



獨立監察警方處理投訴委員會
Independent Police Complaints Council

主題 Highlight

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監警會 通訊 IPCC Newsletter

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主題 Highlight



監警會2009年統計數字

IPCC Statistics 2009

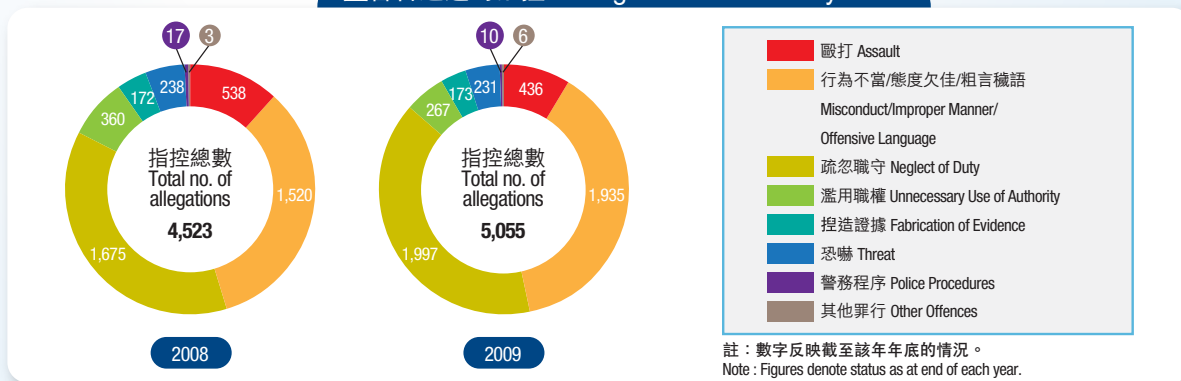
獨立監察警方處理投訴委員會(監警會)於2009年審核並通過了3,025宗須匯報投訴的調查結果，涉及5,055項指控，較2008年分別上升了17.6%和11.8%。

In 2009, the Independent Police Complaints Council (IPCC) reviewed and endorsed the findings of 3,025 reportable complaint cases, involving 5,055 allegations, an increase of 17.6% and 11.8% respectively over 2008.

在通過的調查結果中，涉及最主要的三類指控分別是「疏忽職守」(1,997項)、「行為不當/態度欠佳/粗言穢語」(1,935項)及「毆打」(436項)。這三類指控佔指控總數的86.4%。

The three most common allegations were "Neglect of Duty" (1,997 counts), "Misconduct / Improper Manner / Offensive Language" (1,935 counts) and "Assault" (436 counts), which constituted 86.4% of the total allegations.

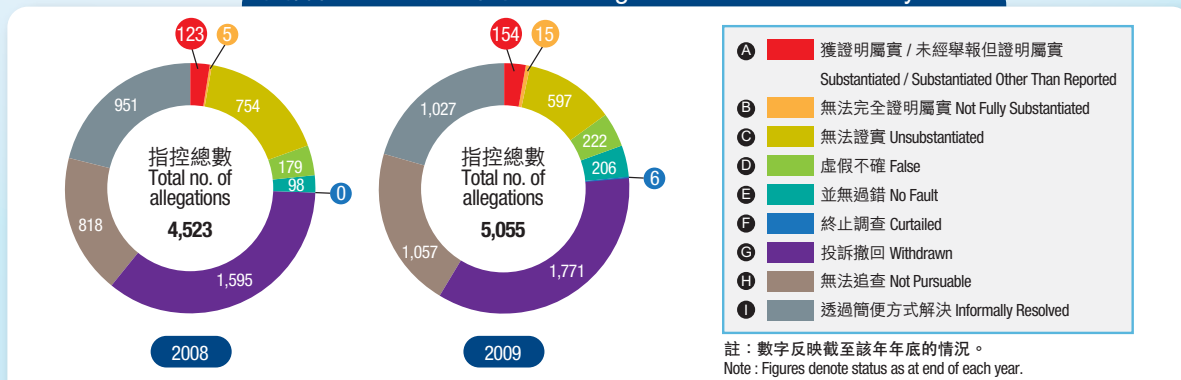
監警會通過的指控 Allegations Endorsed by IPCC



在5,055項指控中，經全面調查的有1,194項，證明屬實的比率為14.2%。其餘指控因「無法追查」、「投訴撤回」、「終止調查」或「透過簡便方式解決」而毋須進行全面調查。

