

監警會 通訊

IPCC NEWSLETTER



觀察員確保投訴調查工作公正持平

Observers Ensuring Impartiality in Police Complaints Investigations



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

本通訊網上版可在監警會網頁下載

On-line version of this newsletter is available at

www.ipcc.gov.hk

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監警會頻道 IPCC Channel

<http://www.youtube.com/user/ipccchannel>

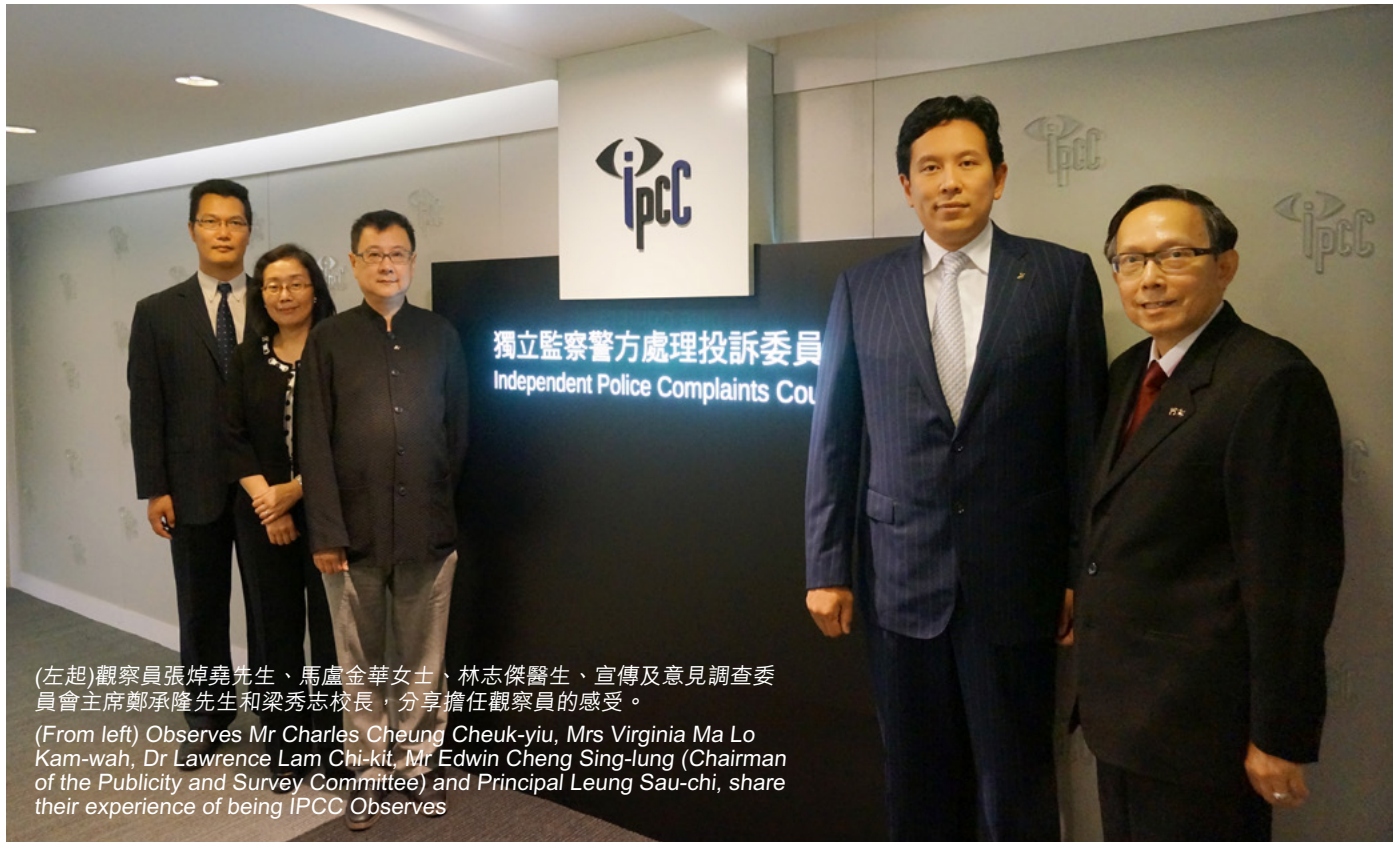
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(左起)觀察員張焯堯先生、馬盧金華女士、林志傑醫生、宣傳及意見調查委員會主席鄭承隆先生和梁秀志校長，分享擔任觀察員的感受。

