

# 監警會 通訊

## IPCC NEWSLETTER



### 監警會就佔領事件的最新工作進展

## IPCC work update on the Occupy Movement



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](http://www.ipcc.gov.hk)

#### 查詢 Enquiries

電話 Tel : 2524 3841  
傳真 Fax : 2524 1801 / 2525 8042  
電郵 Email : [enq@ipcc.gov.hk](mailto:enq@ipcc.gov.hk)

#### 地址 Address

香港灣仔港灣道26號華潤大廈10樓1006-10室  
Rooms 1006-10, 10/F, China Resources Building,  
No. 26 Harbour Road, Wan Chai, Hong Kong

#### 監警會頻道 IPCC Channel

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



監警會網頁  
IPCC Website



監警會YouTube頻道  
IPCC YouTube channel

封面故事 **Cover story** p.2-7

p.8-9 專題 **Special feature**

監警在線 **IPCC online** p.10-11

p.12-14 最新動態 **Recent activities**

**Viewpoint from IPCC 監警觀點** p.15-17

p.18-20 **Real complaint case**

真實投訴個案

## 監警會就佔領事件的最新工作進展

### IPCC work update on the Occupy Movement

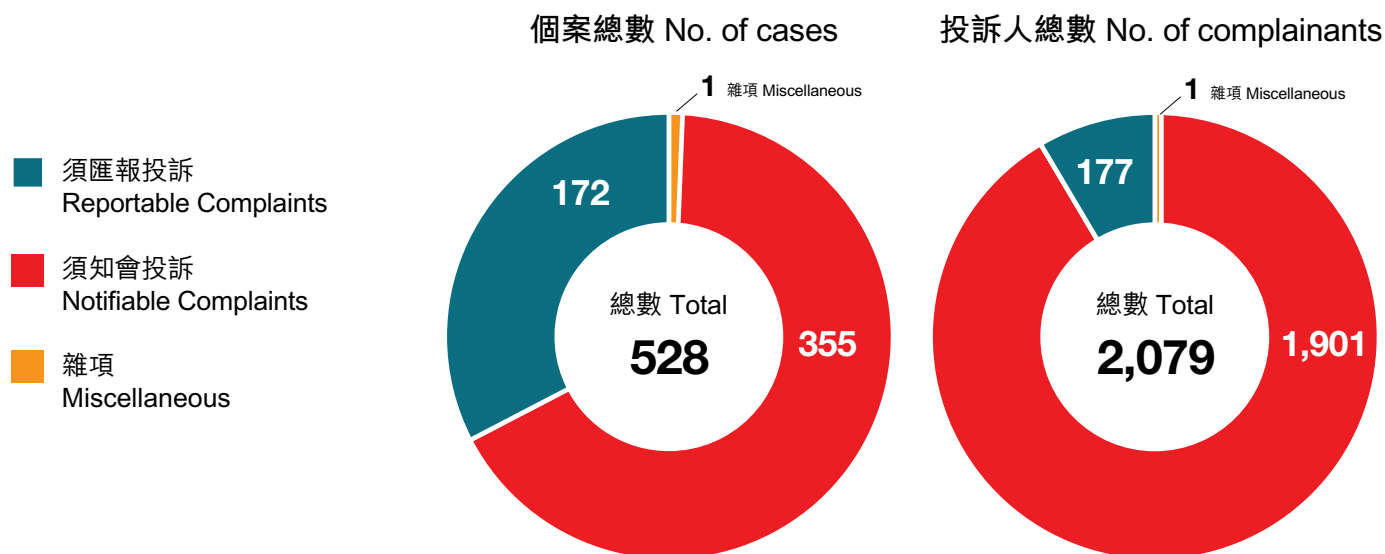
距離佔領事件發生已經有一年時間，在過去一年，投訴警察課及獨立監察警方處理投訴委員會(監警會)馬不停蹄地處理所有由佔領事件衍生的投訴個案。佔領事件爆發後，投訴警察課便陸續接到相關的投訴，並馬上展開投訴調查工作。自2014年10月起，監警會亦一直和投訴警察課跟進因佔領事件而衍生的投訴個案。在2014年11月，監警會便陸續收到投訴警察課呈交的佔領事件投訴調查報告，並立即展開審核工作。

It has been one year since the Occupy Movement took place, and over the past year, both the Complaints Against Police Office (CAPO) and the Independent Police Complaints Council (IPCC) have been working tirelessly to handle all the complaints arising from the Movement. Once the Occupy Movement began, CAPO started receiving complaints, and immediately commenced their handling process. Since October 2014, the IPCC has been following up with CAPO regarding the complaints arising from the Occupy Movement. In November 2014, the IPCC began receiving the complaints investigation reports on the Occupy Movement cases from CAPO, and immediately started reviewing them.

#### 佔領事件衍生的投訴數字

#### No. of complaints arising from the Occupy Movement

截至2015年10月9日 As at 9 October 2015



(資料來源: 投訴警察課 Source: CAPO)

# 封面故事

## Cover story

監警會了解公眾對事件非常關注，遂將所有佔領事件的投訴個案交由嚴重投訴個案委員會處理。投訴警察課需要每月向監警會匯報由嚴重投訴個案委員會跟進的個案調查進度。在收到這些投訴的調查報告後，監警會秘書處的審核團隊和嚴重投訴個案委員會便會同時審核個案，以加快審核進度。

監警會在嚴重投訴個案委員會內成立了一個特別工作小組，集中處理被列為「投訴撤回」、「無法追查」、「透過簡便方式解決」的投訴個案及「須知會投訴」。這特別措施可以確保所有佔領事件的投訴不論其分類，均獲嚴重投訴個案委員會及時處理，同時不會影響到其他需進行全面調查的投訴個案的審核工作。秘書處更調派了三組審核團隊專責審核佔領事件的投訴個案。三組審核團隊中有兩組分別負責處理九龍區及香港島區的「須匯報投訴」，另有一組負責「須知會投訴」。此外還有一組審核團隊負責處理佔領事件相關的投訴數據。

In view of the widespread public interest, the IPCC placed all the Occupy Movement complaints under monitoring by the Serious Complaints Committee (SCC). Cases placed under the SCC's purview require that CAPO must report to the IPCC on the progress with their complaint investigations on a monthly basis. After receiving the investigation reports relating to such complaints, the IPCC Secretariat's vetting team and the SCC examine the reports simultaneously, to expedite the vetting process.

A Special Task Force (STF) was established within the SCC to examine the "Withdrawn", "Not Pursuable", "Informally Resolved" and "Notifiable Complaint" cases. This special measure ensured that all Occupy Movement complaints, regardless of their categorisations, would receive prompt attention by the SCC without hampering the efficiency of the vetting process for cases requiring full investigation. Within the Secretariat, three vetting teams were designated to handle the Occupy Movement complaints. Two teams were responsible for "Reportable Complaints" – one focusing on those from Hong Kong Island, and the other for those from Kowloon – while the third dealt with "Notifiable Complaints". Another team dealt with the statistics on the Occupy Movement complaints.

