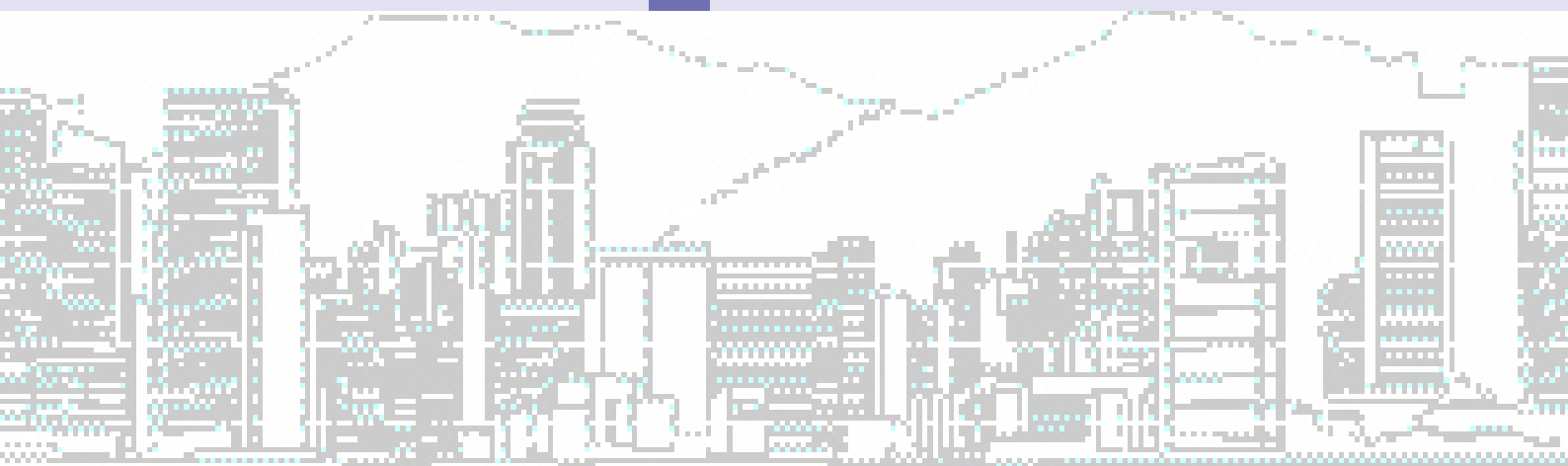


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抱負 Vision

- 確保香港的投訴警察制度公平、有效率和具透明度，使每一宗須具報投訴個案均得到公正、迅速、仔細和不偏不倚的調查。
- That Hong Kong has a fair, effective and transparent police complaints system which ensures that the investigation of each and every reportable complaint against the Police is conducted justly, promptly, thoroughly and without prejudice.

使命 Mission

- 以獨立、公正、透徹的精神，監察投訴警察課就須具報投訴進行調查的結果。
- Independent, impartial and thorough monitoring of the results of investigation into reportable complaints against the Police conducted by the Complaints Against Police Office.
- 找出及建議改善現行投訴警察制度的方法，使調查更加透徹、透明、公正和有效率。
- Identification of and making recommendations on ways and means of improving the thoroughness, transparency, fairness and speed of the police complaint investigation process.

價值觀 Values

- 不偏不倚、堅持不懈地追尋事實的真相
 - 審慎和徹底地審閱投訴個案的調查結果
 - 作出合理、公正和迅速的判斷
 - 提倡良好的程序、常規和價值觀，藉以減少投訴警察個案
 - 有效地運用資源
 - 嚴格遵守保密原則
- Unbiased and persistent pursuit of truth
 - Thorough and attentive examination of investigation results
 - Reasonable, fair and prompt in making judgements
 - Promotion of good procedures, practices, and values which would minimize police complaints
 - Efficient and effective use of resources
 - Strict observance of the code of confidentiality

主席前言 Chairman's Foreword



翟紹唐 資深大律師
主席
JAT Sew-Tong, SC
Chairman

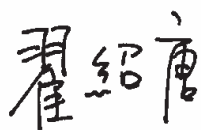
2008年，投訴警方獨立監察委員會（警監會）見證了立法會經熱烈討論後通過的《獨立監察警方處理投訴委員會條例》。《條例》的制定是政府當局、立法會和警監會三方面累積多年的工作成果，為警監會的發展踏出重要的一步。《條例》為警監會確立清晰的法理依據以行使權力和履行職能，進一步奠定我們的獨立地位。我要特別感謝和表揚警監會前任主席，以及前任和現任委員，在條例蘊釀以至制定的過程中，所作出的努力和貢獻。

The year 2008 is a landmark year for the Independent Police Complaints Council (IPCC). It saw the enactment of the IPCC Ordinance following a lively and vigorous debate in the Legislative Council. The enactment represents the culmination of years of work of all those involved: the Administration, legislators, and IPCC. It puts the IPCC on a clear and solid basis on which to exercise our powers and functions, and further reinforces our independent status. I am grateful for and pay tribute to all the hard work and input contributed by our former Chairmen, and former and incumbent Members in this process.

主席前言 Chairman's Foreword

隨著《條例》的通過，我們積極籌備過渡為法定機構，工作忙個不停：檢討審核須匯報投訴的內部程序；修訂觀察員計劃的程序和指引以符合法定要求；制定員工的聘用條款和招聘計劃；設立會計、財務管理和人力資源管理系統；把檔案和庫存由政府轉交到新的獨立機構等。我們在年內完成了多項內部行政工作，為過渡為法定機構後的運作做好準備。

除了行政上的部署，我們亦不斷努力強化監察的角色：有賴警監會觀察員的踴躍參與，年內進行觀察的次數，較對上一年倍增，突擊觀察更有超過50次；我們並在會議上討論多個個案，讓各委員就個案的重點充分交流。此報告載列了警監會年內的統計數字和資料，歡迎您向我們提出改善服務的意見和建議。



翟紹唐 資深大律師
主席

Following passage of the Ordinance, we have been busy preparing for the transition: reviewing internal procedures on vetting of reportable complaints, revising procedures and guidelines of the Observers Scheme in the light of statutory requirements, devising terms and conditions as well as a programme on recruitment of our own staff, setting up our own accounting, financial management, and human resources management systems, arranging for transfer of files and inventory from the Government to the independent body, etc. A lot of internal administrative work was done during the year with a view to preparing ourselves for operating as a statutory body.

Administrative work aside, we have also continued our efforts to strengthen our monitoring role. Thanks to the concerted efforts of IPCC Observers, the number of observations conducted during the year doubled that of the previous year including more than 50 surprise observations. More cases were brought to meetings for discussion amongst members to ensure that all salient points are thrashed out. This Report contains statistics and information on IPCC's work during the year. We welcome your comments and suggestions to improve our service.



JAT Sew-Tong, SC
Chairman

警監會成員名單 IPCC Membership List



翟紹唐資深大律師
警監會主席

Mr JAT Sew-Tong, SC
Chairman, IPCC

任期

- 由2008年6月1日起

Term of Appointment

- Since 1 Jun 2008

職業

大律師

Occupation

Barrister

主要公共服務

- 暴力及執法傷亡賠償委員會主席
- 嚴重急性呼吸系統綜合症信託基金覆檢委員會主席
- 行政上訴委員會副主席
- 非應邀電子訊息(執行通知)上訴委員會副主席
- 電訊(競爭條文)上訴委員會備選委員

Major Public Service

- Chairman, Criminal and Law Enforcement Injuries Compensation Boards
- Chairperson, Review Committee on Trust Fund for Severe Acute Respiratory Syndrome
- Deputy Chairman, Administrative Appeals Board
- Deputy Chairman, Unsolicited Electronic Messages (Enforcement Notices) Appeal Board
- Panel Member, Telecommunications (Competition Provisions) Appeal Board



黃福鑫資深大律師, SBS, JP
前警監會主席

Mr Ronny WONG Fook-hum, SBS, SC, JP
Former Chairman, IPCC

任期

- 2004年5月25日 -
2008年5月31日

Term of Appointment

- 25 May 2004 -
31 May 2008

職業

大律師

Occupation

Barrister

主要公共服務

- 前空運牌照局主席
- 前城市規劃上訴委員會主席
- 前稅務上訴委員會主席

Major Public Service

- Former Chairman, Air Transport Licensing Authority
- Former Chairman, Town Planning Appeal Board
- Former Chairman, Board of Review (Inland Revenue Ordinance)

警監會成員名單 IPCC Membership List



林偉強先生, SBS, JP
警監會副主席

Mr Daniel LAM Wai-keung, SBS, JP
Vice-Chairman, IPCC

任期
• 2005-2008年

Term of Appointment
• 2005-2008

職業

公司董事長

Occupation

Company Managing Director

主要公共服務

- 立法會議員(至2008年9月)
- 離島區議會主席
- 新界鄉議局副主席
- 坪洲鄉事委員會主席
- 漁業發展貸款基金顧問委員會成員

Major Public Service

- Member, Legislative Council (till Sep 2008)
- Chairman, Islands District Council
- Vice-Chairman, Heung Yee Kuk, New Territories
- Chairman, Peng Chau Rural Committee
- Member, Fisheries Development Loan Fund Advisory Committee



呂明華博士, SBS, JP
警監會副主席

Dr LUI Ming-wah, SBS, JP
Vice-Chairman, IPCC

任期
• 2005-2008年

Term of Appointment
• 2005-2008

職業

公司董事總經理

Occupation

Company Managing Director

主要公共服務

- 立法會議員(至2008年9月)
- 香港理工大學校董
- 香港國際仲裁中心顧問
- 全國政協委員
- 山東大學顧問教授

Major Public Service

- Member, Legislative Council (till Sep 2008)
- Member, Council of the Hong Kong Polytechnic University
- Advisor, Hong Kong International Arbitration Centre
- Member, The Chinese People's Political Consultative Conference
- Advisory Professor, Shandong University



李國麟議員, JP
警監會副主席

Dr Hon Joseph LEE Kok-long, JP
Vice-Chairman, IPCC

任期
• 由2007年起

Term of Appointment
• Since 2007

職業

香港公開大學科技學院護理學系主任、
副教授

Occupation

Associate Professor and Programme Leader of Nursing,
Open University of Hong Kong

主要公共服務

- 策略發展委員會委員
- 香港房屋委員會委員
- 醫院管理局成員
- 香港護士管理局成員
- 地產代理監管局成員

Major Public Service

- Member, Commission on Strategic Development
- Member, Hong Kong Housing Authority
- Member, Hospital Authority
- Member, Nursing Council Hong Kong
- Member, Estate Agents Authority

警監會成員名單 IPCC Membership List



楊耀忠先生, BBS, JP
警監會委員

Mr YEUNG Yiu-chung, BBS, JP
Member, IPCC

任期

- 由2005年起：委員
- 2001-2004年：副主席

Term of Appointment

- Since 2005: Member
- 2001-2004: Vice-Chairman

職業

中學校長

Occupation

Secondary School Principal

主要公共服務

- 中華人民共和國第九屆、第十屆及第十一屆全國人民代表大會香港區代表
- 民建聯監察委員會副主席
- 香港教育工作者聯會會長
- 香港國民教育中心董事局主席
- 古物諮詢委員會成員
- 禁毒常務委員會成員

Major Public Service

- Hong Kong Deputy to the 9th, 10th and 11th National People's Congress of the People's Republic of China
- Vice-Chairman of Senate, DAB
- President, Hong Kong Federation of Education Workers
- Chairman, National Education Centre
- Member, Antiquities Advisory Board
- Member, Action Committee Against Narcotics



勞永樂醫生, JP
警監會委員

Dr LO Wing-lok, JP
Member, IPCC

任期

- 2005-2008年：委員
- 2001-2004年：副主席

Term of Appointment

- 2005-2008: Member
- 2001-2004: Vice-Chairman

職業

醫生

Occupation

Medical Doctor

主要公共服務

- 衛生防護中心新發現及動物傳染病科學委員會成員
- 平等機會委員會委員
- 前食物及環境衛生諮詢委員會委員

Major Public Service

- Member, Scientific Committee on Emerging and Zoonotic Diseases, Centre for Health Protection
- Member, Equal Opportunities Commission
- Former Member, Advisory Council on Food and Environment



龐創先生, BBS, JP
警監會委員

Mr Edward PONG Chong, BBS, JP
Member, IPCC

任期

- 2003-2008年

Term of Appointment

- 2003-2008

職業

公司常務董事

Occupation

Company Executive Director

主要公共服務

- 保安及護衛業管理委員會主席
- 新界鄉議局當然執行委員
- 仁愛堂諮詢局委員
- 屯門健康城市協會有限公司主席
- 青山寺慈善信託理事會副主席

Major Public Service

- Chairman, Security and Guarding Services Industry Authority
- Ex-officio Executive Councillor, Heung Yee Kuk, New Territories
- Member, Advisory Board of Yan Oi Tong
- Chairman, Tuen Mun Healthy City Association Ltd
- Deputy Chairman, Managing Trustees of The Charitable Trustee of Tsing Shan Monastery

警監會成員名單 IPCC Membership List



許湧鐘先生, BBS, JP
警監會委員

Mr HUI Yung-chung, BBS, JP
Member, IPCC

任期
• 2003-2008年

Term of Appointment
• 2003-2008

職業
中學校長

Occupation
Secondary School Principal

主要公共服務

- 南區公民教育委員會主席
- 上訴委員會(房屋)委員
- 審裁小組(管制淫褻及不雅物品)審裁員
- 鴨脷洲分區委員會委員
- 香港仔街坊福利會社會服務中心主席

Major Public Service

- Chairman, Southern District Civic Education Committee
- Member, Appeal Panel (Housing)
- Adjudicator, Panel of Adjudicators (Control of Obscene and Indecent Articles)
- Member, Ap Lei Chau Area Committee
- Chairman, Aberdeen Kaifong Welfare Association Social Service Centre



鄒嘉彥教授, BBS
警監會委員

Prof Benjamin TSOU Ka-yin, BBS
Member, IPCC

任期
• 2003-2008年

Term of Appointment
• 2003-2008

職業
香港城市大學語言資訊科學研究中心主任
香港城市大學語言學與亞洲語言講座教授

Occupation
Director, Language Information Sciences Research Centre,
City University of Hong Kong
Professor (Chair) of Linguistics and Asian Languages,
City University of Hong Kong

主要公共服務

- 中國全國術語標準化技術委員會專家成員(2004)/國際標準化組織第37技術委員會中國專家代表
- 豁免語文能力要求上訴委員會成員
- 自訂車輛登記號碼審核委員會成員
- 前中文界面諮詢委員會委員(1999-2007)
- 前尤德爵士紀念基金理事會委員(1987-2003)

Major Public Service

- Expert Representative for China, ISO/TC37 Committee on Textual Segmentation
- Member, Appeal Board on Exemption from the Language Proficiency Assessment Requirement
- Member, Personalized Vehicle Registration Marks Vetting Committee
- Former Member, Chinese Language Interface Advisory Committee (1999-2007)
- Former Member, Sir Edward Youde Memorial Fund Council (1987-2003)



徐福燊醫生
警監會委員

Dr Michael TSUI Fuk-sun
Member, IPCC

任期
• 由2004年起

Term of Appointment
• Since 2004

職業
牙科醫生(私人執業)
中國國際經濟貿易仲裁委員會仲裁員

Occupation
Dentist (Private Practice)
Arbitrator (China International Economic and Trade Arbitration Commission)

主要公共服務

- 保險索償投訴委員會主席
- 市政服務上訴委員會成員
- 證券及期貨事務上訴審裁處委員
- 前消費者委員會委員
- 前保安及護衛業管理委員會委員

Major Public Service

- Chairman, Insurance Claims Complaints Panel
- Member, Municipal Services Appeal Board
- Member, Securities and Futures Appeals Tribunal
- Former Member, The Consumer Council
- Former Member, Security and Guarding Services Industry Authority

警監會成員名單 IPCC Membership List



謝德富醫生, BBS
警監會委員

Dr TSE Tak-fu, BBS
Member, IPCC

任期

- 由2005年起

Term of Appointment

- Since 2005

職業

專科醫生(心臟科)
註冊中醫師

Occupation

Medical Specialist (Cardiology)
Registered Chinese Medicine Practitioner

主要公共服務

- 醫療輔助隊副總監(人力資源)
- 香港大學校董會成員
- 香港中醫藥管理委員會成員
- 南京中醫藥大學校董
- 南京中醫藥大學客座教授

Major Public Service

- Deputy Commissioner (Human Resources), Auxiliary Medical Service
- Member, Court of The University of Hong Kong
- Member, Chinese Medicine Council of Hong Kong
- Member, Board of Directors, Nanjing University of Chinese Medicine
- Hon Professor, Nanjing University of Chinese Medicine



王沛詩女士, JP
警監會委員

Ms Priscilla WONG Pui-sze, JP
Member, IPCC

任期

- 由2005年起

Term of Appointment

- Since 2005

職業

執業大律師

Occupation

Barrister-at-law

主要公共服務

- 上訴委員會(博彩稅條例)主席
- 消費品安全條例上訴委員會副主席
- 衛奕信勳爵文物信託受託人委員會成員
- 香港演藝學院校董會成員

Major Public Service

- Chairman, Appeal Board (Betting Duty Ordinance)
- Deputy Chairman, Appeal Board Panel (Consumer Goods Safety)
- Member, Board of Trustees of the Lord Wilson Heritage Trust
- Member, Council of the Hong Kong Academy for Performing Arts



阮陳淑怡博士
警監會委員

Dr Helena YUEN CHAN Suk-ye
Member, IPCC

任期

- 由2006年起

Term of Appointment

- Since 2006

職業

律師

Occupation

Solicitor

主要公共服務

- 明愛向晴軒諮詢委員會委員
- 香港大學家庭研究院推廣及籌款小組委員會成員
- 行政長官選舉委員會委員(2006)
- 香港國際仲裁中心香港調解會前副主席(2003-2006), 前委員(1997-2006), 社區調解小組委員會創始主席(2000-2003)
- 香港社會服務聯會機構發展及伙伴聯繫常設委員會前委員(2001-2005)

Major Public Service

- Member, Advisory Board, Caritas Family Crisis Support Centre
- Member, Promotion and Fund-raising Sub Committee, Family Institute, The University of Hong Kong
- Member, Election Committee for the Chief Executive (2006)
- Founding Chairman, Community Mediation Sub-committee (2000-2003), former Council Member (1997-2006) and Vice-Chairman (2003-2006), Hong Kong Mediation Council, Hong Kong International Arbitration Centre
- Former Member, Standing Committee, Agency Development and Partnership, Hong Kong Council of Social Services (2001-2005)

警監會成員名單 IPCC Membership List



張震遠先生, JP
警監會委員

Mr Barry CHEUNG Chun-yuen, JP
Member, IPCC

任期
• 2007-2008年

Term of Appointment
• 2007-2008

職業
公司主席

Occupation
Company Chairman

主要公共服務

- 市區重建局董事會主席
- 紀律人員薪俸及服務條件常務委員會代主席
- 薪酬趨勢調查委員會替任主席
- 公務員薪俸及服務條件常務委員會委員
- 前廉政公署防止貪污諮詢委員會主席 (2001-2005)

Major Public Service

- Chairman, Board of Urban Renewal Authority
- Acting Chairman, Standing Committee on Disciplined Services Salaries and Conditions of Services
- Alternate Chairman, Pay Trend Survey Committee
- Member, Standing Commission on Civil Service Salaries and Conditions of Service
- Former Chairman, Corruption Prevention Advisory Committee, ICAC (2001-2005)



林志傑醫生, MH
警監會委員

Dr Lawrence LAM Chi-kit, MH
Member, IPCC

任期
• 由2007年起

Term of Appointment
• Since 2007

職業
牙科醫生

Occupation
Dental Surgeon

主要公共服務

- 審裁小組(管制淫褻及不雅物品)審裁員
- 中西區及港島東區交通安全運動委員會副主席
- 香港交通安全隊高級副總監
- 封閉令(對健康的即時危害)上訴委員會成員
- 香港大學牙科醫學院校董委員會委員

Major Public Service

- Adjudicator, Panel of Adjudicators (Control of Obscene and Indecent Articles)
- Vice President, Central & Western District, Island East Road Safety Campaign Organizing Committee
- Senior Deputy Commissioner, Hong Kong Road Safety Patrol
- Panel Member, Appeal Board on Closure Orders (Immediate Health Hazard)
- Member, Board of Faculty of Dentistry, The University of Hong Kong



黃國恩先生
警監會委員

Mr WONG Kwok-yan
Member, IPCC

任期
• 2007-2008年

Term of Appointment
• 2007-2008

職業
律師

Occupation
Solicitor

主要公共服務

- 黃大仙區議會議員
- 黃大仙中分區委員會委員
- 香港城市大學顧問委員會成員
- 審裁小組(管制淫褻及不雅物品)審裁員
- 醫院管理局九龍區域諮詢委員會成員

Major Public Service

- Member, Wong Tai Sin District Council
- Member, Wong Tai Sin Central Area Committee
- Member, Court of City University of Hong Kong
- Adjudicator, Panel of Adjudicators (Control of Obscene and Indecent Articles)
- Member, Regional Advisory Committee of Kowloon, Hospital Authority

警監會成員名單 IPCC Membership List



杜國鑾先生, BBS, JP
警監會委員

Mr Clement TAO Kwok-lau, BBS, JP
Member, IPCC

任期
• 由2008年起

Term of Appointment
• Since 2008

職業

風險及財務管理顧問

Occupation

Risk and Financial Manager

主要公共服務

- 上訴委員團(地產代理條例)主席
- 保護證人覆核委員會小組成員
- 撲滅罪行委員會青少年罪犯問題常務委員會委員
- 前撲滅罪行委員會成員
- 前公眾集會及遊行上訴委員會成員

Major Public Service

- Chairman, Appeal Panel (Estate Agents Ordinance)
- Member, Panel of Witness Protection Review Board
- Member, Standing Committee on Young Offenders of Fight Crime Committee
- Former Member, Fight Crime Committee
- Former Member, Appeal Board on Public Meetings and Processions



張妙嫦女士
警監會委員

Ms Emily CHEUNG Mui-seung
Member, IPCC

任期
• 由2008年起

Term of Appointment
• Since 2008

職業

律師

Occupation

Solicitor

主要公共服務

- 版權審裁處委員
- 排水事務上訴委員會備選小組成員
- 前北區區議會委任成員
- 前北區撲滅罪行委員會主席

Major Public Service

- Member, Copyright Tribunal
- Member, Drainage Appeal Board Panel
- Former Member (Appointed), North District Council
- Former Chairman, North District Fight Crime Committee

