

監警會 通訊

IPCC NEWSLETTER

公眾對監警會信心持續提升

**Public Confidence in the
IPCC Continues to Rise**



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

本通訊網上版可在監警會網頁下載
On-line version of this newsletter is available at
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

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

封面故事 Cover Story p.2-7

p.8-13 Recent Activities 最新動態

監警觀點 Viewpoint from IPCC p.14-15

p.17-20 Real Complaint Case 真實投訴個案

公眾對監警會信心持續提升

舉辦研討會以擬定未來發展路向

Public confidence in the IPCC continues to rise Organises Symposium to Map Out Future Development

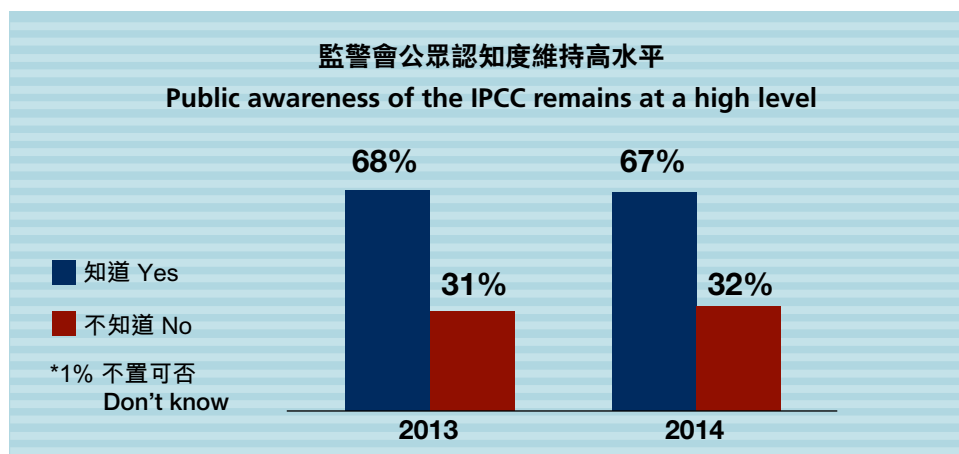


為了解公眾對監警會及其職能的認識，以及市民對兩層架構投訴警察制度和投訴警察相關議題的觀感，讓監警會更有效履行《監警會條例》賦予的法定職能，會方在2014年3月再次委託香港大學民意研究計劃進行公眾意見調查。這次調查於2014年3月3日至3月14日期間，以隨機抽樣電話訪問的形式進行，並成功訪問了1,039位18歲或以上的香港居民。

監警會自2009年6月1日隨《監警會條例》的生效，由一家在幕後默默耕耘，審核警察投訴個案的單位，蛻變為全方位監察警察投訴工作的獨立法定機構。為積極履行《監警會條例》增進市民對監警會角色的認識，會方於今年初進一步開拓社交媒體，在YouTube設立「監警會頻道」及與Now TV聯合製作《監警透視》

In order to assess general public perception of the IPCC and its duties, as well as views on the two-tier police complaints system and related issues regarding police complaints – so that the IPCC can more effectively carry out its statutory duties set out in the IPCC Ordinance (IPCCO) – the IPCC again commissioned the University of Hong Kong (HKU) Public Opinion Programme to conduct a public opinion survey in March 2014. The survey was conducted by telephone interview on a random sample between 3 March and 14 March 2014. There were 1,039 successful interviews of Hong Kong residents age 18 or above.

