

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

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

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

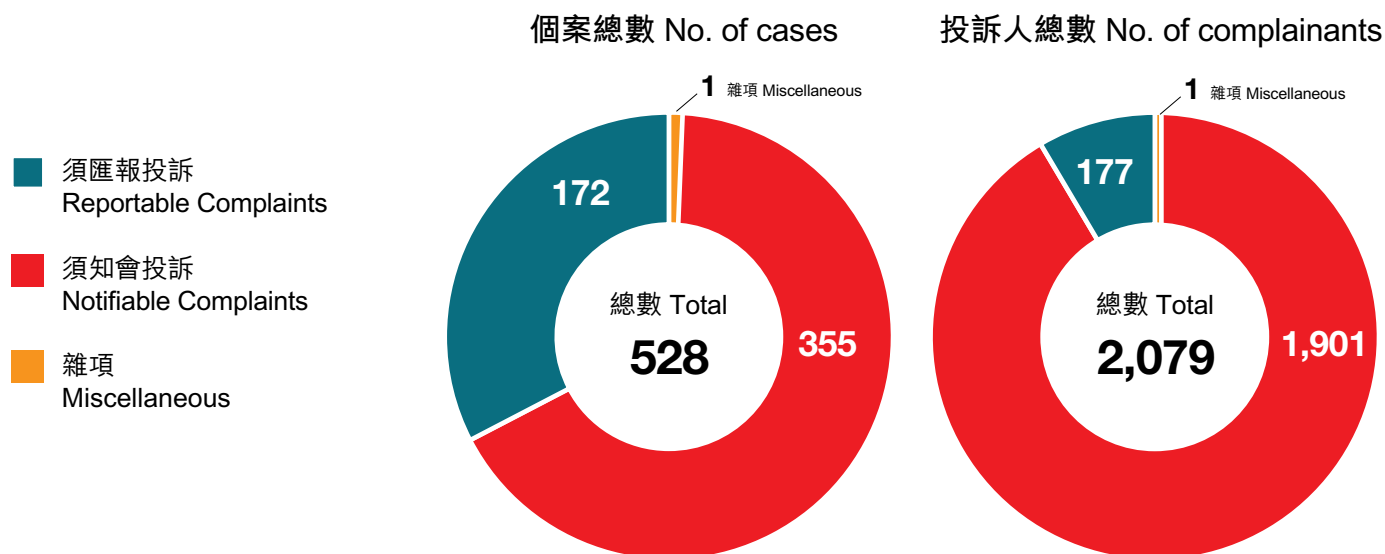
距離佔領事件發生已經有一年時間，在過去一年，投訴警察課及獨立監察警方處理投訴委員會(監警會)馬不停蹄地處理所有由佔領事件衍生的投訴個案。佔領事件爆發後，投訴警察課便陸續接到相關的投訴，並馬上展開投訴調查工作。自2014年10月起，監警會亦一直和投訴警察課跟進因佔領事件而衍生的投訴個案。在2014年11月，監警會便陸續收到投訴警察課呈交的佔領事件投訴調查報告，並立即展開審核工作。

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.

