

監警會 通訊

IPCC NEWSLETTER



監警會首次以獨立觀察員身份 列席七一遊行預備會議

The IPCC Attends 1 July Procession Preparatory Meetings as Independent Observer for the First Time



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

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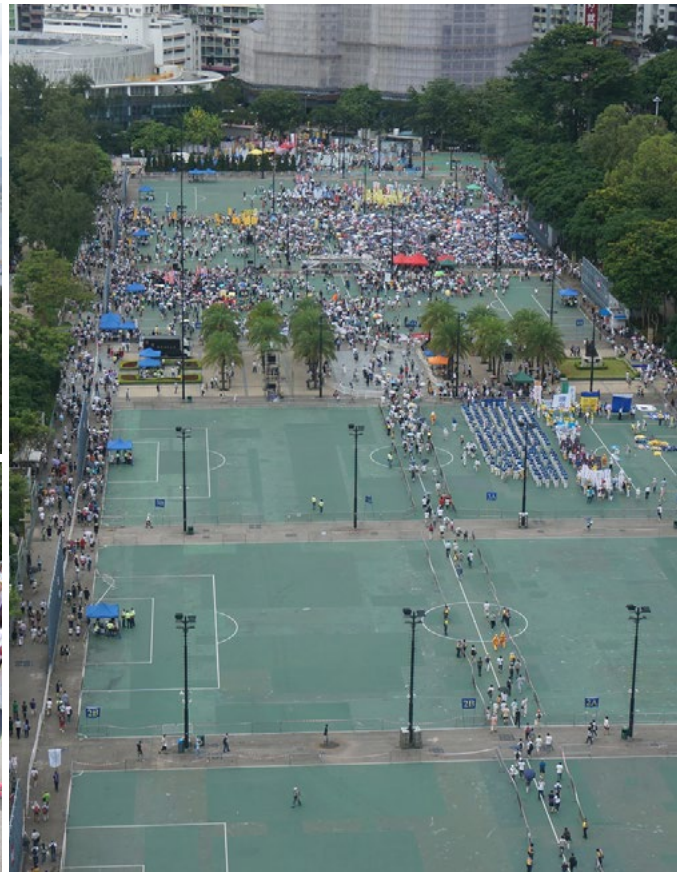
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監警會首次以獨立觀察員身份列席 七一遊行預備會議

The IPCC Attends 1 July Procession Preparatory Meetings as Independent Observer for the First Time



警方處理大型公眾活動不時引起市民關注，監警會自2009年起便積極跟進警方處理大型公眾活動的相關事宜。委員自去年開始進行現場實地觀察七一遊行的部署和安排。遊行前先出席警方的簡報會，遊行當日進行現場觀察，活動以後則分別約見持份者和警方，在綜合委員及持份者的意見後，再向警方提出意見。

From time to time, the public has had concerns over the way the Police have handled public order events (POE), and the IPCC had voiced concerns over police handling of such events since 2009. Therefore, since last year the Council has observed the 1 July processions on site to understand police deployments and arrangements for the events. Council Members first attended a briefing organised by the Police prior to the procession and then they observed the event on site on 1 July. The Members later had separate meetings with stakeholders and the Police, after which they consolidated stakeholders' opinions and shared them with the Police for reference.

封面故事

Cover Story



監警會一直與持份者及警方溝通，並鼓勵七一遊行的主辦團體民間人權陣線與警方提早進行會議商討活動安排，今年的七一遊行預備會議便提早至5月中召開。雙方於5月16日、5月30日、6月7日及6月14日召開了四次會議，並就遊行安排、路線規劃、集會地點以及不反對通知書的內容等議題討論及交流意見，讓彼此有更充裕的時間作出完善的籌備安排。

監警會更首次派遣秘書處的職員，以獨立觀察員的身份，列席今年的遊行預備會議，從旁觀察，以便了解組織大型遊行活動的規劃、籌備，以至活動當日執行的整體情況及全面的過程。出席的職員會將觀察所得向委員會報告，以協助委員了解遊行活動的整體部署和安排。

一如往年，監警會委員在遊行前先出席警方6月26日的簡報會，了解警方在公眾安全的前提下，處理大型公眾活動的程序，雙方並就警方的安排交流意見。七一遊行當日，多位監警會委員包括林大輝副主席、張達明先生、方敏生女士、陳培光醫生、葉成慶先生、馬學嘉博士、黃幸怡女士、葉振都先生、鄭承隆先生、杜國鑾先生、陳健強醫生及陸貽信資深大律師，聯同多位秘書處職員到現場觀察。

The IPCC has always been in close contact with stakeholders and the Police, and recommended that the Civil Human Rights Front (CHRF), the organiser of the 1 July procession, hold early meetings with the Police to discuss the arrangements. The preparatory meetings for the 1 July procession were moved up to start in mid-May this year, and the two parties held four meetings, on 16 May, 30 May, 7 June and 14 June to prepare for the 1 July procession. The agenda included arrangements for the procession, the route of the march, the location of gathering points and the content of the Letter of No Objection. Both parties had ample time to refine the preparatory arrangements.

For the first time, the IPCC assigned Secretariat staff members to attend, in an independent capacity, the 1 July procession preparatory meetings, to understand how a large-scale event was planned and prepared, and how those plans are executed on the day of the event. Staff members who attended the preparatory meetings then reported their observations to the Council in order to help Council Members better understand the general arrangements for a procession.

Similar to previous years, IPCC Members first attended a police briefing on 26 June to enhance their understanding of police procedures in handling POE from the perspective of public safety and to exchange views on police arrangements. A group of IPCC Members including Dr Hon Lam Tai-fai (Vice-chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Mr Simon Ip Shing-hing, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung and Mr Arthur Luk Yee-shun, together with a number of Secretariat staff, observed the 1 July procession on site.

