

第二章

Chapter 2

MONITOR 監察
FAIRNESS 持平
TRUTH 求真
QUALITY 質素
INDEPENDENT 獨立
MONITOR 獨立
監察 SOCIETY
LINK 社會 LINK
質素 QUALITY
INDEPENDENT 獨立
TRUTH 求真

工作報告

Progress Report

年內工作重點

- 增加審核投訴個案的效率，縮短審核個案的平均日數
- 簡化秘書處內部的審核程序，以便更快地處理投訴個案
- 透過工作層面會議和監警會會面等，更全面深入地考慮投訴報告
- 積極跟進多個投訴警察相關的議題，期望改善警方的服務質素

Achievements of the Year

- Improved efficiency by shortening the average number of days required to review each case
- Simplified the vetting procedures within the Secretariat so as to handle complaints more speedily
- Adopted a more comprehensive approach in considering complaint cases through working level meetings, IPCC interviews, etc.
- Proactively followed up on a number of issues relating to complaints against the Police, with a view to improving police service qualities

調查報告及指控數字

Number of Investigation Reports and Allegations



在本報告期內(2011年4月1日至2012年3月31日)，監警會共接獲投訴警察課就2,840宗新個案的調查報告，較去年同期的3,576宗個案減少了約20.6%。

In the reporting period (1 April 2011 to 31 March 2012), the IPCC received investigation reports on a total of 2,840 new cases, a decrease of 20.6% compared to the 3,576 cases in the same period last year.

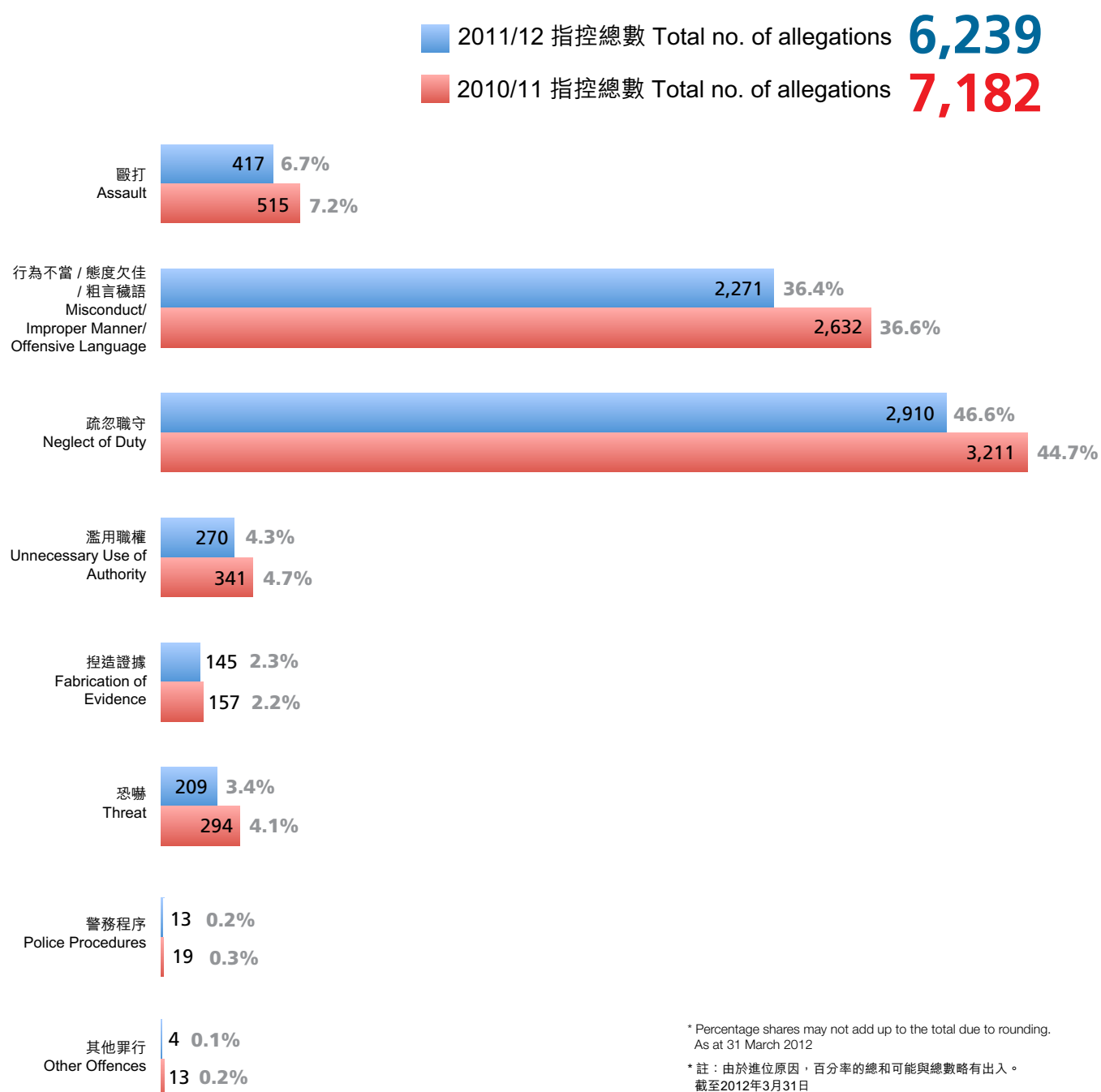
同年，監警會通過了3,145宗投訴個案的調查結果(包括184宗的覆檢個案)，比去年同期的3,968宗投訴個案下跌了20.7%。涉及的指控有6,239項，其中主要的三項指控為「疏忽職守」(46.6%)、「行為不當/態度欠佳/粗言穢語」(36.4%)及「毆打」(6.7%)。指控的數字比2010/11年的7,182項指控減少了約13.1%。

In the same year, the IPCC endorsed the investigation results of 3,145 complaint cases (including 184 reviewed cases), a decrease of 20.7% compared to the previous year's figure of 3,968. These cases involved 6,239 allegations. The three major allegations were "Neglect of Duty" (46.6%), "Misconduct/Improper Manner/Offensive Language" (36.4%), and "Assault" (6.7%). The number of allegations decreased by 13.1% over the figure of 7,182 in 2010/11.

2010/11和2011/12年通過、以及按性質分類的指控數字可見下圖：

The following chart is a breakdown by nature of allegations endorsed for the years 2010/11 and 2011/12:

監警會通過的指控 Allegations endorsed by the IPCC



調查結果

Investigation Findings



在2011/12年獲通過的6,239項指控中，經全面調查的指控有1,829項，當中98項被列為「獲證明屬實」，佔所有經全面調查指控的5.4%。80項被列為「未經舉報但證明屬實」佔4.4%，54項被列為「無法完全證明屬實」佔3%，884項被列為「無法證實」佔48.3%，596項則被列為「並無過錯」佔32.6%，117項被列為「虛假不確」佔總數的6.4%。

在其餘的4,410項無需進行全面調查的指控中，923項「透過簡便方式解決」，佔無需進行全面調查指控中的20.9%。2,447項被列為「投訴撤回」佔55.5%，1,024項被列為「無法追查」佔23.2%和16項被列為「終止調查」僅佔0.4%。

Of the 6,239 allegations endorsed in 2011/12, 1,829 allegations were fully investigated. Of these, 98 (5.4%) were classified as "Substantiated" 80 (4.4%) as "Substantiated Other Than Reported"; 54 (3%) as "Not Fully Substantiated"; 884 (48.3%) as "Unsubstantiated"; 596 (32.6%) as "No Fault" and 117 (6.4%) as "False".