(From left) Observers Mr Charles Cheung Cheuk-yiu, Mrs Virginia Ma Lo Kam-wah, Dr Lawrence Lam Chi-kit, Mr Edwin Cheng Sing-lung (Chairman of the Publicity and Survey Committee) and Principal Leung Sau-chi, share their experience of being IPCC Observers

觀察員確保投訴調查工作公正持平

Observers Ensuring Impartiality in Police Complaints Investigations

監警會的主要職能是觀察、監察和覆檢警務處處長就須匯報投訴的處理和調查工作，觀察警務處處長就須匯報投訴的處理和調查工作則由觀察員負責。根據《獨立監察警方處理投訴委員會條例》(監警會條例)，觀察員可以觀察任何警方為了調查投訴而與投訴人、被投訴人或證人進行的會面，以及證據收集工作。《監警會通訊》特意訪問了宣傳及意見調查委員會主席鄭承隆先生及四位資深觀察員分享他們出任觀察員的經驗。

觀察員計劃始於1996年，旨在加強監警會的監察職能，協助監警會觀察投訴警察課處理和調查須匯報投訴的方式。在這計劃下，由

The main functions of the IPCC are to observe, monitor and review the Commissioner of Police's handling and investigation of Reportable Complaints against the Police. Observing the Commissioner of Police's handling and investigation of Reportable Complaints is the responsibility of the Observers. According to the Independent Police Complaints Council Ordinance (IPCCO), Observers may observe the collection of evidence and any interviews that the Police arrange with complainants, complainees, or witnesses in the course of their investigations into complaints. The *IPCC Newsletter* interviewed Mr Edwin Cheng Shing-lung (Chairman of the Publicity and Survey Committee) and four other senior Observers to share their experiences.

The Observers Scheme was introduced in 1996 to strengthen the IPCC's monitoring function and assist the IPCC in observing CAPO's handling and investigation of Reportable Complaints. Under this Scheme, Observers appointed by the Secretary for Security may attend interviews and observe the collection of evidence related to

封面故事

Cover Story



(左起) 觀察員林志傑醫生和馬盧金華女士
(From left) Observers Dr Lawrence Lam Chi-kit and Mrs Virginia Ma Lo Kam-wah



宣傳及意見調查委員會主席鄭承隆先生希望多與觀察員交流
Mr Edwin Cheng Shing-lung (Chairman of the Publicity and Survey Committee) hopes to have active exchanges among Observers

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。曾於2007年至2012年擔任委員、現為觀察員的林志傑醫生說：「以往在警監會年代，會面人士若不希望觀察員在場，我們便要避席。」但自監警會在2009年成為法定機構後，觀察員有法定權力出席觀察投訴調查工作，委員亦可進行觀察。

同樣由警監會時代開始出任觀察員的梁秀志校長同意，並分享擔任觀察員13年來的點滴，包括曾試過在凌晨時份觀察證據收集，也曾出席同一個案的所有觀察，完成觀察後遞交的報告會由秘書處再作跟進，以彰顯觀察員在調查過程中的重要性。梁校長強調觀察員職責是觀察，過程中不可以加入個人意見。與陪審團不同，觀察員不需要下判斷。基於公平公正的原則，觀察員在觀察會面及證據收集行動期間，不可作出干預或任何評價。

對於警方調查投訴工作的表現，幾位觀察員均欣賞負責調查投訴的警員工作認真，認為他們大多數以解決問題為大前題，而觀察員馬盧金華女士更表示，警方會盡量安排翻譯人員，照顧少數族裔的語言需要，務求令整個會面過程更為暢順，惟翻譯人員的數目較少，認為投訴警察課可在這方面加以改善。另外，觀察員認為以錄影形式紀錄會面過程，較傳統的筆錄更客觀詳盡，又可以反映投訴人或投訴人的語氣和態度，有效提高調查的客觀性和中立性。

CAPO's investigation of Reportable Complaints. Dr Lawrence Lam Chi-kit, who served as an IPCC Member from 2007 to 2012 and is currently an appointed Observer, stated, "In the old days, before the IPCC had become a statutory body, if the interviewer or interviewees did not wish to have Observers present, we had to withdraw from the interview." But since the IPCC became a statutory body in 2009, Observers have had the statutory right to attend and observe investigations into police complaints. Likewise, IPCC Members can also conduct such observations.

