘若書面口供內容被發現與警務人員覆讀版本有異，該名視障人士可能會質疑書面口供內容的準確性，甚或作出投訴。因此，警方應盡量採用錄影會面的方式，為視障人士錄取口供，讓他們能夠以錄影方式詳細交代事件經過並確認相關內容。此外，警方應加強對前線人員的培訓，提醒他們在向市民調查或取證時，應時刻關注對方的身體狀況，以便作出適切的安排，從而減少不必要的投訴。

In addition to MIPs, the police must also make appropriate arrangements for persons with special physical needs with due consideration of their physical conditions to protect their rights.

In one complaint case, the complainant (COM) was visually impaired. One day, when he returned home, he discovered that the metal door lock of his entrance had been damaged. Suspecting that someone had intentionally vandalised it, he reported the incident to the police. A police officer interviewed COM at the police station, recorded his witness statement in writing, and then read the statement to COM for confirmation. When COM returned home after the interview, he used a character reader to read the copy of his statement and found that some of the content was incorrect. COM thus complained to CAPO about the police officer of “Neglect of Duty” for not accurately recording his witness statement. During the investigation, CAPO found that the police officer not only had failed to record in COM’s witness statement that COM was visually impaired but also had inappropriately used terms like “saw”, “looked at” and “read” to describe how COM discovered the damage to his metal door lock. Furthermore, the police officer inaccurately wrote that COM had “read and confirmed” the content of the statement in the ending declaration. CAPO concluded that the police officer had not properly recorded COM’s witness statement, and thus classified the allegation as “Substantiated”.

When handling cases involving the visually impaired individuals, the police should consider their physical conditions to provide appropriate assistance, and take appropriate measures to address the special needs for these individuals. After police officers take written statements from visually impaired persons, these individuals often cannot immediately verify the content of the statement without the aid of assistive tools or devices. If, later on, the written statement is found to differ from the oral account read by the police officer, the visually impaired person may question the accuracy of the written statement and may even file a complaint. Therefore, the police should conduct video-recorded interviews to obtain statements from visually impaired individuals as far as practicable, allowing them to give details of the course of events and confirm the relevant content through video-recorded interviews. Additionally, the police should enhance training for frontline officers, reminding them to always pay attention to the physical conditions of individuals when investigating or collecting evidence from members of the public, so that appropriate arrangements can be made to reduce unnecessary complaints.

4. 安排同性別警務人員為涉案人士位於身體敏感部位的特徵或傷勢拍照

Assign a police officer of the same gender as the person involved in a police case to take photos of any marks or injuries on sensitive body parts of the concerned person



警方於調查案件時可能需要拍攝被捕人士或傷者的照片，以記錄其特徵、紋身或傷勢。如果拍攝位置屬身體敏感部位，而且由異性警務人員負責拍攝，便有機會引起尷尬及不必要的誤會，甚至招致投訴。以下是有關異性警務人員為涉案人士拍照而衍生的兩宗投訴。

個案一：有關拍攝被捕人士紋身的照片

投訴人為女士，因涉及一宗詐騙案件而被警方拘捕。投訴人被帶返警署後，警務人員根據《警察通例》為她套取指紋及拍照。另外，《警察通例》訂明被捕人士如有紋身，警方須拍攝該紋身以作紀錄。如紋身圖案位於敏感部位，案件主管應行使酌情權自行決定是否需要拍照，以避免不必要的尷尬。

根據案件的照片紀錄，投訴人在拍照時拉低褲頭一角以展示其肚臍下方的紋身。基於紋身的位置接近敏感部位，投訴人指控負責拍照的男性警務人員疏忽職守，未有安排女警為她拍照。該名男警解釋當時曾詢問投訴人紋身的位置，但投訴人表示該位置並不屬敏感部位，故他未有依照《警察通例》的要求向案件主管請示。投訴警察課初時把指控分類為「並無過錯」，但經監警會提出質詢後，投訴警察課重新審視投訴人紋身所處部位，認為由異性警務人員拍攝照片或會為其帶來尷尬，男警應該向案件主管請示，因此將指控重新分類為「獲證明屬實」。

During case investigation, the police may need to take photos of arrested persons or injured persons to document their features, tattoos, or injuries. If photos involve sensitive body parts and are taken by a police officer of the opposite gender, it may lead to embarrassment and misunderstanding, or even result in complaints. Below are two complaint cases related to photos taken by police officers of the opposite gender of individuals involved in the cases.

