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抱負、使命及價值觀
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確保香港的投訴警察制度公平、有效率和具透明度，使每一宗須匯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.

抱負

VISION

MISSION

VALUES

ON

以獨立、公正、透徹的精神，監察投訴警察課就須匯報投訴進行調查的結果。

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。

Independent, impartial and thorough monitoring of the results of investigation into reportable complaints against the Police conducted by the Complaints Against Police Office.

Identification of and making recommendations on ways and means of improving the thoroughness, transparency, fairness and speed of the police complaint investigation process.

SION 使命

ES

價值觀

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 minimise police complaints.

Efficient and effective use of resources.

Strict observance of the code of confidentiality.



法定監警會致力維護
一個公正、有效率和具
透明度的投訴警察制度。

The statutory IPCC strives
to maintain a just, effective
and transparent police
complaints system.

翟紹唐 資深大律師
JAT Sew-Tong, SC

主席
Chairman

當這份工作報告發表的時候，法定的獨立監察警方處理投訴委員會（監警會）已運作超過一年了。

2009/10報告年度見證了監警會的重要發展。隨著《監警會條例》於2009年6月1日生效，監警會成為法定機構。自此，我們必須根據法例規定處理投訴、執行會務和其他行政安排。

《監警會條例》賦予我們權力，透過找出警隊常規和程序中引致或可能引致投訴的缺失或不足之處，在預防投訴方面扮演更積極的角色。在審核調查報告方面，我們強調在調查過程中必須達至對事實作出裁斷，指控被列為「無法證實」的比例有所下降。

我們致力透過進行更多的觀察，加強監警會的監察職能。2009年進行觀察的次數是之前一年的三倍多，包括331次突擊觀察。進行觀察的次數在2010年首季持續增加。

By the time this report is released, the statutory Independent Police Complaints Council (IPCC) has been operating for over one year.

The 2009/10 reporting year saw important developments of IPCC. The Council has become a statutory body since the coming into operation of IPCC Ordinance on 1 June 2009. From then onwards, our operation, such as handling of complaints, conduct of Council business, and other administrative arrangements, have to comply with statutory requirements.

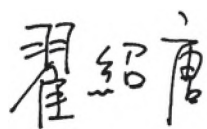
As empowered by the Ordinance, we have taken a more proactive role in complaints prevention by way of identifying any fault or deficiency in police practices and procedures which has led to or might lead to complaints. In respect of vetting investigation reports, conscious attempts have been made to establish finding of facts in complaints investigation and as a result, a smaller proportion of allegations were classified as “Unsubstantiated”.

We strive to strengthen our monitoring function by conducting more observations. The number of observations conducted in 2009 tripled that of the previous year, including 331 surprise observations. The number continues to grow in the first quarter of 2010.

此外，為提升公眾對監警會工作的認識，我們加強了與不同組織的接觸。我們跟投訴警察課和警隊高層管理人員經常保持聯繫，亦多次到訪警隊的不同部門和單位，以及參與前線警務人員的座談會。透過這些座談會，委員更能了解前線警務人員日常執行職務時面對的挑戰；同時，委員亦可趁這些難得的機會，直接向前線警務人員講解我們的工作和職能。我們會繼續舉辦這些訪問活動和座談會。監警會公開會議的模式亦作出改變，集中與警方討論重要的政策議題。自法定監警會成立後舉行的公開會議均獲得相當的傳媒關注。

繼監警會成為法定機構後，我們正面對另一項重要挑戰：飆升的投訴警察個案數字。以有限的資源來處理這無法預見的個案數量，實對我們構成相當的壓力。監警會增設了一隊審核小組，又精簡內部程序，以加快處理個案。儘管工作量不斷增多，我們仍會繼續嚴謹地審核每一份調查報告，不會因個案上升而影響工作質素。監警會正密切注視情況，亦會向政府要求增加撥款，讓我們能夠妥善和有效率地履行法定職能。

本報告是法定監警會的首份工作報告，涵蓋15個月（由2009年1月至2010年3月）。為配合《監警會條例》的規定，我們的報告年度會由以往涵蓋每一曆年改為每一財政年度。由下一份工作報告起，監警會將匯報在每一財政年度內的工作和成果。一如既往，所有持份者和公眾的支持是我們成功的關鍵。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

Besides, with a view to enhancing public understanding of IPCC's work, we have stepped up efforts to reach out to different groups. We have kept frequent contact with the Complaints Against Police Office and the senior Force management. We have made a number of visits to different Police units and formations and participated in forums with frontline officers. Through such forums Council Members are able to have better understanding of the challenges frontline officers face in carrying out their daily duties. At the same time, Council Members have valuable opportunities to explain our work and functions to frontline officers directly. These visits and forums will continue. The mode of open meetings was also changed, focusing on discussion of important policy issues with the Police. The open meetings since our incorporation have attracted considerable media attention.

Ahead of us, we see another major challenge after incorporation. It is the unforeseen and escalating number of police complaint cases which has generated considerable pressure on our limited resources. An additional case vetting team was created and internal procedures were revised to speed up the processing time. Notwithstanding the rising workload, our quality of work will never be compromised. The Council is closely monitoring the situation and will be seeking additional funding from the Government to enable us to discharge our statutory duties properly and efficiently.

This first report of statutory IPCC covers 15 months, from January 2009 to March 2010, to tie in with the change in reporting period from each calendar year to each financial year as required by the Ordinance. From the next issue and on, IPCC will report its work and achievements in every financial year. As always, the support of all stakeholders and the public is critical to the success of our work. We welcome your comments and suggestions to improve our service.



JAT Sew-Tong, SC
Chairman



翟紹唐 資深大律師
主席

由2008年6月起

Mr JAT Sew-Tong, SC
Chairman

Since Jun 2008

職業
大律師

Occupation
Barrister



李國麟議員, SBS, JP
副主席

由2007年起

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

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



林大輝議員, BBS, JP
副主席

由2009年起

Dr Hon LAM Tai-fai, BBS, JP
Vice-Chairman

Since 2009

職業
立法會議員

Occupation
Member, Legislative Council



石禮謙議員, SBS, JP
副主席

由2009年起

Hon Abraham SHEK Lai-him, SBS, JP
Vice-Chairman

Since 2009

職業
公司董事

Occupation
Company Director



楊耀忠先生, BBS, JP
委員

2001 – 2004年：副主席
由2005年起：委員

Mr YEUNG Yiu-chung, BBS, JP
Member

2001 – 2004: Vice-Chairman
Since 2005: Member

職業
中學校長

Occupation
Secondary School Principal



徐福樂醫生
委員

2004 - 2009年

職業

牙科醫生
中國國際經濟貿易
仲裁委員會仲裁員

Dr Michael TSUI Fuk-sun

Member

2004 - 2009

Occupation

Dentist
Arbitrator (China International Economic and
Trade Arbitration Commission)



謝德富醫生, BBS, JP
委員

由2005年起

職業

專科醫生 (心臟科)
註冊中醫師

Dr TSE Tak-fu, BBS, JP

Member

Since 2005

Occupation

Medical Specialist (Cardiology)
Registered Chinese Medicine Practitioner



王沛詩女士, JP
委員

由2005年起

職業

大律師

Ms Priscilla WONG Pui-sze, JP

Member

Since 2005

Occupation

Barrister



阮陳淑怡博士
委員

由2006年起

職業

律師

Dr Helena YUEN CHAN Suk-ye

Member

Since 2006

Occupation

Solicitor



林志傑醫生, MH
委員

由2007年起

職業

牙科醫生

Dr Lawrence LAM Chi-kit, MH

Member

Since 2007

Occupation

Dentist



杜國鑾先生, BBS, JP
委員

2008 - 2009年

Mr Clement TAO Kwok-lau, BBS, JP
Member

2008 - 2009

職業

風險及財務管理顧問

Occupation

Risk and Financial Manager



張妙嫦女士
委員

由2008年起

Ms Emily CHEUNG Mui-seung
Member

Since 2008

職業

律師

Occupation

Solicitor



陳嘉敏女士, JP
委員

由2009年起

Ms Carmen CHAN Ka-mun, JP
Member

Since 2009

職業

幼稚園總校長

Occupation

Kindergarten Chief Principal



張達明先生
委員

由2009年起

Mr Eric CHEUNG Tat-ming
Member

Since 2009

職業

香港大學法律專業學系
助理教授

Occupation

Assistant Professor, Department of Professional
Legal Education, The University of Hong Kong



張仁良教授, BBS, JP
委員

由2009年起

Prof Stephen CHEUNG Yan-leung, BBS, JP
Member

Since 2009

職業

香港浸會大學工商管理學院
院長及金融學講座教授

Occupation

Dean, School of Business and Professor (Chair) of
Finance, Hong Kong Baptist University



**方敏生女士, BBS, JP
委員**

由2009年起

**Ms Christine FANG Meng-sang, BBS, JP
Member**

Since 2009

職業

香港社會服務聯會行政總裁

Occupation

Chief Executive, Hong Kong Council of Social Service



**吳克儉先生, JP
委員**

由2009年起

**Mr Eddie NG Hak-kim, JP
Member**

Since 2009

職業

管理顧問/人力資本管理顧問
有限公司主席

Occupation

Management Consultant, Chairman,
Human Capital Management Consulting Ltd.



**彭耀佳先生, SBS, JP
委員**

2009 - 2010年2月

**Mr PANG Yiu-kai, SBS, JP
Member**

2009 - Feb 2010

職業

置地控股有限公司總裁

Occupation

Chief Executive, Hongkong Land Holdings Ltd



**陳培光醫生
委員**

由2010年起

**Dr CHAN Pui-kwong
Member**

Since 2010

職業

專科醫生(社會醫學)

Occupation

Medical Specialist (Community Medicine)



**鄭經翰先生, JP
委員**

由2010年起

**Mr Albert Jinghan CHENG, JP
Member**

Since 2010

職業

廣播從業員

Occupation

Broadcaster

觀察員名單

Observers List

區艷龍女士

Ms Lilianna AU Yim-lung

湛家雄先生, MH, JP

Mr Daniel CHAM Ka-hung, MH, JP

陳捷貴先生, JP^{***}

Mr Stephen CHAN Chit-kwai, JP^{***}

陳耀星先生, BBS, JP

Mr Star CHAN Iu-seng, BBS, JP

陳家偉先生

Mr CHAN Ka-wai

陳國旗先生

Mr Jacky CHAN Kwok-kai

陳文俊先生^{**}

Mr CHAN Man-chun^{**}

陳文佑先生

Mr Henry CHAN Man-yu

陳東博士, SBS, JP^{***}

Dr CHAN Tung, SBS, JP^{***}

陳偉明先生, MH, JP

Mr CHAN Wai-ming, MH, JP

陳永錦先生, MH

Mr Dominic CHAN Wing-kam, MH

陳榮濂先生, JP

Mr William CHAN Wing-lim, JP

陳若瑟先生, BBS

Mr Joseph CHAN Yuek-sut, BBS

鄭錦鐘博士, MH, JP^{**}

Dr CHENG Kam-chung, MH, JP^{**}

鄭阮培恩女士

Mrs Betty CHENG YUEN Pui-yan

張錫容女士

Ms CHEUNG Sik-yung

覃志敏女士^{***}

Ms Susanna CHING Che-man^{***}

周錦祥先生^{**}

Mr CHOW Kam-cheung^{**}

周奕希先生, BBS, JP

Mr CHOW Yick-hay, BBS, JP

朱耀明牧師^{**}

Rev CHU Yiu-ming^{**}

鍾港武先生, JP^{***}

Mr Edmond CHUNG Kong-mo, JP^{***}

方平先生

Mr FONG Ping

馮庭碩先生

Mr Eugene FUNG

何綺蓮女士^{**}

Ms Elaine HO Yee-lin^{**}

許嘉灝先生, MH

Mr HUI Ka-hoo, MH

許湧鐘先生, BBS, JP^{*}

Mr HUI Yung-chung, BBS, JP^{*}

熊璐珊女士^{***}

Ms Lusan HUNG Lo-shan^{***}

簡志豪先生, BBS, MH

Mr KAN Chi-ho, BBS, MH

高錦祥先生, BBS, MH

Mr KO Kam-cheung, BBS, MH

江子榮先生, MH, JP

Mr James KONG Tze-wing, MH, JP

顧明仁博士, MH

Dr Charles KOO Ming-yan, MH

關治平工程師, JP

Ir Edgar KWAN, JP

黎樹濠先生, MH, JP

Mr Patrick LAI Shu-ho, MH, JP

黎達生先生, MH, JP

Mr David LAI Tat-sang, MH, JP

林建高先生, MH

Mr Stewart LAM Kin-ko, MH

林桂蘭女士^{***}

Ms LAM Kwai-lan^{***}

林錫光先生

Mr LAM Sek-kong

林德亮先生, MH

Mr LAM Tak-leung, MH

林貝聿嘉女士, GBS, JP

Mrs Peggy LAM PEI Yu-dja, GBS, JP

劉天生先生

Mr LAU Tin-sang

劉偉章先生^{**}

Mr Peter LAU Wai-cheung^{**}

劉偉榮先生, JP^{***}

Mr LAU Wai-wing, JP^{***}

劉皇發議員, GBM, GBS, JP^{***}

Hon LAU Wong-fat, GBM, GBS, JP^{***}

李偉恩女士^{***}

Miss Susanna LEE Wai-yan^{***}

梁志祥先生, MH, JP^{***}

Mr LEUNG Che-cheung, MH, JP^{***}

梁志培先生

Mr LEUNG Chi-pui

梁芙詠女士, BBS, MH

Ms LEUNG Fu-wing, BBS, MH

梁秀志先生, JP

Mr LEUNG Sau-chi, JP

梁偉權先生, JP^{***}

Mr Edward LEUNG Wai-kuen, JP^{***}

梁永權先生^{***}

Mr LEUNG Wing-kuen^{***}

李德康先生, MH, JP^{***}

Mr LI Tak-hong, MH, JP^{***}

盧子安先生

Mr LO Tze-on

呂明華博士, SBS, JP^{*}

Dr LUI Ming-wah, SBS, JP^{*}

馬恩國先生^{**}

Mr Lawrence MA Yan-kwok^{**}

麥美娟女士^{^^}
Miss Alice MAK Mei-kuen^{^^}

文春輝先生, MH^{^^}
Mr MAN Chen-fai, MH^{^^}

吳錦津先生, MH, JP
Mr Stephen NG Kam-chun, MH, JP

吳守基先生, MH, JP^{^^}
Mr Wilfred NG Sau-kei, MH, JP^{^^}

彭長緯先生, BBS, JP
Mr Thomas PANG Cheung-wai, BBS, JP

彭曉明先生^{**}
Mr Peter PANG Hiu-ming^{**}

彭玉榮先生, JP
Mr Joseph PANG Yuk-wing, JP

龐創先生, BBS, JP^{*}
Mr Edward PONG Chong, BBS, JP^{*}

龐心怡女士
Ms Samanta PONG Sum-yee

卜坤乾先生
Mr PUK Kwan-kin

石丹理教授, BBS, JP[^]
Prof Daniel SHEK Tan-lei, BBS, JP[^]

沈秉韶醫生, BBS, JP[^]
Dr SHUM Ping-shiu, BBS, JP[^]

蘇麗珍女士
Ms SO Lai-chun

蘇西智先生, BBS, MH^{^^}
Mr SO Sai-chi, BBS, MH^{^^}

孫啟昌先生, BBS, MH, JP^{^^}
Mr SUEN Kai-cheong, BBS, MH, JP^{^^}

戴依雯女士^{***}
Miss Candy TAI Yee-man^{***}

譚景良工程師
Ir TAM King-leung

譚國僑先生, MH, JP
Mr TAM Kwok-kiu, MH, JP

譚炳立博士, MH^{^^}
Dr Banny TAM Ping-lap, MH^{^^}

譚兆炳先生
Mr George TAM Siu-ping

鄧振強先生, MH
Mr Teddy TANG Chun-keung, MH

鄧國綱先生, MH, JP^{^^}
Mr TANG Kwok-kong, MH, JP^{^^}

鄧胤楚先生^{^^}
Mr TANG Yun-chor^{^^}

謝禮良先生, MH
Mr Jimmy TSE Lai-leung, MH

謝永齡博士, MH
Dr John TSE Wing-ling, MH

鄒嘉彥教授, BBS^{*}
Prof Benjamin TSOU Ka-yin, BBS^{*}

徐福樂醫生^{****}
Dr Michael TSUI Fuk-sun^{****}

尹志強先生, BBS, JP
Mr Aaron WAN Chi-keung, BBS, JP

溫悅球先生, BBS, JP^{^^}
Mr WAN Yuet-kau, BBS, JP^{^^}

王津先生, JP
Mr Justein WONG Chun, JP

黃孝恩先生^{^^}
Mr Helvin WONG Hau-yan^{^^}

黃建彬先生
Mr WONG Kin-pan

黃江天博士
Dr James WONG Kong-tin

黃永灝工程師, JP
Ir Billy WONG Wing-hoo, JP

胡楚南先生, JP
Mr WU Chor-nam, JP

胡世謙工程師
Ir Hugh WU Sai-him

楊志達先生
Mr Stanley YEUNG Chee-tat

楊志偉先生
Mr Edwin YEUNG Chi-wai

楊俊昇先生
Mr Andy YEUNG Chun-sing

楊學明牧師^{***}
Rev David YEUNG Hok-ming^{***}

葉滿華先生, JP[^]
Mr Stephen YIP Moon-wah, JP[^]

葉永成先生, MH, JP
Mr David YIP Wing-shing, MH, JP

葉曜丞先生, MH
Mr Chris YIP Yiu-shing, MH

阮陳寶馨女士
Mrs YUEN CHAN Po-hing

翁志明先生, MH
Mr YUNG Chi-ming, MH

翁國忠先生
Mr Roger YUNG Kwok-chung

^{*} 由2009年1月1日起
since 1 Jan 2009

^{**} 由2009年4月1日起
since 1 Apr 2009

^{***} 由2009年9月1日起
since 1 Sep 2009

^{****} 由2010年1月1日起
since 1 Jan 2010

[^] 至2009年3月31日止
up to 31 Mar 2009

^{^^} 至2009年8月31日止
up to 31 Aug 2009

^{^^^} 至2010年3月31日止
up to 31 Mar 2010

第一章 — 第七章

工作與成果

Chapter 1 – Chapter 7

Work and Achievements



- 1.1 獨立監察警方處理投訴委員會（監警會）是根據《獨立監察警方處理投訴委員會條例》（《監警會條例》）（第604章）成立的獨立機構，職能是觀察、監察和覆檢警務處處長（處長）就須匯報投訴的處理和調查工作。

歷史

- 1.2 監警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）。
- 1.3 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》旨在把當時的警監會轉為法定機構，為其運作提供法律依據，並改稱為「獨立監察警方處理投訴委員會」。立法會於2008年7月通過《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。
- 1.4 監警會於《監警會條例》生效同日（即2009年6月1日）成為法定機構。

- 1.1 The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604) to observe, monitor and review the handling and investigation of reportable complaints (RCs) against the Police by the Commissioner of Police (CP).

History

- 1.2 IPCC has its origin in the Police Group of the Office of the Unofficial Members of the Executive and Legislative Councils which evolved into the Police Complaints Committee (PCC), an independent body commissioned by the then Governor in 1986. The PCC was renamed the Independent Police Complaints Council in December 1994.
- 1.3 In July 2007, the Administration introduced the IPCC Bill into the Legislative Council (LegCo). The Bill sought to incorporate the then existing IPCC and provide a statutory basis for IPCC to operate. The IPCCO was enacted in July 2008. The Secretary for Security subsequently appointed 1 June 2009 as the day when IPCCO would come into operation.
- 1.4 IPCC has become a statutory body since the commencement of IPCCO on 1 June 2009.

職能和權力

- 1.5 在《監警會條例》下，監警會的主要職能如下：
- (i) 觀察、監察和覆檢處長處理和調查須匯報投訴的工作；
 - (ii) 監察處長已經或將會向與須匯報投訴有關的警務人員採取的行動；
 - (iii) 找出警隊工作常規或程序中引致或可能引致須匯報投訴的缺失或不足之處；
 - (iv) 向處長和/或行政長官提供與須匯報投訴有關的意見和/或建議；及
 - (v) 加強公眾對監警會的角色認識。
- 1.6 在《監警會條例》下，監警會可要求處長調查或重新調查須匯報投訴；提供關乎須匯報投訴的資料或材料；就須匯報投訴的處理或調查以及向相關的警務人員採取或擬採取的行動作出解釋；提供解釋和資料或材料以支持不將某投訴歸類為受監警會監察的須匯報投訴。

成員組合

- 1.7 監警會由一名主席、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、醫療、牙科、衛生、教育、社福、商界和立法會議員等。監警會借助委員多方面的知識，獨立、公正、透徹地監察投訴警察課的調查工作。

Functions and Power

- 1.5 The main functions of IPCC as provided for under IPCCO are:
- (i) to observe, monitor and review the handling and investigation of RCs by CP;
 - (ii) to monitor actions taken or to be taken in respect of any police officer by CP in connection with RCs;
 - (iii) to identify any fault or deficiency in police practices or procedures that has led to or might lead to RCs;
 - (iv) to advise CP and/or the Chief Executive (CE) of its opinion and/or recommendation in connection with RCs; and
 - (v) to promote public awareness of the role of the Council.
- 1.6 Under IPCCO, IPCC may require CP to investigate or re-investigate RCs, provide information or material relating to RCs, provide explanations on the handling or investigation of RCs and the actions taken or to be taken against the police officers involved, and provide explanations and information or material in support of not categorising a complaint as an RC which would otherwise be under IPCC's monitoring.

Composition

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

1.8 監警會在本報告期內的委員名單如下：

1.8 The membership of IPCC during this reporting period was as follows:

主席 Chairman

翟紹唐 資深大律師
Mr JAT Sew-Tong, SC

由2008年6月起
since June 2008

副主席 Vice-Chairmen

李國麟議員，SBS，JP
Dr Hon Joseph LEE Kok-long, SBS, JP

由2007年起
since 2007

林大輝議員，BBS，JP
Dr Hon LAM Tai-fai, BBS, JP

由2009年起
since 2009

石禮謙議員，SBS，JP
Hon Abraham SHEK Lai-him, SBS, JP

由2009年起
since 2009

委員 Members

楊耀忠先生，BBS，JP
Mr YEUNG Yiu-chung, BBS, JP

由2005年起：委員
since 2005: Member

2001 – 2004年：副主席
2001 – 2004: Vice-Chairman

徐福樂醫生
Dr Michael TSUI Fuk-sun

2004 – 2009年
2004 – 2009

謝德富醫生，BBS，JP
Dr TSE Tak-fu, BBS, JP

由2005年起
since 2005

王沛詩女士，JP
Ms Priscilla WONG Pui-sze, JP

由2005年起
since 2005

阮陳淑怡博士
Dr Helena YUEN CHAN Suk-yee

由2006年起
since 2006

林志傑醫生，MH
Dr Lawrence LAM Chi-kit, MH

由2007年起
since 2007

杜國鑊先生，BBS，JP
Mr Clement TAO Kwok-lau, BBS, JP

2008 – 2009年
2008 – 2009

張妙嫦女士
Ms Emily CHEUNG Mui-seung

由2008年起
since 2008

陳嘉敏女士，JP
Ms Carmen CHAN Ka-mun, JP

由2009年起
since 2009

張達明先生
Mr Eric CHEUNG Tat-ming

由2009年起
since 2009

張仁良教授，BBS，JP
Prof Stephen CHEUNG Yan-leung, BBS, JP

由2009年起
since 2009

方敏生女士，BBS，JP
Ms Christine FANG Meng-sang, BBS, JP

由2009年起
since 2009

吳克儉先生，JP
Mr Eddie NG Hak-kim, JP

由2009年起
since 2009

委員 Members

彭耀佳先生，SBS，JP Mr PANG Yiu-kai, SBS, JP	2009 – 2010年2月 2009 – February 2010
陳培光醫生 Dr CHAN Pui-kwong	由2010年起 since 2010
鄭經翰先生，JP Mr Albert Jinghan CHENG, JP	由2010年起 since 2010

監察機制

1.9 香港的投訴警察制度是一個兩層的架構。所有投訴警察的個案，不論來源，均交由投訴警察課調查。該課完成調查後，會將須匯報投訴的調查報告，連同相關的檔案、文件和材料，提交監警會審核。

Monitoring Mechanism

1.9 Hong Kong adopts a two-tier police complaints system. All complaints against the Police, irrespective of origin, are referred to CAPO for investigation. After CAPO has completed the investigation of an RC, it will submit the investigation report, together with relevant files, documents and materials, to IPCC for scrutiny.

須匯報投訴

1.10 所有須匯報投訴均由監警會審核。「須匯報投訴」是指市民就當值的警務人員或表明是警隊成員的休班人員的行為所作出的投訴。這些投訴必須由受直接影響的人士（或其代表）真誠地作出，並非瑣屑無聊或無理取鬧的投訴。

Reportable Complaints

1.10 All RCs come under IPCC's scrutiny. RCs refer to complaints lodged by members of the public, not vexatious or frivolous, and 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 complaint should be made by or on behalf of a person directly affected by the police misconduct.