封面故事

Cover Story



委員除了由警方陪同下到多個據點觀察外，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料，了解遊行起點的安排、警方的人流及交通管制措施、街站的情況，和中環遮打道行人專用區的集會情況。

根據《監警會條例》第8條(1)(c)，會方可就警隊常規或程序中引致或可能引致投訴的缺失或不足之處，向警務處處長或行政長官作出建議。監警會於8月先後約見主辦團體民間人權陣線的代表以及和警方會面，其中民間人權陣線代表向委員提出多項意見，包括警方處理封閉遊行路線及中環港鐵站部份出入口、街站及天眼的設置、攝錄裝置及長距離揚聲器的使用等。在聆聽民間人權陣線代表的意見後，監警會再將有關意見向警方反映，以供考慮。

事實上，為了更全面了解公眾及關注團體對警方處理大型公眾活動的意見，監警會委員在2011年開始和主辦示威遊行的團體及其他持份者會面，聆聽持份者的意見，並先後現場觀察2012年七一遊行、2013年元旦遊行，以及2013年七一遊行，期望在不影響會方中立性的情況下，盡量以多角度觀察大型遊行示威活動，增進委員在這方面的知識，協助委員考慮這些活動衍生的投訴個案。

監警會認為今年的七一遊行大致暢順和平，整體安排亦較去年為佳，這與主辦團體及警方提早展開預備會議就遊行安排進行討論及交流，以及有更充裕的準備時間不無關係。會方亦知道民間人權陣線近日正式投訴警方七一遊行的安排。若有關投訴被歸類為須匯報投訴，監警會定當嚴謹仔細地審核其投訴調查報告，務求對投訴人及被投訴人公平公正。

監警會期望繼續與警方及持份者聯繫，作為雙方的橋樑以加強彼此的溝通，藉此減少不必要的投訴。

Council Members proceeded to various strategic locations with the Police while Secretariat staff, in various groups, observed proceedings at different locations to gather comprehensive information on police arrangements at the starting point of the procession; the handling of pedestrian and traffic flows and street stalls; and the gathering outside the pedestrian precinct on Chater Road, Central.

In order to discharge its function under IPCC Ordinance S8(1)(c) of making recommendations to the Commissioner of Police or the Chief Executive when it has identified a fault or deficiency in any practice or procedure adopted by the Police that has led to or might lead to complaints, in August, the IPCC organised separate meetings with representatives from the CHRF and the Police. Representatives from the CHRF expressed their opinions on a number of issues, including the police blockage of the procession route and certain exits of the Central MTR station, the arrangement of street stalls, "sky eyes", and the use of visual recording equipment to record the procession and long-range acoustic devices. Members listened to the representatives' views and later relayed the suggestions to the Police for their reference.

To gain a holistic understanding of the views of the public and interested parties on how the Police handle POE, starting in 2011 the IPCC Members have held meetings with procession organisers and stakeholders to collect their views. The Council made on-site observations during the 1 July processions in 2012 and 2013, as well as the 1 January procession in 2013. While maintaining its impartiality, the Council has attempted to observe these large-scale processions from different perspectives to enhance Members' understanding and assist them when they encounter complaint cases arising from POE.

The IPCC considered that the 1 July procession this year was handled smoothly and in a generally peaceful manner, with better arrangements than last year. This was the result of the early preparatory meetings between the organisers and the Police and the sufficient time for preparations. The Council is aware that the CHRF has recently filed a complaint against the Police regarding the 1 July procession arrangements. If the complaint is classified as a Reportable Complaint, the IPCC will review the case rigorously, in order to ensure a just outcome for both the complainant and the complainee.

The IPCC looks forward to continuing its liaison with the Police and with stakeholders, and to act as a bridge between the two sides to improve communications and reduce the number of unnecessary complaints.

監警會在2013年5月至2013年10月的活動

IPCC's recent activities from May to October 2013

20-31
5月 MAY

出席加拿大公民監察執法協會會議及訪問監察機構

Attended Canadian Association for Civilian Oversight of Law Enforcement Conference and Visited Police Oversight Bodies

蘇幹明助理秘書長、法律顧問陳敏儀女士及高級審核主任林俊邦先生，應邀出席由加拿大公民監察執法協會（Canadian Association for Civilian Oversight of Law Enforcement）於查洛城舉辦的會議，就會議主題「公民監察：促進問責性、獨立性和透明度」與外地專家交流意見。訪問期間，他們亦參觀了加拿大的公眾投訴皇家騎警委員會、卑詩省警察投訴專員辦事處以及獨立警務督查主任辦事處，了解當地各個監察制度設立背後的立法框架和文化背景，以汲取經驗。



Mr Henry So (Assistant Secretary-General), Ms Cherry Chan (Legal Adviser), and Mr Samson Lam (Senior Vetting Officer) were invited by the Canadian Association for Civilian Oversight of Law Enforcement in Charlottetown, Prince Edward Island to attend a conference. They exchanged views with overseas experts under the theme of the conference, "Civilian Oversight: Promoting Accountability, Independence and Transparency". During the trip they visited the Commission for Public Complaints against the Royal Canadian Mounted Police, the Office of the Police Complaint Commissioner and the Office of the Independent Police Review Director. Through this visit they learnt of the legislative frameworks and cultural backgrounds under which different oversight systems operate.