Principal Leung Sau-chi has also been serving as an Observer since the pre-statutory body days of the IPCC. He shared some of his experiences during his thirteen years as an Observer, including midnight observations of the collection of evidence and his attendance at every single observation in one particular case. After an observation he would submit a report to the IPCC, which would be followed up by the Secretariat. This highlights the importance of an Observer in the investigation process. Principal Leung emphasised that the duty of an Observer is to observe on-site, without inserting any personal opinions. The Observer's role differs from that of a jury member in that he or she does not need to give a verdict. An Observer must maintain the principles of fairness and impartiality during the observation of an interview or the collection of evidence, without interference or comment.

Several Observers admired the work ethic of the police officers in charge of investigating complaints, noting that the police officers placed top priority on problem-solving. Observer Mrs Virginia Ma Lo Kam-wah noted that the Police did their best to arrange for interpreters to attend to the needs of ethnic minority groups in order to facilitate a smooth interview process, but that the number of interpreters was limited; she said this was an area in which CAPO could improve. Observers also expressed the view that video-recorded interviews are not only much more objective and detailed compared to traditional written records, but they also show the complainant or complainees tone and attitude, which in turn improves the objectivity and neutrality of investigations.

封面故事

Cover Story



(左起) 觀察員梁秀志校長和張焯堯先生
(From left) Observers Principal Leung Sau-chi and Mr Charles Cheung Cheuk-yiu

另一方面，觀察員認為加強彼此的交流有助他們進行觀察，如監警會去年6月及7月舉辦的三次研討會，為觀察員提供平台互相分享經驗和心得。有見及此，會方亦將於2015年1月23日籌辦大型的觀察員研討會，增加委員與觀察員之間的連繫。另外，會方亦著手製作教學短片，供觀察員參考，特別針對新獲任命的觀察員，為他們介紹監警會及觀察員計劃、電子平台的功能、現場觀察的模擬片段等。

此外，會方為提升效率，亦於年前推出觀察員電子平台，觀察員張焯堯先生表示，加密的平台令預約觀察更為方便，可以讓觀察員事先預約投訴會面及證據收集的環節，直接提升觀察員的參與率，秘書處亦可以更有效監察及分配觀察員的出席情況。

最後，鄭承隆先生寄望觀察員繼續積極參與出席觀察。他指出佔領運動發生逾月，投訴警察課已展開由佔領運動衍生的投訴調查工作。截至11月24日為止，監警會亦已收到投訴警察課28次的會面及證據搜集的通知。由於佔領運動的投訴引起社會高度關注，會方希望所有投訴警察課的調查會面及證據收集工作均有觀察員出席。鄭承隆先生亦以身作則，觀察了超過一半相關的調查工作，以回應市民大眾對監警會的期望。

Observers also stated that exchanges among themselves are helpful in carrying out their observations. For example, the IPCC held three seminars in June and July last year to provide a platform for Observers to share their experiences and knowledge. Given the success of these events, the IPCC is planning to hold a large-scale Observers symposium on 23 January 2015, to strengthen connections between IPCC Members and Observers. The IPCC will also be producing short educational videos which Observers can use as a reference. Newly appointed Observers will be provided with an introduction to the IPCC and the Observers Scheme, an introduction to the functions of the e-portal, and simulation videos of on-site observations.

Additionally, in order to improve its effectiveness, the IPCC will also rolled out an Observers' e-portal. Observer Mr Charles Cheung Cheuk-yiu stated that an encrypted platform for making observation appointments is much more convenient because an Observer can choose a particular complaint case interview beforehand, which will increase the Observers' attendance rate. The IPCC Secretariat can also monitor and allocate the attendance of Observers more effectively.

Lastly, Mr Edwin Cheng said he hopes that Observers will continue to actively participate in and attend observations. He pointed out that in the past months, since the commencement of the Occupy Movement, CAPO has already begun investigations into complaints arising from this movement. As of 24 November 2014, the IPCC has also received 28 notices of interviews and collection of evidence from CAPO. Since the complaints arising from the Occupy Movement have attracted a lot of public concern, the IPCC hopes that all investigation interviews and collection of evidence by CAPO will be attended by IPCC Observers. Leading by example, Mr Edwin Cheng has observed over half of the investigation work, in response to the public's expectations of the IPCC.