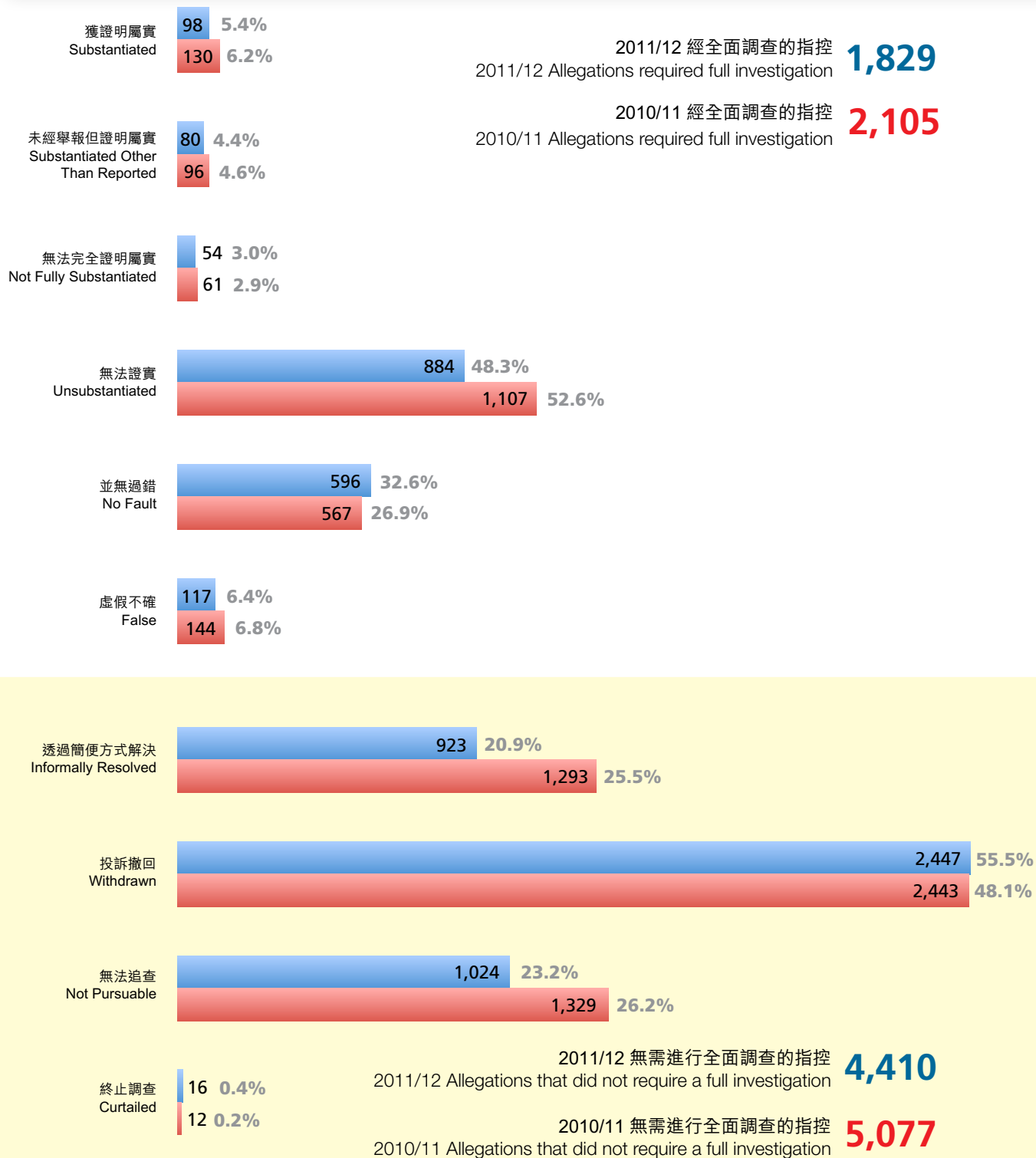
Of the remaining 4,410 allegations that were not fully investigated, 923 (20.9%) were "Informally Resolved"; 2,447 (55.5%) were classified as "Withdrawn"; 1,024 (23.2%) as "Not Pursuable" and 16 (0.4%) as "Curtailed".

2010/11年和2011/12年的數據比較可見下圖： Please refer to the table below for comparison of 2010/11 and 2011/12 figures:

監警會通過的調查結果

Investigation results endorsed by the IPCC

2011/12 指控總數 Total no. of allegations **6,239**
 2010/11 指控總數 Total no. of allegations **7,182**



* 註：由於進位原因，百分率的總和可能與總數略有出入。截至2012年3月31日

* Percentage shares may not add up to the total due to rounding. As at 31 March 2012

監警會通過投訴警察課個案的指控數字 (根據性質和調查結果劃分)

No. of allegations involved in CAPO cases endorsed by the IPCC (by nature and by results of investigations)

指控性質 Nature of Allegations	調查結果類別 Result of Investigations	指控數目 No. of Allegations	%
毆打 Assault	獲證明屬實 Substantiated	0	0.00
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	1	0.02
	無法證實 Unsubstantiated	36	0.58
	並無過錯 No Fault	10	0.16
	虛假不確 False	30	0.48
	投訴撤回 Withdrawn	181	2.90
	無法追查 Not Pursuable	159	2.55
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	417	6.68
行為不當/ 態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language	獲證明屬實 Substantiated	21	0.34
	未經舉報但證明屬實 SOTR	5	0.08
	無法完全證實 Not Fully Substantiated	7	0.11
	無法證實 Unsubstantiated	388	6.22
	並無過錯 No Fault	98	1.57
	虛假不確 False	23	0.37
	投訴撤回 Withdrawn	969	15.53
	無法追查 Not Pursuable	306	4.90
	終止調查 Curtailed	8	0.13
	透過簡便方式解決 Informally Resolved	446	7.15
	小計 Subtotal	2,271	36.40
疏忽職守 Neglect of Duty	獲證明屬實 Substantiated	67	1.07
	未經舉報但證明屬實 SOTR	73	1.17
	無法完全證實 Not Fully Substantiated	38	0.61
	無法證實 Unsubstantiated	378	6.06
	並無過錯 No Fault	417	6.68
	虛假不確 False	6	0.10
	投訴撤回 Withdrawn	1,062	17.02
	無法追查 Not Pursuable	385	6.17
	終止調查 Curtailed	7	0.11
透過簡便方式解決 Informally Resolved	477	7.65	
	小計 Subtotal	2,910	46.64