警監會觀察員名單 IPCC Observers List

- | | |
|-------------------------|---|
| 01 區艷龍女士** | 01 Ms Lilianna AU Yim-lung** |
| 02 湛家雄先生, MH, JP | 02 Mr Daniel CHAM Ka-hung, MH, JP |
| 03 陳捷貴先生, JP* | 03 Mr Stephen CHAN Chit-kwai, JP* |
| 04 陳耀星先生, BBS, JP | 04 Mr Star CHAN Iu-seng, BBS, JP |
| 05 陳家偉先生 | 05 Mr CHAN Ka-wai |
| 06 陳國旗先生 | 06 Mr Jacky CHAN Kwok-kai |
| 07 陳文俊先生 | 07 Mr CHAN Man-chun |
| 08 陳文佑先生 | 08 Mr Henry CHAN Man-yu |
| 09 陳韻雲女士, JP √ | 09 Ms Vivien CHAN, JP √ |
| 10 陳東博士, SBS, JP* | 10 Dr CHAN Tung, SBS, JP* |
| 11 陳偉明先生, MH, JP | 11 Mr CHAN Wai-ming, MH, JP |
| 12 陳永錦先生, MH | 12 Mr Dominic CHAN Wing-kam, MH |
| 13 陳榮濂先生, JP | 13 Mr William CHAN Wing-lim, JP |
| 14 陳若瑟先生, BBS | 14 Mr Joseph CHAN Yuek-sut, BBS |
| 15 周轉香女士, MH, JP √ | 15 Ms CHAU Chuen-heung, MH, JP √ |
| 16 鄭阮培恩女士 | 16 Mrs Betty CHENG YUEN Pui-yan |
| 17 張錫容女士 | 17 Ms CHEUNG Sik-yung |
| 18 覃志敏女士 | 18 Ms Susanna CHING Che-man |
| 19 周奕希先生, BBS, JP | 19 Mr CHOW Yick-hay, BBS, JP |
| 20 朱慶虹先生 √ | 20 Mr CHU Ching-hong √ |
| 21 朱耀明牧師 | 21 Rev CHU Yiu-ming |
| 22 鍾港武先生* | 22 Mr Edmond CHUNG Kong-mo* |
| 23 鍾樹根先生, MH, JP √ | 23 Mr Christopher CHUNG Shu-kun, MH, JP √ |
| 24 方平先生** | 24 Mr FONG Ping** |
| 25 馮庭碩先生 | 25 Mr Eugene FUNG |
| 26 許嘉灝先生, MH | 26 Mr HUI Ka-hoo, MH |
| 27 葉國忠先生, SBS, JP √ | 27 Mr IP Kwok-chung, SBS, JP √ |
| 28 簡志豪先生, BBS, MH | 28 Mr KAN Chi-ho, BBS, MH |
| 29 高錦祥先生, BBS, MH | 29 Mr KO Kam-cheung, BBS, MH |
| 30 顧明仁博士, MH | 30 Dr Charles KOO Ming-yan, MH |
| 31 關治平工程師, JP | 31 Ir Edgar KWAN, JP |
| 32 江子榮先生, MH, JP** | 32 Mr James KONG Tze-wing, MH, JP** |
| 33 黎樹濠先生, MH, JP** | 33 Mr Patrick LAI Shu-ho, MH, JP** |
| 34 黎達生先生, MH, JP | 34 Mr David LAI Tat-sang, MH, JP |
| 35 林建高先生, MH | 35 Mr Stewart LAM Kin-ko, MH |
| 36 林鉅成醫生, JP √ | 36 Dr Conrad LAM Kui-shing, JP √ |
| 37 林錫光先生** | 37 Mr LAM Sek-kong** |
| 38 林德亮先生, MH | 38 Mr LAM Tak-leung, MH |
| 39 林貝聿嘉女士, GBS, JP | 39 Mrs Peggy LAM PEI Yu-dja, GBS, JP |
| 40 劉可傑先生 √ | 40 Mr Ivan LAU Ho-kit √ |
| 41 劉天生先生** | 41 Mr LAU Tin-sang** |
| 42 劉偉榮先生, JP* | 42 Mr LAU Wai-wing, JP* |
| 43 劉皇發議員, GBM, GBS, JP* | 43 Hon LAU Wong-fat, GBM, GBS, JP* |
| 44 梁志祥先生, MH, JP* | 44 Mr LEUNG Che-cheung, MH, JP* |
| 45 梁志培先生* | 45 Mr LEUNG Chi-pui* |
| 46 梁英詠女士, BBS, MH | 46 Ms LEUNG Fu-wing, BBS, MH |
| 47 區秀志先生, JP | 47 Mr LEUNG Sau-chi, JP |
| 48 梁偉權先生, JP* | 48 Mr Edward LEUNG Wai-kuen, JP* |
| 49 梁永權先生 | 49 Mr LEUNG Wing-kuen |
| 50 李家暉先生, MH √ | 50 Mr David LI Ka-fai, MH √ |
| 51 李德康先生, MH* | 51 Mr LI Tak-hong, MH* |

警監會觀察員名單 IPCC Observers List

52 盧子安先生	52 Mr LO Tze-on
53 麥美娟女士 *	53 Miss Alice MAK Mei-kuen*
54 文春輝先生, MH*	54 Mr MAN Chen-fai, MH*
55 吳錦津先生, MH*	55 Mr Stephen NG Kam-chun, MH*
56 吳國輝先生 ^{vv}	56 Mr NG Kwok-fai ^{vv}
57 吳守基先生, MH, JP	57 Mr Wilfred NG Sau-kei, MH, JP
58 彭長緯先生, BBS, JP	58 Mr Thomas PANG Cheung-wai, BBS, JP
59 彭玉榮先生, JP	59 Mr Joseph PANG Yuk-wing, JP
60 龐心怡女士	60 Ms Samanta PONG Sum-yee
61 卜坤乾先生	61 Mr PUK Kwan-kin
62 石丹理教授, BBS, JP	62 Prof Daniel SHEK Tan-lei, BBS, JP
63 沈秉韶醫生, BBS, JP	63 Dr SHUM Ping-shiu, BBS, JP
64 蘇麗珍女士 *	64 Ms SO Lai-chun*
65 蘇西智先生, BBS, MH*	65 Mr SO Sai-chi, BBS, MH*
66 孫啟昌先生, MH, JP*	66 Mr SUEN Kai-cheong, MH, JP*
67 譚景良工程師	67 Ir TAM King-leung
68 譚國僑先生, MH, JP	68 Mr TAM Kwok-kiu, MH, JP
69 譚炳立博士, MH	69 Dr Banny TAM Ping-lap, MH
70 譚兆炳先生	70 Mr George TAM Siu-ping
71 鄧振強先生, MH	71 Mr Teddy TANG Chun-keung, MH
72 鄧國綱先生, MH, JP	72 Mr TANG Kwok-kong, MH, JP
73 鄧鳳楚先生 *	73 Mr TANG Yun-chor*
74 丁毓珠女士, SBS, JP ^v	74 Ms Christina TING Yuk-chee, SBS, JP ^v
75 謝禮良先生, MH	75 Mr Jimmy TSE Lai-leung, MH
76 謝永齡博士, MH	76 Dr John TSE Wing-ling, MH
77 尹志強先生, BBS, JP	77 Mr Aaron WAN Chi-keung, BBS, JP
78 溫悅球先生, JP*	78 Mr WAN Yuet-kau, JP*
79 王津先生, JP	79 Mr Justein WONG Chun, JP
80 黃孝恩先生	80 Mr Helvin WONG Hau-yan
81 黃金池先生, MH, JP ^v	81 Mr WONG Kam-chi, MH, JP ^v
82 黃建彬先生	82 Mr WONG Kin-pan
83 黃江天博士	83 Dr James WONG Kong-tin
84 黃永灝工程師, JP	84 Ir Billy WONG Wing-hoo, JP
85 胡楚南先生, JP	85 Mr WU Chor-nam, JP
86 胡世謙工程師	86 Ir Hugh WU Sai-him
87 楊志達先生 **	87 Mr Stanley YEUNG Chee-tat**
88 楊志偉先生	88 Mr Edwin YEUNG Chi-wai
89 楊俊昇先生	89 Mr Andy YEUNG Chun-sing
90 葉滿華先生, JP	90 Mr Stephen YIP Moon-wah, JP
91 葉華先生, BBS, JP ^{vv}	91 Mr YIP Wah, BBS, JP ^{vv}
92 葉永成先生, MH, JP	92 Mr David YIP Wing-shing, MH, JP
93 葉曜丞先生, MH	93 Mr Chris YIP Yiu-shing, MH
94 阮陳寶馨女士	94 Mrs YUEN CHAN Po-hing
95 翁志明先生, MH**	95 Mr YUNG Chi-ming, MH**
96 翁國忠先生	96 Mr Roger YUNG Kwok-chung

* 由2008年4月1日起

** 由2008年8月1日起

^v 至2008年3月31日止

^{vv} 至2008年7月31日止

* since 1 Apr 2008

** since 1 Aug 2008

^v up to 31 Mar 2008

^{vv} up to 31 Jul 2008

第一章 關於警監會

Chapter 1 About IPCC

1.1 投訴警方獨立監察委員會(警監會)是一個獨立組織，委員由行政長官委任，職能是監察和覆檢香港警務處投訴警察課對有關警察的須具報投訴所進行的調查。

1.1 The Independent Police Complaints Council (IPCC) is an independent body whose Members are appointed by the Chief Executive (CE) to monitor and review the investigation of reportable complaints against the Police by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force.

1.2 警監會的職權範圍如下：

1.2 The Council's terms of reference are:

- (i) 監察警方處理市民投訴警察的個案，並於適當時加以覆檢；
- (ii) 經常覆檢導致市民投訴警務人員的各類行為的統計數字；
- (iii) 找出警方的工作程序中引致或可能引致投訴的不當之處；以及
- (iv) 於適當時向警務處處長，或在有需要時向行政長官提出建議。

- (i) to monitor and, where it considers appropriate, to review the handling by the Police of complaints by the public;
- (ii) to keep under review statistics of the types of conduct by police officers which lead to complaints by members of the public;
- (iii) to identify any faults in police procedures which lead or might lead to complaints; and
- (iv) where and when it considers appropriate, to make recommendations to the Commissioner of Police or, if necessary, to CE.

成員組合

1.3 警監會由一名主席、三名副主席和14名委員組成，他們全部由行政長官委任，來自社會不同界別，包括法律界、醫療及牙醫界、學術界、商界人士及立法會議員等。警監會借助委員多方面的專業知識，獨立、公正、徹底地監察投訴警察課的調查工作。

Composition

1.3 IPCC comprises a Chairman, three Vice-Chairmen and 14 Members, all appointed by CE. They are drawn from a wide spectrum of society including members from legal, medical and dental professions, academia, business sectors, and members of the Legislative Council (LegCo). This composition enables IPCC to draw upon the diverse expertise of its Members to monitor CAPO's investigation of police complaints in an independent, impartial, and thorough manner.

第一章 關於警監會

Chapter 1 About IPCC

1.4 年內，警監會的成員組合有下列變更：

- 由2008年1月1日起，杜國濠先生，BBS，JP和張妙嫦女士獲委任為警監會委員。
- 由2008年6月1日起，翟紹唐資深大律師接替黃福鑫資深大律師，SBS，JP出任警監會主席。黃先生服務警監會四年後卸任主席一職。

1.5 以下兩位副主席及六位委員的任期於2008年底屆滿：

林偉強先生，SBS，JP
(副主席：2005-2008)

呂明華博士，SBS，JP
(副主席：2005-2008)

勞永樂醫生，JP
(副主席：2001-2004
委員：2005-2008)

龐創先生，BBS，JP
(委員：2003-2008)

許湧鐘先生，BBS，JP
(委員：2003-2008)

鄒嘉彥教授，BBS
(委員：2003-2008)

張震遠先生，JP
(委員：2007-2008)

黃國恩先生
(委員：2007-2008)

1.4 During the year, there were the following changes to the membership of IPCC:

- With effect from 1 January 2008, Mr Clement TAO Kwok-lau, BBS, JP, and Ms Emily CHEUNG Mui-seung were appointed Members of the Council.
- With effect from 1 June 2008, Mr JAT Sew-Tong, SC, succeeded Mr Ronny WONG Fook-hum, SBS, SC, JP, as Chairman of the Council. Mr WONG stepped down as Chairman after serving on the Council for four years.

1.5 The term of appointment of two Vice-Chairmen and six Members ended at the close of 2008:

Mr Daniel LAM Wai-keung, SBS, JP
(Vice-Chairman: 2005-2008)

Dr LUI Ming-wah, SBS, JP
(Vice-Chairman: 2005-2008)

Dr LO Wing-lok, JP
(Vice-Chairman: 2001-2004
Member: 2005-2008)

Mr Edward PONG Chong, BBS, JP
(Member: 2003-2008)

Mr HUI Yung-chung, BBS, JP
(Member: 2003-2008)

Prof Benjamin TSOU Ka-yin, BBS
(Member: 2003-2008)

Mr Barry CHEUNG Chun-yuen, JP
(Member: 2007-2008)

Mr WONG Kwok-yan
(Member: 2007-2008)

歷史

1.6 警監會源自行政立法兩局非官守議員警方投訴事宜常務小組。1986年，當時的總督把常務小組改組為一個非法定但獨立的投訴警方事宜監察委員會。1994年12月，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）。

1.7 2007年7月，當局向立法會提交《投訴警方獨立監察委員會條例草案》。《條例草案》旨在把原有的警監會轉為法定機構，並就其職能、權力和運作訂定條文。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》）。保安局局長其後指定2009年6月1日為《監警會條例》的生效日期和法定監警會的成立日期。

監察程序

1.8 香港採用兩層投訴警察制度。所有投訴警察的個案，不論來源，均交由投訴警察課調查。警監會不會調查投訴。投訴警察課完成調查後，會把須具報投訴的調查報告連同相關檔案、文件及材料，提交警監會審核。

1.9 所有須具報投訴必須提交警監會審核。「須具報投訴」是指市民就當值或表明是警隊成員的休班警務人員的行為所作出的投訴。這些投訴必須由直接受影響的人士作出，並非瑣屑無聊或無理取鬧的投訴。

History

1.6 IPCC has its origin in the UMELCO Police Group which evolved into the Police Complaints Committee (PCC), a non-statutory but independent body commissioned by the then Governor in 1986. The PCC was renamed the Independent Police Complaints Council (IPCC) in December 1994.

1.7 In July 2007, the Administration introduced the IPCC Bill into LegCo. The Bill sought to incorporate the then existing IPCC into a statutory body and to provide for its functions, powers and operations. The IPCC Ordinance was enacted in July 2008. The Secretary for Security subsequently appointed 1 June 2009 as the day when the IPCC Ordinance would come into operation. The statutory IPCC would be established on the same day.

Monitoring Procedures

1.8 Hong Kong adopts a two-tier police complaints system. All complaints against the Police, irrespective of origin, are referred to CAPO for investigation. IPCC does not investigate into complaints. After CAPO has conducted the investigation, it will submit the investigation report of reportable complaints, together with relevant files, documents and materials, to IPCC for scrutiny.

1.9 All reportable complaints come under IPCC's scrutiny. "Reportable complaints" refer to public complaints, made in good faith, that relate to the conduct of police officers while on duty or who identify themselves as police officers while off duty. The complainant should be the person directly affected by the police misconduct.

第一章 關於警監會

Chapter 1 About IPCC

1.10 警監會審核須具報投訴的調查報告時，會研究報告內容及投訴警察課提供的其他材料。警監會成員分為三個小組，每組由一名副主席領導，分批審核調查報告。所有報告經小組審核後，會提交主席進一步審核。

1.11 在審核期間，如委員發現有疑點或不信納調查結果，委員會會要求投訴警察課澄清和／或提供更多資料。如警監會認為調查有不足之處，亦可要求該課重新調查投訴。

1.12 年內，警監會檢討了審閱投訴警察課的調查報告的模式。警監會察悉現有的機制大致行之有效，為促進委員之間和警監會與投訴警察課之間的意見交流，委員會決定把一些特別具爭議性、公眾關注或涉及基本原則的投訴個案，安排在會議上討論。此外，委員在傳閱報告期間，如認為有需要，可以提出把調查報告提交小組討論或交由全體大會討論。警監會在完全信納投訴個案處理得當後，才會通過調查結果，個案方可終結。警監會審核調查報告的流程圖載列於附錄I。

1.13 除了審核調查報告，警監會亦會找出警隊常規或程序中的缺失或不足之處，藉以預防對警察的投訴。委員會於適當時會向警方和／或行政長官提出建議。

1.10 In examining CAPO's investigation reports on reportable complaints, IPCC will study the report and all other materials submitted by CAPO. IPCC Members are divided into three sub-groups, each headed by a Vice-Chairman, to vet the investigation reports. After the reports are scrutinised by the sub-groups, they will be further scrutinised by the Chairman.

1.11 In the course of examination, if areas of doubt are found or if Members are not convinced of the investigation findings, the Council will require CAPO to clarify and/or provide more information. IPCC can also request CAPO to re-investigate a complaint if it finds the investigation inadequate.

1.12 During the year, IPCC has reviewed the modus operandi of examining CAPO's investigation reports. While the existing mechanism has been working effectively by and large, the Council has decided that cases which are particularly controversial, of public concern or involving matters of fundamental principles should be discussed at meetings to facilitate exchange of views among Members and between the Council and CAPO. Furthermore if, in the course of circulation, any Member considers necessary, an investigation report may also be discussed at a sub-group or at the full Council as appropriate. Only when IPCC is fully satisfied that the complaint has been properly dealt with will it endorse the investigation result and the case be concluded. A flowchart showing the process of scrutiny of investigation reports by IPCC is at Appendix I.

1.13 Apart from vetting investigation reports, IPCC also identifies faults or deficiencies in police practices and procedures with a view to preventing complaints against the Police. The Council will make recommendations to the Police and/or CE as and when appropriate.

觀察員計劃

1.14 觀察員計劃於1996年推行，旨在加強警監會的監察職能。在該計劃下，由保安局局長委任的觀察員可出席與調查須具報投訴有關的會面，以及觀察證據收集。警監會成員同樣亦可進行觀察。

1.15 投訴警察課會盡量在會面或證據收集進行前通知警監會。警監會秘書處會隨即知會觀察員有關安排。觀察員可觀察任何與調查投訴有關而與投訴人、被投訴人或證人進行的會面，或任何證據收集工作。觀察可在預先安排或突擊的情況下進行。

1.16 觀察員的角色是觀察和匯報，他們不會干預會面或證據收集工作。觀察完畢後，觀察員須向警監會報告會面或證據收集是否公平公正地進行，以及有否察覺任何不當之處。若觀察員匯報有任何不當之處，警監會會與投訴警察課跟進。

1.17 為符合《監警會條例》的相關條文，委員會檢討和修訂了觀察員計劃的程序、指引和相關的報告格式，特別是在報告表格內加入有關申報利害關係的要求及其他細節。

Observers Scheme

1.14 The Observers Scheme was introduced in 1996 to strengthen IPCC's monitoring function. Under the Scheme, Observers, who are appointed by the Secretary for Security, may attend interviews and observe the collection of evidence in connection with CAPO's investigation of reportable complaints. IPCC Members can likewise conduct such observations.

1.15 In so far as practicable, CAPO will notify IPCC before any interview or collection of evidence is conducted. The IPCC Secretariat will then inform Observers of the appointments. Observers can observe any interviews with complainants, complainees, or witnesses or any collection of evidence conducted in the course of complaint investigation. The observations can be carried out on a pre-arranged basis or a surprise basis.

1.16 The role of an Observer is primarily to observe and report; he will not interfere with the conduct of interview or collection of evidence. After each observation, the Observer will submit a report to IPCC stating whether the interview or collection of evidence is conducted in a fair and impartial manner, and if any irregularities are detected. Should there be any irregularities reported, IPCC will follow up with CAPO.

1.17 In the light of the relevant provisions in the IPCC Ordinance, the Council has reviewed and revised the procedures, guidelines and relevant report forms, in particular the declaration of interest requirement has been strengthened and more details are included in the observation report form.

第一章 關於警監會

Chapter 1 About IPCC

1.18 年內，警監會就警方將要進行的會面或實地視察給予的通知期過短表達關注。委員會指出觀察員難以在少於48小時通知的情況下到場進行觀察。委員會強調，任何觀察應在進行前至少48小時作出通知。委員會亦關注到一些突擊觀察最終無法進行，有些個案觀察員到場時才發現有關的會面或實地視察早已取消或改期。這些欠佳的安排會削弱觀察員計劃的成效。投訴警察課考慮到警監會的意見後，同意會盡量在可行的情況下，於會面或實地視察進行前，給予警監會最少48小時的通知。該課亦承諾，若觀察安排上有任何改動，會盡早知會委員會。

1.19 為使觀察員對其職能有更深認識，警監會秘書處與投訴警察課於2008年8月29日在警察總部合辦簡介會，逾30名警監會委員和觀察員參與。警監會秘書處又在2008年4月29日和12月17日為新任觀察員舉行簡介會，向他們介紹投訴警察制度和觀察員計劃的運作。

1.18 During the year, IPCC has expressed concern about the short notice given by the Police of impending interviews or scene visits as it would be difficult for Observers to make themselves available to conduct observations in less than 48 hours. The Council has stressed that at least 48 hours' notice should be given of impending observations. The Council has also been concerned about futile attempts to conduct surprise observations: cases where Observers arrived at the venue only to find that the interview or scene visit had been cancelled or re-scheduled. Such inadequate arrangements would undermine the effectiveness of the Observers Scheme. In the light of IPCC's views, CAPO has agreed that they would endeavour to inform IPCC of impending interviews or scene visits as soon as practicable and at least 48 hours in advance. They also undertook to notify the Council of any change of schedule as soon as practicable.

1.19 To facilitate Observers in better understanding their role, IPCC Secretariat and CAPO co-organized a briefing on 29 August 2008. Over 30 IPCC Members and Observers attended. The IPCC Secretariat also conducted briefings for newly appointed Observers on 29 April and 17 December 2008 to familiarize them with the police complaints system and the operation of the Scheme.

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警監會委員和觀察員參觀投訴警察報案中心。
IPCC Members and Observers visit Complaints Against Police Reporting Centre.



警務處助理處長(服務質素)馬維騷先生回答警監會觀察員的提問。
Mr Alfred MA Wai-luk, Assistant Commissioner (Service Quality), answers questions raised by IPCC Observers.

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警監會的會面

1.21 會見計劃於1994年推行。在該計劃下，警監會委員可為考慮投訴警察課調查報告的目的，會見能夠或可能能夠向警監會提供資料或協助的人士。每次會面均以小組形式進行，小組由不少於兩名警監會委員組成。會面的目的，純粹是與有關人士澄清事宜。警監會不會取代投訴警察課進行調查。

1.22 警監會已就《監警會條例》的相關條文，檢討並修訂進行會面的程序指引，特別加入申報利害關係的要求和更清晰列明有關的內部程序。

公開會議

1.23 警監會與投訴警察課每兩個月會面一次。在聯席會議上，警監會可提出投訴個案和重要的政策議題，與投訴警察課討論。為提高警監會的透明度和公眾對我們工作的認識，部分會議公開讓市民及傳媒旁聽。

IPCC Interviews

1.21 The Interviewing Scheme was introduced in 1994. Under the Scheme, IPCC Members may interview persons who are or may be able to provide information or assistance to the Council for the purpose of considering CAPO's investigation reports. Each interview is conducted by a panel of no less than two IPCC Members. The purpose of interviews is solely to clarify matters with the concerned persons. IPCC will not take over the investigative role of CAPO.

1.22 In the light of the relevant provisions in the IPCC Ordinance, the Council has reviewed and revised the procedural guidelines on conduct of interviews by IPCC. Specifically, the requirement in respect of declaration of interest is included and the internal procedures are set out more clearly in the revised guidelines.

Open Meetings

1.23 IPCC and CAPO meet every two months. IPCC can raise complaint cases and important policy issues for discussion with CAPO at the joint meetings. To enhance transparency and public understanding of our work, part of the meetings are open to the public and the media.



警監會／投訴警察課聯席會議
Joint IPCC/CAPO Meeting

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警監會主席翟紹唐資深大律師於會後與傳媒交談。

Mr JAT Sew-Tong, SC, Chairman of IPCC, talks to the media after the Council meeting.



活動

1.24 警監會貫徹其宣傳計劃，繼續為有興趣的團體舉辦講座。委員徐福樂醫生於1月在香港中文大學的講座中，講解警監會的工作和日後成為法定機構的發展。

Activities

1.24 As part of its on-going publicity activities, IPCC continued to organize talks to interested parties. In January, Member Dr Michael TSUI Fuk-sun delivered a talk at the Chinese University of Hong Kong on IPCC's work and its future development after incorporation.



徐福樂醫生在香港中文大學主講。
Dr Michael TSUI Fuk-sun speaks at the Chinese University of Hong Kong.

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1.25 一如既往，委員到訪不同的警隊部門，加深了解警隊的運作和前線警務人員面對的挑戰。這類活動有助委員審核調查報告和提出改善警隊服務的建議，以期減少投訴。

1.25 As in previous years, Members made visits to different Police units to better understand the Police operations and challenges faced by frontline officers which could help Members in considering investigation reports and formulate recommendations to improve the service of the Police with a view to reducing complaints.