觀察員的委任

(監警會條例第33條)

監警會觀察員是由保安局局長委任。為確保觀察員的中立角色，以下人士均不會被委任為觀察員：

- 在政府政策局或部門擔任受薪職位（不論屬長設或臨時性質）的人士；
- 秘書長、法律顧問或監警會任何其他僱員；
- 及曾屬警隊成員的人士。

Appointment of Observers

(Section 33 of IPCCO)

The IPCC Observers are appointed by the Secretary for Security. To ensure their impartiality, the following persons are not eligible for appointment as Observers:

- A person who holds an office of emolument, whether permanent or temporary, in a Government bureau or department
- The Secretary-General, the Legal Adviser or any other employee of the Council
- A former member of the Police Force



1. 林嘉華和楊思琦在劇中分別飾演高級審核主任和審核主任

Mr Dominic Lam Ka-wah and Ms Shirley Yeung Sze-ki are Senior Vetting Officer and Vetting Officer in "IPCC files"

2. 張松枝和方子駒在劇中分別飾演警長和督察

Mr Deon Cheung Chung-chi and Mr Fong Zi-kui are Sergeant and Inspector in the drama

全新一輯《監警有道》

New Series "IPCC Files"

監警會與香港電台於2012年聯合製作八集每集五分鐘的電視劇集《監警有道》，透過真實投訴警察個案改編的故事，介紹監警會的職能和其在投訴警察制度中所發揮的作用。劇集得到普羅觀眾的認同，並入選香港大學民意研究計劃第三階段的「2012電視節目欣賞指數調查」排名最高的20個節目之一。

有見及此，監警會再度與香港電台合作，聯合製作每集半小時，並於黃金時段播放的全新一輯《監警有道》，以增加普羅大眾對監警會的工作和投訴警察制度的認識，從而加強公眾對投訴警察制度的信心。

新一輯《監警有道》由一連八集半小時之單元劇組成，故事內容由真實投訴個案改編。故事由兩位監警會審核員（卓昕及Jason）的角度出發，以二人、同僚再加上監警會委員審核調查報告時，如何抽絲剝繭嘗試找出事件真相，並以情、理兩方面去理解事件發生原由，決定投訴個案分類等劇情，描述監警會的法定職能、於投訴警察制度中所發揮的作用、如何確保處理投訴的方式對投訴人和被投訴人公平公正。

每集主題特別選取現實生活上容易衍生投訴警察事宜的情境，讓觀眾了解投訴事宜衍生的情形，增加劇集真實性。

The IPCC collaborated with RTHK in 2012 to produce the TV series "IPCC Files", which comprises eight five-minute episodes. Through stories based on real police complaint cases, this programme aims to introduce the functions of the IPCC and its role in the police complaints system. The series received widespread recognition and was selected as one of the top 20 TV programmes in the third stage of the "2012 TV Programme Appreciation Index Survey" conducted by the Public Opinion Programme of the University of Hong Kong.

Given its success, the IPCC decided to collaborate with RTHK again to produce a new series of "IPCC Files", which comprises 30-minute episodes and will be aired during prime time. The aim of the new series is to increase awareness of the IPCC's work and the police complaints system, and improve public confidence in the police complaints system.

The new "IPCC Files" comprises eight 30-minute episodes based on real complaint cases. The story is told from the perspective of two IPCC vetting officers (Chuek-yan and Jason) and shows how they, along with their colleagues and IPCC Council Members, carry out detailed and systematic investigations to uncover the truth during the vetting of CAPO's investigation reports. It also includes scenes where the officers and Council Members take into account both reason and emotion in trying to understand the causes of the incidents and in deciding on classifications for complaint cases. Through these stories, the programme describes the IPCC's statutory function and its role in the police complaints system, and how it ensures that the handling of complaints is fair and just to both the complainant and complaine.

The theme of each episode is specifically selected to depict real-life situations where complaints against the Police commonly arise. This is to enable the audience to better understand the situations that give rise to such complaints and thus add to the realism of the TV series.

《監警有道》暫定播映時間：

2015年5月5日起
逢星期二晚上7時
港台電視31及無線電視翡翠台播出

"IPCC Files" Tentative Broadcasting Time:

Starting 5 May 2015
Every Tuesday at 7 PM
RTHK 31 and TVB Jade

《監警有道》各集主題：

1. 拾遺不報
2. 遊行示威
3. 業權糾紛
4. 偷竊
5. 身體接觸
6. 交通
7. 毆打暴力
8. 家庭糾紛

"IPCC Files" Episode Themes:

1. Lost Property
2. Demonstrations
3. Property Ownership Disputes
4. Theft
5. Bodily Contact
6. Traffic
7. Assault
8. Domestic Disputes