調查報告

1.11 須匯報投訴的調查報告必須載有：

- (i) 有關調查的撮要；
- (ii) 就有關投訴所作的對事實的裁斷，及支持該裁斷的證據；
- (iii) 有關投訴的分類，及作該分類的理由；及
- (iv) 述明處長就有關投訴已經或將會採取的行動。

Investigation Reports

1.11 An investigation report on an RC must contain:

- (i) a summary of the investigation;
- (ii) a finding of facts in relation to the complaint and the evidence in support of the finding;
- (iii) the classification of the complaint, and the reasons for the classification; and
- (iv) an account of the action taken or to be taken by CP in connection with the complaint.

1.12 如某須匯報投訴的調查未能在接獲投訴後六個月內完成，處長必須在該限期屆滿後盡快向監警會呈交中期調查報告，交代調查的進度撮要和解釋未能於六個月內完成調查的理由。其後，處長必須每六個月向監警會呈交進一步的中期調查報告，直至調查完成為止。監警會可就中期調查報告向處長提供意見。

審核調查報告

1.13 監警會委員分為三個小組，每組由五至六名委員組成，分批審核調查報告。每份須匯報投訴的調查報告會由一個小組審核。隨後，所有報告會交由主席進一步審核。

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

1.15 監警會會安排在會議上討論一些特別具爭議性、公眾關注或涉及基本原則的投訴個案，促進委員之間以及監警會與投訴警察課之間的意見交流。監警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。監警會審核調查報告的流程圖載於附錄I。

1.16 除了審核調查報告，監警會亦希望能協助預防投訴，因此會找出警隊常規和程序中的缺失或不足之處，向處長和/或行政長官提出建議。

1.12 If the investigation of an RC is not completed within six months from the date of receipt of the complaint, CP must, as soon as practicable after the expiry date, submit to IPCC an interim investigation report which should contain a summary of the investigation progress and explain the reasons for not being able to complete the investigation in six months. CP must submit further interim investigation reports in every six months until the investigation is completed. IPCC may advise CP of its opinion on interim investigation reports.

Examination of Investigation Reports

1.13 IPCC Members have formed three sub-groups, each comprising five to six Members, to vet the investigation reports. Each investigation report of an RC will be scrutinised by a sub-group. Thereafter, the reports will be further scrutinised by the Chairman.

1.14 In the course of examination, if any areas of doubt are found or if Members are not convinced of the investigation findings, IPCC may 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.

1.15 Cases which are particularly controversial, of public concern or involve matters of fundamental principles would be discussed at meetings to facilitate exchange of views among Members and between IPCC and CAPO. Only when IPCC is fully satisfied that a complaint has been properly dealt with will it endorse the investigation results and the case be concluded. A flowchart showing the process of scrutiny of investigation reports by IPCC is at Appendix I.

1.16 Apart from vetting investigation reports, IPCC would also identify faults or deficiencies in police practices and procedures with a view to preventing complaints against the Police. IPCC will make recommendations to CP and/or GE as and when appropriate.

- 1.17 須匯報投訴屬於監警會的監察範圍。以下的投訴則不在監警會的監察權限之內：
- (i) 投訴人以自己作為警務人員的身分作出的投訴；
 - (ii) 純粹關乎發出傳票或施加定額罰款通知書是否有效而引致的投訴；或
 - (iii) 屬於其他法定機構調查範圍內的投訴。

須知會投訴

- 1.18 既不屬須匯報投訴，亦非上文第1.17段所述的投訴，一律歸類為「須知會投訴」，例如：就沒有表明是警隊成員的休班人員的行為所作出的投訴；由匿名人士作出的投訴；或由並非受直接影響的人士作出的投訴。
- 1.19 監警會不會審核須知會投訴的調查報告，但投訴警察課必須定期向監警會呈交須知會投訴的列表，內容包括投訴的扼要描述和將該等投訴歸類為須知會投訴的理由，讓監警會確保所有該列為須匯報投訴的個案均被恰當歸類，納入監警會的監察和覆檢範圍內。

監察嚴重投訴

- 1.20 監警會之下成立的嚴重投訴個案委員會密切監察一些嚴重的投訴個案。委員會監察的「嚴重投訴」包括：
- (i) 涉及死亡或嚴重受傷的可疑個案；
 - (ii) 公眾關注而委員會認為性質嚴重的個案；及
 - (iii) 未能結案而監警會或委員會認為性質嚴重的個案。

- 1.17 Unlike RCs, the following complaints do not come under the purview of IPCC:

- (i) complaints lodged by a person in his official capacity as a member of the Police Force;
- (ii) complaints arisen from the issue of a summons or imposition of a fixed penalty which solely relates to the validity of the issue; or
- (iii) complaints that fall under the scope of investigation of other statutory bodies.

Notifiable Complaints

- 1.18 Other than RCs and the complaints mentioned in paragraph 1.17 above, all complaints are notifiable complaints (NCs). They include complaints against the conduct of off-duty police officers who did not identify themselves as such, anonymous complaints, or complaints lodged by persons who are not directly affected by the police misconduct.
- 1.19 IPCC does not vet the investigation reports of NCs but CAPO is required to regularly submit a list of such complaints to IPCC. The list should include brief description of the complaints and reasons for categorising them as NCs. This is to ensure that all complaints which should properly be categorised as RCs are so categorised and that the investigation will consequentially be subject to IPCC's monitoring and review.

Monitoring of Serious Complaints

- 1.20 A Serious Complaints Committee (SCC) is established under IPCC to closely monitor certain serious complaints. "Serious complaints" within the scope of SCC's monitoring include:
- (i) suspicious cases involving death or serious injuries;
 - (ii) cases of public interest which are considered to be serious by SCC; and
 - (iii) unresolved cases which are considered to be serious by IPCC or SCC.

1.21 當個案被納入嚴重投訴個案委員會監察之列，投訴警察課需每月向監警會提交進度報告，直至調查完結和提交最終的調查報告為止。這樣，委員會便可密切監察個案的進度，確保個案得到適當和適時的處理。

觀察員計劃

1.22 觀察員計劃於1996年推出，旨在加強監警會的監察職能。在該計劃下，由保安局局長委任的觀察員可出席投訴警察課就調查須匯報投訴而進行的會面和證據收集工作。監警會成員同樣亦可進行觀察。

1.23 投訴警察課會盡量在會面或證據收集進行前不少於48小時通知監警會。監警會秘書處會隨即知會觀察員。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。

1.24 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的進行。觀察員在觀察完畢後，須向監警會報告會面或證據收集是否公平公正和不偏不倚地進行，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，監警會會與投訴警察課跟進。

1.25 任何將會就須匯報投訴與投訴警察課會面的人士，均可要求有觀察員出席有關會面。當監警會接到要求後，會盡量作出安排。

1.26 截至2010年3月31日，共有91名監警會觀察員。

1.21 Once a case is put under SCC's monitoring, CAPO will submit monthly progress report to IPCC until the investigation is completed and final investigation report available. SCC can thus keep close monitoring of the progress of such cases to ensure that appropriate and timely action is taken.

Observers Scheme

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

1.23 In so far as practicable, CAPO will notify IPCC at least 48 hours in advance of any impending interview or collection of evidence. 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 complaints investigation. The observations can be carried out on a pre-arranged basis or a surprise basis.

1.24 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.

1.25 Any person who is going to be interviewed by CAPO in connection with an RC can request for an Observer to be present during the interview. Upon receipt of such request, IPCC will endeavour to make the arrangements.

1.26 As at 31 March 2010, there were a total of 91 IPCC Observers.

監警會的會面

- 1.27 會見計劃於1994年推出。在該計劃下，監警會可為考慮投訴警察課調查報告，會見能夠或可能能夠向監警會提供資料或協助的人士。如監警會認為有需要直接會見某些人士，便會邀請他們出席會面。這些人士可能是投訴人、被投訴人或其他獨立人士。
- 1.28 會面由不少於兩位監警會委員組成的小組主持，目的主要是向有關人士澄清事宜。

監警會/投訴警察課聯席會議

- 1.29 監警會/投訴警察課聯席會議每季舉行一次。為提高透明度和公眾對我們工作的認識，部分會議公開讓市民旁聽。

IPCC Interviews

- 1.27 The Interview Scheme was introduced in 1994. Under the Scheme, IPCC may interview persons who are or may be able to provide information or assistance to IPCC for the purpose of considering CAPO's investigation reports. If IPCC considers it necessary to meet with certain persons to hear from them direct, IPCC may invite these persons for interviews. Such persons may be complainants, complainees, or other independent persons.
- 1.28 Each interview is conducted by a panel of no less than two IPCC Members. The purpose of interviews is primarily to clarify matters with the concerned persons.

Joint IPCC/CAPO Meetings

- 1.29 Joint IPCC/CAPO meetings are held quarterly. To enhance transparency and public understanding of our work, part of the meetings are open to the public.

監警會/投訴警察課聯席會議
Joint IPCC/CAPO meeting



《監警會條例》於2009年6月1日 生效

- 2.1 《監警會條例》於2008年7月獲立法會通過，把投訴警察制度條文化，並為法定監警會的運作提供法理依據。保安局局長其後指定2009年6月1日為《監警會條例》的實施日期。
- 2.2 法定前的警監會就《〈監警會條例〉（生效日期）公告》及《2009年〈監警會條例〉（生效日期）（第2號）公告》，出席了四次立法會小組委員會會議。會上，警監會向議員簡介有關成立法定監警會的財政和人手安排，以及籌備工作的進度。
- 2.3 政府當局在會上再次向議員保證會致力協助法定監警會履行監察警方處理和調查須匯報投訴的工作，以及確保法定監警會將繼續獲得適當的支援和資源。

轉為法定機構的籌備工作和 優化措施

- 2.4 為配合《監警會條例》的實施，法定前的警監會已著手部署所需安排，以落實法定的要求。

審核調查報告

- 2.5 委員會檢視並修訂了審核須匯報投訴調查報告的程序，清楚列明監察過程的每一個步驟（見附錄I）。

報告格式和內容

- 2.6 《監警會條例》第17(2)(b)條訂明，須匯報投訴的調查報告必須載有就有關投訴所作的對事實的裁斷，及支持該裁斷的證據。

Commencement of IPCC Ordinance on 1 June 2009

- 2.1 The IPCCO was enacted in July 2008 to codify the then existing police complaints system and provide a statutory basis for IPCC to operate. The Secretary for Security subsequently appointed 1 June 2009 as the day when IPCCO would come into operation.
- 2.2 In connection with the IPCCO (Commencement) Notice and IPCCO (Commencement) (No. 2) Notice 2009, IPCC attended four meetings of the LegCo subcommittee. During the meetings, IPCC briefed legislators on the financial and staffing arrangements as well as progress of preparatory work relating to the establishment of statutory IPCC.
- 2.3 During the meetings, the Administration reassured legislators that it was committed to facilitating IPCC to discharge its functions of monitoring the Police's handling and investigation of RCs, and to ensuring that the statutory IPCC would be provided with appropriate support and resources.

Preparation for Incorporation and Enhancement Measures

- 2.4 In connection with the coming into operation of IPCCO, IPCC had taken steps to put in place necessary arrangements to reflect the statutory requirements.

Examination of Investigation Reports

- 2.5 The procedures on vetting of investigation reports on RCs were reviewed and revised to set out clearly steps involved in the monitoring process (see Appendix I).

Report Format and Contents

- 2.6 Section 17(2)(b) of IPCCO states that an investigation report of an RC must contain, among other things, a finding of facts in relation to the complaint and the evidence in support of the finding.

- 2.7 《監警會條例》實施前，並沒有明確規定投訴警察課調查投訴時必須要對事實作出裁斷。那時，每當投訴人和被投訴人各執一詞，而又沒有其他獨立證人或佐證，投訴警察課往往以不能證明或推翻任何一方的說法為理由，將調查結果列為「無法證實」。
- 2.8 監警會認為，這樣一概而論的分類做法並不符合要達至對事實作出裁斷的法定要求。當遇到投訴人和被投訴人有不同版本的證供，調查結果並不一定被列為「無法證實」。投訴警察課應盡力分析投訴人、被投訴人和其他證人的證供，以及評估各人的可信程度，才決定其證供應否被接納。
- 2.9 鑒於監警會的關注和意見，投訴警察課同意進行更徹底的分析，修訂調查報告的格式和陳述方式，特別加入對事實作出裁斷的部分，確保符合《監警會條例》第17(2)(b)條的要求。
- 2.10 在調查過程中強調了必須對事實作出裁斷後，指控被列為「無法證實」的比例有所下降：2009年，在1,194項經全面調查的指控中，有597項（即50%）被列為「無法證實」；2008年，在1,159項經全面調查的指控中，有754項（即65%）被列為「無法證實」。
- 2.7 Before the coming into operation of IPCCO, there was no explicit requirement for CAPO to arrive at a finding of facts in complaints investigation. At that time, when conflicting versions of events were presented by the complainant and the complainee and in the absence of independent witness or corroborative evidence, CAPO would very often classify the investigation results as “Unsubstantiated” on the ground that it could not prove or disprove either party’s version.
- 2.8 IPCC considered this way of arriving at the classification too generalised and did not meet the statutory requirement of arriving at a finding of facts. The investigation results should not necessarily be classified as “Unsubstantiated” simply because of conflicting evidence produced by complainants and complainees. Instead, CAPO should endeavour to analyse the evidence given by complainants, complainees, as well as witnesses, and assess each one’s credibility and how much weight to be attached to evidence provided by each party.
- 2.9 In the light of IPCC’s concern and advice, CAPO agreed to conduct more thorough analysis, revise the format and presentation of investigation reports, and that in particular the finding of facts should be included in the reports to ensure compliance with the requirement as stipulated under section 17(2)(b) of IPCCO.
- 2.10 A smaller proportion of allegations were classified as “Unsubstantiated” after attempts were made to establish findings of facts. In 2009, 50% (597 out of 1,194) fully investigated allegations were classified as “Unsubstantiated”, whereas the figure in 2008 was 65% (754 out of 1,159).

投訴歸類

- 2.11 根據《監警會條例》第10、11和14條，投訴可分為三類：須匯報投訴、須知會投訴和其他投訴（既非須匯報投訴，亦非須知會投訴）。

Categorisation of Complaints

- 2.11 By virtue of sections 10, 11 and 14 of IPCCO, complaints are divided into three categories: reportable complaints (RCs), notifiable complaints (NCs) and other complaints (neither RCs nor NCs).

2.12 《監警會條例》第11(c)條訂明，須匯報投訴的投訴人必須是因警務人員不當行為而受直接影響的人士（或其代表）。投訴警察課認為，若警務人員的行為或言詞不是直接向投訴人作出，投訴人便不是受直接影響的人士，故此，他的投訴不會被歸類為須匯報投訴。不過，監警會則認為應取決於投訴人的利益是否因而受到直接影響。不論投訴人當時是否在场、是否聽到有關言詞、或有關行為是否直接向他作出，只要他的利益因而受到直接影響，他便是受直接影響的人士。

2.13 投訴警察課同意監警會的觀察和意見。

進行觀察

2.14 監警會就《監警會條例》第33至38條有關觀察員計劃的條文，檢視和修訂了相關的程序和指引，以反映法定的要求。

2.15 《監警會條例》第37條規定觀察員進行觀察後必須向監警會呈交報告。條例亦規定如觀察員知悉他在有關須匯報投訴中有利害關係，必須披露其利害關係的性質、退出有關觀察和向監警會報告其利害關係的性質。鑒於條例的規定，監警會修訂了觀察員報告的格式，要求觀察員指出在觀察過程中是否察覺有不當的情況、申報他們在個案中有否利害關係、有否披露其利害關係的性質和退出有關的觀察。

2.16 為了加深觀察員了解他們在《監警會條例》下的角色，監警會與投訴警察課於2009年5月26日合辦簡介會，有超過30名監警會委員和觀察員出席。簡介會介紹了經修訂的程序和指引，並重點講述觀察員在進行觀察有關須匯報投訴的會面和證據收集時的法定權利和責任。

2.12 As stipulated in section 11(c) of IPCCO, a complainant of an RC should be the person (or his representative) directly affected by the police misconduct. CAPO took the view that if the police action was not directly taken on the complainant or the police's comment was not communicated or addressed direct to the complainant, then the complainant should not be considered as directly affected and hence the complaint should not be categorised as RC. However, IPCC considered that the essential point to consider should be whether the complainant's interest was directly affected by the police conduct, no matter whether he was present on the spot, had heard the remarks, or whether the police action was directed to him.

2.13 IPCC's observation and comments were agreed by CAPO.

Conduct of Observations

2.14 In the light of sections 33 to 38 of IPCCO, IPCC has reviewed and revised the relevant procedures and guidelines of the Observers Scheme to reflect the statutory provisions.

2.15 Section 37 of IPCCO provides that an Observer must submit a report to IPCC after the conduct of observation. This section also provides that if an Observer has an interest in an RC, he must disclose the nature of his interest, withdraw from the observation and report the nature of his interest to IPCC. In view of this, IPCC has revised the Observers Report Form to request Observers to indicate whether there are any irregularities detected in the course of observation, and to declare whether they have any interest in the case, and whether they have disclosed the nature of interest and withdrawn from the observation.

2.16 To enhance Observers' understanding of their role under IPCCO, IPCC and CAPO co-organised a briefing on 26 May 2009. Over 30 IPCC Members and Observers attended. The revised procedures and guidelines were introduced, highlighting Observers' statutory rights and duties in observations on conduct of interviews and collection of evidence in connection with RCs.

監警會與投訴警察課合辦之觀察員簡介會。
Briefing for Observers co-organised by IPCC and CAPO.



2.17 監警會秘書處亦於2009年9月29日為新委任的觀察員舉行簡介會，加深他們對投訴警察制度和觀察員計劃運作的認識。

2.17 The IPCC Secretariat also conducted a briefing for newly appointed Observers on 29 September 2009 to familiarise them with the police complaints system and operation of the Scheme.

2.18 監警會一向鼓勵委員和觀察員進行更多觀察，特別是突擊觀察。進行觀察的數字由2008年的548次，大幅上升至2009年的1,808次（包括331次突擊觀察）。2010年首季進行觀察的次數持續增加，共有426次。

2.18 IPCC has always encouraged Members and Observers to conduct more observations, especially surprised ones. The number of observations increased substantially from 548 in 2008 to 1,808 in 2009, including 331 surprise observations. The figure has continued to grow in the first quarter of 2010, with a total of 426 observations conducted.

進行會面

Conduct of Interviews

2.19 根據《監警會條例》第20和21條的規定，監警會檢視和修訂了規範監警會進行會面的內部指引和程序，主要修訂包括更清晰地列明誰人可在會面時在場，以及規定會面前準備、進行會面時和完成會面後的每一步安排，如保存會面紀錄等。

2.19 Pursuant to sections 20 and 21 of IPCCO, the internal guidelines and procedures governing the conduct of IPCC interviews were reviewed and revised. Major changes include setting out in clearer terms who may be present at interviews and the detailed procedural arrangements governing each steps involved from preparation before the interview, in the conduct of the interview, and the post-interview arrangements such as keeping record of interview.

2.20 此外，修訂指引亦加強了申報利害關係的要求，包括規定獨立證人和專家證人必須申報利害關係。

2.20 Besides, the declaration of interest requirement has been strengthened. The revised guidelines provide for declaration of interest of independent witness and expert witness.

2.21 本報告期內（由2009年至2010年3月31日），監警會共邀請了11名人士（5名投訴人、5名被投訴人和1名警方證人）出席會面。期內，共進行了5次會面，其他的會面則有待安排。

執行會務

2.22 監警會就《監警會條例》附表1的規定，檢視和修訂了執行會務的安排，包括會議的處事程序、會議的法定人數、在會議上或會議之外決定事宜的規則、委員申報利害關係的安排、在監警會之下成立委員會及其運作、監警會轉授職能的範圍和監警會財政管理等。

專責小組

2.23 監警會成立的一個特設專責小組，就法定監警會如何更好地安排會議的進行提供意見。專責小組成員包括主席翟紹唐先生、副主席石禮謙議員、委員徐福樂醫生、杜國鎣先生、吳克儉先生和方敏生女士。

2.24 專責小組檢視了監警會/投訴警察課聯席會議和監警會內務會議於同日進行這行之已久的做法。專責小組認為，過於緊密的議程可能窒礙會議的討論，故此建議引入改變。

2.25 監警會考慮了專責小組的建議，由2009年7月起，聯席會議（閉門及公開部分）和內務會議分別在不同的日子進行。聯席會議由每兩個月改為每季舉行一次，內務會議則每兩個月舉行一次或按需要更頻密地舉行。

2.26 新採納的會議模式讓監警會與投訴警察課在聯席會議上有更多時間就政策議題交換意見。在聯席會議的公開部分會討論具爭議性和公眾關注的政策議題和個案，藉以提高透明度和公眾對監警會工作的認識。

2.21 During this reporting period (from 2009 to 31 March 2010), IPCC invited 11 persons (5 complainants, 5 complainees and 1 police witness) to attend interviews. A total of 5 interviews were conducted during this reporting period and some were pending arrangement.

Conduct of Council Business

2.22 In the light of Schedule 1 of IPCCO, IPCC has reviewed and revised the conduct of Council business, including rules on proceedings of meetings, quorum for meetings, rules for determination of matters at meetings and outside meetings, arrangements for declaration of interest by Members, establishment of committees under IPCC and their operation, the scope of delegation of IPCC's functions as well as the financial management of IPCC.

Task Force

2.23 An ad hoc Task Force, comprising the Chairman Mr JAT Sew-Tong, Vice-Chairman Hon Abraham SHEK, and Members Dr Michael TSUI, Mr Clement TAO, Mr Eddie NG and Ms Christine FANG, was set up to thrash out ideas on how best the statutory IPCC should arrange its meetings.

2.24 The Task Force reviewed the long-established practice of conducting the Joint IPCC/CAPO meetings and the IPCC In-house meetings on the same day. The Task Force considered the schedule too tight which might impede discussion at meetings, and thus proposed a change to it.

2.25 On the recommendation of the Task Force, IPCC had, starting from July 2009, held Joint meetings (closed part and open part) on a day separate from the In-house meetings. The former would be held quarterly instead of bi-monthly, whereas the latter would be conducted bi-monthly or as frequently as required.

2.26 The new meeting mode would allow more time for IPCC and CAPO to exchange views on policy issues at Joint meetings. Policy issues or cases which are controversial and of public concern would be discussed at the open part of the Joint meetings to enhance transparency and public understanding of IPCC's work.

與投訴警察課的溝通模式

- 2.27 監警會在大致行之有效的審核調查報告的模式下，再引入一個三層的制度，以期加快處理未能結案的投訴。
- 2.28 第一層：監警會秘書處和投訴警察課會視乎需要，舉行工作層面會議，就未能結案的投訴解決分歧。第二層：若秘書處和投訴警察課未能達成共識，監警會委員會加入參與會議。第三層：若不果，有關的個案會安排在監警會/投訴警察課聯席會議上議決。若雙方仍然未能達成共識，監警會將考慮不通過個案的調查結果、公開監警會的意見，和/或把個案報告行政長官。

資源

- 2.29 2009/10年度，監警會獲撥款2,830萬元，較2008/09的修訂預算增加了1,050萬元，增幅是59%，當中包括聘用人手的開支。法定監警會成立前，有關的開支是由政府直接支付。增加的撥款讓法定監警會自行聘請員工以逐步取代借調的公務員，應付在監警會成為法定機構前原來由其他政府部門提供的服務的運作開支，以及採購設備和進行小型維修保養工程。監警會運用政府當局增撥的資源，成立第四隊審核小組（由一名高級審核主任和一名審核主任組成），以加強法定監警會審核調查報告的能力；另外亦增設了一個高級經理（財務及一般事務）職位，以監督財務管理和一般支援工作。這些工作在監警會成為法定機構前原來由政府部門負責。

Communication Mode with CAPO

- 2.27 While the modus operandi of examining investigation reports had been working effectively by and large, IPCC further adopted a three-tier system with a view to speeding up the processing time of unresolved cases.
- 2.28 At the first level, the IPCC Secretariat and CAPO would convene working level meetings on a need basis to sort out differences on outstanding cases. The second level meeting, with participation of IPCC Members, would be convened if the Secretariat and CAPO failed to come to an agreement. If attempts made to resolve the case were unsuccessful, the outstanding cases would be brought to the Joint IPCC/CAPO meeting for a decision. If cases still could not be resolved, IPCC might decide not to endorse the investigation results of the case, make public IPCC's views, and/or bring the case to the attention of CE.

Resources

- 2.29 A provision of \$28.3 million was allocated to IPCC in 2009/10, representing an increase of \$10.5 million or 59% compared with the revised estimate for 2008/09. The additional provision included provision for the on-costs of staffing which, prior to establishment of the statutory body, was funded centrally by the Government. The increase in provision enabled the statutory IPCC to employ its own staff upon phasing out of the seconded civil servants, to meet the operating expenses of services which had been provided by government departments before incorporation, and to procure equipment and carry out minor maintenance works. With the additional resources provided by the Administration, a fourth vetting team, comprising a Senior Vetting Officer and a Vetting Officer, was established to strengthen the statutory IPCC's ability in vetting investigation reports; and another post of Senior Manager (Finance and General) was also created to oversee finance administration and general support work previously undertaken by government departments before incorporation.