指控性質 Nature of Allegations	調查結果類別 Result of Investigations	指控數目 No. of Allegations	%
濫用職權 Unnecessary Use of Authority	獲證明屬實 Substantiated	6	0.10
	未經舉報但證明屬實 SOTR	1	0.02
	無法完全證實 Not Fully Substantiated	6	0.10
	無法證實 Unsubstantiated	48	0.77
	並無過錯 No Fault	40	0.64
	虛假不確 False	1	0.02
	投訴撤回 Withdrawn	98	1.57
	無法追查 Not Pursuable	69	1.11
	終止調查 Curtailed	1	0.02
	透過簡便方式解決 Informally Resolved	0	0.00
小計 Subtotal		270	4.33
捏造證據 Fabrication of Evidence	獲證明屬實 Substantiated	2	0.03
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	0	0.00
	無法證實 Unsubstantiated	11	0.18
	並無過錯 No Fault	23	0.37
	虛假不確 False	43	0.69
	投訴撤回 Withdrawn	40	0.64
	無法追查 Not Pursuable	26	0.42
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
小計 Subtotal		145	2.32
恐嚇 Threat	獲證明屬實 Substantiated	0	0.00
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	1	0.02
	無法證實 Unsubstantiated	21	0.34
	並無過錯 No Fault	2	0.03
	虛假不確 False	14	0.22
	投訴撤回 Withdrawn	92	1.47
	無法追查 Not Pursuable	79	1.27
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
小計 Subtotal		209	3.35
警務程序 Police Procedures	獲證明屬實 Substantiated	2	0.03
	未經舉報但證明屬實 SOTR	1	0.02
	無法完全證實 Not Fully Substantiated	0	0.00
	無法證實 Unsubstantiated	0	0.00
	並無過錯 No Fault	6	0.10
	虛假不確 False	0	0.00
	投訴撤回 Withdrawn	4	0.06
	無法追查 Not Pursuable	0	0.00
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
小計 Subtotal		13	0.21
其他罪行 Other Offences	獲證明屬實 Substantiated	0	0.00
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	1	0.02
	無法證實 Unsubstantiated	2	0.03
	並無過錯 No Fault	0	0.00
	虛假不確 False	0	0.00
	投訴撤回 Withdrawn	1	0.02
	無法追查 Not Pursuable	0	0.00
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
小計 Subtotal		4	0.06
總數 Total		6,239	100%

* 註：由於進位原因，百分率的總和可能與總數略有出入。截至2012年3月31日

* Percentage shares may not add up to the total due to rounding. As at 31 March 2012

對違規人員採取的跟進行動

Police Actions Against Defaulting Officers

在本報告年度獲監警會通過的個案中，遭紀律聆訊或在內部採取其他行動的警務人員共249名，涉及172宗個案；分項數字見下表。

In this reporting year, disciplinary proceedings or internal actions were taken against 249 police officers in respect of 172 cases endorsed by the IPCC. Please refer to the breakdown of figures below.

警方就2010/11至2011/12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 the IPCC from 2010/11 to 2011/12

	警務人員數目 No. of Officers	
A. 刑事訴訟 Criminal Proceedings	0	0
B. 紀律聆訊 Disciplinary Proceedings	17	35
C. 其他內部措施 Other Internal Actions		
警告 Warnings	56	43
訓諭 Advice	223	171
總數 Total	296	249

觀察員計劃

Observers Scheme

2011/12年，監警會的委員及觀察員共進行了2,021次觀察（預先安排的有1,451次，突擊的有570次）。較2010/11年的1,974次觀察上升了2.4%。在2,021次觀察中，有1,747次是觀察會面的進行，其餘274次是觀察證據收集的工作。

在觀察投訴調查和透過簡便方式解決會面的數字方面，觀察透過簡便方式解決的會面為789次，比去年同期的864次輕微減少了9.5%。投訴調查的觀察則為1,232次，比2010/11的1,110次上升了11%。

觀察員(包括委員)進行觀察的每月分項數字請見下列圖表：

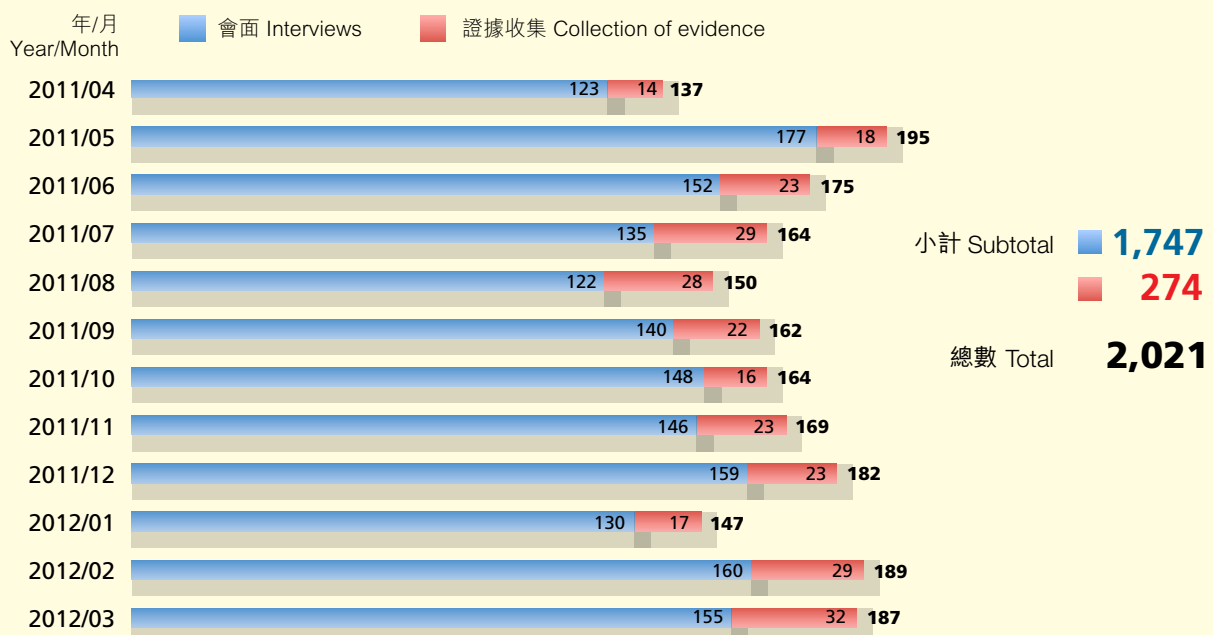
Under the Observers Scheme, 2,021 observations were conducted by Members and Observers of the IPCC (1,451 scheduled observations and 570 surprise observations) in the year 2011/12. The number of observations increased by 2.4% compared with the 1,747 observations in 2010/11. Of the 2,021 observations, 1,747 involved the conducting of interviews and 274 involved the collection of evidence.

Among informally resolved cases, 789 involved IPCC participation in interviews, a decrease of 9.5% from last year's figure of 864. Another 1,232 cases involved IPCC observations of investigations, an increase of 11%, from 1,110 in 2010/11.