監警會在2014年9月至2014年11月的活動 IPCC's Recent Activities from September to November 2014

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9月 SEP

第十三期《監警會通訊》傳媒發佈會

IPCC Newsletter Issue No. 13 media briefing



監警會推出第十三期《監警會通訊》，並舉行新聞發佈會介紹通訊內容。發佈會當日，郭琳廣主席在梅達明副秘書長陪同下，向傳媒講解監警會的最新活動及通訊精華。本期通訊概述監警會以多角度觀察七一遊行，並專題報道「監警有道」研討會。此外，郭琳廣主席為通訊撰寫文章，分享他對警民關係的看法。梅達明副秘書長亦詳細講述一宗顯示監警會審視警方處理舉報罪案的投訴個案。

A media briefing was held to release the thirteenth issue of the *IPCC Newsletter*. During the briefing, Mr Larry Kwok Lam-Kwong (Chairman) and Mr Daniel Mui (Deputy Secretary-General) presented highlights of the IPCC's recent activities and publicity initiatives. The newsletter briefly described the IPCC's multi-faceted observation of the 1 July procession, and the cover story focused on the IPCC Symposium. In addition, Mr Larry Kwok wrote an article for the newsletter to share his views on the relationship between the Police and the public. Mr Daniel Mui explained in detail the meticulous approach adopted by the IPCC in examining the Police handling of a crime reported by a complainant.

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9月 SEP

向新界扶輪社會員介紹監警會工作

Introduced the IPCC to New Territories Rotary Club members



陳敏儀法律顧問應邀出席新界扶輪社例會，介紹監警會的工作以及投訴警察制度兩層架構的運作。

Ms Cherry Chan (Legal Advisor) was invited to deliver a presentation on the work and role of the IPCC and the functions of the two-tier police complaint system at a meeting of the Rotary Club of the New Territories.



最新動態

Recent Activities

16
9月 SEP

為深圳市委市政府信訪局民事調解及 信訪工作能力提升專題研修班主講

Presented a lecture to
representatives from the Bureau of
the Ombudsman, Shenzhen

朱敏健秘書長應邀為深圳市委市政府信訪局民事調解及信訪工作能力提升專題研修班主講，介紹監警會的成立背景、職能，及投訴警察制度兩層架構的運作，出席代表包括市信訪局市委副秘書長、局長、副局長，以及多位地區信訪局代表。

Mr Ricky Chu (Secretary-General) was invited to give a lecture at a seminar for the Bureau of the Ombudsman, Shenzhen, to introduce the IPCC's background, functions, and the operation of the two-tier police complaints system. The seminar attendees included the Deputy Secretary-General, Director, Assistant Director, and district representatives of the Bureau of the Ombudsman.



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10月 OCT

出席中華企業家協會座談會

Attended Chinese Entrepreneurs Organization
Roundtable Dinner



郭琳廣主席出席中華企業家協會座談會，向與會者介紹監警會的運作以及處理警察投訴的程序，並分享會方如何以公平公正和透明的態度處理投訴個案。

Mr Larry Kwok Lam-kwong (Chairman) was invited to attend the Chinese Entrepreneurs Organization Roundtable Dinner to introduce the operations of the IPCC and the procedures for handling police complaints. He also shared how the IPCC handles complaint cases with fairness, impartiality and transparency.

最新動態

Recent Activities

主席及署理秘書長傳媒訪問

Media interviews with the Chairman and the Acting Secretary-General

郭琳廣主席於報告期間接受蘋果日報及香港電台電視節目《視點31》的訪問，討論監警會如何就公眾關注的議題和警方及持份者加強聯繫。

此外，郭琳廣主席與梅達明署理秘書長亦接受多家傳媒訪問，就佔領運動表達監警會的意見及立場。

During the reporting period, Mr Larry Kwok Lam-kwong (Chairman) was interviewed by Apple Daily and the RTHK programme "This Week 31" to discuss how the IPCC can strengthen its engagement with the Police and stakeholders on issues of public interest.

Additionally, Mr Larry Kwok (Chairman) and Mr Daniel Mui (Acting Secretary-General) were interviewed by various media companies regarding the IPCC's comments and point of view on the Occupy Movement. .