Of the 5,055 allegations, 1,194 were fully investigated and the substantiation rate was 14.2%. Allegations which were not fully investigated were those classified as "Not Pursuable", "Withdrawn", "Curtailed" or resolved by "Informal Resolution".

監警會通過的調查結果 Investigation Results Endorsed by IPCC



證明屬實比率 Substantiation Rate:

11.0%

14.2%

$$\frac{A+B \text{ (歸納為「屬實」類別的指控 allegations belong to "Substantiated" category)}}{A+B+C+D+E \text{ (經全面調查的指控 fully investigated allegations)}} \times 100\%$$



去年，監警會對投訴警察課的調查報告共提出了2,022項質詢或建議，因為這些質詢或建議，有154項指控的調查結果須予更改，包括：

- ◎ 24項調查結果由「投訴撤回」/「並無過錯」/「無法證實」改列為「獲證明屬實」/「無法完全證明屬實」
- ◎ 35項調查結果由「無法證實」改列為「並無過錯」

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。

2009年，監警會繼續努力強化其監察角色。在觀察員計劃下，監警會委員和觀察員共出席了1,808次投訴警察課就須匯報投訴進行的會面或觀察有關的證據收集工作，確保調查徹底和公正。2009年進行的觀察次數是2008年(548次)的三倍多，當中包括331次突擊觀察。截至2009年底，監警會觀察員共有90人。

監警會為了考慮調查報告，可以會見任何能夠或可能能夠就調查報告向監警會提供資料或其他協助的人士。2009年，監警會共進行了3次會面，分別會見了2名投訴人和1名被投訴的警務人員。

Last year, IPCC raised 2,022 queries or suggestions on CAPO's investigations. The results of 154 allegations were changed subsequently, including the re-classification of the following:

- ◎ 24 investigation results from "Withdrawn"/ "No Fault" / "Unsubstantiated" to "Substantiated" / "Not Fully Substantiated"
- ◎ 35 investigation results from "Unsubstantiated" to "No Fault"

Apart from this, 29 "Substantiated Other Than Reported" allegations were added as a result of queries raised by IPCC.

During the year, IPCC has also continued efforts to strengthen our monitoring role. Under the IPCC Observers Scheme, IPCC Members and Observers attended interviews conducted by CAPO or observed the evidence collection process to ensure that investigation was conducted in a thorough and impartial manner. In 2009, a total of 1,808 observations were conducted. The number tripled compared with that of the previous year (548 observations in 2008), including 331 surprise observations. As at end of 2009, there were 90 IPCC Observers.

IPCC may, for the purpose of considering investigation reports, interview any person who is or may be able to provide information or other assistance to IPCC in relation to the reports. In 2009, IPCC conducted a total of 3 interviews – 2 with complainants and 1 with a complainee.

投訴警察真實個案

REAL COMPLAINT CASE AGAINST POLICE

這宗真實個案彰顯調查投訴過程中，在作出對事實的裁斷時，評估證人的可信及可靠程度的重要性。監警會在審核這宗個案時，質疑投訴警察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，投訴警察課再次審視這宗個案，最後把兩項指控的調查結果由原來「無法證實」改為「獲證明屬實」和「並無過錯」。

This real case demonstrated the importance of evaluating the credibility and reliability of witness to reach a finding of facts in the investigation process. In vetting the instant case, 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 re-examined the case and altered the investigation results of the two allegations from "**Unsubstantiated**" to "**Substantiated**" and "**No Fault**".