招聘人手

- 2.30 《監警會條例》第6條賦予法定監警會權力去聘請員工以逐步取代借調到秘書處工作的公務員。監警會為了聘請合適的人選取代借調的公務員，進行了多次招聘活動。公開招聘的渠道包括在本地報章和監警會網頁刊登廣告。
- 2.31 截至2010年3月31日，在28人的編制中，已有15名公務員被調離秘書處，其空缺由監警會聘請的員工填補。監警會會視乎運作經驗，不斷檢視對人手的需求。

內部行政

- 2.32 為符合《監警會條例》第6條有關監警會可委任其僱員的權力，和附表1規管財務事宜的條文，監警會需要制定規則和指引以適當地管理員工聘任、行政和財務的事宜。
- 2.33 監警會制定了管理人力資源、財務及會計、採購、資訊科技保安的內部手冊，列出有關的政策和程序，以履行其法定職能和責任。
- 2.34 監警會決定並製備監警會法團印章，亦因應新的法定地位和中文名稱，修改了機構標誌、辦公室招牌、印製新文具和更新其他相關物品。

Recruitment

- 2.30 Section 6 of IPCCO empowers the statutory IPCC to appoint its own staff to gradually replace the seconded civil servants working in the Secretariat. A number of recruitment exercises were held to select suitable persons for appointment to replace the seconded civil servants. Open recruitment exercises were conducted with advertisements placed in local newspapers and on IPCC website.
- 2.31 As at 31 March 2010, out of the total staffing complement of 28, 15 civil servants have already been phased out and replaced by IPCC's own staff. IPCC would keep under review the staffing requirements in the light of operational experience.

Internal Administration

- 2.32 Pursuant to section 6 of IPCCO which provides that IPCC may appoint its own staff and provisions in Schedule 1 which governs the finances matters, it was necessary for IPCC to draw up rules and guidelines with a view to properly managing its recruitment of staff, administration and finances.
- 2.33 Internal manuals on management of human resources, finance and account, procurement, IT security, were drawn up which set out policies and procedures in order to discharge IPCC's statutory duties and responsibilities.
- 2.34 IPCC agreed on and produced a common seal for the statutory IPCC. The corporate signature, office signage, stationery and other related materials were also revamped to reflect the new statutory status as well as its new Chinese name.





宣傳

- 2.35 監警會製備並向公眾派發一系列新的宣傳物品，包括海報、小冊子和單張。這些宣傳品除了擁有新的設計和外觀，在內容上亦有修訂，向公眾介紹監警會在《監警會條例》下的新地位和職能。
- 2.36 監警會網頁亦相應更新，擁有新的外觀，提供監警會最新的資訊和投訴警察制度的資料。網頁的組織亦作重新編排，讓公眾更快捷和容易地取得所需的資訊。

Publicity

- 2.35 A new series of publicity materials, including posters, booklets and leaflets, was produced for distribution to the public. Apart from the new design and outlook, the contents of the publications were revised to introduce to the public IPCC's new status and functions as provided for under IPCCO.
- 2.36 The IPCC website was revamped with a fresh look and up-to-date information and news about the Council and the police complaints system. The structure of the website was also re-organised to allow quick and easy access to the information required.

01 港鐵沿線的宣傳廣告。
Advertisements on MTR networks.

02 監警會在今報刊登的廣告文章。
IPCC advertorial published in Ming Pao.

03 放置於投訴警察報案中心的監警會宣傳展板。
IPCC display panel at Complaints Against Police Reporting Centre.



2.37 監警會於2009年6月在港鐵沿線推出為期四星期的廣告宣傳活動，在列車車箱內放置監警會的橫幅廣告，向市民宣傳法定監警會的成立。

2.38 明報亦於2009年6月1日刊登了半頁的廣告文章，旨在向公眾介紹法定監警會的角色及職能，以加深公眾對投訴警察制度的認識和信心。

2.39 投訴警察報案中心和不同地區的報案室均放置了宣傳監警會的展板，向有興趣的人士提供資訊和宣傳監警會。

2.40 為慶祝法定監警會成立，監警會於2009年6月1日舉行了一個酒會，蒞臨分享喜悅的嘉賓包括多名前任和現任的主席和委員、政府當局高層官員、警隊高層人員和立法會議員。

2.37 A four-week advertising campaign was mounted on MTR networks in June 2009 with IPCC banners posted in train compartments to draw public attention to the establishment of statutory IPCC.

2.38 A half-page advertorial was published in Ming Pao on 1 June 2009. The article introduced to the public the role and functions of statutory IPCC, with a view to enhancing public understanding of and confidence in the police complaints system.

2.39 Display panels were placed in Complaints Against Police Reporting Centre and Report Rooms in different regions to provide information to our stakeholders and promote IPCC.

2.40 In celebration of the establishment of statutory IPCC, the Council hosted a drinks party on 1 June 2009. Former and incumbent Chairmen and Members, senior officials from the Administration and the Police Force, and LegCo members were among the guests attending the party to share the joy.



01 主席翟紹唐先生(左)與前主席鄧國楨法官(右)
Mr JAT Sew-Tong, Chairman (left) and Hon Mr Justice Robert TANG Ching, former Chairman (right).



02 左起：委員阮陳淑怡博士、前副主席梁家傑議員、警務處助理處長(服務質素)黃福全先生、委員謝德富醫生。
From left: Dr Helena YUEN, Member, Hon Alan LEONG, former Vice-Chairman, Mr Vincent WONG, Assistant Commissioner of Police (Service Quality) and Dr TSE Tak-fu, Member.



03 左起：保安局副秘書長丁葉燕薇女士、涂謹申議員、主席翟紹唐先生、保安局常任秘書長張琮瑤女士、副主席石禮謙議員。
From left: Mrs Jessie TING, Deputy Secretary for Security, Hon James TO, Mr JAT Sew-Tong, Chairman, Ms CHANG King Yiu, Permanent Secretary for Security, Hon Abraham SHEK, Vice-Chairman.

04 警務處副處長任達榮先生(左四)和曾偉雄先生(左二)出席慶祝法定監警會成立的酒會。
Deputy Commissioners of Police Mr Peter YAM (4th from left) and Mr Andy TSANG (2nd from left) attend the drinks party in celebration of the establishment of statutory IPCC.

05 委員與政府當局和警隊的嘉賓合照。
Group photo of Members and guests from the Administration and the Police Force.



2.41 監警會在本報告期內的其他宣傳及對外與相關人士的交流活動刊載於第五章。

2.41 More details of IPCC's publicity initiatives and external communication with stakeholders during this reporting period can be found in Chapter 5.

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：

- 獲證明屬實
- 未經舉報但證明屬實
- 無法完全證明屬實
- 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
- 透過簡便方式解決

獲證明屬實

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「獲證明屬實」。

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」。

無法完全證明屬實

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.

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.

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。

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。

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.

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 complainees are acting under the lawful instructions of his superior officer or in accordance with an established police practice.

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，監警會仍會審視個案，確保投訴人沒有受到任何不恰當的影響而撤回投訴，以及警方能從個案中汲取教訓，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」。監警會及投訴警察課會審閱所得證據，決定是否需要進行全面調查，並/或根據所得資料，考慮任何一項指控是否屬實。

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」，警方可在投訴人願意提供所需資料時，重新展開調查。

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.

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.

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，但鑑於特殊情況（例如證實投訴人精神有問題）而獲投訴及內部調查科總警司授權終止調查。

透過簡便方式解決

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

3.19 適宜透過簡便方式解決的輕微投訴，不會有全面調查，投訴會由一名總督察或以上職級的人員處理並擔任調解人員。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透過簡便方式解決而又得到投訴人同意，有關投訴便可循此途徑解決。調解人員必須得到投訴人同意，才可透過簡便方式解決投訴。

Curtailed

3.17 A complaint is classified as “Curtailed” where a complaint has been registered with CAPO but on the authorisation 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.

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 the 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.

第四章 監察投訴的處理 和作出的建議

Chapter 4 Monitoring of Complaints Handling & Recommendations

調查報告及指控數字

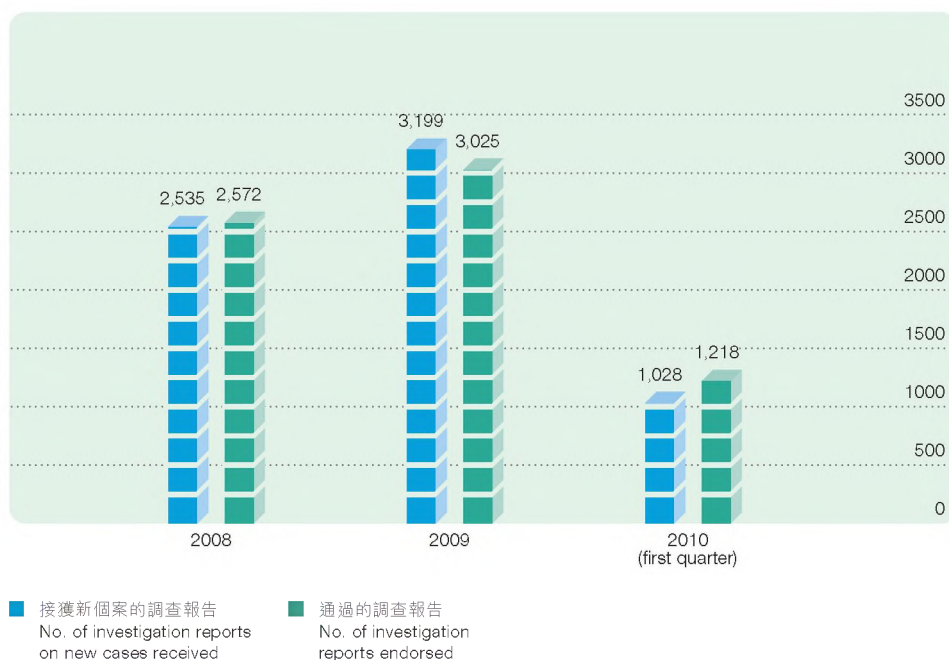
- 4.1 2009年，監警會共接獲投訴警察課就3,199宗新個案的調查報告，較2008年的2,535宗增加了26.2%。同年，監警會通過了3,025宗投訴個案的調查結果（包括317宗是2008年累積的個案），涉及的指控有5,055項，其中主要的三項指控為「疏忽職守」（39.5%）、「行為不當/態度欠佳/粗言穢語」（38.3%）及「毆打」（8.6%）。
- 4.2 2010年首季，監警會接獲投訴警察課就1,028宗新個案的調查報告，並於期內通過了1,218宗投訴個案的調查結果（包括517宗是2009年累積的個案），涉及的指控有2,225項。

Number of Investigation Reports & Allegations

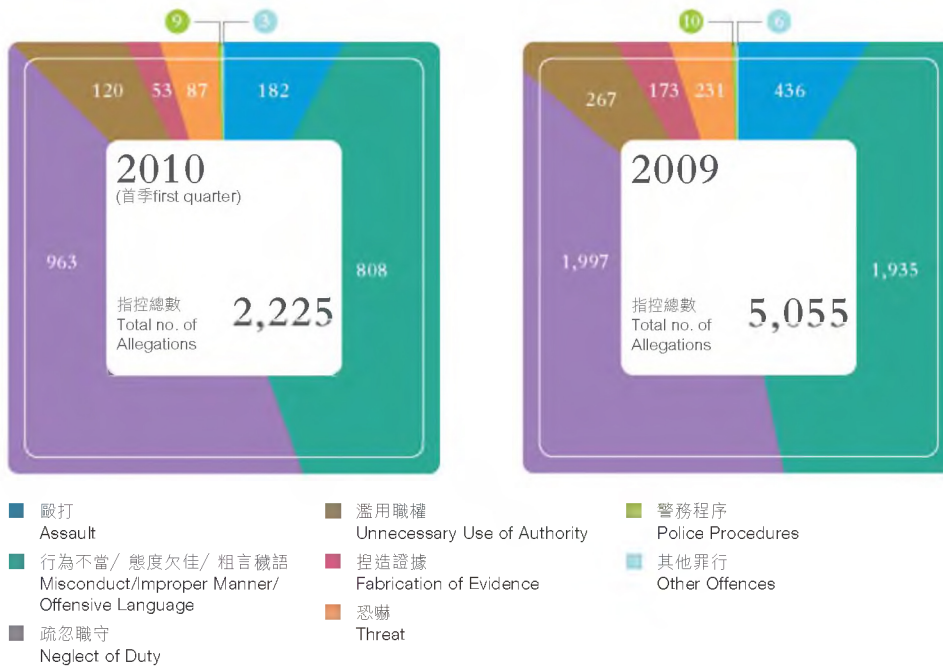
- 4.1 In 2009, IPCC received investigation reports on a total of 3,199 new cases from CAPO, representing a 26.2% increase over the figure of 2,535 in 2008. In the same year, IPCC endorsed the findings in 3,025 cases (including 317 outstanding cases carried forward from 2008) which involved 5,055 allegations. The three major allegations were "Neglect of Duty" (39.5%), "Misconduct/Improper Manner/Offensive Language" (38.3%) and "Assault" (8.6%).
- 4.2 In 2010 (first quarter), investigation reports on 1,028 new cases were received from CAPO. During this period, the findings in 1,218 cases (including 517 outstanding cases carried forward from 2009) which involved 2,225 allegations were endorsed.

監警會接獲及通過的調查報告

Investigation reports received and endorsed by IPCC



監警會通過的指控
Allegations endorsed by IPCC



- 4.3 2007至2010年首季通過、按性質分類的指控數字載於附錄II。
- 4.4 2009年和2010年首季，監警會因應覆核要求，分別再次審核50宗和15宗投訴個案。

- 4.3 Detailed breakdown of allegations endorsed by nature from 2007 to 2010 (first quarter) is shown in Appendix II.
- 4.4 In 2009 and 2010 (first quarter), IPCC also re-examined 50 and 15 cases respectively in response to requests for review.

調查結果

- 4.5 在2009年獲通過的5,055項指控中，經全面調查的指控有1,194項，當中74項被列為「獲證明屬實」，80項被列為「未經舉報但證明屬實」，15項被列為「無法完全證明屬實」，597項被列為「無法證實」，222項被列為「虛假不確」，206項被列為「並無過錯」。在其餘3,861項無需進行全面調查的指控中，1,027項透過簡便方式解決，1,771項被列為「投訴撤回」，1,057項被列為「無法追查」和6項被列為「終止調查」。

Results of Investigation

- 4.5 Of the 5,055 allegations endorsed in 2009, 1,194 allegations were fully investigated. Of these, 74 were classified as “Substantiated”, 80 “Substantiated Other Than Reported”, - 15 “Not Fully Substantiated”, 597 “Unsubstantiated”, - 222 “False” and 206 “No Fault”. Of the remaining 3,861 allegations that were not fully investigated, 1,027 were resolved by way of Informal Resolution, 1,771 were classified as “Withdrawn”, - 1,057 as “Not Pursuable” and 6 as “Curtailed”.

- 4.6 被歸納為「屬實」類別的指控佔1,194項經全面調查的指控的14.2%，佔所有通過的5,055項指控的3.3%。「虛假不確」佔經全面調查指控的18.6%，佔通過指控總數的4.4%。「並無過錯」佔經全面調查指控的17.3%，佔通過指控總數的4.1%。
- 4.7 在2010年首季獲通過的2,225項指控中，經全面調查的指控有672項，當中51項被列為「獲證明屬實」，39項被列為「未經舉報但證明屬實」，19項被列為「無法完全證明屬實」，343項被列為「無法證實」，55項被列為「虛假不確」，165項被列為「並無過錯」。在其餘1,553項無需進行全面調查的指控中，443項透過簡便方式解決，706項被列為「投訴撤回」，400項被列為「無法追查」和4項被列為「終止調查」。
- 4.8 被歸納為「屬實」類別的指控佔672項經全面調查的指控的16.2%，佔所有通過的2,225項指控的4.9%。「虛假不確」佔經全面調查指控的8.2%，佔通過指控總數的2.5%。「並無過錯」佔經全面調查指控的24.6%，佔通過指控總數的7.4%。
- 4.6 The substantiation rate in relation to the 1,194 fully investigated allegations was 14.2% and 3.3% in relation to the total 5,055 allegations endorsed. "False" allegations constituted 18.6% in relation to fully investigated allegations and 4.4% in relation to the total number of allegations endorsed, whereas "No Fault" allegations constituted 17.3% in relation to fully investigated allegations and 4.1% in relation to the total number of allegations endorsed.
- 4.7 In 2010 (first quarter), of the 2,225 allegations endorsed, 672 allegations were fully investigated. Of these, 51 were classified as "Substantiated", 39 "Substantiated Other Than Reported", 19 "Not Fully Substantiated", 343 "Unsubstantiated", 55 "False" and 165 "No Fault". Of the remaining 1,553 allegations that were not fully investigated, 443 were resolved by way of Informal Resolution, 706 were classified as "Withdrawn", 400 as "Not Pursuable" and 4 as "Curtailed".
- 4.8 The substantiation rate in relation to the 672 fully investigated allegations was 16.2% and 4.9% in relation to the total 2,225 allegations endorsed. "False" allegations constituted 8.2% in relation to fully investigated allegations and 2.5% in relation to the total number of allegations endorsed, whereas "No Fault" allegations constituted 24.6% in relation to fully investigated allegations and 7.4% in relation to the total number of allegations endorsed.

監警會通過的調查結果

Investigation results endorsed by IPCC



4.9 2007至2010年首季的數字載於附錄III。監警會在2009年和2010年首季通過、按指控性質分類的調查結果分項數字載於附錄IV。

4.9 Respective figures from 2007 to 2010 (first quarter) are shown in Appendix III. A breakdown of the results of investigation endorsed by IPCC in 2009 and 2010 (first quarter), by category of allegations, is at Appendix IV.

對違規人員採取的跟進行動

Follow-up Actions Against Defaulting Officers

4.10 2009年獲監警會通過的個案中，遭警方刑事起訴/紀律研訊或在內部採取其他行動的警務人員共172名，涉及131宗個案；2010年首季則有101名警務人員，涉及83宗個案。2007至2010年首季的分項數字載於附錄V。

4.10 Criminal/disciplinary proceedings or internal actions were instituted or taken against 172 police officers in respect of 131 cases endorsed by IPCC in 2009, and 101 police officers in respect of 83 cases endorsed by IPCC in 2010 (first quarter). More detailed breakdown of figures from 2007 to 2010 (first quarter) is at Appendix V.

進行觀察

4.11 2009年，在觀察員計劃下共進行了1,808次觀察（預先安排的有1,477次，突擊的有331次）。較2008年的548次觀察，數字大幅上升。在1,808次觀察中，有1,612次是觀察會面的進行，其餘196次是觀察證據收集的工作。

4.12 2010年首季，共進行了426次觀察（預先安排的有316次，突擊的有110次）。在426次觀察中，有390次是觀察會面的進行，其餘36次是觀察證據收集的工作。委員和觀察員進行觀察的每月分項數字載於附錄VI。

4.13 監警會曾經就警方將要進行的會面或實地視察所給予的通知期過短表達關注，認為會影響到觀察員的參與。投訴警察課同意會盡量在可行的情況下，於會面或實地視察進行前，給予監警會不少於48小時的通知。實際數字亦顯示有實質改善：2009年上半年，有76.7%的通告是在不少於48小時前收到；2009年下半年和2010年首季的比率分別是83.2%和89.7%。相比於2008年下半年，當時只有50%的通告是在至少48小時前收到。

4.14 觀察員在觀察須匯報投訴的調查時，如察覺有不當之處，需要向監警會報告。監警會會把觀察員的意見向投訴警察課轉達和跟進。

進行會見

4.15 本報告期內（由2009至2010年3月），監警會邀請了11名人士（5名投訴人、5名被投訴人和1名警方證人）出席會面，涉及6宗投訴個案。

4.16 期內，共進行了5次會面，其他的會面在安排中。

Observations Conducted

4.11 Under the Observers Scheme, 1,808 observations (comprising 1,477 pre-arranged observations and 331 surprise observations) were conducted in 2009. The number of observations increased substantially compared with the 548 observations in 2008. Of the 1,808 observations, 1,612 were observations on conduct of interviews and 196 were observations on collection of evidence.

4.12 In 2010 (first quarter), 426 observations (comprising 316 pre-arranged observations and 110 surprise observations) were conducted. Of the 426 observations, 390 were observations on conduct of interviews and 36 were observations on collection of evidence. Monthly breakdown of observations conducted by Members and Observers is at Appendix VI.

4.13 IPCC had previously expressed its concern about the short notice given by the Police of impending interviews or scene visits which might undermine the effectiveness of the Observers Scheme. CAPO had 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. Noticeable improvements from CAPO were shown in this respect: 76.7% notifications received had at least 48 hours' notice in the first six months of 2009, 83.2% and 89.7% in the last six months of 2009 and in the first quarter of 2010 respectively. In the last six months of 2008, only 50% notifications received had at least 48 hours' notice.

4.14 Observers will report to IPCC if they notice any irregularities during the conduct of investigation of RCs. IPCC will take up the matters with CAPO and refer Observers' comments to them for follow-up.

Interviews Conducted

4.15 During this reporting period (from 2009 to March 2010), IPCC invited 11 persons (5 complainants, 5 complainees and 1 police witness) to attend interviews. These involved 6 complaint cases.

4.16 A total of 5 interviews were conducted during this reporting period and some others pending arrangement.

向投訴警察課提出質詢

4.17 2009年和2010年首季，監警會向投訴警察課分別提出2,022項和947項質詢/建議，而在2008年提出的質詢/建議則有1,991項。在2009年提出的質詢/建議中，有1,376項獲投訴警察課接納，其餘則獲該課給予圓滿解釋。獲接納的比率為68.1%。在2010年首季提出的質詢/建議中，有638項獲投訴警察課接納，其餘則獲該課給予圓滿解釋。獲接納的比率為67.4%。監警會由2007至2010年首季提出質詢/建議的數目和性質載於附錄VII。

調查透徹度

- 4.18 監警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，監警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。監警會亦可建議增加、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。
- 4.19 2009年，監警會共提出1,456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1,077項獲投訴警察課接納，並就監警會提出的事項作進一步調查和提供更多資料。其餘的質詢則獲該課給予圓滿解釋。2010年首季，共提出了631項這方面的質詢，其中464項獲投訴警察課接納。

Queries Raised with CAPO

4.17 A total of 2,022 and 947 queries/suggestions were raised with CAPO in respect of cases endorsed in 2009 and 2010 (first quarter) respectively. In 2008, 1,991 queries/suggestions were raised. Of the queries/suggestions raised in 2009, 1,376 were accepted by CAPO and others were met with satisfactory explanations from CAPO. The acceptance rate was 68.1%. For the queries/suggestions raised in 2010 (first quarter), 638 were accepted by CAPO and others were met with satisfactory explanations from CAPO. The acceptance rate was 67.4%. The number and nature of queries/suggestions raised by IPCC from 2007 to 2010 (first quarter) are at Appendix VII.

Thoroughness of Investigation

- 4.18 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.
- 4.19 In 2009, a total of 1,456 queries regarding thoroughness of investigation or clarification on ambiguous points in investigation reports were raised and 1,077 of those were accepted by CAPO, leading to their further investigations and provision of more information on the matters raised by IPCC. Others were met with satisfactory explanations from CAPO. In 2010 (first quarter), 631 queries were raised in this respect and 464 of those were accepted by CAPO.

更改分類

4.20 監警會在2009年就調查結果分類提出276項質詢，因此而須予修正的調查結果有154項。2010年首季，就這方面提出的質詢有193項，因此而須予修正的調查結果有80項，包括：

2009

- 24項調查結果由「無法證實」/「投訴撤回」/「並無過錯」改列為「獲證明屬實」/「無法完全證明屬實」；
- 40項調查結果由「無法證實」/「投訴撤回」改列為「並無過錯」；及
- 10項調查結果由「無法證實」/「投訴撤回」改列為「虛假不確」。

此外，經監警會提出質詢後，共增加了29項「未經舉報但證明屬實」的指控，另有107宗事件記錄為「旁支事項」*。

2010 (首季)

- 11項調查結果由「無法證實」/「並無過錯」改列為「獲證明屬實」/「無法完全證明屬實」；
- 32項調查結果由「無法證實」改列為「並無過錯」；及
- 3項調查結果由「無法證實」/「並無過錯」/「投訴撤回」改列為「虛假不確」。

此外，經監警會提出質詢後，共增加了1項「未經舉報但證明屬實」的指控，另有35宗事件記錄為「旁支事項」。

Classification Changes

4.20 In the light of a total of 276 and 193 queries raised in 2009 and 2010 (first quarter) regarding the classification of findings, CAPO changed the results of investigation in respect of 154 allegations in 2009 and 80 allegations in 2010 (first quarter), including:

2009

- 24 investigation results re-classified from “Unsubstantiated”/ “Withdrawn”/ “No Fault” to “Substantiated”/ “Not Fully Substantiated”; -
- 40 re-classified from “Unsubstantiated”/ “Withdrawn” to “No Fault”; and
- 10 re-classified from “Unsubstantiated”/ “Withdrawn” to “False”.

Apart from this, 29 “Substantiated Other Than Reported” allegations were added and 107 “Outwith” matters* were registered as a result of queries raised by IPCC.

2010 (first quarter)

- 11 investigation results re-classified from “Unsubstantiated”/ “No Fault” to “Substantiated”/ “Not Fully Substantiated”; -
- 32 re-classified from “Unsubstantiated” to “No Fault”; and
- 3 re-classified from “Unsubstantiated”/ “No Fault”/ “Withdrawn” to “False”.

Apart from this, 1 “Substantiated Other Than Reported” allegation was added and 35 “Outwith” matters were registered as a result of queries raised by IPCC.

