

監警會 通訊

IPCC NEWSLETTER



全新一輯《監警有道》五月啓播

Brand new series of IPCC Files to be broadcast in May



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

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監警會頻道 IPCC Channel

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

封面故事 Cover story p.2-5

p.6-12 最新動態 Recent activities

Viewpoint from IPCC 監警觀點 p.14-17

p.18-20 Real complaint case

真實投訴個案

封面故事

Cover story



(左起) 林嘉華在劇中飾演高級審核主任勁Sir。他認為拍攝《監警有道》讓他體驗到監警會查根究底、抽絲剝繭的投訴審核過程，更了解監警會的工作。楊思琦飾演審核主任卓昕，她認同角色專業，相信劇集有助普羅大眾了解會方職能，甚具教育意義。

(From left) Dominic Lam plays a Senior Vetting Officer in the series. Lam stated that the filming of IPCC Files gave him a better understanding of the work of the IPCC and its painstaking review of police investigations. Shirley Yeung plays a Vetting Officer whom she saw as a real professional; she said the series would serve to educate the public in the functions of the Council.

全新一輯《監警有道》五月啟播

Brand new series of IPCC Files to be broadcast in May

監警會成為法定機構後，積極履行《監警會條例》第8條(1)(e)的職能，增加市民對監警會的認識。因此，監警會與香港電台於2012年聯合製作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。

雖然2012年的《監警有道》獲得好評，但會方亦了解監警會處理的工作較為繁複，而兩層架構的投訴警察制度及其運作等概念也難以在短短五分鐘的時間內向觀眾解釋清楚。因此會方

Since becoming a statutory body, the IPCC has been proactively promoting public awareness of its activities, as mandated under S8(1)(e) of the Independent Police Complaints Council Ordinance(IPCCO). In 2012, the Council partnered with RTHK to produce a five-minute mini TV series, *IPCC Files*, adapted from real complaint cases, in order to illustrate the function of the IPCC in handling complaints against the police. The series was well received by the public and was selected to the top twenty list in the third stage of the "2012 TV Programme Appreciation Index Survey" conducted by the University of Hong Kong Public Opinion Programme.

Even though *IPCC Files* was publicly acclaimed in 2012, the Council found that the duties of the IPCC were complicated, and the concept and operation of the two-tier police complaints system could not be clearly explained in a five-minute programme. The Council decided to collaborate with RTHK again to produce a new series of *IPCC Files*,

封面故事

Cover story



為了讓拍攝過程更順利，演員會在正式拍攝前先綵排。

Actors rehearse before filming, to facilitate a smoother shooting of the programme.



(左起) 陳柏宇和杜小喬分別飾演審核主任和行政助理，他們異口同聲贊同，拍攝劇集加深了他們對監警會職能的認識。

(From left) Jason Chan and To Siu-kiu play a Vetting Officer and an Administrative Assistant. Both declared that the series gave them a better understanding of the work of the IPCC.



(左起) 葉景文、龔慈恩在劇中內飾演監警會委員，與擔任審核主任的楊思琦和林嘉華一同商討投訴個案。

(From left) Winston Yeh and Mimi Kung play IPCC Members discussing complaint cases with vetting officers, played by Shirley Yeung and Dominic Lam.

便再度和香港電台合作，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》，務求進一步增加大眾對監警會的工作和投訴警察制度的認識。

《監警有道》的拍攝籌備工作早在2013年年底已然展開，會方和香港電台在過去一年多緊密合作，選取真實投訴個案及搜集資料，並加以改編撰寫劇本，從而深入淺出地介紹監警會的工作。此外，為確保劇中描述警察工作場景的真實性，監警會及香港電台亦邀請投訴警察課代表作技術指導，以反映警方處理投訴的真貌。

with each episode half an hour long and aired in TV prime time. This arrangement would allow the public to learn more about the work of the IPCC and to better understand the police complaints system.

Pre-production work on *IPCC Files* started in late 2013, and the Council worked closely with RTHK throughout the following year in selecting real complaint cases and gathering information for adaptation into scripts that would present the complex duties of the IPCC in a manner that could be easily understood. Moreover, to ensure the authenticity of the series, and to give an accurate presentation on handling police complaints. The IPCC and RTHK invited representatives from Complaints Against Police Office (CAPO) to act as technical guidance.

封面故事

Cover story



兩位審核主任在茶水間討論案情。

Two vetting officers discussing case details in the pantry.

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。劇集內容主要由兩位監警會審核主任（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，如何抽絲剝繭地分析案情和證據，嘗試找出事件真相，更輔以說情、評理，用公眾較易明白的方式去交代事件發生原由，決定投訴個案分類等，從而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，讓觀眾了解警察投訴衍生的情形，增加劇集真實性。

《監警有道》節目播映時間：

2015年5月5日至6月23日 逢星期二晚上7時正
港台電視31及無線電視翡翠台

*電視台有可能調動節目播映時間

IPCC Files will be aired every Tuesday:

Starting from 5 May to 23 June 2015, at 7 pm
on RTHK 31 and TVB Jade

* Television stations may change the time of the broadcasts

The new series of *IPCC Files* comprises eight half-hour episodes, each with a story adapted from a real complaint case. The story line is about how two vetting officers (Cheuk-yan and Jason) work together with their colleagues and Council Members to meticulously review complaint cases and their evidence in order to discover the truth. The stories are supplemented with explanations and evaluations so that viewers can see what brings about the case, and the reasons for a specific classification of an allegation. The stories highlight the statutory functions of the IPCC, the role the Council plays in the police complaints system and the way that justice and fairness are ensured for both complainants and complainees. Each story is carefully selected to represent a common complaint against the police, giving authenticity to each episode.

劇情概要 Episode summaries

《監警有道》的拍攝工作現正進行得如火如荼，其中幾集已經拍攝完畢，以下分享幾張劇照讓大家先睹為快。

The filming for *IPCC Files* began last year and some episodes are currently still in production. Here is a sneak preview of the completed episodes.



路不拾遺 Lost property

一位女士於自動櫃員機拾獲現金後到警署報案。後來她卻被要求到警署協助調查，遂衍生了一宗投訴。

A woman found unclaimed cash at an ATM and reported to the police. A complaint arose when she was asked to assist with the investigation.



偷竊 Theft

一宗偷竊案的疑犯於機場被捕，疑犯要求警員除去她的名貴手錶以免被手扣刮花。手錶隨後不翼而飛，她便投訴警員疏忽職守。

A suspect of a theft case is being arrested. She requested removing her expensive watch so that the handcuffs would not scratch it. The watch later disappeared and she lodged a complaint.



業權糾紛 Property ownership disputes

一名女士企圖進入她與已過世的前任丈夫聯名擁有的單位，惟前丈夫的現任妻子居於該處。兩名警員到場處理，後來女警被投訴偏幫其中一方。

A woman is trying to access her deceased ex-husband's flat, where his current wife resides. Two police officers stepped in to bring the situation under control. Later, the policewoman was complained against for being biased.



