



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

主題 Highlight

監警會加強與持份者的交流
IPCC to enhance communication with stakeholders

投訴警察真實個案 Real Complaint Case Against Police

任命 Appointment

監警會委任新任秘書長
IPCC announces appointment of new Secretary-General

監警會話你知 Informative Corner

觀察員計劃
Observers Scheme

監警會 通訊

IPCC Newsletter

2010年12月 第二期

Dec 2010 Issue No. 2

主題 Highlight



監警會加強與持份者的交流

IPCC to enhance communication with stakeholders

監警會在過去數月來，透過與不同人士和組織接觸，讓市民更了解監警會的工作。我們會繼續努力，循不同渠道接觸持份者，加強他們對監警會的認識。

Over the last few months, IPCC has reached out to different groups to facilitate better understanding of our work. Such efforts will continue and we will explore different channels to reach out to stakeholders to enhance their knowledge of the role of the Council.

與公眾聯繫

Engaging the public

公開會議 | Open Meetings

監警會/投訴警察課聯席會議每季舉行一次，是雙方就重要政策議題交換意見的平台。會議設有公開部分，歡迎有興趣的市民出席旁聽。

The quarterly Joint IPCC/CAPO meeting is a forum where IPCC and Police exchange views on important policy issues. Part of the meetings is open to the public. Any members of the public who are interested are welcome to attend and observe.

2010 / 6月Jun / 10

監警會曾就警署多次發生閉路電視系統故障，以致無法檢取有關錄影記錄協助投訴調查的情況，表達關注。投訴警察課在2010年6月的會議上向監警會匯報警署閉路電視系統正進行數碼化，截至2010年5月初，已經安裝了共57部數碼錄影機。新系統可自動錄影和儲存錄影記錄，減低人為錯誤引致無法取得錄影記錄的情況。除了提升設備，警方亦發出新的運作指引，引入定時檢查的機制確保系統運作正常。

IPCC had previously expressed concern about repeated malfunctioning of the CCTV system in police stations, rendering loss of possible valuable evidence to assist in complaint investigations. At the meeting in June 2010, CAPO informed IPCC that digitalisation of CCTV recording had been underway and by early May 2010, a total of 57 digital video recorders were installed. The new system records and stores footage by itself and can therefore minimise the unavailability of recordings due to human error. Apart from upgrading the hardware, the Police have issued new operational guidelines introducing an inspection mechanism to ensure regular checking and proper functioning of the system.

2010 / 9月Sep / 2

監警會察覺到當投訴被列為證明屬實後，投訴警察課在調查報告中，未有詳細交代在決定對被投訴的警務人員採取甚麼行動時背後的考慮因素。有鑒於此，監警會邀請警方出席會議並向委員會簡介警方可採取的行動以及相關的考慮因素。投訴警察課並同意在調查報告中闡釋對被投訴警務人員採取的行動之考慮因素，協助委員監察。

IPCC noticed that, after a complaint has been found substantiated, there was limited information in the investigation reports elaborating the considerations in determining the action taken in respect of the police officer concerned. In view of this, IPCC invited the Police to brief the meeting on the different types of actions that can be taken against police officers who have been found to be at fault, and the considerations in deciding what actions to be taken. To facilitate IPCC in monitoring such actions, CAPO agreed to provide IPCC with more information regarding factors considered in determining the actions to be taken in individual cases.

2010 / 12月Dec / 9

鑒於大型公眾活動不時引致投訴，監警會向警方表達了對警方處理這些活動的關注。警方在2010年12月的會議上，向監警會簡介他們草擬《公眾秩序守則》的工作，並介紹《守則》涵蓋的範圍。監警會歡迎警方草擬內部《守則》，又指出活動能否順利進行，警方與主辦單位的溝通很關鍵。警方同意監警會的觀點，並會研究如何向公眾傳達相關的主要訊息。

IPCC had noted that complaints arise from public order events from time to time and had expressed concern on how police handle such events. The Police briefed the Council at the meeting in December 2010 their work on drafting the Public Order Manual and the areas that the Manual would cover. IPCC welcomed the coming promulgation of the Manual and suggested that communication with the organisers is important in ensuring smooth conduct of the events. The Police agreed to examine how to pass on the key messages to the public.



監警會 / 投訴警察課聯席會議
Joint IPCC/CAPO meeting

通訊 | Newsletters

監警會於今年5月推出第一期「監警會通訊」。通訊每年出版兩次，向公眾提供有關監警會的資訊，包括公開一些監警會處理的真實投訴個案。

IPCC released its inaugural issue of "IPCC Newsletter" in May this year. This biannual publication contains information about the work of the Council. Real complaint cases handled also feature in the Newsletter.