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5月 MAY

第九期「監警會通訊」發佈會

Release of the IPCC Newsletter Issue No. 9

監警會舉行第九期「監警會通訊」的傳媒發佈會。發佈會當日，翟紹唐主席介紹通訊精華及最新的宣傳活動，包括監警會委託香港大學民意研究計劃進行的公眾意見調查，香港大學民意研究計劃總監鍾庭耀博士亦在場為傳媒講解公眾意見調查內容及結果。此外，梅達明副秘書長詳細講述一宗經監警會審核後指控結果獲重新分類的投訴個案，彰顯了監警會面對「捏造證據」這等嚴重指控時，如何以證據為基礎仔細審視投訴個案。監警會委員張達明先生、葉成慶先生、葉振都先生及鄭承隆先生亦有出席是次活動。



A media briefing was held to release the ninth issue of the *IPCC Newsletter*. Mr Jat Sew-Tong (Chairman) presented the highlights of the IPCC's latest publicity initiatives, including the commissioning of the University of Hong Kong's Public Opinion Programme (HKU POP) to conduct a public opinion survey. Director of HKU POP Dr Robert Chung Ting-yiu also took part in the briefing to present the findings of the survey. Moreover, Mr Daniel Mui (Deputy Secretary-General) detailed a complaint case with allegation result reclassified after IPCC's queries, illustrating the Council's meticulous evidence-based approach in examining a serious allegation of "Fabrication of Evidence". IPCC Members Mr Eric Cheung Tat-ming, Mr Simon Ip Shing-hing, Mr Adrian Yip Chun-to and Mr Edwin Cheng Shing-lung also attended this briefing.

最新動態

Recent Activities

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5月 MAY

訪問警察交通部九龍東總區

Visited the Traffic Kowloon East Region



翟紹唐主席、張達明先生、陳培光醫生、黃幸怡女士、鄭承隆先生、鍾偉雄先生及秘書處職員一同訪問警察交通部九龍東總區。總區代表向委員講解及示範交通警察的工作，包括藥後駕駛損害測試、反超速駕駛（鐳射槍）執法行動及反車輛超載執法行動，並參觀秀茂坪交通安全城。委員亦藉此機會與前線人員代表交流，了解他們執法時所面對的困難及遇到的衝突場面。

Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Miss Sandy Wong Hang-ye, Mr Edwin Cheng Shing-lung and Mr Gerard Chung Wai-hung and Secretariat staff members visited the Traffic Kowloon East Region. Representatives of the Traffic Kowloon East explained and demonstrated the duties of a traffic officer, including conducting the drug driving impairment test and enforcing laws concerning speeding and loading. The IPCC then visited the Road Safety Town in Sau Mau Ping. Council Members took this opportunity to talk with front-line officers to better understand the difficulties they face in enforcing the law and what kind of conflicts they encounter.

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6月 JUN



出席新界南總區研究預防投訴警察委員會會議

Attended New Territories South Complaints Prevention Committee Meeting

鄭承隆先生應邀出席新界南總區研究預防投訴警察委員會會議，總區代表向委員介紹警方預防投訴的工作，並指出該區於2013年1月至5月接獲的投訴數字，對比去年同期的數字下跌約15%。

Mr Edwin Cheng Shing-lung was invited to attend the New Territories South Complaints Prevention Committee Meeting, at which delegates from New Territories South introduced their methods of preventing police complaints. They stated that from January to May 2013 the number of complaints they received had dropped by 15% compared with figures from the same period last year.

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6月 JUN

參與由警方與香港大學犯罪學中心合辦的研討會

Attended Seminar Co-organised by the Police and the Centre for Criminology, University of Hong Kong



鍾偉雄先生與秘書處職員應邀出席由警方與香港大學犯罪學中心合辦的研討會，並以「二十一世紀警政面臨的挑戰」為題，就警察文化的改變、工作環境中的世代問題和公眾信任等範疇交流意見。

Mr Gerard Chung Wai-hung and staff members of the IPCC Secretariat were invited to attend a seminar, "Policing Challenges in the 21 Century", co-organised by the Police and the Centre for Criminology, University of Hong Kong. Discussion topics included changing police culture, generational issues in the workplace and public trust.

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6月 JUN

警方七一遊行安排簡報會

Police Briefing on 1 July Procession



翟紹唐主席、張達明先生、方敏生女士、鄭承隆先生和陳健強醫生出席警方七一遊行安排的簡報會。簡報會旨在讓監警會委員了解警方在公眾安全的前提下，處理大型公眾活動的程序，雙方並就警方的安排交流意見。

Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Mr Edwin Cheng Shing-lung and Dr Eugene Chan Kin-keung attended a briefing on the 1 July procession held by the Police. The briefing was to enhance IPCC Members' understanding of police procedures in handling public order events from the perspective of public safety and to exchange views on police arrangements.

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7月 JUL

現場觀察警方處理大型公眾活動

On-site Observation of Police Handling of Public Order Events



在出席6月26日的簡報會後，多位監警會委員包括林大輝副主席、張達明先生、方敏生女士、陳培光醫生、葉成慶先生、馬學嘉博士、黃幸怡女士、葉振都先生、鄭承隆先生、杜國鏞先生、陳健強醫生及陸貽信資深大律師以及多位秘書處職員一同出席七一遊行現場觀察，以便委員進一步了解遊行起點的安排、警方的人流及交通管制措施、街站的情況，和中環遮打道行人專用區的集會情況。

Following the briefing on 26 June, IPCC Members including Dr Hon Lam Tai-fai (Vice-Chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Mr Simon Ip Shing-hing, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-ye, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Mr Gerard Chung Wai-hung, Dr Eugene Chan Kin-keung and Mr Arthur Luk Yee-shun, together with a number of Secretariat staff, observed the 1 July procession. The IPCC gathered comprehensive information on police arrangements at the starting point of the procession, the handling of pedestrian and traffic flows and street stalls, and the gathering outside the pedestrian precinct on Chater Road, Central.