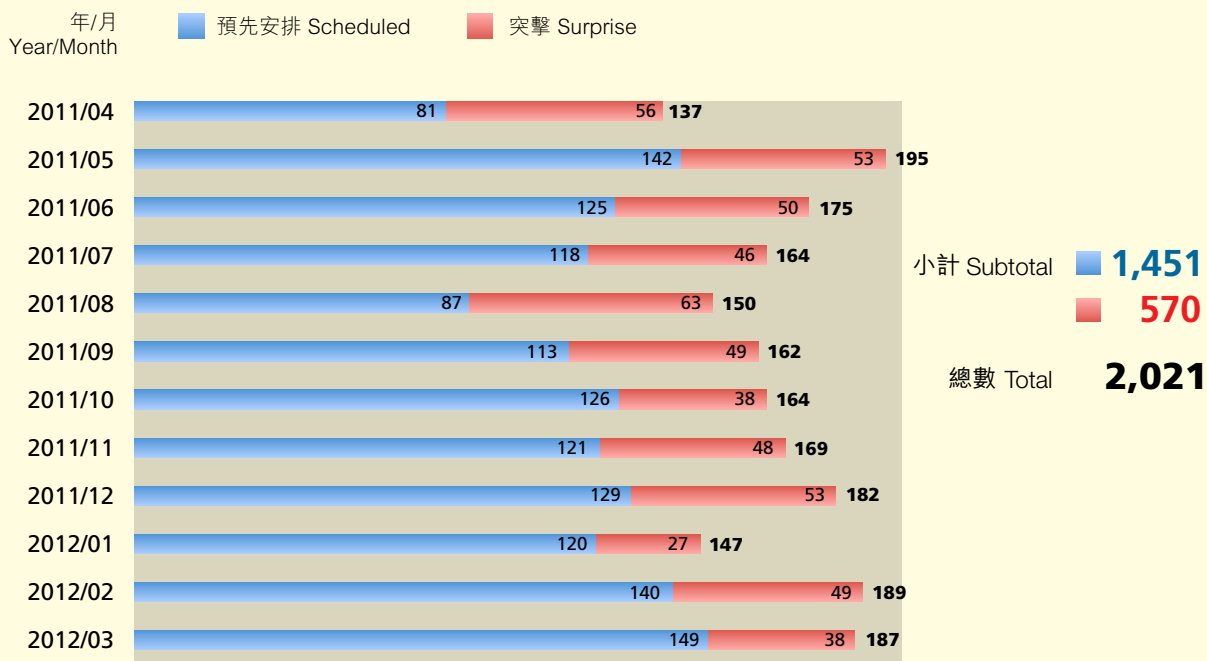
For monthly breakdown of observations conducted by the IPCC Members and Observers, please refer to the table below:

觀察調查會面和證據收集工作的分項數字：

Statistics on observations of interviews and the collection of evidence



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



投訴警察課的通知 Notifications from CAPO

投訴警察課會盡量在可行的情況下，於會面或證據收集工作進行前，給予監警會不少於48小時的通知。在2011/12年，逾九成(92.08%)的通知是在不少於48小時前收到；比起2010/11年的90.1%有進一步改善。

Insofar as practicable, CAPO has agreed to notify the IPCC at least 48 hours in advance of any impending interviews or collection of evidence. In 2011/12, 92.08% of such notifications were given within at least 48 hours, an improvement over 2010/11, with 90.1%.

觀察投訴調查和透過簡便方式解決的會面的分項數字：

No. of observations conducted for complaints investigation and informal resolution interview

投訴調查的觀察 Observations of complaints investigation:

■ 會面 Interviews ■ 證據收集 Collection of evidence

■ 透過簡便方式解決的會面觀察

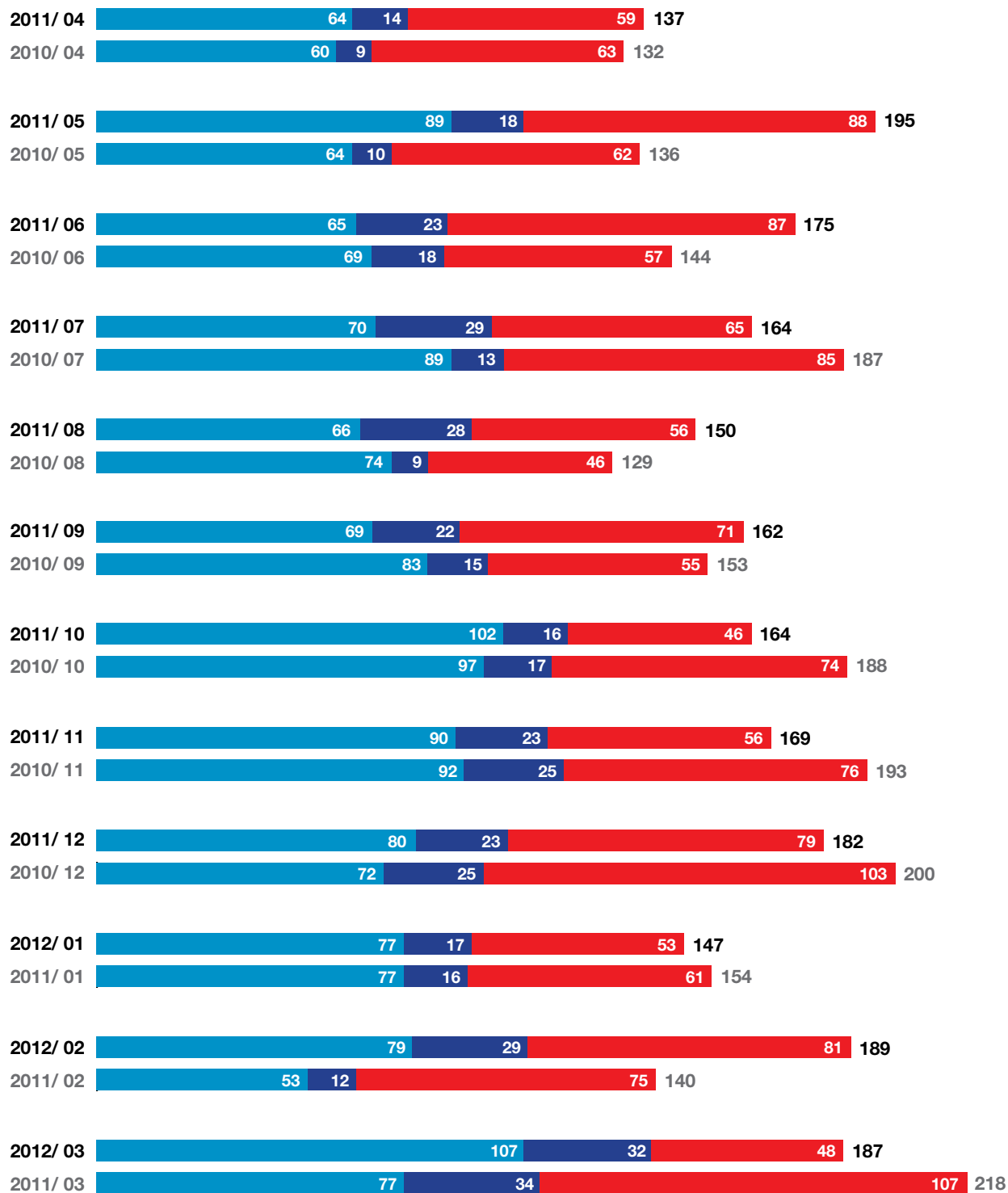
No. of informal resolution interview

2011/12 觀察投訴調查和透過簡便方式解決總數
2011/12 Observations conducted for complaints investigation and informal resolution interview

2,021

2010/11 觀察投訴調查和透過簡便方式解決總數
2010/11 Observations conducted for complaints investigation and informal resolution interview

1,974



監警會進行會面

IPCC Interviews Conducted

在本報告期內，監警會曾邀請14位人士(五位投訴人、五位被投訴人、三位警務人員，以及一位證人)出席會面，涉及七宗投訴個案。當中13位人士均有出席監警會會面，其餘的一位證人雖然沒有出席，但他卻向監警會提供了有用的資料，協助會方考慮投訴警察課的調查報告。