* 「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。

* 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

4.21 監警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。2009年，屬於這類的質詢共有92項，投訴警察課同意監警會在其中47項質詢中提出的觀察。2010年首季，屬於這類的質詢共有28項，投訴警察課同意監警會在其中9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。

對違規人員採取/建議採取的行動提出意見

4.22 雖然向警務人員發出訓諭/採取紀律行動屬處長的職權，但監警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。2009年，監警會就處長採取/建議採取的行動，提出意見共67次，其中59次獲投訴警察課接納。2010年首季，監警會提出意見共10次，其中7次獲接納。其餘的意見獲投訴警察課圓滿解釋和跟進。

改善警隊常規和程序的建議

4.23 根據《監警會條例》第8(1)(c)條，監警會可就警隊常規或程序中引致或可能引致投訴的缺失或不足之處，向處長和/或行政長官作出建議。本報告期內，監警會在這方面向警方提出了一些改善建議。

打擊非法賽車的行動及程序

4.24 警方於2009年7月13日在觀塘繞道進行反非法賽車行動時，涉嫌徵用市民的車輛以堵塞道路，引起監警會關注有關行動的程序和指引是否足夠保障公眾安全，以及是否存在缺失或不足之處，可能引致投訴。監警會與投訴警察課於2009年9月4日舉行的聯席會議討論了這個課題。

Compliance with Police Procedures & Practices

4.21 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 2009, out of the 92 queries raised under this category, IPCC's observations in 47 queries were accepted by CAPO. In 2010 (first quarter), out of the 28 queries raised, IPCC's observations in 9 queries were accepted. In most of the cases, "Outwith" matters or "Substantiated Other Than Reported" allegations were registered against the defaulting officers.

Comments on Actions/Proposed Actions Against Defaulting Officers

4.22 While imposition of advice/disciplinary actions on police officers is a matter for CP, IPCC will examine the actions taken or to be taken to ascertain whether it is commensurate with the gravity of the offence. IPCC commented on the actions/proposed actions on 67 occasions in 2009 and 10 occasions in 2010 (first quarter). Of these occasions, the comments raised on 59 occasions in 2009 and 7 occasions in 2010 (first quarter) were accepted and the rest were satisfactorily explained and followed up by CAPO.

Suggested Improvements to Police Practices and Procedures

4.23 Under section 8(1)(c) of IPCCO, IPCC can make recommendations to CP and/or CE if it identifies any fault or deficiency in any police practice or procedure that has led to or might lead to complaints. In this reporting period, IPCC suggested to the Police a number of improvements in this regard.

Operations and Procedures Against Illegal Car Racing

4.24 The Kwun Tong Bypass incident on 13 July 2009, in which private vehicles were allegedly commandeered by the Police with an intent to block the road in an anti-illegal car racing operation, aroused IPCC's concern on whether the procedures and guidelines relating to those operations were adequate to protect public safety and if there was any fault or deficiency that might lead to complaints. The issue was discussed at the Joint IPCC/CAPO meeting on 4 September 2009.

- 4.25 會上，警方告之監警會，使用市民的車輛設置路障以阻截需要留意的車輛並非警方政策。《警察程序手冊》亦禁止警方將無標記的警方或市民車輛以任何角度橫越停放在車道上。不過，根據法例，警務人員可以截停路上的車輛，而是否作出有關決定則視乎個別警務人員的判斷而定。
- 4.25 At the meeting, the Police told IPCC that it was not police policy to use civilian vehicles to form roadblocks with a view to stopping vehicles of interest. The Force Procedure Manual prohibited using unmarked police or civilian vehicle to be placed across a carriageway at an angle. However, under the law, police officers could stop a vehicle on a road and whether or not to do so depended on the judgement of individual officers.
- 4.26 監警會認為，雖然使用市民車輛設置路障並非警方政策，但是並沒有明文禁止警務人員截停市民車輛以堵塞道路。這個情況並不理想。
- 4.26 IPCC considered it not satisfactory that, while it was not police policy to use civilian vehicles to form roadblock, there was no explicit stipulation prohibiting officers from stopping civilian vehicles with a view to blocking the road.
- 4.27 警方考慮了監警會的意見後，檢視和修訂了《警察通例》和《處長指令》中相關的指示，列明警務人員在任何情況下，都不能純粹為堵塞道路或截停目標車輛而截停或徵用市民的車輛。經修訂的指令強調警務人員和公眾的安全至為重要。
- 4.27 Taking IPCC's comments into consideration, the Police reviewed and revised relevant instructions in the Police General Orders and Commissioner's Order stating that under no circumstances could a police officer simply stop or commandeer private vehicles with the intent to block the road and stop targeted vehicles. As highlighted in the revised Orders, the safety of police officers and the public was paramount.

警方處理大型公眾活動的指引

- 4.28 鑒於公眾關注警方就大型公眾活動的處理手法和這些活動不時引致投訴，監警會邀請警方的代表出席與投訴警察課於2009年12月15日舉行的聯席會議，簡介警方處理大型公眾活動的原則和主要考慮因素。
- 4.28 In view of public concern on how police handle public order events (POEs) and as complaints arise from POEs from time to time, police representatives were invited to brief IPCC on the guiding principles and major considerations taken into account in policing POEs at the Joint IPCC/CAPO meeting on 15 December 2009.
- 4.29 警方指出，他們在處理大型公眾活動時，會盡力在市民表達意見的權利和自由、公眾安全、公眾秩序以及會否對公眾帶來不便等多方面取得平衡。警方強調，處理大型公眾活動時的目標是協助並確保活動安全及和平地進行。警方會與舉辦活動的單位保持聯繫，有需要時會在活動舉行前與他們舉行聯絡會議，討論包括人群管理措施等活動細節，並盡早透過傳媒公布封路安排。警方在回應委員提問時指出，他們執行大型公眾活動的人群管理措施和其他行動時，會以公眾安全和公眾秩序為考慮。
- 4.29 The Police stated that in policing POEs, they endeavoured to strike a balance having regard to the public's right and freedom of expression, public safety, public order and inconvenience caused to the public. The Police emphasised that the objective of POEs policing was to facilitate the event and to ensure it may be held in a safe and peaceful manner. The Police would maintain contact with and where necessary hold liaison meetings with the event organiser prior to the event to discuss the event details including the planned crowd management measures, and would announce any road closure to the general public through the mass media as early as possible. In response to Members' queries, the Police said that crowd management and other actions in relation to POEs were implemented in the interests of public safety and public order.

Guidelines on Policing Public Order Events

- 4.28 鑒於公眾關注警方就大型公眾活動的處理手法和這些活動不時引致投訴，監警會邀請警方的代表出席與投訴警察課於2009年12月15日舉行的聯席會議，簡介警方處理大型公眾活動的原則和主要考慮因素。
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- 4.30 會上，監警會促請警方向主辦單位充分解釋在維持大型公眾活動秩序時，所採取的安排背後的原因，以預防投訴。另外，警方表示，他們在活動進行時錄影是為了捕捉現場的氣氛，而非針對任何人士。如有或很可能有破壞秩序的情況出現，有關的錄影記錄或可用來作證。監警會認為，警方應向主辦單位和參與活動的人士申明這點，以避免誤會。
- 4.31 投訴警察課向與會者表示，警方正在編制一份名為《警方處理大型公眾活動手冊》的詳盡指令。監警會待有關手冊編制完成，再向警方提出意見。

警方閉路電視運作

- 4.32 監警會在審核調查報告時，注意到時有發生警署內閉路電視系統故障和無法檢取閉路電視錄影記錄的情況。其中一宗個案揭示，報案室沒有警務人員懂得從閉路電視系統的硬碟中檢取並複製錄影片段，警署於是召喚保養承辦商協助，才發現錄影功能在早前已經失靈。在硬碟中的相關片段亦已被清洗而無法複製。有一些個案，閉路電視系統故障達兩至三個月還沒有修理好。另外，警務人員忘記按錄影鍵或沒有察覺錄影功能失靈的情況亦有出現。
- 4.33 監警會認為，這些情況反映現行的指引未能確保閉路電視系統正常運作和妥善保存錄影片段。
- 4.34 警方在2010年3月4日的聯席會議上告之監警會，他們正提升警署現有的閉路電視系統。此外，他們亦會提醒調查人員及時檢取證據（尤其是閉路電視片段）的重要性。

- 4.30 At the meeting, IPCC urged the Police to brief the organisers fully on the rationale of POE policing with a view to preventing complaints. Regarding video filming at POEs, according to the Police, the purpose was to capture the general atmosphere of the event, rather than targeting a specific person. When a breach of the peace had occurred or was likely to occur, then the video recording might be used to capture evidence. IPCC considered that they should make it clear to the organisers and POEs participants with a view to avoiding misunderstanding.
- 4.31 CAPO told the meeting that a comprehensive order on POEs called “Public Order Manual” was being compiled. IPCC would further tender its advice when the Manual is available.

Police CCTV Operation

- 4.32 IPCC noticed that repeated instances of unavailability of CCTV recordings or malfunctioning of CCTV system in police stations were reported in investigation reports. In one case, no officer in the Report Room knew how to retrieve the footage and make copy from the hard disk of the CCTV system. The maintenance contractor was called to assist but found that the recording function had been out of order. Direct copy from the hard disk also failed as the subject footage had already been overwritten. In some cases, the CCTV system remained out of order for two to three months. There were also cases that the officers either forgot to press the record button or failed to notice the recording function was not working.
- 4.33 IPCC considered that these instances revealed that the existing guidelines failed to ensure proper operation of the system and retention of footage.
- 4.34 The Police told IPCC at the Joint meeting on 4 March 2010 that upgrading of the existing CCTV system in police stations had been underway. Besides, they undertook to remind police investigators of the importance of timely seizure of evidence, in particular CCTV footage, in all CAPO related investigation.

向警方提出的其他建議

錄取口供

- 4.35 觀察員在出席有關調查投訴而進行的會面時，對調查人員錄取口供的手法有意見，並向監警會反映。
- 4.36 有觀察員指出，在一次觀察投訴警察課的會面時，察覺該課的調查人員錄取口供時，沒有把被投訴的警務人員前後矛盾的回應一字不漏地記下，而是把有關內容組織和意譯，然後理順和有邏輯地記在口供紙上。此外，亦有一些觀察員向監警會報告，一些調查人員在錄取口供時，提出引導性問題。監警會認為這些手法會影響口供的可信性。一般而言，錄取口供的警務人員應盡量準確和根據被會見人士的說法作記錄。鑒於口供是否合理或前後矛盾對評估被會見人士的可信程度有所影響，監警會建議引入錄影會面以解決問題。監警會亦提醒觀察員，在進行觀察時要留意警方錄取口供的手法。
- 4.37 監警會向投訴警察課表達了有關的意見。該課回應指，警方錄取口供時的一般做法是記下被會見人士親自口述的回應，他們亦鼓勵調查人員在進行調查時盡量依循這做法。該課指出，被會見人士可選擇進行錄影或以筆錄形式錄取口供。會面完結前，警方會提醒被會見人士，在簽署口供前，有權作出任何修訂、改正或刪減。

Other Recommendations to the Police

Statement-taking

- 4.35 Investigators' statement-taking practice was brought to the attention of IPCC by comments from Observers after conducting observations in interviews in relation to complaints investigation.
- 4.36 During the observation of a CAPO interview, an Observer noted that the CAPO investigator organised and paraphrased the complainee's answers in the statement in a consistent and logical manner instead of recording the inconsistency in the complainee's answers verbatim. Some Observers also reported that some investigators asked leading questions in statement-taking. IPCC considered that such practice might compromise the credibility of statements thus taken. In general, the statement-taker should record interviewee's answers accurately and verbatim as far as possible. In view of the fact that any consistency or inconsistency might affect the assessment of interviewee's credibility, IPCC advised that the problem be addressed by video-recording interviews. IPCC also reminded Observers to pay attention to Police's statement-taking practice during their observations.
- 4.37 IPCC's comments were conveyed to CAPO. In reply, CAPO stated that it was police's general practice for statement takers to take statement from interviewees in their own words and they would encourage investigators to follow such practice in complaints investigation as far as practicable. CAPO pointed out that interviewees would be offered the options of video-recorded interview or written statement, adding that prior to the completion of interview, interviewees would be reminded of his rights to make any amendment, correction or deletion before signing the statement.

5.1 監警會深明提高公眾對我們的認識和讓公眾更明白監警會工作的重要性，在本報告期內，就這方面積極進行了多項工作。

公眾意見調查

5.2 法定前的警監會委託了一間獨立研究公司進行一項公眾意見調查，旨在了解市民對當時警監會的認識、看法和期望。調查於2009年3月法定監警會成立前進行，成功以隨機抽樣方式電話訪問了超過1,000人。超過70%的受訪者認為警監會有助改善投訴警察制度，亦分別有60.0%和52.9%的受訪者認為警監會是獨立和公平。這次調查亦有訪問受訪者對法定監警會的期望，提高透明度是其中一項他們主要提及的事宜。

5.3 有見及調查結果，監警會努力從不同渠道加強與公眾、傳媒和其他持份者的聯繫。本報告第二章記錄了法定監警會於2009年6月1日成立時的相關宣傳活動，本章則闡述我們在本報告期內進行的其他宣傳和交流活動。

與公眾和傳媒聯繫

5.4 大眾傳媒是監警會宣傳和與公眾溝通的主要平台，能有效地向公眾傳遞我們的訊息。監警會透過舉行公開會議、傳媒簡布會和發放新聞稿，讓市民了解監警會的工作和新動向。

5.1 IPCC is fully aware of the importance of enhancing public awareness and understanding of its work and has undertaken a number of initiatives during this reporting period.

Public Opinion Survey

5.2 IPCC commissioned an independent research company to conduct a public opinion survey with a view to gauging public knowledge, perception and expectation on IPCC. The survey was conducted in March 2009 before incorporation. Over 1,000 random telephone interviews were successfully completed. Over 70% respondents viewed that IPCC was helpful in improving police complaints system, 60.0% and 52.9% of respondents viewed that IPCC was independent and fair in the discharge of duties. In this pre-statutory survey, respondents were asked what enhancements they would expect of IPCC after incorporation. Transparency was one of the main aspects highlighted.

5.3 In the light of the survey findings, IPCC devoted much more efforts to engaging the public, the media and other stakeholders through various channels. While Chapter 2 records the publicity activities in connection with the establishment of statutory IPCC on and around 1 June 2009, this Chapter elaborates other publicity and communication initiatives taken throughout this reporting period.

Engaging the Public & the Media

5.4 With a view to effectively delivering our message to the public, the mass media serves as a key platform for publicising IPCC and communicating with the public. IPCC held open meetings, media briefings and issued press releases to keep the public abreast of its work and new initiatives.

2009

5月30日
May 30

主席與傳媒會面，談及《監警會條例》於2009年6月1日生效及法定監警會投入運作。
The Chairman met with the media and spoke on the commencement of IPCCO and the coming into operation of statutory IPCC starting from 1 June 2009.

2009

7月9日
Jul 9

法定監警會在首次內務會議後舉行傳媒簡布會。主席在委員陪同下，公布了在法定監警會成立前進行的公眾意見調查結果。調查旨在了解公眾對我們的認識、看法和期望。

A media briefing was organised after the first statutory IPCC In-house meeting. The Chairman, accompanied by Members, released the results of the public opinion survey conducted by IPCC regarding public knowledge, perception and expectation on IPCC.



2009

9月12日
Sep 12

主席出席香港電台時事節目《星期六問責》，介紹法定監警會的工作和面對的挑戰。

The Chairman attended RTHK current affairs radio program introducing the work of statutory IPCC and the challenges facing IPCC.



新聞稿

5.5 我們在本報告期內共發放了八份新聞稿，內容包括監警會就突發事故和投訴個案的回應，以及分析個別的投訴個案，以收公眾教育之效。

公開會議

5.6 我們在本報告期內與投訴警察課共舉行了六次聯席會議，會議部分環節開放予公眾旁聽。我們在公開會議上討論一些特別的投訴個案和重要的政策議題，以提高透明度和公眾對我們的認識。

Press Releases

5.5 A total of eight press releases were issued during this reporting period. The contents included IPCC's response to current incidents or complaint cases and making public interesting complaint cases for public education purpose.

Open Meetings

5.6 A total of six Joint IPCC/CAPO meetings were held during this reporting period and part of each meeting was open to the public. In the open part of the meetings, interesting complaint cases and important policy issues were discussed with a view to enhancing transparency and public understanding of our work.

2009

1月23日
Jan 23

討論一宗揭露警方疏忽調查和檢控的投訴個案。

A complaint case revealing police negligence in investigation and laying charges was discussed.

2009

3月23日
Mar 23

討論一宗有關警務人員未有及時舉報交通違例事故的投訴個案。

A complaint case regarding police officer's delay in reporting a traffic offence was discussed.

2009

5月21日
May 21

法定前的警監會在審核一宗投訴個案時發現，警方最初拒絕向投訴人披露一項並非由投訴人提出，但經調查後證明屬實的指控。委員會關注警方是否有向投訴人披露適當資料。

IPCC expressed concern on police disclosure of appropriate information to complainants. The issue stemmed from a complaint case which the Police first refused to inform the complainant of the results of an allegation that was not raised by the complainant but found substantiated.

2009

9月4日
Sep 4

警方2009年7月在觀塘繞道進行反非法賽車行動時，涉嫌徵用市民的車輛用以設置路障，引起監警會關注警方現行設置路障的做法和規例是否恰當及有否充分考慮公眾安全。警察交通總部的代表應邀向監警會介紹警方打擊非法賽車的行動和程序，以及就觀塘繞道事故的跟進工作。

IPCC expressed its concern whether the existing police practices and regulations regarding the setting up of roadblock were appropriate having regard to the safety of the public. This issue attracted public attention subsequent to a police operation to stop illegal racing cars in Kwun Tong in July 2009 where vehicles from members of the public were allegedly commandeered to form roadblocks. Representatives from Police Traffic Headquarters were invited to introduce to IPCC the operations and procedures against illegal car racing and the follow-up actions in relation to the incident.

監警會關注投訴警察課如何界定投訴人不是因警務人員的不當行為而「受直接影響」，繼而把該等投訴歸類為不受監警會監察的須知會投訴。監警會提出了數宗被投訴警察課歸類為須知會投訴，但監警會認為應歸類為須匯報投訴的個案，跟投訴警察課討論和要求澄清。

IPCC raised its concern with CAPO on their interpretation of when complainants should be regarded as being not "directly affected" by the police misconduct and their complaints were classified as NCs which would not be monitored by IPCC. A number of cases which CAPO categorised as NCs but IPCC considered them RCs were identified for discussion and clarification with CAPO.

2009

12月15日
Dec 15

監警會與警方討論有關處理大型公眾活動（例如遊行和示威）的指引和在行動中如何避免投訴。

IPCC discussed with the Force the guidelines relating to the handling of public order events, such as rallies and demonstrations, and how to avoid complaints during such operations.

2010

3月4日
Mar 4

監警會關注警署內的閉路電視系統缺乏維修保養和警方因延誤檢取導致最後無法取得閉路電視錄影記錄的事故。投訴警察課告之監警會警方提升有關係統的計劃和時間表。

IPCC conveyed its concern over repeated unavailability of CCTV recordings in police stations due to delayed seizure of CCTV tapes and lack of proper maintenance of the CCTV system. CAPO advised IPCC the Police's enhancement plan in this respect and the implementation timeline.



與警方交流

5.7 本報告期內，監警會除了到訪警隊的不同部隊和單位，亦加強了與前線警務人員的直接交流，希望能進一步了解他們執行職務時遇到的困難和他們對投訴制度的意見。這些交流活動有助委員審核調查報告和提出改善警隊服務的建議。

Engaging the Police

5.7 During this reporting period, apart from visiting different Police units and formations, much effort was made to facilitate interchange with frontline officers with a view to better understanding the difficulties they might encounter in the exercise of police power and their views on the complaints system. Initiatives in this aspect helped Members in considering investigation reports and formulate recommendations to improve police service.

2009

3月18日
Mar 18



01 委員參觀投訴警察
報案中心。
Members visit
Complaints
Against Police
Reporting Centre.

02 警方向委員簡介警
隊的紀律程序。
Briefing on Force
disciplinary
process.



主席和委員參觀投訴警察課總部和分區辦事處。在這次活動中，警隊人事紀律科人員向委員簡介警隊的紀律程序和向警務人員採取紀律行動的考慮因素。

The Chairman and Members visited CAPO Headquarters and Regional Office. On that occasion, they were briefed by Force Discipline Section on the Force disciplinary process and criteria for administering disciplinary action against police officers.

2009

5月27日
May 27

委員到訪旺角警區，並觀察了警方在區內進行的反罪案行動。警方向委員簡介警方反罪案行動的策略和前線人員在執行職務時遇到的困難。

Members visited Mong Kok District and observed the Force's anti-vice operation. They were briefed on the Force's strategies against vice activities and the difficulties being faced by frontline officers whilst carrying out their duties.



2009

9月16日
Sep 16

委員徐福樂醫生(左二)和張達明先生(左一)到警察學院向200多名學警介紹監警會的工作和分享預防投訴的建議。

Members Dr Michael TSUI (2nd from left) and Mr Eric CHEUNG (1st from left) delivered a talk to over 200 new recruits at the Police College. The speakers introduced to the new recruits the role of IPCC and shared their views on complaints prevention.



2009

11月2日
Nov 2



主席和委員出席座談會，與新界南總區的前線警務人員會面。參與座談會的警員至高級督察級人員，分享了他們對投訴制度的意見、工作時與市民接觸的體驗和遇到的困難。在座談會舉行前，委員亦參觀了葵涌分區的羈留設施和新界南總區總部的室內槍械訓練中心。



01 監警會與新界南總區的前線警務人員會面。
IPCC meets with frontline officers of New Territories South Region.

02 委員參觀葵涌分區的羈留設施。
Members visit detention facilities at Kwai Chung Division.

to the interactive forum, Members visited the detention facilities at Kwai Chung Division and the Indoor Weapons Training Complex at the New Territories South Regional Headquarters.

2009

11月17日
Nov 17



委員徐福樂醫生、阮陳淑怡博士和張達明先生出席警察管理發展課程的研討會。阮博士和張先生談及警權的運用、行使警權時需要格外謹慎處理的事項，以及分享預防投訴的建議。講者發言後是公開討論環節，徐醫生亦參與其中。是次研討會有200多名督察級或以上的警務人員參與。

Members Dr Michael TSUI, Dr Helena YUEN and Mr Eric CHEUNG participated in the Management Development Programme Seminar. Dr YUEN and Mr CHEUNG spoke on the use of police power and matters that the Police should handle with extra sensitivity in the exercise of police power and gave advice on complaints prevention, where Dr TSUI joined the open forum session following the talk. The Seminar was attended by over 200 Force members at inspector rank or above.

2010

3月5日
Mar 5



01 警方向委員簡介處理大型公眾活動的手法。
Briefing on policing public order events.

02 監警會與港島總區的前線警務人員會面。
IPCC meets with frontline officers of Hong Kong Island Region.



Members met with over 50 officers from Central District, Emergency Unit, and Police Tactical Unit Hong Kong Island at an open forum to get a better idea of how they could strike a balance among respecting the right of expression, maintaining public order and minimising inconvenience to the public whilst handling such events.

主席和委員到訪港島總區。中區警區的管理層向委員簡介警方處理大型公眾活動的手法，以及當面對一些傾向不理會警方勸諭和表現敵對的示威人士時的困難。委員隨後在座談會上與50多名來自中區、衝鋒隊和港島警察機動部隊的警務人員會面，進一步了解他們在處理大型公眾活動時，如何在尊重表達意見的權利、維持公眾秩序和盡量減低對公眾帶來不便三方面取得平衡。

The Chairman and Members visited the Hong Kong Island Region. The senior management of Central District briefed Members on the handling of public order events and the difficulties in policing those events in which some demonstrators tended to ignore police advice and became confrontational. Following the briefing,

2010

3月26日
Mar 26

委員林志傑醫生（左五）出席由警方的研究預防投訴警察委員會舉辦的「預防投訴達人創作比賽」，並擔任其中一位評判。舉辦這項比賽之目的是向警隊成員宣揚預防投訴的訊息。

Member Dr Lawrence LAM (5th from left) attended "Police's Got Talent" competition launched by Police's Complaints Prevention Committee as one of the adjudicators. This competition aimed at promoting the message of complaints prevention among Force members.



與其他團體會面

5.8 本報告期內，監警會分別與以下的團體會面：

Liaison with Other Organisations

5.8 During this reporting period, IPCC met with the following groups:

2009

3月30日
Mar 30



澳門保安部隊及保安部門紀律監察委員會到訪法定前的警監會。主席向代表團簡介委員會的組成和工作，以及《監警會條例》的內容及其意義。

The Macao Security Forces Disciplinary Committee visited IPCC. The Chairman briefed the delegation on the structure and work of IPCC, the commencement of IPCCO and its significance to IPCC.

2009

12月15日
Dec 15

主席和七名委員與四個關注性工作者團體（紫藤、姐姐仔會、青鳥和午夜藍）的15名代表會面。他們表達了對警方濫權的關注，以及對現行投訴警察制度和監警會觀察員計劃的意見。監警會察悉他們的觀點並會跟進。

IPCC arranged a meeting with four sex workers' concern groups, namely Zi Teng, JJJ Association, Action for Reach Out, and Midnight Blue. The Chairman and seven Members attended. Fifteen representatives from the groups expressed concern on abuse of police power and their views on the police complaints system, including the operation of the Observers Scheme. Their views were noted and IPCC would follow up on the matters raised.

