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第三章 Chapter 3

處理投訴警察 議題和改善建議 Police Complaints- related Issues and Recommendations

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警方處理大型公眾活動

Police Handling of Large-scale Public Order Events

警方處理大型公眾活動不時引起市民關注，監警會自2009年起便和警方跟進處理大型公眾活動的相關事宜，包括邀請警方的代表出席聯席會議，為監警會委員簡介警方處理有關活動的原則和主要考慮因素。

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，監警會委員在2011年開始和主辦示威遊行的團體及其他持份者會面。持份者除向委員表達對警方處理大型公眾集會的意見外，並建議監警會現場觀察這些活動。此後，監警會便開始研究在不影響會方中立公正的情況下，以何種形式觀察大型遊行示威活動。

自2012年開始，監警會現場觀察七一遊行及2013年的元旦遊行。其後於2013年七一遊行、2014年元旦遊行及2014年七一遊行，除了派員現場觀察外，亦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，增進委員在這方面的知識，協助委員考慮這些活動衍生的投訴個案。

監警會期望繼續與警方及持份者聯繫，作為雙方的橋樑以加強彼此的溝通，藉此減少不必要的投訴。

In view of complaints arising from time to time over large-scale public order events, the IPCC had voiced concerns over police handling of such events since 2009. For instance, the IPCC invited police representatives to attend the IPCC/CAPO joint meeting to brief participants on the guiding principles and factors considered in their handling of such events.

To gain a comprehensive understanding of the views of the public and interested parties on how the Police handle large-scale public order events, starting in 2011 the IPCC Members have held meetings with the organisers of large-scale processions and other stakeholders. Apart from offering their opinions to the Members on how the Police handle large-scale public order events, stakeholders invited the IPCC to observe such events on site. With this suggestion, the IPCC started to examine the feasibility of observing large-scale processions while maintaining its impartiality and fairness.

Subsequent to its first on-site observation held on 1 July 2012, the IPCC conducted on-site observations of the processions held on 1 January and 1 July in 2013 and 2014. Since the 1 July 2013 procession, apart from observing on site, secretarial staff also attended preparatory meetings held by procession organisers and the Police, in order to consider public order events from various points of view while maintaining the Council's impartiality. This gave Members a more complete grasp of such events in order to help them better understand complaint cases duly derived.

The IPCC's intention was to serve as a bridge between the Police and stakeholders in order to lessen the number of unnecessary complaints.

觀察2013年七一遊行

Observation of 1 July Procession in 2013



維園起點情況

The starting point at Victoria Park



遊行於銅鑼灣出發

The procession started at Causeway Bay



軒尼詩道遊行情況

The procession at Hennessey Road



遊行至中環集會

Participants arrived the public gathering in Central

監警會一直與持份者及警方溝通，並鼓勵七一遊行的主辦團體民間人權陣線（民陣）與警方提早進行會議商討活動安排。2013年的七一遊行預備會議便提早至5月中召開。雙方的四次會議就遊行安排、路線規劃、集會地點以及不反對通知書的內容等議題討論及交流意見，讓彼此有更充裕的時間作出完善的籌備工作。

同時，監警會更首次派遣秘書處的職員，以獨立身份列席這些預備會議，從旁觀察，以便了解組織大型遊行活動的規劃、籌備，以至活動當日執行的具體情況及整個過程。出席的職員會將觀察所得向委員會報告，以便討論有關事宜。

The IPCC, being in close contact with both stakeholders and the Police, recommended that the Civil Human Rights Front (CHRF), the organiser of the 1 July procession, hold early meetings to discuss arrangements for this event. The first preparatory meeting for the 1 July 2013 procession was moved up to mid-May, followed by three more meetings. The agenda included arrangements for the procession, its route, the location of gathering points, and the content of the Letter of No Objection. Both parties had ample time to refine the preparatory arrangements.

Moreover, for the first time the IPCC assigned Secretariat staff members to attend, in an independent capacity, the 1 July procession preparatory meetings, to understand how a large-scale event is planned and prepared, and how those plans are executed on the day of the event. Staff members who attended the preparatory meetings then reported their observations to the Council in order to help Members in further discussions.