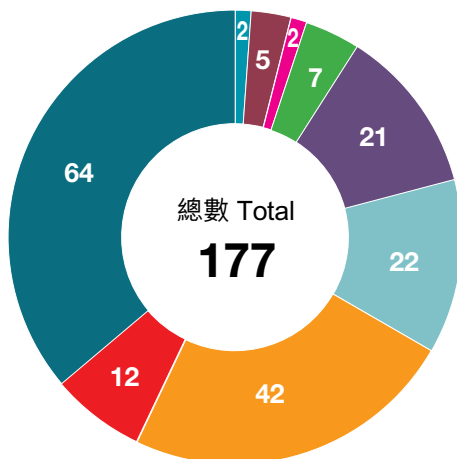
### 指控分項

## Breakdown of allegations

截至2015年10月9日 As at 9 October 2015

- 毆打  
Assault
- 濫用職權  
Unnecessary Use of Authority
- 疏忽職守  
Neglect of Duty
- 行為不當  
Misconduct
- 沒有禮貌  
Impoliteness
- 粗魯無禮  
Rudeness
- 捏造證據  
Fabrication of Evidence
- 粗言穢語  
Offensive Language
- 恐嚇  
Threat

須匯報投訴主要指控  
Principal allegations of Reportable Complaints



須知會投訴主要指控  
Principal allegations of Notifiable Complaints



(資料來源: 投訴警察課 Source: CAPO)



# 封面故事

## Cover story



大批市民及記者於7月22日監警會召開特別內務會議時在秘書處狹小的接待處聚集 (相片由陳浩鉞提供)

*A large group of citizens and reporters crowded inside the cramped IPCC Secretariat reception area during the special in-house meeting on 22 July (Courtesy of Horace Chan)*

### 監警會審核警司涉嫌毆打的投訴個案的工作時序表

#### Chronology of the IPCC's work on the review of the complaint case involving the alleged assault by a Police Superintendent

日期 Date	詳情 Particulars
20/5	● 監警會收到投訴警察課這個案的調查報告 IPCC received CAPO's investigation report on this case
09/6	● 監警會就報告內容向投訴警察課提出質詢 IPCC raised a Query to CAPO based on the report contents
18/6	● 監警會收到投訴警察課的回覆 IPCC received CAPO's reply
23/6	● 監警會召開嚴重投訴個案委員會會議討論個案詳情 IPCC held a SCC meeting to discuss the case details
30/6	● 監警會和投訴警察課在工作層面會議陳述雙方觀點 IPCC and CAPO held a working level meeting for both sides to state their views
07/7	● 監警會收到投訴警察課的補充資料及其新修訂的調查報告 IPCC received supplementary information from CAPO and an amended investigation report
10/7	● 監警會召開特別內務工作會議討論個案 IPCC called a special in-house meeting to discuss this case
17/7	● 監警會秘書處收到投訴警察課的回覆並以電郵向一眾委員匯報事件的最新發展 IPCC Secretariat received CAPO's reply and reported the case's latest developments to all Council Members via email
20/7	● 相關文件(包括投訴警察課的回覆、其修訂後的投訴調查報告及秘書處的分析文件)送交各委員 Relevant documents (including CAPO's reply, the amended investigation report and the Secretariat's analysis document) to be circulated to all Council Members
22/7	● 監警會再召開特別內務會議討論投訴警察課的回覆 IPCC called another special in-house meeting to discuss CAPO's latest reply
23/7	● 監警會以備忘錄回覆投訴警察課 IPCC conveyed its decision to CAPO via memo
29/7	● 監警會秘書處收到投訴警察課的回覆 IPCC Secretariat received CAPO's reply
31/7	● 監警會秘書處將投訴警察課於7月29日的回覆送交各委員 IPCC Secretariat circulated CAPO's reply dated 29 July to all Council Members
08/9	● 監警會於內務會議中討論個案 IPCC discussed the case at the in-house meeting
24/9	● 投訴警察課在聯席會議上向監警會報告個案目前的情況 CAPO reported the current status of the case to IPCC at the joint meeting

投訴警察課亦成立了兩個特別調查小組，處理佔領事件的投訴個案。投訴警察課的特別調查小組與監警會秘書處定期開會，以加快審核個案的速度。在有需要時，秘書處與投訴警察課便會召開由監警會委員主持的工作層面會議，討論特別的投訴個案。監警會亦會在有需要時召開特別內務會議，商議個別投訴個案。

在監警會已收到的「須匯報投訴」的調查報告中，有17宗個案進行了全面調查，約佔所有「須匯報投訴」個案的百分之十。其中一宗投訴個案指控一名警司在2014年11月於旺角區執行職務期間涉嫌毆打。監警會在2015年5月從投訴警察課手上收到此個案的調查報告。在嚴重投訴個案委員會審核個案時，就報告內容向投訴警察課提出了質詢。其後，監警會先後召開了嚴重投訴個案委員會會議，並和投訴警察課召開了工作層面會議。此外，會方還召開了兩次特別內務會議討論此個案。

值得注意的是在佔領事件的投訴個案中，大部分個案都是「須知會投訴」。因為這些投訴是由匿名人士，或由並非直接受影響的人士所作出的。在很多個案中，有投訴人不滿警方處理示威者的方法，但他們並非直接受影響的人士，而是從媒體上得知該事件。至於其他個案，部分投訴人對於被投訴人在社交媒體(例如Facebook)上發表的評論表示不滿。

CAPO also set up two special teams to handle the Occupy Movement complaints. CAPO's special teams and the IPCC Secretariat met regularly to expedite the process for reviewing the Occupy Movement complaints. If and when necessary, working level meetings presided over by IPCC Members were arranged to discuss cases of interest with CAPO. If necessary, the Council would also convene special in-house meetings to deliberate on particular cases.

Of the "Reportable Complaint" investigation reports received by the IPCC, 17 required full investigation, representing around 10% of all "Reportable Complaints". One of these cases involved the alleged assault by a Police Superintendent during the discharge of his duties in Mong Kok in November 2014. The CAPO investigation report of this case was received in May 2015. Upon review by the SCC, a Query was raised, a SCC meeting was held, followed by a working level meeting with CAPO. Two special in-house meetings were convened to discuss the case.

It is worth noting that a majority of the Occupy Movement complaints are "Notifiable Complaints". This is because they were anonymous, or were lodged by persons who were not directly affected by the alleged police conduct. In many cases, complainants were dissatisfied about the Police's handling of protestors, but were not the affected parties and just learned about the incidents through the media. In some other cases, the complainants were dissatisfied about the complainees' remarks on social media such as Facebook.

## 關於須匯報投訴和須知會投訴

### About Reportable Complaints and Notifiable Complaints

#### 須匯報投訴

根據《獨立監察警方處理投訴委員會條例》(簡稱《監警會條例》)第11條，「須匯報投訴」是指市民就當值的警務人員或表明是警隊成員的休班人員的行為所作出的投訴。這些投訴必須是由受直接影響的人士（或其代表）真誠地作出的，並非瑣屑無聊或無理取鬧的投訴。

#### 須知會投訴

根據《監警會條例》第14條，「須知會投訴」是指不屬於「須匯報投訴」的投訴，或根據《監警會條例》第10條所列出不需要向監警會提交的投訴。這類投訴包括由匿名人士作出的投訴，或由並非直接受影響人士作出的投訴。

#### Reportable Complaints

"Reportable Complaints", as defined in the Independent Police Complaints Council Ordinance (IPCCO) section 11, refer to complaints lodged by members of the public, which are not vexatious or frivolous and are made in good faith, relating to the conduct of police officers while on duty or who identify themselves as police officers while off duty. Such complaints should be made by or on behalf of persons directly affected by the alleged police misconduct.