活動先由警方總部指揮中心的簡報會開始，由警方講解指揮中心內的工作，委員隨後往維園，並沿遊行路線到不同位置觀察，最後抵達中環遮打道行人專用區。秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料。委員認為參與這次活動獲益良多。而出席的委員其後亦會向全體委員報告，以便作出跟進。

The observations started with a briefing at the Police Command Centre, where the Police provided background on the work of the Command Centre. IPCC Members then proceeded to Victoria Park and walked along the procession route to various locations, ending up at the pedestrian precinct on Chater Road, Central. Secretariat staff, in various groups, observed proceedings at different locations to gather comprehensive information on the arrangements. Council Members found the experience beneficial. The Council Members who participated will further update and deliberate on their on-site observations with the whole Council.

最新動態

Recent Activities

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7月 JUL

出席警察機動部隊結業操 Attended Police Tactical Unit Passing Out Parade

張達明先生、馬恩國先生、葉成慶先生、劉玉娟女士、梁繼昌議員、葉振都先生、鄭承隆先生、杜國鑾先生及陳健強醫生出席警察機動部隊結業操。

Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau and Dr Eugene Chan Kin-keung attended the Police Tactical Unit Passing Out Parade.



監警會委員與榮休的警隊監管處處長鄧厚江分享及交流意見

IPCC IPCC Members and retired Director of Management Services Mr William Tang How-kong exchange views



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7月 JUL



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，監警會繼續向警方跟進七一遊行的相關事宜，以及由投訴個案衍生的服務改善安排。

During an open meeting with CAPO, the IPCC continued to follow up on matters related to the 1 July procession as well as service quality enhancements derived from complaint cases.

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7月 JUL



與泰國申訴專員公署代表會面 Meeting with Representatives from the Office of the Ombudsman of Thailand

葉成慶先生和秘書處代表應邀和泰國申訴專員公署首席申訴專員Mrs Panit Nitithanprapas、兩位申訴專員Prof Siracha Charoenpanij及Dr Pravich Rattanapian，以及公署其他部門的代表會面，雙方就兩地監察警察的情況作出交流。

Mr Simon IP Shing-hing and representatives of the IPCC Secretariat were invited to attend a meeting with Mrs Panit Nitithanprapas, the Chief Ombudsman, Prof Siracha Charoenpanij and Dr Pravich Rattanapian, Ombudsmen, as well as delegates from different departments of the Office. The meeting concerned police oversight in Thailand and Hong Kong.

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8月 AUG



與民間人權陣線會面

張達明先生、方敏生女士、劉玉娟女士、黃幸怡女士、鄭承隆先生、杜國鑾先生及何世傑博士與民間人權陣線代表會面，聆聽他們對警方處理七一遊行的意見。民間人權陣線代表向委員提出多項意見，包括警方處理遊行路線及封閉中環港鐵站部份出入口、街站及天眼的設置、攝錄裝置及長距離揚聲器的使用等，監警會將會作出內部討論，並就建議相關向警方反映。

Meeting with Civil Human Rights Front

Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Ms Noeline Lau Yuk-kuen, Miss Sandy Wong Hang-ye, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau and Ir Dr Vincent Simon Ho attended a meeting with the Civil Human Rights Front (CHRF) to understand their views on police arrangements during the 1 July procession. Representatives from the CHRF expressed their opinions on a number of issues, including police blockage of the procession route and certain exits of the Central MTR station, the installation of street stalls and “sky eyes”, and the use of recording equipment and long-range acoustic devices. Following internal discussion, the IPCC relayed the suggestions to the Police for their reference.

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8月 AUG



出席警方七一遊行安排匯報

Debriefing on Police Arrangements for the 1 July Procession

張達明先生、葉成慶先生、劉玉娟女士、黃幸怡女士、鄭承隆先生、杜國鑾先生及陳健強醫生出席是次會議，除了聆聽警方就七一遊行安排的匯報外，委員在會上亦分享他們在現場的觀察和與其他委員商議所得的觀點，並向警方反映民間人權陣線的意見，以供警方參考。

Mr Eric Cheung Tat-ming, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Miss Sandy Wong Hang-ye, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau and Dr Eugene Chan Kin-keung attended a debriefing by the Police for the 1 July procession. At the meeting, IPCC Members shared their on-site observations, their opinions after deliberation with other Council Members, and relayed the views of the Civil Human Rights Front to the Police for their reference.

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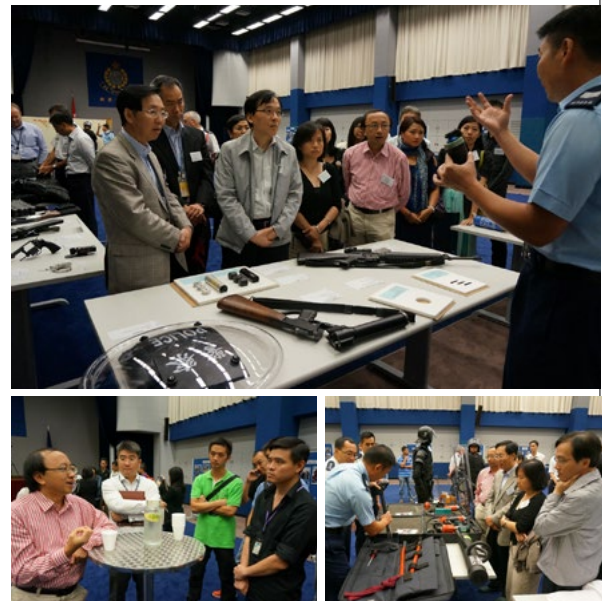
8月 AUG

訪問警察新界北警區衝鋒隊

Visit to New Territories North Region Emergency Unit

陳健波副主席、張達明先生、陳培光醫生、劉玉娟女士及黃幸怡女士一同訪問警察新界北警區的衝鋒隊。部隊代表向委員講解及示範日常處理突發事件的工作，並向他們介紹衝鋒隊的裝備。委員亦藉此機會與前線人員代表交流。

Hon Chan Kin-por (Vice-Chairman), Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Ms Noeline Lau Yuk-kuen and Miss Sandy Wong Hang-ye visited the New Territories North Region Emergency Unit. Representatives of the Unit explained and demonstrated their routine on impromptu situations and Unit equipment. Council Members took advantage of this opportunity to exchange views with front-line officers.



