

“

我期望在任內能秉持「警民權益、同樣重視」這一原則。我亦希望投訴個案數字能隨著雙方增進認識和了解而日漸降低。

It is my wish that during my tenure as an IPCC Member, I can bring fairness to citizens as well as the Police. And with improved mutual understanding, complaint statistics will decline in time. ”

方文雄先生, BBS, JP

於2011年1月1日獲委任為監警會委員

Mr David FONG Man-hung, BBS,JP

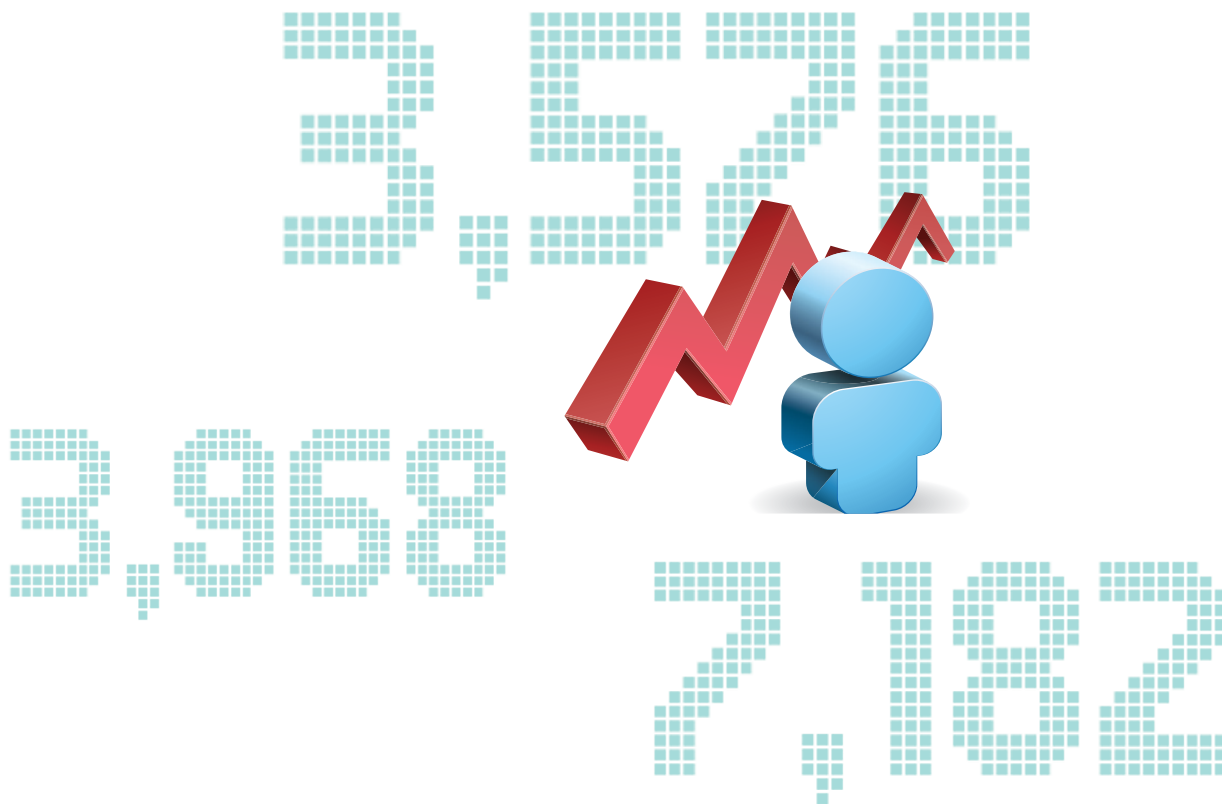
Appointed as IPCC Member on 1 January 2011