Case 1: Taking photos of an arrested person's tattoos

The female complainant (COM) was arrested for a case of Fraud. After being brought to the police station, a police officer took her fingerprints and photos in accordance with the Police General Orders (PGO). The PGO stipulates that if an arrested person has tattoos, the police must take photos of them for record. If the tattoos are on sensitive areas of the body, the officer-in-charge of the case (OC Case) should exercise discretion to determine whether photo-taking is warranted to avoid unnecessary embarrassment.

According to the photos taken in the case, COM had pulled down a corner of her pants to reveal a tattoo located below her belly button when the photos were taken. Given the location of the tattoo being close to her sensitive body parts, COM accused the male police officer who took the photos of "Neglect of Duty" for not assigning a female police officer to take the photos instead. The male police officer explained that he had asked COM about the location of her tattoo at that time, but COM indicated that the location was not a sensitive area. Thus, he did not seek guidance from the OC Case as required by the PGO. Initially, CAPO classified the allegation as "No Fault". However, following the IPCC's Queries, CAPO reviewed the location of the tattoo and agreed that it may cause embarrassment to COM if the photos are taken by a police officer of the opposite gender. In this case, the male police officer should have sought OC Case's discretion, and thus reclassified the allegation as "Substantiated".

個案二：有關拍攝傷者敏感部位的照片

投訴人同為女性，因涉及「在公眾地方打鬥」而被捕。由於投訴人聲稱被對方打中上腹，於是她被帶返警署後，警務人員為她拍攝傷勢。

投訴人指控負責的男警疏忽職守，在沒有女警或第三者在場下，要求她拉高上衣拍攝受傷位置。根據男警的紀錄及投訴人簽署的拍攝傷勢同意書，當時有一名女警在場見證拍攝傷勢的過程，但該名女警沒有在她的記事冊中作出相關紀錄。由於投訴人其後沒有回覆投訴警察課的查詢，該課無法與投訴人澄清上述指控的詳情，最終把指控分類為「無法追查」。

投訴警察課同時就女警未有於記事冊內記錄她見證男警為投訴人拍攝傷勢的事宜，新增一項「未經舉報但證明屬實」指控。

監警會認為若警務人員需要為被捕人士或傷者拍攝敏感部位的照片，不應由異性警務人員負責，即使有同性別警務人員在場見證亦不合適。監警會在審核上述兩宗投訴個案時，留意到警方處理刑事案件的指引並無訂明拍攝敏感部位照片應由同性別警務人員負責。另外，警方指引亦無清楚訂明哪些身體位置屬「敏感部位」，而需依靠前線警務人員自行判斷。

事實上，投訴警察課的《投訴處理手冊》就為投訴人拍攝傷勢的程序有嚴謹要求。有關章節列明，如要為投訴人拍攝傷勢，而涉及的是一些通常不會顯露的身體部位，投訴警察課須安排一名與投訴人屬同一性別的人員負責拍攝。就此，監警會建議警方參考《投訴處理手冊》的規定，檢討警隊相關指引。警方同意監警會的建議，在與被捕人士拍攝身體特徵及傷者拍攝傷勢的內部指引中，清晰列明何為敏感部位，如有必要對身體敏感部位進行拍照，負責拍照人員必須與被捕人為同一性別。

Case 2: Taking photos of an injured person's sensitive body parts

In another case, another female complainant (COM) was arrested for “Fighting in a Public Place”. COM claimed that she was hit in the upper abdomen, therefore she was brought to the police station where a police officer took photos of her injuries.

COM accused the male police officer of “Neglect of Duty” for asking her to lift her shirt to photograph her injuries in the absence of a female police officer or a third party. According to the male police officer’s record and the consent form signed by COM for taking photos of her injuries, a female police officer was present to witness the process of photographing the injuries; however, the female officer did not make any relevant record in her police notebook. Since COM did not respond to CAPO’s enquiries afterwards, CAPO was unable to clarify the details of the allegation. The allegation was eventually classified as “Not Pursuable”.

Nevertheless, CAPO registered a count of “Substantiated Other Than Reported” against the female police officer for her failure to record in her notebook that she had witnessed the male police officer taking photos of COM’s injuries.