最新動態

Recent Activities

13
9月 SEP



與工黨會面

Meeting with Labour Party

翟紹唐主席、葉成慶先生、劉玉娟女士、黃幸怡女士、黃碧雲議員、鄭承隆先生及杜國鑾先生與工黨代表會面，聆聽他們就警方被指有欠政治中立事宜及處理公眾活動時執法不公及檢控時持雙重標準事宜的意見。監警會將會作出內部討論，並將有關意見予警方參考。

Mr Jat Sew-Tong (Chairman), Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Miss Sandy Wong Hang-ye, Dr Hon Helena Wong Pik-wan, Mr Edwin Cheng Shing-lung and Mr Clement Tao Kwok-lau attended a meeting with Labour Party representatives. The Labour Party members voiced opinions concerning what they perceived as lacking political neutrality on the part of the Police, their injustice in handling public order events, and double standard in enforcing the law and pressing charges. The IPCC Members said they would discuss these issues internally and share the Labour Party members' opinions with the Police for reference.



9

10月 OCT

訪問投訴警察課總部

Visit to CAPO Headquarters

翟紹唐主席、張達明先生、馬恩國先生、葉成慶先生、馬學嘉博士、黃幸怡女士、鍾偉雄先生、杜國鑾先生、甄孟義資深大律師及何世傑博士一同訪問投訴警察課總部。投訴警察課代表向主席及委員講解警隊的願景、架構、警察巡邏小隊一天內要應付的工作，以及香港近年的罪案率等等，讓主席及委員明白警隊所面對的挑戰。投訴警察課代表亦感謝監警會自成為法定機構以來的努力，讓警隊一直進步，並希望共同繼續發揮香港投訴警察制度兩層架構的功能。



Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-ye, Mr Gerard Chung Wai-hung, Mr Clement Tao Kwok-lau, Mr John Yan Mang-ye and Mr Dr Vincent Simon Ho visited the headquarters of CAPO. In order to give the Chairman and the Council Members a better understanding of the challenges the Police face, representatives of CAPO gave a presentation on the vision of the Police, their structure and the daily operations of Patrol Units. Representatives of CAPO expressed their appreciation to the IPCC for its efforts since becoming a statutory body, and their hope that the two organisations will continue to work together to effectively fulfill the functions of the two-tier police complaints system.

監警會觀察員研討會

IPCC Observers Seminars

監警會於6月7日、6月28日及7月19日分別舉辦三場監警會觀察員研討會，介紹監警會觀察員計劃電子平台的功能及使用方法，以及「觀察員須知」重點，包括在颱風或暴雨期間的安排、泊車安排、預約觀察的等候時間及常見詞彙縮寫等。研討會亦談及觀察員常見的問題，如遇上可能有利益衝突的情況、觀察員被拒絕出席會見、兩位觀察員同時出席會見 / 實地視察等，觀察員亦藉此分享經驗。

The IPCC organised three IPCC Observers Seminars on 7 June, 28 June and 19 July to introduce the function and use of an E-portal for the IPCC Observers Scheme and highlights of the "Observers Guidance Notes", including arrangements during tropical cyclones or rainstorms, parking arrangements, waiting times for scheduled observations and commonly used terms and abbreviations. The seminars also covered responses to questions that are commonly asked of IPCC Observers. These included such matters as conflicts of interest, refusals to accept IPCC Observers, and handling the situation when two Observers are present at one observation. IPCC Observers also took this chance to exchange experiences among themselves.



主席傳媒訪問

Media Interviews with the Chairman



翟紹唐主席於8月期間接受了無線電視《講清講楚》、香港電台《千禧年代》及報章的訪問，討論公眾關注警察相關的議題。

In August, Mr Jat Sew-Tong (Chairman) was interviewed by TVB's "On the Record", RTHK's "Millennium Era", and several newspapers on police related topics of public concern.



原文刊於星島日報(A08) 2013年8月15日
Published in Sing Tao Daily (A08) on 15 August 2013

訪問加拿大：觀點和經驗分享

Duty Visit to Canada: Sharing of Views and Experiences



今年五月，我和兩位同事參加了由加拿大公民監察執法協會（Canadian Association for Civilian Oversight of Law Enforcement）於查洛城舉辦的會議。今年的會議主題是「公民監察：促進問責性、獨立性和透明度」，吸引到多名加拿大和海外的代表出席，包括從事監察警務人員工作的專業人士、警務人員、法律界人士、學者、記者及其他專家等，一同討論多項有關公民監察警務人員的議題、趨勢和觀點。

與會者均來自不同界別和文化背景，並在會議中分享及交流了不同方面的觀點和經驗。例如在會議的一個互動環節中，大會播出一段錄像片段，並邀請與會者就片段中警方所採取的行動是否恰當發表意見。其後，大會安排來自不同界別的專業人士組成專題討論小組，就事件分享見解。大會在小組討論後再次邀請會眾就同一事件發表意見。有趣的是，與會者在參考了小組的意見後，對事件的看法都有明顯的改變。這經驗正好說明了監察機構在考慮證據時應抱開放的態度並從多角度思考。正因如此，我深信對社會和公眾有深入和全面的了解，是我們有效地履行職責的必要條件。