第二章
Chapter 2

工作報告 Progress Report

調查報告及指控數字

Number of Investigation Reports and Allegations



在本報告期內(即2010年4月1日至2011年3月31日)，監警會共接獲投訴警察課就3,576宗新個案的調查報告，較去年同期的3,686宗個案輕微減少了約3%。

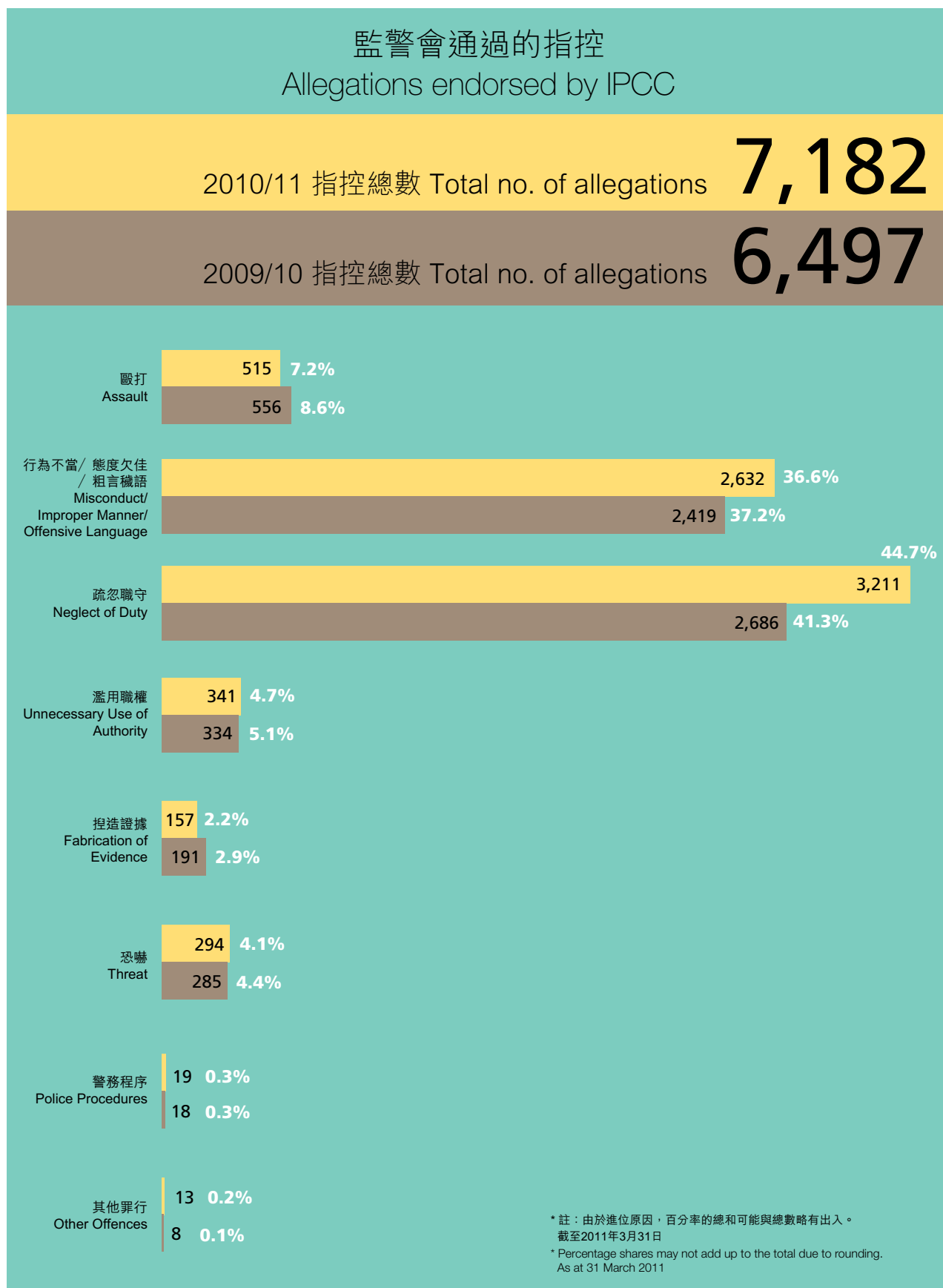
同年，監警會通過了3,968宗投訴個案的調查結果(包括140宗的覆檢個案)，比去年同期的3,827宗投訴個案輕微上升了3.7%。涉及的指控有7,182項，其中主要的三項指控為「疏忽職守」(44.7%)、「行為不當/ 態度欠佳/ 粗言穢語」(36.6%)及「毆打」(7.2%)。指控的數字比2009/10年的6,497項指控增加了約10.5%。

In the reporting period (1 April 2010 to 31 March 2011), IPCC received investigation reports on a total of 3,576 new cases, a slight decrease of 3% compared to the 3,686 cases in the same period last year.

In the same year, IPCC endorsed the investigation results of 3,968 complaint cases (including 140 review cases), a slight increase of 3.7% compared to the previous year's figure of 3,827. These cases involved 7,182 allegations. The three major allegations were "Neglect of Duty" (44.7%), "Misconduct/Improper Manner/Offensive Language" (36.6%), and "Assault" (7.2%). The number of allegations increased by 10.5% over the figure of 6,497 in 2009/10.

2009/10和2010/11年通過、以及按性質分類的指控數字可見下表。

The following chart is a breakdown by nature of allegations endorsed for the years 2009/10 and 2010/11.



調查結果

Results of Investigation

在2010/11年獲通過的7,182項指控中，經全面調查的指控有2,105項，當中130項被列為「獲證明屬實」，佔所有經全面調查指控的6.2%。96項被列為「未經舉報但證明屬實」佔4.6%，61項被列為「無法完全證明屬實」佔2.9%，1,107項被列為「無法證實」佔52.6%，567項被列為「並無過錯」佔26.9%，144項則被列為「虛假不確」佔總數的6.8%。在其餘的5,077項無需進行全面調查的指控中，1,293項透過簡便方式解決，佔無需進行全面調查指控中的25.5%。2,443項被列為「投訴撤回」佔48.1%，1,329項被列為「無法追查」佔26.2%和12項被列為「終止調查」僅佔0.2%。

Of the 7,182 allegations endorsed in 2010/11, 2,105 allegations were fully investigated. Of these, 130 (6.2% of fully investigated allegations) were classified as "Substantiated"; 96 (4.6%) as "Substantiated Other Than Reported"; 61 (2.9%) as "Not Fully Substantiated"; 1,107 (52.6%) as "Unsubstantiated"; 567 (26.9%) as "No Fault" and 144 (6.8%) as "False". Of the remaining 5,077 allegations that were not fully investigated, 1,293 (25.5% of not fully investigated allegations) were "Informally Resolved"; 2,443 (48.1%) were classified as "Withdrawn"; 1,329 (26.2%) as "Not Pursuable" and only 12 (0.2%) as "Curtailed".