觀察維園起點情況

Observed the starting point at Victoria Park



委員於維園一帶觀察遊行出發

Members observed the starting point of the procession at Victoria Park



沿怡和街現場觀察

On-site observation along Yee Wo Street



至中環集會情況

Proceeded to the public gathering in Central

監警會委員於6月26日出席警方的簡報會，了解警方在公眾安全的前提下處理大型公眾活動的程序，並就警方的安排交流意見後，多位監警會委員及秘書處職員一同現場觀察七一遊行。

委員除了由警方陪同下到多個據點觀察外，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料，了解遊行起點的安排、警方的人流及交通管制措施、街站的情況，和中環遮打道行人專用區的集會情況。

其後，監警會於8月先後約見主辦團體民陣的代表以及和警方會面，聆聽民陣提出的多項意見，包括警方處理封路及部份中環港鐵站出入口、街站及天眼的設置、攝錄裝置的使用及購買長距離揚聲器等，會方然後再將有關意見向警方反映，以供考慮。

On 26 June, IPCC Members attended a briefing held by the Police. The briefing enhanced IPCC Members' understanding of police's handling of public order events on the premise of ensuring public safety. A number of IPCC Members and Secretariat staff members then observed on-site for the arrangement of 1 July procession.

Members proceeded to various strategic locations with the Police while Secretariat staff, in various groups, observed proceedings at different locations to gather comprehensive information on police arrangements at the starting point of the procession; the handling of pedestrian and traffic flows and street stalls; and the gathering outside the pedestrian precinct on Chater Road, Central.

The IPCC then had meetings with the procession organiser, CHRF, and the Police in August. The IPCC gathered views from the CHRF on a number of issues, including police's closure of lanes for the procession and certain exits of the Central MTR station, the installation of street stalls and "sky eyes", and the use of recording equipment and procurement of long-range acoustic devices. Following internal discussions, the IPCC relayed the suggestions to the Police for their reference.

觀察2014年元旦遊行

Observation of 1 January Procession in 2014



委員於維園一帶觀察遊行出發

Members observed the starting point of the procession at Victoria Park



沿銅鑼灣、灣仔一帶現場觀察

On-site observation at Causeway Bay and Wan Chai

2014年的元旦遊行，監警會應持份者的邀請，列席主辦團體與警方的預備會議，並現場觀察元旦遊行的安排。

In 2014, IPCC Members were invited by stakeholders to attend the preparatory meeting held by the organiser and the Police, then observed on-site for the arrangement of 1 January procession.

委員先在2013年12月30日出席警方元旦遊行安排的簡報會，元旦當日委員及秘書處職員一同出席2014年元旦遊行，實地了解警方在公眾安全的前提下處理大型公眾活動的程序。

Members first attended a briefing by the Police on 30 December 2013, then made observation with Secretariat staff on 1 January 2014 to understand how the Police handle public order events under the mandate of ensuring public safety.

委員由警方陪同下到多個據點觀察，包括先在維園了解遊行起點的安排，然後沿遊行路線到銅鑼灣崇光百貨外、灣仔軒尼詩道一帶觀察，了解警方的人流及交通管制措施、街站的設置等，最後到中環觀察遮打道行人專用區的集會情況。同時，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料。

Accompanied by the Police, IPCC Members went to various strategic locations, including Victoria Park, where they observed the arrangements at the starting point. The group then proceeded to the area outside Sogo department store in Causeway Bay and walked along Hennessy Road to understand police arrangements for handling pedestrian flow, traffic, and street stalls, as well as the gathering outside the pedestrian precinct on Chater Road, Central. Secretariat staff were divided into small groups to observe at different sites along the route of the procession in order to acquire a comprehensive understanding of the situation.

監警會認為2014年的元旦遊行大致暢順和平，整體安排亦比去年為佳，這與主辦團體及警方提早展開預備會議就遊行安排進行討論及交流，以及有更充裕的準備時間不無關係。

The IPCC opined that the 1 January procession was generally smooth and the overall arrangements were better than the previous year, mainly because of the early preparatory meetings between the organiser and the Police, which allowed ample time to refine the preparations.