在這次訪問活動中，我們亦參觀了當地三間與監警會使命和職能相近的監察警方機構，包括公眾投訴皇家騎警委員會（the Commission for Public Complaints against the Royal Canadian Mounted Police）、卑詩省警察投訴專員辦事處（the Office of the Police Complaint Commissioner），以及安大略省獨立警務督查主任辦事處（the Office of the Independent Police Review Director）。我們有幸能與這三間機構的管理層和行動人員會面，他們亦欣然與我們分享很多有關監察警方的經驗。

In May, two colleagues and I attended the 2013 Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) Conference in Charlottetown, Prince Edward Island. The theme of this year's conference was "Civilian Oversight: Promoting Accountability, Independence and Transparency". The conference brought together delegates from Canada and abroad, including police oversight professionals, police officers, legal practitioners, academics, journalists and other experts, and examined a variety of issues, trends and perspectives in relation to civilian oversight of police.

The participants came from diverse professional and cultural backgrounds, and this ensured the sharing of wide-ranging views and experiences throughout the conference. For instance, in one interactive session, delegates were invited to consider the appropriateness of a police action as captured in an incident video. Panel members from various professions then shared their individual perspectives on the incident. It was interesting to note the shift in perspective once we had the opportunity to consider the issues from the perspectives aired by the panel members. The experience reinforced the importance of oversight professionals' consideration of evidence with an open mind and from all possible angles. Indeed, I believe that a deep and broad understanding of our society and its members is essential to the effective discharge of our duties.

Our duty visit also included orientation tours to the offices of three police oversight bodies with missions and functions similar to those of the IPCC, namely, the Commission for Public Complaints against the Royal Canadian Mounted Police, the Office of the Police Complaint Commissioner and the Office of the Independent Police Review Director. We had the privilege of meeting with the executives and practitioners at these bodies, who generously shared with us their experiences in police oversight.

在訪問的過程中，這些機構向我們講解與其監察制度有關的立法框架及文化背景。同時，他們亦分享了個別機構本身所面對的機遇和挑戰。透過與他們的討論，我們了解到不同的監察模式在不同層面上的利與弊。這些交流對我們探索未來發展的路向及如何在過程中避免錯誤，繼而維持及發展一套實際、有效率、並適合香港的監察制度都很有幫助。

總括來說，這次的加拿大訪問活動讓我們有很大的得著。這一行不但啟發了我們的思維，亦同時讓我們與國際監警界的其他成員建立友誼。我慶幸自己是當中的一份子，並期望能為香港的監警工作作出貢獻。

作者：監警會高級審核主任林俊邦先生

In particular, we were introduced to the legislative frameworks and cultural backgrounds under which the oversight systems operated, as well as the specific opportunities and challenges currently faced by each of the three bodies. The discussions also provided us with insight on the pros and cons of individual aspects of different oversight models. Such exchanges will no doubt help us identify the avenues to be explored as well as the pitfalls to be avoided as we continue to develop and maintain an effective and efficient oversight process that is appropriate for our local circumstances.

Looking back, I found our visit to Canada most rewarding. We returned to Hong Kong with plenty of food for thought as well as new friendships with other members of the international police oversight community. Indeed, I am glad to be one of them and look forward to making contributions to the police oversight process in Hong Kong.

Author: Mr Samson Lam, Senior Vetting Office, IPCC

監警會觀察員 IPCC Observers

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

- | | | | |
|---------|----------------------------|---------|------------------------------|
| 1. 周厚立 | Mr CHAU Hau-lap | 9. 周賢明 | Mr Francis CHAU Yin-ming, MH |
| 2. 劉興華 | Mr LAU Hing-wah | 10. 鍾靖薇 | Ms CHUNG Ching-may |
| 3. 歐陽偉倫 | Mr Kelvin AU YEUNG Wai-lun | 11. 李正雅 | Ms LEE Ching-nga |
| 4. 黃碧嬌 | Ms Peggy WONG Pik-kiu, MH | 12. 謝炯全 | Mr Patrick TSE Kwing-chuen |
| 5. 何顯明 | Mr HO Hin-ming, MH | 13. 林浩揚 | Mr LAM Ho-yeung |
| 6. 林家輝 | Mr Aaron LAM Ka-fai, JP | 14. 何國華 | Mr George HO Kwok-wah |
| 7. 黃宏泰 | Mr WONG Wang-tai, MH | 15. 楊子熙 | Mr YEUNG Tsz Hei, MH |
| 8. 郭秀英 | Ms KWOK Sau-ying | 16. 余智榮 | Mr YU Chi-wing |

(任期由2013年9月1日至2015年3月31日 Appointment period from 1 September 2013 to 31 March 2015)

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

- | | | | |
|--------|-------------------------------|--------|---------------------------|
| 1. 黎達生 | Mr David LAI Tat-sang, MH, JP | 5. 高錦祥 | Mr KO Kam-cheung, BBS, MH |
| 2. 張焯堯 | Mr Charles CHEUNG Cheuk-yiu | 6. 許嘉灝 | Mr HUI Ka-hoo, BBS, MH |
| 3. 莊創業 | Mr CHONG Chong-yip | 7. 黃江天 | Dr James WONG Kong-tin |
| 4. 梁秀志 | Mr LEUNG Sau-chi, JP | 8. 楊學明 | Rev David YEUNG Hok-ming |

(任期由2013年9月1日至2015年3月31日 Appointment period from 1 September 2013 to 31 March 2015)