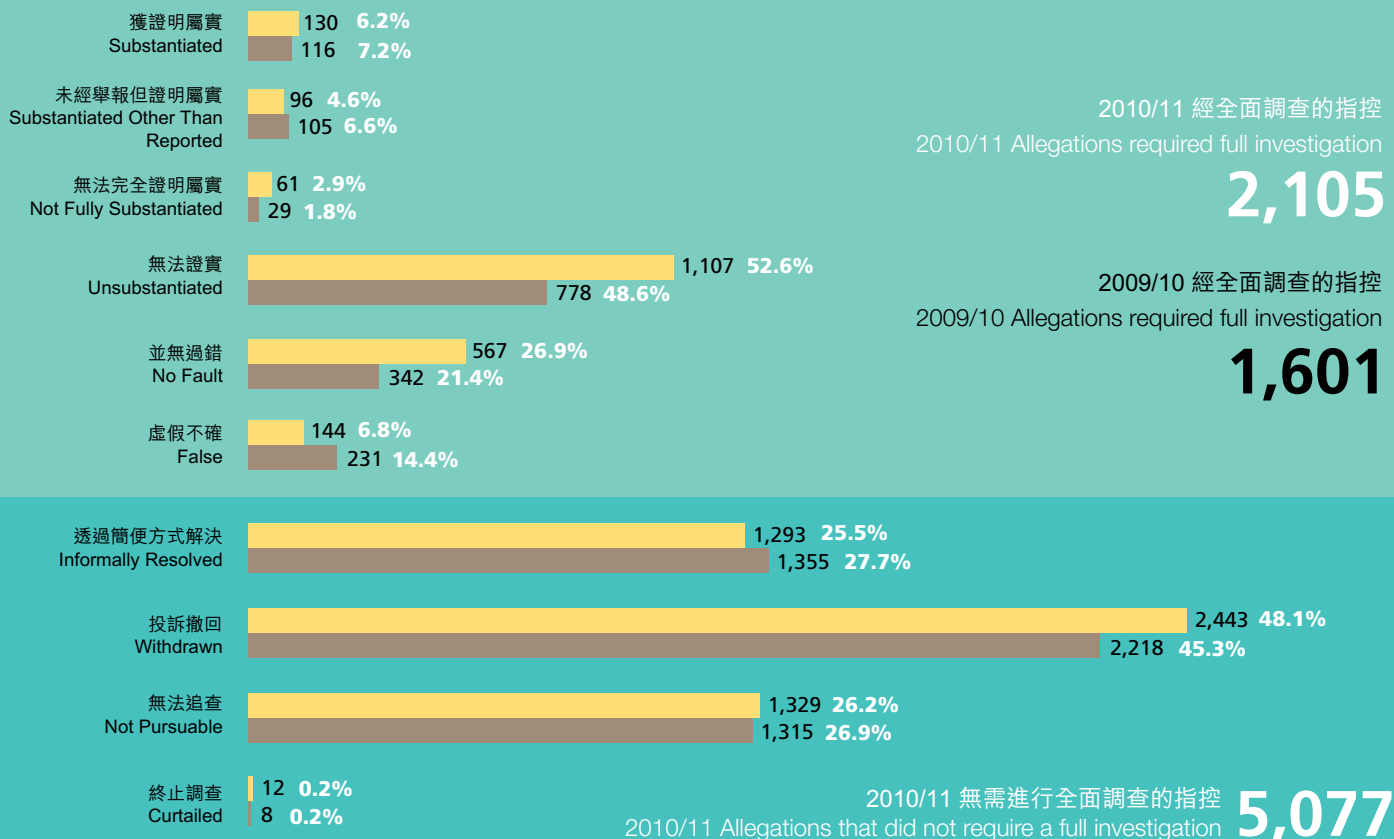
Please refer to the table below for comparison of 2009/10 and 2010/11 figures:

2009/10和2010/11年的數據比較可見下表：

監警會通過的調查結果 Investigation results endorsed by IPCC

2010/11 指控總數 Total no. of Allegations **7,182**

2009/10 指控總數 Total no. of Allegations **6,497**



* 註：由於進位原因，百分率的總和可能與總數略有出入。

截至2011年3月31日

* Percentage shares may not add up to the total due to rounding.
As at 31 March 2011

2010/11 無需進行全面調查的指控
2010/11 Allegations that did not require a full investigation **5,077**

2009/10 無需進行全面調查的指控
2009/10 Allegations that did not require a full investigation **4,896**

警方對違規人員採取的行動

Police Actions Against Defaulting Officers

在本報告年度獲監警會通過的個案中，遭紀律研訊或在內部採取其他行動的警務人員共296名，涉及218宗個案；分項數字見下表。

In this reporting year, disciplinary proceedings or internal actions were taken against 296 police officers in respect of 218 cases endorsed by IPCC. Please refer to the breakdown of figures below.

警方就2009/10至2010/11年監警會通過的投訴個案 向違規的警務人員採取的行動

Police Actions Against Defaulting Officers In Respect of Cases Endorsed by IPCC from 2009/10 to 2010/11

	警務人員數目 No. of Officers	
	2009/10	2010/11
A. 刑事訴訟 Criminal Proceedings	0	0
B. 紀律處分 Disciplinary Proceedings	11	17
C. 其他內部措施 Other Internal Actions		
警告 Warning	28	56
訓諭 Advice	204	223
總數 Total	243	296

* 註：由於進位原因，百分率的總和可能與總數略有出入。
截至2011年3月31日

* Percentage shares may not add up to the total due to rounding.
As at 31 March 2011

觀察調查會面和證據收集

Observations of Interviews and Collection of Evidence

2010/11年，監警會的委員及觀察員共進行了1,974次觀察（預先安排的有1,233次，突擊的有741次）。較2009/10年的1,861次觀察上升了6.1%。在1,974次觀察中，有1,771次是觀察會面的進行，其餘203次是觀察證據收集的工作。