#### Notifiable Complaints

"Notifiable Complaints", as defined in IPCCO section 14, are complaints not categorised as "Reportable Complaints", or complaints that need not be submitted to the IPCC as listed in section 10 of the IPCCO. These include anonymous complaints or complaints lodged by persons who are not directly affected by the alleged police misconduct.

# 封面故事

## Cover story

約兩成的「須匯報投訴」被分類為「投訴撤回」。這些個案中很多指控的性質相對輕微，而投訴人不想花時間追究。部分投訴人向投訴警察課指出他們並不傾向作出投訴，只是希望投訴警察課可以將其意見向警方管理層反映。因此，他們決定撤回投訴，並讓投訴警察課透過「反映意見」機制向相關警察單位表達意見，而不需要就投訴進行全面調查。

另一個現象是逾六成的「須匯報投訴」被分類為「無法追查」。主要原因是投訴警察課在多次聯絡投訴人的情況下，投訴人仍然拒絕提供協助；或未能確定被投訴人的身分。在這個情況下，監警會將審視被投訴人的身分是否真的無法識別；或是在投訴人未能提供協助時，投訴警察課是否無法繼續進行調查，以得出確定的結果。

所有上述個案，即使沒有進行全面調查，同樣會由嚴重投訴個案委員會的特別工作小組仔細審核。

Around 20% of the “Reportable Complaints” are classified as “Withdrawn”. Many allegations in these cases are relatively minor in nature, and complainants did not want to spend time pursuing the complaints. Some complainants indicated to CAPO that they did not intend to complain, but just wished to have their opinions reflected to the Police management. Therefore, they decided to withdraw their complaints and let CAPO refer their opinions to the relevant police formation under the “Reflection of Opinion” mechanism, instead of pursuing full investigations.

Another observation is that over 60% of the “Reportable Complaints” are classified as “Not Pursuable”. The reason for this is that the complainants either did not come forth to assist CAPO’s investigation despite CAPO’s repeated attempts to contact them, or the complainees could not be identified. For these cases, the Council will consider whether the complainees involved really could not be identified; or, in the absence of complainants’ further assistance no meaningful investigation could be conducted by CAPO with a prospect of reaching a definite finding.

All the above cases, even without full investigation, would still be meticulously reviewed by the STF of SCC.

## 須匯報投訴案件處理進度

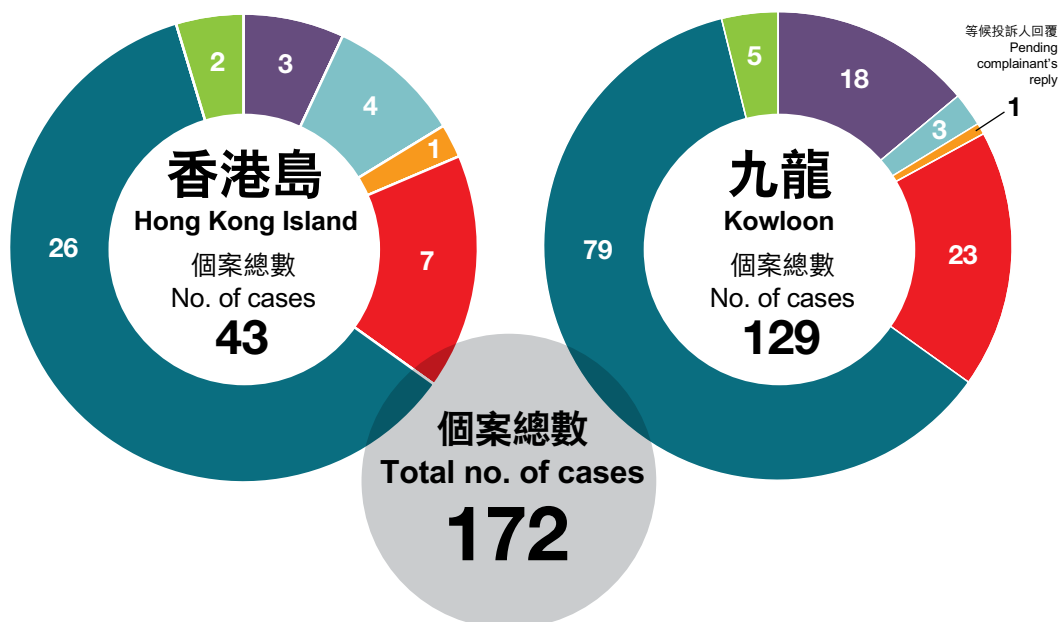
### Progress of Reportable Complaints handling

截至2015年10月9日 As at 9 October 2015

#### 投訴警察課須匯報投訴的分項

#### Breakdown of Reportable Complaints by CAPO

- 全面調查  
Full Investigation
- 有案尚在審理中  
Sub-judice
- 等候投訴人回覆  
Pending complainant’s reply
- 投訴撤回  
Withdrawn
- 無法追查  
Not Pursuable
- 透過簡便方式解決  
Informally Resolved

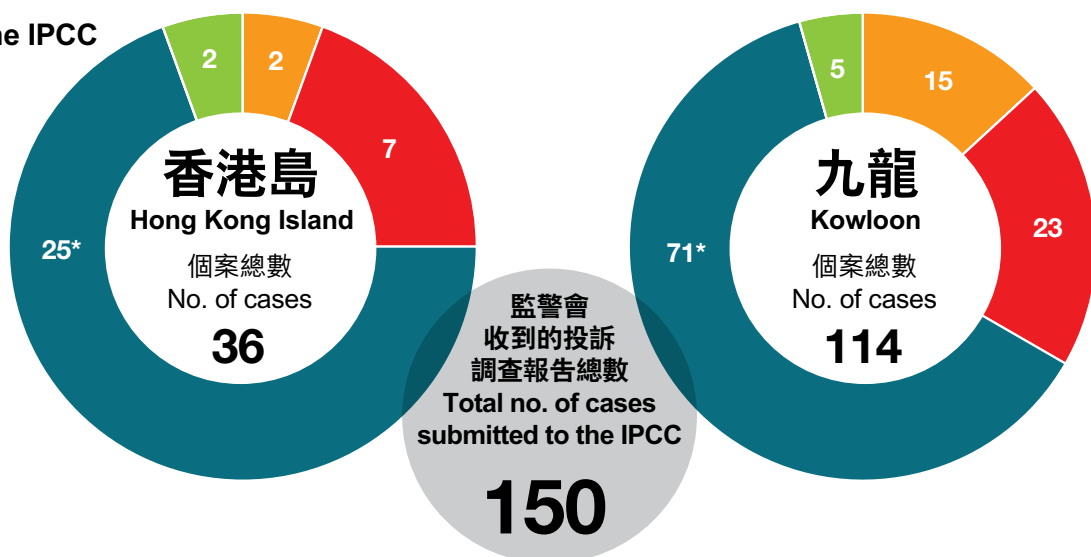


(資料來源: 投訴警察課 Source: CAPO)

### 監警會收到的投訴個案

#### Cases submitted to the IPCC

- 全面調查  
Full Investigation
- 投訴撤回  
Withdrawn
- 無法追查  
Not Pursuable
- 透過簡便方式解決  
Informally Resolved



\* 分別有五宗香港島及一宗九龍的個案經過全面調查後，因無法識別被投訴人而分類為「無法追查」

\* Five cases from Hong Kong Island and one case from Kowloon were classified as "Not Pursuable" after full investigation as complainees were unidentified