1.26 委員於3月參觀警察學院，聽取警方簡介新入職警員接受的預防投訴教育。

1.26 In March, Members visited the Police College and were briefed on the complaint prevention education to the new recruits.



警監會委員在警察學院觀看搏擊示範。
IPCC Members watch a combat demonstration at the Police College.

1.27 警監會委員和觀察員於11月參觀機動部隊設於粉嶺的總部。部隊指揮官向他們講解部隊的工作，並介紹防暴裝備。委員亦觀看部隊進行防暴演習，並藉此機會與前線人員討論警方在大型集會維持秩序時所遇到的困難。

1.27 In November, IPCC Members and Observers visited the Police Tactical Unit (PTU) Headquarters in Fanling. Commanding officers of the Unit briefed the party on their work and introduced some riot gears to them. The visitors were shown a riot drill by PTU. They also took the opportunity to discuss with frontline officers the difficulties they encountered in handling large-scale public order events.

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機動部隊向警監會委員和觀察員示範在大型集會如何維持秩序。
PTU shows IPCC Members and Observers how they handle public order events.



警務人員向警監會委員和觀察員介紹機動部隊的裝備。
An officer introduces to IPCC Members and Observers the gears used by PTU.

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《監警會條例》的制定

2.1 2008年制定的《監警會條例》(第604章)為警監會的歷史邁向一個新里程。《監警會條例》將原有的警監會轉為法定機構，改稱「獨立監察警方處理投訴委員會」(監警會)，並為其履行法定職能和行使權力，訂立法律框架。《監警會條例》規定，警方有法定責任遵從法定監警會的要求，法定監警會亦可自行聘請員工，進一步提高其獨立性，監察投訴警察個案的處理。

2.2 2007年7月11日，政府當局把《條例草案》提交立法會。2008年7月12日，《條例草案》獲得通過。

2.3 立法會法案委員會審議期間，警監會與立法會議員及政府當局多次交換意見。警監會及其秘書處應法案委員會的邀請，共出席18次法案委員會會議，又先後於2007年12月、2008年3月及5月提交三份意見書。下文載述警監會提出的一些重點議題。

不受限制地取覽資料 [條例草案第20條／條例第22條]

2.4 警監會認為，法定監警會應可全面和不受限制地取覽有關調查投訴的資料，包括警方取得的法律意見。警監會相信，警務處處長(處長)不應隨意援引法律專業保密權，而拒絕向法定監警會提供相關的法律意見，因此舉會有損投訴警察制度的公正性。警監會引述多宗個案，說明法律意見如何影響調查結果的分類，以及處長援引法律專業保密權，如何妨礙警監會取覽資料〔見警監

Enactment of IPCC Ordinance

2.1 The enactment of the IPCC Ordinance (Cap. 604) in 2008 marked a milestone in the history of IPCC. The Ordinance incorporated the then existing IPCC and provided a legal framework for IPCC to perform its statutory functions and exercise its powers. The Ordinance imposes a statutory duty on the Police to comply with the Council's requirements and allows IPCC to appoint its own employees, thus further enhances IPCC's independence in monitoring the handling of police complaints.

2.2 The IPCC Bill was introduced into LegCo on 11 July 2007 and passed on 12 July 2008.

2.3 During the scrutiny of the IPCC Bill by the Bills Committee set up by LegCo, IPCC exchanged views with legislators and the Administration on a number of occasions. In response to the Bills Committee's invitation, the Council and the Secretariat attended 18 meetings of the Bills Committee and presented three written submissions in December 2007, March and May 2008. Some of the key issues presented are highlighted in the paragraphs below.

Unrestricted Access to Information [clause 20 / section 22]

2.4 IPCC was of the view that it should be given full and unrestricted access to information pertaining to complaint investigations, including legal advice obtained by the Police. The Council believed that the Commissioner of Police (CP) should not be at liberty to invoke legal professional privilege (LPP) and withhold relevant legal advice from it, as this would be undesirable to the integrity of the police complaints system. A number of cases were cited to illustrate how legal advice could affect the classification of

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會2008年3月提交的意見書)。為確保法定監警會能有效發揮監察調查投訴警方的職能，警監會建議在《條例草案》中加入明訂條文，讓法定監警會可全面和不受限制地取覽資料，包括處長可能取得的任何法律意見。

政府當局的回應

2.5 政府當局向警監會和法案委員會保證，法定監警會定可取覽以執行其法定職能的相關資料。惟法律專業保密權是香港法律制度的基石，《基本法》亦表明和保障法律專業保密權，所以政府當局認為應維護這原則。儘管如此，處長不會為了有利於警方而蓄意不向法定監警會提供資料，而且會按個別情況，考慮豁免其享有的法律專業保密權，以確保法定監警會獲提供足夠的相關資料，讓其履行職能。

取覽有關無須向監警會報告的投訴(《監警會條例》下改稱「須知會投訴」)的資料 [條例草案第8(3)及15(3)條／條例第9(3)及16(3)條]

2.6 如上文所述，警監會亦認為應讓法定監警會全面和不受限制地取覽關乎無須向監警會報告的投訴的資料，以決定是否需要把這些投訴歸類為須具報投訴(《監警會條例》下改稱「須匯報投訴」)，使其調查結果受法定監警會監察。警監會要求明文規定這一點。

investigation results and how CP's claim of LPP hampered IPCC's access to information [IPCC's submission of March 2008]. To enable IPCC to properly discharge its function of monitoring the investigation of complaints, the Council proposed that an explicit provision should be included in the Bill to allow the Council full and unrestricted access to information including any legal advice CP might have obtained.

The Administration's response

2.5 The Administration assured IPCC and the Bills Committee that IPCC would have access to relevant information for the performance of its mandated functions. LPP was the cornerstone of the legal system as enshrined and safeguarded in the Basic Law and therefore should be preserved. That said, CP would not deliberately withhold information to the advantage of the Police and would consider waiving his right to LPP on a case-by-case basis to ensure that IPCC was provided with sufficient relevant information for performing its functions.

Access to Information relating to Non-Reportable Complaints (now renamed "notifiable complaints" in IPCC Ordinance) [clause 8(3) & 15(3) / section 9(3) & 16(3)]

2.6 In line with the point set out in the previous paragraphs, IPCC also considered that it should be given full and unrestricted access to information or material relating to a non-reportable complaint for the purpose of determining if the complaint should be categorized as a reportable complaint, and that the findings of such complaint should come under IPCC's monitoring. The Council requested an explicit provision in this respect.

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政府當局的回應

2.7 政府當局表明《條例草案》的條文應已賦予法定監警會足夠權力要求警方提供有關無須向監警會報告的投訴的資料，以便監察這些投訴的歸類。如法定監警會認為需要額外資料，警方隨時樂意提供。

2.8 當局最終修訂《條例草案》第15(3)條(條例第16(3)條)，規定法定監警會可要求處長提供支持將某投訴歸類為無須向監警會報告的投訴(須知會投訴)的解釋，及「提供支持該等解釋的資料或材料」。

遵從法定監警會的要求 [條例草案第27條／條例第29條]

2.9 《條例草案》規定，「除非處長信納遵從監警會根據本條例作出的要求，便相當可能會損害香港的保安或任何罪案的調查」，否則處長必須遵從其要求。警監會認為，「任何罪案」一詞涵義太廣，應加以修訂，以「可公訴罪行」取代及／或設定處長可不遵從要求的時限。

政府當局的回應

2.10 經考慮警監會及法案委員會的意見後，政府當局同意修訂相關條文，規定處長必須遵從法定監警會根據《條例》提出的要求，除非保安局局長發出證明書，表明遵從該要求相當可能會損害香港的保安或任何罪案的調查。政府當局

The Administration's response

2.7 The Administration stated that the provisions in the Bill should sufficiently enable the Council to require the Police to provide information on non-reportable complaints to facilitate IPCC in monitoring the categorization of non-reportable complaints. The Police would stand ready to provide additional information if IPCC required.

2.8 In the event, then clause 15(3) (now section 16(3)) was modified and supplemented with a subsection to provide that "the Council may require the Commissioner (of Police) to provide information or material in support of the explanations" for categorizing a complaint as a non-reportable complaint (notifiable complaint).

Compliance with IPCC's Requirements [clause 27 / section 29]

2.9 The Bill provided that CP must comply with any requirement made by IPCC "unless he is satisfied that compliance with the requirement made by the Council under this Ordinance would be likely to prejudice the security of Hong Kong or the investigation of any crime". IPCC considered that the term "any crime" was unnecessarily wide and should be qualified by replacing it with "indictable offence" and/or setting a time limit for CP not to comply with its requirements.

The Administration's response

2.10 Having considered the views of IPCC and the Bills Committee, the Administration agreed to revise the relevant provision to provide that the Police must comply with the Council's requirements made under the Ordinance unless the Secretary for Security certifies that compliance with the requirements would

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認為，如處長遵從法定監警會的要求對該會考慮有關個案十分重要，當局定會不時檢討情況，因此無需設定時限。政府當局指出，處長不會輕率地援引該條文以決定不遵從法定監警會的要求。處長會考慮所掌握的事實和證據，並評估如遵從法定監警會的要求，香港的保安或罪案的調查受到損害的風險。在極罕有的情況下，如處長決定不遵從法定監警會的要求，他會向該會解釋。倘若法定監警會不滿意處長的解釋，可向行政長官報告。

保密責任

[條例草案第37條／條例第40條]

2.11 根據《條例草案》的規定，如法定監警會與處長對某須匯報投訴的處理和分類意見分歧，法定監警會只可進一步向行政長官報告，或把尚未解決的事宜公開，讓公眾監察。由於法定監警會無權決定調查的結果，披露資料這一途徑對法定監警會至關重要。警監會認為，其披露資料的權力不應受到不必要的限制或障礙，或民事或刑事法律責任。警監會覺得需訂立清晰的條文，容許法定監警會作出此等披露，包括在法定監警會與處長對須匯報投訴的調查結果和分類，以及對警方採取或將會採取的紀律行動等出現意見分歧時，披露所有有關事實。

be likely to prejudice the security of Hong Kong or the investigation of any crime. The Administration was of the view that setting a time limit for review was unnecessary as the matter would naturally be under regular review if CP's compliance was critical to IPCC's consideration of the case. The Administration pointed out that CP would not lightly rely on that provision not to comply with IPCC's requirements. CP would take into account the facts and evidence available, and assess the risk of the security of Hong Kong or of crime investigation being prejudiced if IPCC's requirements were complied with. In the very rare circumstances where CP was unable to comply with the IPCC's requirements, he would provide an explanation to IPCC. If IPCC was not satisfied, it could make a report to CE.

Duty to Keep Confidence

[clause 37 / section 40]

2.11 In case of any disagreement between IPCC and CP over the handling and classification of a reportable complaint, the Council could only advance its case by making a report to CE, or make public the unresolved issue for public scrutiny. Given that IPCC had no power to determine the results of complaint investigations, disclosure was a means which was of paramount importance to IPCC. The Council considered that its power to disclose information should not be subject to unnecessary restrictions or hurdles, or civil or criminal liability, and that there should be clear provisions to allow the Council to make such disclosure, including all facts relating to disagreement between the Council and CP regarding the findings and classification of reportable complaints and the disciplinary action taken or to be taken by the Police.

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政府當局的回應

2.12 當局解釋，《條例草案》並不禁止法定監警會披露與投訴有關的受保護資料，只要披露這些資料是為履行《條例草案》下的監察職能所必需的。

2.13 鑒於警監會的關注，當局增訂一項免生疑問的條文。該條文訂明「監警會可向公眾披露監警會與處長對某須匯報投訴的裁斷或分類有意見分歧的事實；或監警會對以下行動的意見：處長已經或將會在與某須匯報投訴有關連的情況下對任何警隊成員採取的行動」。

籌備成立法定監警會

2.14 《監警會條例》通過後，委員會已著手部署所需安排，以落實《監警會條例》的規定及籌備成為法定機構。主要工作包括：

- 檢討和決定審核警方提交的須匯報投訴調查報告的程序（詳見第一章）；
- 檢討和決定有關法定監警會進行會面的程序及指引（詳見第一章）；

The Administration's response

2.12 The Administration explained that the Bill did not prohibit IPCC from disclosing protected information pertaining to complaints if the disclosure was necessary for discharging its monitoring function under the Bill.

2.13 In the light of IPCC's concerns, an avoidance of doubt provision was added stating that "the Council may disclose to the public the facts of any disagreement between the Council and the Commissioner (of Police) on the findings or classification of a reportable complaint; or its opinion on the action taken or to be taken in respect of a member of the police force by the Commissioner (of Police) in connection with a reportable complaint".

Preparation for Establishment of Statutory IPCC

2.14 Following the enactment of the IPCC Ordinance, the Council has taken steps to put in place necessary arrangements to reflect the provisions in the Ordinance and to prepare for the change of status of the Council. The main steps include:

- reviewing and determining the procedures on vetting of investigation reports on reportable complaints submitted by the Police (more details elaborated in Chapter 1);
- reviewing and determining the procedures and guidelines in respect of the conduct of interviews (more details elaborated in Chapter 1);

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- 檢討和決定法定監警會觀察員計劃的程序及指引(詳見第一章)；
 - 檢討須匯報投訴的調查報告的格式；
 - 檢討和決定法定監警會和轄下委員會會議的程序，如會議的法定人數和決議程序；
 - 更新機構標誌和網頁，及製備新的宣傳品，如海報、小冊子和單張；
 - 制定關於財務及會計、人力資源、採購和資訊科技保安的內部手冊；以及
 - 考慮日後法定監警會員工的聘用條款。
- reviewing and determining the procedures and guidelines in respect of the IPCC Observers Scheme (more details elaborated in Chapter 1);
 - reviewing the format of investigation reports on reportable complaints;
 - reviewing and determining the procedures for meetings of the Council and its committees, such as quorum for meetings and determination of matters at meetings;
 - revamping organization logo and website, and preparing new publicity materials such as posters, booklets and leaflets;
 - drawing up internal manuals regarding the management of finance and account, human resources, procurement, IT security, etc.; and
 - considering the terms of employment for future employees of the statutory IPCC.

3.1 本章介紹不同的調查結果分類和處理投訴的方法。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，會根據調查結果歸入下列六項分類之一：

- 證明屬實
- 未經舉報但證明屬實
- 無法完全證實
- 無法證實
- 虛假不確
- 並無過錯

3.2 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：

- 投訴撤回
- 無法追查
- 終止調查
- 循簡易程序解決

證明屬實

3.3 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「證明屬實」。

3.1 This chapter explains the different classifications and ways of complaint handling. A complaint may consist of one or more allegations. After an allegation has been fully investigated by CAPO, it is classified, according to the findings, into one of the following six classifications:

- Substantiated
- Substantiated Other Than Reported
- Not Fully Substantiated
- Unsubstantiated
- False
- No Fault

3.2 Some complaints are dealt with by ways other than conducting full investigation. These complaints are classified as follows:

- Withdrawn
- Not Pursuable
- Curtailed
- Informally Resolved

Substantiated

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

未經舉報但證明屬實

3.4 如在原有的指控以外查出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，指控會被列為「未經舉報但證明屬實」。

無法完全證實

3.5 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「無法完全證實」。

無法證實

3.6 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」。

虛假不確

3.7 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，或雖然不含惡意，但亦非基於真確的理由而提出的，指控會被列為「虛假不確」。

3.8 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，考慮控告投訴人誤導警務人員。不過，如果投訴人沒有惡意，投訴警察課不會提出檢控。

Substantiated Other Than Reported

3.4 An allegation is classified as “Substantiated Other Than Reported” where matters other than the original allegations but which are closely associated with the complaint itself and have a major impact on the investigation have been identified and are found to be substantiated.

Not Fully Substantiated

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

Unsubstantiated

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

False

3.7 An allegation is classified as “False” where 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.

3.8 When a complaint is classified as “False”, CAPO will consider, in consultation with the Department of Justice as necessary, prosecuting the complainant for misleading a police officer. Prosecution, however, will not be taken where there is no malicious intention on the part of the complainant.

並無過錯

3.9 「並無過錯」表示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、出於真誠或符合根據《警隊條例》（第232章）訂立的警察規例及命令。

3.10 在下述兩種情況下，投訴通常會被列為「並無過錯」：第一，投訴人可能對事實有所誤解；第二，被投訴人是按照其上司的合法指示或警方的既定做法行事。

投訴撤回

3.11 「投訴撤回」是指投訴人不打算追究。

3.12 即使投訴人撤回投訴，警監會仍會審視個案，確保投訴人沒有受到任何不恰當的影響而撤回投訴，以及警方可從個案中汲取到教訓，並確保投訴警察課採取相應的補救行動。

3.13 即使投訴人撤回投訴，個案亦不一定被列為「投訴撤回」。警監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／或根據所得資料，考慮任何一項指控是否屬實。

No Fault

3.9 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 made under the Police Force Ordinance (Cap. 232).

3.10 Two common reasons for classifying a complaint as “No Fault” are first, the complainant may have misunderstood the fact, and second, the complaine is acting under the lawful instructions of his superior officer or in accordance with an established police practice.

Withdrawn

3.11 A complaint is classified as “Withdrawn” where the complainant does not wish to pursue the complaint made.

3.12 Where complainants themselves have withdrawn their complaints, IPCC will ensure that no undue influence has been exerted on the complainants and that any lessons which can be learnt are learnt and remedial actions taken accordingly.

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

無法追查

3.14 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分；或資料不足而未能繼續調查；或未能取得投訴人的合作，以致無法繼續追查。

3.15 上述定義並不表示若果投訴人未能確定被投訴人的身分，當局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分。只有追查不果時，才會作出未能確定被投訴人身分的結論。

3.16 假如投訴人拒絕合作以致投訴被列為「無法追查」，可在投訴人願意提供所需資料時，重新展開調查。

終止調查

3.17 「終止調查」是指有關投訴已由投訴警察課備案，但鑒於特殊情況（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。

Not Pursuable

3.14 An allegation is classified as “Not Pursuable” where the identity of the officer(s) being complained against cannot be ascertained; or where there is insufficient information to proceed with the investigation; or when it has not been possible to obtain the co-operation of the complainant to proceed with the investigation.

3.15 The definition does not mean that when the complainant cannot identify the complaine, no further action will be taken. CAPO will still make an effort to identify the complaine(s) on the basis of the information available. Only after such an effort produces no result will a conclusion be reached that the identity of the complaine cannot be ascertained.

3.16 If a complaint has been classified as “Not Pursuable” because of the lack of cooperation from the complainant, this may be reactivated later as and when the complainant comes forward to provide the necessary information.

Curtailed

3.17 A complaint is classified as “Curtailed” where a complaint has been registered with CAPO but on the authorization of the Chief Superintendent (Complaints and Internal Investigations Branch), is curtailed, i.e. not to be investigated further, owing to special circumstances such as known mental condition of the complainant.

循簡易程序解決

3.18 「循簡易程序解決投訴」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。

3.19 適宜循簡易程序解決的輕微投訴，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人員。調解人員會分別向投訴人及被投訴人了解實情。如果他認為事件適宜循簡易程序解決而又得到投訴人同意，有關投訴便可循此途徑解決。調解人員必須得到投訴人同意，才可循簡易程序解決投訴。

監察投訴警察課對投訴的分類是否恰當

3.20 警監會監察和覆檢所有經投訴警察課處理的須具報投訴，不論投訴有否經過全面調查。投訴警察課不用向警監會提交「無須向警監會報告的投訴」的調查報告，但仍需定期提交該等投訴個案的撮要。

3.21 「無須向警監會報告的投訴」包括對休班警務人員的投訴、投訴人以警隊成員的身分投訴另一位警務人員、匿名投訴、或由非直接受警方不當行為影響的人士所作的投訴。

Informally Resolved

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

3.19 A minor complaint suitable for Informal Resolution will not be subject to a full investigation. Instead, a senior officer, at least at the rank of Chief Inspector of Police, will act as the Conciliating Officer. He will make enquiry into the facts of a complaint with the complainant and complainees separately. If he is satisfied that the matter is suitable for Informal Resolution and if the complainant agrees, the complaint will be informally resolved. Informal Resolution will only be adopted if the complainant agrees to this.

Monitoring Proper Classification by CAPO

3.20 IPCC monitors and reviews the handling of all reportable complaints, regardless of whether full investigation by CAPO is conducted. CAPO is not required to submit investigation reports of “non-reportable complaints” to IPCC but needs to provide regularly summaries of such complaints to IPCC.

3.21 “Non-reportable complaints” include complaints against off-duty police officers; complaints made by a member of the Force against another member of the Force; anonymous complaints; or complaints lodged by persons who are not directly affected by the police misconduct.

3.22 審核「無須向警監會報告的投訴」個案撮要時，警監會會考慮個案是否應歸類為須具報投訴，確保每宗該被列為須具報投訴的個案均被列為須具報投訴，受警監會監察和覆檢。

3.22 When examining the summaries of “non-reportable complaints”, IPCC will consider whether or not any such complaints should be re-categorized as reportable complaints. This is to ensure that all complaints which should properly be categorized as reportable complaints are so categorized and that the investigations will consequentially be subject to IPCC’s monitoring and review.



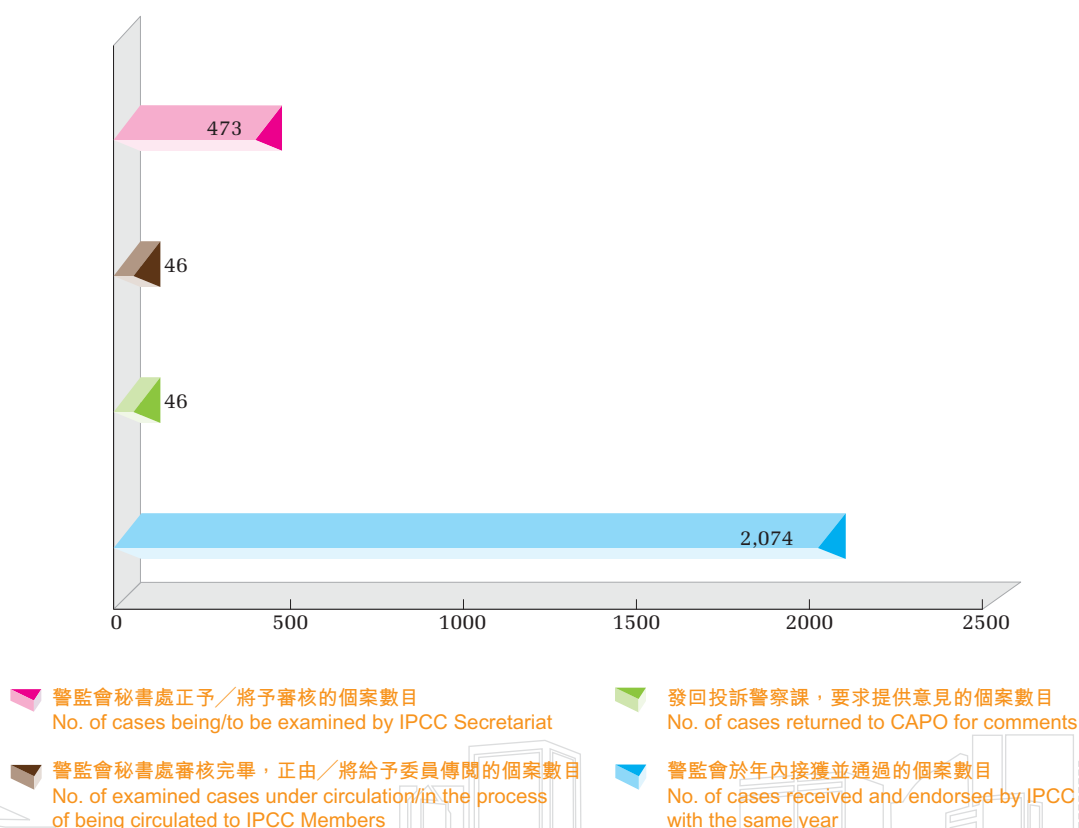
調查報告及指控數字

4.1 2008年，警監會共接獲投訴警察課就2,639宗個案的調查報告，較2007年的2,774宗減少4.9%。同年，警監會通過了2,572宗投訴個案的調查結果，當中498宗個案是在2007年或以前收到。2006、2007及2008年的相關數字載於附錄II。

Number of Investigation Reports & Allegations

4.1 In 2008, IPCC received investigation reports on a total of 2,639 cases from CAPO, representing a 4.9% drop over the figure of 2,774 in 2007. During the same year, IPCC endorsed the findings in 2,572 cases, of which 498 were carried over from previous years. The figures for 2006, 2007 and 2008 are shown in Appendix II.