其他宣傳途徑

網頁

- 5.9 監警會網頁（www.ipcc.gov.hk）是全天候提供有關監警會最新消息和重要資訊的資料庫。監警會的刊物、新聞稿和會議記錄均上載到網頁供市民瀏覽。
- 5.10 我們於2009年6月全面更新了網頁後，市民瀏覽的次數不斷增加。

刊物

- 5.11 各區警署的報案室均備有監警會小冊子和觀察員計劃單張，供市民取閱。市民亦可到監警會位於灣仔的辦事處或民政事務總署各區共20所諮詢服務中心索取有關刊物。
- 5.12 監警會每年發表年度報告向公眾介紹監警會的工作。
- 5.13 所有監警會的刊物均上載到監警會網頁，方便更多市民閱覽。

Other Publicity Initiatives

Website

- 5.9 The IPCC website (www.ipcc.gov.hk) serves as an all-day archive providing news and important information in connection with IPCC. Publications, press releases and minutes of meetings are also available on-line for public access.
- 5.10 We have seen a rising trend in the click rate of our website, especially after it was revamped in June 2009.

Publications

- 5.11 IPCC booklets and leaflets on Observers Scheme are available throughout the year at Police Report Rooms in different regions. The publications can also be collected at the IPCC Office in Wan Chai and the 20 Public Enquiry Service Centers of Home Affairs Department.
- 5.12 IPCC releases its annual report each year to introduce to the public the work of IPCC.
- 5.13 All the publications are uploaded onto IPCC website for greater and easy public access.

個案一

- 投訴警方延誤批准一名涉及非禮案的被捕人士保釋。
- 調查結果經監警會審核後，由「無法證實」改列為「獲證明屬實」。

6.1.1 投訴人因在街上觸犯非禮罪於晚上7:20分被拘捕。他被通宵扣留後，於翌日下午4時獲准保釋外出。他指責案件主管（高級偵緝督察）未有盡快批准他保釋外出〔「疏忽職守」〕。

6.1.2 警方在投訴人被捕當晚11時完成向他初步查問。高級偵緝督察認為有需要跟投訴人進一步澄清他的警誡供詞，同時，情報組人員亦可在翌日跟進投訴人有否涉及其他類似案件。高級偵緝督察考慮到當時正值夜深，於是決定通宵扣留投訴人，讓他休息，並安排一名調查人員，於翌日下午上班時向投訴人問話。

6.1.3 翌日下午，投訴人的代表律師向區助理指揮官（即高級偵緝督察的上級人員）表達不滿其當事人的扣留安排，又表示其當事人在警誡下不會再提供任何資料。區助理指揮官隨後檢視個案，並批准投訴人保釋。投訴人於下午4時保釋外出，離開警署前沒有被調查隊進一步問話，情報組亦沒有跟進。

6.1.4 投訴警察課認為高級偵緝督察將投訴人通宵扣留的決定正確，但由於他的上級人員於翌日指令他釋放投訴人，「疏忽職守」的指控應被列為「無法證實」。

Case 1

- **Complaint regarding delay in granting bail to arrested person involved in indecent assault case.**
- **Investigation results changed from “Unsubstantiated” to “Substantiated” after IPCC examination.**

6.1.1 The complainant (COM) was arrested at 7:20 pm for indecent assault in the street. He was detained overnight and released on bail at 4 pm the following day. He alleged that the Officer-in-charge (DSIP) of his case had not granted bail to him as early as possible [“Neglect of Duty (NOD)”].

6.1.2 The initial enquiries were completed at 11 pm on the day of arrest. DSIP found it necessary to seek further clarification from COM on his cautioned statement and considered that the Intelligence Section could take the chance to debrief COM the following day to see if COM was involved in other similar cases. Considering that it was late at night, DSIP decided to detain COM overnight and let him rest. DSIP then arranged an investigation officer, who would report for duty in the afternoon the following day, to interview COM.

6.1.3 In the afternoon of the following day, the Assistant District Commander, DSIP's supervisory officer, looked into the case after COM's lawyer expressed dissatisfaction with COM's detention arrangement and that COM would say nothing under caution. As directed by the Assistant District Commander, COM was eventually released on bail at 4 pm without being further interviewed by the Investigation Team or debriefed by the Intelligence Section.

6.1.4 CAPO considered that DSIP's decision to detain COM overnight was justifiable. However, he was directed by his supervisory officer the following day to release COM. Therefore, it was appropriate to classify the “NOD” allegation as “Unsubstantiated”.

6.1.5 不過，監警會不同意這調查結果的分類，認為：

- (i) 任何拒絕保釋的決定都是侵犯個人的人身自由。因此作出扣留決定時，必須確保根據當時情況及目的，扣留是確切需要的。
- (ii) 高級偵緝督察指稱，有需要通宵扣留投訴人，以便進一步跟投訴人澄清資料和讓情報組跟進。但是，投訴人最終獲保釋外出前，沒有再被問話，情報組亦沒有跟進。監警會不理解向投訴人進一步問話和情報組的跟進工作如何影響批准保釋的決定；及
- (iii) 高級偵緝督察理應作出更為妥善的安排，不應委派一名於翌日下午才上班的調查人員跟進案件。

6.1.6 投訴警察課接納監警會的意見，由於高級偵緝督察沒有採取適當行動，以致投訴人於翌日早上醒來至下午4時獲釋期間被不必要扣留，所以將「疏忽職守」的指控由「無法證實」改列為「獲證明屬實」。該課指出，沒有證據證明高級偵緝督察惡意扣留投訴人。高級偵緝督察會被口頭警告。

6.1.7 有見及這宗投訴個案，監警會建議警方研究現行的警隊命令或指引是否足以保障被查人士獲准保釋外出的權利。投訴警察課其後向監警會表示，警方正檢討「保釋和扣留」這課題，並會考慮監警會提出的觀點。

6.1.5 However, IPCC did not agree to the classification and had the following observations:

- (i) any decision to refuse bail infringes an individual's right to liberty. The decision must be justified as being both necessary and proportionate to the objective being sought;
- (ii) DSIP claimed that detaining COM overnight was necessary for seeking further clarification from COM and debriefing by the Intelligence Section. However, COM was eventually released on bail without any further interview or debriefing by the Intelligence Section. IPCC did not see how further interview and debriefing had any implication on the bail decision; and
- (iii) DSIP should have made alternative arrangement to expedite action instead of assigning the investigation officer to follow up the case only when the latter reported for duty in the afternoon the following day.

6.1.6 CAPO subscribed to IPCC's comment and changed the classification of the "NOD" allegation from "Unsubstantiated" to "Substantiated" having regard to DSIP's failure to expedite action resulting in the unnecessary detention of COM between the time he woke up in the morning and the time he was released at 4 pm. As there was no evidence to prove any malicious intent in the decision to detain COM, a verbal warning was given to DSIP in this respect.

6.1.7 In the light of the instant complaint, IPCC suggested that the Force should consider if there was any deficiency in the existing Force orders or guidelines in ensuring the accused person's right to be released on bail be honoured. CAPO later conveyed to IPCC that a review on the subject of "Bail and Detention" was being undertaken and the issues raised by IPCC would be examined as part of the review.

個案二

- 投訴警方疏忽調查一宗刑事案件。
- 調查結果經監警會審核後，由「無法證實」改列為「獲證明屬實」。

6.2.1 投訴人與卡拉OK職員發生糾紛，被判「自稱身為三合會會員」及「襲擊致造成身體傷害」罪罪成，入獄18個月。投訴人隨後提出上訴。原審時呈堂的卡拉OK閉路電視錄影帶是以間歇拍攝及多影像制式錄影，故此只能以快速播放。上訴庭法官指令要改善有關錄影帶的影像質素。看過錄影記錄後，上訴庭法官認為，錄影記錄的內容支持投訴人的證供，同時令人質疑控方證人的證供。投訴人最終上訴得值，被判無罪。

6.2.2 投訴人被判無罪後，投訴負責處理他的刑事案件的警務人員，指他們決定檢控前，沒有小心檢視閉路電視錄影記錄的內容〔指控(a)＝「疏忽職守」〕，以致他無辜入獄342日〔指控(b)＝「疏忽職守」〕。

6.2.3 投訴警察課調查後，把指控(a)列為「無法證實」，因為負責處理投訴人的刑事案件的三名警務人員沒有相關技術知識，不懂得運用專門的器材改良閉路電視錄影帶的質素。

6.2.4 但是，監警會認為，警務人員是否具備處理錄像的技術並非關鍵，重點是他們有否徹底調查有關的刑事案件。根據所得的證據，被投訴的三名警務人員在最初檢視閉路電視錄影記錄時，確實察覺到一名卡拉OK職員看似拿著擬似凳子的物件，對著投訴人的一方，但卡拉OK職員的證供從來沒有提及這點。處理案件的警務人員察覺但沒有理會這點證供上的差異，沒有進行徹底和適切的調查。

Case 2

- **Complaint regarding police negligence in investigating a crime case.**
- **Investigation results changed from “Unsubstantiated” to “Substantiated” after IPCC examination.**

6.2.1 The complainant (COM) was involved in a dispute with the staff in a karaoke. He was convicted of “claiming to be a member of a triad society” and “assault occasioning actual bodily harm” and sentenced to 18 months’ imprisonment. He then filed an appeal. The appellate judge ordered the CCTV tape of the karaoke, which was recorded in time-lapsed, multiplexed mode, to be enhanced. The subject CCTV tape was only available in fast motion version during the first trial. The appellate judge considered that the CCTV recording lent weight to COM’s evidence and cast doubt on that of the prosecution witnesses. The appeal was eventually allowed and COM was acquitted.

6.2.2 After the acquittal, COM lodged a complaint against the officers involved in handling his crime case for their failure to clearly examine the contents of the CCTV recording before laying charges against him [**Allegation (a) – “Neglect of Duty (NOD)”**], resulting in his 342 days’ imprisonment [**Allegation (b) – “Neglect of Duty (NOD)”**].

6.2.3 After investigation, CAPO classified **allegation (a)** against three officers involved in handling of COM’s crime case as **“Unsubstantiated”** because they had no technical knowledge as to how the specially recorded CCTV tape could be transformed into clearer images by special equipments.

6.2.4 However, IPCC considered that the key issue was not the technical know-how in handling the video clips but the thoroughness of the crime case investigation itself. According to the evidence, the officers in fact noticed from initial viewing of the CCTV recording that a karaoke staff-member was seemingly holding a stool-like object before COM’s party but it had never been mentioned in the version of the karaoke staff. The discrepancy in evidence was spotted but ignored without thorough and satisfactory investigation.

6.2.5 投訴警察課同意監警會的觀察，認為警務人員在決定檢控投訴人前，在調查和處理閉路電視錄影記錄方面有疏忽。故此，該課將針對刑事案件調查的指控 (a) 由「無法證實」改列為「獲證明屬實」。三名涉及的警務人員會被警告，日後在調查刑事案件，特別是處理閉路電視錄影記錄時，要加倍小心和警惕。

6.2.6 至於有關投訴人不滿無辜入獄342日的指控 (b)，投訴警察課表示，由於無法確定該342日的監禁是與被投訴的警務人員在調查刑事案件時疏忽有直接關係；再者，即使閉路電視錄影記錄的質素良好和被徹底檢視，亦無法確定投訴人當時會否因為干犯其他刑事罪行或因其他證據而被檢控及定罪，故此，這項指控仍被列為「無法證實」。

6.2.7 監警會通過這宗個案的調查結果。

6.2.5 CAPO subscribed to IPCC's observation and agreed that there was negligence of the officers in the investigation and handling of the CCTV recording prior to the prosecution against COM. Hence, CAPO changed the classification of **allegation (a)** in respect of the crime case investigation from "**Unsubstantiated**" to "**Substantiated**" and the three police officers involved would be warned to be more cautious and vigilant in crime investigation, particularly in handling CCTV recording, in future.

6.2.6 As for **allegation (b)** in respect of the 342 days' sentence for which COM should not have served, CAPO considered that it was uncertain that COM's imprisonment for 342 days was directly attributed to any negligence on the part of the complainers during the crime case investigation. Even if the CCTV recording was in good quality and thoroughly examined in the first place, it was uncertain whether COM might be charged with any other criminal offence or still be convicted in court based on other prosecution evidence. Therefore, this allegation was classified as "**Unsubstantiated**".

6.2.7 IPCC endorsed the investigation results of the case.

個案三

- 監警會質疑投訴警察課純粹因為證人是投訴人的僱員而不考慮其證供的做法。
- 鑒於監警會的意見，投訴警察課嘗試分析所得的證據及評估證人的可信和可靠性。
- 投訴警察課最終把兩項指控的調查結果由原來的「無法證實」改列為「並無過錯」和「獲證明屬實」。

6.3.1 投訴人的店舖位處繁忙的街道旁。事發當日，一輛不知名的輕型貨車停泊在投訴人的店舖外。投訴人指，一名警員（警員X）步入店舖，沒有查問該車輛誰屬便著令他把車輛駛走（「疏忽職守」）。此外，投訴人指出，警員X向他說他沒有證據和錄音，示意即使投訴也不會有結果。投訴人認為警員X的態度不負責任和無禮（「行為不當」）。

6.3.2 警員X否認指控。他稱，當時他站在店舖外大聲詢問內裡的人該車輛是否屬於他們，若是，應該盡快把它駛走，以免阻塞交通。他承認由於當時環境嘈雜，他說話的聲線較大，但否認對投訴人說出無禮的言詞。

6.3.3 投訴警察課的調查顯示，事發時只有投訴人的僱員（Y女士）聲稱目睹投訴人和警員X之間對話的過程。但是，投訴警察課因為Y女士是投訴人的僱員，不把她視為獨立證人。投訴警察課基於沒有其他佐證和獨立證人以證實或否定任何一方的說法，把兩項指控皆列為「無法證實」。

Case 3

- IPCC challenged CAPO's disregard of evidence given by a witness simply because the witness was the complainant's employee.
- In the light of IPCC's advice, CAPO attempted to analyse the evidence given and evaluate the credibility and reliability of the witness.
- Finally, CAPO re-classified the investigation results of the two allegations from "Unsubstantiated" to "No Fault" and "Substantiated".

6.3.1 The complainant (COM)'s shop was located in a busy street. On the material day, an unknown light goods vehicle parked outside COM's shop. COM alleged that a police officer (PC X) came to the shop and ordered him to drive the vehicle away without enquiring to whom the subject vehicle belonged ["Neglect of Duty (NOD)"]. Besides, COM alleged that PC X told him that there was no evidence and no recording and hence futile for him to lodge complaint. COM considered PC X's attitude irresponsible and impolite ["Misconduct"].

6.3.2 PC X denied both allegations. He said that he stood outside the shop and asked the people inside in a loud voice whether the vehicle belonged to them. If so, it should be driven away as it was obstructing the traffic. He admitted that he used a rather loud voice as the environment was very noisy but denied that he had made the alleged impolite remarks before COM.

6.3.3 CAPO investigation found that there was no other witness except COM's employee (Ms Y) who claimed to have seen what happened between COM and PC X. However, CAPO did not treat Ms Y as independent witness due to her relationship with COM. CAPO then classified both allegations as "Unsubstantiated" in the absence of any supportive evidence and independent witness to prove or disprove either side's version.

- 6.3.4 每當證人認識投訴人或被投訴的警務人員時，投訴警察課往往不考慮該證人的供詞。監警會不認同這做法。根據《監警會條例》第17(2)(b)條，調查必須就有關投訴所作的事實作出裁斷。故此，監警會認為，正確的做法是需要評估證人是否可靠，證供是否可信，才決定其證供應否被接納。
- 6.3.5 鑒於監警會的意見，投訴警察課重新審視這宗個案和Y女士的證供。她的證供沒有偏袒投訴人或被投訴人。
- 6.3.6 就「疏忽職守」的指控，Y女士向投訴警察課表示，她看見警員X詢問投訴人停泊在店舖外的車輛是否屬於他的，若是，需要盡快把它駛走。她的證供與警員X的說法相符。
- 6.3.7 就「行為不當」的指控，Y女士的說法則與投訴人（即其僱主）相符，指出確實聽到警員X曾作出投訴人指稱的無禮言詞。
- 6.3.8 投訴警察課分析了所有證據後，認為雖然Y女士是投訴人的僱員，但她是一個獨立和可信的證人，其證供應被重視。最後，投訴警察課將「疏忽職守」的指控，由原來的「無法證實」改列為「並無過錯」，而「行為不當」的指控，則由原來的「無法證實」改列為「獲證明屬實」。
- 6.3.9 監警會通過這宗個案的調查結果。警員X被訓諭日後與市民接觸時須注意自己的行為和待人以禮。
- 6.3.4 IPCC could not agree with CAPO's approach in assessing the evidence given by witness. If the witness was related to the complainant or the complaine, CAPO would often disregard that witness's evidence. According to section 17(2)(b) of IPCCO, the investigation should arrive at a finding of facts in relation to the complaint. Hence, IPCC considered that the proper approach should be to evaluate whether the witness was reliable, whether the evidence was credible and in the light of that how much weight should be attached to the evidence.
- 6.3.5 In the light of IPCC's advice, CAPO re-examined the case and the evidence given by Ms Y. Her evidence was not biased towards either the side of the complainant or the complaine.
- 6.3.6 As regards the **"NOD"** allegation, Ms Y told CAPO that she saw PC X had enquired with COM if the vehicle outside the shop was his and if so, the vehicle had to be driven away as soon as possible. Her version corroborated with PC X.
- 6.3.7 As regards the **"Misconduct"** allegation, Ms Y's version corroborated with COM (i.e. her employer) and claimed that she heard the said remarks made by PC X.
- 6.3.8 After analysing all the evidence, CAPO considered that Ms Y, notwithstanding her relationship with COM, should be treated as an independent and reliable witness, and therefore weight should be given to her evidence. As a result, classification of the **"NOD"** allegation was changed from **"Unsubstantiated"** to **"No Fault"** and the **"Misconduct"** allegation from **"Unsubstantiated"** to **"Substantiated"**.
- 6.3.9 IPCC endorsed the investigation results of the case. COM would be advised to be mindful of his behaviour and be polite when dealing with members of the public in future.

個案四

- 投訴警務人員未有及時舉報交通違例事故。
- 調查結果經監警會審核後，由「無法證實」改列為「獲證明屬實」。

6.4.1 投訴人因「不小心駕駛」被交通警務人員（警長A）票控。審訊當日，裁判官裁定投訴人罪成，罰款2,000元及取消駕駛資格15日，即時生效。

6.4.2 警長A聲稱在聆訊後，看見投訴人駕駛房車離開法院停車場。警長A當日身穿便服當值，目擊事故時已過了值班時間。他即場把事故詳情記在紙上。

6.4.3 警長A於事發後11日向交通調查組呈交口供，報告事故。

6.4.4 投訴人後來被警方拘捕及控以「在取消資格期間駕駛」和「沒有第三者保險而使用車輛」罪。經審訊後，投訴人獲裁定兩項罪名都不成立。裁判官表示，雖然警長A並非不誠實的證人，但他處理投訴人的交通案件的手法實在很奇怪，又認為警長A對事件的解釋難以令人信服。

6.4.5 投訴人獲悉裁決後，向投訴警察課投訴，指出：

- (i) 警長A目擊投訴人「在取消資格期間駕駛」，卻沒有即場截停投訴人〔指控(a) — 「疏忽職守」〕；
- (ii) 基於上述罪行性質嚴重，警長A應該要求警隊支援，截停投訴人，並向上級報告。然而，他直至事發後11天才向交通調查組報告事故〔指控(b) — 「疏忽職守」〕；及
- (iii) 警長A捏造證據，投訴人對其真正動機感到大惑不解〔指控(c) — 「捏造證據」〕。

Case 4

- **Complaint regarding police officer's delay in reporting traffic offence.**
- **Investigation results changed from “Unsubstantiated” to “Substantiated” after IPCC examination.**

6.4.1 The complainant (COM) was summonsed for “careless driving” by a Police Sergeant (Sergeant A) who was attached to a Regional Traffic Formation. On the day of trial, COM was convicted of the offence, fined \$2,000 and disqualified from driving for 15 days with immediate effect by the Magistrate.

6.4.2 After the hearing, Sergeant A allegedly saw COM driving his own saloon car leaving the carpark of the Magistracy. Sergeant A was on plainclothes duty that day and was off-duty when he witnessed the alleged incident. As such, he noted down the details of the incident on a piece of paper at the scene.

6.4.3 Eleven days after the incident, Sergeant A submitted a statement to the Traffic Investigation Unit to report the incident.

6.4.4 COM was later arrested by the Police and charged with the offence of “driving whilst disqualified” and “using a motor vehicle without insurance in respect of third party risks”. COM was acquitted of both charges after trial. The Magistrate commented that, while Sergeant A was not a dishonest witness, he found it very strange for Sergeant A to handle COM's case in such a manner, and considered Sergeant A's explanation of the incident not convincing.

6.4.5 After the trial, COM lodged a complaint with CAPO alleging that:

- (i) Sergeant A failed to stop COM at the scene when he spotted COM “driving whilst disqualified” [**Allegation (a) – “Neglect of Duty”**];
- (ii) as the said offence was of serious nature, Sergeant A should have called for assistance to stop COM and reported it to his supervisory officers. He did not report the incident to the Traffic Investigation Unit until 11 days after the alleged incident [**Allegation (b) – “Neglect of Duty”**]; and
- (iii) Sergeant A fabricated the evidence and COM was puzzled by Sergeant A's real intention of doing this [**Allegation (c) – “Fabrication of Evidence”**].

- 6.4.6 投訴警察課調查後，把**指控 (a)** 列作「**並無過錯**」，因為警長A的做法符合《警察程序手冊》和《交通程序手冊》。有關的程序列明，如便裝/休班警務人員目睹交通違例事故，不得試圖截停違例的車輛，但應記下有關詳情，以便採取傳票行動。如絕對有必要截停該違例車輛，便裝人員必須召喚軍裝人員協助。
- 6.4.7 **指控 (b) 和 (c)** 則因為沒有具體證據證明或反駁該等指控，因此被列為「**無法證實**」。
- 6.4.8 監警會並不同意**指控 (b)** 的調查結果被列為「**無法證實**」，因為警長A知道投訴人被取消駕駛資格，並聲稱目擊投訴人「在取消資格期間駕駛」，實有責任立即向交通部的上級舉報，或致電警察控制室，要求截停據稱當時仍在駕駛的投訴人，這樣才能協助搜集所需證據，作為控罪的佐證。
- 6.4.9 投訴警察課再次審視個案後，接納了監警會的意見，把**指控 (b)** 由原來的「**無法證實**」改列為「**獲證明屬實**」。監警會通過這宗個案的調查結果。警長A會被訓諭，日後不要再犯。
- 6.4.6 After investigation, CAPO classified **allegation (a)** as “**No Fault**” because Sergeant A was acting in accordance with the Force Procedures Manual and Traffic Procedures Manual which stated that if an officer in plainclothes or an off-duty officer witnessed a traffic offence, he should not attempt to stop the offending vehicle but note down the particulars for summons action. If it was absolutely necessary to stop a particular vehicle, he must call for uniformed assistance.
- 6.4.7 **Allegations (b) and (c)** were classified as “**Unsubstantiated**” in the absence of concrete evidence to prove or disprove the allegations.
- 6.4.8 IPCC could not agree to the “**Unsubstantiated**” classification of **allegation (b)** because Sergeant A, who was aware of COM’s disqualification from driving and allegedly witnessed COM committing the offence of “driving whilst disqualified”, had the duty to assist in collecting the necessary evidence in support of the offence by either immediately reporting the matter to his supervisors in the Traffic Wing or calling the Police Console for assistance to intercept COM who was allegedly still on the road then.
- 6.4.9 Having re-examined the case, CAPO concurred with the Council’s observation and agreed to re-classify **allegation (b)** from “**Unsubstantiated**” to “**Substantiated**”. IPCC endorsed the investigation results of the case. Sergeant A would be advised to guard against recurrence in future.

個案五

- 投訴警務人員在票控違例司機時表現無禮。
- 調查結果經監警會審核後，由「無法證實」改列為「並無過錯」。

6.5.1 投訴人是一名的士司機。事發當日，投訴人駕駛的士，遭警員X截停。警員X指投訴人違反交通規例並票控他。投訴人稱，當他請求警員X讓他離開時，警員X不禮貌地對他說：「我鍾意告邊個，就告邊個！」投訴人被票控後，用手機拍下現場的照片，當時警員X正在處理另一車輛，及後回頭向投訴人說：「你影乜嘢呀，你好走啦！」投訴人質問警員X為何沒有向對面馬路行車線的另外三輛違例車輛採取行動，警員X變得鬍怒，再說：「我鍾意告邊個，就告邊個！」（「無禮」）。

6.5.2 警員X否認向投訴人作出無禮的言詞。他曾向投訴人表示，待他處理停泊在投訴人的士後面的輕型貨車後，便會票控其他違例的車輛。他知道投訴人被票控後，用手機拍下現場的照片，但他沒有再與投訴人談話或有任何接觸。

Case 5

- **Complaint regarding police impoliteness in ticketing action.**
- **Investigation results changed from “Unsubstantiated” to “No Fault” after IPCC examination.**

6.5.1 The complainant (COM) was a taxi driver. On the material day, COM, driving his taxi, was intercepted and ticketed by PC X for traffic contravention. COM alleged that when he asked PC X to let him go, PC X talked to him impolitely by saying “我鍾意告邊個，就告邊個 (I would book whoever I like to book)”. After being ticketed, COM started taking a few pictures of the scene by his mobile phone while PC X was handling another vehicle. COM stated that PC X returned to him saying “你影乜嘢呀，你好走啦 (What are you photographing? Leave)”. When COM pointed out why PC X did not take action against three other vehicles parked in the restricted zone on the opposite side of the road, PC X became angry and repeated “我鍾意告邊個，就告邊個 (I would book whoever I like to book)” [**“Impoliteness”**].