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

- | | | | |
|--------|---------------------------------|----------|----------------------------|
| 1. 尹志強 | Mr Aaron WAN Chi-keung, BBS, JP | 9. 司徒建華 | Mr SZETO Kin-wa |
| 2. 陳耀星 | Mr Star CHAN Iu-seng, BBS, JP | 10. 林德亮 | Mr LAM Tak-leung, MH |
| 3. 蔡鳳萍 | Miss Abril CHOY Fung-peng | 11. 陶嘉穎 | Miss Alice TO Kar-wing |
| 4. 朱德榮 | Mr CHU Tak-wing | 12. 黃健興 | Mr WONG Kin-hing |
| 5. 李冠美 | Ms LEE Koon-mei | 13. 張翼雄 | Mr Jackie CHEUNG Yick-hung |
| 6. 梁秀清 | Ms Martha LEUNG Sau-ching | 14. 羅競成 | Mr LAW King-shing, MH |
| 7. 卜坤乾 | Mr PUK Kwan-kin | 15. 阮陳寶馨 | Mrs YUEN CHAN Po-hing |
| 8. 梁皓鈞 | Mr LEUNG Ho-kwan, MH | | |

(任期於2013年8月31日屆滿 Terms of appointment ends on 31 August 2013)

以務實積極的態度處理意見分歧

Pragmatic and Positive Attitude in Resolving Differences of View

個案重點 Highlights of the Case

	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	一名警司 A Superintendent	並無過錯 No Fault	無法完全證明屬實 Not Fully Substantiated
2	疏忽職守 Neglect of Duty		獲證明屬實 Substantiated
3	一名偵緝高級督察 A Detective Senior Inspector		無法完全證明屬實 Not Fully Substantiated

此個案讓公眾了解監警會如何全面及仔細地審核投訴個案，同時反映監警會和投訴警察課以務實和積極的態度來處理雙方意見分歧。在此個案中，投訴人指控涉事的數名警務人員「疏忽職守」，誤把她列入「出入境監察名單」。投訴警察課原先把指控列為「並無過錯」，經監警會的質詢和在工作層面會議討論後，投訴警察課因應該數名警務人員在事件中不同程度的參與，而把指控分別改為「獲證明屬實」和「無法完全證明屬實」。

個案背景

在2009年初，投訴人的母親指控投訴人於2005年，在公司文件上偽冒她的簽名，從其公司銀行

This case provides an example to help the public better understand the comprehensive procedures and meticulous approach taken by the IPCC in scrutinising and reviewing the investigation of a Reportable Complaint. It also shows the pragmatic and positive attitude adopted by both IPCC and the CAPO in resolving differences of view. In the instant case, CAPO had initially classified the allegation "Neglect of Duty", for the complainees placed the complainant on the "Immigration Watch List", as "No Fault". After the IPCC's queries and the deliberations at the working level meeting, the allegation was reclassified as "Substantiated" and "Not Fully Substantiated" subject to the different involvements of the complainees in the incident.

Case Background

In early 2009, the complainant was accused by her mother of stealing more than ten million dollars from her mother's company bank account by falsifying her mother's signature on a company document in 2005. She was also accused of stealing some unspecified items

戶口中偷取了逾一千萬元，並且在2008年下旬從其家中偷取了一些珠寶。母親於是往警署報案，指投訴人「偽造」和「偷竊」，惟她未能提供證據文件支持她的証供，同時聲稱聯絡不上投訴人。由於案件涉及巨款，加上投訴人的母親聲稱無法聯絡投訴人，負責此個案的偵緝總督察在取得一名警司的批准後，決定把投訴人列入「出入境監察名單」。其後，警方聯絡到投訴人的弟弟，他亦是涉案公司的股東。根據其弟弟的資料，該筆款項只是負債的轉移，而非如他母親所述的現金轉帳。雖然投訴人的母親與弟弟的言論有所分歧，但該名偵緝總督察和負責此個案的偵緝高級督察仍然繼續把投訴人列入「出入境監察名單」。在警方尚未找到投訴人的母親試圖釐清事件之前，投訴人卻在離港時被捕。經警方進一步查問和徵詢過律政司意見後，發覺「偽造」和「偷竊」兩項指控證據不足。投訴人獲無條件釋放，個案亦沒有刑事成份。

投訴人即時向投訴警察課投訴，其中包括指控一名警司在調查期間未有妥善監督其下屬，以致錯誤地把她列入「出入境監察名單」，並且不合理地把她拘捕。[指控 — 疏忽職守]

投訴警察課的調查

投訴警察課認為除了該名警司之外，同時將偵緝總督察和偵緝高級督察列為被投訴人，因為他們負責把投訴人列入「出入境監察名單」。

經調查後，投訴警察課把指控分類為「並無過錯」。投訴警察課認為該刑事案件涉及巨款，是嚴重罪行，故應即時拘捕投訴人。投訴警察課更考慮到投訴人當時去向未明，若然警方以電話聯絡投訴人，有可能令投訴人有所警惕而毀滅證據。因此投訴警察課認為把她列入「出入境監察名單」是合理和必須的，以便把她緝拿歸案。

of jewellery from her mother's home in late 2008. In reporting these acts as "Forgery" and "Theft" to the Police, her mother gave a witness statement without corroborative documentary support, and she claimed that the complainant was out of reach at that time. In view of the substantial amount of money involved and the mother's claim that the complainant was out of reach, a Detective Chief Inspector decided to put the complainant on the "Immigration Watch List" upon the approval of a Superintendent. Several days later the Police contacted the complainant's brother, who was a shareholder of the company in question, and learnt from him that the amount of money involved was in fact a transfer of liabilities instead of a transfer of cash as claimed by the complainant's mother. The Detective Chief Inspector and the Officer-in-charge (a Detective Senior Inspector) then attempted in vain to clarify the discrepancies between the versions of events provided by the complainant's mother and brother; meanwhile the complainant remained on the "Immigration Watch List". Before the Police could locate the complainant's mother for further clarification, the complainant was arrested for the alleged offences when she was attempting to leave Hong Kong. Further police enquiries and legal advice obtained from the Department of Justice revealed that there was insufficient evidence that she had committed either "Forgery" or "Theft". The complainant was released unconditionally and the case concluded with no crime disclosed.