監警會觀察員

IPCC Observers

新任命的監警會觀察員 Names of newly appointed IPCC Observers:

- | | | | |
|----------|-------------------------|----------------|-------------------------------|
| 1. 歐楚筠女士 | Ms AU Chor-kwan | 7. 梁志明先生 | Mr Pat LEUNG Chi-ming |
| 2. 陳郁傑博士 | Dr CHAN Yuk-kit | 8. 梁新燕女士 | Ms Cecilia LIANG Sun-yin |
| 3. 鄭建曦女士 | Ms Hattie CHENG Kin-hei | 9. 李國祥醫生，JP | Dr Lawrence LI Kwok-chang, JP |
| 4. 甘艷梅女士 | Ms KAM Yim-mui | 10. 陸海女士，MH，JP | Ms LU Hai, MH, JP |
| 5. 林傳華女士 | Ms Carine LAM Chuen-wa | 11. 楊位醒先生，MH | Mr YEUNG Wai-sing, MH |
| 6. 梁志剛先生 | Mr LEUNG Chi-kong | | |

(任期由2014年11月1日至2016年10月31日 Appointment period from 1 November 2014 to 31 October 2016)

再獲任命的監警會觀察員 Names of re-appointed IPCC Observers:

- | | | | |
|-------------|-----------------------------|------------------|-------------------------------|
| 1. 陳茂強先生 | Mr Haydn CHAN Mou-keung | 7. 盧錦華先生，MH，JP | Mr Norman LO Kam-wah, MH, JP |
| 2. 鄭國杰博士，MH | Dr Edwin CHENG Kwok-kit, MH | 8. 羅仁禮先生，JP | Mr LO Yan-lai, JP |
| 3. 林發耿先生，MH | Mr LAM Faat-kang, MH | 9. 莫仲輝先生，MH，JP | Mr Rex MOK Chung-fai, MH, JP |
| 4. 樓家強先生，MH | Mr LAU Ka-keung, MH | 10. 蕭澤宇先生，BBS，JP | Mr Simon SIU Chak-yu, BBS, JP |
| 5. 李世榮先生 | Mr LI Sai-wing | 11. 楊添燦先生 | Mr Alan YOUNG Tim-tsan |
| 6. 廖啟明醫生，MH | Dr LIU Kai-ming, MH | | |

(任期由2014年11月1日至2016年10月31日 Appointment period from 1 November 2014 to 31 October 2016)

任期已屆滿的監警會觀察員 Names of retired IPCC Observers:

- | | | | |
|----------|------------------------|----------------|-------------------------------|
| 1. 陳博智先生 | Mr CHAN Pok-chi | 7. 龐創先生，BBS，JP | Mr Edward PONG Chong, BBS, JP |
| 2. 朱靖女士 | Ms Esther CHU Jing | 8. 邵家輝先生 | Mr SHIU Ka-fai |
| 3. 洪為民先生 | Mr Witman HUNG Wai-man | 9. 王吉顯先生 | Mr Peter WONG Kit-hin |
| 4. 季霆剛先生 | Mr KWAI Ting-kong | 10. 黃萬成先生 | Mr Barry WONG Man-sing |
| 5. 李嘉麒先生 | Mr LEE Kar-ki | 11. 王婉芝女士 | Miss WONG Yuen-chi |
| 6. 李婉華女士 | Ms Rainbow LI Yuen-wah | | |

(任期於2014年10月31日屆滿 Terms of appointment ends on 31 October 2014)

監警會觀察員以同理心平衡雙方觀點

IPCC Observer balancing both parties' perspectives with empathy

出任監警會觀察員，是一件富有意義的事。觀察員來自不同的階層，各自的專業、經驗、閱歷，都可以協助觀察員進行這些會面及證據搜集的觀察，而自己在人力資源及行政方面的專業，讓自己的觀察仔細入微。

觀察員的主要角色是觀察和匯報，基於公平公正的原則，在觀察期間觀察員是不可以作出任何干預或發表個人意見，以防影響會面或證據收集的進行。要做一個目無表情的「第三者」，起初其實也不習慣，尤其是初任觀察員進行會面觀察時，如出於禮貌會向投訴人或被投訴人點頭、微笑，及後了解到這些舉動有機會影響到觀察，就要學懂如何作一個有思想，但仿如透明的觀察員。

雖說觀察員的存在猶如透明，但自己就非常肯定其存在的實際價值。因為觀察員作為一個客觀的第三者，可以用持平的態度、與普羅市民一般的同理心去進行觀察。若察覺有任何不當之處，就會向監警會匯報；然後會方再向投訴警察課跟進。所以觀察員的存在，可以確保投訴警察課在調查過程公平、公正，監警會亦以獨立、持平的態度，審核警察投訴個案。此外，觀察員的存在亦給予投訴人及被投訴人適當的壓力，讓雙方都可以在較冷靜的情況下進行會面。

出任監警會觀察員四年多的時間，看見大部分的投訴個案均是源於警員與市民雙方的態度、語氣、用詞、處理手法等。有若干未如理想的地方，只要大家多包容、多溝通，警員抱著服務市民的心態執法，而市民又可以同理心去了解警方執法理據，相信可以避免不少投訴的發生。

Serving as an IPCC Observer is a very meaningful thing. Observers come from different classes of society. Our respective professions, our work experience and our life experience all assist us in attending meetings and observing the collection of evidence. My own expertise in human resources and administration enables me to make more detailed observations.