交通 Traffic

一名小型貨車司機因違例泊車被交通警員抄牌。他質疑警員沒有向後面的私家車同樣發出告票，遂投訴警員執法不公。

A mini-van driver received a parking ticket. He questioned why the car behind him was not given a ticket as well. He then complained against the police officer for being unfair.

封面故事

Cover story

監警會辦公室真假對照

Comparison between the stage set and actual office

為免影響監警會的日常工作，香港電台特意設計及打造了一個監警會辦公室佈景作拍攝之用。劇中的監警會辦公室佈景，設計時尚開放，但真實的監警會辦公室，則以樸素和實用為原則。以下為佈景及真實監警會辦公室的對照。

To avoid disrupting the daily work of the IPCC, RTHK designed and built a special set to represent the IPCC office. The set is a contemporary open-plan office, in contrast to the real office, which is simple and practical. Below are photos of the set and the actual office.

《監警有道》監警會辦公室佈景

Stage set of the IPCC office in *IPCC Files*



因拍攝場地有限，會議室面積較真實為小，沒有公眾席。

With limited space, the conference room on the set is smaller than the real one and does not have a public gallery.



《監警有道》劇中，一眾審核主任常在茶水間內閒聊，環境開揚，時尚獨特。劇中的辦公室更有足球機供同事娛樂，氣氛輕鬆。

In *IPCC Files*, the vetting officers like to chat in the spacious and stylish pantry, which is also furnished with a table football machine, projecting a relaxed atmosphere in the workplace.



審核主任卓昕及Jason 的工作間開揚寬敞。

Vetting officers at their workstations

真實的監警會辦公室

Actual IPCC office



監警會真實的會議室，能夠容納28名監警會委員和警方代表及持份者開會之用。會議室並設有公眾席，在監警會和投訴警察課的聯席會議公開部分時，開放予公眾人士及傳媒旁聽。

The actual conference room of the IPCC can accommodate meetings between the 28 Members and police representatives or stakeholders. It also has a gallery where the public can attend open part of joint meetings of the IPCC and CAPO.



監警會真實的茶水間，佈局簡單，以實用功能為主，並不設有娛樂設施。

The real pantry of the IPCC with its simple yet functional layout and there are no recreational facilities.



高級審核主任的辦公室是獨立房間，以確保審核資料的保密性。

The actual office of a Senior Vetting Officer.

監警會委員 IPCC Members

新任命的監警會副主席 Names of newly appointed IPCC Vice-Chairmen:

- | | |
|-----------------|------------------------------------|
| 1. 張華峰議員，SBS，JP | Hon Chris CHEUNG Wah-fung, SBS, JP |
| 2. 謝偉銓議員，BBS | Hon Tony TSE Wai-chuen, BBS |

(任期由 2015 年1月1日至 2016 年12 月 31 日 Appointment period from 1 January 2015 to 31 December 2016)

新任命的監警會委員 Names of newly appointed IPCC Members:

- | | |
|--------------------|--|
| 1. 陳章明教授，BBS，JP | Prof Alfred CHAN Cheung-ming, BBS, JP |
| 2. 鄭錦鐘博士，BBS，MH，JP | Dr Eric CHENG Kam-chung, BBS, MH, JP |
| 3. 何錦榮先生 | Mr Richard HO Kam-wing |
| 4. 許宗盛先生，SBS，MH，JP | Mr Herman HUI Chung-shing, SBS, MH, JP |
| 5. 關治平工程師，JP | Ir Edgar KWAN Chi-ping, JP |
| 6. 任景信先生 | Mr Peter YAN King-shun |

(任期由 2015 年1月1日至 2016 年12 月 31 日 Appointment period from 1 January 2015 to 31 December 2016)

再獲任命的監警會委員 Names of re-appointed IPCC Members:

- | | |
|--------------------|------------------------------------|
| 1. 陳健波議員，BBS，JP | Hon CHAN Kin-por, BBS, JP |
| 2. 葉成慶先生，JP | Mr Simon IP Shing-hing, JP |
| 3. 劉玉娟女士 | Ms Noeline LAU Yuk-kuen |
| 4. 梁繼昌議員 | Hon Kenneth LEUNG Kai-cheong |
| 5. 馬學嘉博士 | Dr Carol MA Hok-ka |
| 6. 黃幸怡女士 | Ms Sandy WONG Hang-yee |
| 7. 黃碧雲議員 | Dr Hon Helena WONG Pik-wan |
| 8. 黃德蘭女士 | Ms Mary WONG Tak-lan |
| 9. 葉振都先生，BBS，MH，JP | Mr Adrian YIP Chun-to, BBS, MH, JP |
| 10. 陳建強醫生，JP | Dr Eugene CHAN Kin-keung, JP |
| 11. 何世傑博士 | Ir Dr Vincent Simon HO |
| 12. 陸貽信資深大律師，BBS | Mr Arthur LUK Yee-shun, BBS, SC |

(任期由 2015 年1月1日至 2016 年12 月 31 日 Appointment period from 1 January 2015 to 31 December 2016)

任期已屆滿的監警會副主席 Names of retired IPCC Vice-Chairmen:

- | | |
|-----------------|-----------------------------------|
| 1. 林大輝議員，SBS，JP | Dr Hon LAM Tai-fai, SBS, JP |
| 2. 石禮謙議員，GBS，JP | Hon Abraham SHEK Lai-him, GBS, JP |

(任期於 2014 年12月31日屆滿 Terms of appointment ended 31 December 2014)

任期已屆滿的監警會委員 Names of retired IPCC Members:

- | | |
|-----------------|--------------------------------------|
| 1. 張達明先生 | Mr Eric CHEUNG Tat-ming |
| 2. 方敏生女士，BBS，JP | Ms Christine FANG Meng-sang, BBS, JP |

(任期於 2014 年12月31日屆滿 Terms of appointment ended 31 December 2014)

最新動態

Recent activities

監警會在2014年11月至2015年2月的活動

IPCC's recent activities from November 2014 to February 2015

27
11月 NOV

第十四期《監警會通訊》傳媒發佈會 Release of the IPCC Newsletter Issue No.14

監警會推出第十四期《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(中)在宣傳及意見調查委員會主席鄭承隆先生(左)及梅達明副秘書長(右)，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觀察員確保投訴調查工作公正持平，並專題報道全新一輯電視劇集《監警有道》。此外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噪音的投訴個案。

A media briefing was held to release the fourteenth issue of the *IPCC Newsletter*. Mr Larry Kwok Lam-kwong (Chairman) (middle), Mr Edwin Cheng Shing-lung (Chairman of the Publicity and Survey Committee) (left) and Mr Daniel Mui (Deputy Secretary-General) (right) presented highlights of the IPCC's latest activities, and drew attention to the cover story on how IPCC Observers ensure impartiality in police complaints investigations and the special feature on the new TV drama series *IPCC Files*. Mr Daniel Mui then illustrated how the IPCC had reviewed a case concerning the police handling of a noise complaint.