6.5.2 PC X denied having made the alleged remarks before COM. PC X said that he had told COM that he would deal with other contravening vehicles after handling a light goods vehicle parked behind COM's taxi. After ticketing COM, PC X noticed that COM was taking pictures of the scene by mobile phone but did not talk to him or have any contact with him ever since.

- 6.5.3 投訴警察課向當日在場的輕型貨車司機查問，他的證供與警員X相符。輕型貨車司機表示，事發時投訴人非常騷怒。投訴人在拍照及返回的士期間，不斷咒罵警員X，但警員X若無其事，繼續票控投訴人，並將傳票交給他。投訴人怒氣未消，警員X向他表示如有不滿，他可以作出投訴。輕型貨車司機當時與投訴人的的士距離約10米，未能完整聽到投訴人與警員X之間的對話。
- 6.5.4 投訴警察課認為雖然輕型貨車司機可被視作獨立證人，他的證供又與警員X相符，但是他沒有目睹事故的整個過程。該課基於沒有其他獨立證人目擊事故的始末以支持或推翻投訴人的指控，把「無禮」的指控列為「無法證實」。
- 6.5.5 監警會不同意把調查結果列為「無法證實」，認為這宗個案不是一般各執一詞的情況。監警會認為，即使獨立證人（即輕型貨車司機）沒有目睹事故的全部過程，但亦能夠道出事發時大致的情況，投訴警察課不考慮輕型貨車司機的證供的做法對警員X不公平。
- 6.5.6 投訴警察課考慮監警會的意見後，同意把指控的調查結果由「無法證實」改列為「並無過錯」。監警會通過這宗個案的修訂調查結果。
- 6.5.3 CAPO located the driver of the light goods vehicle (LGV Driver). His statement was in line with PC X. The LGV Driver noticed that COM was very angry and kept on swearing at PC X when COM was taking pictures and after returning to his taxi. Meanwhile, PC X looked unperturbed and continued booking COM. When PC X handed the ticket to COM, the latter kept on venting his anger. PC X told COM that he was free to make a complaint if he was dissatisfied. The LGV Driver was about 10 metres away from COM's taxi and could not clearly hear the conversation between COM and PC X.
- 6.5.4 CAPO considered that although the LGV Driver could be treated as an independent witness and his version in general corroborated PC X's version, he did not witness the entire incident and therefore the **"Impoliteness"** allegation was classified as **"Unsubstantiated"** as there was no independent witness who had observed the entire event to support or negate COM's allegation.
- 6.5.5 However, IPCC did not agree to the **"Unsubstantiated"** classification. IPCC opined that the instant case was not typical one-against-one situation as there was in fact an independent witness (i.e. LGV Driver) who, though not having witnessed the entire incident, could tell by and large what happened at the material time. CAPO's disregard of the evidence given by the LGV Driver did not appear to be fair to PC X.
- 6.5.6 In the light of IPCC's comments, CAPO re-considered the case and agreed to re-classify the allegation from **"Unsubstantiated"** to **"No Fault"**. IPCC endorsed the re-classification of the investigation results of the case.

個案六

- 投訴警務人員拒絕大律師接觸正被警方查問的當事人。
- 調查結果經監警會審核後，由「並無過錯」改列為「無法完全證明屬實」。

6.6.1 這宗個案的投訴人分別是一名大律師（大律師A）和一名律師行文員。他們陪同當事人（B先生）於晚上10:50分就一宗傷人案件向警方自首。根據《警察程序手冊》第49-20(12)條，大律師需要提供委託他的律師所簽發的授權書，才能以大律師身分會見當事人。不過，由於二人當時未能提供有關文件，負責調查案件的警長拒絕讓他們陪同B先生接受警方查問。期間，B先生被帶到報案室的會見室。警方於同日晚上11:27分拘捕B先生，當時大律師A和律師行文員並沒有在場。

6.6.2 與律師行文員同屬一間律師行的一名律師（律師C）於午夜致電警署數次。律師C提供了他所屬律師行的名稱、個人資料和律師會員號碼，同時亦口頭委託大律師A代表B先生。但是，報案室值日官和案件主管堅持要律師C把有關的證明和轉介文件傳真到警署。那時正值夜深，律師C無法把文件傳真到警署。大律師A和律師行文員最終沒有獲准陪同B先生，並於大約凌晨1時離開警署。

6.6.3 大律師A和律師行文員離開前在報案室作出投訴，指三名相關的警務人員拒絕讓他們陪同B先生接受警方查問，剝奪了B先生在被拘捕期間獲法律代表的權利（「濫用職權」）。

Case 6

- **Complaint regarding police rejection of barrister's access to client during police enquiries.**
- **Investigation results changed from “No Fault” to “Not Fully Substantiated” after IPCC examination.**

6.6.1 The complainants of this case were a barrister (Barrister A) and a clerk of a law firm (Clerk). They accompanied their client (Mr B) to surrender to the Police at 10:50 pm in connection with a wounding case. However, the Sergeant responsible for investigating the case did not allow them to accompany Mr B during police enquiries because they could not produce a solicitor's written instruction in accordance with requirement set out in the Force Procedures Manual (FPM) 49-20(12). In the meantime, Mr B was escorted alone into the interview room of the Report Room and was later arrested by the Police in 11:27 pm in the absence of Barrister A and the Clerk.

6.6.2 A solicitor (Solicitor C), who was from the Clerk's law firm, made a number of phone calls to the police station at mid-night. Solicitor C provided the name of his law firm, his personal details and solicitor membership number and verbally entrusted Barrister A to represent Mr B. However, the Duty Officer of the Report Room and the Officer-in-charge of the case insisted that Solicitor C should fax his proof of identity and referral document to the police station. As Solicitor C was unable to fax the said materials to the police station late at night, Barrister A and the Clerk were not allowed to accompany Mr B and they left the police station at about 1 am.

6.6.3 Before leaving, Barrister A and the Clerk jointly lodged a complaint at the Report Room against the three police officers concerned for disallowing them to accompany Mr B during police enquiries, depriving Mr B of his right to legal representation in the course of arrest [**“Unnecessary Use of Authority (UUOA)”**].

6.6.4 投訴警察課最初認為有關的警務人員當時已採取適當的步驟去確認律師C的身分，故此，把「濫用職權」的指控列為「並無過錯」。不過，監警會不信納這項調查結果並要求投訴警察課重新考慮分類。該課回覆指，由於他們的調查確認了律師C的身分，所以把「濫用職權」的指控改列為「無法證實」。

6.6.5 監警會仍然不同意「無法證實」的調查結果分類，因為：

- (i) 既然B先生是由大律師A陪同向警方自首，B先生委託大律師A作為他的法律代表的意願明確；
- (ii) 《警察程序手冊》第49-20 (12) 條列明，如大律師能「提供委託他的律師所簽發的授權書，或能從有關律師所得到口頭覆實（可在會面前核實）」，便可會見他的當事人，因此實際上《警察程序手冊》容許彈性處理，即大律師不一定需要提供授權書。律師C既然已提供了他所屬律師行的名稱、個人資料和律師會員號碼，同時亦口頭委託大律師A代表B先生，看來已經做到「能從有關律師所得到口頭覆實」的要求。
- (iii) 《警察程序手冊》第49-20 (12) 條處理的情況是大律師會見已被警方拘捕和扣留的當事人。但這宗個案中，被投訴人拒絕兩名投訴人陪同B先生時，其當事人還未被拘捕或扣留；及

6.6.4 CAPO at first considered that the police officers had taken reasonable steps on the spot to confirm Solicitor C's identity and therefore classified the "UUOA" allegation as "No Fault". However, IPCC was not convinced of the investigation results and requested CAPO to reconsider the classification. In response, CAPO added that as Solicitor C's identity was later confirmed in their investigation, the "UUOA" allegation would be re-classified as "Unsubstantiated".

6.6.5 IPCC still could not agree to the "Unsubstantiated" classification of investigation results because of the following:

- (i) as Mr B was accompanied by Barrister A to surrender to the Police, Mr B's intention to entrust Barrister A to represent him was clear;
- (ii) FPM 49-20(12) actually provided for a flexible approach in granting a barrister's access to the client by either requiring "production of written instructions by a solicitor, or on confirmation of verbal instructions by a solicitor (which may be subject to verification prior to access)". In other words, the production of written instruction was not a must. Solicitor C had already provided the name of his firm, his personal details and solicitor membership number, and verbally entrusted Barrister A to represent Mr B. It therefore appeared that the requirement of "confirmation of verbal instructions by a solicitor" was satisfied;
- (iii) FPM 49-20(12) dealt with the situation where the barrister visited his client after the latter had been arrested and detained by the Police. However, the scenario of the instant case was slightly different. At the time the two complainants were disallowed to accompany Mr B, the latter had not yet been arrested or detained; and

(iv) 任何人在任何情況下，都不應被剝奪獲法律代表的憲法和基本權利。這宗個案中，當事人在夜深自首，有關的警務人員應該體諒律師C要在非辦公時間傳真身分證明文件到警署存在實際困難。再者，警務人員在考慮個案的整體情況後，應酌情先准許大律師A會見B先生，再要求大律師A或B先生盡早於翌日辦公時間提供轉介信。

6.6.6 鑒於監警會的意見，投訴警察課同意涉及這宗個案的三名警務人員應行使酌情權，以保障B先生獲法律代表的權利。雖然該些警務人員的做法並非完全正確，但是已按《警察程序手冊》中相關的條文真誠地行事；因此，「濫用職權」的指控被改列為「無法完全證明屬實」。有關的三名警務人員會被適當訓諭，避免日後再發生同類情況。

6.6.7 警方亦會按監警會的建議，就警方如何更妥善地處理類似這宗個案涉及大律師要求陪同當事人的安排，諮詢香港大律師公會和香港律師會。

6.6.8 監警會通過這宗個案的修訂調查結果。

(iv) in any event, one must not be deprived of his constitutional and fundamental right to legal representation. In the instant case, the surrender took place late at night and the police officers concerned should have appreciated the practical difficulty of Solicitor C to fax his proof of identity to the police station outside normal office hours. Besides, having regard to the entire circumstances of the case, the police officers should have exercised discretion by allowing Barrister A to access Mr B, subject to an undertaking from either Barrister A or Mr B to provide a written referral letter early the following working day.

6.6.6 In the light of IPCC's comments, CAPO agreed that in the instant case, the three police officers concerned should have exercised discretion to protect the right of Mr B to legal representation. Notwithstanding this, the police officers had acted in accordance with the relevant FPM, and their act was considered to be in good faith, though not entirely correct. Therefore, the "UUOA" allegation should be classified as "Not Fully Substantiated" and the police officers would be suitably advised to prevent recurrence.

6.6.7 On IPCC's recommendation, the Police would consult the Hong Kong Bar Association and the Law Society of Hong Kong with a view to working out the best way for the Police to handle a barrister's request for accompanying his client in similar situations.

6.6.8 IPCC endorsed the revised investigation results of the case.

7.1 如第一章所述，監警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，監警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

- (a) 訂定準則，用以界定應受委員會監察的嚴重個案；
- (b) 研究和制定監察嚴重投訴個案的特別程序；
- (c) 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；
- (d) 審核嚴重投訴個案的調查結果，並向主席提出建議；以及
- (e) 提出委員會認為適當並與監察嚴重投訴個案有關的任何事項，供監警會考慮。

成員

主席 石禮謙議員，SBS，JP

委員 李國麟議員，SBS，JP

王沛詩女士，JP

陳嘉敏女士，JP

張達明先生

張仁良教授，BBS，JP

陳培光醫生（由2010年起）

鄭經翰先生，JP（由2010年起）

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 IPCC, dedicated to different areas of work.

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

Serious Complaints Committee

- (a) To determine the criteria of serious cases that should come under the monitoring of the Committee;
- (b) To examine and determine special procedures for monitoring serious complaints;
- (c) To examine the need to seek outside professional advice or service to facilitate the scrutiny of complaint cases;
- (d) To examine the findings of serious complaint cases after investigation has been completed and put forward its recommendations to the Chairman; and
- (e) To put forward any issues in relation to the monitoring of serious complaint cases for IPCC's deliberation as the Committee deems appropriate.

Membership

Chairman Hon Abraham SHEK Lai-him, SBS, JP

Members Dr Hon Joseph LEE Kok-long, SBS, JP

Ms Priscilla WONG Pui-sze, JP

Ms Carmen CHAN Ka-mun, JP

Mr Eric CHEUNG Tat-ming

Prof Stephen CHEUNG Yan-leung, BBS, JP

Dr CHAN Pui-kwong (since 2010)

Mr Albert Jinghan CHENG, JP (since 2010)

管理委員會

- (a) 監督監警會秘書處的主要工作；
- (b) 審議和批准：
- 周年預算的任何改動；
 - 高級審核主任/高級經理或以下級別僱員的委任、停職及終止僱用；
 - 對監警會服務有所影響的主要行政事宜；以及
 - 估計價值5萬元或以上或涵蓋新項目範疇的擬訂新合約，但不包括宣傳及意見調查委員會權限內的合約或活動；以及
- (c) 提出委員會認為適當的任何行政及管理事宜，供監警會考慮。

成員

主席 楊耀忠先生，BBS，JP

委員 翟紹唐 資深大律師
徐福樂醫生（至2009年止）
林志傑醫生，MH
杜國鏊先生，BBS，JP
（至2009年止）
彭耀佳先生，SBS，JP
（至2010年2月止）
吳克儉先生，JP
鄭經翰先生，JP（由2010年起）

Management Committee

- (a) To oversee major areas of work of the IPCC Secretariat;
- (b) To consider and approve:
- any changes to the Annual Budget;
 - appointment, interdiction from duty, and termination of employment of employees at or below Senior Vetting Officer/Senior Manager ranks;
 - key administrative matters that affect the service of IPCC; and
 - proposed new contracts with estimated value at or above \$50,000 or covering a new area of activity, with the exception of those contracts or activities which come under the purview of the Publicity and Survey Committee; and
- (c) To put forward any administrative and management issues for IPCC's deliberation as the Committee deems appropriate.

Membership

Chairman Mr YEUNG Yiu-chung, BBS, JP

Members Mr JAT Sew-Tong, SC
Dr Michael TSUI Fuk-sun (up to 2009)
Dr Lawrence LAM Chi-kit, MH
Mr Clement TAO Kwok-lau, BBS, JP (up to 2009)
Mr PANG Yiu-kai, SBS, JP (up to February 2010)
Mr Eddie NG Hak-kim, JP
Mr Albert Jinghan CHENG, JP (since 2010)

宣傳及意見調查委員會

- (a) 審議可提升監警會形象和讓市民加深認識監警會的措施；
- (b) 審議和批准已編入預算的宣傳及相關活動，包括：
 - 宣傳物品的內容和設計，例如年報、網頁、短片、刊物和其他宣傳品；
 - 推展宣傳活動；以及
 - 挑選和委聘承辦商協助推展有關計劃；
- (c) 審議和批准推展已編入預算的意見調查工作，以及挑選和委聘承辦商協助推展有關工作；
- (d) 監察(b)和(c)項所載計劃的進度和質素；
- (e) 審議年度宣傳計劃並就計劃提出意見，供監警會考慮；以及
- (f) 提出委員會認為適當並與宣傳有關的任何事宜，供監警會考慮。

成員

主席 謝德富醫生，BBS，JP

委員 林大輝議員，BBS，JP
徐福榮醫生（至2009年止）
阮陳淑怡博士
張妙嫦女士
方敏生女士，BBS，JP
鄭經翰先生，JP（由2010年起）

Publicity and Survey Committee

- (a) To consider measures that could enhance the image and public understanding of IPCC;
- (b) To consider and approve publicity-related activities which have been budgetted for, including:
 - contents and design of publicity materials, such as annual reports, website, videos, publications and other promotional materials;
 - launching of publicity activities; and
 - selection and commissioning of contractors to assist in such projects;
- (c) To consider and approve launching of surveys which have been budgetted for, and selection and commissioning of contractors to assist in such projects;
- (d) To monitor progress and quality of the projects in (b) and (c);
- (e) To consider and advise on annual publicity plan for IPCC's consideration; and
- (f) To put forward any publicity-related issues for IPCC's deliberation as the Committee deems appropriate.

Membership

Chairman Dr TSE Tak-fu, BBS, JP

Members Dr Hon LAM Tai-fai, BBS, JP
Dr Michael TSUI Fuk-sun (up to 2009)
Dr Helena YUEN CHAN Suk-yea
Ms Emily CHEUNG Mui-seung
Ms Christine FANG Meng-sang, BBS, JP
Mr Albert Jinghan CHENG, JP (since 2010)

監警會秘書處

- 7.3 監警會由一個全職的秘書處支援。秘書處由一名秘書長領導，編制共有28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。
- 7.4 隨著監警會成為法定機構，監警會正逐步聘請自己的員工，以取代由政府借調的公務員。截至2010年3月31日，秘書處編制的28個職位中，有15個由監警會僱員出任。我們預計在2012年5月底前（即法定監警會成立三周年前），所有借調到秘書處的公務員會由監警會僱員取代。監警會秘書處的組織圖（截至2010年3月31日）載於附錄VIII。

服務承諾

- 7.5 監警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。

IPCC Secretariat

- 7.3 IPCC is supported by a full-time Secretariat, headed by a Secretary-General, with a total staffing complement of 28. The major function of the Secretariat is to assist Council Members in examining complaint investigation reports and in promoting the work of IPCC.
- 7.4 As IPCC became a statutory body, it has started recruiting its own staff with a view to replacing the seconded civil servants working at the Secretariat. As at 31 March 2010, out of the total staffing complement of 28, 15 are IPCC employees. It was envisaged that all civil servants would be phased out no later than end of May 2012 (i.e. three years from establishment of statutory IPCC). The organisation chart of the IPCC Secretariat, as at 31 March 2010, is at Appendix VIII.

Performance Pledges

- 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 監警會認為有效監察投訴警察課處理個案和迅速處理公眾查詢，極其重要。監警會在本報告期內實踐其服務承諾的表現如下：

7.6 IPCC attaches great importance to effective monitoring of CAPO's complaints investigation and efficient handling of public enquiries. The performance of IPCC in meeting its pledges in this reporting period is as follows:

	表現指標 (標準回應時間)*	於指標時間內處理的數目 (達標%)	
	Performance Target (standard response time)*	No. Processed Within Target (% within performance target)	
個案的處理 Handling of Cases		2009	2010 (第一季 first quarter)
一般個案# Normal Cases#	3個月內 Within 3 months	2,131 (100%)	843 (100%)
複雜個案+ Complicated Cases+	6個月內 Within 6 months	894 (100%)	375 (100%)
覆核個案□ Review Cases□	6個月內 Within 6 months	50 (100%)	15 (100%)
查詢 Enquiries			
致電/親臨 By telephone/in person	即時 Immediately	581 (100%)	115 (100%)
書面 In writing	10天內 Within 10 days	361 (100%)	123 (100%)

* 由接獲投訴警察課最終調查報告/回應的日期起計

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

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）

Normal cases: minor cases (such as impoliteness or neglect of duty) with no more than one round of query raised by IPCC with CAPO

+ 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

+ 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 with CAPO

□ 覆核個案：要求覆核須匯報投訴的調查結果分類的個案

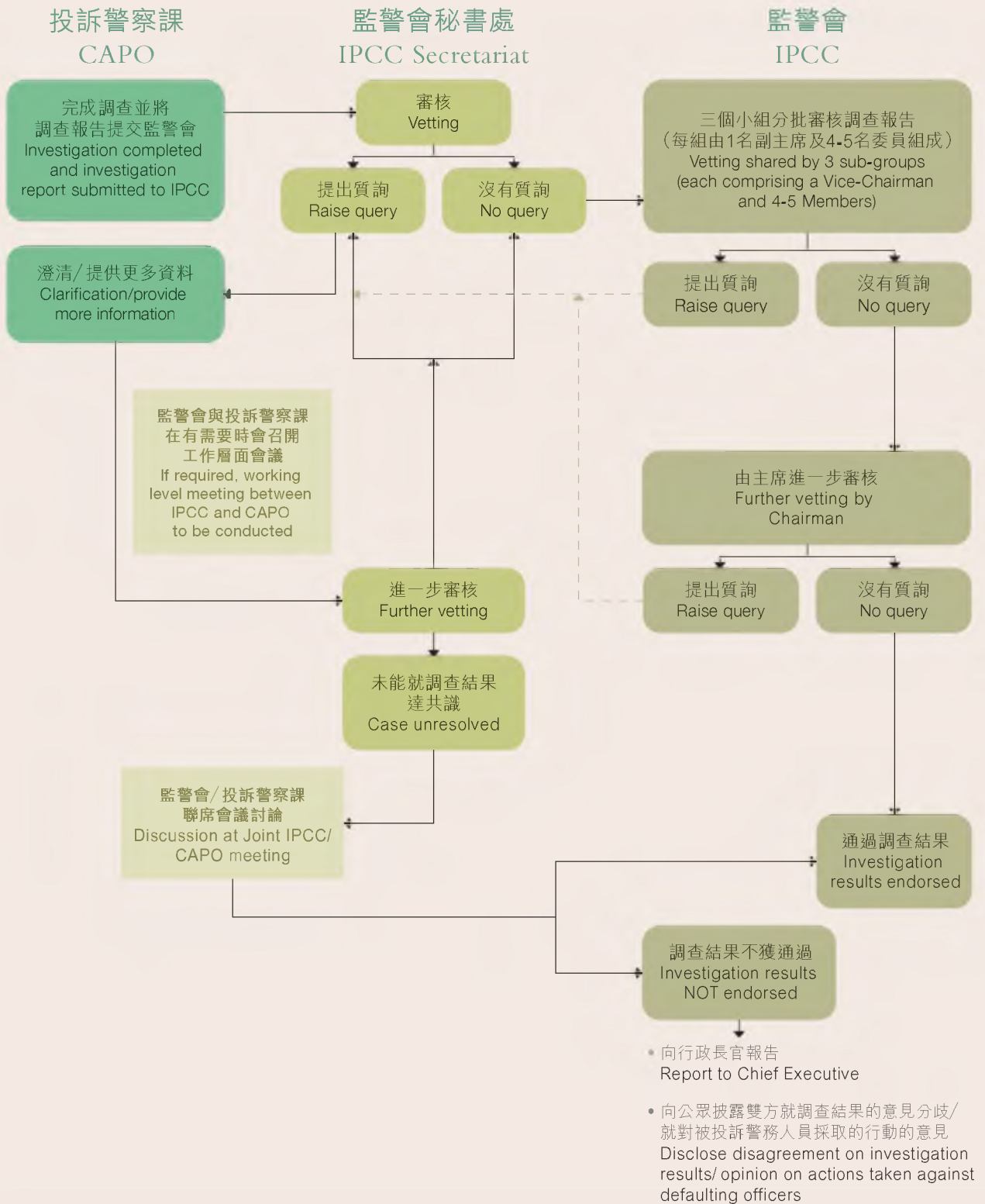
□ Review cases: requests for reviewing the classification of reportable complaints

附錄

Appendices



監警會監察程序
IPCC Monitoring Procedures



監警會由2007至2010年首季通過的指控

Allegations Endorsed by IPCC from 2007 to 2010 (first quarter)

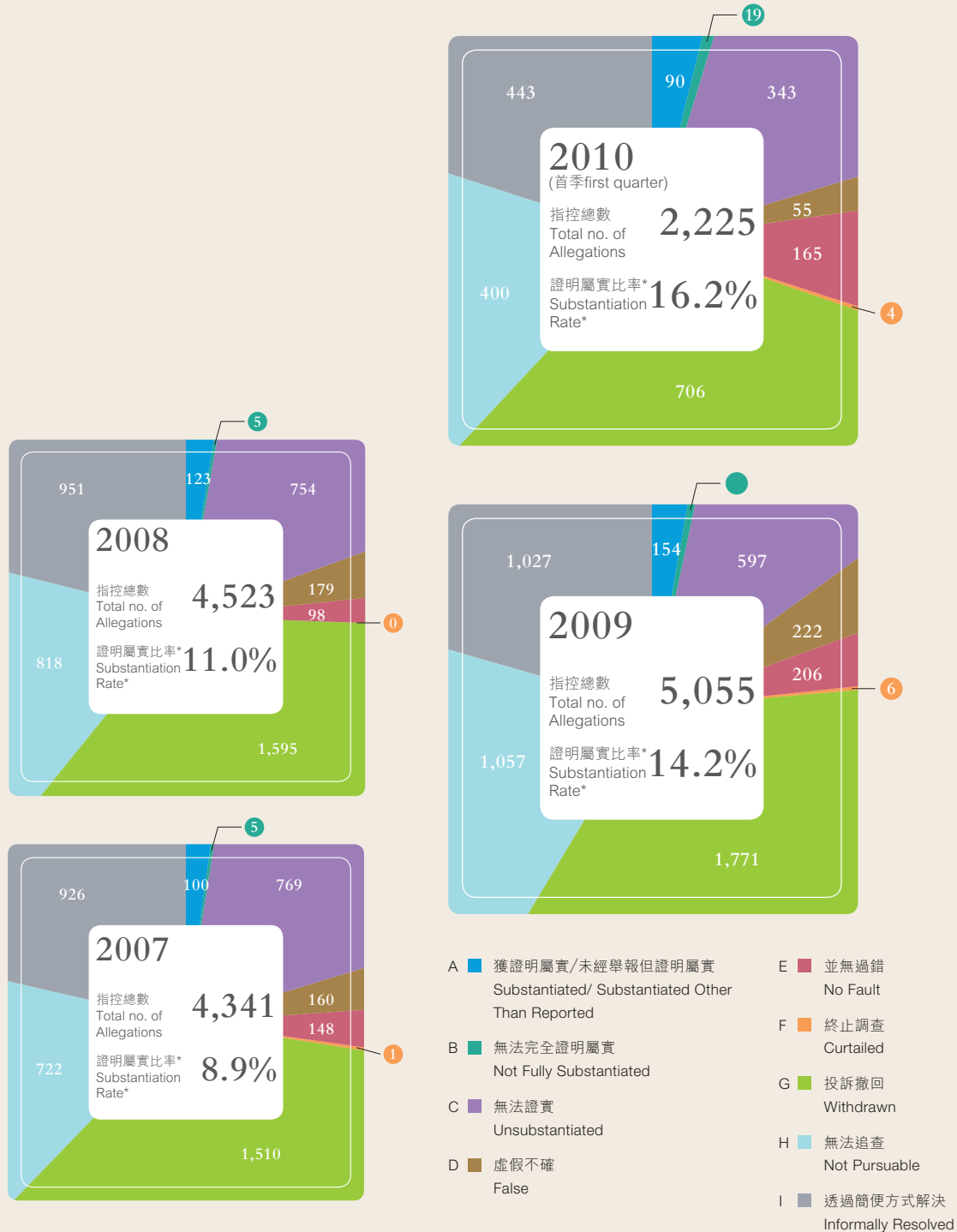


註：2007、2008和2009年數字分別反映截至該年年底的情況。2010年首季數字反映截至該年3月31日的情况。

Note: Figures of 2007, 2008 and 2009 denote status as at the end of each year. Figures of 2010 (first quarter) denote status as at 31 Mar 2010.