Since the IPCCO went into effect on 1 June 2009, the IPCC has transformed from a “back-seat” review and monitoring body to a multi-faceted independent police complaints oversight organisation. As part of its responsibility under the IPCC Ordinance (IPCCO) to promote public awareness of its work, the IPCC further expanded its social media presence at the beginning of this year by setting up an IPCC Channel on YouTube and collaborating with Now TV to produce a TV programme, *The IPCC Perspective*. In May the IPCC, the Centre for



電視節目，今年5月監警會與香港大學比較法與公法研究中心及犯罪中心治安與警政研究論壇合辦《監警有道》研討會，邀請海外及本地學者、相關機構代表、警方代表、本地持份者和公眾人士參加，一同檢討現時香港的投訴警察制度。

除了就公眾關注的議題和警方及持份者加強聯繫外，監警會亦積極加強對外傳訊工作，包括將《監警會通訊》由半年刊轉為季刊、定期舉行新聞發佈會、安排傳媒訪問，及製作迷你電視劇集《監警有道》等。

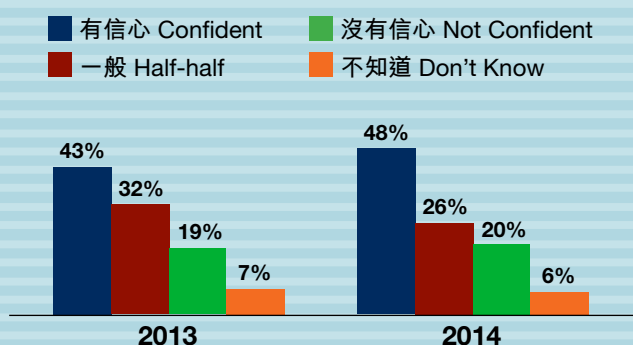
近年監警會透過積極與傳媒聯絡和各項宣傳活動，成功提升公眾信心。會方特意於去年進行的公眾調查中，開始加入市民對監警會及兩層架構投訴警察制度信心的問題，結果亦令人欣慰。今年整體受訪者當中對監警會有信心的佔48%，較去年的43%為高；另外有52%的受訪者對現時投訴警察兩層架構的制度有信心，較2013年的44%提升近兩成。

Comparative and Public Law and Policing Studies Forum at the Centre for Criminology from the University of Hong Kong will co-host a symposium titled, "The Police Complaints System in Hong Kong: Where are we heading?". Overseas and local representatives from academia and police complaints oversight bodies, police representatives, local stakeholders and the public are invited to attend to review the police complaints system in Hong Kong.

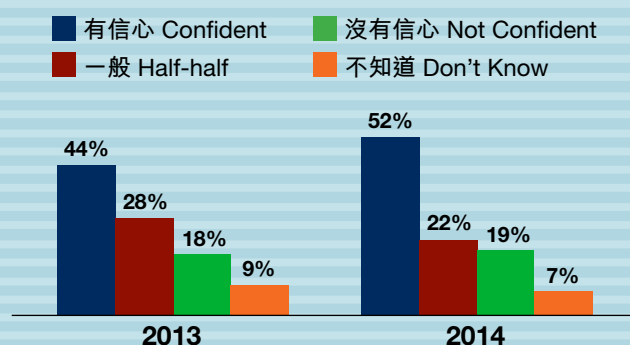
Not only has the IPCC strengthened its engagement with the Police and stakeholders on issues of public interest, it has also expanded its external communications, including converting the IPCC Newsletter from a biannual publication to a quarterly publication, holding regular press briefings, conducting media interviews and producing a mini TV series, *The IPCC Files*.

In recent years, the IPCC has boosted public confidence in its work through proactive media engagement and publicity activities. In the HKU survey conducted last year, the IPCC introduced a question concerning public confidence in the IPCC and the two-tier police complaints system. The results were reassuring, as 48% of respondents expressed confidence in the IPCC, an increase from 43% in 2013. At the same time, the results revealed that 52% of respondents had confidence in the two-tier police complaints system, an increase of 20% over the 44% in 2013.

對監警會有信心佔整體受訪者的48%
Overall 48% of respondents expressed confidence in the IPCC



超過一半受訪者對兩層架構投訴警察制度有信心
Over half of respondents expressed confidence in the two-tier police complaints system



市民最關注遊行 / 集會示威警民衝突的新聞

News on conflicts between Police and citizens during protests received the most public attention



^ 2013年調查選項為“遊行/集會人士控訴警員濫權”
The wording of this item was “Protestors complained about Police’s abuse of Power” in 2013’s survey.

