

監警會 通訊

IPCC NEWSLETTER



刑事調查衍生的投訴個案 Complaint cases arising from criminal investigation



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

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刑事調查衍生的投訴個案

Complaint cases arising from criminal investigation

警方在處理刑事案件時，會涉及不同的程序，包括搜證、錄取口供、拘捕疑犯和檢控等。在監警會審核的投訴中，便有不少個案是關於投訴警務人員在調查過程中「疏忽職守」及「行為不當」。亦有部分個案涉及疑犯投訴警務人員以不當手段影響其警誡供詞，但最後卻被發現是虛假投訴。今期的封面故事將介紹兩宗有關刑事調查衍生的投訴以及相關的投訴數據：

In the course of the Police's handling of crime cases, various procedures will be taken, such as collection of evidence, taking cautioned statement, arrest of suspects and prosecution. Among the complaint cases examined by the IPCC, many of them are about police officers being alleged of "Neglect of Duty" and "Misconduct" during the investigation. On the other hand, some complaints cases involve the suspects complaining against the police officers of affecting the cautioned statements inappropriately, but they are subsequently found to be false complaints. This cover story will feature two complaint cases arising from criminal investigation and related statistics:

個案一：一名總督察不恰當地將投訴人列入通緝及出入境監察名單

Case 1: A Chief Inspector inappropriately put the Complainant on the Wanted and Watch List



投訴人因被列入通緝及出入境監察名單，於離港時被補。

(照片來源(封面及本頁)：星島日報)

The Complainant was arrested when leaving Hong Kong as he had been put on the Wanted and Watch List.

(Photo Credit (cover and this page): Sing Tao Daily)

背景

投訴人是一名外籍人士，他受聘來港在一間貿易公司(下稱「公司」)工作，及後被公司解僱並要求他在限期前遷出公司提供的住所。投訴人遷出後，公司的總經理報案指投訴人偷走住所內的傢俬，該批傢俬是用總經理代公司轉交投訴人的兩萬元現金購買的。

Background

The Complainant, an expatriate, had been hired to work in Hong Kong for a trading company ("the Company"), but was subsequently dismissed by the Company and required to move out of the apartment provided by the Company by a deadline. After the Complainant had moved out, the General Manager of the Company made a report to the Police, claiming that the Complainant had stolen the furniture in the apartment, which was purchased by Complainant with HK\$20,000 in cash given by the General Manager on behalf of the Company.

負責調查這宗懷疑「盜竊案」的一名總督察(被投訴人一)，指示其下屬用不同方法尋找投訴人但無結果，於是決定將投訴人列入通緝及出入境監察名單。

及後，投訴人在機場離港時被拘捕。在警誡下，投訴人聲稱該批傢俬是用公司的行政總裁給予他的現金購買的，認為這是公司從外地聘請他時贈送給他的。雙方並無任何書面或口頭協議，說明當投訴人離職後如何處置該批傢俬。投訴人亦透露曾經和公司發生糾紛，勞資審裁處裁定公司要向投訴人賠償逾12萬元。警方於是再找公司的人士調查，最終因公司未能提供有關傢俬擁有權的證據而終止刑事調查。

投訴人後來投訴警方在沒有足夠證據下便拘捕投訴人，由於該總督察決定將投訴人列入通緝及出入境監察名單，所以投訴警察課將他列為被投訴人一【指控一：疏忽職守】。另外，投訴人亦指在調查期間，一名刑事偵緝高級警員(被投訴人二)對他有偏見，多次致電他不要聯絡報案的總經理【指控二：行為不當】。

投訴警察課的調查

有關指控一，在投訴調查期間，總督察表示投訴人涉嫌偷去價值兩萬元的傢俬，是嚴重的罪行，當時並無其他證據反駁總經理的說法，因此認為有表面證據懷疑投訴人犯案。此外，警方曾嘗試電話聯絡投訴人但找不到他，當時亦無其他方法可以找到投訴人，而投訴人身為外籍人士，他很有可能離開香港。如果任由他離港而不用接受調查是不公義的。投訴警察課認為當時總督察的做法是別無他選，及後拘捕投訴人是必須和合理的，因此將有關他的「疏忽職守」指控分類為「並無過錯」。

至於指控二，投訴警察課的調查指，根據該名刑事偵緝高級警員撰寫的調查紀錄，他只致電過投訴人一次，原因是總經理指投訴人曾經致電他們共同相識的朋友聲稱總經理報假案，所以他建議投訴人不要和涉事的任何人討論事件，因為案件仍在刑事調查中。投訴警察課認為，投訴人向他人宣稱總經理報假案可能會影響調查及間接騷擾總經理，因此認為該名高級警員的做法恰當，並將有關他的「行為不當」指控分類為「並無過錯」。

The Chief Inspector (CIP/ Complainee 1) who was in charge of investigating this suspected "Theft" case, instructed his subordinate to locate the Complainant by various means, but in vain. The CIP therefore decided to put the Complainant on the Wanted and Watch List.

Afterwards, the Complainant was arrested at the airport when he was departing from Hong Kong. Under caution, the Complainant stated that he had purchased the furniture with the cash given by the Chief Executive of the Company, and he regarded the furniture as a gift for hiring him from abroad. Both parties did not make any written or verbal agreement about the disposal of the furniture upon his dismissal. The Complainant also revealed that he and the Company had a dispute, which was settled after the Company compensated over HK\$120,000 to the Complainant, following a verdict by the Labour Tribunal. The Police then contacted the Company for further investigation, but the criminal investigation was curtailed as the Company could not provide the evidence related to the ownership of the furniture.

The Complainant then lodged a complaint against the Police for arresting him without sufficient evidence. Since the CIP made the decision to put the Complainant on the Wanted and Watch List, CAPO identified him as the Complainee 1 [Allegation 1: Neglect of Duty]. In addition, Complainant alleged that during the investigation, a Detective Senior Police Constable (DSPC/ Complainee 2) showed bias against the Complainant, by calling him many times to ask him not to contact the General Manager [Allegation 2: Misconduct].