投訴警察課於2008年提交的個案 Cases received from CAPO in 2008



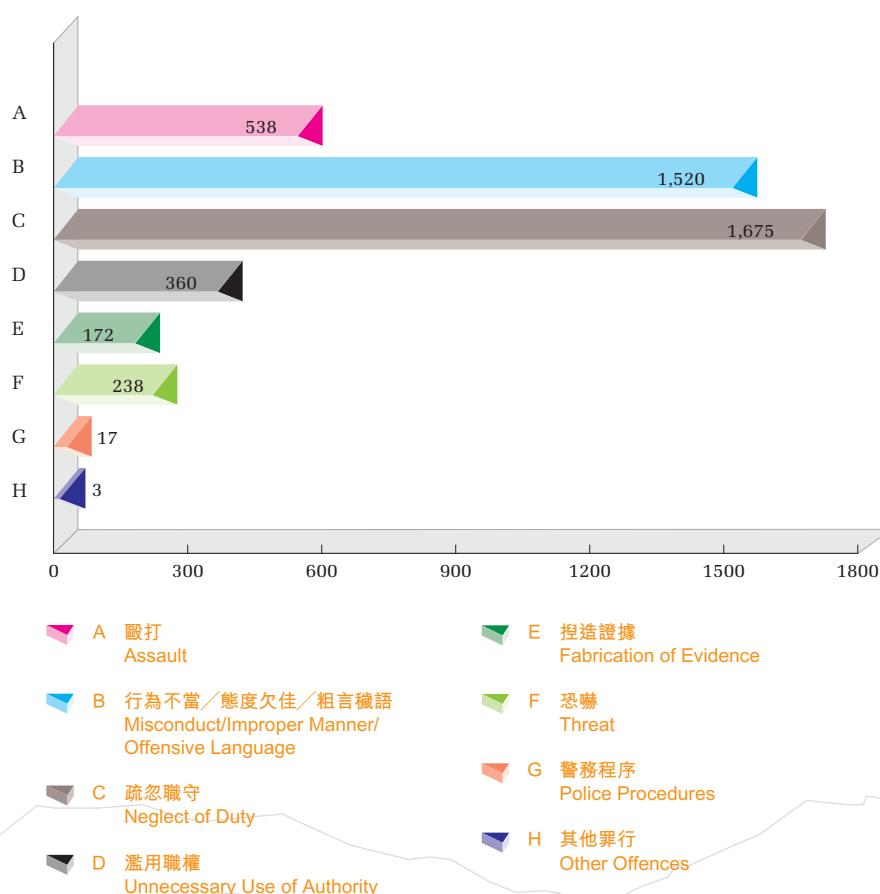
第四章 監察投訴的處理和調查

Chapter 4 Monitoring of Complaints Handling & Investigation by CAPO

4.2 警監會通過調查結果的2,572宗個案中，涉及的指控有4,523項，主要三項指控為「疏忽職守」(37.0%)、「行為不當／態度欠佳／粗言穢語」(33.6%)及「毆打」(11.9%)。2006、2007及2008年通過、按性質分類的指控分項數字載於附錄III。

4.2 The 2,572 cases involved 4,523 allegations. The three major allegations were "Neglect of Duty" (37.0%), "Misconduct/Improper Manner/Offensive Language" (33.6%) and "Assault" (11.9%). Detailed breakdown of endorsed allegations by nature in 2006, 2007 and 2008 are shown in Appendix III.

警監會於2008年通過的指控 Allegations endorsed by IPCC in 2008



4.3 年內，因應投訴人提出的覆核要求，警監會再次審核79宗投訴個案。

4.3 During the year, IPCC also re-examined 79 cases in response to requests from complainants.

調查結果及證明屬實比率

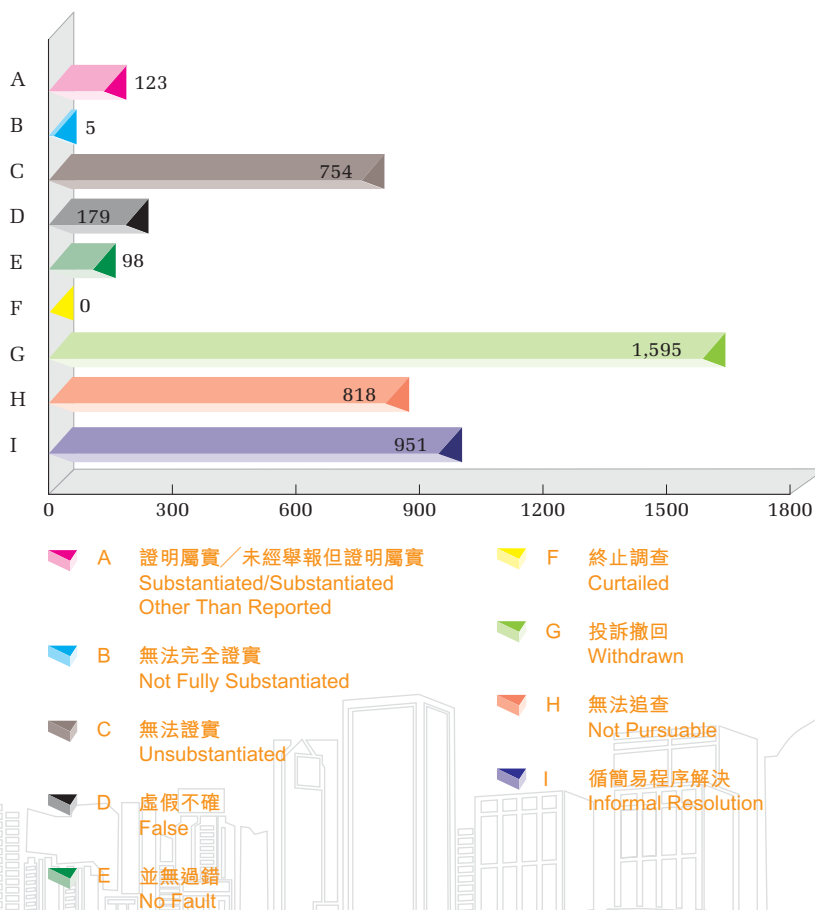
4.4 在2008年獲通過的4,523項指控中，經全面調查的指控有1,159項，當中57項被列為「證明屬實」，66項被列為「未經舉報但證明屬實」，5項被列為「無法完全證實」，754項被列為「無法證實」，179項被列為「虛假不確」，98項被列為「並無過錯」。經全面調查而證明屬實的指控佔11%。2006、2007及2008年的有關數字載於附錄IV。

Results of Investigation and Substantiation Rates

4.4 Of the 4,523 allegations endorsed in 2008, 1,159 allegations were fully investigated. Of these, 57 were classified as "Substantiated", 66 "Substantiated Other Than Reported", 5 "Not Fully Substantiated", 754 "Unsubstantiated", 179 "False" and 98 "No Fault". The substantiation rate in relation to fully investigated allegations was 11%. Respective figures in 2006, 2007 and 2008 are shown in Appendix IV.

警監會於2008年通過的調查結果

Investigation results endorsed by IPCC in 2008



第四章 監察投訴的處理和調查

Chapter 4 Monitoring of Complaints Handling & Investigation by CAPO

4.5 在其餘3,364項無需進行全面調查的指控中，951項循簡易程序解決，1,595項被列為「投訴撤回」和818項被列為「無法追查」。

4.5 Of the remaining 3,364 allegations that were not fully investigated, 951 were resolved by way of Informal Resolution, 1,595 were classified as “Withdrawn” and 818 as “Not Pursuable”.

4.6 警監會在2008年通過、按指控性質分類的調查結果分項數字載於附錄V。

4.6 A breakdown of the results of investigation, by each category of allegations, endorsed by IPCC in 2008 is at Appendix V.

對違規人員採取的跟進行動

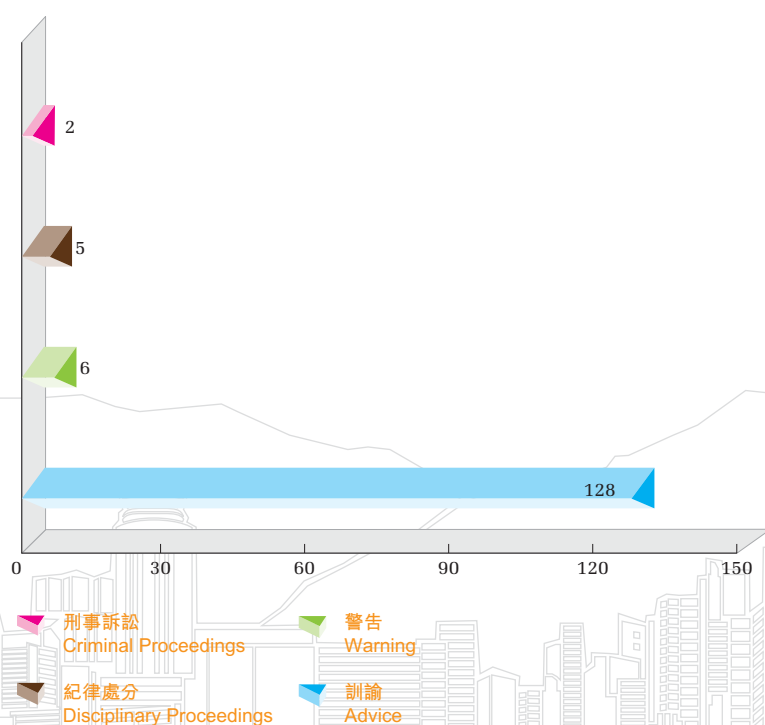
Follow-up Action Against Defaulting Officers

4.7 2008年獲警監會通過的個案中，遭警方刑事起訴／紀律處分或以內部措施處理的警務人員共141名，涉及100宗投訴個案。2006、2007及2008年的分項數字載於附錄VI。

4.7 Criminal/disciplinary proceedings or internal action were taken by the Police against 141 police officers in respect of 100 cases endorsed by IPCC in 2008. More detailed breakdown of figures in 2006, 2007 and 2008 is at Appendix VI.

警方於2008年對違規人員採取的行動

Police actions against defaulting officers in 2008



進行觀察的數字

4.8 年內，在觀察員計劃下共進行了548次觀察(預先安排的有497次，突擊的有51次)。較2007年的263次觀察，數字大幅上升。548次觀察中，有518次是觀察會面的進行，其餘30次是觀察證據收集的工作。分項數字載於附錄VII。

Observations Conducted

4.8 Under the Observers Scheme, 548 observations (comprising 497 pre-arranged observations and 51 surprise observations) were conducted during the year. The number of observations increased substantially compared with the 263 observations in 2007. Of the 548 observations, 518 were observations on conduct of interviews and 30 were observations on collection of evidence. More detailed breakdown is at Appendix VII.

監察投訴的服務承諾

4.9 警監會認為有效監察投訴警察課處理個案，極其重要。2008年警監會在監察投訴方面履行服務承諾的表現如下：

Performance Pledges of Monitoring Complaints

4.9 IPCC attaches great importance to efficient monitoring of CAPO's complaints investigation. The performance of IPCC in meeting its pledges of monitoring complaints in 2008 is as follows:

	表現指標 (標準回應時間) * Performance Target (standard response time)*	於指標時間內處理的個案數目 (達標%) No. of Cases Processed Within Target (% within performance target)
一般個案# Normal Cases#	3個月內 Within 3 months	1,627 (100%)
複雜個案+ Complicated Cases+	6個月內 Within 6 months	945 (100%)
覆核個案□ Review Cases□	6個月內 Within 6 months	80§ (100%)

* 由接獲投訴警察課最終調查報告／回應的日期起計

一般個案：向投訴警察課提出不多於一輪質詢的輕微個案(例如無禮或疏忽職守)

+ 複雜個案：所有嚴重的個案(例如毆打或捏造證據)，或向投訴警察課提出多於一輪質詢的輕微個案

□ 覆核個案：要求覆核須具報投訴的調查結果分類的個案

§ 涉及79宗投訴個案

* measured from the date of receipt of CAPO's final investigation report/response

Normal cases: minor cases (such as impoliteness or neglect of duty) with not more than one round of query raised by IPCC to CAPO

+ Complicated cases: all serious cases (such as assault or fabrication of evidence) and minor cases with two or more rounds of queries raised by IPCC to CAPO

□ Review cases: requests for reviewing the classification of a reportable complaint

§ In respect of 79 complaint cases

向投訴警察課提出質詢

5.1 2008年，警監會向投訴警察課共提出1,991項質詢／建議，而在2007年提出的質詢／建議則有1,700項。

5.2 在2008年提出的質詢／建議中，有1,604項獲投訴警察課接納，其餘387項則獲該課給予圓滿解釋。獲接納的比率為80.6%。警監會在2006、2007及2008年提出質詢／建議的數目和性質載於附錄VIII。

調查透徹度

5.3 警監會主要的關注是投訴警察課的調查是否全面和公正。為確保投訴經過徹底調查，警監會可提議再次約見投訴人、被投訴人或證人，前往現場視察，或徵詢進一步醫學或法律意見等。警監會亦可建議增加、刪減或修改對警務人員的指控、被投訴人名單和調查報告的內容。

5.4 2008年，警監會共提出1,517項有關調查的透徹程度或要求澄清調查報告內含糊不清之處的質詢，其中1,291項獲投訴警察課接納。

更改分類

5.5 警監會就調查結果分類提出202項質詢，結果有133項指控的調查結果須予修正，包括：

- 14項調查結果由「投訴撤回」／「並無過錯」／「無法證實」／「無法完全證實」改列為「證明屬實」；

Queries Raised with CAPO

5.1 A total of 1,991 queries/suggestions were raised with CAPO in respect of cases endorsed in 2008, as compared with 1,700 queries/suggestions in 2007.

5.2 Of the queries/suggestions raised in 2008, 1,604 were accepted by CAPO and 387 were met with satisfactory explanations from CAPO. The acceptance rate was 80.6%. The number and nature of queries/suggestions raised by IPCC in 2006, 2007 and 2008 are at Appendix VIII.

Thoroughness of Investigation

5.3 IPCC is primarily concerned with the comprehensiveness and impartiality of the investigations carried out by CAPO. To ensure that a complaint has been thoroughly examined, IPCC may suggest further interviews with complainants, complainees or witnesses, scene visits or the seeking of further medical or legal advice, etc. IPCC may also propose addition, deletion or amendment to allegations made against police officers, the complainees list and the contents of reports.

5.4 In 2008, a total of 1,517 queries regarding thoroughness of investigation or clarification on ambiguous points in investigation reports were raised and 1,291 of those were accepted by CAPO.

Classification Changes

5.5 In the light of a total of 202 queries raised regarding the classification of findings, CAPO subsequently changed the results of investigation in respect of 133 complaint allegations, including:

- 14 investigation results re-classified from “Withdrawn”/“No Fault”/“Unsubstantiated”/“Not Fully Substantiated” to “Substantiated”;

第五章 向投訴警察課提出質詢和向警方提出建議

Chapter 5 Queries Raised with CAPO & Recommendations to the Police

- 兩項調查結果由「無法證實」改列為「無法完全證實」；以及
- 三項調查結果由「無法證實」改列為「並無過錯」。
- 2 re-classified from “Unsubstantiated” to “Not Fully Substantiated”; and
- 3 re-classified from “Unsubstantiated” to “No Fault”.

此外，經警監會提出質詢後，共增加了12項「未經舉報但證明屬實」的指控，另有88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。

Apart from this, 12 “Substantiated Other Than Reported” allegations were added and 88 “Outwith” matters were registered as a result of queries raised by IPCC. An “Outwith” matter refers to any breach of discipline or Force orders which has been disclosed in the course of complaint investigation but is not closely related to the complaint.

遵從警務程序和常規

5.6 警監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。2008年，屬於這類的質詢共有100項，投訴警察課同意警監會在其中51項質詢中提出的觀察。在多宗個案中，該課向違規人員記下了「旁支事項」或「未經舉報但證明屬實」的指控。

Compliance with Police Procedures & Practices

5.6 IPCC may raise queries with CAPO to ascertain if the police officers involved in a complaint case have complied with the relevant police procedures and practices in exercising their constabulary powers. In 2008, out of the 100 queries raised under this category, IPCC’s observations in 51 queries were accepted by CAPO. In most of the cases, “Outwith” matters or “Substantiated Other Than Reported” allegations were registered against the defaulting officers.

對違規人員採取／建議採取的行動提出意見

5.7 雖然向警務人員發出訓諭／採取紀律處分屬警務處處長的職權，但警監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。2008年，警監會就處長採取／建議採取的行動，提出意見共53次，其中47次獲投訴警察課接納，6次獲該課圓滿解釋和跟進。警監會所提的意見主要涉及「旁支事項」或「無法證實」的個案，認為警方有改善服務的空間，建議向有關的警務人員發出適當訓諭。

Comments on Actions/Proposed Actions Against Defaulting Officers

5.7 While imposition of advice/disciplinary action on police officers is a matter for CP, IPCC will examine the actions taken or to be taken such as whether it is commensurate with the gravity of the offence. The Council commented on the action/proposed action on 53 occasions in 2008 which mainly related to providing suitable advice to police officers concerned in respect of “Outwith” matters or “Unsubstantiated” cases where IPCC considered that there was room for service improvement. Of the 53 occasions, the comments raised on 47 occasions were accepted and the rest were satisfactorily explained and followed up by CAPO.

改善警務程序的建議

5.8 年內，警監會提出了三項改善警務程序的建議。

5.9 在其中一宗個案中，警監會發現警方並無明文規定警務人員必須在交通意外記事簿上，記錄肇事車輛是否曾被移離肇事地點。因此，警監會建議警方向到場處理的人員發出詳細指引，說明哪些基本資料必須蒐集，並記錄在記事簿內。建議已轉介交通總部研究。

5.10 警監會亦注意到，多項有關警務人員行為不當及毆打的指控，是在法院大樓囚禁投訴人的羈留室閘門附近，或羈留室外的走廊上發生。有見及此，警監會建議警方考慮在這些地方安裝閉路電視設施。警方回應說，他們設於法院大樓的羈留室，包括裝置和設備，均屬司法機構的管轄範圍，然而司法機構並無計劃加裝閉路電視設施。

5.11 在第三宗個案中，警監會審議個案時，注意到一名年僅12歲的投訴人在學校與警務人員會面時，並無訓導主任陪伴在旁。因此，警監會建議警方考慮向前線人員發出附加指引，提醒他們在與任何年幼人士會面時，應確保他們的權益免受侵害。警方同意把建議轉交相關政策組考慮。

Suggested Improvements to Police Procedures

5.8 During the year, IPCC also made three suggestions on improvement to police procedures.

5.9 In one case, IPCC noted that there was no laid down requirement to record in the traffic accident information booklet whether or not the vehicles concerned have moved away from the spot where the accident occurred. IPCC therefore suggested the Police to issue detailed guidelines to scene-handling officers on the essential information that must be obtained and recorded in the booklet. The suggestion had been referred to the Traffic Headquarters for examination.

5.10 IPCC also noted that a number of alleged acts of misconduct and assault by the Police took place near the cell gate or in the corridor outside the cell of a law court building where the complainants were detained. IPCC therefore suggested the Police to consider installing CCTV facilities in these areas. The Police replied that the police cells, including their fixtures and equipment, in the law court buildings are under the purview of the Judiciary, and the Judiciary had no plan to install additional CCTV facilities.

5.11 In the third case, IPCC noted during the examination of a complaint case that a complainant aged 12 was not accompanied by the discipline master, when she was interviewed by police officers at school. IPCC therefore suggested the Police to consider issuing additional guidelines to front-line staff on the interview setting to avoid the interest of any young persons being compromised during police interviews. The Police agreed to pass the suggestion to the relevant policy unit for consideration.

向警方提出的其他建議

搜查被羈留者

5.12 2008年，警監會與警方就檢討搜查被羈留者的做法交換意見。警監會建議在警方的指引內清楚列明三項基本原則：(i) 應在別無他法的情況下才向被羈留者進行脫去所有衣物的搜身；(ii) 如必須進行搜身，應盡量不要求被羈留者暴露其私處；以及(iii) 如須進行脫去所有衣物的搜身，應盡量減少觸及被羈留者的私處。

5.13 警方同意考慮把警監會提出的第(ii)及(iii)項原則納入經修訂的警隊通令或程序中。至於第(i)項原則，警方解釋，他們會因應每宗個案當時的情況而決定搜查的性質和範圍。警方補充，現行的警務程序已確保搜身是在最恰當和最能保障私隱的情況下進行。

5.14 警監會亦建議探討可否使用掃描器偵測被羈留者有否攜帶武器。警方同意並表示已購買120部手提金屬探測器，協助警務人員對被羈留者進行搜查。他們亦會研究使用紅外線設備(或其他合適設備)。

Other Recommendations to the Police

Searches on Detained Persons

5.12 In 2008, IPCC exchanged views with the Police on their review of the practices regarding search of detainees. The Council suggested that three basic principles should be clearly stated in Police guidelines: (i) that searches involving total removal of clothing should only be conducted as the last resort; (ii) that if a search has to be conducted, it should be done with least exposure of private parts; and (iii) that if a search involving total removal of clothing has to be done, there should be the least contact of private parts.

5.13 The Police agreed to consider incorporating principles (ii) and (iii) above into the revised Force orders or procedures. As regards principle (i), the Police explained that the nature and extent of the searches to be conducted would have to be determined on a case-by-case basis having regard to the prevailing circumstances. The Police added that the current Force procedures were in place to ensure that a person is searched in the most proper and discreet manner as far as practical.

5.14 The Council also suggested exploring the use of scanning devices to detect weapons kept by detainees. The Police accepted the suggestion and advised that it has procured 120 hand-held metal detectors to assist police officers in conducting searches of detainees. They would also explore the use of infra-red equipment (or other suitable equipment) in this respect.

5.15 警方於2008年7月1日實施了一套搜查被羈留者的新程序。有見及警監會早前的意見，新的命令和程序強調只有在必要時才進行脫去所有衣物或內衣的搜身。警方表示會因應委員會的意見和建議，繼續改善搜查被羈留者的安排，若有關指引有任何進一步修訂或更新，亦會告知警監會。

向警務人員採取紀律處分的準則

5.16 警監會留意到，警務人員即使嚴重違反警察命令及規例，亦往往只是接受「訓諭但不記入其分區報告檔案內」。警監會就這點以及向警務人員重覆發出訓諭的效用，表示關注。警監會促請投訴警察課擬備統計數字，列出多次接受「訓諭但不記入其分區報告檔案內」的人員及多次被投訴的人員的數目。這些資料將有助警監會監察警方向屢犯不改的人員所採取的行動。該課回覆指，他們沒有這些統計數字，但重申監督人員會運用不同的行政及紀律措施，懲處任何違反警隊命令和規例的人員，或改善同袍的表現。

5.15 The Police introduced a set of enhanced procedures on the search of detainees on 1 July 2008. In the light of IPCC's previous comments, the new orders and procedures highlight that searches involving the removal of clothing or underwear will be conducted only when necessary. The Police will inform IPCC of any further revisions or updates of guidelines on searches of detainees, and will continue to improve on the handling of searches of detainees taking into account the Council's views and suggestions.