3
12月 DEC



《監警會2013/14工作報告》提交立法會 Submission of the IPCC 2013/14 Report to the Legislative Council

副主席林大輝議員代表監警會向立法會提交監警會2013/14工作報告。同日中午，郭琳廣主席和朱敏健秘書長主持《監警會2013/14工作報告》傳媒發佈會暨午餐會，向傳媒朋友講解工作報告的內容。眾委員也一同出席午餐會，和傳媒代表一同午膳交流。(右圖)左起：梁繼昌議員、鄭承隆先生、何世傑博士、張達明先生、郭琳廣主席、方敏生女士、劉玉娟女士、劉文文女士、葉成慶先生及朱敏健秘書長。



On behalf of the IPCC, Dr Hon Lam Tai-fai (Vice-Chairman) submitted the *IPCC Report 2013/14* to the Legislative Council. Mr Larry Kwok Lam-kwong (Chairman) and Mr Ricky Chu (Secretary-General) hosted a media briefing and luncheon to launch the report. Members were also present and had lunch with reporters. From left: Hon Kenneth Leung Kai-cheong, Mr Edwin Cheng Shing-lung, Mr Dr Vincent Simon Ho, Mr Eric Cheung Tat-ming, Mr Larry Kwok, Ms Christine Fang Meng-sang, Ms Noeline Lau Yuk-kuen, Miss Lisa Lau Man-man, Mr Simon Ip Shing-hing and Mr Ricky Chu.



5

12月 DEC

與愛護家庭家長協會會面 Meeting with Parents for the Family Association



郭琳廣主席、張達明先生、劉玉娟女士、葉振都先生及鄭承隆先生與愛護家庭家長協會代表會面，除了介紹監警會的職能和工作，亦聆聽他們就佔領事件對警方執法的意見。

Mr Larry Kwok Lam-kwong (Chairman), Mr Eric Cheung Tat-ming, Ms Noeline Lau Yuk-kuen, Mr Adrian Yip Chun-to and Mr Edwin Cheng Shing-lung met with representatives from the Parents for the Family Association (PFA). After introducing the IPCC's role and functions, Members listened to PFA representatives' views regarding the police handling of the Occupy Movement.

8

12月 DEC

與文化界監察暴力行動組會面 Meeting with Hong Kong Shield



郭琳廣主席、張達明先生、方敏生女士、葉承慶先生、黃幸怡女士、葉振都先生、鄭承隆先生及杜國鑾先生與文化界監察暴力行動組代表會面，除了介紹監警會的工作，亦聆聽他們就警方處理佔領事件被指濫權、使用武力、拘捕過程不公及不人道等事情的意見。

Mr Larry Kwok Lam-kwong (Chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Mr Simon Ip Shing-hing, Ms Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung and Mr Clement Tao Kwok-lau met with representatives of Hong Kong Shield (HKS). Besides presenting the IPCC's role and functions, Members listened to HKS representatives' observations and opinions regarding police actions during the Occupy Movement, such as the unnecessary use of authority, the use of force and inappropriate behavior during the detention of protestors.

最新動態

Recent activities

11

12月 DEC

監警會現場觀察警方處理金鐘佔領區清場行動

On-site observation of the clearance of the Admiralty occupy site



郭琳廣主席、林大輝副主席、陳健波副主席、張達明先生、方敏生女士、陳培光先生、葉承慶先生、劉玉娟女士、馬學嘉博士、梁繼昌議員、黃幸怡女士、黃碧雲議員、鄭承隆先生、杜國鑊先生、陳建強醫生、何世傑博士及劉文文女士一同現場觀察警方處理金鐘佔領區清場行動。活動先由警方總部的簡報會開始，由警方講解是次清場行動的工作，委員隨後往金鐘佔領區不同位置觀察。



Mr Larry Kwok Lam-kwong (Chairman), Dr Hon Lam Tai-fai (Vice-Chairman), Hon Chan Kin-por (Vice-Chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Dr Carol Ma Hok-ka, Hon Kenneth Leung Kai-cheong, Ms Sandy Wong Hang-ye, Dr Hon Helena Wong Pik-wan, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho and Miss Lisa Lau Man-man conducted an on-site observation of the police operation in clearing protesters from Admiralty. After a briefing at Police Headquarters, where the Police explained details of the operation, Members proceeded to different strategic locations in Admiralty to observe the process.



最新動態

Recent activities

11
12月 DEC

監警會和投訴警察課聯席會議 Joint IPCC and CAPO Open Meeting



是次公開會議上，警方向監警會報告佔中系列事件的投訴統計數據和投訴的調查方法，雙方並討論有關議題。

At an Open Meeting between the IPCC and CAPO, the Police reported the number of complaints they had received concerning the Occupy Central series of incidents and the methods they had used to investigate these incidents. The two parties proceeded to discuss matters related to these incidents.

17
12月 DEC

與民間人權陣線會面 Meeting with Civil Human Rights Front



郭琳廣主席、張達明先生、葉承慶先生、劉玉娟女士、葉振都先生、鄭承隆先生及杜國鑾先生與民間人權陣線代表會面，他們向委員反映佔中事件期間警察濫權問題、政治不中立、劃分封鎖區及檢查市民身份證準則等事宜的意見。民間人權陣線代表亦向委員提出多項建議，包括建議監警會成立攝影隊，到示威現場記錄實況。監警會將會作出內部討論，並將相關意見交予警方參考。

Mr Larry Kwok Lam-kwong, Mr Eric Cheung Tat-ming, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung and Mr Clement Tao Kwok-lau met with representatives from the Civil Human Rights Front (CHRF). During the meeting, CHRF representatives raised issues concerning police abuse of power, failure to maintain political neutrality, the unreasonable designation of cordoned-off areas and the registration of citizens' ID numbers during the Occupy Movement. The CHRF also recommended that the IPCC consider setting up a video team to record future protests. The IPCC will discuss these matters internally and raise these issues with the Police.

21
1月 JAN

投訴警察課2014年優質服務獎勵計劃準決賽 Service Quality Award 2014 semi-final presentation by CAPO



馬恩國先生及蘇麗珍女士應邀出席2014年優質服務獎勵計劃準決賽，支持警隊繼續改善服務質素。

Mr Lawrence Ma Yan-kwok and Ms Ann So Lai-chun were invited to attend the Service Quality Award 2014 semi-final presentation to support the Police Force's campaign to continue to improve their quality of service.

23
1月 JAN



監警會觀察員研討會

Observers seminar

監警會於1月23日舉辦監警會觀察員研討會暨午餐會，郭琳廣主席向一眾觀察員介紹監警會的歷史及觀察員的角色。鄭承隆先生在會上分享擔任觀察員要注意的事項、觀察員計劃電子平台的功能及使用方法等，觀察員亦藉此分享經驗。副主席謝偉銓議員、葉成慶先生、劉玉娟女士、馬學嘉博士、黃德蘭女士、劉文文女士、陳章明教授、何錦榮先生、許宗盛先生及任景信先生也一同出席午餐會，和觀察員一同午膳交流。

The IPCC organised a seminar and luncheon for its Observers on 23 January. Mr Larry Kwok Lam-kwong (Chairman) introduced the history of IPCC and the role of Observers. Mr Edwin Cheng Shing-lung briefed the Observers on the points to note when acting as an Observer and the function and use of an e-portal for the IPCC Observers Scheme. Observers took this opportunity to exchange experiences among themselves. Hon Tony Tse Wai-chuen (Vice-Chairman), Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Dr Carol Ma Hok-ka, Ms Mary Wong Tak-lan, Miss Lisa Lau Man-man, Professor Alfred Chan Cheung-ming, Mr Richard Ho Kam-wing, Mr Herman Hui Chung-shing and Mr Peter Yan King-shun were also present and had lunch with the Observers.