監警會的委員及觀察員進行觀察的每月分項數字請見下表：

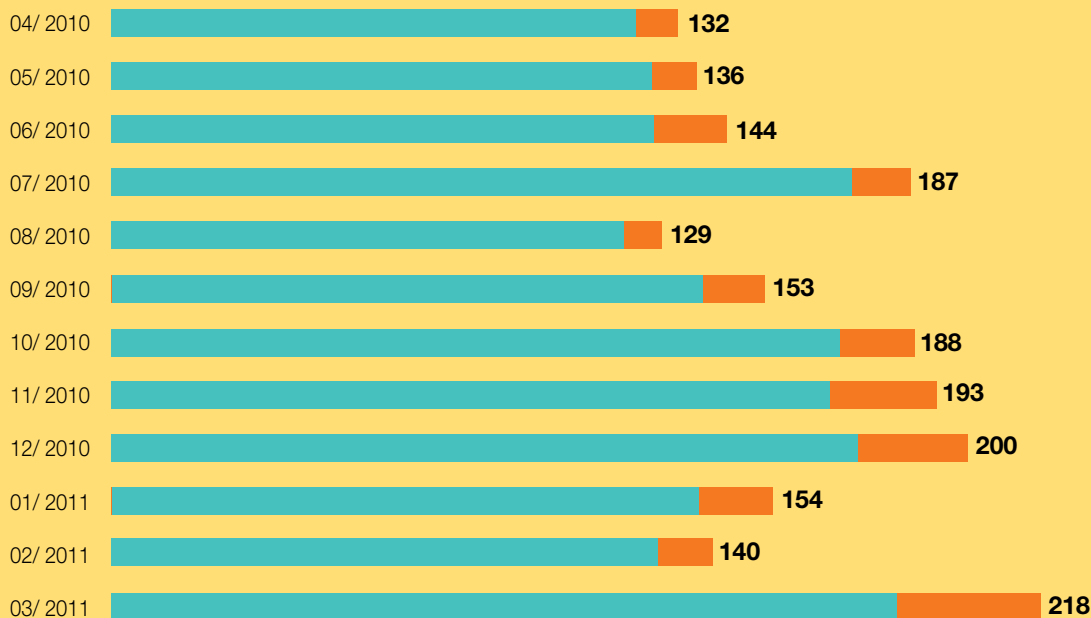
Under the Observers Scheme, 1,974 observations were conducted by Observers of IPCC (1,233 scheduled observations and 741 surprise observations) in the year 2010/11. The number of observations increased by 6.1% compared with the 1,861 observations in 2009/10. Of the 1,974 observations, 1,771 involved interviews and 203 involved collection of evidence.

For monthly breakdown of observations conducted by IPCC Members and Observers, please refer to the table below:

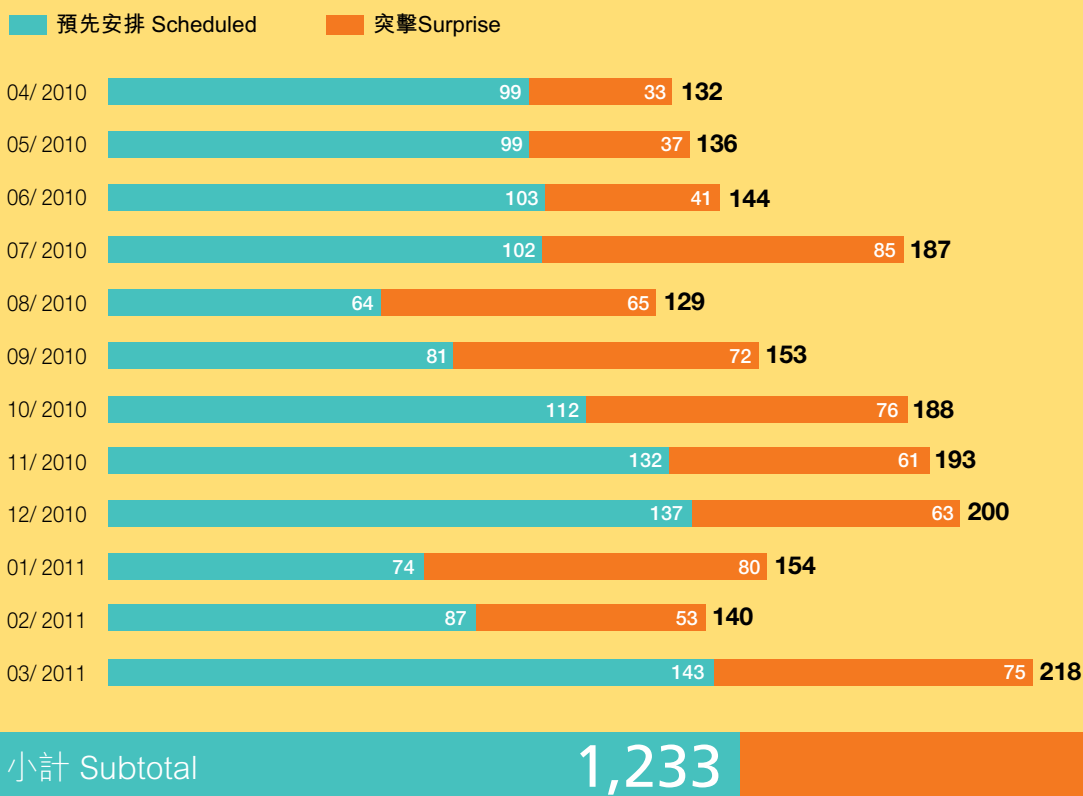
觀察會面和證據收集工作的分項數字：

Statistics on observations of interviews and the collection of evidence

■ 會面 Interview ■ 證據收集 Scene Visit



預先安排和突擊觀察的分項數字：
No. of scheduled and surprise observations



投訴警察課會盡量在可行的情況下，於會面或證據收集進行前，給予監警會不少於48小時的通知。在2010/11年，逾九成(90.9%)的通告是在不少於48小時前收到；比2009/10年的84.1%有所改善。

Insofar as practicable, CAPO has agreed to notify IPCC at least 48 hours in advance of any impending interview or collection of evidence. In 2010/11, 90.9% of such notifications were given within at least 48 hours, an improvement of 84.1% compared with 2009/10.

進行會見

Interviews Conducted

在本報告期內，監警會曾邀請七位人士（一位監警會觀察員、四位被投訴人以及兩位警務人員）出席會面，涉及四宗投訴個案。最後監警會和當中的六位人士會面。其餘的一位警務人員因已離任警隊，監警會考慮過其他會面人士的證供後，認為毋須他出席會面。

During the reporting period, IPCC invited seven persons (one IPCC Observer, four complainees and two police officers) to attend interviews involving four complaint cases. In the end IPCC interviewed six of them. The remaining person is a police officer who had left the Police Force. After considering the evidence provided by the other interviewees, IPCC decided that he needs not attend the interviews.