「監警會通訊」第一期
Inaugural issue of "IPCC Newsletter"



監警會於傳媒簡布會上介紹「監警會通訊」的內容
IPCC organises media briefing to introduce the contents of "IPCC Newsletter" to the press.

傳媒訪問 | Media Interviews

除了公開會議和通訊，監警會主席翟紹唐資深大律師亦透過接受傳媒專訪，談及監警會關注的議題。

Apart from open meetings and newsletters, Chairman Mr JAT Sew-Tong, SC, gives interviews on issues of IPCC's concern.



主席出席 OurTV.hk 節目《議會內外》並接受主持劉慧卿議員的訪問
The Chairman appears on OurTV.hk program hosted by Hon Emily LAU.



主席接受香港電台節目《鏗鏘集》訪問
The Chairman gives interview to RTHK current affairs TV program.

定期工作匯報

Reporting on work

2010 / 7月 Jul / 21

主席和秘書長出席立法會保安事務委員會會議，匯報監警會的工作。

The Chairman and Secretary-General attended a meeting of the Legislative Council Panel on Security to report on its work.

2010 / 11月 Nov / 10

監警會2009/10年報提交立法會。年報記錄了監警會主要的統計數字和報告委員會在年內的工作。年報同時上載到監警會網頁，公眾亦可索取印刷本(派完即止)。

IPCC's 2009/10 Annual Report was tabled at the Legislative Council. The Annual Report records major statistics and reports on the work of IPCC during the year. It is uploaded onto IPCC website and hardcopies are available (while stocks last).



與前線警務人員座談

Forums with frontline officers

監警會繼續到訪各警區，並與不同職級及單位的前線警務人員見面。委員透過直接的交流，更能了解他們在執行職務時面對的困難。

IPCC continued the tour of visits to police regions and met with frontline officers from different ranks and units. Through face-to-face exchanges, Members can have a better understanding of the difficulties they face in discharging their duties.

2010 / 5月 May / 3

與新界北總區前線警務人員座談

Forum with frontline officers in New Territories North Region



警務人員分享他們處理糾紛個案和家庭暴力案件的體驗
Police officers share their experience in handling dispute cases and domestic violence cases.



主席鼓勵前線警務人員出席監警會的會面。會面可讓監警會直接向警務人員澄清與投訴有關的事宜。
The Chairman encourages police officers to attend IPCC interviews if they are invited. Such interviews can enable IPCC to clarify directly with police officers specific aspects relating to the complaint.

2010 / 9月 Sep / 10

與西九龍總區前線警務人員座談

Forum with frontline officers in Kowloon West Region



約70名西九龍總區的前線警務人員出席座談會，包括警察隊員佐級協會的代表
Seventy frontline officers, including representatives of the Junior Police Officers' Association, from Kowloon West Region attend the forum.



除了出席座談會，監警會委員亦參觀了九龍城裁判法院的羈留設施。他們隨後到訪九龍總區指揮及控制中心，了解警方如何處理999報警求助的電話。
Apart from the forum, Members also visit the detention facilities of the Kowloon City Magistrate and the Kowloon Regional Command and Control Centre where the handling of 999 calls is demonstrated.

與內地交流 | Visits from Mainland delegations

2010 / 10月 Oct / 15

深圳市公安局代表團一行17人到訪監警會。委員馬恩國先生和秘書長向他們介紹香港如何處理投訴警察個案。

A delegation of 17 from Shenzhen Municipal Public Security Bureau visited IPCC. Member Mr Lawrence MA Yan-kwok and the Secretary-General briefed the delegation how complaints against police officers are dealt with in Hong Kong.



委員與代表團就處理投訴警察個案的課題交換意見
The delegation exchanges views with IPCC on how complaints against police officers are dealt with.



委員馬恩國先生致送紀念品予深圳市公安局紀委專職副書記蕭明先生
Member Mr Lawrence MA presents a souvenir to head of the delegation of Shenzhen Municipal Public Security Bureau.

2010 / 10月 Oct / 26

中國監察學會代表團到訪監警會，並由副主席李國麟議員、委員馬恩國先生和秘書長接待。雙方交流意見。

A delegation of the China Supervision Institute visited IPCC. Vice-Chairman Dr Hon Joseph LEE Kwok-long, Member Mr Lawrence MA Yan-kwok and the Secretary-General received the delegation and exchanged views with them.



監警會與代表團合照
Group photo of IPCC and the delegation.