The role of an Observer is primarily to observe and report. In adhering to the principles of fairness and impartiality, the Observer cannot interfere nor express any personal opinions during an observation. This is to avoid affecting the progress of the meeting or the collection of evidence. Being an expressionless “third party” was awkward at first, because out of politeness I would greet the complainant or complainee with a nod and smile; but afterwards I understood that even such gestures could affect the observation. Therefore we must learn how to be robotic observers, with minds of our own but like a transparent glass wall.

Although the Observer's presence at a meeting is almost invisible, I can very much affirm the solid and practical value of an Observer. Since Observers are objective third parties, we are able to take an unbiased approach and to be empathetic towards our fellow citizens when conducting an observation. If we detect any irregularities, we will report them to the IPCC, which will then follow up with CAPO. Therefore, the existence of Observers is paramount, because we can ensure that CAPO's investigations are fair and impartial, and that the IPCC will also review complaint cases in an independent and unbiased manner. Additionally, the presence of an Observer places a suitable amount of pressure on the complainant and the complainee, so that both parties conduct the meeting in a relatively calm manner. In the past four years of being an Observer, I have noticed that the majority of complaints cases originate from the police officers' and citizens' attitude, tone, choice of words, and way of handling a situation. There are certainly a few areas where there is room for improvement, but if everyone could be more understanding and communicate more openly – police officers having the mentality to serve citizens while carrying out their duties; and citizens empathising with the police officers' reasoning while they are enforcing the law – I believe that many complaints could be avoided.

作者：監警會觀察員馬盧金華女士

Author: Mrs Virginia Ma Lo Kam-wah, IPCC Observer



彰顯監警會建議警方改善處理程序

The IPCC's function in advising improvements in police measures

個案重點 Highlights of the Case

	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original Classification(s) by CAPO	最後分類 Final Classification(s)
1	疏忽職守 Neglect of Duty	一名警察通訊員 A Police Communications Officer	無法追查 Not Pursuable	獲證明屬實 Substantiated

此個案突顯監警會以仔細務實的態度審視警方處理舉報噪音時「疏忽職守」的投訴，投訴警察課原先因未能聯絡到投訴人而將投訴指控分類為「無法追查」，惟監警會審視客觀證據後，認為已有充分資料支持一個明確的結論。投訴警察課同意監警會的觀點，並再次就個案展開全面調查，最終將分類改為「獲證明屬實」。

投訴人因噪音問題致電警方999求助，但警方卻未有如處理早前兩次的舉報般安排警員到場，故投訴人投訴一名警察通訊員「疏忽職守」，指該名警察通訊員在接獲她的舉報後，未有派警員到場處理其案件。投訴警察課因未能聯絡到投訴人，最初將指控分類為「無法追查」。監警會隨後審視999求助電話指揮及控制中心（中心）的

This case highlights the meticulous and pragmatic approach adopted by the IPCC in examining a complaint of “Neglect of Duty” in the police handling of a noise complaint lodged by the complainant. Although the complainant was out of reach, CAPO conducted a full investigation and reclassified the complaint from “Not Pursuable” to “Substantiated” after agreeing with the IPCC that a definite finding could be reached upon examination of objective evidence.

The complainant called 999 to report a noise complaint to the Police. In contrast to two similar reports she had made previously, there was no police officer at the scene on this occasion. The complainant then lodged a complaint of “Neglect of Duty” against the Police Communications Officer (PCO) who received her report for failing to deploy police officers to handle her report. CAPO initially classified the allegation as “Not Pursuable” because the complainant was out of reach when CAPO contacted her for investigation. The IPCC opined that, given that the 999 Centre (the Centre) had an audio recording of the complainant’s call, a definite finding on the classification of the

錄音記錄，認為現有的資料足以支持一個明確的結論。投訴警察課同意監警會的觀點，檢查有關錄音並再次展開調查，發現該名警察通訊員沒有妥善處理投訴人的報案，故將指控分類改為「獲證明屬實」，並建議向該名警察通訊員作出訓喻。監警會亦要求警察改善同類案件的處理程序，避免將來衍生類似的投訴個案。