28
1月 JAN

出席新界北總區預防投訴警察委員會會議

Attended the New Territories North Regional Complaints Prevention Committee meeting

許宗盛先生應邀出席新界北總區預防投訴警察委員會會，總區代表匯報近期投訴警方的數字及預防工作。該區於2013/14接獲的投訴數字相比過去幾年有下降的趨勢。一項全新的「敬賢計劃」亦將會在今年內推出。

Mr Herman Hui Chung-shing attended the New Territories North Regional Complaints Prevention Committee meeting. Representatives of the committee give an overview of complaints figures and prevention work in the Region. The figures from 2013/14 showed a decreasing trend in the number of complaints. A new pilot project called Project Respect was also introduced during the meeting.

29
1月 JAN

出席警方二月一日遊行安排簡報會

Attended the Police briefing on the 1 February procession

郭琳廣主席、副主席陳健波議員、副主席張華峰議員、葉成慶先生、黃幸怡女士、葉振都先生、陸貽信資深大律師、蘇麗珍女士、鄭錦鐘博士、何錦榮先生及許宗盛先生出席警方二月一日遊行安排的簡報。監警會委員在會上跟警方討論當日遊行的安排，並進一步瞭解警方處理大型公眾活動的程序。

Mr Larry Kwok Lam-kwong (Chairman), Hon Chan Kin-por (Vice-Chairman), Hon Chris Cheung Wah-fung (Vice-Chairman), Mr Simon Ip Shing-hing, Ms Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, Mr Arthur Luk Yee-shun, Ms Ann So Lai-chun, Dr Eric Cheng Kam-chung, Mr Richard Ho Kam-wing and Mr Herman Hui Chung-shing attended the 1 February procession briefing held by the Police. During the briefing, Members discussed the procession arrangements and gained a better understanding of how the Police handle public order events.



最新動態

Recent activities

1

2月 FEB

監警會現場觀察警方處理 二月一日遊行

On-site observation of Police handling of the 1 February procession

除了警方作出的安排，監警會亦首次獲民間人權陣線邀請和他們一同觀察。郭琳廣主席、副主席陳健波議員、副主席張華峰議員、副主席謝偉銓議員、陳培光醫生、杜國鑊先生、何世傑博士、陸貽信資深大律師、蘇麗珍女士、鄭錦鐘博士、何錦榮先生及許宗盛先生和警方一同現場觀察。葉成慶先生、劉玉娟女士、黃幸怡女士及陳建強醫生則在民陣的陪同下觀察遊行隊伍。隨後，黃德蘭女士、葉振都先生、鄭承隆先生、甄孟義資深大律師及陳章明教授跟兩隊於中環遮打道行人專用區匯合，並觀察在該處舉行的公眾集會。



Apart from the arrangements by the Police, for the first time, the IPCC was invited by Civil Human Rights Front (CHRF) to observe with their team. Mr Larry Kwok Lam-kwong (Chairman), Hon Chan Kin-por (Vice-Chairman), Hon Chris Cheung Wah-fung (Vice-Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Dr Chan Pui-kwong, Mr Clement Tao Kwok-lau, Ir Dr Vincent Simon Ho, Mr Arthur Luk Yee-shun, Ms Ann So Lai-chun, Dr Eric Cheng Kam-chung, Mr Richard Ho Kam-wing and Mr Herman Hui Chung-shing joined the Police's observation team, while Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Ms Sandy Wong Hang-ye, and Dr Eugene Chan Kin-keung observed the procession alongside CHRF. They were later joined by Ms Mary Wong Tak-lan, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Mr John Yan Mang-ye and Professor Alfred Chan Cheung-ming to observe the procession's ending point at Central and the public meeting at Chater Road Pedestrian Precinct.

11

2月 FEB

探訪西九龍總區刑事總部和旺角警區

Visit to Crime Kowloon West Region and Mong Kok District

副主席陳健波議員、陳培光醫生、馬恩國先生、葉成慶先生、黃幸怡女士、黃德蘭女士、葉振都先生、杜國鑊先生、何世傑博士、陸貽信資深大律師、陳章明教授、鄭錦鐘博士、何錦榮先生及許宗盛先生探訪了西九龍總區刑事總部和旺角警區。透過是次探訪，委員加深了對刑事架構的認識及更充分理解在佔領事件期間前線警務人員處理旺角佔領區的前線警員的經歷和感受。

Hon Chan Kin-por, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Sandy Wong Hang-ye, Ms Mary Wong Tak-lan, Mr Adrian Yip Chun-to, Mr Clement Tao Kwok-lau, Ir Dr Vincent Simon Ho, Mr Arthur Luk Yee-shun, Professor Alfred Chan Cheung-ming, Dr Eric Cheng Kam-chung, Mr Richard Ho Kam-wing and Mr Herman Hui Chung-shing visited the Crime Kowloon West Region and Mong Kok District to gain a better understanding of the crime structure and to hear the experiences of the frontline officers from the police district with heavy commitment in the Mongkok occupied area during the Occupy Movement.



最新動態

Recent activities

28
2月 FEB



《監警有道》錄影探班 Filming visit to the set of IPCC Files

宣傳及意見調查委員會主席鄭承隆先生及朱敏健秘書長出席新一輯電視劇集《監警有道》錄影探班。香港電台教育電視總監鄭惠芳女士及香港電台監制利子良先生亦有出席當日的探班活動。他們向劇中演員林嘉華、楊思琦及陳柏宇送贈鮮花及水果籃，感謝他們的落力演出。

Mr Edwin Cheng Shing-lung (Chairman of the Publicity and Survey Committee) and Mr Ricky Chu (Secretary-General) participated in a filming visit to the set of the new TV drama series IPCC Files. Liane Cheng Wai-fong (Head of ETV, RTHK), Ricky Lee Tze-leung (Executive Producer, RTHK) were also present. Together they presented bouquets and fruit baskets to the artists Dominic Lam Ka-wah, Shirley Yeung Sze-ki, and Jason Chan Pak-yu to thank them for taking part in this project.