The IPCC believes that if police officers need to take photos of the sensitive body parts of the arrested persons or injured persons, it should not be done by police officers of the opposite gender, even if police officers of the same gender are present as witnesses. Upon reviewing the two complaint cases above, the IPCC noted that the police guidelines for handling crime cases did not specify that photos of sensitive body parts should be taken by a police officer of the same gender. Furthermore, police guidelines do not clearly define which body parts are considered “sensitive”, leaving frontline police officers having to exercise their own discretion.

In fact, CAPO’s Complaints Manual stipulates stringent procedures for taking photos of complainants’ injuries. The relevant chapter specifies that when taking photos of complainants’ injuries involving body parts that are not commonly exposed, CAPO must assign an officer of the same gender as COM to take the photos. In light of this, the IPCC recommended that the police review the relevant guidelines with reference to the provisions of the Complaints Manual. The police have agreed with the IPCC’s recommendation to clearly define sensitive body parts in the relevant guidelines regarding taking photos of an arrested person’s body marks and injuries of an injured person. If the photography of sensitive areas of the body is deemed necessary, it should not be taken by an officer of the opposite sex.

除了拍攝照片外，警務人員在一些性質敏感的案件中，亦有可能需要聯絡異性的涉案人士。在一宗投訴個案中，投訴人(一名女士)因被非禮而報案，案件由一名男警負責調查。投訴人不滿男警在調查期間，曾對投訴人表示如果投訴人被傳召上庭，她可能要面對一連串的尷尬問題，認為男警做法不恰當。男警否認指控。由於沒有獨立證據支持，最終指控被分類為「無法證實」。

縱然投訴警察課未能就指控達致確切的結論，但監警會認為警方應不時提醒前線警務人員，當處理涉及性罪行的案件時，應盡量由與受害人同性別的警務人員聯絡和處理受害人，並需保持敏感度和同理心。就此，警方作出積極回應，加強了有關方面的內部宣傳、訓練和教育，以提升前線人員的意識，避免對涉案人士造成影響，從而減少不必要的投訴。

Apart from photo-taking, police officers may need to interact with persons of the opposite gender in cases of a sensitive nature. In one complaint case, a female complainant (COM) reported an indecent assault case. The investigation was conducted by a male police officer. COM was dissatisfied that during the investigation, the male police officer told her she, if summoned to court, might be asked many embarrassing questions. COM deemed the male police officer's handling of the situation inappropriate, but the male officer denied the allegation. Due to a lack of independent evidence, the allegation was eventually classified as "Unsubstantiated".

Although CAPO could not reach a definite finding for this allegation, the IPCC believes that the police should from time to time remind frontline officers that when handling sexual offence-related cases, the victims should as far as practicable be contacted and handled by police officers of the same gender, who should maintain sensitivity and compassion. To address this, the police have proactively increased internal promulgation, training and education to raise awareness among frontline officers, aiming to avoid adverse effects on the persons involved in police cases and to reduce unnecessary complaints.

5. 深化警務人員保障市民個人資料私隱的意識

Deepen police officers' awareness of protecting personal data privacy of the public

在現今社會中，警務人員的個人紀律和行為操守對於維護市民對警隊的信任至關重要。警方一向高度重視警務人員的誠信，並對他們的行為標準有着嚴格的要求，因為每一位警務人員的言行舉止都在市民心目中代表着整個警隊的形象。因此，確保警務人員在執行職務時遵循正確的行為準則，尤其是在使用市民個人資料方面，是警方長期以來的重點關注事項。根據警方的《警察通例》，警務人員在執行職務時所收集的市民個人資料必須僅用於工作需要，絕不得用作私人用途。

In today's society, the discipline and conduct of police officers are essential for maintaining public trust in the police force. The police have all along placed a high value on the integrity of their officers and have strict standards for their behaviour, as each officer's actions reflect the image of the entire police force in the eyes of the public. Therefore, it has long been the police's focus to ensure that police officers adhere to appropriate code of conduct while discharging their duties, particularly regarding the use of personal data of the public. According to the PGO, personal data collected from the public by police officers in connection with performing policing duties must solely be used for work-related purposes and never for private purposes.