Criteria for Administering Disciplinary Action Against Police Officers

5.16 IPCC noticed that "advice without divisional record file entry" was commonly awarded to defaulting officers including those who have committed serious breaches of police orders and regulations. The Council conveyed to CAPO its concern, as well as concern on the effect of such repeated advice on police officers. The Council also urged CAPO to compile statistics on police officers who had repeatedly received the award of "advice without divisional record file entry" and those who had been repeatedly complained against. Such statistics would help IPCC monitor police actions on recalcitrant officers. CAPO later replied that they did not have such ready statistics, but reiterated that supervisory officers would deploy various administrative and disciplinary tools to deal with any officers in breach of police orders and regulations or improve the performance of their subordinates.



個案一

- 不當使用臨時羈留處作為安置非被捕人士的等候處(「濫用職權」)
- 調查結果經警監會審核後，由「無法證實」改列為「證明屬實」

6.1.1 投訴人聘請X女士的設計公司為其新居裝修。投訴人不滿工程進度，帶同妻子及朋友Y先生(休班高級督察)前往X女士的公司理論，雙方爭吵起來。警方奉召到場調解。據稱X女士出言恐嚇投訴人的妻子。投訴人的妻子決意追究，雙方遂前往警署協助警方調查。警方為各人錄取供詞，供詞顯示事件並無犯罪成分。案件最終被列為「消費者糾紛」，沒有人被捕。

6.1.2 投訴人向投訴警察課投訴，表示在警署內：

- (i) 當X女士、投訴人及其妻子拒絕和解時，助理值日官(警長A)聲言拘捕他們，但警長A沒有說明他們所犯何罪，亦沒有警誡他們。投訴人認為警長A沒有採取恰當的拘捕程序(「疏忽職守」)；以及

Case 1

- **inappropriate use of Temporary Holding Area as waiting area for non-arrested persons [“Unnecessary Use of Authority”]**
- **investigation results changed from “Unsubstantiated” to “Substantiated” after IPCC examination**

6.1.1 The complainant (COM) engaged Ms X’s company to carry out decoration work for his new home. Dissatisfied with the progress of the work, COM, together with his wife and his friend (Mr Y), who was an off-duty Senior Inspector of Police, went to Ms X’s company for negotiation and a dispute between the parties ensued. The Police were summoned to the scene for mediation. As Ms X allegedly uttered threatening remarks to COM’s wife, who insisted on pursuing the matter, the two parties went to the police station for further processing of the case. Statements were taken from them with no crime detected. The case was eventually classified as “Consumer Dispute” with no one being arrested.

6.1.2 COM lodged a complaint with CAPO alleging that inside the police station:

- (i) the Assistant Duty Officer (SGT A) declared arrest of him, his wife, and Ms X when they refused to settle their dispute. However, SGT A did not tell them what offence they had committed or administer any caution on them. COM considered SGT A had failed to adopt the proper arrest procedures [“Neglect of Duty”]; and

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(ii) 警長A不必要地把投訴人及其妻子安置於臨時羈留處〔「濫用職權」〕。

6.1.3 警長A否認曾聲言會拘捕X女士、投訴人或其妻子，並否認曾恐嚇會拘捕他們或把他們囚於臨時羈留處，藉此逼他們和解。鑒於投訴人指摘X女士恐嚇他的妻子，而X女士亦指摘投訴人等一伙人在其公司外徘徊，意圖搗亂，使她不安，警長A才決定為他們錄取供詞，以便進一步調查。當時警署內的會面室全都有人使用，他於是把雙方分別安置於兩個臨時羈留處，等候錄取供詞。警長A的說法獲報案室其他職員證實。

6.1.4 X女士亦證實，就她所知投訴人一方及她本人自始至終都沒有被捕。他們一度被置於臨時羈留處，但鐵柵打開，各人可以自由進出。她對警方處理「消費者糾紛」一案並無不滿。羈留室記事簿及單位資訊通用系統的記錄均沒有顯示「消費者糾紛」一案有人被捕。

6.1.5 基於上述調查結果，投訴警察課把兩項指控列為「無法證實」。但投訴警察課認為，警長A當日應向有關各方清楚解釋，他只是把臨時羈留處當作等候處使用。投訴警察課會訓諭警長A，但此事不記入其分區報告檔案內。

(ii) SGT A unnecessarily put him and his wife in a Temporary Holding Area (THA) ["Unnecessary Use of Authority"].

6.1.3 SGT A denied having declared arrest on COM, his wife, or Ms X. He also denied having pressurized the parties to settle the dispute by threat of arrest or placing them in THAs. Since COM accused Ms X of having intimidated his wife whereas Ms X counter-alleged that COM's party had hung around her shop to sabotage, which alarmed her, SGT A therefore decided to take statements from them to facilitate further enquiries. As the interview rooms in the police station were all occupied, he put the two parties in two different THAs, pending statement-taking. SGT A's version was corroborated by other report room staff.

6.1.4 Ms X also confirmed that as far as she knew, COM's parties and herself had never been arrested throughout the incident. They had once been placed inside THAs but all of them could go in and out as the grilles were open. She had no dissatisfaction with the Police in handling the "Consumer Dispute" case. No record in the Occurrence Book or the Formation Information Communal System showed that anyone involved in the "Consumer Dispute" case had ever been arrested.

6.1.5 In view of the above findings, CAPO classified the two allegations as "Unsubstantiated". However, CAPO opined that SGT A could have better explained to the parties concerned regarding the use of THAs as their waiting area on the material day. SGT A would be advised in this respect without entry in his divisional record file.

6.1.6 此外，調查亦發現，Y先生在陪伴投訴人前往警署時曾表明警務人員身分，但值日官沒有按《警察通例》的規定，把此事記錄在單位資訊通用系統內。投訴警察課會向該值日官記下一項「未經舉報但證明屬實」的「疏忽職守」指控，並訓誡他，但此事不記入其分區報告檔案內。

6.1.7 警監會研究投訴警察課的調查報告後，對調查結果有以下意見：

- (i) 投訴人指他及妻子被捕的說法獲Y先生證實；
- (ii) Y先生身為高級督察，應該明白提供虛假陳述的後果，故難以相信他會單單為了替投訴人提供佐證而捏造事實；
- (iii) 警方的記錄沒有顯示任何拘捕行動，故此可能是警長A沒有與投訴人一方好好溝通，以致他們誤以為被捕。雖然投訴被列為「無法證實」，但警監會認為，為了提高服務質素和預防投訴，應訓誡警長A日後與民事糾紛的涉案各方溝通時，要更加專業，以免日後發生類似的誤會；以及

6.1.6 In addition, the complaint investigation also revealed that Mr Y had identified himself as a police officer when accompanying COM to the police station but the Duty Officer had not recorded this information in the Formation Information Communal System as required under the Police General Orders. A “Substantiated Other Than Reported” count of “Neglect of Duty” was registered against the Duty Officer, who would be advised without entry in his divisional record file.

6.1.7 After examining the investigation report, IPCC had the following observations on CAPO’s findings:

- (i) COM’s version that he and his wife had been arrested was corroborated by Mr Y’s statement;
- (ii) given that Mr Y was a Senior Inspector of Police who should know full well the consequences of giving a false statement, it was inconceivable for him to make up a version simply for the purpose of corroborating COM;
- (iii) as there was no police record showing any arrest, it was possible that the alleged arrest was a misunderstanding due to SGT A’s ineffective communication with COM’s party. Notwithstanding the “Unsubstantiated” classification, IPCC opined that for better service quality and complaint prevention, SGT A should be advised to be more professional in communicating with parties of dispute cases to avoid causing similar misunderstanding in future; and

(iv) 警監會知悉警署的臨時羈留處有特定用途。警署內應該有其他更合適的地方，而無需使用臨時羈留處作為投訴人和X女士的等候處。

6.1.8 投訴警察課重新研究這個案後，同意就警長A可能使投訴人一方產生誤會一事，適當地向他作出訓諭。至於「濫用職權」的指控，投訴警察課接納警監會的意見，同意警長A不宜把並無被捕的投訴人一方安置於臨時羈留處，因這是以暫時扣留被捕者的地方。這項指控因此由「無法證實」改列為「證明屬實」。投訴警察課會訓諭警長A，但此事不記入其分區報告檔案內。

6.1.9 警監會通過這宗個案的修訂調查結果。

(iv) IPCC noted that THAs are designated for specific purposes in a police station. There should be better alternative available in the police station other than using THAs as the waiting area for COM's party and Ms X.

6.1.8 Having re-examined the case, CAPO agreed to give suitable advice to SGT A regarding the misunderstanding possibly caused by him to COM's party. As for the "Unnecessary Use of Authority" allegation, CAPO subscribed to IPCC's observation that it was inappropriate for SGT A to place COM's party, who were not under arrest, in THA, which is intended for holding arrested persons temporarily. The allegation was therefore re-classified from "Unsubstantiated" to "Substantiated". SGT A would be advised without entry in his divisional record file.

6.1.9 The Council endorsed the revised investigation results of the case.



個案二

- 警監會要求投訴警察課就一項最初被列為「投訴撤回」的「疏忽職守」指控展開全面調查。該指控經調查後被改列為「證明屬實」。

6.2.1 警方在一次行動中，發現投訴人在其車內管有危險藥物，於是當日凌晨3時45分把他拘捕。投訴人經警誡後，當場承認控罪，然後被帶返警署。一名警員（警員A）在上午5時05分至6時30分向投訴人補錄警誡供詞。投訴人其後被控以管有危險藥物的罪名。他在審訊前投訴警方，提出下列指控：

- 一名警長在現場恐嚇他，要他承認控罪〔「恐嚇」〕；
- 警員A沒有向他讀出警誡供詞的內容或把警誡供詞的副本交給他〔「疏忽職守」〕；
- 警員A捏造警誡供詞的內容〔「捏造證據」〕；以及
- 警員A在他被捕當日清晨向他錄取警誡供詞，當時他十分疲倦，警員A的做法並不恰當〔「疏忽職守」〕。

6.2.2 裁判官審案時裁定投訴人的警誡供詞不可接納為證據，因供詞並非按照《查問疑犯及錄取口供的規則及指示》而錄取。投訴人最終獲裁定無罪。

Case 2

- IPCC requested full investigation into a “Neglect of Duty” allegation which had first been classified as “Withdrawn” by CAPO. The allegation was then found to be “Substantiated” after investigation.**

6.2.1 During a police operation, the complainant (COM) was found to be in possession of dangerous drugs inside his car and hence arrested at 0345 hours of the day. Under caution, COM admitted the offence at the scene. He was brought back to the police station where a post-recorded cautioned statement was taken from him by a Police Constable (PC A) between 0505 hours to 0630 hours. COM was subsequently charged with the offence. Prior to the trial, COM lodged a complaint consisting of the following allegations:

- a Sergeant had threatened him to admit the offence at the scene [“Threat”];
- PC A had failed to read over the content or serve a copy of the cautioned statement to him [“Neglect of Duty”];
- PC A had fabricated the content of the cautioned statement [“Fabrication of Evidence”]; and
- PC A had inappropriately obtained his cautioned statement when he was very tired in the early morning of the day of arrest [“Neglect of Duty”].

6.2.2 During the trial, the Magistrate ruled the cautioned statement inadmissible as it was not taken in compliance with “Rules and Directions for the Questioning of Suspects and the Taking of Statements” and COM was eventually acquitted.

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6.2.3 訴訟結束後，投訴人表示欲撤回投訴，投訴警察課於是把所有指控列為「投訴撤回」。關於第二項「疏忽職守」的指控，投訴警察課認為，雖然警員A在法庭上承認事發當日在錄取供詞時沒有問投訴人是否需要休息，但沒有證據顯示投訴人曾要求休息，或投訴人疲態畢露，警員A應該察覺並加以處理。

6.2.4 警監會研究調查報告及裁判官的裁決後，對於把警員A的第二項「疏忽職守」指控列為「投訴撤回」有所保留，理由如下：

- (i) 警員A於清晨時份向投訴人錄取警誡供詞，無論投訴人有否要求休息，警員A都有責任確保投訴人的體力足以應付；
- (ii) 裁判官在審案時表示，警誡供詞並非按照《查問疑犯及錄取口供的規則及指示》而錄取，故裁定供詞不可接納為證據。警員A在法庭作供時亦證實，投訴人當天大清早作供個半小時後，已十分疲倦。

6.2.5 投訴警察課再向警員A查問。他承認沒有遵從《查問疑犯及錄取口供的規則及指示》。投訴警察課遂把第二項「疏忽職守」指控，由「投訴撤回」改列為「證明屬實」。投訴警察課已訓諭警員A，但此事不記入其分區報告檔案內。

6.2.6 警監會通過這宗個案的修訂調查結果。

6.2.3 After the trial, COM indicated that he would like to withdraw his complaint. In view of this, CAPO classified all the allegations as “Withdrawn”. On the second “Neglect of Duty” allegation, CAPO commented that despite PC A’s admission in court that COM had not been asked whether he needed a rest during the statement-taking, there was no evidence suggesting that COM had ever made any request for a rest or that COM’s tiredness was so obvious that it should have been noticed and attended to by PC A.

6.2.4 After examining the investigation report and in the light of the Magistrate’s ruling, IPCC had reservation about the “Withdrawn” classification for the second “Neglect of Duty” allegation for the following reasons:

- (i) PC A had a duty to ascertain if COM was physically fit to give a cautioned statement, particularly during the small hours, irrespective of whether COM had asked for a rest; and
- (ii) The cautioned statement was ruled inadmissible during the trial based on non-compliance with “Rules and Directions for the Questioning of Suspects and the Taking of Statements”. PC A also testified in court that COM had been exhausted having spent one and a half hours in the early morning of the day for statement-taking.

6.2.5 CAPO subsequently made further enquiries with PC A who admitted that he had not complied with the “Rules and Directions for the Questioning of Suspects and the Taking of Statements”. CAPO therefore reclassified the second “Neglect of Duty” allegation from “Withdrawn” to “Substantiated”. PC A was advised without entry in his divisional record file.

6.2.6 The Council endorsed the revised investigation results of the case.

個案三

- 投訴警方向被羈留人士進行不必要的搜身(三項「濫用職權」指控)
- 經警監會審核後，三項指控的調查結果由「無法證實」改列為「證明屬實」

6.3.1 這宗投訴源於一宗「襲擊致造成身體傷害」案件。投訴人因該宗襲擊案件被捕。她其後向投訴警察課投訴，指兩名便裝警員沒有恰當調查該案件(「疏忽職守」)，以及五名女警濫用職權，在她羈留期間，短時間內對她進行一共六次脫去所有衣服的搜身(「濫用職權」)。

6.3.2 投訴人最終在法庭上承認襲擊案的指控，被判守行為12個月。在這宗襲擊案件完結後，投訴人決定撤回「疏忽職守」的指控。因此，該指控被列作「投訴撤回」。

6.3.3 至於六項「濫用職權」指控，五名女警承認在投訴人每次進入或離開警署或法院的羈留室時對她搜身，合共六次，但否認曾脫去投訴人所有衣服搜身。投訴警察課的調查顯示，該六次搜身均按《警察程序手冊》訂明的搜身及押解被羈留人士程序進行。基於沒有獨立證人或客觀證據可以證明或反駁任何一方的說法，投訴警察課把所有「濫用職權」指控列作「無法證實」。不過，投訴警察課發現有關人員沒有在警察記事冊

Case 3

- **complaint regarding unnecessary search on detained persons [3 counts of “Unnecessary Use of Authority” allegation]**
- **investigation results of all 3 allegations changed from “Unsubstantiated” to “Substantiated” after IPCC examination**

6.3.1 The instant complaint arose from a case of “Assault Occasioning Actual Bodily Harm” for which the complainant (COM) was arrested. COM subsequently lodged a complaint alleging that two plainclothes officers failed to conduct proper investigation into the crime case [“Neglect of Duty”], and five woman police officers abused their power in conducting a total of six searches involving total removal of clothing on her within a short period of time during her detention by the Police [“Unnecessary Use of Authority” (UUOA)].

6.3.2 COM eventually admitted the facts in the crime case and was bound over for 12 months. After conclusion of the crime case, COM decided to withdraw the “Neglect of Duty” allegation. The allegation was therefore classified as “Withdrawn”.

6.3.3 Regarding the six allegations of “UUOA”, the five woman police officers admitted that they had conducted a total of six searches on COM when the latter entered or was removed from a cell in a police station or court building, but they denied that they had conducted any search involving total removal of clothing on her. CAPO’s investigation revealed that all six searches were conducted in accordance with the guidelines on search and escort of detained persons as set out in the Force Procedures Manual (FPM). In the absence of independent witness or

內，記下其中四次搜身，違反《警察通例》所載指引。因此，投訴警察課記下有關人員一項「未經舉報但證明屬實」的「疏忽職守」指控，並訓諭她們，但此事不記入其分區報告檔案內。

6.3.4 警監會發現投訴人指稱的搜身，其中三次是在投訴人被帶離羈留室前進行，其餘三次則是在投訴人進入羈留室前進行。警監會認為，不論搜身程度為何，前三次搜身均屬不恰當及不必要。原因如下：

- (i) 投訴人每次進入羈留室前均經過搜身，以確保她在羈留室拘留期間，不會管有任何違禁品；
- (ii) 警方並無合理的理由懷疑投訴人被拘留在羈留室期間，會取得任何違禁品；以及
- (iii) 《警察程序手冊》沒有訂明，在臨時羈留處或羈留室帶走被羈留人士前，必須對他搜身。

6.3.5 投訴警察課最終同意把投訴人帶離羈留室前搜身的三項「疏忽職守」指控由「無法證實」改列為「證明屬實」。被投訴的人員會被訓諭，但此事不記入其分區報告檔案內。

6.3.6 警監會通過這宗個案的修訂調查結果。

objective evidence to prove or disprove either side's version, CAPO classified all the "UUOA" allegations as "Unsubstantiated". However, CAPO found that the officers concerned had failed to make notebook entries about four of the searches which breached guidelines set out in the Police General Orders. CAPO therefore registered a "Substantiated Other Than Reported" count of "Neglect of Duty" against the officers concerned, and they would be advised without divisional record file entry.

6.3.4 IPCC found that three of the alleged searches were conducted prior to removing COM from a cell whereas the other three were conducted prior to putting COM in the cell. IPCC considered that the former three searches were improper and unnecessary irrespective of the extent of the searches because:

- (i) COM had already been searched each time prior to entering the cell to ensure that she did not possess any unauthorized items;
- (ii) there was no reasonable ground to suspect that COM might have obtained any unauthorized items during detention in the cell; and
- (iii) FPM does not state that a detained person should be searched prior to being removed from a Temporary Holding Area or cell.

6.3.5 CAPO eventually agreed to change the classification of three "UUOA" allegations pertaining to searches prior to removing COM from a cell from "Unsubstantiated" to "Substantiated". The complainees would be advised without divisional record file entry.

6.3.6 IPCC endorsed the revised investigation results of the case.

個案四

- 警方傳票上呈報的罪行詳情出錯，以致被告人獲法庭裁定無罪〔疏忽職守〕
- 調查結果經警監會審核後，由「無法證實」改列為「證明屬實」

6.4.1 這宗投訴的起因是投訴人不滿警方處理一宗交通違例事件時，在傳票上呈報的罪行詳情出錯，以致被告人獲法庭裁定無罪。投訴人是案中受害人兼證人。

6.4.2 事發當日，投訴人駕駛電單車經過一輛停在路旁的垃圾車，碰巧一名工人推着垃圾桶突然從垃圾車車尾衝出。投訴人見狀立刻扭軚，以免碰撞，結果倒地受了輕傷。

6.4.3 警方的調查顯示錯在工人，遂要求中央交通檢控組向他發出傳票，控以「不遵守交通規則過馬路」的罪名。該組一名警長（警長A）負責審核這宗案件和在被告人的傳票上呈報罪行詳情。警長A把資料輸入系統，系統即自動印出發予工人的傳票，而同組一名打字員（打字員B）把相關資料輸入系統後，系統亦自動印出發予投訴人的證人傳票。

Case 4

- **police laying wrong particulars of offence leading to acquittal of defendant [“Neglect of Duty”]**
- **investigation results changed from “Unsubstantiated” to “Substantiated” after IPCC examination**

6.4.1 This complaint stemmed from the complainant (COM)’s dissatisfaction with the Police for laying the wrong particulars of offence on a traffic summons involving COM (as the victim cum witness), resulting in the acquittal of the defendant by the court.

6.4.2 On the material day, COM was riding a motorcycle and drove past a sewage collection vehicle parked along a road. At that juncture, a worker (Worker) who was pushing a sewage collection bucket suddenly dashed out from the rear of the sewage collection vehicle. COM immediately veered his motorcycle to avoid collision and then fell onto the ground and sustained minor injuries.

6.4.3 Police investigation revealed that the Worker was at fault, and thus an application for a traffic summons was submitted to the Central Traffic Prosecution Division (CTPD) to summons the Worker for the offence of “Jaywalking”. A Sergeant of CTPD (SGT A) was responsible for examining the case and laying the particulars of offence on the defendant summons. He inputted the data into a system which automatically generated the summons to be issued to the Worker, while a typist (Typist B) of the same Division inputted the relevant data into the system which automatically generated a witness summons to be issued to COM.

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6.4.5 經審訊後，工人被裁定罪名不成立，因裁判官認為控方在被告人傳票上呈報的罪行詳情有誤〔身為道路使用者的行人，疏忽地危害你本人（即工人）的安全〕，因為工人危害的似乎是他人（即投訴人）的安全，而非他本人的安全。

6.4.6 投訴人獲悉法庭的判決後，提出三項指項：

- (i) 警長A在被告人的傳票上呈報的罪行詳情出錯，以致工人獲法庭裁定無罪〔疏忽職守〕；
- (ii) 警方在工人獲釋後，沒有以正確控罪再次票控他〔警務程序〕；以及
- (iii) 打字員B在證人傳票上，把投訴人的年齡39歲誤打為10歲〔疏忽職守〕。

6.4.7 警長A否認「疏忽職守」的指控，又表示曾小心研究投訴人的交通案件，並已充分考慮《道路交通條例》（第374章）第48條中「危害」一詞。該條訂明「任何使用道路的行人疏忽地危害其本人或他人的安全，即屬犯罪」。警長A認為「危害」一詞指構成潛在危險的行為，即仍未發生的情況，既然投訴人已在該宗交通意外中受傷，而工人的行為對他本人會構成危險，故此認為工人才是交通意外中的「受影響人士」，於是在發給被告人的傳票上把罪行詳情訂為「身為正在使用道路的行人，疏忽地危

6.4.5 After trial, the Worker was acquitted of the offence because the Magistrate opined that the prosecution had laid the wrong particulars of offence on the defendant summons [*"being a pedestrian who was using the road did negligently endanger the safety of your own (i.e. Worker)"*], as the Worker appeared to have endangered another person (i.e. COM)'s safety rather than that of his own.

6.4.6 Having learned about the verdict, COM lodged a total of three allegations as follows:

- (i) that SGT A had laid the wrong particulars of offence on the defendant summons, resulting in the acquittal of the Worker by the court [*"Neglect of Duty"*];
- (ii) that the Police failed to summons the Worker again with the correct offence after his acquittal [*"Police Procedures"*]; and
- (iii) that Typist B wrongly typed COM's age as 10 instead of 39 on the witness summons [*"Neglect of Duty"*].