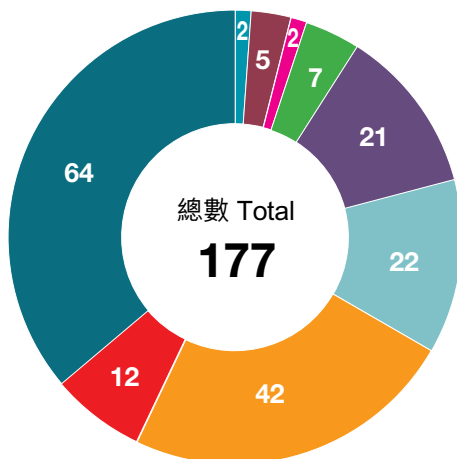
指控分項

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

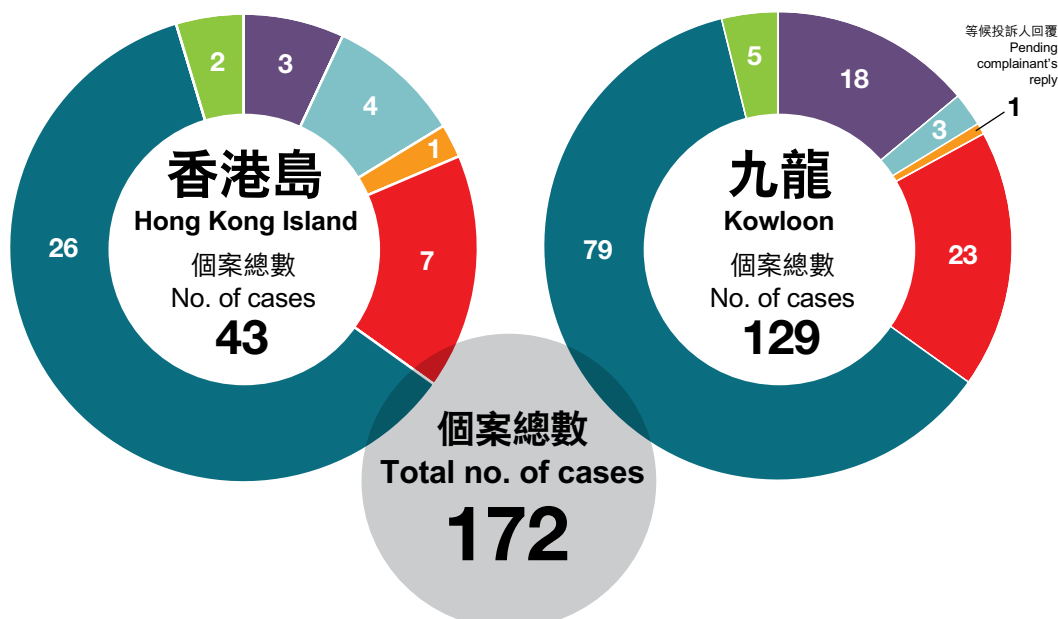
Progress of Reportable Complaints handling

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

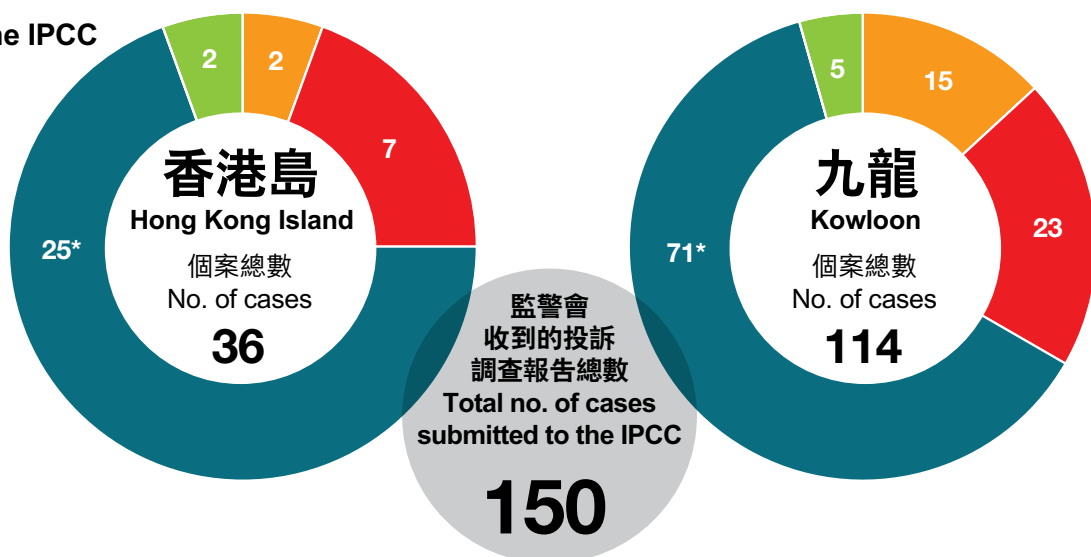


(資料來源: 投訴警察課 Source: CAPO)

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)