CAPO's investigation

Regarding allegation 1, during CAPO's investigation, the CIP stated that the Complainant was suspected of stealing furniture worth HK\$20,000, which was a serious offence. There was no other evidence to rebut the General Manager's version. The CIP opined that there was a prima facie case against the Complainant, who committed a crime. Furthermore, the Police had attempted to call the Complainant, but in vain, and there was no other means available to reach him. Considering that the Complainant was a foreigner who would likely leave Hong Kong, it would be an injustice if the Complainant was allowed to do so without being subjected to any investigation. The CIP's decision was a last resort at that moment, and the subsequent arrest was necessary and justified. Therefore, the allegation of "Neglect of Duty" was classified as "No Fault".

As for allegation 2, CAPO's investigation indicated that according to the DSPC's investigation record, he only called the Complainant once, as he was informed by the General Manager that the Complainant had called a friend they had in common, alleging the General Manager had made a false report to the Police. The DSPC just advised the Complainant not to discuss the case with other parties involved, as the case was under investigation. CAPO opined that the Complainant's allegation against the General Manager for making a false report might affect the investigation, and indirectly created a nuisance to the General Manager. Therefore, CAPO regarded DSPC's action as appropriate, and classified the allegation of "Misconduct" against him as "No Fault".

監警會的觀察

然而，監警會並不同意上述兩項指控的調查結果分類，並先後向投訴警察課提出兩輪質詢及召開工作層面會議討論個案。

有關指控一，監警會認為將嫌疑人士列入通緝及出入境監察名單是會嚴重影響其人身自由，這決定應該要有很強的理據支持，不可倉促決定。對於這宗報稱「盜竊」案是否有表面證據支持，監警會亦有保留，因為總經理由始至終未能提供其報稱失竊的各項傢俬詳情，以及有關會計或文書紀錄，以證明其公司擁有該批傢俬，而給投訴人買傢俬的現金並不是贈送給他的。監警會認為，更好的做法是先向行政總裁核實是在甚麼情況下給投訴人現金買傢俬，及釐清傢俬的擁有權，才決定應否將投訴人列入通緝及出入境監察名單，因此建議將有關總督察的「疏忽職守」指控，由「並無過錯」重新分類為「獲證明屬實」。投訴警察課接納監警會的觀點，並對該名總督察作出訓諭但無須將事件記入其分區報告檔案中。

有關指控二，監警會認為刑事偵緝高級警員自行撰寫的調查紀錄，不能作為獨立證據證明他只曾致電投訴人一次，因此建議將「行為不當」的指控由「並無過錯」重新分類為「無法證實」。投訴警察課最終接納建議。

IPCC's observation

However, the IPCC did not agree with the classification of investigations results regarding the two allegations mentioned above. Two rounds of Queries were raised to CAPO, and a working level meeting was held to discuss the case.

Regarding allegation 1, the IPCC opined that putting a suspect on the Wanted and Watch List was a serious infringement of one's liberty, which should be supported by strong justification, and the decision should not be made hastily. The IPCC also had reservations as to whether there was a prima facie case of Theft, as the General Manager was unable to give details about the alleged stolen furniture and provide any accounting or written records to prove that the Company owned the furniture. The IPCC was of the view that it would be better to conduct further enquiries with the Company's Chief Executive, in order to verify under what situation the cash was given to the Complainant for purchasing the furniture, and to clarify its ownership before putting the Complainant on the Wanted and Watch List. Therefore, the IPCC recommended reclassifying the allegation of "Neglect of Duty" against the CIP from "No Fault" to "Substantiated", which was accepted by CAPO. An advice without Division Record File (DRF) entry should be issued to the CIP.

As for allegation 2, the IPCC was of the view that the DSPC's written record could not be regarded as independent evidence to prove that he only called the Complainant once. Therefore, the IPCC recommended reclassifying the allegation of "Misconduct" against the DSPC from "No Fault" to "Unsubstantiated". CAPO accepted the recommendation.

個案二：一名督察不恰當地以「簽保守行為」處理傷人案

Case 2: An Inspector dealt inappropriately with a wounding case by advocating "Binding Over"



一名的士司機被醉漢毆打，卻被警方要求「簽保守行為」。
(照片來源: 星島日報)

A taxi driver was assaulted by drunkard, but was requested by the Police to be "Bound Over".
(Photo Credit: Sing Tao Daily)

背景

在此個案中，一群醉漢在一間酒店外無故拍打投訴人的的士。投訴人(的士司機)及其友人在附近的餐廳用膳，見狀立刻出來制止這群醉漢，雙方繼而打架。警方接報到場，以「在公眾地方打鬥」罪拘捕投訴人、他的朋友，以及其中一名醉漢，其餘人士則已逃離現場。三名被捕人士在警誡下均表示是另一方先動手，自己只是自衛。驗傷報告顯示投訴人和他的朋友頭部多處受傷需要縫針；而該名醉漢則只是擦傷面部和手臂。

案件其後交由一名警員(被投訴人一)及女督察(被投訴人二)負責調查。女督察將案件分類為「在公眾地方打鬥」，並指示其下屬，即該名警員，詢問被捕三人是否同意以「簽保守行為」了結事件。投訴人的朋友和醉漢同意此建議，但投訴人拒絕，認為自己在事件中是被對方毆打。於是向投訴警察課投訴警員及女督察未有妥善調查案件，並要求他簽保守行為【指控：疏忽職守】。女督察其後就應否起訴三人向律政司尋求法律意見。律政司考慮三人的傷勢後，建議控告醉漢兩項傷人罪，並將投訴人及其朋友轉為控方證人。經審訊後，醉漢被判罪成及接受感化令。

投訴警察課的調查

投訴人指警員曾要他承認犯事及簽保守行為，否則將會被起訴，但警員否認曾經這樣說。投訴警察課認為由於沒有獨立證據證明任何一方的說法，加上警員在調查期間，有全面審視證人口供、被捕三人的警誡供詞及閉路電視片段，並嘗試找尋其他在場人士協助調查。他只是依循女督察的指示詢問三人是否同意簽保守行為，因此投訴警察課將有關警員的「疏忽職守」指控分類為「無法證實」。