^^ 2013年調查選項為“警方行為問題”
The wording of this item was “Police’s misconduct (e.g. violence, attitude)” in 2013’s survey.

此外，調查結果亦反映公眾認識監警會及其獨立性質的比率持續上升。2013年的調查顯示監警會的公眾認知度高達68%，今年亦維持於67%的高水平，較2010年會方成為獨立機構初期的33%，大幅提升逾倍。與此同時，調查顯示有63%有聽過監警會的受訪者知道監警會為獨立於警察部門的機構，較去年的60%，同樣錄得增幅，證明有更多市民了解監警會的獨立性質。

然而，對監警會職能認識方面，雖然有23%受訪者知道監警會主要工作為「監察投訴警察課處理個案的程序」，並有近4成受訪者了解監警會的職能，但數字仍較去年的49%遜色。由此可見，公眾對監警會職能仍存有誤解。是次調查讓會方了解市民的意見，聆聽大眾的建議，利用更多不同的渠道加強公眾對監警會角色的認識，進一步加強監警會的透明度，增強大眾對投訴警察制度的兩層架構的信心。

公眾意見調查的結果反映監警會自2009年成為法定機構後市民對會方的觀感，事實上經過五年的運作，亦是監警會回顧過去的工作成果並展望

In addition, the survey showed that public awareness of the IPCC as well as its independent nature continues to rise. In 2013, public awareness of the IPCC surged to 68% and remains at a similar level this year at 67%. The figure has doubled compared with 33% in 2010 when the IPCC becoming a statutory body. At the same time, 63% of respondents who have heard of the IPCC were aware that the Council is independent of the Police, an increase from 60% in 2013. This shows that public awareness of the IPCC’s independence has risen.

However, on questions concerning the IPCC’s work, although 23% of respondents recognised that the main duty of the IPCC is to “monitor CAPO’s case handling process”, and that around 40% of respondents understood the work of the IPCC; the finding was much lower than the 49% in 2013. Thus concerns remain regarding public misunderstanding of the IPCC’s function. The HKU survey allows the IPCC to better understand the views of the public and to solicit their suggestions. It also helps to identify different channels to enhance public understanding of the IPCC, improve the IPCC’s transparency and strengthen public confidence in the two-tier police complaints system.

The public opinion survey’s findings are a reflection of public perceptions of the IPCC since it became a statutory body in 2009. Indeed, five years after the enactment of the IPCCCO, 2014 is an appropriate time to take stock of what the IPCC has achieved and to reflect on its way forward. To this end, the IPCC is organising

《監警有道》研討會程序表

IPCC Symposium 2014 Programme Rundown

The Police Complaints System in Hong Kong: Where are we heading?

日期： 2014年5月27日（星期二）
Date: 27 May 2014 (Tuesday)

時間： 早上9時至下午6時（早上8時30分開始登記）
Time: 09:00 to 18:00 (registration starts at 08:30)

地點： 香港大學鄭裕彤教學樓二層模擬法庭
Venue: Large Moot Court, 2/F, Cheng Yu Tung Tower, the University of Hong Kong

上午 Morning

時間 Time	內容 Programme
08:30	登記入座 Registration / Arrival of guests and participants
09:00	歡迎辭 Introduction and Welcoming Remarks
09:15	主禮嘉賓致辭 Speech by Guest of Honour
09:30	監警會主席致辭 Welcome Speech by IPCC Chairman
10:00	茶點 Morning Tea
10:30	第一節：投訴警察制度概覽及經驗分享 First Plenary Session — An Overview of the Police Complaints Systems by International Experience Sharing

下午 Afternoon

時間 Time	內容 Programme
14:00	第二節：香港投訴警察制度之挑戰及機遇 Second Plenary Session — The Police Complaints System in Hong Kong: Challenges & Opportunities
15:30	茶點 Afternoon Tea
15:45	第三節：如何平衡警權與民權 Third Plenary Session — Balance between Police Power and Civil Rights
17:30	閉幕辭 Closing remarks
18:00	研討會結束 End of programme