### 監警會通過的投訴個案 Endorsed by the IPCC

- 全面調查  
Full Investigation 3
- 投訴撤回、無法追查、透過簡便方式解決  
Withdrawn, Not Pursuable, Informally Resolved 70
- 總數 Total 73

(資料來源: 監警會 Source: IPCC)

## 工作層面會議及質詢的總數

### No. of working level meetings and Queries

截至2015年10月9日 As at 9 October 2015

須匯報投訴 Reportable Complaints	香港島 Hong Kong Island	九龍 Kowloon	總數 Total
與投訴警察課召開工作層面會議 Working level meetings with CAPO	5	9	14
監警會提出的質詢 Queries issued	30	80	110

須知會投訴 Notifiable Complaints	香港島 Hong Kong Island	九龍 Kowloon	總數 Total
與投訴警察課召開工作層面會議 Working level meetings with CAPO	7		7
監警會提出的質詢 Queries issued	53	60	113

(資料來源: 監警會 Source: IPCC)





委員於政府總部外的行人天橋上觀察

Members observing at the footbridge outside the Central Government Offices

## 觀察2015年七一遊行

### Observation of 1 July 2015 procession

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。監警會委員在2012年首次實地觀察七一遊行的情況，包括在遊行前出席警方的簡報會，以及在遊行後分別約見警方及持份者。

為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，監警會職員更自2013年開始列席主辦團體與警方的預備會議，期望在不影響會方中立公正的情況下，盡量以多角度觀察大型遊行示威活動。

今年的七一遊行，秘書處職員亦應邀於5月13日列席預備會議，了解警方在遊行當日的部署和安排。職員隨後將觀察所得向委員報告，以協助委員了解遊行活動的詳細安排。

遊行前委員先於6月26日出席警方的簡報會，了解警方在公眾安全和秩序的前提下處理大型公眾活動的程序。出席者包括郭琳廣主席、葉成慶先生、梁繼昌議員、黃幸怡女士、葉振都先生、鄭承隆先生、陳建強醫生、許宗盛先生及關治平工程師。透過簡報會，監警會委員可以理解警方在遊行時作出特別安排的原因，並就某些可能會影響遊行的細節提出意見。

Given the ongoing, substantial public concern related to the Police's handling of large-scale public order events, since 2009 the IPCC has been in constant contact with the Police regarding these events. IPCC Members first conducted an on-site observation of the 1 July procession in 2012; this was coupled with a Police briefing beforehand, and post-event meetings with both the Police and stakeholders.

To gain a more comprehensive understanding of both the Police and the concerned groups' views of the Police's handling of large-scale public order events, in 2013 IPCC Secretariat staff members began attending the preparatory meetings between the procession organisers and the Police. This arrangement allowed the IPCC to take into account various perspectives concerning large-scale public order events without compromising its impartiality.

For this year's 1 July procession, Secretariat staff members were invited to attend the preparatory meeting on 13 May, to learn about the Police's measures and arrangements for the procession. The staff members then reported their observations of the meeting to Council Members, helping them to understand the overall Police deployment for the procession.

Several Council Members then attended a Police briefing on 26 June, during which the Police explained the handling of public order events from the public safety and public order perspective. The attending Members were Mr Larry Kwok Lam-kwong (Chairman), Mr Simon Ip Shing-hing, Hon Kenneth Leung Kai-cheong, Ms Sandy Wong Hang-yeet, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Dr Eugene Chan Kin-keung, Mr Herman Hui Chung-shing, and Mr Edgar Kwan Chi-ping. During the briefing, Members also sought to understand the rationale for certain arrangements, and gave their views regarding some details that might affect the procession.





委員先到警方指揮中心聽取簡報

*Members first attended a briefing by the Police in the command centre*



於維園外觀察遊行隊伍出發的情況

*Observing the procession's departure outside Victoria Park*



委員沿銅鑼灣一帶觀察

*Members observing the procession in Causeway Bay*



遊行隊伍抵達終點添美道的情況

*The procession arriving at the finishing point on Tim Mei Avenue*

七一遊行當日，多位監警會委員包括郭琳廣主席、副主席張華峰議員、副主席謝偉銓議員、劉玉娟女士、梁繼昌議員、黃幸怡女士、黃德蘭女士、葉振都先生、鄭承隆先生、陳建強醫生、何世傑博士、劉文文女士、蘇麗珍女士及許宗盛先生，一同到現場觀察遊行情況。

當日的現場觀察分為兩部分，上半部分委員先到警方指揮中心聽取簡報，隨後觀察維多利亞公園起點的情況，包括維園內的人流管理及遊行隊伍出發的情況，委員隨後沿著遊行路線，觀察遊行人士使用電車路的情況、崇光百貨對出位置及沿途街站。下半部分則是觀察遊行隊伍到達終點添美道的情況。

監警會認為是次七一遊行和平暢順，警方在各項措施及安排上表現專業，參加者亦非常合作，雙方表現克制。監警會期望繼續與警方及持份者聯繫，加強彼此的溝通，藉此減少由大型公眾活動引起的不必要投訴。

On 1 July, Mr Larry Kwok Lam-kwong (Chairman), Hon Chris Cheung Wah-fung (Vice-Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Ms Noeline Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, Ms Sandy Wong Hang-ye, Ms Mary Wong Tak-lan, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho, Miss Lisa Lau Man-man, Ms Ann So Lai-chun and Mr Herman Hui Chung-shing participated in an on-site observation of the procession.

The observation was in two parts. The first part began with a briefing at the police command centre, after which Members proceeded to the starting point of the procession in Victoria Park, and observed the crowd management inside the park and the departure of the procession. Members then continued to observe along the procession route, where they took note of the participants' use of tram lanes, the area outside the SOGO department store and the street stalls. The second part consisted of observing the procession arriving at the finishing point on Tim Mei Avenue.

The IPCC opined that the 1 July procession had been smooth, the Police had been professional in their facilitation and arrangements, the participants had been accommodating, and both sides showed restraint. The IPCC hopes to continue engaging both its stakeholders and the Police, to strengthen their communications with each other and ultimately reduce the number of unnecessary complaints arising from large-scale public order events.

## 監警會在2015年6月至10月的網上動態

### IPCC's online activities from June to October 2015



監警會致力開拓社交媒體與公眾聯繫，網站新增把內容分享至社交媒體平台的功能

*The IPCC has been striving to engage the public through the use of social media, a newly added share function on the website enables users to share the contents to social media platforms*

### 監警會新網站廣受歡迎

監警會為了履行《監警會條例》第8條(1)(e)賦予的法定職能，增加市民對監警會工作的認識，遂積極開拓數碼傳播工作。其中一項重要環節是於今年4月推出全新的監警會網站，以吸引及方便公眾瀏覽監警會資訊。根據網站統計數據，新網站只推出了數月，2015年第二季的網站瀏覽次數便比第一季上升了約三成，而2015年首六個月主頁的瀏覽量亦已超過2014年的總和，顯示公眾對於從網上獲取監警會資訊的需求有增無減。

新網站的全新功能，包括網站指南、監警會與投訴警察課公開會議日期標示，及網站的流動版本，這些均是最受用戶歡迎的頁面。

### New IPCC website gains popularity

In order for the IPCC to discharge its functions under section 8(1)(e) of the IPCCO - i.e. to promote public awareness of its role - the Council is diligently developing its digital communications. An important recent step in this development was the launch of the new IPCC website this April, aiming to make the site more attractive and easier for the public to browse and find information on the IPCC. Though the new website has only been launched for a few months, the number of visits in the second quarter of 2015 increased by 30% over the first quarter; and the index page views in the first six months of 2015 have already surpassed the total number of index page views in 2014. This indicates the public's demand for online information about the IPCC is steadily increasing.