至於女督察對案件的定性，投訴警察課認為並非無理。理由是當時有證人看到三人均有參與打鬥，而且案件性質輕微。再者，案中證人拒絕協助認人，閉路電視片段畫質又欠佳，故無獨立證據支持任何一方的供詞。根據《警務手冊》，若案件性質輕微且涉事雙方均有過錯，亦無獨立證據支持任何一方的

Background

In this complaint case, a group of drunken persons hit the Complainant's taxi outside a hotel for no reason. The Complainant (a taxi driver) and his friend were having a meal at the restaurant near the hotel. Seeing the incident, they went out from the restaurant to stop the drunkards, and a fight between them ensued. After police arrived, the Complainant, his friend and one of the drunken persons were arrested for "Fighting in Public Place", while the other drunken men fled the scene. Under caution, each of the three arrested persons stated that it was the other party who initiated the fight, and they merely acted in self-defence. Medical findings showed that the Complainant and his friend sustained wounds on their heads that required multiple stitches, whereas the drunkard only suffered from abrasions on his face and arms.

The case was referred to a Police Constable (PC/ Complainee 1) and a Woman Inspector of Police (WIP/ Complainee 2) for investigation. The WIP classified the case as "Fighting in Public Place" and instructed her subordinate (the PC) to ask the arrested parties if they would agree to be "Bound Over" in order to conclude the case. Both the Complainant's friend and the drunkard agreed with the suggestion, but the Complainant refused. He claimed that he had been assaulted by the opposite party, and lodged a complaint to CAPO, alleging that the PC and the WIP had failed to investigate the case properly, by asking him to consider for "Binding Over" [Allegation: Neglect of Duty]. The WIP then sought advice from the Department of Justice (DOJ) regarding possible charges against the trio. Considering the injuries of the different parties, the DOJ advised charging the drunkard with two counts of "Wounding", and turning the Complainant and his friend into prosecution witnesses. The drunkard was convicted after trial, and sentenced to a probation order.

CAPO's investigation

The Complainant stated that the PC had asked him to admit the offence and accept the "Binding Over" arrangement or otherwise he would be charged, but the PC denied saying this. CAPO considered that there was no independent evidence supporting either party's version, and the PC had conducted the investigation in a proper way by carefully examining the witness statements, cautioned statements of the arrested parties, and CCTV footage; and through striving to locate other involved persons to assist in the investigation. He only acted on the WIP's instruction to seek the arrested parties' views regarding "Bind Over". Therefore, CAPO classified the "Neglect of Duty" allegation against the PC as "Unsubstantiated".

CAPO considered the judgement of the WIP regarding the case was not unreasonable, because witness had seen the arrested parties fighting, and the case had stemmed from a minor dispute. Furthermore, the witness refused to attend the identity parade, and the CCTV footage was of low resolution – hence there was no independent evidence supporting either party's version. According to the Police Manual, "Applications to bind a person over may be made in minor cases where it is obvious that both parties are at

說法，便可以「簽保守行為」處理事件。因此投訴警察課亦將有關女督察的「疏忽職守」指控分類為「無法證實」。

監警會的觀察

監警會同意投訴警察課就有關警員的調查結果分類，但並不同意就女督察的調查結果分類，並與投訴警察課召開工作層面會議作進一步討論。

監警會認為，證據顯示投訴人及其朋友的傷勢遠比醉漢的嚴重，而且女督察忽略了其中一名在附近工作的證人目睹部分事發經過的口供，稱二人曾被醉漢打至倒地，投訴人和他的朋友在案件中有機會是受害者。監警會認為有一定可靠的證據顯示，女督察未有充分評估所有證據，便不恰當地建議涉事雙方均以「簽保守行為」來處理事件，加上律政司最終建議起訴該名醉漢，法庭又將其定罪，因此監警會建議對女督察的「疏忽職守」指控，由「無法證實」重新分類為「無法完全證明屬實」。

投訴警察課接納監警會的建議，並對女督察作出訓誡而無須將事件記入其分區報告檔案中。

fault with no other evidence to support either party in their counter-allegations.” Therefore, CAPO classified the “Neglect of Duty” allegation against the WIP as “Unsubstantiated”.

IPCC's observation

The IPCC subscribed to CAPO's classification of the result of the investigation concerning the allegation against the PC, but disagreed with the result concerning the WIP. A working level meeting was held between the IPCC and CAPO, to further discuss the case.

The IPCC took into consideration the injuries of the Complainant and his friend, which were far more serious than the injuries of the drunkard. The WIP overlooked the witness statement from a man who worked nearby and witnessed part of the incident. The witness claimed that two persons fell down on the floor after being assaulted by the drunkard. It could be the case that the Complainant and his friend were victims in this incident. The IPCC was of the view that there was some compelling evidence that the WIP did not fully examine all the available evidence before suggesting that both parties should be “Bound Over” in order to conclude the case. Moreover, DOJ recommended charging the drunkard, who was convicted by the Court after trial. Therefore, the IPCC recommended reclassifying the “Neglect of Duty” allegation against the WIP from “Unsubstantiated” to “Not Fully Substantiated”.

CAPO finally subscribed to the IPCC's view, and the WIP was given an advice without Divisional Record File (DRF) entry.

其他和刑事調查相關的投訴

Other complaints related to criminal investigation

有關刑事調查衍生的投訴，不少個案是關於投訴人指控警務人員施以「毆打」、「誘導」、「恐嚇」等不當手段以取得投訴人的招認，或指控有關警務人員捏造證據，或指警方所記錄的供詞不確、調查不足或偏頗。

以2017年上半年為例，監警會合共通過776宗投訴個案(不包括覆檢個案)，其中213宗個案，即約四分之一，屬於上述類型的投訴(見下表)。部分投訴人是在警方進行刑事個案調查期間作出投訴，另一部分則是在案件進入司法程序後才作出投訴。

Many of the complaints arising from criminal investigation involve allegations against police officers regarding use of improper means, including “Assault”, “Inducement” and “Threat”, to obtain admissions from the Complainants, or fabrication of evidence, record of inaccurate statements or conduct of investigations that were neither thorough nor impartial.