個案背景

投訴人致電999，投訴一間位於灣仔店舖的噪音問題，她之前曾兩次報警投訴噪音，由於噪音持續，投訴人第三次報案，並由中心的一位警察通訊員接聽。在電話對話中，投訴人向該名警察通訊員指出店舖的明確地址，惟30分鐘後投訴人仍未見有警員到場，投訴人遂再次致電中心，其後數名警察到場處理投訴人的報案。

之後，投訴人就該名警察通訊員未有派警員到場處理其報案而作出投訴 [指控：疏忽職守]。

投訴警察課嘗試聯絡投訴人以調查投訴個案，但未能聯絡到投訴人，故將指控分類為「無法追查」。

監警會的觀察

監警會審視個案的資料，認為即使未能成功聯絡到投訴人，但中心的錄音記錄，足以為指控提供一個明確的結論。

投訴警察課再次調查

投訴警察課同意監警會的觀察，並就投訴個案再次展開調查，根據投訴人與該名警察通訊員的電話錄音內容，顯示投訴人已提供清楚有關案件的地址，惟該名警察通訊員在承諾投訴人後卻未有派警員到場調查。該名警察通訊員向投訴警察課解釋當時情況，指出當問及投訴人姓名時投訴人突然掛線，認為投訴人突然掛線的舉動表示已不

allegation could be reached based on the available information. CAPO agreed with the IPCC's view, and upon examination of the relevant audio recording and further investigation, found that the PCO had failed to handle the complainant's report properly. Hence, CAPO reclassified the allegation as "Substantiated" and recommended advising the PCO. The IPCC also requested the Police to take service improvement measures to prevent the recurrence of similar incidents.

Case background

The complainant called 999 to report a noise complaint at a shop in Wan Chai, as she had made two similar reports previously but the noise still continued. This third report was received by the complainee, a PCO, at the Centre. During the telephone conversation, which was recorded at the Centre, the complainant provided the PCO with the exact address of the shop. After 30 minutes, the complainant found that no officer had been deployed to the scene. The complainant called the Centre again, and then some police officers were deployed to the scene to handle the complainant's further report.

Later, the complainant lodged a complaint that the PCO had failed to deploy police officers to handle her report [Allegation: Neglect of Duty].

CAPO attempted to contact the complainant to investigate her complaint, but to no avail. CAPO therefore classified the allegation as "Not Pursuable".

IPCC's observation

The IPCC was of the view that, given that the Centre had the audio recording, a definite finding on the classification of the allegation could be reached based on the available information even though the complainant was not forthcoming.

CAPO's further investigation

CAPO agreed with the IPCC's view and conducted further investigation into the complaint. According to the audio recording of the telephone conversation between the complainant and the PCO, the complainant had provided the exact address of the scene and the PCO had undertaken to deploy police officers to the scene to conduct an enquiry. When the PCO asked for the complainant's name, she hung up abruptly. The PCO explained to CAPO that he thought the complainant's hanging up of the phone was an indication that she did not need police assistance and she could call again

需警方協助，如有需要投訴人會再次致電，而且警方亦曾處理投訴人較早前的兩次噪音投訴，所以決定不派警員到現場作進一步處理。

投訴警察課指出若案件性質需要警方作出調查，警員便應到現場處理，該名警察通訊員若有疑問應諮詢中心的主管，故投訴警察課認為該名警察通訊員在承諾投訴人後卻未派警員到場調查，是沒有妥善處理投訴人的舉報，遂將指控分類改為「獲證明屬實」，並建議對該名警察通訊員作出訓喻，但無需把事件記入分區報告檔案中。

監警會通過這宗個案的調查結果，並要求警方提醒999求助電話中心的警員需要：(1) 若案件性質需要警方作出調查，警員便應到現場跟進；及(2) 若警察通訊員對投訴人報案的意圖有疑問，應將有關舉報通知主管再作決定。

if in need. Moreover, the complainant's noise complaint had been handled by police officers on two previous occasions. The PCO therefore decided not to deploy any officers to the scene.

CAPO pointed out that as long as the nature of the report warrants a police enquiry, police officers should normally be deployed to the scene. Therefore, in this case, the PCO should have consulted the supervisor of the Centre. CAPO considered that the PCO, having undertaken to deploy police officers to the scene for enquiry, failed to handle the complainant's report properly. CAPO thus reclassified the allegation as "Substantiated" and recommended advising the PCO without a Divisional Record File entry.

The IPCC endorsed CAPO's findings in this case and requested the Police to remind officers of the 999 Centres that (1) as long as the nature of the report warrants a police enquiry, police officers should normally be deployed to the scene and (2) they should refer the matter to the supervisor if the PCO is doubtful about the caller's intent in the report.