副主席李國麟議員致送紀念品予監察部信訪司司長徐禧
Vice-Chairman Dr Hon Joseph LEE presents a souvenir to head of the delegation.

公眾對監警會的觀感

Public perception of IPCC

監警會成為法定機構後，於2010年3月進行調查，了解公眾對監警會的看法。我們在2009年3月法定前亦進行過同類調查。比較兩次調查結果，公眾對法定後的監警會在多方面的表現都有更正面的評價。

IPCC conducted a post-statutory survey in March 2010 to gauge public opinion on the Council. We find more positive feedback from members of the public on various aspects of IPCC, compared to the findings of similar survey conducted before the incorporation in March 2009.

有助改善投訴警察制度 Helpful in improving the police complaints system

法定前調查 Pre-statutory survey

71%

法定後調查 Post-statutory survey

74%

公平公正 Fair & Just

法定前調查 Pre-statutory survey

53%

法定後調查 Post-statutory survey

55%

有效率 Efficient

法定前調查 Pre-statutory survey

31%

法定後調查 Post-statutory survey

39%

具透明度 Transparent

法定前調查 Pre-statutory survey

22%

法定後調查 Post-statutory survey

25%

監警會成為法定機構後，公眾對監警會的印象看來比從前好，但我們的工作仍有不少進步的空間。我們會繼續提升效率，利用更多不同的渠道加強公眾對監警會工作的認識，並致力維繫一個公平、有效率和具透明度的投訴警察制度。

Notwithstanding the higher rating of general public perception of IPCC during the year, we see that there is still room for improvement. We will continue to enhance our efficiency, explore more channels to promote public awareness of our work, and continue our endeavours to maintain a fair, effective and transparent police complaints system.

(註：兩次調查均由監警會委託的獨立研究公司負責。每次調查以隨機抽樣方式以電話訪問超過1,000人。)

(Note: The two surveys were conducted by an independent research company appointed by IPCC. Over 1,000 random telephone interviews were conducted in each survey.)

投訴警察真實個案

REAL COMPLAINT CASE AGAINST POLICE

個案背景 Case Background

事發當日，投訴人被一名高級警員以「沒有遵從交通燈的指示」票控。高級警員在查核投訴人的駕駛執照時，知道投訴人在駕駛時需要配戴矯視鏡片。投訴人聲稱他有配戴隱形眼鏡。高級警員憑肉眼觀察後，認為投訴人並沒有配戴隱形眼鏡。高級警員要求投訴人即場掀起眼簾讓他檢查，但投訴人以衛生理由拒絕，並堅持要到醫院或警署才進行檢查。於是，高級警員再以「駕駛時未有配戴矯視鏡片」票控投訴人。其後，投訴人致電999報案，不滿被票控。一名警長到場查問。該警長同樣以肉眼檢查，並同意高級警員的觀察，認為投訴人沒有配戴隱形眼鏡。兩名警務人員均沒有應投訴人的要求帶他到醫院或警署檢查。

投訴人事後感到不適，召喚救護車送院。投訴人的醫療報告指出，他當時是有配戴隱形眼鏡。

投訴人向投訴警察課投訴，指高級警員和警長拒絕以更合理的方法核實他有否配戴隱形眼鏡（「疏忽職守」）。

CAPO's Investigation

Observation

回應 CAPO's Response

On the material day, the complainant (COM) was ticketed by a senior police constable (SPC) for "Failing to comply with traffic signals". Upon checking COM's driving licence, the SPC found that COM was required to wear corrective lenses while driving. COM claimed that he had worn contact lenses but the SPC, based on his naked eye observation, believed that COM did not wear any. For reasons of hygiene, COM refused to accede to the SPC's request to stretch his eyelids to let the SPC conduct further check on the spot and insisted that any further check should be done in a hospital or police station. The SPC then issued another ticket to COM for "Driving without corrective lenses". COM subsequently made a 999 call to dispute the ticket and a sergeant (SGT) arrived at the scene for enquiry. Just like the SPC, the SGT observed COM with the naked eye and shared the SPC's observation that COM did not wear any contact lenses. Both the SPC and SGT did not accede to COM's request to conduct a check either in a hospital or police station.

COM subsequently felt unwell, an ambulance was called to the scene and he was sent to the hospital. COM's medical report showed that COM was wearing contact lenses at the time.

COM lodged a complaint with the Complaints Against Police Office (CAPO) alleging that both the SPC and SGT failed to accede to his request to confirm, using more sensible ways, that he did have contact lenses on ["Neglect of Duty (NOD)"].