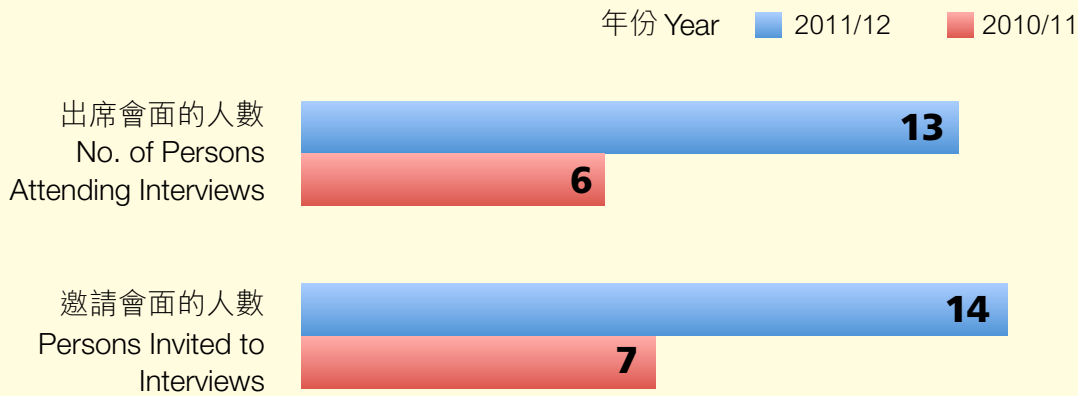
During the reporting period, the IPCC invited 14 persons (five complainants, five complainees, three police officers and one witness) to attend interviews involving seven complaint cases. Among these, 13 persons attended the interviews. The one person who was unable to attend offered information to the IPCC, which assisted the IPCC in considering the investigation report by CAPO.

Please refer to the following table for the number of interviews conducted:

進行會面的數據如下：

監警會進行會面的數字

No. of IPCC interviews conducted



審核個案的速度

Accelerating Case Reviews

為加快審核個案的速度和處理投訴個案的效率，監警會秘書處在年內簡化內部審核個案的程序。以往每宗投訴個案的調查報告均先由審核團隊檢視，向投訴警察課提出質詢。在收到投訴警察課的回覆後，才再將報告呈交予秘書長及副秘書長審核，並再根據秘書長及副秘書長的疑問向投訴警察課提出質詢。在2011年年初開始，秘書長、副秘書長及法律顧問每周主持內部會議，和審核團隊一同討論每宗投訴個案，再將秘書處的疑問加以整合，一次過向投訴警察課提出質詢，在收到投訴警察課的回覆後，便將調查報告呈交予委員審核。藉此簡化了秘書處的內部審核程序，加快個案審核速度。

在這安排下，審核個案的平均所需日數，由去年度的145天減少至86天。

In order to accelerate the process of case review, the IPCC Secretariat simplified its internal procedures this year. Previously, each report on a complaint investigation had to be checked by a Vetting Team and queries were raised with CAPO. Only after CAPO's reply was received was a report delivered to the Secretary-General and the Deputy Secretary-General for review; additional questions were then raised with CAPO based on their queries. Beginning in early 2011, the Secretary-General, the Deputy Secretary-General and the Legal Advisor conducted weekly internal meetings to discuss each complaint case with Vetting Teams. The Secretariat then consolidated their queries and forwarded them to CAPO collectively. Once CAPO's reply was received, the investigation report would be reviewed by Members. This streamlined procedure has accelerated the case review process.

With this new arrangement, the average number of days required to review an investigated case dropped from last year's 145 days to 86 days.

審核個案的平均日數

Average no. of days required to review an investigated case

2011/12

86

2010/11

145

向投訴警察課提出質詢

Queries Raised with CAPO

在2011/12年，監警會向投訴警察課提出1,153項質詢或建議。在這些質詢或建議中，有662項獲投訴警察課全面接納，比率為57.4%。

A total of 1,153 queries and suggestions were made by the IPCC to CAPO in 2011/12. Among these queries and suggestions, 662 were accepted by CAPO and the remainder were met with satisfactory explanations from CAPO. The acceptance rate was 57.4%.

至於其餘的質詢，投訴警察課則向監警會提交解釋。監警會秘書處在收到這些解釋後，審核小組會再研究，並提交予委員考慮。有需要時並會將相關的質詢資料和解釋，藉工作層面會議和投訴警察課商討。待監警會秘書處和委員均接受投訴警察課的解釋，才會通過該投訴個案。

After the IPCC Secretariat received the explanations, the Vetting Team studied them and passed them on to the Committee Members for considerations. When necessary, the queries and explanations were discussed at the working level meetings with CAPO. Only when IPCC Secretariat and Members accepted CAPO's explanation would a complaint case be endorsed.

更改分類

Classification Changes

監警會在2011/12年就調查結果分類提出429項質詢，而為投訴警察課全面接納的則有218項，因此而須予修正的調查結果有154項。其中較值得注意的改動包括：

CAPO accepted 218 out of a total of 429 queries raised by the IPCC in 2011/12 regarding the classification of findings. As a result CAPO reclassified 154 allegations of which the following are significant:

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

詳細數據請參考下表：

The breakdown of figures is shown in the table:

2011/12年度監警會通過的再分類調查結果 Changes of classification endorsed by the IPCC in 2011/12

原來分類 Original Classification	最後分類 Final Classification							總數 Total
	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	
獲證明屬實 Substantiated	NA	0	1	2	0	0	0	3
無法完全證明屬實 Not Fully Substantiated	2	NA	2	0	0	1	0	5
無法證實 Unsubstantiated	4	8	NA	41	3	2	0	58
並無過錯 No Fault	0	5	41	NA	0	1	0	47
虛假不確 False	0	0	1	6	NA	2	0	9
無法追查 Not Pursuable	1	0	0	15	7	NA	0	23
投訴撤回 Withdrawn	0	1	0	5	3	0	NA	9
總數 Total	7	14	45	69	13	6	0	154

此外，監警會年內通過了80項「未經舉報但證明屬實」的指控，當中有17項是經監警會提出質詢後而增加的，另有34宗事件記錄為「旁支事項」*。

Moreover, the IPCC endorsed 80 counts of “Substantiated Other Than Reported” allegations. Of these, 17 were included after the IPCC raised queries and 34 were recorded as “Outwith”^{*} cases.

* 「旁支事項」是指任何違反紀律或警隊通令的事項。這些事項在調查過程中被披露，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八項建議，當中有五項建議為投訴警察課所接納。

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

遵從警務程序和常規

Compliance with Police Procedures and 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。2011/12年，屬於這類的質詢共有三項，投訴警察課同意監警會在其中一項質詢中的觀點。

The 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 2011/12, out of three queries raised under this category, CAPO agreed with one observation by the 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2011/12年，監警會就警務人員在運用警權時的理據提出三項質詢。

The use of police power when an officer is discharging his duty is also a concern of the IPCC. In 2011/12, the IPCC raised three queries in respect of the reasons for the use of police power.

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。2011/12年，監警會曾在有關事項上共提出22次意見，其中九次獲投訴警察課接納。

While the dispensing of advice or disciplinary actions to police officers is a matter for the Commissioner of Police, the IPCC will examine the actions taken or to be taken to ascertain whether they are commensurate with the gravity of the offence. The IPCC commented on such actions on 22 occasions in 2011/12, of which nine comments were accepted by CAPO.