6.4.7 SGT A denied the "Neglect of Duty" allegation against him, and claimed that he had carefully examined COM's traffic case with due consideration to the word "endanger" in section 48 of the Road Traffic Ordinance (RTO) (Cap 374) which states that "*a pedestrian who, in using any road, negligently endangers his own safety or that of any other person commits an offence*". SGT A perceived that the word "endanger" would refer to an act which posed a potential danger, i.e. something which has not yet taken place. Since COM was already injured in the traffic accident while the Worker's act posed a danger to his own safety, SGT A considered that the Worker

害你本人(即工人)的安全」。投訴警察課亦指出，中央交通檢控組總督察和警司均支持警長A對「危害」一詞的詮釋。

6.4.8 投訴警察課認為，裁判官裁定工人罪名不成立，純粹由於他對法例有不同詮釋。投訴警察課的結論是，警長A已履行職責審核有關個案，不應單單因為他與法院的判斷不同而需對工人被裁定無罪負責。由於沒有任何確實證據證明投訴人的說法，投訴警察課把對警長A的指控列為「無法證實」。

6.4.9 有關「警務程序」指控，投訴警察課表示，裁判官基於疑點利益歸於被告的原則，裁定工人無罪。根據《刑事訴訟程序條例》(第221章)，任何人如經法院審判並裁定罪名不成立，則該人不可再就該罪名或基本上相同的罪名再度受審。基於這項規定，警方不能就同一罪行(即「不遵守交通規則橫過馬路」)再次向工人發出傳票，因此，就此指控而言，警方並無犯錯。投訴警察課把該指控列為「並無過錯」。

6.4.10 被投訴的打字員B由於承認打錯字，投訴警察課把對打字員B的指控列為「證明屬實」。

6.4.11 警監會就對警長A的「疏忽職守」指控被列為「無法證實」存疑，因為：

instead of COM should be the “person affected” in the traffic case, and laid the particulars of offence on the defendant summons as “being a pedestrian who was using the road did negligently endanger the safety of your own (i.e. Worker)”. CAPO also pointed out that SGT A’s interpretation of the word “endanger” was supported by a Chief Inspector of Police and a Superintendent of Police of CTPD.

6.4.8 CAPO commented that the acquittal of the Worker was solely attributable to the Magistrate’s different interpretation of the law. CAPO concluded that SGT A had fulfilled his duty to examine the case, and should not be held responsible for the acquittal simply because he had made a judgement different to that of the court. In the absence of any conclusive evidence to support COM’s claim, CAPO classified the allegation against SGT A as “Unsubstantiated”.

6.4.9 In response to the allegation regarding “Police Procedures”, CAPO stated that the Magistrate acquitted Mr. X on the benefit of a doubt. In accordance with section 31 of the Criminal Procedure Ordinance (Cap 221), if a person has been tried by a court for an offence and acquitted, he cannot be tried again for that or substantially the same offence. Therefore, the Police could not summons the Worker again for the same offence (i.e. “Jaywalking”), and no fault could be attributed to the Police in respect of this allegation. It was thus classified as “No Fault”.

6.4.10 Concerning allegation against Typist B who admitted the typing error made, CAPO classified it as “Substantiated”.

6.4.11 IPCC had reservations on the “Unsubstantiated” classification for the “Neglect of Duty” allegation against SGT A because:

- (i) 工人在做出疏忽行為時，對他本人及其他道路使用者(包括投訴人)均會構成潛在危險。因此，警長A以投訴人已受傷為由，不在被告傳票上把投訴人列為「受影響人士」，並不成立；以及
- (ii) 警監會亦注意到，在裁判官質疑被告傳票呈報的罪行詳情之後，法庭檢控主任在聆訊期間曾要求裁判官援引《裁判官條例》(第227章)第27條所授予的權力，修訂傳票呈報的資料，但遭拒絕，可見法庭檢控主任亦認為原有的控罪詳情並不恰當。控方不在聆訊期間修訂傳票，主要是基於程序上的考慮，投訴警察課不應視之為法庭檢控主任同意警長A的觀點。
- (i) when the Worker committed the negligent act, it would pose a potential danger to himself as well as any other road users including COM. Therefore, SGT A's reasoning for not including COM as a "person affected" in the defendant summons on the basis that COM had already sustained injuries was not valid; and
- (ii) IPCC noted that during the trial, the Magistrate had queried the particulars of offence laid on the defendant summons, and the court prosecutor had invited the Magistrate to invoke his power to amend the information stated therein in accordance with section 27 of the Magistrates Ordinance (Cap 227), but was declined. This indicated that the court prosecutor also considered the original particulars of the charge to be inappropriate. The fact that the prosecutor did not amend the summons at the trial was mainly due to procedural considerations, and could not be taken to mean that he shared SGT A's view as interpreted by CAPO.

6.4.12 投訴警察課最終同意把針對警長A的「疏忽職守」指控改列為「證明屬實」，並訓諭警長A日後處理同類個案時要更加小心，但此事不記入其分區報告檔案內。投訴警察課又同意向中央交通檢控組的高級督導人員簡介《道路交通條例》第48條的詮釋，並提醒他們處理傳票時要份外謹慎。

6.4.12 CAPO eventually agreed to re-classify the "Neglect of Duty" allegation against SGT A as "Substantiated". In this connection, he would be advised without divisional record file entry to be more cautious in handling similar cases in future. CAPO also agreed that senior supervisory officers of CTPD would be briefed as to the interpretation of section 48 of RTO and be reminded to be more vigilant when processing summonses.

6.4.13 警監會滿意投訴警察課的回應，並通過經修訂後的調查結果。

6.4.13 IPCC was satisfied with CAPO's response and endorsed the revised investigation results.

個案五

- 警方疏忽處理一宗家庭暴力案件
- 經警監會審核後，投訴人被記下一項「未經舉報但證明屬實」的「疏忽職守」指控

6.5.1 投訴人患有抑鬱症多年。事發當日，他與持雙程證來港的妻子發生爭執，拳打她的臉和身體。警方其後拘捕投訴人，並控告他「襲擊致造成身體傷害」的罪名。由於投訴人的妻子最後決定不再追究，投訴人的控罪被撤銷。

6.5.2 投訴人向投訴警察課投訴，指在調查襲擊案的過程中：

- (i) 一名高級偵緝警員在他被捕後曾強迫他簽署一份供詞，並告知他無需閱讀供詞內容（「行為不當」）；
- (ii) 另一名高級警員游說他承認控罪（「行為不當」）；
- (iii) 一名身分不明的便衣人員在到訪他家時沒有出示警察委任證（「疏忽職守」）；以及
- (iv) 一名偵緝警長（偵緝警長A）多次致電投訴人，要求與他的妻子對話，並要求他的妻子前往警署更改供詞（「行為不當」）。

Case 5

- **police negligence in handling domestic violence case**
- **an “Substantiated Other Than Reported” count of “Neglect of Duty” added after IPCC examination**

6.5.1 The complainant (COM) has been suffering from depression for years. On the material day, he had a quarrel with his wife, a two-way permit holder, and punched her face and body. He was later arrested by the Police and charged with “Assault Occasioning Actual Bodily Harm”. As COM’s wife subsequently decided not to pursue the case, the charge against COM was dismissed.

6.5.2 COM lodged a complaint with CAPO alleging that in the course of the assault case investigation:

- (i) a Detective Senior Police Constable had forced him to sign a statement and told him that there was no need for him to read the content of the statement [“Misconduct”];
- (ii) another Senior Police Constable had persuaded him to admit the offence [“Misconduct”];
- (iii) an unidentified plainclothes officer had not displayed his police warrant card when he visited COM’s home [“Neglect of Duty”]; and
- (iv) a Detective Sergeant (DSGT A) called COM a number of times to look for his wife and requested the latter to attend the police station to change her statement [“Misconduct”].

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6.5.3 投訴警察課調查後，把首兩項「行為不當」的指控列為「無法證實」，第三項指控則由於無法確定被投訴人的身分，故被列為「無法追查」。

6.5.4 至於第四項「行為不當」的指控，偵緝警長A承認曾四度致電投訴人，以確定投訴人的妻子是否安全，以及查詢這宗家庭暴力個案轉介予社會福利署跟進後，該署職員有否與她接觸。偵緝警長A解釋他沒有直接致電投訴人的妻子，是因為她只向警方提供了內地手提電話號碼，而在警署打長途電話涉及若干行政程序。他又稱，致電投訴人可以同時聯絡投訴人及其妻；如他在電話中察覺有任何異樣，便會到投訴人住所查問。他否認曾在電話中試圖游說投訴人的妻子更改供詞。投訴警察課考慮上述因素後，把指控列為「無法證實」。

6.5.5 警監會在研究投訴警察課的調查報告後，對指控的分類並無異議。不過，投訴人曾以暴力對待其妻，偵緝警長A還多次致電投訴人，查問其妻是否安全，做法並不恰當。偵緝警長A應使用投訴人妻子向警方提供的內地手提電話號碼，直接與她聯絡。警監會又指出，偵緝警長A身為一名資深警務人員，既然知悉投訴人患有抑鬱症，便不應多次致電，因此舉可能會刺激他，引起投訴。

6.5.3 After CAPO's investigation, the first two "Misconduct" allegations were classified as "Unsubstantiated" and the third allegation as "Not Pursuable" since the identity of the complainee could not be ascertained.

6.5.4 Regarding the fourth allegation, DSGT A admitted that he had called COM four times to check the safety of his wife and see if she had been approached by the Social Welfare Department as the case had been referred to the Department for follow-up. DSGT A explained that he did not call COM's wife direct because she only provided a Mainland mobile phone number to the Police but making an IDD call in the police station involved some administrative procedures. He further claimed that by calling COM, he was able to reach both COM and his wife in one go. In case he noted any sign of irregularities during the telephone contacts, he would visit their home for enquiries. He denied having attempted to persuade COM's wife to alter her statement during the calls. Having regard to the above, CAPO classified the allegation as "Unsubstantiated".

6.5.5 After examining the investigation report, IPCC had no objection to the classifications of the allegations. However, DSGT A's telephone contacts with COM to check the safety of COM's wife were considered inappropriate as COM was the one who had assaulted his wife. DSGT A could have approached COM's wife direct through her Mainland mobile phone number which had already been provided to the Police as a means of contact. IPCC also commented that DSGT A, as an experienced officer, should not have repeatedly called COM, who was known to have been suffering from depression, as this would likely agitate COM and invite complaints.

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6.5.6 此外，警監會注意到，根據《警察程序手冊》，警方如懷疑或知道某人精神上無行為能力，應盡可能有適當的成年人在場，才與該人會面。不過，警方在處理這宗襲擊案和投訴案時，未見有按照上述程序向投訴人錄取供詞。

6.5.7 警監會認為，前線警務人員在處理家庭暴力案件，以及涉案的精神病患者時，要格外小心和提高敏感度。

6.5.8 投訴警察課接納警監會的意見，並就偵緝警長A多次致電投訴人的不當行為，記下一項「未經舉報但證明屬實」的「疏忽職守」指控。投訴警察課會適當地訓諭偵緝警長A，着他在處理家庭暴力案件，以及涉案的精神病患者時格外小心和提高敏感度，但此事不記入其分區報告檔案內。

6.5.9 關於向投訴人錄取供詞的問題，投訴警察課解釋，在會面過程中，投訴人能合理地回答問題，交代事情的經過亦條理分明和前後連貫。投訴警察課再次審閱該兩份供詞，認為投訴人的權益及福利並無受損。不過，投訴警察課會要求警隊有關決策分部檢討相關的《警察程序手冊》，以期清楚界定哪類精神病患者屬精神上無行為能力，必須有適當的成年人在場，才可與他們會面錄取供詞。此外，手冊亦須訂明，假如精神上無行為能力者在錄取供詞時，以私隱為由拒絕有適當的成年人在場，有關的警務人員應如何處理。

6.5.10 警監會通過這宗個案的修訂調查結果。

6.5.6 IPCC further noted that according to Force Procedures Manual, any person suspected or known to be mentally incapacitated should, as far as practicable, be interviewed in the presence of an appropriate adult. However, there was no indication that the Police had followed the above procedural requirement when taking statements with COM in the assault case and the complaint case.

6.5.7 IPCC opined that front-line officers should have handled domestic violence cases and mental patients with greater care and sensitivity.

6.5.8 CAPO subscribed to IPCC's observations and registered a "Substantiated Other Than Reported" count of "Neglect of Duty" against DSGT A for the inappropriate phone calls to COM. He would be duly advised, without entry in his divisional record file, to exercise greater care and sensitivity in handling domestic violence cases and mental patients.

6.5.9 As for the statement-taking with COM, CAPO explained that during the interviews, COM responded to questions rationally and was able to give logical, reasonable and coherent accounts of the matters. After re-examining the two statements concerned, CAPO did not see the interest or welfare of COM being compromised in both circumstances. That said, CAPO would request the relevant policy wing of the Force to review the Force Procedures Manual with a view to clearly defining which types of mental patients are regarded as being mentally incapacitated and hence must be interviewed in the presence of an appropriate adult, and also specifying the ways to handle situations where mentally incapacitated persons object to giving any statement in the presence of an appropriate adult for privacy reasons.

6.5.10 The Council endorsed the revised investigation results of the case.

個案六

- 投訴警方延誤檢取案件證物〔「疏忽職守」〕
- 調查結果經警監會審核後，由「並無過錯」改列為「證明屬實」

6.6.1 X屋苑的住客及業主在10月29日舉行會議，決定應否解散該屋苑的管理委員會(管委會)。與會者進行投票後，否決了這項建議。投訴人(X屋苑的住客)在五天後向警方舉報一宗「懷疑偽造文件」案，聲稱部分空白選票是偽造的。不過，警方直到11月9日和22日，才檢取有關選票和印章作為證物，進行科學鑑證。由於科學鑑證結果顯示，沒有證據證明投訴人的舉報屬實，「懷疑偽造文件」案於翌年1月6日正式歸類為「並無發現罪行」個案。

6.6.2 投訴人對該宗「懷疑偽造文件」案的案件主管(高級督察A)提出下列指控：

- (i) 高級督察A沒有應他的要求檢取業主名冊，並且延誤檢取有關選票為證物作鑑證之用〔「疏忽職守」〕；

Case 6

- **complaint regarding police delay in seizure of case exhibits [“Neglect of Duty”]**
- **investigation results changed from “No Fault” to “Substantiated” after IPCC examination**

6.6.1 A meeting was held on 29 October amongst residents and owners of Estate X to decide whether the Management Committee (MC) of the estate should be dissolved. In the event, the proposal was voted down. Five days’ later, the complainant (COM), who was a resident in Estate X, made a report of “Suspected Forgery” to the Police, claiming that some of the blank voting slips were counterfeits. However, the Police did not seize the voting slips and the stamp in question as exhibits for forensic examination until 9 and 22 November. As the forensic examination result revealed no evidence in support of COM’s report, the “Suspected Forgery” case was formally classified as “No Crime Detected” on 6 January the following year.

6.6.2 COM lodged a complaint against the officer-in-charge (SIP A) of the “Suspected Forgery” case as follows:

- (i) SIP A had ignored his request for seizing the owners’ registers and delayed the seizure of the relevant voting slips as exhibits for examination [“Neglect of Duty”];

- (ii) 投訴人指稱，當高級督察A在11月22日前往X屋苑的管理處，檢取已使用選票作為對照樣本時，涉嫌對他無禮說：「佢有權唔俾警方都得，燒晒，掉晒都無犯法，我地無權拉佢」〔「無禮」〕；以及
- (iii) 投訴人又表示，在翌年1月4日，他收到管委會發給X屋苑的住客及業主的通知，聲稱警方已終止該宗「懷疑偽造文件」案的調查。但投訴人直至1月11日與高級督察A通電話後，才收到他的正式書面回覆。投訴人不滿高級督察A的處理手法〔「疏忽職守」〕。

6.6.3 高級督察A稱，雖然警方在11月3日接獲投訴人舉報，但他不在辦公室，直到11月6日才復工。他其後安排在11月9日與管委會的主席會面，並於同日檢取證物。在檢取證物前，高級督察A曾指示下屬聯絡民政事務總署的代表，以確定該名代表在開啟票箱時會否到場，但沒有收到回覆。此外，高級督察A得知選票一直安然存放在管理處內，沒有受到干擾。因此，他待11月9日才檢取選票。高級督察A承認在11月22日與投訴人接觸期間，曾說過所指控的那一番話。

- (ii) SIP A allegedly treated COM impolitely by saying “He can refuse to give it to police... can burn it, throw it away and we cannot arrest them” when he attended the Management Office of Estate X to seize the used voting slips as control samples on 22 November [“Impoliteness”]; and
- (iii) COM further stated that on 4 January the following year, he received a notice issued by the MC to residents and owners of Estate X, informing them that the investigation of the “Suspected Forgery” case was curtailed by the Police. However, COM did not receive any formal reply from SIP A until their teleconversation on 11 January. COM was dissatisfied with the way SIP A handled the matter [“Neglect of Duty”].

6.6.3 SIP A’s version is that although his team received COM’s report on 3 November, he was out of office and did not resume duty until 6 November. He then arranged to interview the Chairman of the MC on 9 November and seize the exhibits on the same day. Prior to the seizure, he instructed his staff to contact the representative of the Home Affairs Department (HAD) to ascertain whether the latter would be present during the opening of the ballot box but no reply was received. Moreover, SIP A learnt that the voting slips were safely kept in the Management Office and free from interference. As such, he did not take any seizure action until 9 November. He admitted having uttered the alleged remarks during his encounter with COM on 22 November.

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6.6.4 投訴警察課亦翻查了相關的案件檔案，證實該宗「懷疑偽造文件」案在1月6日正式列作「並無發現罪行」個案；而在1月23日正式結案前，有關人員已向投訴人發出終止調查信件，發信日期是1月11日。

6.6.5 基於上述調查結果，投訴警察課將兩項「疏忽職守」指控列為「並無過錯」，「無禮」指控則列為「證明屬實」。投訴警察課會訓諭高級督察A日後不要向市民發表任何不必要的言論，但此事不記入其分區報告檔案內。

6.6.6 投訴警察課的調查又顯示，「懷疑偽造文件」案的調查人員沒有把試圖聯絡民政事務總署代表一事記錄下來，而高級督察A亦未盡監督職責，確保此事記錄在案件檔案內。因此，投訴警察課對有關調查人員和高級督察A各記下一項「旁支事項」，並會適當地訓諭他們。

6.6.7 警監會研究調查報告後，對於「無禮」指控的分類並無異議，但對於把兩項「疏忽職守」指控列為「並無過錯」有所保留。警監會的意見詳述如下：

6.6.4 CAPO also examined the relevant crime case file and confirmed that the “Suspected Forgery” case was formally classified as “No Crime Detected” on 6 January. A curtailment letter was issued to COM on 11 January prior to the closure of the crime case file on 23 January.

6.6.5 In view of the above findings, CAPO classified the two “Neglect of Duty” allegations as “No Fault” and the “Impoliteness” allegation as “Substantiated”. SIP A would be advised, without entry in his divisional record file, not to utter any unnecessary remarks to the public in future.

6.6.6 CAPO’s investigation also revealed that the investigating officer of the “Suspected Forgery” case had failed to document his attempts to contact the HAD representative whereas SIP A had failed to discharge his supervisory duty to ensure that such a record was made in the crime case file. An “Outwith” matter was therefore registered against both the investigating officer and SIP A, who would be suitably advised.

6.6.7 After examining the investigation report, IPCC had no objection to the classification for the “Impoliteness” allegation but had reservation about the “No Fault” classification for the two “Neglect of Duty” allegations. The Council’s observations are as follows:



- (i) 據調查「懷疑偽造文件案」的人員所說，當高級督察A到X屋苑的管理處檢取有問題的選票時，他與管委會主席的會面正在進行中。此外，在檢取選票時，高級督察A知悉仍未能聯絡上民政事務總署的代表。換言之，與主席的會面和民政事務總署代表的意見，都不是檢取選票的先決條件；
- (ii) 鑑於選票是重要證物，如沒有這些選票，「懷疑偽造文件」案便不能繼續追查下去。因此，警監會認為高級督察A應更加警覺，盡早檢取選票，以免選票不慎受到干擾；以及
- (iii) 高級督察A有否先把「懷疑偽造文件」案的調查結果通知投訴人(報案人)之前，先向管委會(疑犯)透露有關結果這一點，始終未能確定。
- (i) according to the investigating officer of the “Suspected Forgery” case, the interview with the Chairman of the MC was in progress at the time when SIP A attended the Management Office of Estate X to seize the problematic voting slips. Moreover, at the time when the seizure took place, SIP A was aware that the HAD representative could not be reached. In other words, the interview with the Chairman of the MC and the view of the HAD representative did not necessarily have to be conducted or obtained prior to the seizure action;
- (ii) as the voting slips in question were key exhibits without which the “Suspected Forgery” case could not be further pursued, SIP A should have been more vigilant in seizing them at the earliest opportunity to prevent any inadvertent interference; and
- (iii) it was unclear if SIP A had indeed disclosed to the MC, i.e. the suspect, the investigation result of the “Suspected Forgery” case prior to notifying the complainant as the informant.

6.6.8 投訴警察課認同高級督察A應主動採取措施，確保「懷疑偽造文件」案中的重要證物不受干擾。因此，有關的「疏忽職守」指控，由「並無過錯」改列為「證明屬實」。投訴警察課會適當地訓諭高級督察A，但此事不記入其分區報告檔案內。

6.6.8 CAPO agreed that SIP A should have initiated proactive measures to protect the essential exhibits of the “Suspected Forgery” case and to ensure they were free from interference. The relevant “Neglect of Duty” allegation was therefore re-classified from “No Fault” to “Substantiated”. SIP A would be duly advised in this respect without entry in his divisional record file.

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6.6.9 至於另一項「疏忽職守」指控，高級督察A接受進一步查問時表示，他於1月3日或4日致電告知管委會科學鑑證結果顯示沒有可疑。但他反駁投訴人對他的指控，並否認曾提及任何有關該宗「懷疑偽造文件」案終止調查的事。由於沒有獨立佐證去支持或反駁任何一方的說法，指控由「並無過錯」改列為「無法證實」。此外，投訴警察課發現，高級督察A在1月11日發給投訴人的終止調查信件中，錯誤地把「懷疑偽造文件」案的終止調查日期由1月6日寫成1月9日。投訴警察課記下高級督察A一項「旁支事項」，並訓諭他日後須小心處理發給市民的信件，但此事不記入其分區報告檔案內。

6.6.10 警監會通過這宗個案的修訂調查結果。

6.6.9 As for the other “Neglect of Duty” allegation, SIP A was further enquired. He stated that he had only informed the MC over the phone on 3 or 4 January that the forensic examination revealed no suspicious circumstances. However, he denied having mentioned to them anything in relation to the curtailment of the “Suspected Forgery” case, contrary to the complainant’s allegation against him. In the absence of independent and corroborative evidence to prove or disprove either side’s version, the allegation in this respect was therefore re-classified from “No Fault” to “Unsubstantiated”. In addition, SIP A was found to have mistakenly stated in the curtailment letter to COM on 11 January that the investigation of the “Suspected Forgery” case ceased on 9 January instead of 6 January. An “Outwith” matter was registered against SIP A, who would be advised, without entry in his divisional record file, to prepare correspondence with the public with care.

6.6.10 The Council endorsed the revised investigation results of the case.



個案七

- 投訴警方不當處理無人認領的拾獲財物，指控經調查後被列為「證明屬實」

6.7.1 投訴人在街上拾到一條金頸鍊，遂把頸鍊交予警方處理。警方把這宗個案列為「拾獲財物」案，並向投訴人發出正式財物收據，當中說明拾獲的財物如在三個月後仍無人認領，便歸拾獲財物者所有。投訴人在報案九個月後向警方查問案件進展，才得悉該頸鍊已交警察貨倉處置。投訴人遂向投訴警察課投訴，指「拾獲財物」案主管未有告訴他案件進展（「疏忽職守」）。

6.7.2 有關單位與投訴人會面並展示文件證明該拾獲財物已被充公並交警察貨倉。投訴人信納警方辦理該案時並無舞弊或違法，於是撤回投訴。投訴警察課遂把「疏忽職守」的指控列作「投訴撤回」。

6.7.3 不過，投訴警察課的調查揭露，一名負責處理拾獲財物及登記的文書助理在投訴人報案三個月後，即使頸鍊未有物主認領，也沒有通知投訴人前來領取，做法有違《警察通例》的規定。投訴警察課並發現，案件主管沒有按照《警察通例》的規定，在投訴人交來頸鍊的第二個工作天，把頸鍊送往財物辦公室。投訴警察課就二人的疏忽對他們各記下一項「未經舉報但證明屬實」的「疏

Case 7

- **“Substantiated” allegation regarding mishandling of unclaimed property found**

6.7.1 The complainant (COM) found a gold necklace in the street and handed it to the Police. The case was classified as “Found Property” and a formal property receipt was issued to COM informing him that any found property which remained unclaimed after three months would be returned to the finder. When COM made an enquiry about the progress of the “Found Property” case nine months after making the report, he was informed by the Police that the necklace found by him was already disposed of through Police stores. COM therefore lodged a complaint with CAPO alleging that the Officer-in-charge of the “Found Property” case had failed to inform him the progress of the case [“Neglect of Duty”].