The complainant lodged the instant complaint with CAPO, alleging among other things that the Superintendent had failed to supervise his subordinates in the investigation by allowing her name to be wrongly placed on the "Immigration Watch List" and arresting her without justification. [Allegation – Neglect of Duty]

CAPO's Investigation

Apart from the Superintendent, CAPO also registered the Detective Chief Inspector and the Detective Senior Inspector as complainees under this allegation, as they were responsible for putting the complainant on the "Immigration Watch List".

After investigating the matter, CAPO classified the allegation as "No Fault". CAPO opined that, as this was a serious criminal case involving a large sum of money, an immediate arrest was justified. CAPO also considered that the whereabouts of the complainant were unknown to the complainees at that time, and the complainant might be alerted to destroy the evidence if she were contacted by the Police over the telephone. CAPO thus considered that it was reasonable and necessary to put her on the "Immigration Watch List" so as to locate her for the purpose of effecting arrest in the first place.

監警會的觀察

監警會認為把任何人士列入「出入境監察名單」，意味著每當他/她經過出入境管制區時便會被捕。此舉嚴重影響當事人的人身自由，故此安排應在非非常必要的情況下方可使用。

在審閱過投訴警察課的調查報告和相關檔案後，監警會認為投訴人母親在錄取口供時所提供的資料含糊，對投訴人「偽造」和「偷竊」的指控只屬片面之詞，並沒有任何佐證，在案件證據薄弱的情況下，警方懷疑投訴人犯法，並要採取拘捕行動，屬不合理和草率的做法。此外，監警會亦注意到投訴人被指控的罪行並非持續發生，故警方毋須採取即時行動，以保存證據。負責此個案的警務人員應作進一步調查，搜集更多的證據以證明這嚴重的指控，才把投訴人列入「出入境監察名單」。再者，投訴人弟弟的證供，令「偷竊」現金的指控成疑，所以負責此個案的警務人員應意識到案件可能只是一宗投訴人及其母親之間的民事糾紛，並非警方的職權範圍。負責此個案的警務人員在調查個案的初期把投訴人列入「出入境監察名單」中，屬疏忽的行為，因此應重新把指控結果分類為「獲證實屬實」。

監警會委員及秘書處職員與投訴警察課代表召開了一次工作層面會議，雙方在會議上就監警會的質詢作出仔細討論，投訴警察課同意監警會的見解，但亦重申是否把目標人士列入「出入境監察名單」，應就個別案件而決定，不能一概而論。由於涉事的偵緝總督察下令把投訴人列入「出入境監察名單」，投訴警察課對他的指控分類為「獲證明屬實」。至於該名警司在認同偵緝總督察的決定前，應先核實支持的理據是否充份，所以對他的指控分類為「無法完全證明屬實」。而涉事的偵緝高級督察，在得悉所述的現金轉帳是負債轉移時，應檢討是否需要把投訴人列入「出入境監察名單」。因此針對該名高級督察的指控亦同樣分類為「無法完全證明屬實」。投訴警察課向各涉事警務人員作出訓諭。

監警會通過這宗個案的調查結果。

IPCC's Observation

The IPCC was of the view that to place a subject on the "Immigration Watch List" meant that the subject would be arrested anytime he/she passed through an Immigration Control Point. Such action would seriously affect the subject's freedom of movement and therefore should only be taken with strong justification.

Upon examination of CAPO's investigation report and the related files, the IPCC considered that the information contained in the statement of the complainant's mother was vague and her accusations of "Forgery" and "Theft" were merely a one-sided claim without any corroboration; therefore the case was too weak to form a reasonable suspicion of an offence and it was premature to arrest the complainant. It was also observed that the alleged crime was not an ongoing one that might require the Police to take immediate action to preserve the evidence. The complainees therefore should have conducted further enquiries to find out if there was any evidence to support such serious accusations before placing her on the "Immigration Watch List". Furthermore, the clarification from the complainant's brother cast doubt upon the accusation of "theft" of cash; therefore the complainees should have realised that the case might turn out to be merely a civil dispute between the complainant and her mother, which was out of the purview of the Police. Hence, the complainees were negligent in putting the complainant on the "Immigration Watch List" at the beginning of the investigation and thus the allegation should be reclassified as "Substantiated".

Following the IPCC's queries and a detailed case discussion at a working level meeting convened by IPCC Members and Secretariat staff with representatives from CAPO, CAPO agreed with the IPCC's views, though it reiterated that the inclusion of a subject on the "Immigration Watch List" should be decided on a case-by-case basis and subject to its own merit. CAPO then registered a "Substantiated" classification for the Detective Chief Inspector as he was the officer who gave the instruction to place the complainant on the "Immigration Watch List". The Superintendent was registered with a "Not Fully Substantiated" classification, as he should have clarified if there were strong justification of doing so before endorsing the decision of the Detective Chief Inspector, and the Detective Senior Inspector was also registered with a "Not Fully Substantiated" classification, as he should have reviewed the necessity of placing the subject on the "Immigration Watch List" when he learnt that the amount of money involved was a transfer of liabilities. Suitable advice would be given to the complainees.

The IPCC endorsed CAPO's findings in this case.