個案背景 Case Background

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）步入店舖並著令他把車輛駛走。投訴人質疑警員X有否適當地查問以澄清該車輛誰屬（「疏忽職守」）。

此外，投訴人亦指出，當他表示會作出投訴時，警員X向他說他沒有證據和錄音，示意即使投訴也是沒有結果。投訴人不滿警員X的言詞，認為他不負責任和無禮（「行為不當」）。

The complainant (COM) was the owner of a shop which 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. COM queried whether PC X had conducted proper enquiry to clarify to whom the subject vehicle belonged ["**Neglect of Duty (NOD)**"].

Besides, COM alleged that when he expressed intention of lodging a complaint, PC X told him that there was no evidence and no recording and hence futile for him to do so. COM felt aggrieved by PC X's remarks and considered him irresponsible and impolite ["**Misconduct**"].

個案背景 Case Background 投訴警察課的調查 CAPO's Investigation

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。警員X承認由於當時環境嘈雜，他說話的聲線較大，但否認對投訴人無禮。

投訴警察課的調查顯示，事發時只有投訴人的僱員(Y女士)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」。

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. PC X 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.

CAPO investigation found that there was no other witness except Ms Y, COM's employee, 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. As a result, CAPO classified both allegations as "**Unsubstantiated**" in the absence of any supportive evidence and independent witness to prove or disprove either side's version.

個案背景 Case Back 投訴警察課的調查 CAPO's Investigation 監警會的觀察 IPCC's Observation CAPO's Response

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，正確的做法是除了考慮證人與投訴人及被投訴人的關係外，亦需評估證人的可信程度，才決定其證供應否被接納。

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 it.

個案背景 Case Back 投訴警察課的調查 CAPO's Investigation 投訴警察課的回應 CAPO's Response

鑒於監警會的意見，投訴警察課重新審視這個案和Y女士的證供。她的證供沒有偏袒投訴人或被投訴人。

In the light of IPCC's advice, CAPO re-examined the case and the evidence given by Ms Y. Her evidence was not biased to either side of the complainant or the complaine.

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。

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 PC X's version.

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。

As regards the "Misconduct" allegation, Ms Y's version corroborated that of COM (i.e. her employer) and claimed that she heard the said remarks made by PC X.

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」。

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. Finally, the classification of the "NOD" allegation was changed from "Unsubstantiated" to "No Fault" and the "Misconduct" allegation from "Unsubstantiated" to "Substantiated".

監警會通過這宗投訴的修訂調查結果。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。

IPCC endorsed the revised investigation results of the case. PC X would be advised to be mindful of his behaviour and be polite in dealing with members of the public in future.

主要活動 Major Activities

公開會議

Open Meetings

監警會與投訴警察課每季舉行會議，就重要的政策議題交換意見。為提升透明度及讓公眾更了解我們的工作，部分會議會開放讓公眾旁聽。自法定監警會於2009年6月1日成立至今，共舉行了三次監警會/投訴警察課聯席會議：

IPCC and CAPO meet quarterly to facilitate exchange of views on important policy issues. To enhance transparency and public understanding of our work, part of the meetings are open to the public. Since the coming into operation of the statutory IPCC on 1 June 2009, three Joint IPCC/CAPO meetings were held:

2009 / 9月Sep / 4

警方2009年7月在觀塘繞道進行反非法賽車行動時，截停市民車輛以堵塞道路，引起公眾討論和監警會關注警方架設路障時的做法和程序是否恰當及有否充分考慮公眾安全。警察交通總部的代表獲邀向監警會介紹警方打擊非法賽車的行動和程序，以及就觀塘繞道事件的跟進工作。

IPCC expressed its concern whether existing police practices and procedures 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 on Kwun Tong Bypass in July 2009 where vehicles from members of the public were stopped to block the road. 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 Kwun Tong Bypass incident.



監警會 / 投訴警察課聯席會議 (2009年9月4日)
Joint IPCC/CAPO meeting (4 September 2009)

2009 / 12月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)的指引和在行動中怎樣避免投訴。

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Mar / 4

監警會關注警署內的閉路電視系統缺乏維修保養和因延誤檢取而無法取得閉路電視錄影片段的事。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 was concerned about 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.