模擬照片 Mock-up photo

然而，近期有一宗個案顯示有警員違反指引，不當使用市民的個人資料。在投訴個案中，一名女投訴人在舉報個案時提供了她的個人資料給警務人員用作報案之用，但該警務人員卻私下使用投訴人的電話號碼聯絡她，希望與她成為朋友。投訴人其後向投訴警察課指控有關警務人員行為不當。經調查後，投訴警察課證實該名警員違反《警察通例》，因此將指控分類為「獲證明屬實」。由於該名警員行為嚴重不當，警方故根據公務員事務規例第186條於試用期內終止對其的聘用。

監警會強調，這類投訴的性質是非常嚴重的；而警方一向對警務人員這一類的違紀行為，堅決採取零容忍的態度。過去監警會亦曾建議警方制定內部措施及指引，以提醒警務人員必須尊重市民的個人資料私隱，並適當運用這些資料，絕不可隨意使用。

警方了解公眾近年對警隊誠信及操守的期望不斷提升，並將警務人員的個人操守視為核心價值之一。同時，警隊管理層亦不時提醒各級督導人員，向前線警務人員強調誠信的重要性，要求人員對個人誠信和操守時刻保持高度警惕，遵守法紀，以及對下屬進行適當監督。在此基礎上，監警會建議警方在既定的程序政策上，進一步實施其他深化措施，以提升警務人員保障市民個人資料的意識，確保所有警務人員遵守內部規定，並充分意識到違規的嚴重後果。希望通過這些措施，能夠有效防止類似事件再次發生，並鞏固市民對警隊的信心。

這些努力不僅是對市民負責的表現，更是警方持續提升服務質素和維護公信力的重要步驟。監警會支持警方繼續致力加強對警務人員的培訓和監管，確保他們在執行職務時遵循警隊的標準。

However, a recent complaint case involved a police officer who had breached the guideline by inappropriately using personal data of a member of the public. In this case, a female complainant (COM) provided her personal data to a police officer for record when she made a report to the police. Yet, the police officer subsequently contacted COM privately using her phone number, hoping to befriend her. COM later lodged a complaint with CAPO regarding the officer's "Misconduct". After investigation, CAPO confirmed that the police officer had breached the PGO and therefore classified the allegation as "Substantiated". Due to the severity of the misconduct committed by the officer, who was still serving on probationary terms at the time, the force terminated his service in accordance with Civil Service Regulation 186.

The IPCC emphasises that the nature of such complaints is very serious; and the police resolutely adopt a zero-tolerance attitude towards this type of misconduct. In the past, the IPCC had recommended the police to formulate internal measures and guidelines to remind police officers that they must respect the personal data privacy of the public, use the data appropriately, and never use them at will.

The police understand that the public expectations regarding the conduct and integrity of the police force have been rising in recent years, and they view the personal integrity of officers as one of their core values. At the same time, the police management regularly reminds supervisory officers at all levels to emphasise the importance of integrity to frontline officers, urging them to maintain a high level of vigilance regarding their integrity and conduct at all times, comply with laws and regulations, and provide appropriate supervision to their subordinates. On this basis, the IPCC recommended that the police further implement measures beyond established procedures and policies to deepen police officers' awareness of personal data protection, ensuring that all officers adhere to the internal guidelines and are fully aware of the severe consequences of any misconduct. It is hoped that these measures can effectively avoid recurrence of similar incidents and strengthen public confidence in the police force.

These efforts not only demonstrate the police's accountability to the public, but also serve as an important step in police's ongoing commitment to enhancing service quality and maintaining public trust. The IPCC supports the police in their continued efforts to enhance training and oversight of their officers, ensuring that they adhere to the standards of the police force while performing their duties.

監警會於2023/24年度提出的20項服務質素改善建議和意見 20 SQIs and comments proposed by the IPCC in 2023/24

I 被羈留人士及其財物的處理 Handling of Detainees and Their Properties

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|---|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 改善財物記錄表的設計，令警務人員及被羈留人士的簽署位置更容易被辨識，以確認財物的檢取及歸還。 | To enhance the design of the property record form to better distinguish the signing areas of both the police officer and the detainee, as to confirm the seizure and the return of the properties. |
| 2 | 落實推行已修訂的羈留搜查表格 (Pol. 1123)。 | To promulgate the revised Custody Search Form (Pol. 1123). |
| 3 | 完善押送肢體傷殘被捕人士的指引。 | To enhance the guidelines on the appropriate transportation for arrested persons with physical disabilities. |
| 4 | 檢討有關拍攝被捕人士位於身體敏感部位的特徵、紋身指引。 | To review the guidelines on taking photos of any marks or tattoos on sensitive areas of arrested persons. |