During the first half of 2017, the IPCC endorsed a total of 776 complaint cases (reviewed cases excluded), of which 213, or about one-fourth, belongs to the above categories (see the table below). Some of the complaints were made when the Police was conducting criminal investigation, while others were filed after the commencement of legal proceedings.

封面故事

Cover story

	經全面調查的個案 Fully investigated cases			無須進行全面調查的個案 Cases not subject to full investigation	總數 Total
	虛假不確 False	並無過錯 No Fault	無法證實 Unsubstantiated	無法追查/投訴撤回 Not Pursuable/ Withdrawn	
毆打 Assault	4	0	1	12	17
誘導/恐嚇 Inducement/ Threat	11	1	2	36	50
捏造證據 Fabrication of Evidence	5	0	1	0	6
警誠供詞不確 Accuracy of Statement	0	0	1	5	6
調查不足/偏頗 Thoroughness/ Impartiality of Investigation	0	18	3	113	134
總數 Total	20	19	8	166	213

在這213宗投訴個案中，有47宗需經投訴警察課全面調查並由監警會審核，基於法庭就案件的裁斷及/或調查時所得的證據，當中有39宗被分類為「虛假不確」或「並無過錯」，八宗為「無法證實」。監警會發現，部分個案的投訴人最初在法庭上否認控罪，並質疑其警誠供詞內的招認並非出於自願，但當法庭裁定接納其供詞作呈堂證供後，投訴人遂改為認罪。投訴人在審訊後亦沒有向投訴警察課跟進有關投訴事項。因此，監警會認為上述「虛假不確」及「並無過錯」的個案或屬策略性投訴，即投訴人當初很可能是基於抗辯需要才投訴有關警務人員。

至於其餘166宗個案，因應投訴人後來的要求而列為「投訴撤回」，或因投訴人一直拒絕回覆投訴警察課的跟進，令個案變成「無法追查」。在這兩種情況下，投訴個案無須進行全面調查。然而，監警會亦發現當中近三成的個案(48宗)，投訴人最終承認有關控罪，或經審訊後被裁定罪名成立，或以自簽保守行為的方式結案，這某程度上顯示投訴人當初作出的指控未必真確。而剩下約七成的個案(118宗)，則因不同情況而無法判斷投訴的真確性，例如該刑事案件最終未有上庭審訊。

無論情況如何，監警會在處理這類投訴個案時，定當貫徹公平、公正及以證據為依歸的審核原則，確保結果不偏不倚。與此同時，監警會希望市民明白，投訴機制是開明社會的一大基石，投訴人在行使公民權利的同時，也有責任確保所提供的資料真確，令處理投訴的公共資源用得其所。

Among these 213 complaint cases, 47 were fully investigated by CAPO and reviewed by the IPCC. Based on court results and/ or evidence obtained from investigation, 39 of them were classified as “False” or “No Fault” and eight as “Unsubstantiated”. The IPCC found that some of the Complainants had initially pleaded not guilty at court and challenged the admissibility and voluntariness of the cautioned statements, but after the statements were ruled admissible by court, the Complainants pleaded guilty instead. After the trials, they also did not follow up on the matter concerned with CAPO. Therefore, the IPCC was of the view that the above “False” and “No Fault” cases might be tactical complaints where the Complainants initially used their complaints against police officers only as a line of defense.

The remaining 166 cases were later classified as “Withdrawn” as requested by the Complainants or as “Not Pursuable” due to the Complainants’ refusal to respond to the follow-up actions by CAPO. Under these two situations, the complaints did not require full investigation. However, the IPCC discovered that in about 30% of the cases (48 cases), the Complainants were convicted upon guilty pleas; convicted after trials or ordered to be “Bound Over” after admitting to the facts of the cases. That shows to a certain extent that the allegations made by the Complainants might not be genuine in nature. The validity of about 70% (118 cases) could not be decided for various reasons, one of them being the criminal cases not brought to court for trial eventually.

In any case, the IPCC must handle a complaint fairly and impartially based on evidence to ensure an unbiased result. Meanwhile, the IPCC hopes that members of the public understand that a complaint mechanism is one of the cornerstones for a liberal society. Therefore, a Complainant should make sure that all information provided is accurate when executing his/her civil rights, so that our public resources for complaint handling could be effectively deployed.

2017年監警會公眾意見調查

IPCC Public Opinion Survey 2017

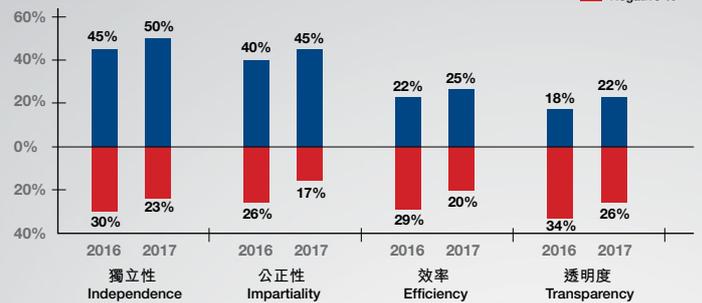
圖表一
Figure 1

監警會滿意度評分
Satisfaction rating of IPCC



圖表二
Figure 2

監警會的形象
Image profile of the IPCC



為了更有效履行《監警會條例》第8條(1)(e)賦予的法定職能——「加強公眾對監警會的角色認識」，委員會透過委託獨立機構進行公眾意見調查，以了解公眾對監警會的認知度、滿意度和整體形象的觀感。今次是監警會自成為獨立法定機構後進行的第六次調查，調查於今年三月初以隨機抽樣電話訪問形式進行，訪問了1,010名成年人。俞官與秘書長亦於七月與負責調查的港大民意研究計劃總監鍾庭耀博士，召開傳媒發布會公布調查結果。

公眾信心及滿意度上升

本年度的公眾意見調查結果顯示，公眾對監警會的信心、觀感及滿意度比去年均有所提升。五成半受訪者對監警會的形象感到正面，比去年上升三個百分點。受訪者對監警會的信心淨值(即正面減去負面的百分比)，由去年的五個百分點，大幅上升至今年的19個百分點。他們對會方的滿意度評分亦由去年的56.1分上升至今年的60.5分。