6.7.2 COM was interviewed by the Formation and was presented the document certifying that the found property was confiscated in Police stores. He was satisfied that there was no malpractice or foul play on the part of the Police and decided not to pursue his complaint. CAPO therefore classified the “Neglect of Duty” allegation against the Officer-in-charge as “Withdrawn”.

6.7.3 However, CAPO investigation revealed that the Clerical Assistant, who was responsible for property administration and general registry, had failed to inform COM to collect the necklace when it was not claimed by the owner three months after receiving COM’s report, contrary to the requirement set out in the Police General Orders (PGO). CAPO also found that the Officer-in-charge had failed to follow the PGO’s requirement on transferring the necklace to the Property Office on the next working day after

忽職守」指控，並向他們發出警告，着他們必須遵守《警察通例》中有關處理案中財物的規定，但此事不記入其分區報告檔案內。

6.7.4 警監會發現，案件主管在投訴警察課進行調查時，承認沒留意該宗「拾獲財物」案的頸鍊是投訴人拾獲的，於是批准由警方把頸鍊丟棄，沒有按照《警察通例》的相關規定，安排投訴人前去領回。警監會認為，被投訴人身為該案主管人員，應有責任確保投訴人獲適當知會案件進展，包括通知他前去領回頸鍊。即使投訴人已撤回投訴，這宗個案仍有足夠證據證明案件主管確實「疏忽職守」。

6.7.5 投訴警察課同意警監會的觀察，並把指控「疏忽職守」由「投訴撤回」改列為「證明屬實」。投訴警察課會向案件主管發出警告，着他必須遵守《警察通例》中有關處理「拾獲財物」案的規定，但此事不記入其分區報告檔案內。

6.7.6 警監會通過這宗個案的調查結果。

receiving the property. CAPO therefore registered a “Substantiated Other Than Reported” count of “Neglect of Duty” to each of the two complainees in respect of their negligence mentioned above. They would be warned without divisional record file entry on the relevant requirement of PGO in handling case property.

6.7.4 IPCC noted that the Officer-in-charge admitted during CAPO’s investigation that he had failed to notice that the necklace of the “Found Property” case was found by COM, and therefore approved the disposal of the necklace without arranging COM to collect it. IPCC considered that as the Officer-in-charge of the “Found Property” case, he should have ensured that COM would be properly informed of the case progress, including the collection of the necklace. Therefore, the available evidence was sufficient to prove the “Neglect of Duty” allegation against the Officer-in-charge even though COM had withdrawn the allegation.

6.7.5 CAPO agreed with IPCC’s observation and changed the classification of that “Neglect of Duty” allegation from “Withdrawn” to “Substantiated”. The Officer-in-charge would be warned without divisional record file entry on the PGO’s requirement in handling “Found Property” cases.

6.7.6 IPCC endorsed the investigation results of the case.



個案八

- 警方延誤向報案人發信通知案件已終止調查
- 經警監會審核後，被投訴人另外被記下一項「未經舉報但證明屬實」的「疏忽職守」指控

6.8.1 投訴人於4月向警方舉報一宗「盜竊案」，指早前帶她參觀多個物業的經紀偷去她的化妝袋，袋內裝有現金、私人文件及其他貴重物品。案件由有關單位一名偵緝警員（偵緝警員A）及一名高級偵緝督察（高級偵緝督察B）接辦。警方在調查後並無發現任何證據可以提出起訴，於是在6月8日終止調查。

6.8.2 投訴人向投訴警察課投訴，指控：

- (i) 偵緝警員A沒有在投訴人的證人供詞上列明所有報失財物，並且拒絕向她提供一份開列所有報失財物的清單，以證明她的損失，又不解釋為何不答允她這項要求（「疏忽職守」）；以及
- (ii) 高級偵緝督察B從沒通知她案件的調查進展，直至她在7月13日致電調查小組查詢，才獲告知（「疏忽職守」）。

Case 8

- **delay in issuing notification letter to informant after case curtailment**
- **a “Substantiated Other Than Reported” count of “Neglect of Duty” registered after IPCC examination**

6.8.1 In April, the complainant (COM) made a “Theft” report to the Police, alleging that her cosmetic bag containing cash, personal documents and other valuable items was stolen by the property agent, who had visited various estate properties with her before. The case was taken up by a Detective Police Constable (DPC A) and a Detective Senior Inspector of Police (DSIP B) of the Formation. As the police enquiries did not unveil evidence to support any prosecution, the case investigation was curtailed on 8 June.

6.8.2 COM lodged a complaint alleging that:

- (i) DPC A had failed to record all the lost property in COM’s witness statement. He also refused to give her a list itemizing all her lost property to certify her loss, or explain to her why her request for the list could not be acceded to [“Neglect of Duty”]; and
- (ii) DSIP B had never informed her of the investigation progress of the case until she phoned the investigation team for enquiry on 13 July [“Neglect of Duty”].

6.8.3 關於對偵緝警員A的「疏忽職守」指控，偵緝警員A表示已把投訴人報失的財物全部列於證人供詞內。他否認投訴人在錄取供詞時，曾向他索取一份開列所有報失財物的清單。投訴警察課查閱投訴人的證人供詞，發現其內列有10項報失物品，而每頁供詞都有投訴人的簽署。由於沒有任何獨立佐證支持任何一方的說法，投訴警察課把這項指控列為「無法證實」。

6.8.4 至於對高級偵緝督察B的「疏忽職守」指控，投訴警察課發現高級偵緝督察B在5月16日交予上司的文件中，記錄了投訴人曾獲告知案件的進展。案件其後在6月8日終止調查，警方在7月13日發信通知投訴人。根據《警察程序手冊》，當終止調查案件時，警方須將調查結果以書面通知報案人或受害人。由於警方的記錄顯示高級偵緝督察B在案件調查期間曾告知投訴人調查的進展，其後亦以書面通知投訴人調查已經終止，因此投訴警察課把這項指控列為「無法證實」。不過，投訴警察課認為，從服務角度而言，高級偵緝督察B在案件終止調查個多月後才發信通知投訴人，做法並不理想。

6.8.5 經研究調查報告後，警監會注意到現行《警察程序手冊》並無訂明發信通知報案人或受害人的期限。因此，警監會建議投訴警察課在《警察程序手冊》定出合理期限，以避免日後再有類似投訴，亦使警務人員有所依循。

6.8.3 For the “Neglect of Duty” allegation against DPC A, the officer stated that he had recorded the lost property reported by COM in full in her witness statement. He denied having received COM’s request for a list itemizing all the lost property during the statement-taking. CAPO examined COM’s witness statement and found 10 lost items listed therein with each page of the statement signed by COM. In the absence of any independent and corroborative evidence to prove either side’s version, CAPO classified the allegation as “Unsubstantiated”.

6.8.4 For the “Neglect of Duty” allegation against DSIP B, CAPO found from DSIP B’s submission to his supervisor on 16 May that COM had been personally informed of the case progress. After the curtailment of investigation on 8 June, a notification letter was issued to COM on 13 July. According to Force Procedures Manual (FPM), the complainant or victim of a case shall be notified in writing of the result of the police investigation whenever enquiries are curtailed. As the police records indicated that DSIP B had informed COM about the progress of the investigation whilst the investigation was on-going, and informed her of the curtailment of the investigation in writing after the case was curtailed, CAPO classified the allegation as “Unsubstantiated”. Nevertheless, CAPO considered it not ideal, from the perspective of service quality, for DSIP B to issue the notification letter to COM more than one month after the curtailment of the investigation.

6.8.5 After examining the investigation report, IPCC noted that the existing FPM does not specify the timeframe within which a notification letter should be issued to the complainant or victim. IPCC therefore suggested CAPO to set out a reasonable timeframe in FPM to avoid similar complaints and to facilitate consistent compliance by Force members.

6.8.6 投訴警察課回應說，通知報案人或受害人調查結果的合理期限，取決於個別案件的性質和複雜程度，因此不必在《警察程序手冊》訂明。不過，投訴警察課再次研究這宗投訴後，認為按照《警察程序手冊》的精神，高級偵緝督察B在終止調查「盜竊」案個多月後才發信通知投訴人，實屬不能接受，因此對他記下一項「未經舉報但證明屬實」的「疏忽職守」指控。投訴警察課會適當地訓諭高級偵緝督察B，但不會把此事記入其分區報告檔案內。

6.8.7 警監會通過這宗個案的修訂調查結果。

6.8.6 In response, CAPO considered there was no need to specify a fixed timeframe in FPM as the nature and complexity of each case will dictate the reasonable timeframe within which the complainant or victim has to be notified of the investigation result. Nevertheless, having re-examined the circumstances of the instant complaint, CAPO considered it unacceptable, according to the spirit of the existing FPM, for DSIP B to issue the notification letter to COM more than one month after the curtailment of investigation of the instant "Theft" case. A "Substantiated Other Than Reported" count of "Neglect of Duty" was therefore registered against DSIP B, who would be suitably advised in this respect without entry in his divisional record file.

6.8.7 The Council endorsed the revised investigation results of the case.



第七章 機構管治

Chapter 7 Organisational Governance

7.1 如第一章所述，警監會委員分為三個小組，審核投訴警察課提交的調查報告。此外，警監會就不同工作範疇設立了三個專責委員會，更有效地履行職能。

7.2 三個專責委員會的職權範圍和成員名單如下：

嚴重投訴個案委員會

- 審議界定嚴重個案的準則。
- 研究和建議監察嚴重投訴個案的特別程序。
- 研究是否需要尋求外間的專業意見或服務，協助審核投訴個案，包括在需要時，撥款支付所需開支。
- 考慮嚴重個案的類別，以及向行政長官報告此類個案的次數。
- 監察和覆檢嚴重投訴個案。
- 審議其他相關事宜。

成員

主席 勞永樂醫生，JP

委員 呂明華博士，SBS，JP
龐創先生，BBS，JP
王沛詩女士，JP
黃國恩先生

7.1 As mentioned in Chapter 1, IPCC Members formed themselves into three sub-groups for vetting investigation reports submitted by CAPO. Apart from this, for better discharge of IPCC's functions, three committees have been established under the Council, dedicated to different areas of work.

7.2 The terms of reference and membership of the three committees were as follows:

Serious Complaints Committee

- To examine the criteria for determining serious cases.
- To examine and propose special procedures for monitoring serious complaints.
- To examine the need to seek outside professional advice or service to facilitate the scrutiny of complaint cases, including the provision of funds to meet the necessary expenses, if required.
- To consider the type of serious cases and the frequency of reporting such cases to CE.
- To monitor and review serious complaint cases.
- To consider other related issues.

Membership

Chairman Dr LO Wing-lok, JP

Members Dr LUI Ming-wah, SBS, JP
Mr Edward PONG Chong, BBS, JP
Ms Priscilla WONG Pui-sze, JP
Mr WONG Kwok-yan

管理委員會

- 監督警監會秘書處的主要行政工作。秘書處須就下列事宜向委員會提交報告：
 - (i) 重要的財政預算事宜；
 - (ii) 對警監會服務有所影響的主要支援和行政事宜；
 - (iii) 政府實施任何新規則及規例對秘書處的影響；
 - (iv) 重大的機構或基礎設施改善工作；
 - (v) 超過指明款額或涵蓋新活動範疇的擬議新合約；
 - (vi) 重要的員工事務；以及
 - (vii) 在報告期內發生的其他重要事情。

成員

主席 呂明華博士，SBS，JP

委員 徐福樂醫生
張震遠先生，JP
林志傑醫生，MH
杜國銓先生，BBS，JP

當然委員 翟紹唐資深大律師
(由2008年6月1日起)
黃福鑫資深大律師，
SBS，JP
(至2008年5月31日止)

Management Committee

- To oversee key duties in the administration of the IPCC Secretariat through reports from the Secretariat on:
 - (i) important budgetary issues;
 - (ii) key support and administration issues that affect the service of IPCC;
 - (iii) the implications of any new Government rules and regulations on the Secretariat;
 - (iv) significant organisational or infrastructural improvements;
 - (v) proposed new contracts over a certain specified amount or covering a new activity;
 - (vi) important staff matters; and
 - (vii) other significant events over the reporting period.

Membership

Chairman Dr LUI Ming-wah, SBS, JP

Members Dr Michael TSUI Fuk-sun
Mr Barry CHEUNG Chun-yuen, JP
Dr Lawrence LAM Chi-kit, MH
Mr Clement TAO Kwok-lau, BBS, JP

Ex-officio Member Mr JAT Sew-Tong, SC
(since 1 June 2008)
Mr Ronny WONG Fook-hum,
SBS, SC, JP
(up to 31 May 2008)

宣傳及意見調查委員會

- 決定、策劃和推展警監會的宣傳活動，包括進行調查／研究，以期：
 - (i) 加強市民和警方對警監會角色和工作的了解；
 - (ii) 評估市民對投訴警察制度的意見；以及
 - (iii) 收集各方對投訴警察事宜的回應。
- 決定委聘私人顧問公司協助推展上述的宣傳活動。
- 研究循其他途徑（例如政府統計處、政府新聞處等）尋求協助。
- 考慮其他相關事宜。

成員

主席 謝德富醫生，BBS

委員 龐創先生，BBS，JP
許湧鐘先生，BBS，JP
鄒嘉彥教授，BBS
徐福樂醫生
阮陳淑怡博士
張妙嫦女士

Publicity and Survey Committee

- To decide, plan and launch IPCC publicity activities, including surveys/researches so as to:
 - (i) enhance public and the police's awareness of the IPCC's role and activities;
 - (ii) assess public opinion towards the police complaints system; and
 - (iii) obtain feedback from parties to police complaints.
- To decide the commissioning of private consultants to assist in launching publicity activities mentioned above.
- To examine other avenues for enlisting assistance, e.g. from the Census and Statistics Department, the Information Services Department, etc.
- To consider other related issues.

Membership

Chairman Dr TSE Tak-fu, BBS

Members Mr Edward PONG Chong, BBS, JP
Mr HUI Yung-chung, BBS, JP
Prof Benjamin TSOU Ka-yin, BBS
Dr Michael TSUI Fuk-sun
Dr Helena YUEN CHAN Suk-ye
Ms Emily CHEUNG Mui-seung

警監會秘書處

7.3 警監會由一個全職的秘書處支援，由一名秘書長領導共約30名職員。秘書處的主要職責是協助委員審核投訴個案的調查報告和推廣委員會的工作。警監會秘書處的組織圖(截至2008年12月31日)載於附錄IX。

IPCC Secretariat

7.3 IPCC is supported by a full-time Secretariat, headed by a Secretary with a total staffing complement of around 30. The major function of the Secretariat is to assist Council Members in examining complaint investigation reports and in promoting the work of the Council. The organisation chart of the IPCC Secretariat, as at 31 December 2008, is at Appendix IX.



警監會秘書處高級職員會議
Senior staff meeting of IPCC Secretariat

7.4 秘書處於2008年增設一個專責小組，籌備警監會過渡為法定機構的工作。小組由一名總經理、一名高級經理和一名行政助理組成，專責處理所有關乎過渡的預備工作，如制定人力資源管理政策和內部行政規章，建立全新的會計及支薪系統，制定招聘計劃和進行與招聘相關的工作。

7.4 In preparation for the changeover to a statutory IPCC, an ad hoc team was established in 2008, comprising one Chief Manager, one Senior Manager, and one Executive Assistant. The team was responsible for all preparatory work relating to the transition, such as developing human resources management policy and internal administrative rules, setting up a new accounting and payroll system, devising a recruitment plan and undertaking recruitment-related duties.

回應公眾查詢

7.5 警監會歡迎任何有助改善我們服務的建議。市民可以親臨、致電或以書面形式，向我們提出查詢和建議。

7.6 2008年，我們的目標服務水平和處理公眾查詢方面的表現如下：

Response to Public Enquiries

7.5 IPCC welcomes any suggestions to improve our service. Members of the public can make enquiries or suggestions in person, by telephone, or in writing.

7.6 The service standard that we aim to achieve and our performance in handling public enquiries in 2008 are as follows:

查詢 Enquiries	表現指標 (標準回應時間) Performance Target (standard response time)	於指標時間內處理的 查詢數目(達標%) No. of Enquiries Processed Within Target (% within Performance Target)
致電／親臨 By telephone / in person	即時 Immediately	581 (100%)
書面 In writing	10天內 Within 10 days	761 (100%)

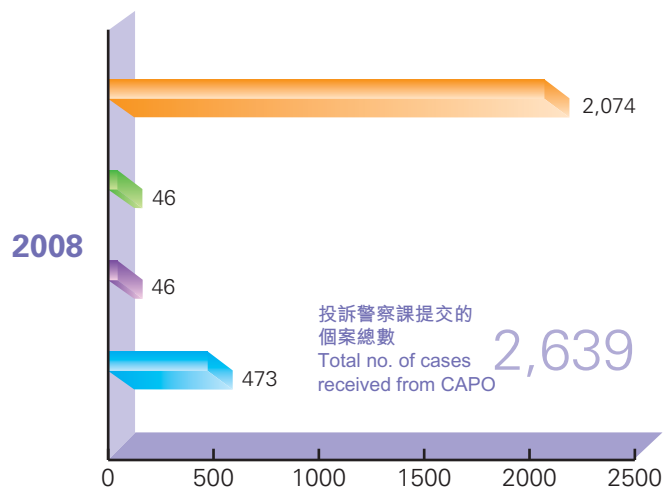
附錄 I Appendix I

警監會監察程序 IPCC Monitoring Procedures



附錄 II Appendix II

警監會於2006, 2007及2008年接獲的投訴警察個案調查報告的處理進度(截至12月31日)
IPCC Processing of CAPO Investigation Reports Received in 2006, 2007 & 2008 (position as at 31 Dec)

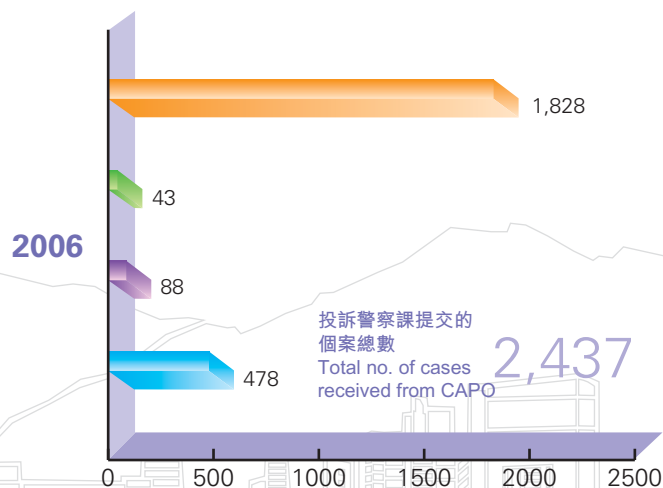
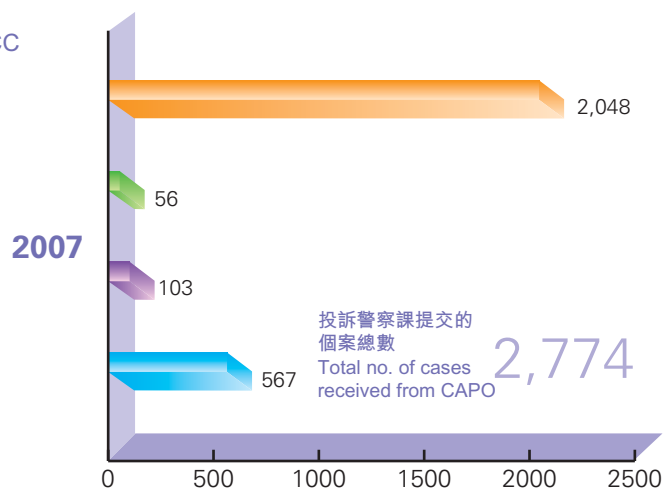


警監會於年內接獲並通過的個案數目
No. of cases received and endorsed by IPCC within the same year

發回投訴警察課, 要求提供意見的個案數目
No. of cases returned to CAPO for comments

警監會秘書處審核完畢, 正由/將給予委員傳閱的個案數目
No. of examined cases under circulation/in the process of being circulated to IPCC Members

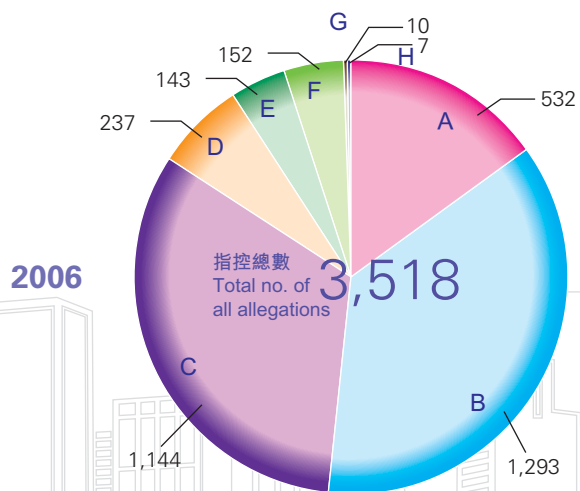
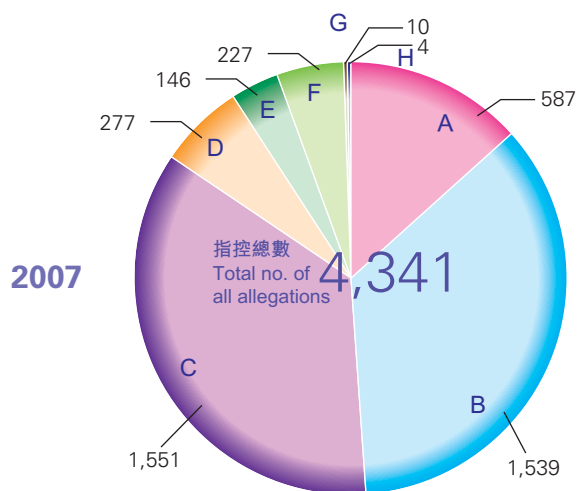
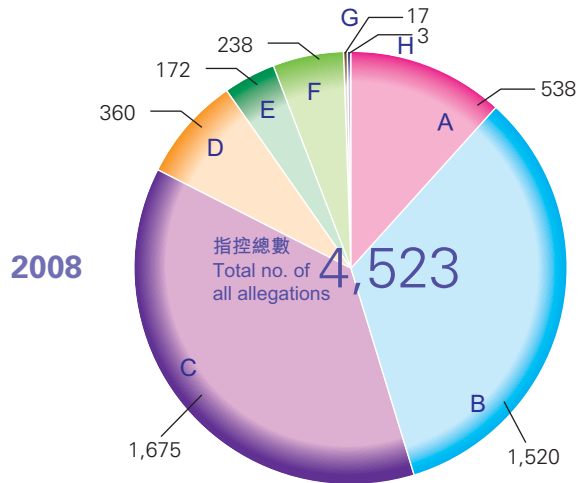
警監會秘書處正予/將予審核的個案數目
No. of cases being/to be examined by IPCC Secretariat