個案背景 Case

投訴警察課的調查 CAPO's Investigation

Observation

回應 CAPO's Response

高級警員和警長均否認指控，並稱他們以肉眼近距離觀察投訴人的眼睛，看不到他有配戴隱形眼鏡。

投訴警察課認為，以肉眼近距離查看已足以確定一個人有否配戴隱形眼鏡。投訴人當時可讓警務人員在場近距離作查看，以證明他有配戴隱形眼鏡，但他拒絕。投訴人要求到醫院或警署檢查的要求並不合理。

投訴警察課認為，高級警員和警長在票控投訴人之前，已採取足夠和合理的步驟，以肉眼觀察以證明投訴人沒有配戴隱形眼鏡。「疏忽職守」的指控被列為「並無過錯」。

Both the SPC and SGT denied the allegation, claiming that upon close naked eye observation on COM, no contact lenses were found.

CAPO was of the view that a simple check with the naked eye would be adequate to confirm whether a person was wearing contact lenses. COM was given the opportunity to prove that he had worn contact lenses by allowing the police officers to check on his eyes closely at the scene but he refused. COM's request for examination in the hospital or police station did not seem to be justified.

CAPO was satisfied that the SPC and SGT had taken adequate and reasonable steps to verify whether COM had worn any contact lenses by conducting naked eye observation before ticketing COM. The **NOD** allegation was therefore classified as "**No Fault**".

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

監警會不同意調查結果和投訴警察課的分析，理由如下：

(i) 除了肉眼檢查，高級警員和警長其實可以考慮其他更客觀的方法，如要求投訴人即場讀出遠處的文字和標誌，以證明投訴人有否配戴隱形眼鏡；

(ii) 投訴人並非不合作：他建議到醫院或警署，以更客觀、合理和科學化的方法作驗證，只是遭警務人員拒絕；及

(iii) 投訴人的醫療報告指出，他有配戴隱型眼鏡，同時沒有跡象顯示他在中途把隱型眼鏡戴上。換言之，警務人員指投訴人沒有配戴隱型眼鏡，有可能是錯誤的。

監警會建議警方檢視現有檢查駕駛人士有否配戴隱形眼鏡的指引，避免類似的投訴。

IPCC did not subscribe to the investigation findings and CAPO's analysis for the following reasons:

(i) Apart from naked eye examination, the SPC and SGT in fact could have considered other more objective approach to verify COM's claim on the spot, such as inviting COM to read characters or signs from a distance;

(ii) COM was not uncooperative – he had suggested going to the hospital or police station for verification via a more objective, sensible and scientific way, but the police officers refused to accede to his request; and

(iii) COM's medical report showed that he had his contact lenses on and there is no indication that he put them on in the interim; in other words, it was likely that the police officers had erred in accusing COM of not having worn contact lenses.

To avoid similar complaints, IPCC also recommended the Police to consider reviewing the current guidelines on checking whether or not drivers had corrective lenses on.

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

有見及監警會的觀察，投訴警察課同意有若干可靠的證據顯示高級警員和警長沒有採取合理步驟去證明投訴人有否配戴隱形眼鏡，因此「疏忽職守」指控的調查結果應由「並無過錯」改列為「無法完全證明屬實」。兩名被投訴的警務人員被勸諭日後執行職務時要更具彈性。投訴警察課亦已向相關部門轉達監警會的改善服務建議。

監警會通過這宗投訴個案的修訂調查結果。

In the light of IPCC's observations, CAPO agreed that there was some reliable evidence to show that the SPC and SGT had not taken reasonable steps to verify COM's claim of having got contact lenses on. The classification of **NOD** allegation was changed from "No Fault" to "Not Fully Substantiated". The SPC and SGT would be advised to be more flexible in discharging their duty in future. CAPO has referred IPCC's suggestion of introducing relevant instructions or examination measures to Police policy wing for follow up.

IPCC endorsed the revised investigation results of the case.

任命 Appointment



監警會委任朱敏健為 新任秘書長

監警會委任朱敏健先生為委員會秘書長。朱先生將於2011年1月3日加入監警會。

監警會是根據《監警會條例》(第604章)第6條委任秘書長。監警會秘書長負責領導秘書處，協助委員監察投訴警察課處理和調查投訴，以及推廣委員會的工作。

監警會早前委託人事顧問服務公司協助招聘秘書長。委員會經甄選後認為朱先生是最合適的人選。

朱先生現年56歲，加入監警會前為廉政公署助理處長。他在廉政公署工作32年，曾領導兩個調查科及不同的調查小組，包括調查政府部門和紀律部隊貪污罪行的小組。

IPCC appoints Ricky CHU as new Secretary-General

IPCC appointed Mr Ricky CHU Man-kin as its Secretary-General. He will join IPCC on 3 January 2011.