The website's new features, such as the site map, notifications of upcoming open meetings between the IPCC and CAPO, and the mobile version of the site are the most popular pages with visitors.





由今期起《監警會通訊》將以圖像化的電郵形式向持份者發放

*Starting from this issue, the e-version of the newsletter will be delivered to our stakeholders in a new graphics-based email format*



網站亦添加了新內容，包括兩輯《監警有道》電視劇集的內容

*New content has been added to the website, including the overview of the two IPCC Files drama series*

有別於以往必須下載整份《監警會通訊》及年度工作報告才能閱讀當中的內容，新網站讓訪客可按需要下載刊物個別章節，以迎合不同訪客的閱讀興趣及習慣。根據網站數據，按內容章節下載的次數較下載完整版為多，顯示此安排切合用戶需要。此外由今期起《監警會通訊》將以圖像化的電郵形式向持份者發放，讓讀者點擊圖像時可直接連結到刊物的不同內容。

## 連結社交媒體

監警會致力開拓社交媒體與公眾聯繫，並以循序漸進的方式，分階段發展網站及社交媒體。網站新增把內容分享至Facebook及Twitter的功能，用以推動社群參與。訪客只需要點擊圖便可把資訊分享到個人Facebook及Twitter帳戶或專頁上。

網站亦添加了新內容，包括監警會與香港電台聯合製作的兩輯電視劇集《監警有道》。網頁除了簡介兩輯劇集內容外，訪客還可連結到監警會在YouTube的官方頻道上觀賞製作特輯及每集預告片，亦可連結到香港電台YouTube頻道上足本重溫。

Instead of being limited to downloading whole publications as previously, the new website enables visitors to download individual chapters of newsletters and IPCC reports, according to their interests and reading preferences. The website statistics show the download rate by chapter is higher than for whole publications, indicating that the new download option suits users' needs. Starting from this issue, the e-version of the newsletter will also be delivered to our stakeholders in a new graphics-based email format, which directly links to different contents of the issue when clicked.

## Connect to social media

The IPCC has been striving to engage the public through the gradual use of social media, by rolling out the new website and implementing social media elements in different phases. A newly added share function on the website enables users to share the contents via Facebook and Twitter, with the aim of encouraging community participation. Visitors can simply click on a page's share button, and it will be shared to their Facebook or Twitter accounts or pages.

New content has been added to the website, including the two *IPCC Files* drama series, jointly produced by RTHK and the IPCC. Besides providing an overview of the two drama series, the site enables visitors to watch the "making of" video and the episode trailers via a link to the IPCC YouTube channel; or they can watch the full episodes via links to the RTHK YouTube channel.



### 監警會在2015年6月至10月的活動

### IPCC's recent activities from June to October 2015

# 29

6月 JUN

#### 第十六期《監警會通訊》傳媒發佈會 Release of the IPCC Newsletter issue no. 16

監警會推出第十六期《監警會通訊》，並舉行新聞發佈會介紹通訊內容。發佈會當日，郭琳廣主席向傳媒講解監警會的最新活動，通訊的內容包括監警會再次委託香港大學民意研究計劃進行的公眾意見調查，並由香港大學民意研究計劃總監鍾庭耀博士在場為傳媒講解公眾意見調查的內容及結果。此外，梅達明副秘書長(行動)詳細講述一宗彰顯監警會審視投訴警察課人員處理投訴的方法的個案。委員劉玉娟女士、葉振都先生、何世傑博士、蘇麗珍女士及何錦榮先生亦有出席是次發佈會。



A media briefing was held to release the sixteenth issue of the *IPCC Newsletter*. During the briefing, Mr Larry Kwok Lam-kwong (Chairman) presented highlights of the IPCC's latest publicity initiatives. The newsletter included information on the public opinion survey commissioned by the IPCC and conducted by the University of Hong Kong Public Opinion Programme. At the briefing, the survey results were released to the media by Dr Robert Chung Ting-yiu, Director of HKU POP. In addition, Mr Daniel Mui (Deputy Secretary-General, Operations) explained in detail how the IPCC scrutinises a CAPO officer's handling of a complaint in one real complaint case. Council Members Ms Noeline Lau Yuk-kuen, Mr Adrian Yip Chun-to, Ir Dr Vincent Simon Ho, Ms Ann So Lai-chun and Mr Richard Ho Kam-wing also attended the media briefing.

# 1

7月 JUL

#### 監警會現場觀察警方 處理七一遊行 On-site observation of Police handling of 1 July procession



在出席6月26日警方七一遊行安排簡介會後，郭琳廣主席、副主席張華峰議員、副主席謝偉銓議員、劉玉娟女士、梁繼昌議員、黃幸怡女士、黃德蘭女士、葉振都先生、鄭承隆先生、陳建強醫生、何世傑博士、劉文文女士、蘇麗珍女士及許宗盛先生，一同現場觀察七一遊行。

當日的現場觀察分為兩部分，上半部分委員先到警方指揮中心聽取簡報，隨後觀察維多利亞公園起點的情況，並沿著遊行路線進行觀察。下半部分則是觀察遊行隊伍到達終點添美道的情況。

After attending the 1 July procession police briefing on 26 June, Mr Larry Kwok Lam-kwong (Chairman), Hon Chris Cheung Wah-fung (Vice-Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Ms Noeline Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, Ms Sandy Wong Hang-ye, Ms Mary Wong Tak-lan, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho, Miss Lisa Lau Man-man, Ms Ann So Lai-chun and Mr Herman Hui Chung-shing conducted an on-site observation of the 1 July procession.

The observation was in two parts. The first part began with a briefing at the police command centre, after which Members proceeded to the starting point of the procession in Victoria Park, and then continued to observe along the procession route. The second part consisted of observing the procession arriving at the finishing point on Tim Mei Avenue.

# 最新動態

## Recent activities

# 9

7月 JUL

### 與青海省委政法委帶領的赴港考察團會面

### Meeting with delegation led by the Political and Legal Affairs Commission of Qinghai Province



郭琳廣主席與秘書長朱敏健先生應邀與青海省委政法委帶領的赴港考察團會面交流，並向考察團介紹香港的投訴警察制度以及監警會的架構與職能。

Mr Larry Kwok Lam-kwong (Chairman) and Mr Ricky Chu (Secretary-General) met with a delegation led by the Political and Legal Affairs Commission of Qinghai Province, to introduce the police complaints system in Hong Kong and the IPCC's role and functions.