監警會由2007至2010年首季通過的調查結果

Investigation Results Endorsed by IPCC from 2007 to 2010 (first quarter)



* 證明屬實比率
Substantiation Rate = $\frac{A+B \text{ (歸納為「屬實」類別的指控 allegations belong to "Substantiated" category)}}{A+B+C+D+E \text{ (經全面調查的指控 fully investigated allegations)}}$ x 100%

註：2007、2008和2009年數字分別反映截至該年年底的情況。2010年首季數字反映截至該年3月31日的情况。

Note: Figures of 2007, 2008 and 2009 denote status as at the end of each year. Figures of 2010 (first quarter) denote status as at 31 Mar 2010.

監警會於2009年和2010年首季通過的指控數字 (按投訴性質及調查結果分類)

No. of Allegations (by Nature & by Investigation Results) Endorsed by IPCC in 2009 & 2010 (first quarter)

2009	調查結果 Investigation Results									
	獲證明屬實/ 未經舉報 但證明屬實 Substantiated/ Other Than Reported	無法完全 證明屬實 Not Fully Substantiated	無法實證 Unsub- stantiated	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	透過簡便 方式解決 Informal Resolution	總數 Total
指控性質 Nature of Allegations										
毆打 Assault	0	1	19	40	1	0	180	195	0	436
行為不當/ 態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language	15	8	286	49	18	0	357	667	535	1,935
疏忽職守 Neglect of Duty	135	5	210	14	152	4	321	675	481	1,997
濫用職權 Unnecessary Use of Authority	3	0	47	3	31	0	71	104	8	267
捏造證據 Fabrication of Evidence	0	0	14	91	0	0	31	37	0	173
恐嚇 Threat	0	1	19	25	1	0	96	89	0	231
警務程序 Police Procedures	0	0	1	0	3	0	0	3	3	10
其他罪行 Other Offences										
• 盜竊罪條例 Theft Ordinance	0	0	0	0	0	0	1	1	0	2
• 危險藥物條例 Dangerous Drugs Ordinance	0	0	0	0	0	1	0	0	0	1
• 防礙司法公正 Perverting Course of Justice	1	0	1	0	0	0	0	0	0	2
• 其他 Others	0	0	0	0	0	1	0	0	0	1
總數 Total	154	15	597	222	206	6	1,057	1,771	1,027	5,055

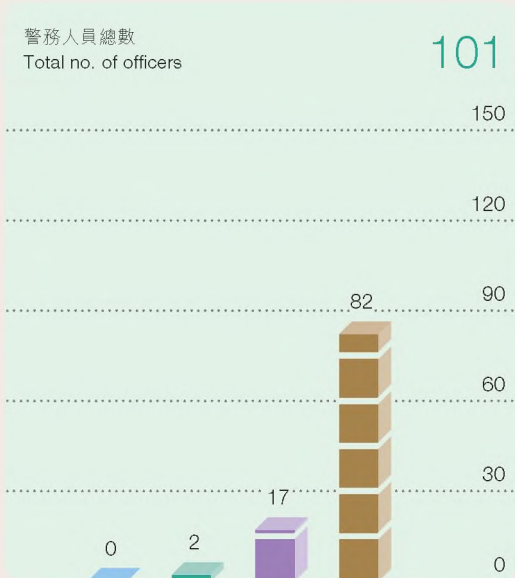
2010 (首季first quarter)	調查結果 Investigation Results									總數 Total
	獲證明屬實/ 未經舉報 但證明屬實 Substantiated/ Substantiated Other Than Reported	無法完全 證明屬實 Not Fully Substantiated	無法實證 Unsub- stantiated	虛假不確 False	並無過錯 No Fault	終止調查 Curtailed	無法追查 Not Pursuable	投訴撤回 Withdrawn	透過簡便 方式解決 Informal Resolution	
指控性質 Nature of Allegations										
毆打 Assault	0	1	21	12	2	0	65	81	0	182
行為不當/態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language	4	6	149	14	24	1	137	248	225	808
疏忽職守 Neglect of Duty	81	11	131	2	125	1	127	276	209	963
濫用職權 Unnecessary Use of Authority	5	1	22	1	11	2	28	44	6	120
捏造證據 Fabrication of Evidence	0	0	5	22	1	0	10	15	0	53
恐嚇 Threat	0	0	14	4	1	0	29	39	0	87
警務程序 Police Procedures	0	0	1	0	1	0	2	2	3	9
其他罪行 Other Offences										
• 盜竊罪條例 Theft Ordinance	0	0	0	0	0	0	2	1	0	3
總數 Total	90	19	343	55	165	4	400	706	443	2,225

註：2009年數字反映截至該年年底的情況。2010年首季數字反映截至該年3月31日的情况。

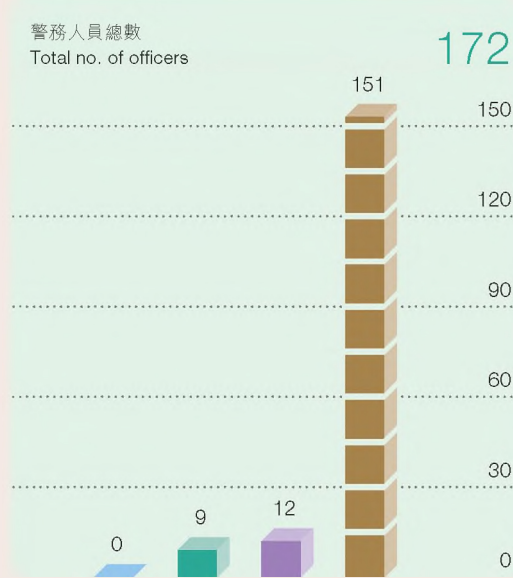
Note: Figures of 2009 denote status as at the end of 2009. Figures of 2010 (first quarter) denote status as at 31 Mar 2010.

警方就2007至2010年首季監警會通過的個案向違規的警務人員採取的行動
 Police Actions Taken Against Defaulting Officers In Respect of Cases
 Endorsed by IPCC from 2007 to 2010 (first quarter)

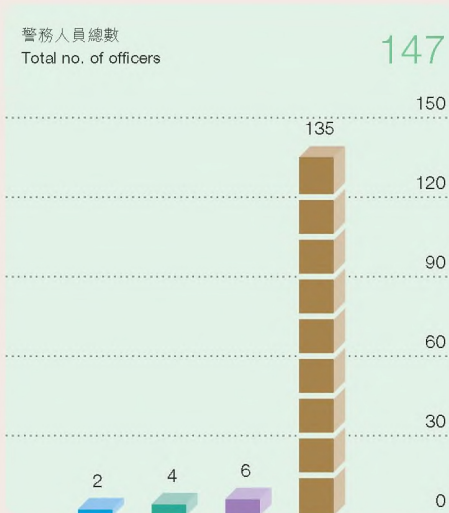
2010 (首季 first quarter)



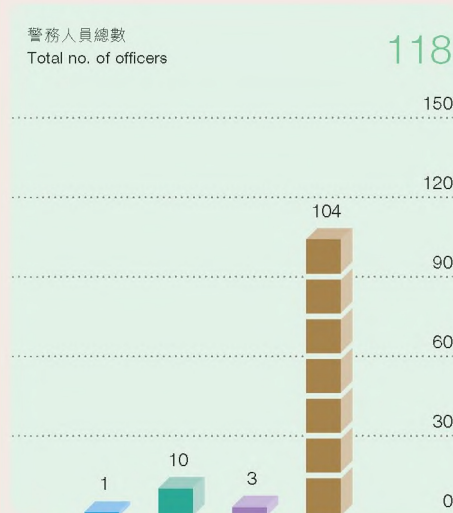
2009



2008



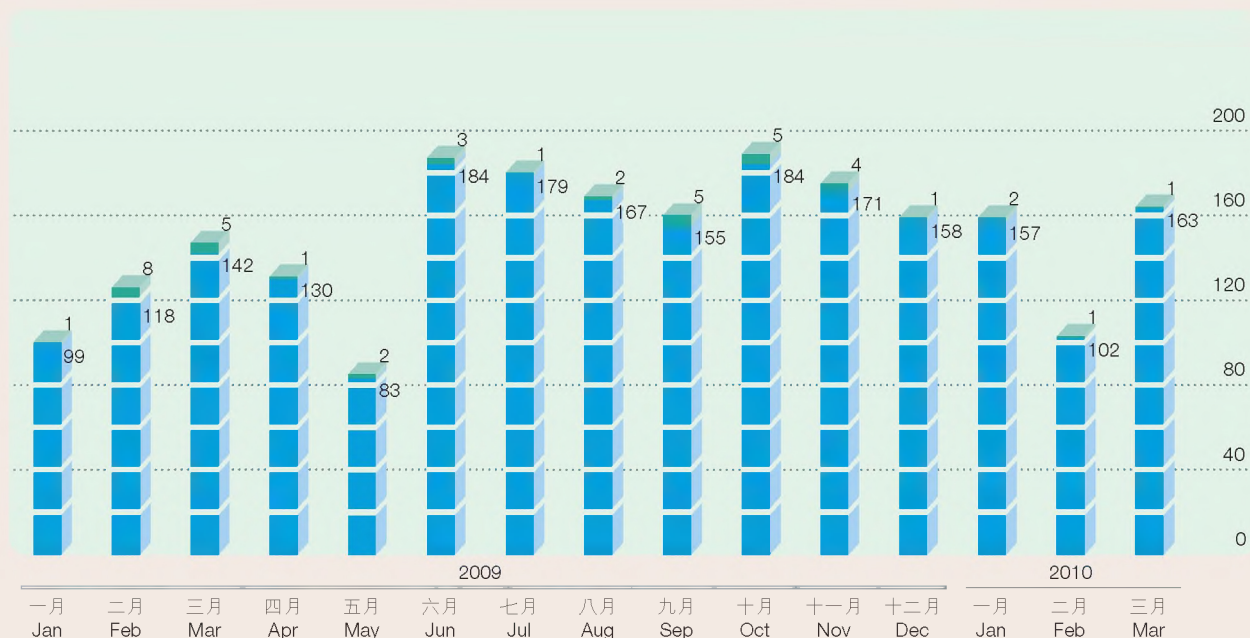
2007



■ 刑罪訴訟 Criminal Proceedings
 ■ 紀律研訊 Disciplinary Proceedings
 其他內部措施 Other Internal Actions
 ■ 警告 Warning
 ■ 訓諭 Advice

註：2007和2008年的數字已因應部分個案覆核後，予以調整。
 Note: Figures of 2007 and 2008 have been adjusted following case reviews.

觀察員計劃2009年和2010年首季的統計數字
 Statistics on Observers Scheme in 2009 & 2010 (first quarter)



■ 監警會觀察員進行的觀察
 Observations conducted by IPCC Observers

■ 監警會委員進行的觀察
 Observations conducted by IPCC Members

2009 總數 Total 1,770

2009 總數 Total 38

2010 首季總數 First quarter total 422

2010 首季總數 First quarter total 4

監警會就2007至2010年首季通過的個案提出的質詢/建議
 Queries/Suggestions Raised In Respect of Cases Endorsed by
 IPCC from 2007 to 2010 (first quarter)

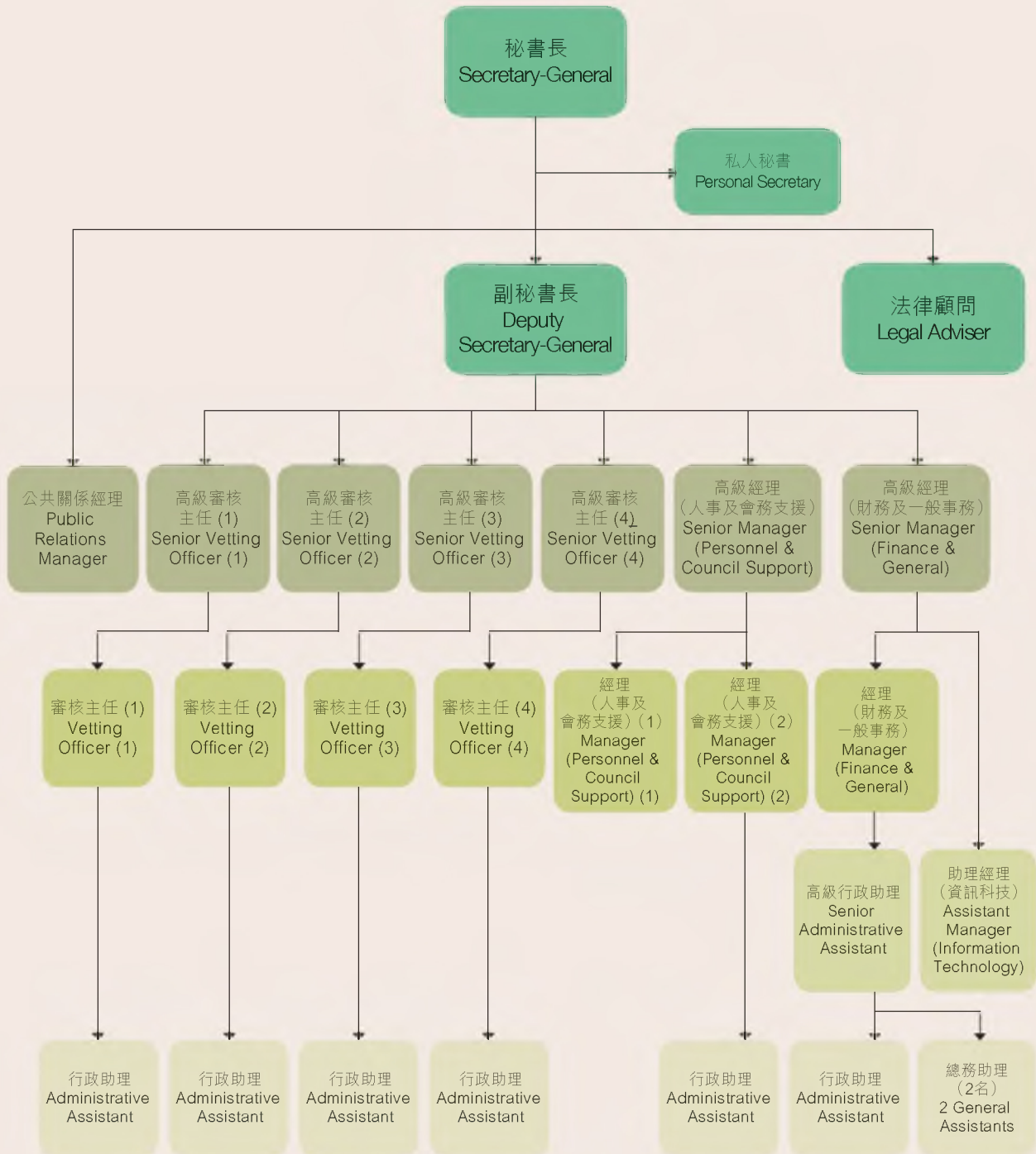


註：投訴警察課於2009年和2010年首季分別共接納了1,376項和638項由監警會提出的意見，並分別修改了154項和80項調查結果。2007及2008年修改調查結果相應數字分別是82項和133項。

Note: In 2009, out of the 1,376 query points accepted by CAPO, 154 results of investigation were changed. In 2010 (first quarter), out of the 638 query points accepted by CAPO, 80 results of investigation were changed. The corresponding figures for change in investigation results in 2007 and 2008 were 82 and 133 respectively.

監警會秘書處組織圖 (至2010年3月31日)

Organisation Chart of IPCC Secretariat (as at 31 Mar 2010)



2009至2010年首季會議出席記錄

Attendance Records in 2009 and 2010 (first quarter)

	監警會內務會議日期(日/月) Dates of IPCC In-house Meetings (dd/mm)									監警會/投訴警察課聯席會議日期(日/月) Dates of Joint IPCC/CAPO Meetings (dd/mm)					
	2009					2010				2009			2010		
	23/1	26/2	23/3	21/5	9/7	24/9	19/11	5/2	26/3	23/1	23/3	21/5	4/9	15/12	4/3
主席Chairman															
霍紹唐 資深大律師 Mr JAT Sew-Tong, SC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
副主席Vice-Chairmen															
李國麟議員, SBS, JP Dr Hon Joseph LEE Kok-long, SBS, JP	✓	X	✓	✓	✓	X	✓	X	✓	✓	✓	✓	✓	✓	✓
林大輝議員, BBS, JP Dr Hon LAM Tai-fai, BBS, JP	X	✓	✓	✓	X	✓	✓	X	✓	X	X	X	✓	✓	X
石禮謙議員, SBS, JP Hon Abraham SHEK Lai-him, SBS, JP	✓	✓	✓	✓	✓	✓	X	✓	X	X	X	✓	✓	✓	X
委員Members															
楊耀忠先生, BBS, JP Mr YEUNG Yiu-chung, BBS, JP	X	X	✓	✓	X	✓	X	✓	✓	X	X	X	✓	✓	X
徐福榮醫生 Dr Michael TSUI Fuk-sun	✓	✓	✓	✓	X	✓	✓	N.A.	N.A.	✓	✓	✓	X	X	N.A.
謝德言醫生, BBS, JP Dr TSE Tak-fu, BBS, JP	✓	✓	X	X	✓	✓	X	✓	✓	X	X	X	✓	✓	✓
王沛詩女士, JP Ms Priscilla WONG Pui-sze, JP	X	✓	X	✓	X	✓	✓	X	X	X	X	X	✓	X	✓
阮陳淑怡博士 Dr Helena YUEN CHAN Suk-ye	✓	✓	✓	✓	✓	X	X	✓	X	✓	✓	✓	✓	✓	✓
林志傑醫生, MH Dr Lawrence LAM Chi-kit, MH	✓	X	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓
杜國鑾先生, BBS, JP Mr Clement TAO Kwok-lau, BBS, JP	✓	✓	✓	✓	✓	✓	✓	N.A.	N.A.	✓	✓	✓	✓	✓	N.A.
張妙嫦女士 Ms Emily CHEUNG Mui-seung	X	✓	X	✓	X	✓	✓	✓	✓	X	X	✓	✓	✓	X
陳嘉敏女士, JP Ms Carmen CHAN Ka-mun, JP	✓	X	✓	✓	X	X	✓	✓	X	✓	✓	X	X	X	✓
張達明先生 Mr Eric CHEUNG Tat-ming	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
張仁良教授, BBS, JP Prof Stephen CHEUNG Yan-leung, BBS, JP	✓	✓	X	X	X	✓	✓	✓	X	✓	X	X	✓	✓	✓
方敏生女士, BBS, JP Ms Christine FANG Meng-sang, BBS, JP	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	X	✓	X	✓	✓
吳克儉先生, JP Mr Eddie NG Hak-kim, JP	✓	X	X	✓	✓	X	X	✓	X	✓	X	✓	X	✓	X
彭耀佳先生, SBS, JP Mr PANG Yiu-kai, SBS, JP	✓	X	✓	X	X	X	✓	✓	N.A.	✓	X	X	✓	✓	N.A.
陳培光醫生 Dr CHAN Pui-kgwong	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	✓	N.A.	N.A.	N.A.	N.A.	N.A.	✓
鄭經翰先生, JP Mr Albert Jinghan CHENG, JP	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	X	N.A.	N.A.	N.A.	N.A.	N.A.	✓

N.A. 不適用 Not Applicable
 ✓ 出席 Present
 X 缺席 Absent

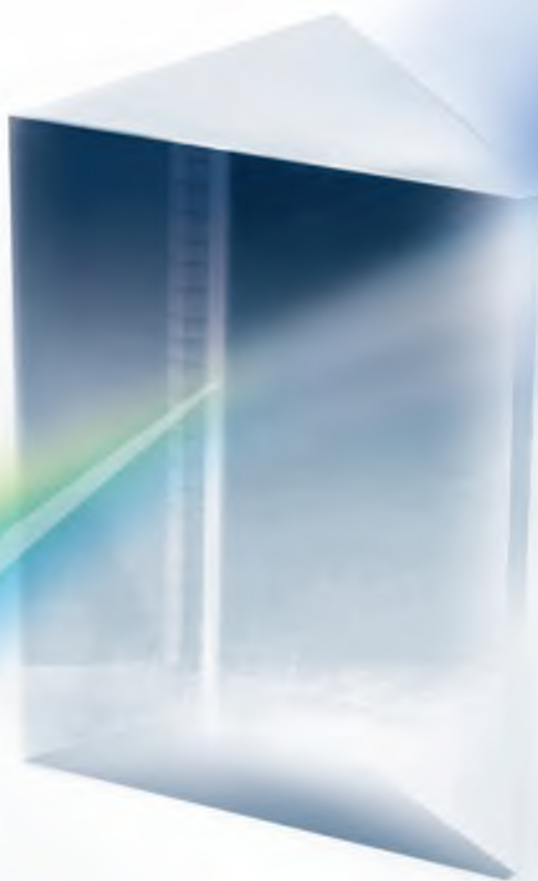
註：由2009年7月9日開始，監警會內務會議和監警會/投訴警察課聯席會議分開在不同日子進行。
 Note: From 9 July 2009, the IPCC In-house meetings were held on a day separate from the Joint IPCC/CAPO meetings.

財務報表

由2009年6月1日（法團成立日期）
至2010年3月31日期間

Financial Statements

For the period from 1 June 2009 (date of incorporation)
to 31 March 2010



獨立核數師報告書致獨立監察警方處理投訴委員會

Independent auditor's report to Independent Police Complaints Council

(根據《獨立監察警方處理投訴委員會條例》成立 Established under the Independent Police Complaints Council Ordinance)



本核數師（以下簡稱「我們」）已審核刊於第87至第100頁獨立監察警方處理投訴委員會（「貴會」）的財務報表，此財務報表包括貴會於二零一零年三月三十一日的資產負債表與於二零零九年六月一日（法團成立日期）至二零一零年三月三十一日期間的綜合收益表、儲備變動表和現金流量表，以及主要會計政策概要及其他附註解釋。

貴會就財務報表須承擔的責任

貴會須負責根據香港會計師公會頒布的香港財務報告準則編製及真實而公平地列報該等財務報表。這責任包括設計、實施及維護與編製及真實而公平地列報財務報表相關的內部控制，以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述；選擇和應用適當的會計政策；及按情況下作出合理的會計估計。

核數師的責任

我們的責任是根據我們的審核對該等財務報表作出意見。我們是按照《獨立監察警方處理投訴委員會條例》（第604章）附表1第28條的規定，僅向貴會報告。除此以外，我們的報告書不可用作其他用途。我們概不就本報告書的內容，對任何其他人士負責或承擔法律責任。

我們已根據香港會計師公會頒布的香港核數準則進行審核。這些準則要求我們遵守道德規範，並規劃及執行審核，以合理確定此等財務報表是否不存有任何重大錯誤陳述。

We have audited the financial statements of the Independent Police Complaints Council (the "Council") set out on pages 87 to 100 which comprise the balance sheet as at 31 March 2010, the statement of comprehensive income, the statement of changes in reserves and the cash flow statement of the Council for the period from 1 June 2009 (date of incorporation) to 31 March 2010, and a summary of significant accounting policies and other explanatory notes.