澄清調查報告資料

Clarification of Information in Investigation Reports

2011/12年，監警會共提出451項關於調查報告內含糊不清之處的質詢及意見，其中302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 2011/12, the IPCC raised questions and comments on 451 ambiguous points, of which 302 were accepted by CAPO. It received satisfactory explanations from CAPO for the rest.

調查透徹度

Investigation Thoroughness

2011/12年，監警會共提出78項有關調查的透徹程度的質詢，其中44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 2011/12, the IPCC raised 78 questions regarding the thoroughness of police investigations. Of these, 44 were accepted by CAPO, which led to their further investigation and the provision of additional information on the issues raised by the IPCC. The IPCC received satisfactory explanations from CAPO



監警會在2010/11年及2011/12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 the IPCC in 2010/2011 and 2011/2012:

監警會通過個案提出的質詢/建議 Queries/suggestions raised in respect of cases endorsed by the IPCC

2011/12 質詢總數 Total no. of query points **1,153**

2011/12 投訴警察課接受的質詢 No. of query points accepted by CAPO **662**

年份 Year	質詢總數 Total No. of Query Points		投訴警察課接受的質詢 No. of Query Points Accepted by CAPO	
	2010/11	2011/12	2010/11	2011/12
質詢性質 Nature of Query				
分類 Classification	653	429	400	218
改善警隊常規和程序的建議 Suggested Improvements to Police Practices/Procedures	12	8	10	5
遵從警務程序和常規 Propriety of Police Practices/Procedures	54	3	27	1
行使警權的理由 Reasonable Grounds for Exercise of Police Powers	19	3	2	0
對處理違規人員的行動提出意見 Disciplinary Actions Proposed for Concerned Officers	54	22	40	9
澄清調查報告資料 Clarification on Ambiguity in CAPO Reports/Files	1,211	451	958	302
調查透徹 Thoroughness of Investigation	177	78	94	44
其他質詢 Other Queries	247	159	177	83
總數 Total	2,427	1,153	1,708	662

改善警隊常規和程序的建議具體情況

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, the IPCC raised recommendations for improvements to the Police.

截停搜查

“Stop & Search” Procedure

警方的截停搜查人次每年逾百多萬。由於截停搜查涉及當事人的人權，加上這些行動很容易招致投訴，所以監警會委員一直都很關注這議題。在2011年6月9日的聯席會議上，委員便要求警方檢視進行「截停搜查」的合法性、必須性和有效性。委員認為警務人員在搜查任何人士前，須有合理懷疑，單是主觀性懷疑的理據未必足夠。過往發現有警務人員並沒有在記事冊寫下懷疑的理由，但委員發現這情況已逐漸有改善。在委員不斷的查詢及建議後，警方亦從善如流，成立了工作小組，研究減少截停搜查這類投訴的建議，並加強前線警務人員在執行截停搜查時的培訓。待有關建議出台後，便會提交監警會商討。

The Police conduct more than one million “stop and search” procedures each year. As “stop and search” involves human rights and may easily lead to complaints, IPCC Members have been very concerned about this issue. At a Joint Meeting held on 9 June 2011, Members requested the Police to review the legitimacy, necessity and effectiveness of “stop and search” procedures. Members voiced the opinion that before a police officer searches a person, he should have reasonable suspicion and mere subjective doubt may not be sufficient. In the past, it was found that some police officers did not record their reason for searching a suspect in their notebooks. But Members noticed that the situation has gradually improved. As a result of Member’s continuous inquiries and recommendations, the Police have set up a working group to study ways to reduce complaints derived from “stop and search”, and to reinforce front line police officers’ training in such procedures. The suggestions will be forwarded to the IPCC for discussion when they are available.

表達不滿

Expression of Dissatisfaction

警隊每年錄得的投訴個案約為2,700多宗至4,000多宗，八成屬性質輕微的投訴，如疏忽職守、態度欠佳、解釋不周等言語溝通誤會。但處理這些性質輕微的投訴所耗用的時間及資源，無可避免地影響了警方和監警會處理投訴的整體效率。監警會和警方均了解市民希望可以加快投訴處理的效率，在2010年監警會和投訴警察課組成了一個聯席工作小組，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。

The Police received around 2,700 to 4,000 complaint cases each year. Around 80% are minor complaints like Neglect of Duty, Improper Manner, insufficient explanation, and miscommunication. The amount of time and resource deployed to resolve these minor complaints has inevitably undermined overall efficiency of the Police and the IPCC. Both the IPCC and the Police are aware that the public would like to see the speedy handling of complaints. Thus in 2010, the IPCC and CAPO established a Joint Working Group to come up with a more efficient system of sorting complaints by their nature in order to boost the efficiency of the investigation of complaint cases.

經過年多的商討和研究，警方在2012年4月起除了以「透過簡便方式解決」和「全面調查」這兩種方式處理投訴外，亦試行了以「表達不滿」方式處理投訴。經與監警會商議及取得共識下，投訴警察課為市民提供多一個選擇，以「表達不滿」替代正式投訴，新制只適用於性質輕微投訴事項，涉毆打、捏造證據等嚴重指控就不會處理。此計劃會在試行6個月後再檢討。計劃擬定的過程中，監警會不斷提供意見及協助，以促成此計劃的推行。

After a year long discussion and research, the Police initiated a pilot scheme of “Expression of Dissatisfaction”(EOD) for the handling of complaints in April 2012, in addition to the existing “Informal Resolution” and “Full Investigation” mechanism. This new system was the result of discussion between the IPCC and CAPO. The two parties reached consensus to offer the public an additional option of EOD instead of launching a formal complaint. This option is only applicable with regard to minor offenses, not serious allegations like Assault, Fabrication of Evidence, etc.. The system will be evaluated after a six-month trial period. While the system is under development, the IPCC will continue to provide advice and assistance to ensure its smooth implementation.

優化投訴程序有效處理投訴

Optimising Complaints Procedures to Increase Effectiveness



我在2009年1月1日加入監警會。那年6月監警會正式成為法定機構，同時投訴警察的數字大幅上升。監警會當時只有十八名委員，二十多名秘書處職員，卻要應付每年逾4,000宗的投訴調查報告審核工作。每宗投訴個案都必需要經過秘書處的審核團隊以抽絲剝繭的形式嚴謹仔細地檢視，由委員分組翻閱及確認是否接納調查結果。不過，在這4,000多宗的投訴個案中，約八成只屬性質輕微的投訴，如不禮貌、行為不當和疏忽職守等。

我們和警方均了解市民希望可以加快投訴處理的效率。有見及此，監警會在2010年和投訴警察課組成了一個工作小組，著力研究一個更有效率的機制，希望可以依據投訴性質作分流處理，以便可以加快處理投訴個案的效率。

I joined the IPCC on 1 January 2009. In June the same year, the IPCC became a statutory body, while the number of police complaints increased. There were only 18 members and just over 20 Secretariat staff reviewing more than 4,000 complaint investigation reports per year. Every complaint case had to be checked painstakingly and rigorously by a Secretariat team, then the IPCC Members worked in groups to vet and decide whether to endorse the findings. Around 80% of the 4,000 cases involved minor complaints such as Impoliteness, Misconduct and Neglect of Duty.

The Police and the IPCC are aware that the public would like to see more speedy handling of complaints. In view of this demand, the IPCC and CAPO established a Joint Working Group in 2010 to come up with a more efficient system of sorting complaints by their nature in order to boost the efficiency of the investigation of complaint cases.