對監警會監察投訴警察課調查工作的觀感

就多個評估監警會在「監察及覆檢警察投訴個案」的工作的指標中，受訪者對監警會的「獨立性」及「公正性」的評分普遍較高，分別有五成及四成半人認為監警會獨立、公正，兩者均比去年上升五個百分點。至於「效率」及

In order to effectively discharge its statutory function – “to promote public awareness of the role of the Council” - under section 8(1)(e) of the IPCCO, the IPCC commissions independent institutions to conduct public opinion surveys, to understand public awareness of and satisfaction with the IPCC, as well as the overall perception of the IPCC’s image. This is the sixth public opinion survey conducted since the IPCC became an independent statutory body. The survey was conducted through telephone interviews on a random sampling basis in early March 2017 and 1,010 adults were interviewed. Mr Richard Yu, Secretary-General of the IPCC, hosted a press briefing in July with Dr Robert Chung Ting-yiu, Director of the University of Hong Kong’s Public Opinion Programme (HKUPOP), to release the survey results.

Increase in public confidence and satisfaction

This year’s survey results show improvements in public confidence in, perception of and satisfaction with the IPCC. 55% of the respondents felt positive about the IPCC’s image, an increase of 3 percentage points over the previous year. The respondents’ net confidence in the IPCC (i.e. the percentage of positive minus the negative) rose significantly, from 5 percentage points last year to 19 percentage points this year. The satisfaction rating increased from last year’s 56.1 to this year’s 60.5.

Perception of the IPCC’s monitoring of CAPO’s investigation work

As for the indicators of the IPCC’s work concerning “monitoring and reviewing complaint cases”, the respondents overall gave higher ratings to the IPCC’s “independence” and “impartiality”, with 50% and 45% believing that the IPCC is independent and impartial, respectively. Both ratings increased by 5 percentage points from the previous year. With regard to “efficiency” and “transparency”,



俞官興秘書長(圖左)與港大民意研究計劃總監鍾庭耀博士召開傳媒發布會公布公眾意見調查結果。

Mr Richard Yu, Secretary-General, (on the left of the photo) hosted a media briefing with Dr Robert Chung Ting-yiu, Director of the HKUPOP, to release the public opinion survey results.

「透明度」方面，過去受訪者對這兩個指標的意見比較兩極化，但今年分歧大幅收窄，當中認為監警會沒有效率或透明度低的受訪者明顯減少，分別下降九個及八個百分點。

提升審核投訴效率

在傳媒發布會上，俞官興秘書長介紹了近期委員會在優化審核投訴程序方面所推行的措施，以改善處理個案的效率，包括在年初向投訴警察課提出的多項要求：

- 投訴警察課應盡量於收到投訴後四個月內完成調查，並於六個月內向監警會呈交調查報告；
- 投訴警察課在呈交報告時應一次過提交齊全的文件和檔案，減少不必要的延誤；
- 投訴警察課應在四星期內回覆監警會提出的質詢；
- 與投訴警察課舉行的工作層面會議，由三個月一次增加至兩個月一次；及
- 監警會致力在收到調查報告後六個月內通過報告。

加強與持份者溝通

在透明度方面，為了維護審核個案的公正性及遵守保密責任，一直以來監警會在未完成審核個案前，不宜對外披露投訴的細節或作出評論，這難免會影響市民對透明度方面的觀感。此外，今年的調查結果亦顯示，年紀越輕的受訪者傾向對監警會持有較負面觀感。有見及此，監警會在過去一年，透過多個渠道發放資訊，積極和不同持份者溝通，讓公眾了解監警會角色、職能及審核個案時所秉持的原則和嚴謹的態度。

though views for these two indicators used to be more polarised, the divergence was significantly narrowed this year. The percentages of respondents who considered the IPCC is not efficient or not transparent dropped by 9 percentage points and 8 percentage points, respectively.

Enhancing efficiency in monitoring complaints

During the media briefing, Mr Richard Yu, Secretariat-General, introduced various measures taken by the Council recently to enhance the monitoring complaint procedures and therefore the efficiency in handling cases, including requests made to CAPO earlier this year:

- CAPO should complete an investigation within four months after receiving a complaint, and submit the investigation report to the IPCC within six months;
- CAPO should provide the IPCC with all relevant files and documents when submitting an investigation report, in order to minimise unnecessary delays;
- CAPO should endeavour to respond to Queries raised by the IPCC within four weeks;
- the frequency of working level meetings with CAPO has been increased from once every three months to once every two months; and
- the Council will strive to endorse every investigation report within six months after receiving it.

Strengthen engagement with stakeholders

Regarding transparency, the IPCC will not disclose any details or make any comments on a complaint before the vetting process is completed, in order to maintain impartiality during case vetting and to comply with obligations concerning confidentiality. This inevitably affects public perception of the IPCC's transparency. In addition, the latest survey results show that younger respondents tend to have a more negative perception of the IPCC. In view of this, during the past year the IPCC has been stepping up efforts to share information via various channels and strengthen engagement with different stakeholders, aiming to enhance public understanding of the IPCC's role, functions and vetting process, as well as the principles and serious manner adopted by the IPCC in case vetting.

這些措施包括：

- 加強透過《監警會通訊》分享已通過的投訴個案；
- 於監警會網頁增設《主席專欄》；及
- 自去年起推行校園推廣試驗計劃，到訪中、小學向學生講解監警會的工作，透過個案分享及遊戲讓學生了解審核個案的程序、監警會的價值觀，及投訴的權利和責任等。

俞官與秘書長表示：「監警會十分重視與年輕人交流意見的機會。試驗計劃初步獲得師生的正面回應，會方將繼續推展相關的工作。與此同時，我們會一如既往積極擴闊和各界人士的聯繫，聆聽意見，務求在各方面的工作精益求精。」

監警會2017年度公眾意見調查結果已上載至監警會網頁：<http://www.ipcc.gov.hk>

These initiatives include:

- more endorsed cases will be shared through the *IPCC Newsletter*;
- a new Chairman's column was added to the IPCC website; and
- a school pilot programme was rolled out last year, reaching out to secondary and primary students to introduce the IPCC's work. Through case sharing, the vetting procedures, values of the IPCC and the rights and responsibilities of making complaints were discussed with students.