# 9

9月 SEP

### 與香港警務督察協會會面

### Meeting with the Hong Kong Police Inspectors' Association



郭琳廣主席、副主席謝偉銓議員、馬恩國先生、葉成慶先生、黃幸怡女士、杜國鑊先生、陸貽信資深大律師、劉文文女士、蘇麗珍女士、鄭錦鐘博士、何錦榮先生、許宗盛先生及關治平工程師與香港警務督察協會代表會面，聆聽他們就監警會的公正性、警察處理公眾活動所面對的困難和挑戰等範疇的意見。

Mr Larry Kwok Lam-kwong (Chairman), Hon Tony Tse Wai-chuen (Vice-Chairman), Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Sandy Wong Hang-ye, Mr Clement Tao Kwok-lau, Mr Arthur Luk Yee-shun (SC), Miss Lisa Lau Man-man, Ms Ann So Lai-chun, Dr Eric Cheng Kam-chung, Mr Richard Ho Kam-wing, Mr Herman Hui Chung-shing and Ir Edgar Kwan Chi-ping met with representatives of the Hong Kong Police Inspectors' Association, to listen to their opinions on the impartiality of the IPCC, and difficulties and challenges faced by the Police in handling public order events.





# 最新動態

## Recent activities

# 12

9月 SEP

### 主持香港警察學院結業典禮暨檢閱儀式

### Inspecting the Hong Kong Police College Passing Out Parade



郭琳廣主席應警務處處長邀請，擔任香港警察學院結業會操的檢閱官，並頒發最優秀學員獎。



At the invitation of the Commissioner of Police, Mr Larry Kwok Lam-kwong (Chairman) was the Reviewing Officer of the Hong Kong Police College Passing Out Parade. He presented awards to the best-all-round members of each passing out squad.

# 24

9月 SEP

### 監警會和投訴警察課聯席會議

### Joint IPCC and CAPO meeting

是次公開會議上，警方向監警會報告與佔領事件的投訴統計數據和調查進度，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 Movement, and the progress with the complaints investigations. The two parties then proceeded to discuss matters related to these complaints.



### 主席、委員及秘書長傳媒訪問

### Media interviews with the Chairman, Members and Secretary-General

郭琳廣主席在9月接受am730、蘋果日報、頭條日報、經濟日報、明報、東方日報、星島日報、南華早報、英文虎報、太陽報、及香港電台的訪問，討論監警會如何處理佔領事件衍生的投訴個案。

此外，副主席陳健波議員、鄭承隆先生、陸貽信資深大律師及秘書長朱敏健先生亦接受多間傳媒訪問，包括am730、信報、明報、星島日報、亞洲電視、商業電台、DBC數碼電台、now TV及香港電台。

In September, Mr Larry Kwok Lam-kwong (Chairman) was interviewed by am730, Apple Daily, Headline Daily, Hong Kong Economic Times, Ming Pao Daily News, Oriental Daily News, Sing Tao Daily, the South China Morning Post, The Standard, The Sun and RTHK, on topics related to the IPCC's handling of complaint cases arising from the Occupy Movement.

Hon Chan Kin-por (Vice-Chairman), Mr Edwin Cheng Shing-lung, Mr Arthur Luk Yee-shun (SC) and Mr Ricky Chu (Secretary-General) were interviewed by am730, Hong Kong Economic Journal, Ming Pao Daily News, Sing Tao Daily, ATV, Commercial Radio, DBC, now TV and RTHK.

原文刊於星島日報 (A12)

2015年9月24日  
Published in Sing Tao Daily  
on 24 Sep 2015 (A12)

公開用武守則 憂影響執法  
監警接佔領投訴 料明年初審結



原文刊於經濟日報 (A30) 2015年9月24日  
Published in Hong Kong Economic Times  
on 24 Sep 2015 (A30)

郭琳廣：佔領為監警會帶來挑戰  
須通報投訴僅處理3成「沒放軟手腳」

原文刊於晴報 (P18)

2015年9月24日  
Published in Sky Post on  
24 Sep 2015 (P18)

處理佔中投訴  
郭琳廣：無放軟手腳



原文刊於英文虎報 (P10)

2015年9月24日  
Published in The Standard on  
24 Sep 2015 (P10)

Public still trust police: watchdog

### Public still trust police: watchdog





### 監警會如何確保有效率、公正及嚴謹地處理所有佔領事件衍生的投訴個案

### Ensuring efficiency, impartiality and meticulousness in handling all Occupy Movement complaint cases



今期《監警會通訊》訪問了特別工作小組主席陸貽信資深大律師及秘書長朱敏健先生，講解監警會審核由佔領事件衍生的投訴個案處理程序和原則。由於大量佔領事件的投訴令工作量增加，加上個案牽涉到公眾利益，所以監警會制定了數項新程序，以提高審核投訴警察課調查報告的效率。

#### 嚴重投訴個案委員會轄下設立特別工作小組

由於所有佔領事件的投訴均涉及公眾利益，故這些投訴都會交由監警會嚴重投訴個案委員會審核。為提升效率並確保詳細審視所有投訴，14名嚴重投訴個案委員會的委員組成特別工作小組，專責審核被分類為「投訴撤回」、「無法追查」及「透過簡便方式解決」的佔領事件投訴個案。特別工作小組亦會審視被分類為「須知會投訴」的個案，確保分類正確及合理。

For this issue of the *IPCC Newsletter*, we interviewed the STF Chairman Mr Arthur Luk Yee-shun, Senior Counsel, and Secretary-General Mr Ricky Chu, regarding the processes and principles the IPCC adopted for reviewing complaint cases arising from the Occupy Movement. To deal with the increased workload arising from the influx of Occupy Movement complaints, which are of immense public interest, the IPCC developed several additional procedures, improving its efficiency in reviewing the CAPO investigation reports on these cases.

#### The Special Task Force within the Serious Complaints Committee

As all Occupy Movement complaints are of considerable public interest, they are placed under the purview of the IPCC's SCC. With a view to enhancing efficiency and ensuring that each Occupy Movement complaint would be meticulously examined, a STF comprising 14 Members was established within the SCC, to examine Occupy Movement complaints that have been classified as "Withdrawn", "Not Pursuable" or "Informally Resolved". In addition, the STF examined Occupy Movement complaints categorised as "Notifiable Complaints", to ensure that such categorisations are proper and fully justified.



特別工作小組由陸貽信資深大律師擔任主席，成員包括副主席張華峰議員、副主席謝偉銓議員、陳培光醫生、葉成慶先生、劉玉娟女士、黃幸怡女士、黃德蘭女士、葉振都先生、杜國鑾先生、甄孟義資深大律師、何世傑博士、陳章明教授及許宗盛先生。特別工作小組再細分為兩組，每組各有九名委員。其中一組負責審核在港島區發生的投訴個案，另一組則負責九龍區。特別工作小組主席及另外三名委員兩組均有參與。

特別工作小組的工作充分顯示監警會在監察及審閱佔領事件的投訴上一絲不苟，和平常的處理方式有數個分別。非佔領事件的「投訴撤回」及「透過簡便方式解決」個案，秘書長獲授權決定有關分類是否正確。至於「無法追查」及「須知會投訴」則由委員組成的審核小組決定，與佔領事件衍生的投訴個案由特別工作小組處理有所不同。

陸貽信資深大律師解釋監察及審核佔領事件投訴機制時強調：「這做法不是因為我們不信任投訴警察課的分類，但因為事件涉及公眾利益，我們認為這些個案必須審慎處理。而這個安排旨在讓秘書處及委員會能在作決定前完全了解個案。」

秘書長朱敏健補充：「不論指控是否輕微，監警會都高度重視每一宗佔領事件的投訴。所以每一宗佔領事件的個案，即使經秘書處審視及提出質詢後認同分類正確及合理，所有投訴個案仍須交由特別工作小組審核。作出此安排因為我們不欲錯過任何一宗可能需要監警會審核的個案。」