與關注團體會面

Meeting with concern groups

2009 / 12月Dec / 15

監警會安排與四個關注性工作者團體(紫藤、姐姐仔會、青鳥和午夜藍)的代表會面。主席和七名委員與15名團體代表出席會面。代表表達了他們就警方濫權的關注，以及對現行投訴警察制度和監警會觀察員計劃的意見。

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 IPCC Observers Scheme.

與前線警務人員座談

Forums with frontline officers

監警會出席了多個座談會，與來自不同單位的各級前線警務人員交流。警務人員與監警會分享他們對投訴制度的意見、在執行職務時與市民接觸的體會及面對的困難。

IPCC attended forums and met with frontline officers from different ranks and units. Police officers shared their views on the complaints system, their working experience in dealing with members of the public and the difficulties encountered.

2009 / 11月Nov / 2

新界南總區前線警務人員座談會

Forum with frontline officers in New Territories South Region



監警會主席翟紹唐向前線警務人員講解監警會在投訴警察機制下的角色，和怎樣確保投訴警察課的調查對投訴人和被投訴人都公平公正。

Chairman Mr JAT Sew-Tong, explains to frontline officers the role of IPCC in the police complaints system and how IPCC functions to ensure CAPO's investigation is fair and just to both the complainants and complainees.



除了出席座談會，監警會委員亦參觀了葵涌分區的羈留設施。警方對羈留人士的處理有可能導致投訴，參觀有助委員進一步了解警方的做法。

Apart from the forum, Members also visit the detention facilities at Kwai Chung Division to better understand police's handling of detainees which may give rise to complaints.

2010 / 3月Mar / 5

港島總區前線警務人員座談會

Forum with frontline officers in Hong Kong Island Region



中區指揮官和副指揮官向委員講解警方如何處理大型公眾活動和面對的困難。
Senior management brief Members on the handling of public order events and the difficulties in policing those events.



來自衝鋒隊、警察機動部隊和中區的前線警務人員出席座談會。
Frontline officers from Emergency Unit, Police Tactical Unit and Central District attend the forum.

講座和研討會

Talk & Seminar

2009 / 9月Sep / 16

委員徐福燊醫生(左二)和張達明律師(左一)到警察學院向200名學警介紹監警會的工作和分享有關預防投訴的建議。

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



2009 / 11月Nov / 17

委員徐福燊醫生、阮陳淑怡博士和張達明律師出席警察管理發展課程的研討會。阮博士和張律師談及警權的運用、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名督察級或以上的警務人員參與。

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



監警會話你知 Informative Corner

香港的投訴警察制度

Police Complaints System in HK

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，均交由香港警務處投訴警察課調查。該課完成調查後，會把須匯報投訴的調查報告提交監警會審核。監警會是不會調查投訴的。

監警會審核調查報告，有需要時會要求投訴警察課澄清疑點和提供更多資料；如發現調查有不足之處，更會要求該課重新調查投訴。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。

監警會於2009年6月1日成為法定機構。隨著《監警會條例》生效，警方有法定責任遵從監警會根據條例所提出的要求。條例進一步提高監警會的獨立性，以履行其監察職能。

Hong Kong adopts a two-tier police complaints system. All complaints against the Police, irrespective of their origin, are referred to the Complaints Against Police Office (CAPO) of the Hong Kong Police Force for investigation. After CAPO has conducted the investigation, it will submit the investigation reports on reportable complaints to IPCC for scrutiny. IPCC does not investigate into complaints.

IPCC will examine the reports and require CAPO to clarify areas of doubt and provide more information if necessary. It can also request CAPO to re-investigate a complaint if it finds the investigation inadequate. Only when IPCC is fully satisfied that the complaint has been properly dealt with, will it endorse the investigation result and the case be concluded.

IPCC became a statutory body with commencement of the IPCC Ordinance on 1 June 2009. The Ordinance imposes a statutory duty on the Police to comply with IPCC's requirements, further enhancing the Council's independence in performing its monitoring function.

本通訊網上版可在監警會網頁下載
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