觀察2014年七一遊行

Observation of 1 July Procession in 2014



沿軒尼詩道觀察遊行
Observed the procession along Hennessy Road



監警會委員先到警方指揮中心聽取簡報
Council Members first attended a briefing by the Police at command centre



委員由警方陪同下到中環觀察集會情況
Members proceeded to the public gathering in Central accompanied by the Police



於維園一帶觀察遊行起點情況
Observed the starting point at Victoria Park



監警會應持份者的邀請出席2014年七一遊行的預備會議，及於七一當日現場觀察遊行的安排。監警會委員於6月26日出席警方的簡報會，了解警方在公眾安全的前提下處理大型公眾活動的程序，並就警方的安排交流意見後，多位監警會委員及秘書處職員一同出席現場觀察七一遊行。

委員除了由警方陪同下到多個據點觀察外，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料，了解遊行起點的安排、警方的人流及交通管制措施、街站的情況，和中環遮打道行人專用區的集會情況。

其後，監警會約見主辦團體民陣的代表，在聆聽民陣的意見後，監警會再將有關意見向警方反映，以供考慮。

IPCC Members were invited again by stakeholders to attend the 1 July procession preparatory meeting as well as on-site observation in 2014. On 26 June, IPCC Members attended a briefing held by the Police, to understand how the Police handle public order events under the mandate of ensuring public safety. After exchanging views on police arrangements, a number of Members and Secretariat staff observed on-site the 1 July procession.

Accompanied by the Police, IPCC Members went to various strategic locations while Secretariat staff were divided into small groups to observe at different sites along the route of the procession. Their aim was to acquire a comprehensive grasp of the situation, including the arrangements at the starting point; police arrangements on handling pedestrian flow, traffic, and street stalls; and the gathering outside the pedestrian precinct on Chater Road, Central.

The IPCC then had meetings with the procession organiser, CHRF. After gathering the views of the CHRF representatives, the IPCC relayed their opinions to the Police for deliberation.

改善警隊常規和程序建議的具體情況

Recommended Improvements to Police Practices and Procedures

本報告期內，監警會向警方提出了以下的改善建議：

During the reporting period, the IPCC raised the following recommendations for improvements to the Police:

處理「保釋」的改善建議及修改有關程序

Suggested Improvement on Procedure Regarding “On Bail”

「保釋」的作用在疑犯被逮捕後，申請以現金或旅遊證件作抵押或遵守其他條件，以免被警察或法庭羈留扣押，所以「保釋」可分為兩類，一類是警察保釋，而另一類是法庭保釋。警方對於用作「保釋」抵押現金的處理方法，大致可分為「退還」、「充公」、「無人領取」、「延長」及「更改成法庭保釋」等。

在保釋候查時，保釋者需要在指定的時間往警署報到，待警方調查完畢後不予起訴，就會退還「保釋金」。當保釋者未有在指定的時間往警署報到，警方則有權延長保釋期或充公保釋金。然而，部分保釋者在非自願的情況下，如因其他案件被囚禁或因傷入院留醫，以致無法在指定的時間往警署報到。監警會在審核相關投訴個案調查報告時，認為警方處理的程序上有改善的空間。

The purpose of “bail” is to allow an arrested suspect to be released from custody by the Police or the Court by providing cash or a travel document as security, or by adhering to other conditions. There are two kinds of bail – police bail and court bail. There are five ways of classifying the handling of money received as police bail: “Refund”, “Estreat”, “Unclaimed”, “Extend” and “Change to Court Bail”.

When an arrested person is released on bail, the bailee has to report to the police station at a designated time. The money will only be refunded after the Police have completed the investigation and if the bailee is not prosecuted. If the bailee fails to report to the police station, the Police have the right to extend the bail period or estreat the money. However, sometimes a bailee faces circumstances that force him or her to skip bail involuntarily, such as being imprisoned or hospitalised. In reviewing a complaint case regarding this issue, the IPCC found that police procedures for handling such matters could be improved.