Mr Richard Yu, Secretariat-General, added, "The IPCC cherishes every opportunity to exchange views with young people. The school pilot programme was well received by both students and teachers, and the IPCC will continue to expand its efforts on this. At the same time, we will continue to widen the scope of stakeholder engagement, listen to opinions and strive to excel in all aspects of our work."

The results of IPCC Public Opinion Survey 2017 are available on the IPCC's website at: <http://www.ipcc.gov.hk>.

監警觀點

Viewpoint from IPCC

監警會觀察員工作坊

Workshop for IPCC Observers

為了確保投訴警察課的投訴調查過程公平、恰當，監警會觀察員可以出席及觀察他們進行的會面和證據收集工作，如觀察員發現當中有任何不當之處，會向監警會報告，監警會便會和投訴警察課跟進。

為了讓觀察員有更多機會交流經驗及向監警會委員和投訴警察課反映意見，監警會於年內舉行各形式的工作坊。在今年4月中舉辦的工作坊暨午餐會上，謝偉詮副主席和俞官與秘書長分別致歡迎辭，感謝觀察員踴躍出席觀察，協助委員會加強監察警方處理投訴的工作。

觀察員譚兆炳先生、顧明仁博士、謝焯全博士、廖錦興先生及麥樂嫦女士，各自分享他們

To ensure that CAPO investigates complaints in a fair and proper manner, the IPCC Observers may attend and observe the interviews as well as collection of evidence conducted by CAPO. In case of any irregularities found in the process, Observers will report to the IPCC for its further action with CAPO.

During the year, workshops were organized for Observers to share their experiences and give feedback to Council Members and CAPO. In the workshop cum luncheon which took place in mid-April, Mr Tony Tse Wai-chuen (Vice-Chairman) and Mr Richard Yu (Secretary-General) gave their welcome speeches to extend their gratitude to Observers for actively participating and facilitating the Council's monitoring of complaints handled by the Police.

Observers Mr George Tam Siu-ping, Dr Charles Koo Ming-yan, Dr Patrick Tse Kwing-chuen, Mr Liu Kam-hing and Ms Mabel Mak Lok-sheung shared their observation experiences, including how to respond to an emotional interviewee or an interviewee who, due to



進行觀察的經驗，例如若遇到有會面人士情緒不穩，或投訴人因不了解觀察員的角色而拒絕他們出席會面時，觀察員應該如何處理。此外，觀察員表示部分經驗較淺的警員，有需要改善其會面的發問技巧，建議投訴警察課為新入職的警員提供這方面的培訓。

除了工作坊，為了便利觀察員出席觀察，監警會近年亦積極加強對觀察員的支援，包括提升觀察員計劃的網上系統，方便觀察員隨時預約，及與警方及其他部門協調，在一些拘留設施撥出特定時段供投訴會面之用，縮短觀察員在現場等候的時間。這些改善措施也得到觀察員的認同，認為有助提升觀察率。

目前監警會共有110名觀察員。今年上半年(1月至6月)，觀察員共進行了891次觀察，較去年同期上升了18.8%，而觀察員的出席率則維持逾九成的高水平，與去年同期相約。詳細數據見下圖：

lack of knowledge about the role of Observers, objects to their presence. In addition, Observers were of a view that some less experienced police officers should improve their interviewing skills and suggested that CAPO provide relevant training to its new staff.

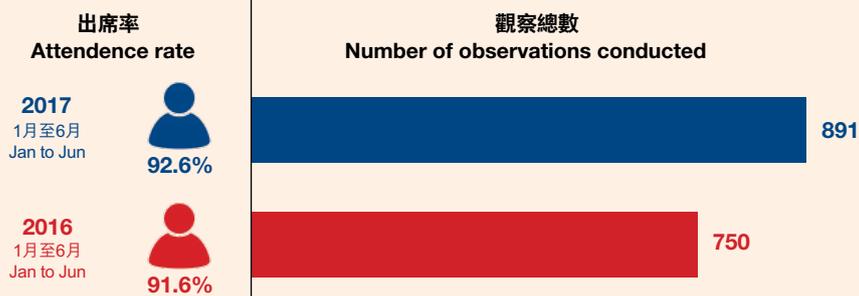
To facilitate the work of Observers, the IPCC has stepped up its support in recent years, for example, by upgrading the online system for the Observers Scheme to enable appointment booking by Observers at any time. Furthermore, the Council also coordinated with the Police and other departments to assign time slots at certain detention facilities for complaint-related interviews, thus reducing the on-site waiting time of Observers. These improvement measures are well received by Observers, who believe the observation rate will be enhanced as a result.

There are currently 110 IPCC Observers. In the first half of this year (from January to June), a total of 891 observations were conducted by Observers, an 18.8% increase compared with the same period last year, Observers' attendance rate stood at over 90%, levelling off the previous year. Figures are shown in the chart below:



觀察員出席率及觀察總數

Observers attendance rate and number of observations conducted



2017年3月至8月的活動

Activities from March to August 2017

21

3月 MAR

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open meeting

在是次會議上，警方匯報有關佔領事件和旺角騷亂的最新投訴統計數據及調查進度。雙方亦就提升審核投訴的效率交換意見。

During the meeting, the Police provided the latest update on complaint statistics and progress with investigating complaints arising from the Occupy Movement and the Mong Kok Riot. Both parties then exchanged views on enhancing the efficiency of vetting complaint cases.