2
3月 MAR

與警隊高層聯繫

Engaging the Commissioner of Police and other senior officers

郭琳廣主席、陳健波副主席、謝偉銓副主席、陳培光醫生、馬恩國先生、劉玉娟女士、黃幸怡女士、黃德蘭女士、葉振都先生、杜國鋈先生、甄孟義資深大律師、陳建強醫生、何世傑博士、陸貽信資深大律師、劉文文女士、蘇麗珍女士、陳章明教授、鄭錦鐘博士、何錦榮先生、許宗盛先生、關治平工程師及任景信先生與警務處處長及警隊高層聯繫。

Mr Larry Kwok Lam-kwong, Hon Chan Kin-por, Hon Tony Tse Wai-chuen, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Ms Noeline Lau Yuk-kuen, Ms Sandy Wong Hang-ye, Ms Mary Wong Tak-lan, Mr Adrian Yip Chun-to, Mr Clement Tao Kwok-lau, Mr John Yan Mang-ye, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho, Mr Arthur Luk Yee-shun, Miss Lisa Lau Man-man, Ms Ann So Lai-chun, Professor Alfred Chan Cheung-ming, Dr Eric Cheng Kam-chung, Mr Richard Ho Kam-wing, Mr Herman Hui Chung-shing, Ir Edgar Kwan Chi-ping and Mr Peter Yan King-shun connected with the Commissioner of Police and other senior officers over lunch.

主席傳媒訪問 Media Interview with the Chairman

郭琳廣主席接受《星島日報》、《DBC新聞》及《信報》的訪問，就佔領事件所衍生的投訴警察相關議題表達監警會的立場、並概述現有制度下監警會的角色及職能、以及監警會在未來數個月的工作。

During the reporting period, Mr Larry Kwok Lam-kwong (Chairman) was interviewed by *Sing Tao Daily*, *DBC News* and *Hong Kong Economic Journal*. He shared his views on the issues related to complaints against the Police arising from the Occupy Movement, the role and functions of the IPCC under the current system, and the IPCC's work in the upcoming months.



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堅守監警會獨立的價值觀

Upholding the value of “I” in “IPCC”



今期的《監警會通訊》，請來剛卸任的監警會副主席林大輝議員及委員張達明先生及方敏生女士，訪問他們對現時警民關係的看法、監警會近六年的發展，以及監警會將所面對的挑戰。

警民關係

林議員首先指出監警會的職能，並不包括改善警民關係，但在處理投訴個案時，可間接做成影響。他補充警民關係的好與壞，不是一朝一夕，正所謂「冰封三尺，非一日之寒」。

林議員表示：「香港是一個多元化社會，市民及媒體享有很大的自由去發聲。這個社會出現多元化的聲音，因而很多事情變得所謂『政治化』。今天的社會與幾年前相比，已經變得複雜，而且充滿了矛盾和對立。」

For this issue of the *IPCC Newsletter*, we interviewed the recently retired IPCC Vice-Chairman and Members Dr Hon Lam Tai-fai, Mr Eric Cheung Tat-ming and Ms Christine Fang Meng-sang, who shared with us their thoughts on the current relations between the Police and the citizens, the IPCC's growth during their past six years of service, and future challenges for the IPCC.

Police-citizen relations

On the topic of police-citizen relations, Dr Hon Lam started by saying it is not the IPCC's role to mend this relationship, but it could indirectly affect it through its involvement in handling complaints. He added that the improvement or worsening of relations does not happen overnight, but is the result of accumulated interaction over time.

Dr Hon Lam continued, "Hong Kong is a diverse society in which the citizens and the media enjoy a lot of freedom. Society therefore has a multitude of voices and as a result, many issues have been, so to speak, 'politicised'. Even compared to just a few years ago, today's society is complicated and contains a lot of conflict and tension."

張先生說：「這段時間警民關係面對的考驗很大。這個情況比我過去六年所看到的更嚴峻。」他認同林議員有關監警會不是處理警民關係的見解，但亦希望藉着現有機制，透過監警會預防投訴、提出建議，從而間接改變警民關係。

方女士強調，監警會不是監察警方工作的每一個範疇，但她留意到投訴指控性質有所改變 - 過去的指控大多是「疏忽職守」，在佔領運動後「濫用職權」的指控大幅上升。她更指出，監警會應細心分析「濫用職權」和「毆打」的指控數字顯著上升背後的原因。

專業性

另外，在保持政治中立這棘手的問題上，林議員強調要求警察完全沒有政治立場是不切實際的，因為以香港這樣一個多元化社會，每個人均可以有自己的政見。重要的是，就他所見警務人員在執勤時沒有政治偏頗。

林議員強調：「香港警隊是一支優秀的隊伍，而香港是一個安全、舒適的城市。」從他在現場觀察所見，前線警員面對十分困難的處境，他續說：「一方面他們須確保在場人士，包括示威者和路人的安全，但同時亦要受到他們所保護人士的挑釁和辱罵。不論是智慧或情緒，都必須管理得很好。這是對警方應有的專業態度。」

監警會的委員也需要同樣的專業精神。委員來自社會不同層面，有律師、會計師、學者、泛民和建制派議員。林議員解釋：「這是很妥善的安排，因為可以不同角度、觀點、分析每宗個案。我們各有個人的意見及思維，所以對每件事都有自己的看法。然而，即使有個人的思維、看法，沒有一個委員能左右任何個案的決定。」

林議員進一步解釋，過去的六年，在監警會秘書處的協助下，很多規則和程序得以完善，而委員也跟從這些規則和程序執行職務。因此，根本不可能因任何一位委員的個人觀點，而改變個別個案的結果。

張先生認同香港警隊是一支出色的隊伍，故此很多人不希望看到警隊的形象受到近日事件的影響。憑著他過往任監警會期間看到由大型公眾活動衍生投訴的經驗，張先生指出縱使大多數事件都有政治背景，警方過往的職責只是維持公眾秩序，因為示威人士均是守法的。然而，佔領運動和以往大型公眾活動有很大分別，首先事件性質

Mr Cheung commented, "The challenges facing police-citizen relations are tremendous. The current situation is more serious than anything I have seen in my past six years of service." He echoed Dr Hon Lam's view that the IPCC does not handle police-citizen relations, but that through the existing system and the IPCC's function of suggesting ways to prevent future complaints, it could indirectly improve such relations.

Ms Fang emphasised that the IPCC does not monitor every aspect of the police's work, but she drew attention to the fact that the nature of many allegations against the police has changed. In the past a majority used to be "Neglect of Duty", but with complaints related to the Occupy Movement, the ratio has tipped more towards "Unauthorised Use of Authority". She pointed out that the IPCC should carefully analyse the reasons for the notable increase in the number of allegations of "Unauthorised Use of Authority" and "Assault".

Professionalism

On the topic of professionalism, Dr Hon Lam stressed that it is impracticable to expect no political views within the Police Force, because in a diverse society, everyone is entitled to his or her own views. What matters is that, from what he has seen so far, police officers have not been politically biased in discharging their duties.

"The Hong Kong Police Force is of a very high calibre and Hong Kong is a safe, comfortable city," Dr Hon Lam emphasised. From his own onsite observations, he could see that frontline officers faced very difficult situations during the Occupy Movement. "On the one hand they had to ensure the safety of everyone at the scene, both protestors and passers-by, and at the same time they had to face incitement or insults from the very people they had to protect. So the police officers have had to control both their IQ and EQ extremely well. This is the professionalism required of the police," Dr Hon Lam stated.