向投訴警察課提出質詢

Queries Raised with CAPO

在2010/11年，監警會向投訴警察課提出2,427項質詢或建議。在這些質詢或建議中，有1,708項獲投訴警察課接納，其餘則獲該課給予圓滿解釋。獲接納的比率為70.4%。

A total of 2,427 queries and suggestions were made by IPCC to CAPO in 2010/11. Out of these queries and suggestions, 1,708 were accepted by CAPO and the remainder were met with satisfactory explanations from CAPO. The acceptance rate was 70.4%.

更改分類

Classification Changes

監警會在2010/11年就調查結果分類提出653項質詢，而為投訴警察課所接納的則有400項，因此而須予修正的調查結果有286項。主要包括：

CAPO accepted 400 out of a total of 653 queries raised by IPCC in 2010/11 regarding the classification of findings. As a result CAPO reclassified 286 investigations results including:

- 102 項由「無法證實」改列為「並無過錯」
102 investigation results reclassified from "Unsubstantiated" to "No Fault"
- 12 項由「無法證實」改列為「無法完全證明屬實」
12 reclassified from "Unsubstantiated" to "Not Fully Substantiated"
- 8 項由「無法證實」改列為「獲證明屬實」
8 reclassified from "Unsubstantiated" to "Substantiated"
- 59 項由「並無過錯」改列為「無法證實」
59 reclassified from "No Fault" to "Unsubstantiated"
- 20 項由「虛假不確」改列為「並無過錯」
20 reclassified from "False" to "No Fault"

詳細數據請參考下表： The breakdown of figures is shown in the table:

2010/11年度監警會通過的再分類調查結果 Changes of Classification endorsed by IPCC in 2010/11

最後分類 Final Classification								
原來分類 Original Classification	獲證明屬實 Substantiated	無法完全證明屬實 Not Fully Substantiated	無法證實 Unsubstantiated	並無過錯 No Fault	虛假不確 False	無法追查 Not Pursuable	投訴撤回 Withdrawn	總數 Total
獲證明屬實 Substantiated	NA	0	1	0	0	0	0	1
未經舉報但證明屬實 Substantiated Other than Reported	3	1	0	1	0	0	0	5
無法完全證明屬實 Not Fully Substantiated	3	NA	1	0	0	0	0	4
無法證實 Unsubstantiated	8	12	NA	102	6	4	3	135
並無過錯 No Fault	7	7	59	NA	0	4	1	78
虛假不確 False	0	0	4	20	NA	5	3	32
無法追查 Not Pursuable	0	1	3	9	1	NA	0	14
投訴撤回 Withdrawn	1	0	0	7	7	2	NA	17
總數 Total	22	21	68	139	14	15	7	286

* 註：由於進位原因，百分率的總和可能與總數略有出入。
截至2011年3月31日

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As at 31 March 2011

此外，經監警會提出質詢後，共增加了34項「未經舉報但證明屬實」的指控，另有59宗事件記錄為「旁支事項」*。

Moreover, following enquiries from IPCC, a total of 34 counts of "Substantiated Other Than Reported" allegations were added and 59 "Outwith" cases recorded.*

* 「旁支事項」是指任何違反紀律或警隊通令的事項。這些事項在過程中被披露，但與投訴內容並無密切關係。

* An "Outwith" matter refers to any breach of discipline or Force orders which has been disclosed in the course of complaint investigation but is not closely related to the complaint.

改善警隊常規和程序的建議

Suggested Improvements to Police Practices and Procedures

根據《監警會條例》第8(1)(c)條，監警會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。年內監警會就改善警隊常規和程序提出了12項建議，當中有10項建議為投訴警察課所接納。

Under section 8(1)(c) of IPCCO, IPCC may make recommendations to the Commissioner of Police and/or the Chief Executive if it identifies any fault or deficiency in any police practice or procedure that has led to or might lead to complaints. During this reporting period, IPCC suggested to the Police 12 improvements, of which 10 were accepted by CAPO.

遵從警務程序和常規

Compliance with Police Procedures & Practices

監警會可向投訴警察課提出質詢，以確定投訴個案涉及的警務人員在行使職權時，是否已遵從有關警務程序和常規。2010/11年，屬於這類的質詢共有54項，投訴警察課同意監警會在其中27項質詢中的觀點。

IPCC may raise queries with CAPO to ascertain if the police officers involved in a complaint case have complied with relevant police procedures and practices in exercising their constabulary powers. In 2010/11, out of 54 queries raised under this category, CAPO agreed with 27 observations by IPCC.

行使警權的理由

Reasons for Exercising Police Power

此外，監警會亦關注警務人員在執勤時的警權運用。在2010/11年，監警會就警務人員在運用警權時的理據提出19項質詢，當中有兩項質詢為投訴警察課所接納。

The use of police power when an officer is discharging his duty is also a concern of the IPCC. In 2010/11, IPCC raised 19 queries in respect of the reasons for the use of police power. Two were accepted by CAPO.

對處理違規人員的行動提出意見

Comments on Actions Against Defaulting Officers

雖然向警務人員發出訓諭或採取紀律行動屬警務處處長的職權，但監警會仍可就已經或將會採取的行動提出意見，例如行動是否能適當反映過失的嚴重性等。2010/11年，監警會曾在有關事項上提出意見共54次，其中40次獲投訴警察課接納。

While the imposition of advice or disciplinary action on police officers is a matter for the Commissioner of Police, IPCC will examine the actions taken or to be taken to ascertain whether they commensurate with the gravity of the offence. IPCC commented on such actions on 54 occasions in 2010/11, out of which 40 occasions were accepted by CAPO.