### 增加的工作量

雖然嚴重投訴個案委員會及特別工作小組全面的程序加重了監警會整體的工作量，但相關程序卻有效地提升了會方的工作效率，以下資料反映了我們嚴謹的工序。

截至10月9日，監警會就佔領事件的355宗「須知會投訴」向投訴警察課提出了113項質詢，亦有就150宗呈交予監警會的「須匯報投訴」的調查報告提出了110項質詢。為確保適時處理佔領事件的投訴，監警會與投訴警察課加開工作層面會議，旨在盡快釐清雙方對於事實及相關資料的分歧。此安排亦可讓雙方就個別個案交流意見。在這段時間，監警會與投訴警察課便就150宗呈交予監警會的「須匯報投訴」的調查報告召開了14次工作層面會議，並就355宗「須知會投訴」召開了七次工作層面會議。

The STF is chaired by Mr Arthur Luk Yee-shun, Senior Counsel; Members are Vice-Chairman Hon Chris Cheung Wah-fung, Vice-Chairman Hon Tony Tse Wai-chuen, Dr Chan Pui-kwong, Mr Simon Ip Shing-hing, 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, Senior Counsel, Ir Dr Vincent Simon Ho, Prof Alfred Chan Cheung-ming and Mr Herman Hui Chung-shing. The STF is divided into two sub-groups, each with nine Members: one dealing with Occupy Movement complaints arising from incidents that occurred in Hong Kong Island, the other dealing with Occupy Movement complaints from Kowloon. Four Members, including the STF Chairman, are involved in both sub-groups.

The operation of the STF is a clear display of the IPCC's meticulous approach to monitoring and reviewing the Occupy Movement complaints. It differs from the normal practice in a number of ways. For non-Occupy Movement "Withdrawn" and "Informally Resolved" cases, the Secretary-General would be the authority in deciding if such classifications are proper. For "Not Pursuable" cases and "Notifiable Complaints", the authority to make such decisions lies with the vetting sub-groups formed by Council Members. This differs from delegating the STF to handle all such Occupy Movement complaints.

Explaining the case processing mechanism in monitoring and reviewing the Occupy Movement complaints, Mr Arthur Luk emphasised that, "It is not because we do not trust CAPO's classification, but because in light of public interest, we feel that it is necessary to handle the cases in this meticulous manner. The purpose of this arrangement is to ensure that both the Secretariat and Council Members could thoroughly understand these cases before making final decisions."

Secretary-General Mr Ricky Chu added, "The IPCC places high importance on every single Occupy Movement complaint, no matter how minor the allegations may seem. So every case, including those which have been assessed by the Secretariat as properly classified or justifiably categorised with or without Query, would still have to be submitted to the STF for review. This is because we do not want to miss any case that may otherwise require further IPCC input."

### The increased workload

The comprehensive procedures adopted by the SCC and the STF have proven to be effective and efficient, even though the IPCC as a whole experienced a substantial increase in workload. A glimpse at the following reflects our meticulous approach.

In connection with the Occupy Movement complaints, as at 9 October, the IPCC had issued a total of 113 Queries for 355 "Notifiable Complaint" cases and 110 Queries for the 150 "Reportable Complaint" cases submitted to the IPCC. To ensure prompt attention to Occupy Movement complaints, additional working level meetings have been held between IPCC and CAPO for timely clarification of discrepancies in facts and information, as well as exchanging views on issues relevant to the cases. During this period, the IPCC has held 14 working level meetings for the 150 "Reportable Complaint" cases submitted to the IPCC, and seven working level meetings with CAPO for the 355 "Notifiable Complaint" cases.





陸貽信資深大律師解釋：「就佔領事件的投訴所設立的工序，目的不是想倉促處理這些個案。以確保每一宗個案都必須根據所有規則及程序處理。我們的目標是提高處理這些個案的效率。」

### 審核佔領事件投訴的原則

陸貽信資深大律師強調：「審核佔領事件衍生的個案與審核一般的投訴個案，原則上並無差別。我們必須秉持獨立、公正及公平的原則。這是處理每一宗投訴個案的基本原則。」

被問到審核佔領事件投訴時有沒有遇上困難，陸貽信資深大律師說：「除了投訴個案數量多之外，並沒有什麼困難之處。我們使用與一般投訴相同的基本原則去處理，即是以證據為依歸，以及觀察調查過程是否妥善。」

增加的工作量亦包括處理具爭議性的個案時，需要觀看錄影片段。被問如何看待這些證據時，陸貽信資深大律師指：「我們觀看錄影片段時，主要是用我們的常識。從觀看的片段，最好是一些未經剪輯的片段，客觀地去了解發生甚麼事情，使我們作出公平、公正及公道的結論。」

秘書長朱敏健作結時指出，委員參與嚴重投訴個案委員會及特別工作小組完全是自願性質，而嚴重投訴個案委員會的委員除了要在私人時間處理佔領事件投訴外，亦要審核其他恆常的投訴個案。陸貽信資深大律師總結時亦感激所有委員毫無怨言，認真及嚴謹地審視這些佔領事件投訴個案。

Mr Arthur Luk further explained, “The procedures established for the handling of the Occupy Movement complaints is not to rush through these cases. All the established rules and procedures must be followed for every case. We aim to improve the efficiency in handling these cases.”

### The principle behind the review of the Occupy Movement complaints

Mr Arthur Luk stressed that, “In essence, the review of the Occupy Movement complaints is no different from normal cases. We must adhere to the principles of independence, impartiality and fairness. These are the basic principles that must be applied to every case.”

When asked about whether reviewing the Occupy Movement complaints presented any difficulties, Mr Arthur Luk answered, “Not really, besides the sheer amount of the cases. We have adopted the same principles as in handling normal complaint cases – we look at the evidence and whether the investigation had been properly carried out.”

The increased workload also includes the additional viewing of footage, especially for controversial cases. When asked how such evidence is viewed, Mr Arthur Luk stated, “We view the footage as ordinary people with common sense; we just watch the clip, ideally an unedited one, objectively and try to figure out what happened. This helps us arrive at a fair, just and equitable conclusion.”

In closing, Mr Ricky Chu pointed out that joining the SCC and STF was completely voluntary, and SCC Members had to review normal cases on top of the Occupy Movement complaints, all in their own personal time. Mr Arthur Luk concluded that he was grateful that all Members were willing to view the Occupy Movement complaints seriously and meticulously, without any complaints themselves.



### 監警會審視警方在證據不足以控告投訴人的情況下不斷延長投訴人保釋期限的做法

### The IPCC scrutinises the Police's action in repeatedly extending bail without sufficient evidence to charge the complainant

	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original classification(s) by CAPO	最後分類 Final classification(s)
1	疏忽職守 Neglect of Duty	一名偵緝督察 A Detective Inspector of Police	並無過錯 No Fault	獲證明屬實 Substantiated

#### 個案重點

此個案顯示監警會仔細審視警方在沒有足夠證據起訴一名被捕人士 (此案的投訴人) 的情況下，不斷延長其警察保釋期限的行為，時間長達五個月。

在這次事件中，投訴人(一名香港導遊)、兩名內地遊客及一名途人，因「在公眾地方打鬥」而被捕。被捕者互相指控對方首先引起打鬥。負責此案的偵緝督察認為案件需要更多時間來完成調查工作和尋求法律意見，因此所有被捕人士均獲准警察保釋。兩名遊客其後棄保潛逃並返回內地，而偵緝督察在尋求法律意見後決定無條件釋放涉事的途人，但仍要求投訴人在五個月內定期向警方報到。投訴人在得知該名途人被無條件釋放後，便指控偵緝督察在沒有理由下不斷延長其保釋期限，故投訴他「疏忽職守」。經調查後，投訴警察課將指控分類為「並無過錯」。

#### Highlights of the case

This case demonstrates that the IPCC was meticulous in scrutinising the actions taken by Police in repeatedly extending bail of an arrested person (the complainant) over a period of five months, although there was insufficient evidence to charge the complainant.