II 警方報告的處理 Handling of Police Reports

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|---|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | 制定措施以協助警方評估涉及錯誤轉賬的案件。 | To devise measures to facilitate police officers' assessment of reports involving transfer of money by mistake. |
| 6 | 制定措施，確保前線人員在處理案件時準確記錄或報告涉案的地點，以防止錯誤派遣警務人員及延誤警方執法行動。 | To devise measures to ensure frontline officers accurately record and relay the locations involved when handling case reports to prevent wrong deployment of police officer and delay in police enforcement action. |
| 7 | 加強警察通訊員的知識，特別是警方職權範圍內的罪行及報告。 | To enhance the knowledge of police communications officers, in particular the offences and reports that are under police's purview. |
| 8 | 提醒前線人員在處理是否歸類為罪案的邊緣個案時，應向其上級彙報並根據指示將案件妥善歸類。 | To remind frontline officers to consult and report to their respective supervisors when handling borderline cases that may or may not be classified as crimes, and to classify the cases accordingly. |

III 有關交通案件 Traffic Case Related

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|----|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 | 檢討通知交通案件受害人／報案人結果的信件內容，以明確顯示接獲交通意外案件的時間。 | To review the proforma of the final letter to victim/informant of traffic case to clearly indicate the time of receipt of traffic accident cases. |
| 10 | 完善通知車主取回被拖車輛的指引。 | To enhance the guidelines on informing vehicle owners to reclaim towed vehicles. |
| 11 | 提醒前線人員，當發現車輛有缺點時，應即場拍下照片，並將照片連同「有缺點車輛舉報表格」提交予運輸署。 | To remind frontline officers that upon finding defects on a vehicle, they should take photos immediately at the scene and submit the photos to Transport Department together with the Defective Vehicle Report form. |

IV

與公眾溝通
Communication with the Public

- 12 提醒有機會使用 WhatsApp 接收市民數碼資料的單位／部隊，在 WhatsApp 設置自動回覆訊息，強調有關 WhatsApp 帳號非作通訊或查詢用途；及須按照《個人資料(私隱)條例》的保障資料原則、警察通例及指引處理市民的數碼資料或個人資料。
- To issue reminder to formations/units which may use WhatsApp for receiving digital information from the public to set up automatic reply message in WhatsApp emphasising that the WhatsApp number concerned is not for communication or enquiry; and to comply with the Data Protection Principles of the Personal Data (Privacy) Ordinance, police order and guidelines when handling the digital information or personal data received from the public.
- 13 提醒前線人員處理精神上無行為能力人士的程序。
- To remind frontline officers the procedures of handling Mentally Incapacitated Persons.
- 14 加強警務人員與公眾人士接觸時的溝通技巧及專業性，包括妥善使用在執行公務期間收集的個人資料。
- To enhance the communication skills and professionalism of officers when dealing with members of the public, including the proper use of personal data collected during official duties.

V

警察記事冊紀錄
Police Notebook Records

- 15 提醒前線人員在執行日常職務時要在警察記事冊內作出詳細紀錄。
- To remind frontline officers to make sufficiently detailed police notebook record when performing their daily duties.
- 16 提醒前線人員在引用「精神健康條例」行使警權後在警察記事冊中記錄曾引用的法例。
- To remind frontline officers of recording relevant legislation on the police notebook after exercising police power under Mental Health Ordinance.

VI

有關投訴警察課
CAPO Related

- 17 提醒投訴警察課人員應在投訴人撤回投訴的口供上，記錄其上司未能加簽的原因。
- To remind CAPO officers that they must record the reason when a supervisor is not available to countersign a complainant's withdrawal statement.

VII

提升設備
Equipment Enhancement

- 18 建議警方與公眾人士的電話通話要被錄音。
- To recommend that telephone conversations between the police and members of the public are audio recorded.

VIII

有關警方會面
Police Interview Related

- 19 檢討有關與視障人士會面的指引。
- To review the guidelines on interviewing visually impaired persons.

IX

有關隨身攝錄機
Body Worn Video Camera Related

- 20 提醒前線人員在執行日常警察職務時更積極應用隨身攝錄機。
- To remind frontline officers to actively use Body Worn Video Camera in day-to-day policing situations.