小組參考外國的經驗，並聽取持份者的意見，發現常與警方發生衝突的人士或團體均認為繁複的投訴處理程序不但欠缺效率，更會使投訴者怕麻煩而放棄投訴。如警方錄取口供時，當事人說一句，他便抄錄一句，然後警員把全句口供重覆一次確認，浪費不少時間。小組遂建議口供以錄影代替筆錄，並提高警方的錄取口供技巧。

工作小組亦關注到在《監警會條例》之下，投訴人若選擇透過簡便方式解決，該投訴個案便視作「終極完案」，因此循此途徑處理的個案只有約四分之一。很多時投訴人只是希望向警方提出改善服務質素的意見，並非旨在要警方全面調查其個案及懲處被投訴者。

因此工作小組取得共識，同意投訴警察課在2012年4月除了以「透過簡便方式解決」和「全面調查」這兩種方式處理投訴外，亦試行了以「表達不滿」方式處理投訴。市民對警隊成員的行為或警隊的任何程序如有不滿，但又不想作出正式投訴，可以選用「表達不滿」方式，讓警隊澄清誤解及找出改進服務質素的地方。但這方式只適用於性質輕微投訴事項，涉及毆打、捏造證據等嚴重指控則不會循此途徑處理。此計劃會在六個月後再檢討。計劃推出至今有不俗的反應，相信工作小組的努力，必然可以優化投訴處理程序。

方敏生女士，BBS，JP

工作小組監警會方召集人

The Working Group made reference to overseas experience and encouraged suggestions from stakeholders, including people and groups that are most often in dispute with the Police. The Working Group found complaint procedures cumbersome and inefficient, and so tedious that complainants often gave up on filing a complaint. For instance, when taking a statement by a complainant, a police officer would jot down the complainant's words sentence by sentence, and then read them back to the complainant to confirm them, wasting a lot of time. The Working Group suggested that statements be recorded on video rather than in writing, and that the skills of the Police in taking statements be improved.

The Working Group was also concerned that under the IPCCO, once a complainant has opted for an informal resolution of a complaint, he or she cannot later request a full investigation into the case; thus only a quarter of complainants chose this option. Most of the time, complainants only wished to give suggestions to the Police in order to improve their quality of service; they were not requesting a full investigation into their complaint or seeking to punish the complaine.

Based on the Working Group's consensus, in April 2012 CAPO initiated a pilot scheme of "Expression of Dissatisfaction"(EOD) for the handling of complaints, in addition to the existing "Informal Resolution" and "Full Investigation" mechanism. A member of the public who is dissatisfied with a member of the Police or any police procedures but does not want to file a full complaint can choose the EOD, and ask the Police to clarify any misunderstanding and identify areas where the quality of service could be improved. However, this option is only available for minor offenses; it does not apply in cases involving Assault, Fabrication of Evidence or other serious allegations. The scheme will be reviewed after a six-month trial period. The response to the scheme so far is encouraging; I believe that the efforts of the Working Group will optimise procedures for handling complaints.

Ms Christine FANG Meng-sang, BBS, JP

IPCC Working Group Convener

李克強副總理訪港而衍生的投訴個案

Complaints related to Vice Premier Li Keqiang's visit

國務院副總理李克強先生在2011年8月16日至18日訪問香港，在副總理訪港期間，他曾到訪多個地點。為了保護副總理的人身安全，警方在整個訪問期間採取了一連串措施，包括在副總理到訪的地點及其車隊所經路線實施了保安行動。惟警方在這次保安行動所採取的保安幅度和規模引起公眾的不滿和關注，結果警方的投訴警察課接獲16宗有關的須匯報投訴和六宗須知會投訴。

投訴警察課在完成15宗須匯報投訴個案的調查工作後，便將調查報告交由監警會審核。由於監警會非常關注這類牽涉重大公眾利益的投訴，遂將副總理訪港而衍生的投訴個案交由嚴重投訴個案委員會跟進及審核。

為了讓公眾了解投訴個案的處理進度及增加透明度，監警會在2012年5月3日發佈就李克強副總理訪港而衍生的投訴個案審查中期報告。在中期報告中交代投訴警察課接獲的16宗須匯報投訴之中，有九宗個案已獲監警會通過。監警會正就其餘六宗個案的調查結果向投訴警察課質詢。最後一宗個案則根據「有案尚在審理中」的程序，監警會同意投訴警察課暫停調查工作。

監警會從一個整體的方向去審閱、監察及覆檢該16宗須匯報投訴的調查報告。綜觀這些投訴個案，可以發現投訴人普遍並不察覺或不同意警方需要在不同地點實施有關保安措施的理據，包括封閉行人天橋、在遠離活動地點設置指定採訪區和指定公眾活動區、驅散路人、移走市民，以及在處理記者和示威者時行使警權等。

The Vice Premier (VP) of the State Council of the Central People's Government, Mr Li Keqiang, visited Hong Kong from 16 to 18 August 2011. During his stay the VP attended a number of functions at different locations. To ensure his personal safety, the Police took certain security measures at the sites he would visit and along the routes his motorcade would travel. Afterwards, widespread public concerns arose from the magnitude and latitude of the security arrangements adopted by the Police. The Complaints Against Police Office (CAPO) received 16 Reportable Complaints and six Notifiable Complaints related to these measures.

After investigating 15 Reportable Complaints, CAPO submitted its reports to the IPCC. The IPCC is very concerned about complaints of immense public interest; therefore it decided that the investigation of complaints related to the VP's visit should be monitored and examined by the Serious Complaints Committee.

To ensure transparency and openness with regard to these investigations, on 3 May 2012 the IPCC published an interim report on complaints related to the visit by the VP. The interim report stated that CAPO had received 16 Reportable Complaints; in nine cases the IPCC endorsed CAPO's findings; in six others it requested further information from CAPO. The IPCC agreed with CAPO that the investigation of the last case should be held in abeyance on the grounds of "sub-judice".

The IPCC has taken a holistic approach in reviewing, monitoring and examining the 16 Reportable Complaints. In general the complainants were not aware of, or disagreed with, the reasons why the Police adopted the security measures at different locations. These included the closure of footbridges, the location of Designated Press Areas (DPA) and Designated Public Activity Areas (DPAA) too far from the event venues, clearing pedestrians, removing citizens, and the execution of police powers against journalists and protestors.