In the incident, the complainant (a Hong Kong tour guide), two tourists from mainland China and a passer-by were arrested by police for "Fighting in a Public Place". All the arrestees accused each other of initiating the fight. The Detective Inspector (DIP), who was the case officer, released them on police bail for further investigation and seeking legal advice. The two tourists jumped police bail and returned to mainland China. The DIP released the passer-by unconditionally upon legal advice, but still required the complainant to report bail over a period of five months. The complainant, upon learning that the passer-by had already been released, alleged that the DIP had repeatedly extended her bail without justification [Neglect of Duty]. After investigation, CAPO classified the allegation as "No Fault".

# 真實投訴個案

## Real complaint case

然而監警會認為，由於該名偵緝督察並沒有詳細考慮延長被捕人士的保釋期限是否必須，故應將指控分類為「獲證明屬實」。投訴警察課同意監警會的觀點。

### 個案背景

事發時，兩名內地遊客和負責帶隊的內地導遊在尖沙咀發生爭執，投訴人(一名香港導遊)嘗試調停。過程中，兩名內地遊客和投訴人表現激動，一名途人嘗試將他們分開，避免該兩名遊客襲擊投訴人。警察到達現場並以「在公眾地方打鬥」為由拘捕投訴人、兩名遊客及該名途人。由於現場無人向警方透露內地導遊亦牽涉在打鬥中，在警方向他錄取口供後，該名內地導遊便返回國內。

被捕人士否認參與打鬥，但卻指控其餘被捕者襲擊自己。偵緝督察遂以短暫保釋的形式釋放所有被捕者，以便進一步調查案件，但警方卻找不到更多有關投訴人參與打鬥的證據。偵緝督察於是延長所有被捕人士的保釋期限，並尋求法律意見。

律政司建議拘捕該名內地導遊，以及在向該名途人錄取口供後，便要無條件釋放他。建議中並沒有提及警方應否起訴任何人。因此，偵緝督察釋放了該名途人，並跟他錄取了一份口供，口供只提及他被其中一名內地遊客毆打。兩名遊客返回內地沒有向警方報到，警方嘗試聯絡兩人和涉事的內地導遊但不果。

為了在確保潛逃的遊客及導遊回港後能繼續尋求法律意見，偵緝督察延長了投訴人的保釋期四次，時間長達五個月。在調查的過程中，警方發出通緝令，通緝棄保潛逃的兩名遊客。由於不滿警方不斷延長其保釋期，投訴人遂向投訴警察課投訴。

However, the IPCC is of the view that, as the DIP did not critically consider the necessity of extending bail of an arrested person, the allegation should be classified as “Substantiated”. CAPO eventually subscribed to the IPCC’s views.

### Case background

At the material time, the complainant (a Hong Kong tour guide) tried to mediate a dispute in Tsim Sha Tsui between two tourists and their tour guide, who were all from mainland China. A commotion between the two tourists and the complainant ensued. A passer-by tried to protect the complainant from being assaulted by the tourists. Police came to the scene and arrested the complainant, the two tourists and the passer-by for “Fighting in a Public Place”. As nobody at the scene revealed to the police that the mainland China tour guide was also involved in the fight, the police took a witness statement from him. Afterwards, the mainland China tour guide returned to mainland China.

The arrested persons denied fighting, but each accused the opposite party of assaulting them. The DIP responsible for the investigation initially released all the arrested persons on a short bail for further investigation, but no further evidence against the complainant was unveiled. The DIP then extended the bail for all the arrested persons, in order to seek legal advice.

The Department of Justice recommended that the mainland China tour guide be arrested and the passer-by be released unconditionally, with a witness statement taken from him. It did not mention whether police should charge anyone. As a result, the DIP released the passer-by and obtained a witness statement from him, in which he could only state that he was assaulted by one of the mainland China tourists. The two tourists returned to mainland China and failed to answer the police bail. Police tried to locate them and the mainland China tour guide without success.

The DIP further extended the complainant’s bail on four further occasions over a period of about five months, with a view to obtaining further legal advice after securing the return of the absconded tourists and the mainland China tour guide. During the investigation, the tourists who had absconded had been placed on the “Wanted List”. Dissatisfied with the Police keeping her on bail, the complainant lodged the complaint.

### 投訴警察課的調查

經調查後，投訴警察課將「疏忽職守」的指控分類為「並無過錯」，認為偵緝督察(i)依循律政司的建議釋放該名途人；以及(ii)就是否控告投訴人及其他相關人士尋求法律意見之前和繼續嘗試聯絡回到內地的相關人士期間，不斷延長投訴人保釋期的做法是公平和合理的。

### 監警會的觀察

監警會認為偵緝督察不斷延長投訴人保釋期的做法欠缺充分理據支持，因為沒有證據證明投訴人曾參與打鬥，即使警方嘗試聯絡棄保潛逃的遊客及導遊，亦不足以成為延長投訴人保釋期的原因。根據警隊程序，如獲准保釋的人士到期向警方報到，而仍沒有足夠證據提出起訴，便應將他無條件釋放，而不是延長保釋期。監警會亦提醒警方，在調查疑犯或重要證人是外籍人士的案件時，應更加警惕並加緊調查，而在處理外籍人士的保釋時亦應格外留意。

投訴警察課同意監警會的觀點，將指控的分類由「並無過錯」改為「獲證明屬實」，並建議對涉事的偵緝督察作出訓諭，但無須把此事記入其分區報告檔案中。投訴警察課同時承諾會就監警會的意見，提醒大家在處理牽涉遊客保釋的個案時應當更加警惕，因為遊客在事後多會馬上離開香港。

### CAPO's investigation

After investigation, CAPO classified the "Neglect of Duty" allegation as "No Fault" on the grounds that it was fair and reasonable for the DIP to (i) release the passer-by in accordance with the legal advice and (ii) extend the complainant's bail while continuing to seek the return of the mainland Chinese before seeking further legal advice regarding whether the complainant and the others should be charged.

### IPCC's observations

IPCC was of the view that the repeated extensions of the complainant's bail by the DIP was not justified, because there was no evidence against her and the Police's attempts to locate the absconded tourists and the tour guide did not necessitate keeping the complainant on police bail. According to police procedures, if a bailee answers police bail and there is insufficient evidence to support a charge the bailee should be released unconditionally, instead of extending the bail. The IPCC was also concerned that the Police should make more effort to promptly complete investigations in cases in which the suspects or key witnesses are from outside Hong Kong, and there should be special consideration regarding bail issues.

CAPO eventually subscribed to the IPCC's views and re-classified the allegation from "No Fault" to "Substantiated", and proposed that the DIP be advised without Divisional Record File entry. CAPO also undertook to pass on the IPCC's concerns that the Police should be more vigilant in considering granting police bail when handling cases involving tourists, who would mostly leave Hong Kong shortly after incidents.