在一宗投訴個案中，投訴人正待警方保釋候查，並需於指定的時間往警署報到，但投訴人卻因牽涉另一宗毒品案被海關拘捕在囚，故未能如期前往警署報到。監警會認為警方在處理案件時，未有徹底翻查《單位資訊通用紀錄》，警員換班時及與上級之間亦缺乏溝通，致使未有發現投訴人是在非自願的情況下沒有如期前往警署報到，因而充公投訴人的保釋金，對投訴人並不公平。

監警會委員認為現行的《警察通例》對於警員如何處理保釋及保釋金的程序缺乏清晰的指引，尤其在當保釋者因事未能往警署報到的情況下，警員的處理程序有可以改善的空間。警方同意監警會的建議，要求警員在翻查保釋者的資料時，需同時查詢入境事務處出入境紀錄、懲教署囚禁紀錄及醫院管理局入院紀錄，以了解保釋者未能往警署報到是否有其他非自願的原因。而有關建議已向警隊前線單位作出諮詢，並將會於《警察通例》作出相關修改。

In one complaint case, the complainant had been released on bail by the Police and was required to report to a police station. However, as he was involved in a drug-related case, he had been detained by the Customs and Excise Department and therefore could not report to the police station as scheduled. The IPCC found that in handling this case, the Police had not thoroughly searched the Formation Information Communal System, and the communication among police officers between shifts and with their superior had been inadequate; therefore they failed to realise that the complainant's failure to report to the police station was involuntary, causing his bail to be unfairly estreated.

In the opinion of IPCC Members, the procedures outlined in the "Police General Orders" for handling bail were not clear, especially when the bailee was unable to report to the police station due to reasons beyond his control; therefore there was room for improvement of the guidelines. The Police agreed that in reviewing information on a bailee, police officers should refer to the travel records of the Immigration Department, the detention records of the Correctional Services Department, and the in-patient records of the Hospital Authority, in order to ascertain whether the bailee had skipped bail involuntarily. Opinions are being sought from front-line police officers and supplements will be made to relevant sections in the "Police General Orders".



修改記錄「記事冊」的程序

Amendment of the Procedures for Keeping Records in a Police Notebook

總督察級以下的警務人員均會獲發一本警察記事冊，以在事件發生時或在其後合理可行的情況下，儘快將執勤事件記錄下來，當中包括接獲的舉報或投訴、報案人或證人的資料，以及隨後採取行動的詳情。若記錄有刪改或增添字句，須由有關警員或作供者簽署，以作核實。

當警員接獲一般爭吵糾紛案件的舉報，待調查完畢確定案件並無牽涉刑事後，通常只會在「記事冊」記錄雙方協議和解的原因。不過，在一宗投訴個案中，報案人向警方舉報鄰居滋擾恐嚇但其後銷案，惟報案人的家人隨後否認曾自願銷案並投訴警方未有妥善跟進處理。

監警會在審議投訴調查報告時，認為警方可以修改記錄「記事冊」的程序，如在報案人自願銷案後，要求報案人於「記事冊」簽署確認，可避免引致不必要的投訴。警方亦從善如流，修改《警察通例》/《警察程序手冊》中關於記錄「記事冊」的程序，列明如案件不涉及刑事罪行而報案人自願銷案時，警員需要求報案人於「記事冊」簽署確認，如報案人拒絕簽署確認，警員則需要寫明報案人拒絕的原因，以作記錄。

Police officers at the rank below Chief Inspector are each given a police notebook in which to keep records of incidents as they take place, or immediately afterward. These incidents may include reports of crimes or complaints, information on the person who filed the report, relevant witnesses, and details of follow-up actions. If a record is amended, the changes must be endorsed by the relevant officer and the person who provided the information.

Generally, when a police officer receives a report of a dispute and has confirmed that it is not a criminal case, he will keep a record of the incident and the reconciliation of the involved parties in his police notebook. However, in one complaint case, a person had filed a report with the Police concerning a neighbour's harassment and intimidation but later withdrew. A family member of this person then filed a complaint against the Police, claiming that the report was not withdrawn voluntarily and that the Police did not follow up on the case.