26

4月 APR

第二十一期《監警會通訊》傳媒發布會

Media briefing for IPCC Newsletter issue no. 21

監警會推出第二十一期《監警會通訊》。郭琳廣主席在梅達明副秘書長(行動)陪同下，舉行新聞發布會，向傳媒介紹封面故事中有關休班警員的投訴個案。其他通訊內容包括，九位新委員分享加入監警會的感想，及委員會近期與持份者聯繫的活動等。

The twenty-first issue of the *IPCC Newsletter* was released. Mr Larry Kwok Lam-kwong (Chairman), accompanied by Mr Daniel Mui (Deputy Secretary-General, Operations), hosted a media briefing to present the cover story on complaint cases relating to off-duty police officers. Other contents of the Newsletter included the sharing from nine new Members on their appointments, and the Council's recent stakeholder engagement activities.



5月9日至
6月16日

9 May –
16 June

到訪地區學校聯絡委員會

Visits to district schools liaison committees



為了加強與持份者的聯繫，蘇麗珍女士、鄭錦鐘博士、楊華勇先生連同俞官興秘書長，在五月初至六月中分別到訪九龍城、黃大仙、西貢及將軍澳、觀塘、灣仔和深水埗的地區學校聯絡委員會/地區校長委員會，介紹監警會的工作和現行的兩層架構投訴警察制度。

In order to strengthen engagement with stakeholders, Ms Ann So Lai-chun, Dr Eric Cheng Kam-chung, Mr Johnny Yu Wah-yung and Mr Richard Yu (Secretary-General) introduced the work of the IPCC and the two-tier police complaints system during visits to district schools liaison committees/district principal associations in Kowloon City, Wong Tai Sin, Sai Kung and Tseung Kwan O, Kwun Tong, Wan Chai and Sham Shui Po, from early-May to mid-June.



最新動態

Recent activities

17
5月 MAY

到訪元朗警區 Visit to Yuen Long District

謝偉銓副主席及七名委員一同探訪元朗警區。警方向委員講解區內非華裔人士和街頭色情行業的犯罪情況，雙方亦就近期的投訴趨勢交換意見。

Mr Tony Tse Wai-chuen (Vice-Chairman) and seven Members visited Yuen Long District. Police representatives explained the situations regarding crimes involving non-ethnic Chinese, and street prostitution in the district. Both parties also exchanged views on recent trends in complaints.



19
5月 MAY



出席警隊優質服務獎勵計劃頒獎禮 Attended Service Quality Award Scheme Awards Presentation Ceremony

許宗盛先生應警隊服務質素監察部邀請，出席2016/17年度卓越服務頒獎典禮暨警隊優質服務獎勵計劃。

Mr Herman Hui Chung-shing was invited by the Service Quality Wing of the Force to attend the 2016/17 Awards Presentation Ceremony for Service Excellence and Service Quality Award Scheme.

28-31
5月 MAY

出席加拿大公民監察 執法協會會議 Attended CACOLE conference

監警會秘書處派出一名高級審核主任和一名審核主任，於加拿大紐芬蘭與拉布拉多省的首府聖約翰斯，出席加拿大公民監察執法協會(Canadian Association for Civilian Oversight of Law Enforcement)舉辦的周年會議。本年度的主題為「公民監察——由內到外」。與會者就警務和投訴處理的議題交流意見。



A senior vetting officer and a vetting officer of the IPCC Secretariat attended the annual conference organised by the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) at St. John's, Newfoundland and Labrador, Canada. This year's theme was "Civilian Oversight – Perspectives from the Inside Out". The conference provided a platform for attendees to share views on policing and complaint handling issues.

9
6月 JUN

參與警隊服務質素監察部運動會 Attended the Police Service Quality Wing Sports Day



何世傑教授、陳錦榮先生、鄺永銓先生、歐楚筠女士、彭韻僖女士與秘書處職員一同參與警隊服務質素監察部舉行的運動會。

Ir Prof Vincent Ho, Mr Clement Chan Kam-wing, Mr Wilson Kwong Wing-tsuen, Ms Ann Au Chor-kwan, Ms Melissa Kaye Pang and staff from the IPCC Secretariat took part in the Sports Day, organised by the Police Service Quality Wing.

13

6月 JUN

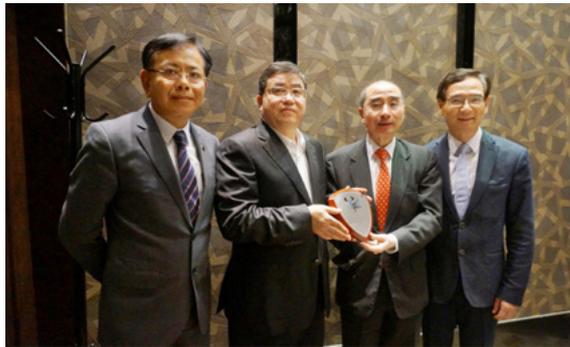
與廣東省公安廳紀律檢查組代表團會面

Meeting with delegation from Guangdong Provincial Public Security Department

郭琳廣主席、謝偉銓副主席及俞官興秘書長等，與廣東省公安廳紀律檢查組組長蘇全貴先生率領的代表團會面，並向各團員介紹香港的兩層架構投訴警察制度以及監警會的架構和職能。



Mr Larry Kwok Lam-kwong (Chairman), Mr Tony Tse Wai-chuen (Vice-Chairman) and Mr Richard Yu (Secretary-General) met with a delegation led by Mr Su Quangui, head of the Supervision Committee of Guangdong Provincial Public Security Department. The two-tier police complaints system in Hong Kong, as well as the organisation and functions of the IPCC, were introduced at the meeting.



20

6月 JUN

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open meeting



在是次聯席會議上，警方報告最新的投訴統計數據，並簡介為非華裔求助人士而設的「裔意通」計劃。監警會亦藉此機會向投訴警察課跟進警方使用隨身攝錄機的事宜。

During the joint meeting, the Police provided the latest update on complaint statistics and presented “Project TRANSLINK”, an initiative to facilitate non-ethnic Chinese in seeking police assistance. The IPCC also took the opportunity to follow up with CAPO on the use of police body-worn cameras.