澄清調查報告資料

Clarification of Information in Investigation Reports

2010/11年，監警會共提出1,211項關於調查報告內含糊不清之處的質詢及意見，其中958項獲投訴警察課接納。其餘的質詢則獲該課給予圓滿解釋。

In 2010/11, IPCC raised questions and comments on 1,211 ambiguous points, of which 958 were accepted by CAPO. Satisfactory explanations from CAPO were received for the remaining ambiguity.

調查透徹度

Investigation Thoroughness

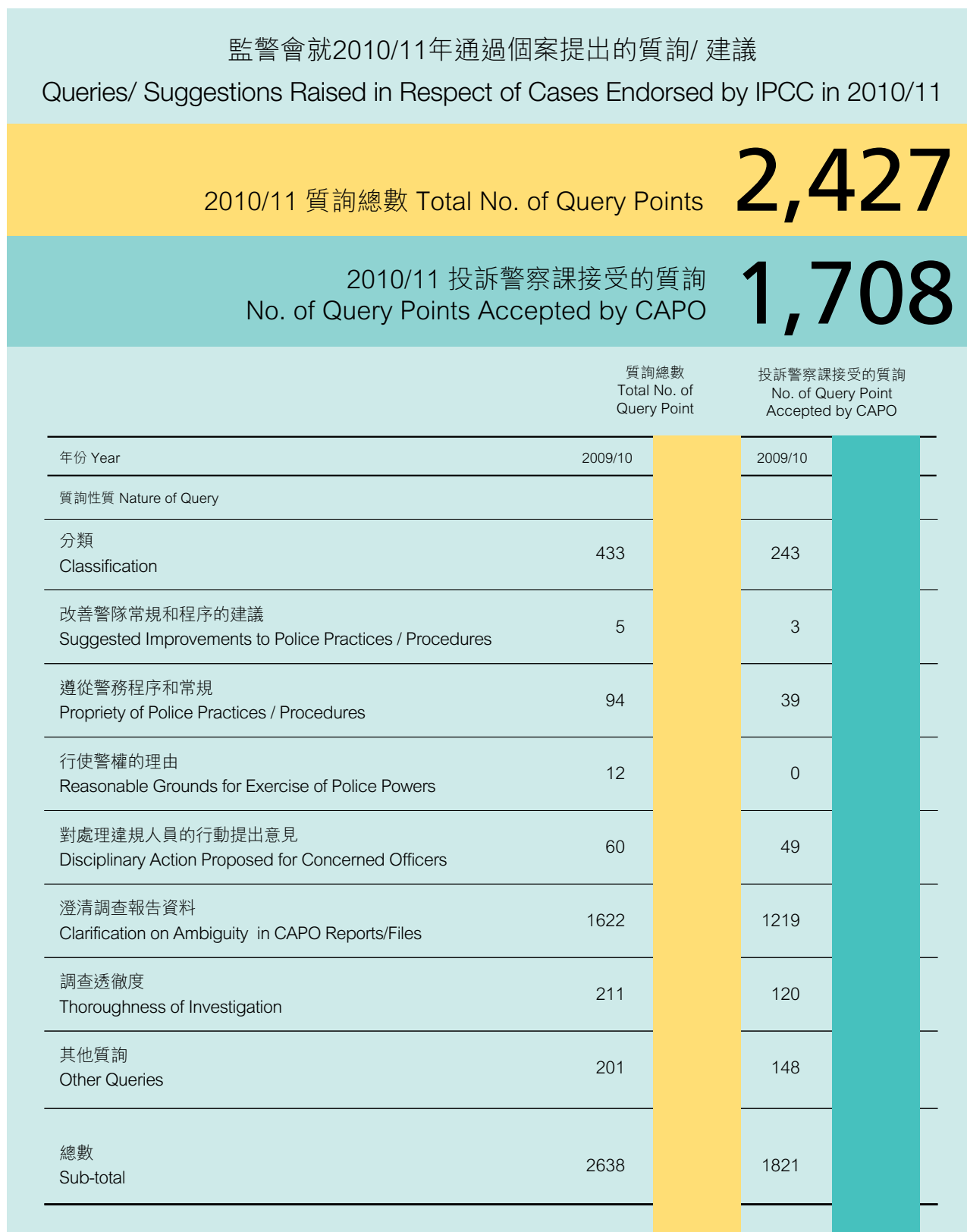
2010/11年，監警會共提出177項有關調查透徹程度的質詢，其中94項獲投訴警察課接納，並就監警會提出的事項作進一步調查和提供更多資料。其餘的質詢則獲該課給予圓滿解釋。

In 2010/11, IPCC raised 177 questions regarding the thoroughness of police investigations. Of these, 94 were accepted by CAPO, which led to their further investigation and the provision of additional information on the issues raised by IPCC. It received satisfactory explanations from CAPO for the remaining questions.



監警會在2009/10年及2010/11年提出質詢或建議的數目和性質請見下表：

The following chart shows the number and nature of the questions and comments raised by IPCC in 2009/10 and 2010/11.



改善警隊常規和程序的建議

Recommended Improvements to Police Practices and Procedures



本報告期內，監警會在這方面向警方提出了一些改善建議。

During the reporting period, IPCC has made recommendations for improvements to the Police as follows:

草擬階段的《公眾秩序守則》

Drafting Stage of “Public Order Manual”

鑒於大型公眾活動不時引致投訴，監警會自2009年起已關注警方處理大型公眾活動的手法，並邀請警方的代表出席與投訴警察課的聯席會議，簡介警方處理有關活動的原則和主要考慮因素。

In view of complaints arising from public order events from time to time, IPCC had voiced concerns over police handling of such events since 2009. It invited police representatives to attend the IPCC/CAPO Joint Meeting to brief the meeting on the guiding principles and factors considered when handling such events.