The appointment is made by IPCC under section 6 of the IPCC Ordinance (Cap. 604). As the Secretary-General of IPCC, he will lead a full-time Secretariat to assist Council Members in monitoring the handling and investigation of complaints by CAPO, and in promoting the work of IPCC.

Mr CHU was selected by IPCC as the most suitable candidate following a head-hunting exercise conducted by an executive search firm.

Mr CHU is 56 years old. Prior to joining IPCC, Mr CHU was an Assistant Director of the Independent Commission Against Corruption (ICAC). In his 32 years of service in ICAC, he had been in charge of the two frontline investigation branches and various investigation groups including those responsible for Government Sector and Disciplinary Force corruption investigations.

新獲委任監警會觀察員

▶ 以下人士由2010年8月1日起獲委任為監警會觀察員：

郭靜韻女士
郭永強先生
林亦有先生，MH，JP
李月民先生，MH

Miss Mable KWOK Ching-wan
Mr KWOK Wing-keung
Mr Billy LAM Chek-yau, MH, JP
Mr LEE Yuet-man, MH

New IPCC Observers appointed

The following persons were appointed IPCC Observers with effect from 1 August 2010:

羅世光先生，MH
蘇慧賢女士
鄧珮頤女士
吳萬強先生，BBS，MH

Mr LO Sai-kwong, MH
Ms Herdy SO Wai-yin
Miss TANG Pui-ye
Mr John WU Man-keung, BBS, MH

▶ 以下人士由2010年11月1日起獲委任為監警會觀察員：

陳煒文博士，JP
陳理誠工程師，JP
陳文宜女士
陳茂強先生
朱國樑先生
劉佩芝女士
劉月容博士
梁兆棠先生
李漢雄先生，MH，JP
李婉華女士

Dr Raymond CHAN, JP
Ir William CHAN Lee-shing, JP
Miss Grace CHAN Man-ye
Mr Haydn CHAN Mou-keung
Mr CHU Kwok-leung
Miss Julia LAU Pui-g
Dr Ellen LAU Yuet-yung
Mr LEUNG Siu-tong
Mr LI Hon-hung, MH, JP
Ms Rainbow LI Yuen-wah

廖金鳳女士
羅孔君女士
盧錦華先生，MH，JP
盧永文先生，JP
羅仁禮先生
莫仲輝先生
-
鄧廣成先生
王振宇教授
王婉芝女士

Miss Iris LIU Kam-fung
Miss LO Jane Curzon
Mr Norman LO Kam-wah, MH, JP
Mr Lawrence LO Wing-man, JP
Mr LO Yan-lai
Mr Rex MOK Chung-fai
Mr MOTWANI Raj Sital, BBS, JP
Mr TANG Kwong-shing
Prof WONG Chun-yu
Miss WONG Yuen-chi

* 監警會觀察員是由保安局局長委任，協助委員會觀察警方處理和調查須匯報投訴的工作。本刊第8頁有更多關於觀察員計劃的資料。

* IPCC Observers are appointed by the Secretary for Security. They assist IPCC to observe the manner in which Police handles or investigates reportable complaints. Please see also page 8 on the Observers Scheme.

監警會話你知 Informative Corner

觀察員計劃

Observers Scheme

觀察員計劃於1996年推出，旨在加強監警會的監察職能。在這計劃下，監警會委員和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或證據收集工作。

觀察員在進行觀察時，不會作出干預或發表個人意見，完畢後要向監警會匯報有關的調查過程是否公平公正，是否察覺有不當的地方，再由監警會向投訴警察課跟進。觀察期間所得的一切資料均會保密。

任何將會就須匯報投訴與投訴警察課會面的人士，均可要求有觀察員出席有關會面。當我們接到該課轉達你的意願後，定必盡力作出安排。

監警會現時有110名觀察員。

The Observers Scheme was introduced in 1996 to strengthen IPCC's monitoring function. Under the Scheme, IPCC Members and Observers may attend interviews and observe the collection of evidence in connection with CAPO's investigation of reportable complaints.

Observers will not interfere with the conduct of interviews/collection of evidence or express personal views during the process. After the observations, they have to report to IPCC whether or not relevant parts of the investigation process are conducted in a fair and impartial manner, and whether any irregularities are detected. If there are any irregularities reported by the Observers, IPCC will take up the matter with CAPO. All information acquired in the course of observations will be kept confidential.

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

At present, there are a total of 110 IPCC Observers.

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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