The same professionalism is required of IPCC Members as well. Members are from different sectors of society; there are lawyers, accountants, educators and party members from both the pan-democratic and pro-establishment sides. Dr Hon Lam explained, "This is a good thing because it means that every single case is viewed and analysed from different angles and perspectives. We each have our individual opinion and therefore we will have our own personal view of each and every incident. However, even with such individual opinions, no one Member can determine the decision in any case."

Dr Hon Lam further explained that in the past six years, with the assistance of the Secretariat, a lot of rules and procedures have been improved and every Member has to follow these rules and procedures in carrying out his or her duties. Therefore, it is simply impossible for any Member's personal view to determine the outcome in any individual case.

Mr Cheung agreed that the Hong Kong Police Force is of an exceptional quality and stated that this is the reason a lot of people do not wish to see the police's image undermined by the incidents of the past few months. Drawing from his experience of how the IPCC oversaw complaints arising from public order events in the past, Mr Cheung pointed out that while most of these events were driven by strong political motives, the police's duty was simply to maintain public order, because the protests themselves were lawful. There was, however, a crucial difference with the Occupy Movement. For one, the nature of the movement was very politicised.

非常政治化，加上此運動是一種公民抗命。因此，警方的着眼點應在於如何在非常政治化的環境下，不滲入任何政治元素及保持專業態度來執法。

張先生強調，佔領運動是史無前例的，有鑑於警方從未處理過同類事件，以這第一次的經驗很難要求警方能完美地處理事件。「我們應體諒到警務人員所承受的壓力，尤其當時他們已精神疲倦。」張先生稱：「一方面，我們不應以幾件負面事例來評價整個警隊，這是不公道的。另一方面，任何警務人員如果做出不當行為都不能縱容，必須以公平公正的態度嚴肅處理。」

回應林議員有關專業精神的話題，張先生強調個人的專業精神必須凌駕於政治立場之上。張先生指出，回顧過去六年，監警會的委員都有各自的政見，但當處理投訴個案時，他們的專業態度蓋過他們的政治立場。他重申：「我們的政治立場不會影響我們對指控分類的決定，我們只看證據、事實和警務人員應有的準則。」

方女士個人認為不是警方變得政治化，而是整體社會和公眾活動變得政治化。她指出：「警方執法的職能沒有改變。現今的社會好像只分為黃絲帶和藍絲帶兩種陣營，越來越少人採取中間立場。因此，在這樣政治化的環境下，社會對警方的執法職務要求改變了。事實上，警方的角色沒有改變，變的是市民。所以，對警方和監警會而言，處理佔領運動衍生的投訴是十分艱鉅的挑戰。」

說到擴大監警會的職能，方女士表示過去六年，監警會不斷優化審視投訴程序已達致成果。如要修改監警會的權力，需經社會諮詢和立法會討論。

獨立價值觀

展望監警會的未來，林議員說：「首要是必須堅守獨立監察委員會的獨立性。不受外在因素，包括政治、行政長官或任何政治團體影響，不偏不倚監察投訴，這就是監警會最核心的價值。如果監警會不能堅守獨立精神，便很難發揮獨立監察的效果。」

對新任委員，林議員有以下期望：「他們必須在任何情況下，緊記和捍衛監警會的獨立精神。他們審視個案時須保持客觀持平、公開公正的原則。不論未來委員會的組成如何，委員的背景是什麼，也要維持獨立監察的精神。」

More importantly, it took the form of civil disobedience. Therefore, the focus of the police should be on how to enforce the law under a highly politicised situation in an apolitical and professional manner.

Mr Cheung went on to emphasise that this situation was unprecedented and that consideration must be given to the fact that the police were handling something they had never done before and it was difficult to manage it perfectly the first time. "We should also consider the pressure these police officers were under, and that things were very difficult for them when they were under physical and mental strain," said Mr Cheung. "Moreover, it must be made clear that we cannot judge the entire Force based on some negative incidents – this is unfair. On the other hand, any misconduct on the part of police officers must not be condoned and must be dealt with seriously in a fair and impartial manner."

Echoing Dr Hon Lam's notion of professionalism, Mr Cheung stressed that it meant one's professional self must override one's political self. Looking back at the past six years, Mr Cheung said the IPCC itself had a lot of Members with differing political views. But when they handled complaint cases, their professional selves would always override their political selves. "Our political views did not influence our decisions on whether a certain case was "Substantiated" or not. We looked at the evidence, we looked at the facts and we looked at the proper standard required of the police," Mr Cheung reiterated.

Ms Fang observed that, in her view, it was not the Police that were becoming politicised, but society as a whole and public order incidents that had become politicised. "The Police's role and function in enforcing the law has not changed," Ms Fang emphasised. "It seems that the whole society is divided between blue and yellow ribbons, and there are fewer and fewer people taking the middle ground. Therefore, in such a politicised environment, society's expectations of the police's duty in enforcing the law seem to have changed. In reality, it is the citizens who have changed, not the role of the police. Therefore, handling complaints arising from the Occupy Movement is a tremendous challenge for both the police and the IPCC," Ms Fang concluded.

With regard to expanding the IPCC's functions, Ms Fang commented that over the past six years the IPCC had been continuously optimising its procedures for investigating complaints, and had fulfilled its mission in setting up this framework. Further perfection of the system should be discussed within society and debated in the Legislative Council, she said, to decide whether the IPCC's statutory powers should be amended.

Independence

Looking at the future of the IPCC, Dr Hon Lam said, "Upholding the value of the "I" in "IPCC" - Independent - is paramount. If the IPCC were to lose this value, it would be very hard for it to fulfil its function. This is the IPCC's core value – to monitor complaints without any external influence, whether from the government, the Chief Executive or any political organisation."

Dr Hon Lam expressed his hope for every future IPCC Member: "They must remember and safeguard the spirit of independence at all times. They must be objective, impartial, transparent and fair in reviewing cases. This spirit of independence must be maintained and exercised in the future, regardless of the composition of the Council Members."

別後感言

Reflection upon my departure



監警會眾委員歡送榮休的石禮謙議員(右三)。

IPCC Members bid farewell to Hon Abraham Shek (third from right).