於2010年12月9日舉行的聯席會議上，警方的代表向監警會介紹正在草擬階段的《公眾秩序守則》(簡稱《守則》)。《守則》強調警務人員必須遵守的事情和提供他們在現場採取行動時需考慮的指引，並會加上由終審法院所作的一些相關裁決，供警務人員參考。在《守則》的框架下，警務人員仍需根據他們現場所面對的情況作出專業判斷。

就委員提問可否容許公眾知悉警方如何處理任何大型公眾活動的問題，警方的代表指雖然《守則》或其草擬本將不會被列為公開文件，當中仍有相當的部分是關於在活動前警方與團體的溝通，以確保公眾明白警方的行動，並了解警方向來的重點考慮因素是公眾安全問題。而事實上，警方在處理一般的人群管理活動時已有行之已久和相對直接的措施，譬如烟花匯演時，會向公眾作出道路封閉、人群前行方向等宣布。然而，示威活動由於牽涉不同類型、不同人數及不同情緒的參與者，所以向公眾廣泛發布一般訊息未必能達到基本的目的，而警方亦需留心避免傳遞任何可能被曲解為阻礙示威的訊息。

在會上，監警會建議警方可考慮公布有關常見個案的資料，解釋甚麼時候會使用有色的警告旗和武力、警方在不同階段所採取的行動，例如當示威者試圖衝越警方防線或鐵馬，以及警方預計多少人士參與公眾活動時，會部署多少警務人員和如何封路，這些資料可幫助減輕公眾疑慮，亦可減低警民之間可能發生的對抗。監警會亦建議，在《守則》內加上一些指引，向現場指揮官展示如何公平、公正及公開地決定警戒線與目標地點之間的距離，以避免產生警方對不同示威團體作不公平對待的投訴。

警方的代表同意就監警會提出的意見在《守則》最後定稿時綜合及反映。

At the Joint Meeting on 9 December 2010, police representatives introduced to IPCC the “Public Order Manual” (Manual) which was in a draft stage. The Manual stipulated matters with which police officers must comply and provided police officers with guidelines of what to consider when taking action at the scene. Relevant rulings of the Court of Final Appeal were also to be attached for officers’ reference. Under the framework of the Manual, police officers would still have to exercise their professional judgment when faced with the circumstances at the scene.

《公眾秩序守則》

Public Order Manual

When asked if the Police would make public the way they would handle public order events, police representatives explained that while neither the Manual nor the draft would be classified as a public document, a substantial part of it would concern communications between the Police and the organisers beforehand to ensure that the public would understand any police action, and that their major consideration had always been public safety. In fact, the Police had longstanding and relatively straightforward measures for handling crowd management, such as making announcements about road closures and asking crowds to move forward during firework displays. However, as demonstrations involved different kinds of participants, in different numbers and with different emotional states of mind, making general announcements might not be effective. The Police also had to be careful not to make announcements that could be misinterpreted as being obstructive to the demonstrations.

At the meeting, IPCC suggested the Police could consider making information on common cases public. They could explain to the public under what circumstances coloured warning flags and force would be used; what actions would be taken at different stages, such as when demonstrators tried to breach the police line of defense or barriers; what number of police officers would be deployed after estimating the number of participants in public order events; and how the roads would be closed. Such information would ease public concerns and reduce possible confrontation between the Police and the public. IPCC also recommended adding guidelines in the Manual to let commanding officers at the scene know how to fairly, justly, and openly decide on the distance between the cordon and the target location to avoid complaints that the Police give different treatment to different demonstration organisers.

Police representatives agreed to integrate and reflect IPCC’s opinions in the finalised Manual.

報案室電話配備錄音系統

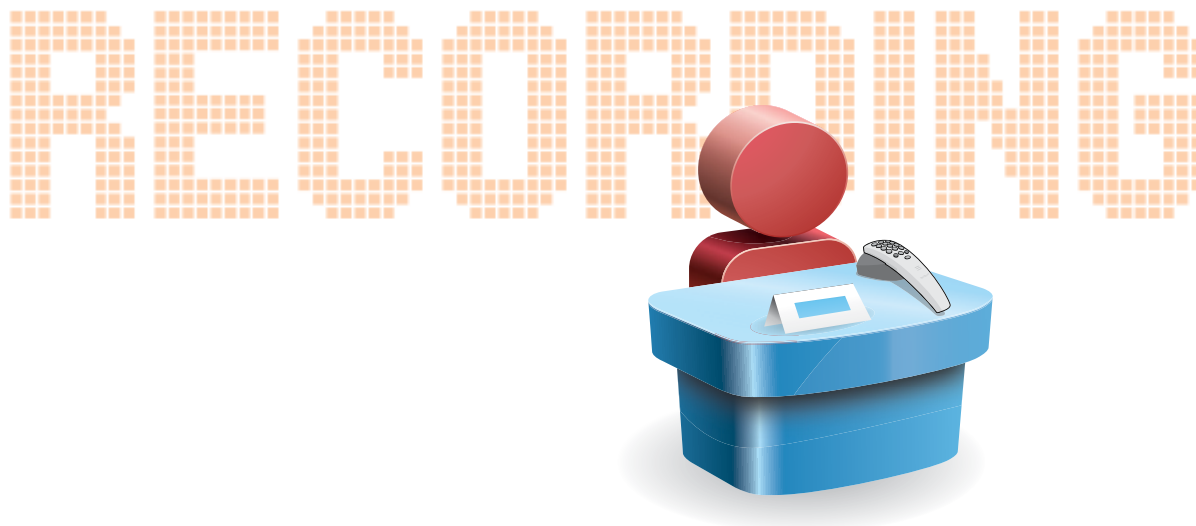
Equipping Report Room Telephones with Recording System