將來的時機。故此，監警會將與香港大學比較法與公法研究中心及犯罪學中心治安與警政研究論壇合辦《監警有道》研討會，以擬定香港投訴警察制度的未來發展方向。

研討會將於2014年5月27日假香港大學模擬法庭舉行，旨在加深公眾對監警會作為監察處理警察投訴及推廣投訴警察制度的兩層架構，同時亦可了解公眾和持份者對兩層架構投訴警察制度的意見，以便制定監警會的未來發展路向。

監警會將分別邀請本港司法機關代表、海外學者及海外監察機構的代表出席研討會，程序主要有三個討論環節：第一個環節是先由海外的講者概述世界各地的投訴警察制度及相關經驗，從宏觀的角度作出分享；第二個環節是結合世界各地的有關經驗，以剖析香港投訴警察制度之挑戰及機遇；最後一個討論環節探討如何平衡警權和民權，加入持份者及關注團體的意見，務求集思廣益，以擬定香港投訴警察制度的未來發展方向。

a symposium in collaboration with the Centre for Comparative and Public Law and Policing Studies Forum at the Centre for Criminology from the University of Hong Kong, with a view to mapping out the future development of the police complaints system in Hong Kong.

The symposium, to be held on 27 May 2014 at the Large Moot Court of the University of Hong Kong, aims at strengthen understanding of the IPCC as a monitor of police complaints and to promote the two-tier police complaints system, and also to gather views from the public and stakeholders regarding the two-tier police complaints system and the future direction of the IPCC.

The IPCC will invite representatives from local judiciary, overseas academia and oversight bodies to attend the symposium. There will be three main plenary sessions. In the first session, overseas speakers will provide an overview of police complaints systems around the world by international experience sharing, and review the systems from a macro perspective. In light of these international experiences, the second plenary session will feature an analysis of the challenges and opportunities facing Hong Kong's police complaints system. In the third plenary session, stakeholders and concerned groups will offer views and share strategies on how to achieve a balance between police powers and civil rights. By bringing different perspectives together, the IPCC aims to map out the future development of the police complaints system in Hong Kong.

監警會歷史

History of the IPCC



- 1998年1月，警監會為臨時區議會議員和分區撲滅罪行委員會委員舉辦了兩次主題為「未來路向」的午餐研討會。

Two luncheon seminars with a common theme of "The Way Forward" were organised for Members of Provisional District Boards and District Fight Crime Committees in January 1998.

- 2001年3月8日，警監會舉行了一個研討會，標題為「警權、民權與警監」，由陳方安生女士出任主禮嘉賓。

The IPCC organised a seminar on 8 March 2001 with the motto "The Police, The People, The IPCC". Ms Anson Chan was the Officiating Guest.

行政立法兩局非官守議員警方投訴事宜常務小組

監警會的成立，可以追溯至1974年，當時警務處長成立投訴警察課，專責調查市民對警方的投訴。1977年，當局認為這些調查應由不屬警方的獨立機構介入，於是警務處長便邀請當時處理警察及保安事務的行政立法兩局非官守議員常務小組，負責監察投訴警察課的調查工作，是兩層架構投訴警察制度的雛型。1978年行政立法兩局非官守議員警方投訴事宜常務小組向當時的總督提交第一份報告（報告期為1977年9月1日至1978年4月30日），並在1978年8月16日呈交立法會審閱，此後，行政立法兩局非官守議員警方投訴事宜常務小組每年均會編製工作報告書。

UMELCO Police Group

The establishment of the IPCC can be traced back to 1974 when the Commissioner of Police set up CAPO, responsible for investigating police complaints from the public. In 1977, it was believed that the investigations should involve an independent body not under the Police. The Commissioner of Police thus invited a sub-committee of the Unofficial Members of the Executive and Legislative Councils (UMELCO), which was responsible for handling police and security matters, to monitor CAPO complaint investigations; this was the prototype of the two-tier police complaints system. In 1978, the UMELCO Police Group presented its first report to the Governor (reporting period from 1 September 1977 to 30 April 1978), which was then submitted to the Legislative Council to review on 16 August 1978. From then on, the UMELCO Police Group prepared a progress report annually.