After reviewing the complaint, the IPCC considered that the Police could amend their procedures for keeping records in a police notebook. In a case where a person filed a report and then voluntarily withdrew it, that person should countersign the record in the police notebook as confirmation; this would avoid unnecessary complaints. The Police accepted this advice and revised the entry regarding keeping records in a police notebook in the "Police General Orders"/"Force Procedures Manual", stating that in non-criminal cases, the police officer should ask that person to countersign the record in the police notebook when the report is withdrawn voluntarily. If the person refused to sign, the officer should write clearly the reason for the refusal.



處理貴重「失物」的改善建議

Suggestion for Improving the Handling of Valuable Lost Property

貴重的個人物品如名錶、珠寶、相機及其他電子器材，往往成為賊人偷竊的目標，然後再轉售圖利。有見及此，警方會在刑事紀錄科系統中，登記及儲存被盜的貴重物品資料，如製造商序號，以便核實物品是否屬於賊贓。與此同時，鑒於賊人會將賊贓轉售，警方亦會將刑事紀錄科系統內的有關資訊，載列於《警察憲報》發出予當舖參考，當舖負責人在接收典當財物前，有責任查閱賊贓清單以免接收賊贓。

監警會在審視一宗投訴個案時，發現《警察程序手冊》只清楚列明警員如何處理貴重的「失竊物品」，並沒有處理貴重「失物」的程序，建議可以加入指引避免衍生不必要的投訴。

Valuable personal belongings such as watches, jewellery, cameras or electronic equipment are often targets of thieves, who sell them for profit. In view of this, the Police keep a record of valuables reported as stolen in the Criminal Records Bureau System, including the manufacturer's serial number. The Police then publish the information in the Criminal Records Bureau System in the "Police Gazette", which is distributed to pawnshops for reference. Pawnshop keepers bear the responsibility of checking the list of stolen properties before receiving any goods.

In reviewing a complaint, the IPCC noted that the existing guidelines in the "Force Procedures Manual" stated procedures for handling stolen property, but not the procedures for handling valuable "lost property". The Council thus suggested that an entry should be included in the guidelines to avoid unnecessary complaints.



在一宗投訴個案中，投訴人因宿醉遺失名錶並到警署報失，警員根據程序記錄於失物資料庫。由於案件不涉及刑事或偷竊，故未有記錄於刑事紀錄科系統中，發出予當舖參考的《警察憲報》，因此亦未有載列該枚名錶的資料。

隨後，有警員在巡查當舖時發現該枚名錶，當舖店主因不知名錶屬於失物而付款接收作典當，致令失主需要支付部份典當金額取回自己的失錶，失主因此向警方作出投訴。監警會認為警方在處理這類貴重財物時，由於刻有製造商的序號，易於辨認，故無論是「失物」或「失竊財物」都應採取相同的程序，將有關資料載列於刑事紀錄科系統中，並發出《警察憲報》予當舖參考，減低當舖店主因接收不明來歷的典當物品而蒙受損失的機會。

警方接納監警會的建議，在《警察程序手冊》加入有關指引，提示警員在處理有關貴重的「失物」時，需要採取與「失竊財物」相同的程序，作出適當的記錄程序，以便更有效查證貴重物品的來歷。

In one complaint case, the complainant reported to a police station that he had lost his luxury watch while he was drunk. The police officer followed normal procedures and filed a report in the Lost Property Database. As the case did not involve a crime or theft, it was not entered into the Criminal Records Bureau System or included in the "Police Gazette", so pawnshops did not have information on this watch.

Subsequently, when a police officer visited a pawnshop while making his rounds, he discovered the watch. Since the pawnshop owner had not been informed that the watch was lost property and he had paid for the watch, the actual owner of the watch was required to pay part of that amount to get his watch back. The watch owner then filed a complaint with the Police. The IPCC suggested that valuable items that could easily be identified by their serial number should be handled in the same manner, whether reported as lost property or stolen property. Information on such items should be input into the Criminal Records Bureau System and released to pawnshops through the "Police Gazette", so as to minimise the loss of pawnshop owners in case they bought items of unknown origin.

The Police accepted the IPCC's suggestion and added an entry in the "Force Procedures Manual" instructing police officers to treat valuable lost property in the same manner as stolen property, by entering a record by which the origin of a valuable item could be verified.