上月底，我離任監警會。回望過去，我為自己六年來盡忠職守，不辱使命，圓滿完成任期感到欣慰。

六年前我被委任為監警會副主席時，委員會剛剛成立。市民對監警會的獨立、公正和能力既陌生又有所期待。而我與我的同事也同樣感到，要證明委員會的重要和存在價值，建立形像，取信於民，唯一可做的是以工作表現來回應。事實上，經歷這些年的風風雨雨，我們經受了挑戰和考驗，得到了社會認同，建立起公信力。

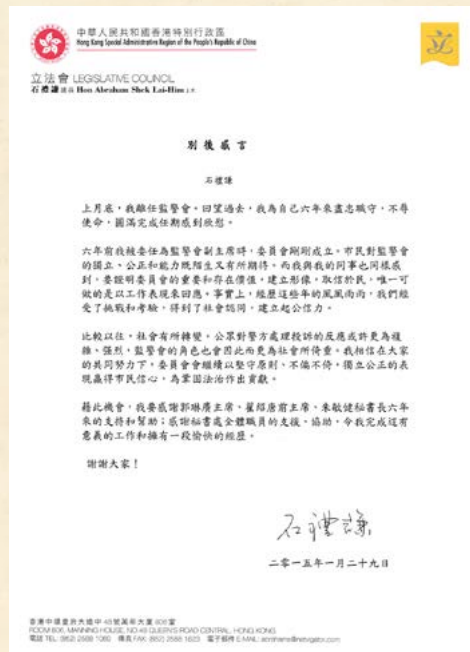
比較以往，社會有所轉變。公眾對警方處理投訴的反應或許更為複雜、強烈，監警會的角色也會因此而更為社會所倚重。我相信在大家的共同努力下，委員會會繼續以堅守原則、不偏不倚，獨立公正的表現贏得市民信心，為鞏固法治作出貢獻。

藉此機會，我要感謝郭琳廣主席、翟紹唐前主席、朱敏健秘書長六年來的支持和幫助；感謝秘書處全體職員的支援、協助，令我完成這有意義的工作和擁有一段愉快的經歷。

謝謝大家！

石禮謙議員

二零一五年一月二十九日



Last month, I retired from the IPCC. Looking back on my six years of service, I can say that I performed my duties with dedication, and I am glad to have successfully completed my tenure.

When I was appointed Vice-Chairman six years ago, the statutory IPCC had just been established. At that time, citizens of Hong Kong were unfamiliar with the nature of the Council as an independent, impartial and competent organisation, yet they had high expectations of the IPCC. My colleagues and I believed that, in order to gain public trust, we had to prove through our performance the value of the IPCC. Throughout our terms, we experienced ups and downs and faced some challenges, but at the end of the day we earned recognition from society and built up public confidence in the Council.

Now society has changed. People have stronger and more complicated opinions towards the police handling of complaints, and society trusts the IPCC to fulfil its role. I believe, with the combined effort of its Members, the Council will continue to uphold its principles and strengthen the rule of law by maintaining its independence and impartiality.

I would like to take this opportunity to express my gratitude to the Chairman Mr Larry Kwok, the former Chairman Mr Jat Sew-Tong, and Secretary-General Mr Ricky Chu, for their support and assistance in the past six years, and my appreciation to the staff of the Secretariat for their help. Thanks to their support, I was blessed to have had a pleasant experience while performing a meaningful role as a Member of the IPCC. My heartfelt thanks to all.

Hon Abraham SHEK Lai-him, GBS, JP

29 January 2015

監警會找出警務常規中不足之處 The IPCC identifies deficiencies in police practice

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 | 毆打 Assault | 一名警長及三名警員 A Sergeant and three Police Constables | 無法完全證明屬實 Not Fully Substantiated | 無法證實 Unsubstantiated |
| 2 | 捏造證據 Fabrication of Evidence | 一名警長及三名警員 A Sergeant and three Police Constables | 無法證實 Unsubstantiated | 無法證實 Unsubstantiated |
| 3 | 疏忽職守 Neglect of Duty | 一名警員 A Police Constables | 並無過錯 No Fault | 無法證實 Unsubstantiated |
| 4 | 疏忽職守 Neglect of Duty | 一名警員 A Police Constables | 無法證實 Unsubstantiated | 無法證實 Unsubstantiated |
| 5 | 疏忽職守 Neglect of Duty | 一名警長 A Sergeant | 無 Nil | 未經舉報但證明屬實 Substantiated Other Than Reported |
| 6 | 疏忽職守 Neglect of Duty | 一名警長及兩名警員 A Sergeant and two Police Constables | 無 Nil | 未經舉報但證明屬實 Substantiated Other Than Reported |

此個案反映監警會審慎努力地在警務常規之中，找出引致投訴或容易引致投訴的不足之處。

投訴人被一名警長和兩名警員截停問話，並拒絕出示身份證。投訴人欲離開現場時與警務人員發生衝突。警方期後制服投訴人，為她戴上手銬拘留在警車內。由於警方認為拘捕行動應該由沒有涉及事件的警員執行，因此，在場的警務人員當時沒有即時拘捕投訴人，警長更要求增援。最後，另一名警員到達現場，並以「妨礙警務人員執行任務」和「襲警」兩項控罪拘捕投訴人。投訴警察課認為，被捕人士如被指控「襲警」罪名，便該由沒有涉及案件的警員拘捕疑犯，是前線警務人員的一貫做法。監警會則認為此做法會導致警務人員未能盡快拘捕疑犯，並隨時有非法禁錮之嫌。投訴警察課認同監警會的看法，並同意就該名警長和兩名警員未能即時拘捕疑犯的「疏忽

This case illustrates the IPCC's meticulous and calculated efforts in identifying deficiencies in police practices that have led to or may lead to complaints.

The complainant had been stopped for questioning by a Sergeant (SGT) and two Police Constables (PCs) who requested her to produce an identity document, which she failed to do. A struggle ensued when the complainant attempted to leave the scene, resulting in the complainant being subdued, handcuffed and detained inside a police vehicle. The police officers did not arrest the complainant, as they thought that this action should be taken by another police officer who was not involved in the incident. The SGT called for reinforcements. Eventually, another PC who later arrived at the scene arrested the complainant for "Obstructing Police" and "Assault on Police Officer". CAPO stated that it was a working practice of frontline police officers that a person who had committed the offence of "Assault on Police Officer" should be arrested by someone other than an officer involved in the incident. The IPCC opined that this practice could lead to an absurd and unresolvable situation in which either the suspect could not be arrested in a timely manner, or the police officers concerned could be at risk for unlawfully detaining the suspect.

真實投訴個案

Real complaint case

職守」列為「未經舉報但證明屬實」，並向三名被投訴人作出訓諭。投訴警察課同時提醒前線警員日後要避免發生同類事件。

個案背景

個案中的警長和兩名警員以警車巡邏時，發現投訴人在公眾地方形跡可疑，懷疑投訴人是非法入境者，故截停投訴人並要求她出示身份證明文件。投訴人拒絕並企圖離開現場，雙方發生衝突。警方期後制服投訴人，並為她戴上手銬。然而，在場的警務人員沒有即時拘捕投訴人，因為他們認為該由沒有涉及案件的警員執行拘捕行動。警長遂致電控制中心要求增援。同時，在場的警務人員把投訴人拘留在警車內，等候另一批警員到場。隨後，增援警隊趕到，當中一名警員以「阻差辦工」和「襲警」兩項控罪拘捕投訴人。

投訴人被控以「妨礙警務人員執行職務」和「襲擊執行職責的警務人員」兩項罪名，經審判後獲無罪釋放。

法庭認為，現有證據顯示，投訴人被拘留在警車之前，可能還未被警方正式拘捕。如果情況屬實，警方當時的行動乃非法禁錮，而非執行職務。

投訴警察課的調查

投訴人不滿警方的處事手法，於是即時作出投訴，聲稱涉事警長和兩名警員拘捕她時毆打她〔指控一：毆打〕和捏造證據〔指控二：捏造證據〕。另外，她指控逮捕她的警員沒有向她宣告已正式拘捕她〔指控三：疏忽職守〕和為她錄取口供〔指控四：疏忽職守〕。

經過調查後，投訴警察課把指控一的分類列為「無法完全證實」，指控二及四列為「無法證實」，指控三則列為「並無過錯」。

投訴警察課認為涉事警長和兩名警員把投訴人拘留在警車內等待增援，而沒有通知她被正式拘捕的做法沒有問題，因為警方的一貫做法是由不涉案的警務人員拘捕襲警疑犯。

CAPO agreed with the IPCC's view and found it appropriate to register a "Substantiated Other Than Reported" (SOTR) count of "Neglect of Duty" (NOD) against the SGT and the two PCs for their failure to arrest the complainant in a timely manner. It was recommended that the SGT and the two PCs be advised. CAPO also issued a reminder to frontline officers to prevent the recurrence of similar incidents.