在其中一宗個案，投訴人在街上目睹一名男子虐兒而致電就近警署的報案室求助，約一小時後投訴人再致電報案室查詢，發現報案室並沒有她早前來電求助的紀錄，事件因此並未得到適時跟進。投訴人遂指接聽她第一通來電的報案室警員「疏忽職守」。在投訴警察課的查問之下，有關警員承認在事發當日曾接獲投訴人的第一通來電，但他解釋因當時電話接收並不清晰，所以聽不清楚投訴人舉報的事項，他建議投訴人往另一個地方或用另一個流動電話再次來電。

監警會在審議個案時，注意到報案室的電話並無錄音系統設備，因此投訴警察課並未能查證投訴人與有關警員兩人當日的電話通話內容。因此，監警會建議警方研究在報案室安裝電話錄音系統的可行性，因為有關安排既可協助日後的投訴調查工作，亦可方便警方跟進市民來電查詢及舉報。警方接納了監警會的建議，並自2010年12月12日起，在每間報案室中設置兩組配備錄音系統的電話。

In one case, the complainant witnessed a man abusing an infant on the street. She called the Report Room of the nearest police station to seek help. About an hour later, she called again only to find that the Report Room did not have any record of her previous call. As a result, the incident was not responded to in good time. The complainant therefore accused the Report Room officer who answered her first call of "Neglect of Duty". When questioned by CAPO, the officer involved admitted that he did receive the first call on that day. But he explained that as the reception was poor he could not make out what the complainant was reporting. He suggested that she go somewhere else or use another mobile phone to call in.

When IPCC was deliberating the case, it noticed that the Report Room telephone had no recording system. CAPO was therefore unable to verify the content of the conversation between the complainant and the officer involved. IPCC suggested that the Police study the feasibility of installing telephone-recording systems in Report Rooms. This arrangement would not only help in future complaint investigations, it would also be convenient for the Police to follow up on reports or enquiries from the public. The Police accepted IPCC's recommendation. Two telephone-recording devices were installed in every Report Room since 12 December 2010.



展望未來

Way Forward

有見投訴警察個案眾多，監警會和投訴警察課均希望可以更快速地處理投訴警察個案。因此，監警會和投訴警察課在年內組成了一個工作小組，著力研究一個更有效率的機制，可以依據投訴性質作分流處理，以便可以加快處理調查投訴個案的效率。

另一方面，監警會成員的數目在年內由以往的18人增加至24人。觀察員亦由91人增加至110人，以便增加觀察投訴調查的會面和證據收集工作的次數。此外，監警會的秘書處亦將會由原來的四隊審核隊伍擴展至七隊，務求縮短審核個案所需的時間。

In view of the numerous complaints against the Police, IPCC and CAPO both hope to expedite the processing of such cases. To this end, IPCC and CAPO this year established a Working Group to come up with a more efficient system of sorting complaints by their nature in order to boost the efficiency of investigation of complaint cases.

On the other hand, the number of IPCC Members increased from 18 to 24 this year. The number of Observers also grew, from 91 to 110, in order to increase the frequency of observing interviews and collection of evidence with regard to complaint investigations. Furthermore, the number of IPCC Secretariat vetting teams has also been increased from four to seven, to cut down on the time required to examine cases.



須匯報投訴的調查報告

(監警會條例第17條和第19條)

- 警務處處長必須在完成某宗須匯報投訴的調查後，盡快向監警會呈交調查報告
調查報告必須載有一
 - (a) 有關調查的撮要
 - (b) 就有關投訴所作的對事實的裁斷，及支持該裁斷的證據
 - (c) 有關投訴的分類，及作該分類的理由
 - (d) 說明投訴警察課已經或將會在與有關投訴有關連的情況下採取的行動
 - (e) 警務處處長認為需要的資料
 - (f) 警務處處長與監警會議定的其他資料

- 監警會可就警務處處長呈交的調查報告，向警務處處長提供一
 - (a) 它對有關投訴所屬分類的建議
 - (b) 它對警務處處長處理或調查有關投訴的建議
 - (c) 它對在警隊採納的常規或程序中找出的缺失或不足之處的建議
 - (d) 對於警務處處長已經或將會在與有關投訴有關連的情況下對某警隊成員採取的行動的意見
 - (e) 對該報告的其他建議

- 如調查報告因監警會的建議而修訂，警務處處長必須在切實可行範圍內，盡快向監警會呈交該經修訂的報告

- 監警會經考慮後，如認為適當，可將它的意見或建議的全部或任何部分，呈交行政長官考慮



Investigation Reports on Reportable Complaints

(Sections 17 and 19 of IPCCO)

- The Commissioner of Police must, as soon as practicable after completing the investigation of a reportable complaint, submit to the Council an investigation report

The investigation report must contain —

- (a) A summary of the investigation
 - (b) A finding of facts in relation to the complaint and the evidence in support of the finding
 - (c) The classification of the complaint, and the reasons for the classification
 - (d) An account of the action taken or to be taken by the Commissioner of Police in connection with the complaint
 - (e) Such information as the Commissioner of Police thinks necessary
 - (f) Such other information as the Commissioner of Police and the Council may agree upon
- The Council may, in relation to an investigation report submitted, advise the Commissioner of Police of
 - (a) Its recommendation on the classification of the complaint
 - (b) Its recommendation on the Commissioner of Police's handling or investigation of the complaint
 - (c) Its recommendation on any fault or deficiency identified in any practice or procedure adopted by the Police Force
 - (d) Its opinion on the action taken or to be taken in respect of a member of the Police Force by the Commissioner of Police in connection with the complaint
 - (e) Other recommendations on the report
 - If an investigation report is amended in response to the Council's recommendations, the Commissioner of Police must submit the report as amended to the Council as soon as practicable
 - The Council may, if it considers appropriate, submit any part of its opinion or recommendation to the Chief Executive for consideration