The Council's responsibility for the financial statements

The Council is responsible for the preparation and the true and fair presentation of these financial statements in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants. This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and the true and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. This report is made solely to you, as a body, in accordance with section 28 of Schedule 1 of the Independent Police Complaints Council Ordinance (Cap. 604), and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free from material misstatement.

審核涉及執程序以獲取有關財務報表所載金額及披露資料的審核憑證。所選定的程序取決於核數師的判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，核數師考慮與該實體編製及真實而公平地列報財務報表相關的內部控制，以設計適當的審核程序，但並非為對實體的內部控制的效能發表意見。審核亦包括評價貴會所採用的會計政策的合適性及所作出的會計估計的合理性，以及評價財務報表的整體列報方式。

我們相信，我們所獲得的審核憑證是充足和適當地為我們的審核意見提供基礎。

意見

我們認為，該等財務報表已根據香港財務報告準則真實而公平地反映貴會於二零一零年三月三十一日的財務狀況及截至該日止期間的盈餘和現金流量。

畢馬威會計師事務所

執業會計師

香港中環遮打道10號太子大廈8樓


二零一零年六月十一日

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and true and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the state of affairs of the Council as at 31 March 2010 and of its surplus and cash flows for the period then ended in accordance with Hong Kong Financial Reporting Standards.



Certified Public Accountants

8th Floor, Prince's Building

10 Chater Road

Central, Hong Kong

11 June 2010

綜合收益表

Statement of Comprehensive Income

二零零九年六月一日（法團成立日期）至二零一零年三月三十一日期間
for the period from 1 June 2009 (date of incorporation) to 31 March 2010

(以港幣列示 Expressed in Hong Kong dollars)

	附註 Note	2010
收入 Income		
政府補助 Government grants	3	\$ 22,998,600
其他收入 Other income		5,410
		\$ 23,004,010
支出 Expenditures		
員工成本 Staff costs	4(a)	\$ 15,041,455
一般及行政費用 General and administrative expenses		4,859,783
本會成員酬金 Honorarium to Council members		369,180
		\$ 20,270,418
期內盈餘及綜合收益 Surplus and comprehensive income for the period	4	\$ 2,733,592

資產負債表 Balance sheet

二零一零年三月三十一日 as at 31 March 2010

(以港幣列示 Expressed in Hong Kong dollars)

	附註 Note	2010
非流動資產 Non-current assets		
固定資產 Fixed assets	6	\$ 917,248
流動資產 Current assets		
按金及預付款項 Deposits and prepayments	7	\$ 309,949
現金及現金等價物 Cash and cash equivalents	8	3,320,937
		\$ 3,630,886
流動負債 Current liabilities		
遞延政府補助 Deferred government grants	9	\$ 193,410
其他應付款項及應計費用 Other payables and accruals		583,905
		\$ 777,315
流動資產淨值 Net current assets		
		\$ 2,853,571
資產總值減流動負債 Total assets less current liabilities		
		\$ 3,770,819
非流動負債 Non-current liabilities		
遞延政府補助 Deferred government grants	9	\$ 687,310
員工約滿酬金撥備 Provision for staff gratuities	10	349,917
		\$ 1,037,227
資產淨值 NET ASSETS		
		\$ 2,733,592
儲備 RESERVES		
累計盈餘 Accumulated surplus		\$ 2,733,592

本會於二零一零年六月十一日批准並授權公佈本財務報表

Approved and authorised for issue by the Council on 11 June 2010



翟紹唐 資深大律師

主席

JAT Sew-Tong, SC

Chairman

儲備變動表

Statement of changes in reserves

二零零九年六月一日（法團成立日期）至二零一零年三月三十一日期間
for the period from 1 June 2009 (date of incorporation) to 31 March 2010

(以港幣列示 Expressed in Hong Kong dollars)

於二零零九年六月一日（法團成立日期）的結餘 Balance at 1 June 2009 (date of incorporation)	\$	-
期內盈餘及綜合收益 Surplus and comprehensive income for the period		2,733,592
於二零一零年三月三十一日的結餘 Balance at 31 March 2010	\$	2,733,592

現金流量表

Cash flow statement

二零零九年六月一日(法團成立日期)至二零一零年三月三十一日期間
for the period from 1 June 2009 (date of incorporation) to 31 March 2010

(以港幣列示 Expressed in Hong Kong dollars)

	附註 Note	2010
期內盈餘及綜合收益 Surplus and comprehensive income for the period		\$ 2,733,592
調整項目 Adjustments for:		
- 折舊 Depreciation		26,451
- 利息收入 Interest income		(3,393)
營運資金變動前之營運盈餘 Operating surplus before changes in working capital		\$ 2,756,650
按金及預付款項之增加 Increase in deposits and prepayments		(309,949)
遞延政府補助之增加 Increase in deferred government grants		880,720
其他應付款項及應計費用之增加 Increase in other payables and accruals		568,956
員工約滿酬金撥備之增加 Increase in provision for staff gratuities		349,917
營運活動產生的現金流量 Cash generated from operating activities		\$ 4,246,294
投資活動的現金流量 Cash flows from investing activities		
購入固定資產之付款 Payment for purchase of fixed assets		\$ (928,750)
已收利息 Interest received		3,393
投資活動所用的現金淨額 Net cash used in investing activities		\$ (925,357)
現金及現金等價物之增加淨額 Net increase in cash and cash equivalents		\$ 3,320,937
期初的現金及現金等價物 Cash and cash equivalents at the beginning of the period		-
期末的現金及現金等價物 Cash and cash equivalents at the end of the period	8	\$ \$3,320,937

財務報表附註

Notes on the financial statements

(以港幣列示 Expressed in Hong Kong dollars)

1 本會的概況

獨立監察警方處理投訴委員會（「本會」）是根據《獨立監察警方處理投訴委員會條例》成立的一個法團。根據《獨立監察警方處理投訴委員會條例》（第604章）（「本會條例」），本會擔任法定機構的角色，獲授權負責觀察、監察及覆檢須匯報投訴個案的處理和調查工作，並就本會條例所指定的須匯報投訴個案的處理和調查工作向警務處處長或行政長官或兼向上述兩者提出建議。本會亦會就處長因應須匯報投訴個案而已經或將會對任何相關警務人員作出的行動進行監察，並對有關行動提供意見。

由於本會並非謀利機構，且無須遵守任何外間訂立的資本規定，因此本會的主要財務及資本管理目標是維持每年收支平衡，從而能夠持續運作及履行法定機構的角色和職能。

本會的資金主要源自政府撥款。任何營運盈餘必須結轉至下一個財政年度，以應付未來本會運作所需的開支。

1 Status of the Council

The Independent Police Complaints Council (the "Council") is a body corporate established under the Independent Police Complaints Council Ordinance. Under the Independent Police Complaints Council Ordinance (Cap. 604) (the "Ordinance") the Council assumes its statutory role as the authority for observing, monitoring and reviewing the handling and investigation of reportable complaints, and making recommendations to the Commissioner of Police or the Chief Executive or both of them in respect of the handling or investigation of reportable complaints as specified in the Ordinance. The Council also monitors actions taken or to be taken in respect of any member of the police force by the Commissioner in connection with reportable complaints, and to advise them of its opinion on such actions.

Since the Council is not profit-oriented and is not subject to any externally imposed capital requirements, its primary financial and capital management objectives are to maintain a balance between annual income and expenditure, so that it has the ability to operate as a going concern and perform its statutory roles and functions.

The Council is primarily financed by government subventions. Any operating surplus shall be carried forward to the following financial year to meet future expenditure required for the operations of the Council.

財務報表附註

Notes on the financial statements

(以港幣列示 Expressed in Hong Kong dollars)

2 主要會計政策**(a) 遵例聲明**

本財務報表是根據香港會計師公會頒布的所有適用的香港財務報告準則，此統稱包含所有適用的個別香港財務報告準則、香港會計準則和詮釋和香港公認會計準則編製。以下是本會採用的主要會計政策概要。

本財務報表已採用香港會計師公會所頒布的新訂詮釋及修訂。

本會並無採用在當前會計期間尚未生效的任何新準則或詮釋（附註13）。

(b) 財務報表的編製基準

編製本財務報表時是以歷史成本作為計量基準。

管理層需在編製符合香港財務報告準則的財務報表時作出會對會計政策的應用，以及對資產、負債、收入和支出的列報金額造成影響的判斷、估計和假設。這些估計和相關假設是根據以往經驗和管理層因應當時情況認為合理的各項其他因素而作出的，其結果構成為了管理層在無法從其他途徑下得知資產與負債的帳面價值時所作出判斷的基礎。實際結果可能有別於估計金額。

管理層會不斷審閱各項估計和相關假設。如果會計估計的修訂只是影響某一期間，其影響便會在該期間內確認；如果該項修訂對當前和未來期間均有影響，則在作出修訂的期間和未來期間確認。

2 Significant accounting policies**(a) Statement of compliance**

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (“HKFRSs”), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards (“HKASs”) and Interpretations issued by the Hong Kong Institute of Certified Public Accountants (“HKICPA”) and accounting principles generally accepted in Hong Kong. A summary of the significant accounting policies adopted by the Council is set out below.

These financial statements have adopted the new interpretations and amendments issued by the HKICPA.

The Council has not applied any new standard or interpretation that is not yet effective for the current accounting period (note 13).

(b) Basis of preparation of the financial statements

The measurement basis used in the preparation of the financial statements is the historical cost basis.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

2 主要會計政策 (續)

(c) 固定資產

固定資產是以成本減去累計折舊和減值虧損 (參閱附註2(d)) 後記入資產負債表。

折舊是在扣減固定資產的預計剩餘價值 (如有) 後，按預計可用年限以直線法沖銷其成本，計算方法如下：

- 租賃裝修工程	3年
- 辦公室設備	5年
- 電腦設備	3年

資產的可用年限和剩餘殘值 (如有) 會每年檢討。

報廢或處置固定資產項目所產生的損益為處置所得款項淨額與項目帳面金額之間的差額，並於報廢或處置日在綜合收益表中確認。

(d) 資產減值

本會在每個資產負債表日參考內部和外來的信息，以確定固定資產是否出現減值跡象，或是以往確認的減值虧損已經不再存在或可能已經減少。

如果出現任何這類跡象，便會估計資產的可收回金額。當資產的帳面金額高於其可收回金額時，減值虧損便會在綜合收益表中確認。資產的可收回金額是其淨售價與使用價值兩者中的較高者。在評估使用價值時，預計未來現金流量會按照能反映當時市場對貨幣時間價值和資產特定風險的評估的稅前折現率，折現至其現值。如果用以確定可收回金額的估計基準出現正面的變化，有關的減值虧損便會撥回。

2 Significant accounting policies (continued)

(c) Fixed assets

Fixed assets are stated in the balance sheet at cost less accumulated depreciation and impairment losses (see note 2(d)).

Depreciation is calculated to write off the cost of items of fixed assets, less their estimated residual value, if any, using the straight line method over their estimated useful lives as follows:

- Leasehold improvements	3 years
- Office equipment	5 years
- Computer equipment	3 years

Both the useful life of an asset and its residual value, if any, are reviewed annually.

Gains or losses arising from the retirement or disposal of an item of fixed assets are determined as the difference between the net disposal proceeds and the carrying amount of the item and are recognised in the statement of comprehensive income on the date of retirement or disposal.

(d) Impairment of assets

Internal and external sources of information are reviewed at each balance sheet date to identify indications that fixed assets may be impaired or an impairment loss previously recognised no longer exists or may have decreased.

If any such indication exists, the asset's recoverable amount is estimated. An impairment loss is recognised in the statement of comprehensive income whenever the carrying amount of an asset exceeds its recoverable amount. The recoverable amount of an asset is the greater of its net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of time value of money and the risks specific to the asset. An impairment loss is reversed if there has been a favourable change in the estimates used to determine the recoverable amount.

財務報表附註

Notes on the financial statements

(以港幣列示 Expressed in Hong Kong dollars)

2 主要會計政策 (續)**(d) 資產減值 (續)**

所撥回的減值虧損以在以往年度沒有確認任何減值虧損的情況下而確定的資產帳面金額為限。所撥回的減值虧損在確認撥回的期間內計入綜合收益表中。

(e) 租賃資產

如果本會是以營運租賃獲得資產的使用權，則根據租賃作出的付款會在租賃期所涵蓋的會計期間內，以等額在綜合收益表中列支，但如另有一種方法更能代表租賃資產所產生的收益模式則除外。租賃所涉及的激勵措施均在綜合收益表中確認為租賃淨付款總額的組成部分。或有租金在其產生的會計期間內在綜合收益表中列支。

(f) 按金及預付款項

按金及預付款項按公允價值初始確認，其後按攤銷成本減去呆帳減值撥備（參閱附註2(d)）後所得的金額入帳，但如折現影響並不重大則除外。在此情況下，應收款會按成本減去呆帳減值撥備後所得的金額入帳。

(g) 其他應付款項及應計費用

其他應付款項及應計費用按公允價值初始確認，其後按攤銷成本入帳，但如折現影響並不重大，則按成本入帳。

2 Significant accounting policies (continued)**(d) Impairment of assets (continued)**

A reversal of impairment losses is limited to the asset's carrying amount that would have been determined had no impairment loss been recognised in prior years. Reversals of impairment losses are credited to the statement of comprehensive income in the period in which the reversals are recognised.

(e) Leased assets

Where the Council has the use of assets under operating leases, payments made under the leases are charged to the statement of comprehensive income in equal instalments over the accounting periods covered by the lease term, except where an alternative basis is more representative of the pattern of benefits to be derived from the leased asset. Lease incentives received are recognised in the statement of comprehensive income as an integral part of the aggregate net lease payment made. Contingent rentals are charged to the statement of comprehensive income in the accounting period in which they are incurred.

(f) Deposits and prepayments

Deposits and prepayments are initially recognised at fair value and thereafter stated at amortised cost less allowance for impairment of doubtful debts (see note 2(d)), except where the effect of discounting would be immaterial. In such cases, the receivables are stated at cost less allowance for impairment of doubtful debts.

(g) Other payables and accruals

Other payables and accruals are initially recognised at fair value and thereafter stated at amortised cost unless the effect of discounting would be immaterial, in which case they are stated at cost.

2 主要會計政策 (續)

(h) 現金及現金等價物

現金及現金等價物包括銀行存款和現金、存放於銀行和其他金融機構的活期存款，以及短期和高流動性的投資。這些投資在沒有涉及重大價值變動的風險下可以隨時轉算為已知數額的現金，並在購入後三個月內到期。

(i) 僱員福利

薪金、有薪年假、界定供款退休計劃的供款和非貨幣福利成本在僱員提供相關服務的期間內累計。如果延遲付款或結算會造成重大的影響，則這些金額會以現值入帳。

(j) 撥備及或有負債

如果本會須就已發生的事件承擔法定或推定義務，因而預期很可能會導致經濟利益流出，在有關金額能夠可靠地估計時，本會便會對該時間或金額不確定的負債計提撥備。如果貨幣時間價值重大，則按預計所需費用的現值計提撥備。

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該義務披露為或有負債，但經濟利益流出的可能性極低則除外。如果本會的義務須視乎某項或多項未來事件是否發生才能確定是否存在，該義務亦會被披露為或有負債，但經濟利益流出的可能性極低則除外。

2 Significant accounting policies (continued)

(h) Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

(i) Employee benefits

Salaries, paid annual leave, contributions to defined contribution retirement plans and the cost of non-monetary benefits are accrued in the period in which the associated services are rendered by employees. Where payment or settlement is deferred and the effect would be material, these amounts are stated at their present values.

(j) Provisions and contingent liabilities

Provisions are recognised for liabilities of uncertain timing or amount when the Council has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

財務報表附註

Notes on the financial statements

(以港幣列示 Expressed in Hong Kong dollars)

2 主要會計政策 (續)**(k) 收入確認**

如果經濟利益可能會流入本會，而收入和成本（如適用）又能夠可靠地計量時，收入便會在綜合收益表內確認為：

(i) 政府補助

當可以合理地確定本會將會收到政府補助並履行該補助的附帶條件時，政府補助便會按其公允價值確認。

有關購置固定資產的政府補助歸入資本補助基金，並於相關資產的預計可用期限內按直線法計入綜合收益表。

(ii) 利息收入

利息收入是在產生時按實際利率法確認。

(iii) 雜項收入

雜項收入是按應計制確認。

(l) 關聯方

就本財務報表而言，下列的另一方會被視為本會的關聯方：

(i) 該另一方能夠透過一家或多家中介機構，直接或間接控制本會或對本會的財務和營運決策有重大影響，或可共同控制本會；

(ii) 本會與該另一方受到共同控制；

(iii) 該另一方是本會的聯營實體或本會作為合營者的合營企業；

(iv) 該另一方是本會的關鍵管理層成員，或與此個體關係密切的家庭成員，或受到此個體控制、共同控制或重大影響的實體；

2 Significant accounting policies (continued)**(k) Income recognition**

Provided it is probable that the economic benefits will flow to the Council and the income and costs, if applicable, can be measured reliably, income is recognised in the statement of comprehensive income as follows:

(i) Government grants

Government grants are recognised at their fair value where there is a reasonable assurance that the grant will be received and the Council will comply with all attached conditions.

Government grants relating to the purchase of fixed assets are included in the capital subvention fund and are credited to the statement of comprehensive income on a straight-line basis over the expected lives of the related assets.

(ii) Interest income

Interest income is recognised as it accrues using the effective interest method.

(iii) Sundry income

Sundry income is recognised on an accrual basis.

(l) Related parties

For the purposes of these financial statements, a party is considered to be related to the Council if:

(i) the party has the ability, directly or indirectly through one or more intermediaries, to control the Council or exercise significant influence over the Council in making financial and operating policy decisions, or has joint control over the Council;

(ii) the Council and the party is subject to common control;

(iii) the party is an associate of the Council or a joint venture in which the Council is a venturer;

(iv) the party is a member of key management personnel of the Council, or a close family member of such an individual, or is an entity under the control, joint control or significant influence of such individuals;

2 主要會計政策 (續)

(l) 關聯方 (續)

(v) 該另一方是第(i)項內所述的另一方的關係密切的家庭成員，或受到此個體控制、共同控制或重大影響的實體；或

(vi) 該另一方是為本會或作為本會關聯方的任何實體的僱員福利而設的離職後福利計劃。

與個體關係密切的家庭成員是指預期他們在與實體的交易中，可能會影響該個體或受該個體影響的家庭成員。

3 政府補助

政府補助是指政府撥款以供本會履行服務的資金。有關補助是按照本會的需要（已載列於年度預算及建議項目中）而釐定。

4 期內盈餘及綜合收益

期內盈餘及綜合收益已計入：

2 Significant accounting policies (continued)

(l) Related parties (continued)

(v) the party is a close family member of a party referred to in (i) or is an entity under the control, joint control or significant influence of such individuals; or

(vi) the party is a post-employment benefit plan which is for the benefit of employees of the Council or of any entity that is a related party of the Council.

Close family members of an individual are those family members who may be expected to influence, or be influenced by, that individual in their dealings with the entity.

3 Government grants

Government grants represent the funds granted by the Government for the Council's services which is determined with regard to the needs of the Council as presented in its annual budget and proposed projects.

4 Surplus and comprehensive income for the period

Surplus and comprehensive income for the period is arrived at after charging:

	2010
(a) 員工成本 Staff costs	
薪金、工資及其他福利 Salaries, wages and other benefits	\$ 14,936,141
強制性公積金供款 Contributions to Mandatory Provident Funds	105,314
	\$ 15,041,455
(b) 其他項目 Other items	
核數師酬金 Auditor's remuneration	\$ 51,000
折舊 Depreciation	26,451
物業的營運租賃費用 Operating lease charges in respect of properties	2,130,029

5 稅項

根據《稅務條例》第87條的規定，本會獲豁免課稅，因此本會無須在本財務報表計提香港利得稅撥備。

5 Taxation

No provision for Hong Kong profits tax is required to be made in these financial statements as the Council is exempted from taxation pursuant to section 87 of the Inland Revenue Ordinance.

財務報表附註

Notes on the financial statements

(以港幣列示 Expressed in Hong Kong dollars)

6 固定資產

6 Fixed assets

	租賃裝修工程 Leasehold improvements	辦公室設備 Office equipment	電腦設備 Computer equipment	總額 Total
成本 Cost:				
於二零零九年六月一日 At 1 June 2009	\$ -	\$ -	\$ -	\$ -
增置 Additions	74,800	830,945	37,954	943,699
於二零一零年三月三十一日 At 31 March 2010	\$ 74,800	\$ 830,945	\$ 37,954	\$ 943,699
累計折舊 Accumulated depreciation:				
於二零零九年六月一日 At 1 June 2009	\$ -	\$ -	\$ -	\$ -
期內折舊 Charge for the period	6,942	18,040	1,469	26,451
於二零一零年三月三十一日 At 31 March 2010	\$ 6,942	\$ 18,040	\$ 1,469	\$ 26,451
帳面淨值 Net book value:				
於二零一零年三月三十一日 At 31 March 2010	\$ 67,858	\$ 812,905	\$ 36,485	\$ 917,248

7 按金及預付款項

7 Deposits and prepayments

	2010
按金及其他應收款 Deposits and other receivables	\$ 309,949

所有按金及預付款項預期可於一年內收回。

All of the deposits and prepayments are expected to be recovered within one year.

8 現金及現金等價物

8 Cash and cash equivalents

	2010
銀行存款 Cash at bank	\$ 3,320,199
現金 Cash on hand	738
	\$ 3,320,937

9 遞延政府補助

9 Deferred government grants

有關補助是用作更換即時傳譯及視聽設備。

The grants are for the replacement of simultaneous interpretation and audio-visual equipment.

	2010
於二零零九年六月一日(法團成立日期)的結餘 Balance as at 1 June 2009 (date of incorporation)	\$ -
已收補助 Grants received	901,518
期內確認為收入的數額 Recognised as income in the period	(20,798)
於二零一零年三月三十一日的結餘 Balance as at 31 March 2010	\$ 880,720
減：歸入「流動負債」的數額 Less: Amount included in "current liabilities"	193,410
歸入「非流動負債」的數額 Amount included "non-current liabilities"	\$ 687,310

10 員工約滿酬金撥備

10 Provision for staff gratuities

	2010
於二零零九年六月一日(法團成立日期) At 1 June 2009 (date of incorporation)	\$ -
已計提撥備 Provision made	371,659
已動用撥備 Provision utilised	(21,742)
於二零一零年三月三十一日 At 31 March 2010	\$ 349,917

員工約滿酬金撥備是為了支付受聘當日起計已完成三年合約的員工的約滿酬金而設立。

Provision for staff gratuities is set up for the gratuity payments which will be payable to employees of the Council who complete their three-year contract commencing from the date of their employment.

11 承擔

11 Commitments

(a) 資本承擔

(a) Capital commitments

就於結算日的固定資產而言，於二零一零年三月三十一日未償付而又未在財務報表內計提撥備的資本承擔如下：

Capital commitments outstanding at 31 March 2010, in respect of fixed assets at the balance sheet date not provided for in the financial statements were as follows:

	2010
已訂約但未計提撥備 Contracted but not provided for	\$ 5,800

(b) 營運租賃承擔

(b) Operating lease commitments

於二零一零年三月三十一日，根據不可解除的營運租賃在日後應付的物業最低租賃付款總額如下：

At 31 March 2010, the total future minimum lease payments under non-cancellable operating leases in respect of properties are payable as follows:

	2010
一年內 Within 1 year	\$ 1,296,580
一年後但五年內 After 1 year but within 5 years	-
	\$ 1,296,580

財務報表附註

Notes on the financial statements

(以港幣列示 Expressed in Hong Kong dollars)

12 關聯方交易

有關採購貨品及服務的所有交易（當中涉及本會的成員及主要管理人員可能持有權益的機構）是在日常業務過程中按照本會的財務責任及正常採購程序進行。

除本財務報表所披露的交易及相關結餘外，本會還進行了以下關聯方交易：

支付本會成員以下職分所收到的酬金

12 Related party transactions

All transactions related to the procurement of goods and services involving organizations in which a member of the Council and key management personnel may have an interest are conducted in the normal course of business and in accordance with the Council's financial obligations and normal procurement procedures.

In addition to the transactions and balances disclosed elsewhere in these financial statements, the Council had the following related party transactions:

Honorarium paid to Council members in the capacity of

	2010
本會成員 Council members	\$ 369,180

13 已頒布但尚未在截至二零一零年三月三十一日止期間生效的修訂、新準則和詮釋可能帶來的影響

截至本財務報表公佈日，香港會計師公會已頒布多項在截至二零一零年三月三十一日止期間尚未生效，亦沒有在本財務報表採用的修訂、新準則和詮釋。

本會正在評估這些修訂、新準則和新詮釋對首次採用期間的影響。到目前為止，本會相信，採納這些修訂、新準則和新詮釋對本會的營運業績和財政狀況不會構成重大的影響。

13 Possible impact of amendments, new standards and interpretations issued but not yet effective for the period ended 31 March 2010

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments, new standards and interpretations which are not yet effective for the period ended 31 March 2010 and which have not been adopted in these financial statements.

The Council is in the process of making an assessment of what the impact of these amendments, new standards and new interpretations is expected to be in the period of initial application. So far it has concluded that the adoption of them is unlikely to have a significant impact on the Council's results of operations and financial position.