附錄 III Appendix III

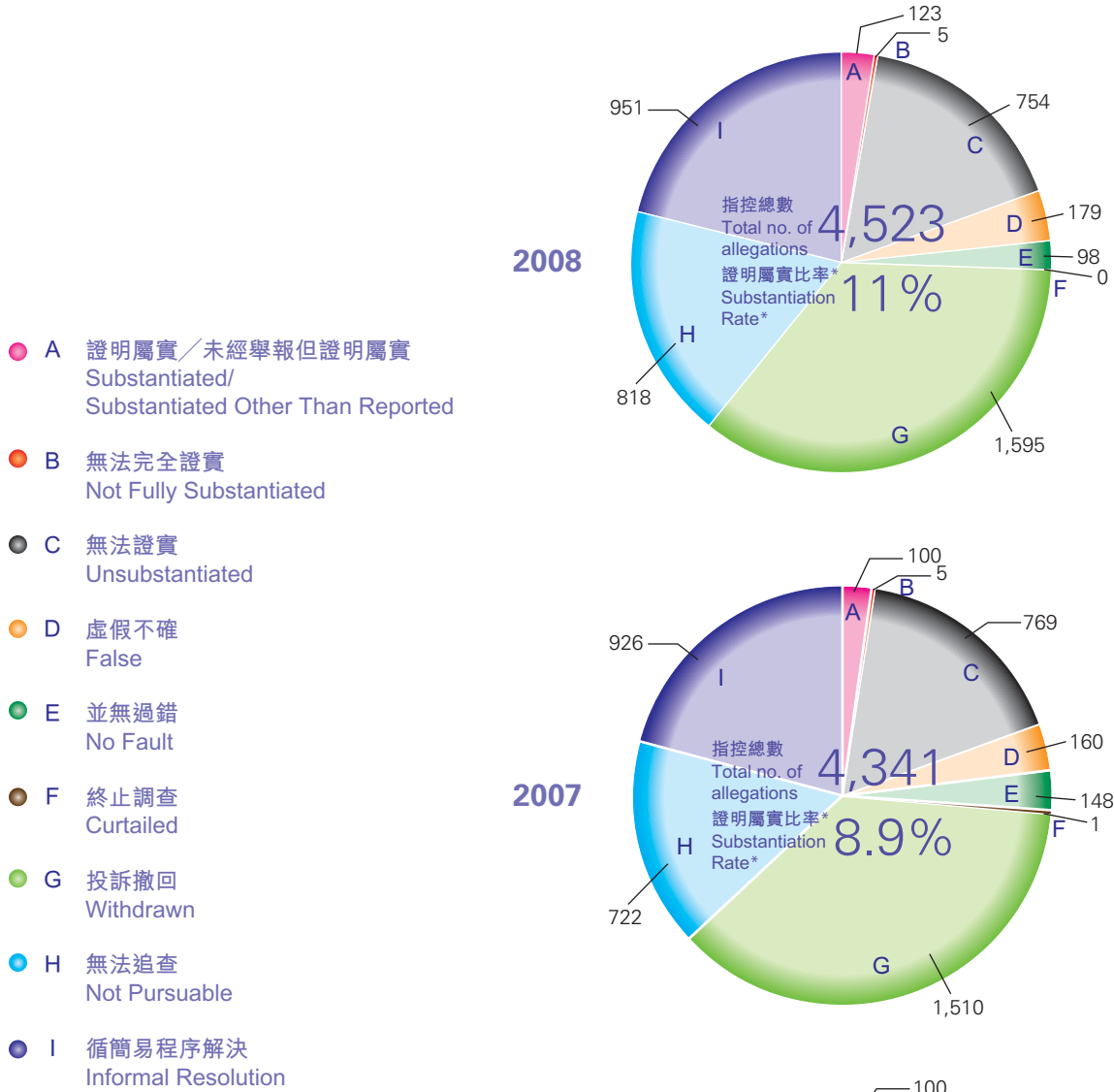
警監會於 2006, 2007 及 2008 年通過的指控 Allegations Endorsed by IPCC in 2006, 2007 & 2008

- A 毆打
Assault
- B 行為不當／態度欠佳／粗言穢語
Misconduct/Improper Manner/
Offensive Language
- C 疏忽職守
Neglect of Duty
- D 濫用職權
Unnecessary Use of Authority
- E 捏造證據
Fabrication of Evidence
- F 恐嚇
Threat
- G 警務程序
Police Procedures
- H 其他罪行
Other Offences



附錄 IV Appendix IV

警監會於 2006, 2007 及 2008 年通過的調查結果 Investigation Results Endorsed by IPCC in 2006, 2007 & 2008



* 證明屬實比率 = $\frac{A+B}{A+B+C+D+E}$ (歸納為「屬實」類別的指控 allegations belong to "Substantiated" category)
Substantiation Rate = $\frac{A+B+C+D+E}{A+B+C+D+E}$ (經全面調查的指控 fully investigated allegations)

附錄 V Appendix V

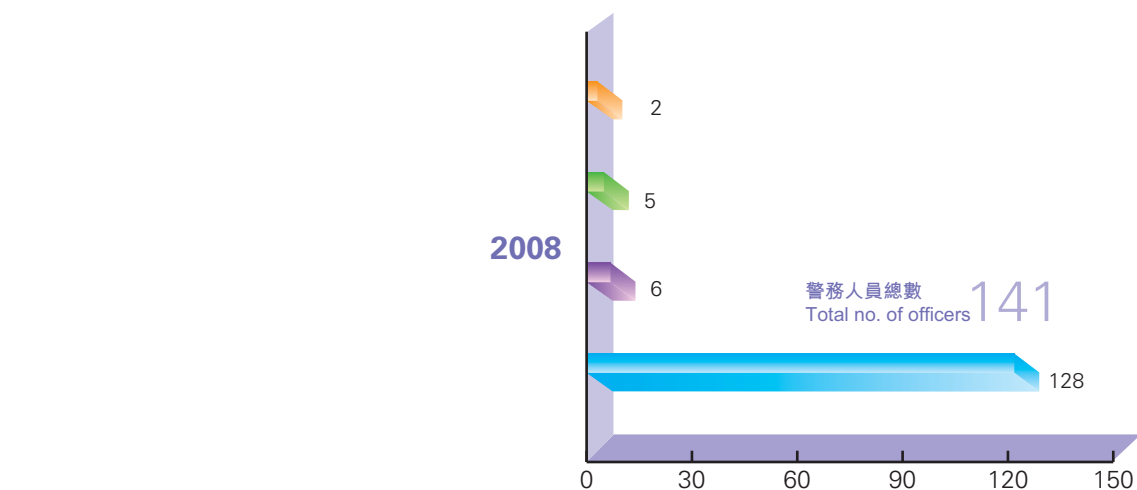
警監會於 2008 年通過的指控數字 (按投訴性質及調查結果分類)

No. of Allegations (by Nature & by Investigation Results) Endorsed by IPCC in 2008

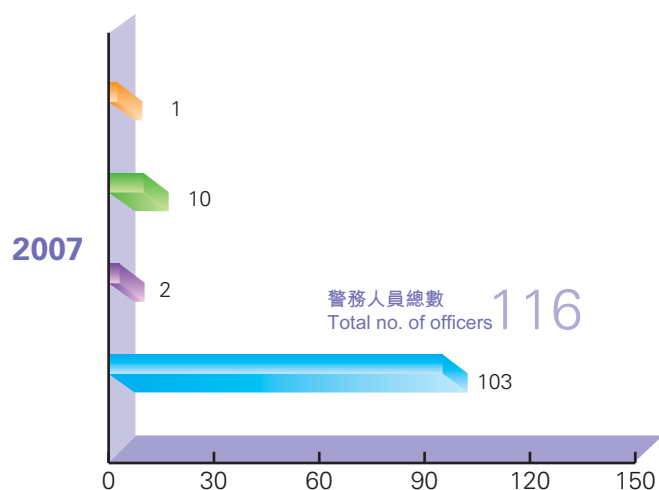
指控性質 Nature of Allegations	調查結果 Investigation Results									總數 Total
	證明屬實/ 未經舉報但證明屬實 Substantiated/ Other Than Reported	無法完全證實 Not Fully Substantiated	無法實證 Unsubstantiated	虛假不確 False	並無過錯 No Fault	終止調查 Curtailed	無法追查 Not Pursuable	投訴撤回 Withdrawn	循簡易 程序解決 Informal Resolution	
毆打 Assault	0	1	43	45	0	0	157	292	0	538
行為不當/態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language	10	1	309	24	6	0	224	459	487	1,520
疏忽職守 Neglect of Duty	105	3	294	8	61	0	260	526	418	1,675
濫用職權 Unnecessary Use of Authority	8	0	77	5	23	0	80	124	43	360
捏造證據 Fabrication of Evidence	0	0	9	79	2	0	27	55	0	172
恐嚇 Threat	0	0	21	18	0	0	65	134	0	238
警務程序 Police Procedures	0	0	1	0	6	0	3	4	3	17
其他罪行 Other Offences										
• 盜竊罪條例 Theft Ordinance	0	0	0	0	0	0	1	1	0	2
• 妨礙司法公正 Perverting Course of Justice	0	0	0	0	0	0	1	0	0	1
總數 Total	123	5	754	179	98	0	818	1,595	951	4,523

附錄 VI Appendix VI

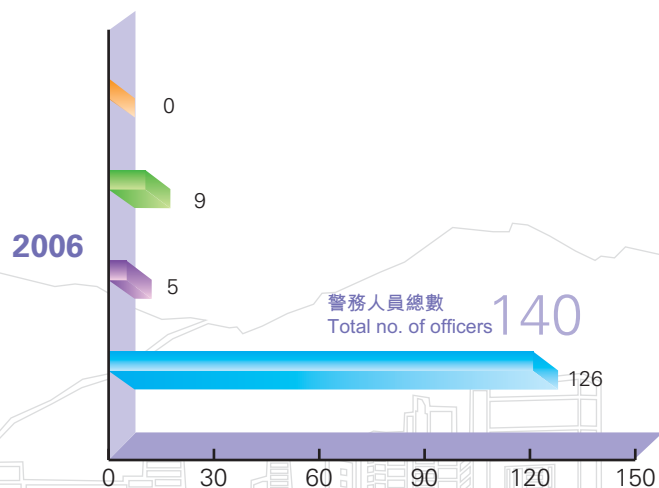
警方就2006, 2007及2008年警監會通過的投訴個案向違規的警務人員採取的行動 Police Action Taken Against Defaulting Officers in Respect of Cases Endorsed by IPCC in 2006, 2007 & 2008



-  刑事訴訟
Criminal Proceedings
-  紀律處分
Disciplinary Proceedings
- 其他內部措施
Other Internal Actions
-  警告
Warning
-  訓諭
Advice



註：2006和2007年的數字已因應部分個案覆核後，予以調整。
Note: Figures for 2006 and 2007 have been adjusted following case reviews.

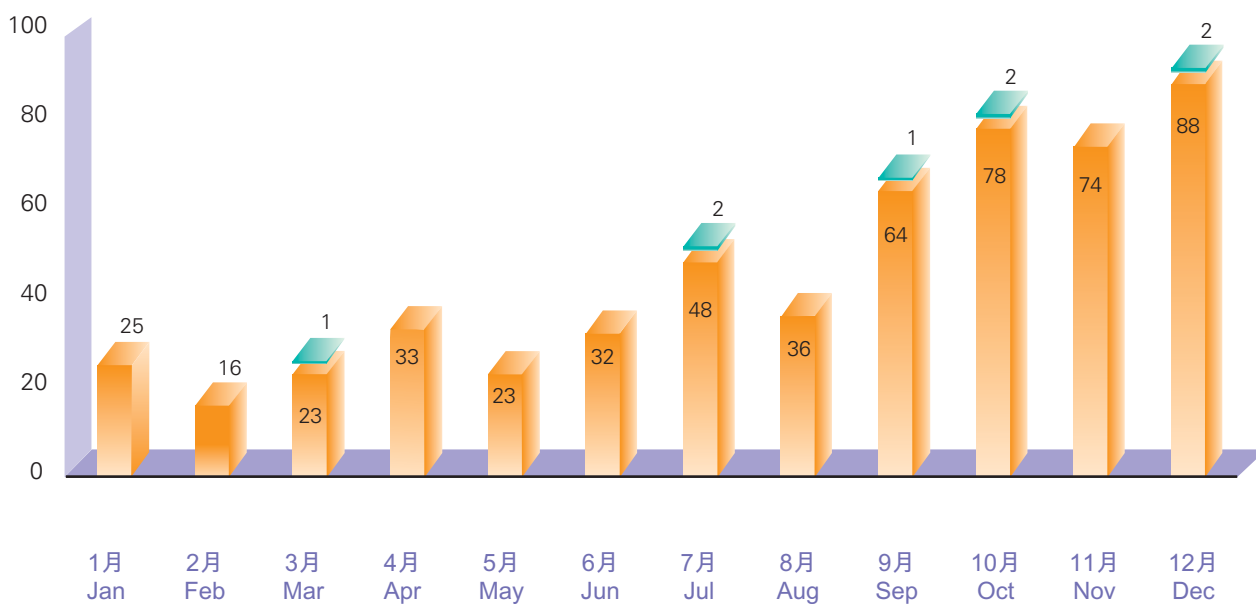


附錄 VII Appendix VII

觀察員計劃2008年統計數字 Statistics on Observers Scheme in 2008

警監會觀察員進行觀察的次數
Observations conducted by IPCC Observers
總數 Total **540**

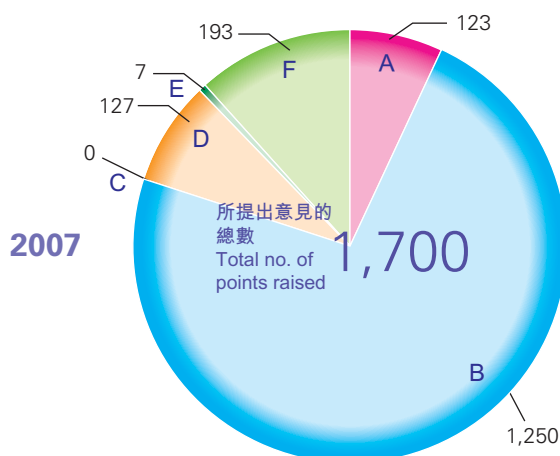
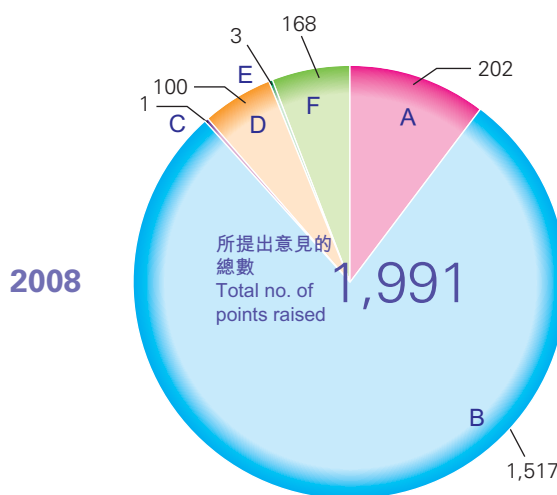
警監會委員進行觀察的次數
Observations conducted by IPCC Members
總數 Total **8**



附錄 VIII Appendix VIII

警監會於2006, 2007及2008年提出的質詢／建議 Queries/Suggestions Raised by IPCC in 2006, 2007 & 2008

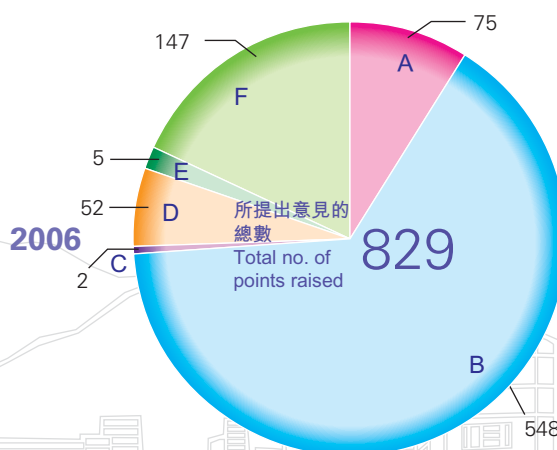
- A 調查結果
Results of investigation
- B 調查工作是否徹底／要求澄清投訴警察課報告或檔案中含糊不清之處
Thoroughness of investigation/clarification of ambiguous points in CAPO reports or CAPO case files
- C 行使警察權力的理由
Grounds for exercise of constabulary powers
- D 是否依照警方的常規／工作程序
Compliance with police practices/procedures
- E 就改善警方工作程序作出建議
Suggested improvement to police procedures
- F 其他
Other queries



註：警監會提出的每項質詢／建議可能包括多於一個意見。
投訴警察課於2008年共接納了1,604項由警監會提出的意見，並修改了133項調查結果。2006及2007年的相應數字分別是44和82項。

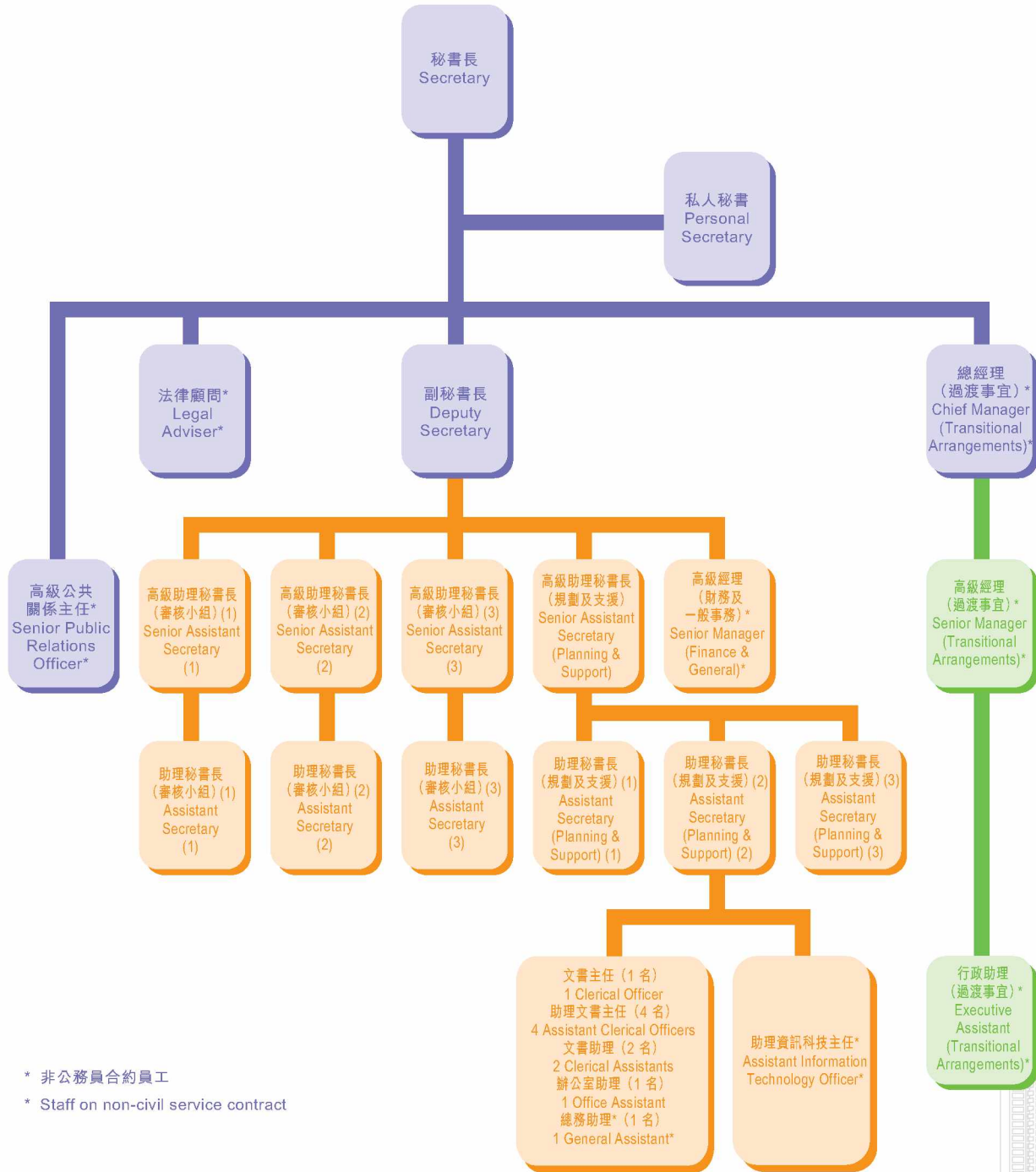
Note: A query/suggestion raised by IPCC may contain more than one point.

Out of the 1,604 query points accepted by CAPO, 133 results of investigation were changed in 2008. The corresponding figures for 2006 and 2007 were 44 and 82 respectively.



附錄 IX Appendix IX

警監會秘書處組織圖 (至 2008 年 12 月 31 日)
Organisation Structure of IPCC Secretariat (as at 31 Dec 2008)



* 非公務員合約員工
* Staff on non-civil service contract

附錄 X Appendix X

2008 年會議出席紀錄 Attendance Records in 2008

	警監會會議日期(日/月)					
	Dates of IPCC Meetings (dd/mm)					
	24/1	27/3	22/5	18/7	24/9	5/12
主席						
Chairman						
黃福鑫資深大律師，SBS，JP (任期至31/5/2008止) Mr Ronny WONG Fook-hum, SBS, SC, JP (appointment up to 31/5/2008)	✓	✓	✓	N.A.	N.A.	N.A.
翟紹唐資深大律師 (任期由1/6/2008起) Mr JAT Sew-Tong, SC (appointment since 1/6/2008)	N.A.	N.A.	N.A.	✓	✓	✓
副主席						
Vice-Chairmen						
林偉強先生，SBS，JP Mr Daniel LAM Wai-keung, SBS, JP	X	X	X	X	X	X
呂明華博士，SBS，JP Dr LUI Ming-wah, SBS, JP	X	✓	✓	X	✓	✓
李國麟議員，JP Dr Hon Joseph LEE Kok-long, JP	X	X	X	✓	✓	X
委員						
Members						
楊耀忠先生，BBS，JP Mr YEUNG Yiu-chung, BBS, JP	✓	✓	✓	✓	X	✓
勞永樂醫生，JP Dr LO Wing-lok, JP	✓	✓	✓	✓	✓	✓
龐創先生，BBS，JP Mr Edward PONG Chong, BBS, JP	✓	✓	✓	✓	✓	✓

附錄 X Appendix X

2008 年會議出席紀錄 Attendance Records in 2008

	警監會會議日期(日/月)					
	Dates of IPCC Meetings (dd/mm)					
	24/1	27/3	22/5	18/7	24/9	5/12
委員 Members						
許湧鐘先生, BBS, JP Mr HUI Yung-chung, BBS, JP	X	✓	✓	X	✓	✓
鄧嘉彥教授, BBS Prof Benjamin TSOU Ka-yin, BBS	✓	X	X	X	✓	✓
徐福樂醫生 Dr Michael TSUI Fuk-sun	X	✓	✓	✓	✓	✓
謝德富醫生, BBS Dr TSE Tak-fu, BBS	✓	✓	X	✓	✓	✓
王沛詩女士, JP Ms Priscilla WONG Pui-sze, JP	X	X	✓	X	✓	X
阮陳淑怡博士 Dr Helena YUEN CHAN Suk-ye	✓	✓	X	X	✓	✓
張震遠先生, JP Mr Barry CHEUNG Chun-yuen, JP	X	✓	X	X	X	X
林志傑醫生, MH Dr Lawrence LAM Chi-kit, MH	✓	✓	✓	✓	✓	✓
黃國恩先生 Mr WONG Kwok-yan	X	✓	✓	✓	✓	X
杜國鑾先生, BBS, JP Mr Clement TAO Kwok-lau, BBS, JP	✓	✓	✓	X	✓	✓
張妙嫦女士 Ms Emily CHEUNG Mui-seung	X	✓	✓	✓	✓	✓

N.A.: 不適用
Not Applicable