行政立法兩局非官守議員警方投訴事宜常務小組自成立以來，所監察的投訴個案數目急劇上升。工作量的大幅增加，顯示有加強及擴展這個監察架構的需要。政府因此在1984年初成立工作小組，專責檢討行政立法兩局非官守議員警方投訴事宜常務小組，對投訴警察課所進行的監察工作。

投訴警方事宜監察委員會

1986年，政府在審慎研究過工作小組的建議後，由當時的總督將行政立法兩局非官守議員警方投訴事宜常務小組，改組為一個獨立的投訴警方事宜監察委員會。根據重組計劃，在委員會成員中加入太平紳士，以及成立一個輔助秘書處，並命名為投訴警方事宜監察委員會。

投訴警方獨立監察委員會（警監會）

1994年12月，投訴警方事宜監察委員會改稱為投訴警方獨立監察委員會（警監會），以新名稱反映其獨立地位，並著手策劃將委員會轉為一個獨立的法定組織，以便更清楚訂明委員會的權力和職能。

1996年7月，將警監會轉變為法定組織的條例草案提交立法局。該立法建議清楚界定警監會的權力和職能，以鞏固其在處理投訴警察制度方面所擔當的角色，讓市民更加認識警監會的獨立監察職能。

由於立法會議員在委員會審議階段所提出的部份修訂建議，會為當時的投訴警察制度帶來根本性的改變，因此政府在1997年6月23日的立法會會議上撤回條例草案。

獨立監察警方處理投訴警方委員會（監警會）

自2004年開始，政府再次計劃為警監會的運作模式賦予法律依據，以提高公眾對兩層架構投訴警察制度的信心，《投訴警方獨立監察委員會條例草案》於2007年6月29日刊憲，並於7月11日提交立法會首讀。

立法會於2008年7月通過《監警會條例》。保安局局長其後指定2009年6月1日為《監警會條例》的生效日期。投訴警方獨立監察委員會（警監會）改稱為獨立監察警方處理投訴委員會（監警會），以強調其獨立監察職能。監警會於《監警會條例》生效同日成為法定機構。

After the set-up of the UMELCO Police Group, the number of police complaints it monitored rose dramatically. The high workload indicated there was a need to strengthen and broaden the monitoring system structure. Thus, in 1984 the Government set up a working group to review the UMELCO Police Group's monitoring of CAPO.

Police Complaints Committee

In 1986, after the Government meticulously reviewed the recommendations offered by the working group, the Governor restructured the UMELCO Police Group to become an independent police complaints monitoring council. According to the new organisational structure, the Council Members included Justices of the Peace and a supporting secretariat was set up. The group was renamed the Police Complaints Committee (PCC).

Independent Police Complaints Council – before becoming a statutory body

In December 1994, the Council was further revamped to pave the way for becoming an independent statutory body, which clarified the Council's powers and functions. Both the English and Chinese names of the Council were modified to better reflect its independence.

The Bill that suggested changing the IPCC into a statutory body was introduced to the Legislative Council in July 1996. The Bill proposed to clarify the powers and functions of the IPCC in order to reinforce its authority in handling police complaints, and to heighten public awareness of the IPCC as an independent monitoring entity.

As some Legislative Council Members raised a number of Committee Stage Amendments that might bring fundamental change to the police complaints system, the Bill was withdrawn by the Government on 23 June 1997.

Independent Police Complaints Council – after becoming a statutory body

In 2004 the Government relaunched its plan to change the IPCC into a statutory body, giving it a legal basis to discharge its functions and to raise public confidence in the two-tier police complaints system. The Independent Police Complaints Council Bill was gazetted on 29 June 2007 and was tabled at the Legislative Council on 11 July 2007 for First Reading.

The Legislative Council passed the IPCC Ordinance (IPCCO) in July 2008. The Secretary of Security then decided that the IPCCO would come into effect on 1 June 2009, at which time the IPCC became a statutory body. The Chinese name of the Council was modified to highlight its monitoring role, while the English name was retained.