除了仔細及嚴謹地審閱每宗個案的調查報告外，監警會亦試圖找出引致這些投訴的原因，和警方的保安行動是否恰當及有否充足理據。如在過程中發現警方的常規或程序有任何過錯及不足之處，監警會可履行《監警會條例》第8條的職能，向警務處處長及/或行政長官作出建議。因此，監警會決定將有關結果向行政長官報告及把報告提供給立法會，以供參考。

自2011年9月開始至2012年6月，投訴警察課就以上16宗須滙報投訴，總共進行了109次調查行動，包括會面和證據收集工作。當中達97%有監警會觀察員出席監察。在審議這些個案時，監警會循下列三方面提出質詢：

- 一. 監警會觀察到很多投訴人不滿的是警方的行動，而不是在現場前線警務人員處理當時的情況。因此被投訴人應該是負責警方行動的高級警務人員，而不是前線警員。
- 二. 監警會觀察到有些個案的投訴人沒有向投訴警察課提供口供，但視乎投訴人所提供的資料詳情，以及投訴人是否願意和投訴警察課保持聯繫，投訴警察課仍應展開全面調查。
- 三. 為找出引致這些投訴的原因，以及評估警方的保安行動是否恰當及有理據，監警會要求投訴警察課提供有關的行動指令及其他相關文件，讓監警會可以有詳盡和全面的資料，來評估警方保安行動背後的依據。

監警會預計以上的質詢尚需要更多的時間及工作來處理，因此決定先發表中期報告，讓公眾了解投訴個案的處理進度。待所有資料齊全後，會方便會著手撰寫最後報告，內容包括餘下六宗未通過的個案結果。至於「有案尚在審理中」的個案調查工作能否完成，則有待審訊結果。

In the course of its careful and conscientious review, the IPCC explored the reasons for the complaints and considered whether the police security measures were proper and justifiable. Under the IPCC Ordinance Section 8, the IPCC may offer recommendations to the Commissioner of Police and/or the Chief Executive, if it finds police actions to be at fault or inadequate. Therefore the IPCC decided to submit a report to the Chief Executive and to make it available to the Legislative Council as well.

From September 2011 to May 2012, CAPO has taken 109 investigative actions in respect of these 16 Reportable Complaints, including conducting interviews and gathering evidence. IPCC Observers were present during 97% of these actions. In reviewing the cases, the IPCC noted three points:

1. The IPCC is of the view that in many cases the complainants were dissatisfied with the police actions in question rather than the way the police officers at scene handled the situations, hence these complaints should be directed against the senior police officers responsible for the actions rather than the front line police officers.
2. The IPCC is also of the view that in cases where the complainants did not provide statements to CAPO, full investigations should be conducted with regard to the information provided by the complainants, contingent upon their willingness to maintain contact with CAPO.
3. In order to identify the causes leading to these complaints, and to find out if the police security operations were proper and justified, the IPCC has requested CAPO to provide all relevant operational orders and related documents, to allow the IPCC to thoroughly and comprehensively assess the rationale behind the police actions in question.

The IPCC anticipates that more time and effort will be required for the above points to be fully resolved; therefore it decided to release an interim report to update the public on the handling of these cases. Once all relevant information has been gathered, a final report will be compiled, in which all outstanding issues, including the classification of allegations in the six yet-to-be endorsed cases, will be addressed. Whether or not the investigation into the sub-judice case can be completed depends on the outcome of the trial.

堅守獨立公正 增強市民警隊互信

Maintain independence and impartiality to enhance mutual trust between the public and the Police



獨立監察警方處理投訴委員會除具權力外，還應樹立毋庸置疑的公信力。因此，有責任堅持不懈地追尋每宗投訴之事實真相，貫徹基於事實和證據，作出不偏不倚、公平公正的裁斷，以維護法治和確保香港警隊之優良傳統。

「港人治港」激發了市民當家作主的意識。市民在強調自身權利之時對警務人員的要求亦不斷提升。面對變遷，我們既要堅守香港核心價值，按既定政策處理投訴，也要與時俱進回應社會訴求，協助警方改善服務。不久前針對市民投訴警方就領導人訪港的保安安排，監警會作出中期報告，提出關注。及後，警方認真考慮監警會的關注，於同類保安工作作出調整，顯示出監警會獨立公正的處理得到尊重和認同。

決定是否列入嚴重投訴個案有一套客觀嚴謹的準則。嚴重個案委員會會依據這些準則對個案結果進行審核，並且向監警會提出對相關事項的建議供其考慮。這過程既需要各成員本身的個人判斷力，也還要集體智慧和對本港制度及核心價值的深刻理解。

主席翟紹唐是一位重視團隊精神，具領導能力的掌舵人。我相信，在他的領導下，透過全體成員的共同努力，我們的工作將進一步增強市民與警隊間的互信，使香港這個多元化社會成為和而不同，多姿多采，健康安心的共同家園。

石禮謙議員，SBS，JP

嚴重投訴個案委員會主席

The Independent Police Complaints Council, apart from its powers, must maintain a high standard of credibility. Therefore, it must persistently pursue the truth behind every complaint, follow up on the facts and evidence, and come to an impartial and fair conclusion in order to uphold the rule of law and the fine traditions of the Hong Kong Police Force.

The idea of “Hong Kong people running Hong Kong” stimulates the public’s sense of ownership. Increasingly, members of the public consider it their right to make demands on the Police Force. With the changes we are facing, not only do we have to maintain Hong Kong’s core values and adhere to established policies in handling complaints, we also have to respond to rising public expectations in improving the service of the Police. Recently, there were a number of complaints against the Police concerning the arrangements for a national leader’s visit to Hong Kong. The IPCC prepared an interim report on this incident and expressed its concerns. Subsequently, the Police seriously considered the concerns of the IPCC and adjusted their policies for handling similar security situations. This shows that the IPCC’s independent and fair position is respected and recognised.

There are objective and prudent criteria for defining whether a complaint should be considered serious. Based on these criteria, the Serious Complaints Committee will review the outcome of a case and offer recommendations, where relevant, to the IPCC for consideration. This process requires the Members’ personal judgment as well as collective wisdom and a deep understanding of Hong Kong’s system and core values.

The Chairman of the IPCC, Mr Jat Sew-Tong, has a high regard for team spirit and is a very competent leader. I believe that, with his leadership and the joint effort of all the members, our work will help strengthen mutual trust between the public and the Police, and make this diverse society of Hong Kong a place of harmony, despite our differences, and our common home, in which we all enjoy peace of mind.

The Hon Abraham SHEK Lai-him, SBS, JP

Chairman of the Serious Complaints Committee

警方處理大型公眾活動

Police's Handling of Public Order Events



警方處理大型公眾活動不時引起市民關注，監警會在2012年開始建議警方安排委員現場觀察警方處理大型公眾活動，旨在從公共安全和公共秩序角度，增加委員對警方處理大型公眾活動的知識和了解。

在2012年6月27日警方為監警會委員舉行了一場簡報會，介紹警方在處理7月1日的遊行部署，再在遊行當日安排委員現場觀察當時的現場實況。7月1日的觀察活動在警方指揮中心的簡報會開始，委員隨後沿著香港職工會聯盟的遊行路線到各個警方管制人流的策略性據點觀察，最後抵達政府總部。之後委員往金鐘道及中聯辦觀察人民力量主辦的遊行活動。

委員認為參與這次活動獲益良多。而參與了是次觀察的委員將會向整個委員會報告，以便和全體委員討論有關事宜。

The Police's handling of public order events aroused public concerns from time to time. Starting in 2012, the IPCC has suggested the Police arrange its Members to observe how the Police handle public order events on site. The purpose is to allow Members to understand police procedures in handling major public order events from the perspective of public safety and order.

On 27 June 2012, the Police organised a briefing for IPCC Members, introducing the planned Police deployment to handle the 1 July procession, and made arrangements to have Members observe the procession on site. The 1 July observation started with a briefing at the Police Command Centre; Council Members then proceeded to various strategic locations along the route of the public procession organised by the Hong Kong Confederation of Trade Unions, followed by observation at the Central Government Offices. After that, Council Members observed the procession organised by the People's Power at Queensway and the Liaison Office of the Central People's Government.

IPCC Members were pleased to share that the whole experience was beneficial and fruitful. Participating Council Members will further discuss their observations with the whole Council.