Case background

While a SGT and two PCs were patrolling in a police vehicle driven by another PC, they found the complainant acting suspiciously in an open area. Suspecting that the complainant might be an illegal immigrant, the SGT and the two PCs stopped her for questioning and demanded to see her identity document. The complainant refused and attempted to leave the scene. A vigorous struggle ensued, resulting in the complainant being subdued and handcuffed by the police officers. However, the police officers did not arrest the complainant, as they thought that should be done by another police officer who was not involved in the incident. The SGT called the police console for reinforcements. In the meantime, the police officers kept the complainant inside the police vehicle pending the arrival of another police team. Eventually, a PC on the reinforcement team (the arresting officer) arrested the complainant for "Obstructing Police" and "Assault on Police Officer".

The complainant was subsequently charged with obstructing a police officer in the due execution of his duty and assaulting a police officer in the due execution of his duty, but she was acquitted after trial.

The Court was of the view that the available evidence could not rule out the possibility that the complainant had not been arrested at all before she was held in the police vehicle against her will. If that were the case, it would amount to unlawful detention by the Police, i.e. not in due execution of their duty.

CAPO's investigation

Dissatisfied with the police actions during this incident, the complainant lodged the present complaint, alleging that the SGT and the PCs had assaulted her [Allegation 1: Assault] and fabricated evidence in order to arrest her [Allegation 2: Fabrication of Evidence]; and that the arresting officer had failed to declare her under arrest [Allegation 3: Neglect of Duty] and to take a statement from her [Allegation 4: Neglect of Duty].

After investigation, CAPO classified allegation 1 as "Not Fully Substantiated", allegations 2 and 4 as "Unsubstantiated" in lack of supporting evidence and allegation 3 as "No Fault".

CAPO did not find the SGT or the PCs at fault for keeping the complainant in the police vehicle without declaring her under arrest while pending the arrival of reinforcements, as it was a working practice in the Force. The arrest was usually made by an uninvolved police officer in such circumstances.

監警會的觀察

經監警會的質詢，由於沒有證據證實或否定投訴人或投訴人的陳述，投訴警察課把指控一及指控三的分類改為「無法證實」。投訴警察課認同監警會的見解，就涉事警長因無法確保負責進行拘捕的警務人員執行拘捕懷疑非法入境者的指令而向他多加一項「未經舉報但證明屬實」的「疏忽職守」指控〔指控五：疏忽職守〕，並建議警告該名警長，但不記入其分區報告檔案內。

同時，監警會極度關注警方要等待由不涉案的警務人員拘捕襲警疑犯此延遲拘捕的做法。如果這做法成為慣例，可能會導致只要有一名警務人員受襲，在場所有警務人員因事發時身在現場而牽涉入事件當中，有未能獨立處理情況之嫌，而不能執行拘捕行動這荒謬情況。這宗個案事發時情況非常混亂，投訴人涉嫌在企圖離開現場時作出激烈反抗，以致警方要給她戴上手銬，並把她拘留在警車之內。經此等種種動作後，警方仍然沒有拘捕投訴人，容易引起投訴，甚至被指控非法禁錮。

監警會認為，如果這常規不是列明在警方的內部指引或程序手冊內，投訴警察課應就涉事警務人員沒有即時拘捕投訴人，對他們多加一項「未經舉報但證明屬實」的「疏忽職守」指控。監警會認為倘若這種常規確實列明在《警務程序》內，這便是程序上的錯誤，建議對《警務程序》提出「未經舉報但證明屬實」的指控。

投訴警察課贊同監警會的觀點，並證實該常規沒有註明在任何警方指引內。因此，投訴警察課就涉事警長和兩名警員沒有即時拘捕投訴人，而向他們多加一項「未經舉報但證明屬實」的「疏忽職守」指控〔指控六：疏忽職守〕，並建議訓諭三人，但此事不記入其分區報告檔案內。投訴警察課更向前線警務人員發出指引，提醒他們即使在混亂或涉及傷害警務人員的情況下，必須遵守正確程序的重要性。當擁有初步證據便應考慮即時逮捕疑犯。

監警會通過這宗個案的調查結果。

IPCC's observations

After the IPCC's queries, CAPO reclassified allegations 1 and 3 as "Unsubstantiated" since there was no evidence to either support or negate the versions of events of both parties. CAPO also subscribed to IPCC's views to register a "SOTR" count of "NOD" against the SGT for his failure to ensure that the arresting officer had carried out his instruction to arrest the complainant for the offence of "Suspected Illegal Immigrant" [Allegation 5: Neglect of Duty] and recommended a warning without a Divisional Record File entry to the SGT.

The IPCC had grave concerns over the police practice of deferring the arrest to be made by an uninvolved police officer in a case where the police officers were allegedly assaulted. If this was adopted as conventional practice, it might lead to an absurd situation whereby no suspect could be arrested in a timely manner even if he or she had assaulted one officer since all police officers present at the scene would then be considered "involved and therefore not independent". Given the chaotic situation in this case, whereby the complainant had allegedly put up a vigorous and violent struggle with the police officers in an attempt to leave the scene, the officers had had to subdue the complainant by handcuffing her and detaining her in the police vehicle. Such actions against the complainant without declaring her under arrest would likely give rise to allegations of, or even amount to, unlawful detention.

The IPCC considered that CAPO should register a "SOTR" count of "NOD" against the police officers concerned for their failure to arrest the complainant in a timely manner. In the event that such a practice was indeed laid down as procedure in Police Force guidelines or manuals, the IPCC was of the view that this practice was at fault, and therefore alternatively proposed an "SOTR" count against the "Police Procedures".

CAPO subscribed to the IPCC's view, and confirmed that the practice was not laid down in any Police Force guidelines. Thus, CAPO registered an "SOTR" count of "NOD" against the SGT and the two PCs for their failure to arrest the complainant in a timely manner [Allegation 6: Neglect of Duty], and recommended advising them without a Divisional Record File entry. CAPO also issued a reminder to frontline officers, advising them of the importance of making timely arrests in accordance with proper procedures. Even in chaotic situations where offences concern assault or other criminal acts against one or more police officers, arrest action should be considered if there is prima facie evidence.

The IPCC endorsed CAPO's findings in this case.