23

6月 JUN

應邀出席大公國際傳媒學院研討會

Seminar at Ta Kung International Media College

俞官興秘書長應大公國際傳媒學院邀請出席一個研討會，向雲南省政府信訪局的代表團闡述監警會的工作和職能，並透過分享真實投訴個案，彰顯香港警察投訴制度的好處，及監警會獨立、公正的審核程序。

Mr Richard Yu (Secretary-General) was invited by Ta Kung International Media College to attend a seminar with a delegation from Yunnan Province Bureau for Letters and Calls. Mr Yu covered the work and functions of the IPCC. He also highlighted the merits of the Hong Kong police complaints system, as well as the independence and impartiality of IPCC's review procedures, through sharing real complaint cases.



最新動態

Recent activities

27
6月 JUN

監警會校園推廣試驗計劃 IPCC school pilot programme



監警會到訪油蔴地街坊會學校，透過分享經監警會審核的真實投訴個案，向學生簡介本港的兩層架構投訴警察制度。在過去一個學年，監警會合共到訪十一間中、小學，來年會方將拓展相關工作，讓更多青少年認識監警會的價值觀及工作。

During a visit to Yaumati Kaifong Association School, the IPCC introduced to students the two-tier police complaints system in Hong Kong, by sharing real complaint cases endorsed by the IPCC. In the past academic year, the Council visited a total of 11 primary and secondary schools. Looking ahead, the school programme will be expanded to enable the wider youth community to understand the values and work of the IPCC.

28
6月 JUN

與香港社區組織協會會面 Meeting with Society for Community Organization



劉文文女士、歐楚筠女士、李曉華女士和俞官興秘書長與香港社區組織協會會面，聆聽他們對預防羈留人士自殺問題的意見。

Miss Lisa Lau Man-man, Ms Ann Au Chor-kwan, Miss Sylvia Lee Hiu-wah and Mr Richard Yu (Secretary-General) met with the representatives from the Society for Community Organization, to listen to their views on the prevention of suicides in police custody.



28
6月 JUN

出席警方七一遊行簡報會 Attended the Police briefing for 1 July procession

郭琳廣主席及八名委員出席警方安排的七一遊行簡報會，了解警方在七一當日處理大型公眾活動的最新資訊。



At the briefing for the 1 July procession, attended by Mr Larry Kwok Lam-kwong (Chairman) and eight Members, the Police provided the latest information on handling the public order event to be held on 1 July.

1
7月 JUL

現場觀察七一遊行 On-site observation of 1 July procession



九名委員與17名秘書處職員一同在現場觀察七一遊行。當日，委員先到警方指揮中心聽取簡報，隨後前往維多利亞公園的遊行起點，再沿遊行路線在銅鑼灣及灣仔觀察情況。

Nine Members and 17 staff from the Secretariat conducted an on-site observation of the 1 July 2017 procession. The observation began with a briefing at the police command centre. Members then proceeded to the starting point of the procession in Victoria Park, and continued to observe in Causeway Bay and Wan Chai, along the procession route.

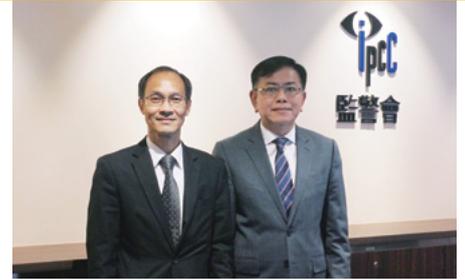
最新動態

Recent activities

31
7月 JUL

監警會公眾意見調查結果發布會

Media briefing on the IPCC public opinion survey results



俞官與秘書長與香港大學民意研究計劃總監鍾庭耀博士在發布會上公布最新的監警會公眾意見調查結果。調查於今年三月初以隨機抽樣電話訪問形式進行，訪問了1,010名成年人。結果顯示公眾對監警會的信心、觀感及滿意度比去年均有所提升。

Mr Richard Yu (Secretary-General) and Dr Robert Chung (Director of the University of Hong Kong Public Opinion Programme) announced the latest results of the IPCC public opinion survey during a media briefing. The survey was conducted through telephone interviews on a random sampling basis in early March 2017, and 1,010 adults were interviewed. This year's survey results show improvements in public confidence in, perception of and satisfaction with the IPCC.

22
8月 AUG

探訪港島總區衝鋒隊

Visit to the Emergency Units Hong Kong Island (EU HKI)



郭琳廣主席與10名委員一同探訪港島總區衝鋒隊。衝鋒隊代表向委員講解衝鋒隊的工作和投訴情況，並向他們介紹衝鋒隊的裝備，例如隊員配備的槍械和隨身攝錄機。委員亦藉此機會與前線警務人員交流，了解他們日常執行任務的情況。

Mr Larry Kwok Lam-kwong (Chairman) and 10 Members visited the EU HKI. Representatives of the EU gave a presentation to Members on the work of the EU and complaints situation, and showed Members the gear used by the EU such as the arms and body worn cameras. Council Members also took this opportunity to talk with frontline officers to understand the situation they face in daily operation.

主席接受電台訪問

Radio interview with the Chairman



郭琳廣主席接受新城電台訪問，與委員及節目主持之一彭韻僖女士，一同講解監警會審核投訴個案的程序。郭主席亦與聽眾分享他自2014年上任後所面對的不同挑戰。

During an interview with Metro Radio, Mr Larry Kwok Lam-kwong (Chairman) together with Ms Melissa Kaye Pang, IPCC Member and co-host of the programme, elaborated on the procedures adopted by the IPCC in vetting complaint cases against the Police. Mr Kwok also shared with the audience various challenges he faced since he took up the role of Chairman in 2014.

秘書長與觀察員傳媒訪問

Media interviews with Secretary-General and Observers

俞官與秘書長與監警會觀察員譚兆炳先生和廖錦興先生一同接受本地報章訪問，闡述觀察員計劃的功能和運作，兩位觀察員亦分享了他們出席投訴警察課進行的會面及觀察證據收集的親身經驗。



Mr Richard Yu (Secretary-General), together with IPCC Observers Mr George Tam Siu-ping and Mr Liu Kam-hing, were interviewed by local newspapers. Apart from explaining the functions and operations of the Observers Scheme, two Observers also shared their firsthand experience of attending interviews and observing collection of evidence by CAPO.