

回顧與前瞻

Retrospect and Prospect



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回顧

我很榮幸在2014至2018年間，擔任獨立監察警方處理投訴委員會(監警會)主席一職。回顧這四年來的工作是充滿挑戰的。監警會委員和秘書處的同事都能同心協力無懼地逐一克服各種挑戰。上任不久，社會氣氛漸趨緊張。履新一個月後，我便與多名委員親赴七一遊行路線作現場觀察，由中午直至凌晨，長達十二小時。不足三個月，歷時七十多天的佔中事件亦揭開序幕。

猶記得那段時間，電話鈴聲常常在深宵響起，急待解決的事情不勝枚舉。除了要處理多宗關於委員政治立場的投訴，亦要與不同的持份者和關注團體會晤，面對種種提問和質詢，委員們和秘書處同事均承受著無法言喻的壓力。當我們還在處理佔中事件所產生的大量投訴個案期間，發生了旺角騷亂事件。幸而，憑藉大家共同努力，並肩作戰，所有難題最終也能迎刃而解。過去一些令我徹夜難眠的經歷，現都成為了一段段珍貴的回憶。

Retrospect

I am deeply honoured to serve as the Council Chairman of the Independent Police Complaints Council (IPCC) from 2014 to 2018. Looking back at what has undergone in the past four years, it was full of challenges. With concerted efforts and high morale, we managed to overcome them one by one. The social climate gradually intensified when I took up the role. Several IPCC Members and I conducted a 12-hour on-site observation of the procession on 1 July 2014 i.e. from noon till midnight, which was just one month after my appointment; and barely three months after, the 70-day Occupy Central Movement (OCM) took place.

I can still recall how frequently my phone rang in the middle of nights then, with countless issues requiring my immediate attention. In addition to dealing with a number of complaints against IPCC Members for their political stances, we also met with various stakeholders and concern groups. Having to face all kinds of questions and queries, our Members and Secretariat staff were under extreme pressure which was beyond words. While we were still handling the large amount of OCM-related complaint cases, the Mongkok Riot occurred. Fortunately, we managed to work hand in hand and overcome all these challenges. Looking back, even those restless nights have now become a part of my treasured memories.



前幾年的遊行活動確實衍生了許多投訴。監警會一直密切注視事態發展，並提出一系列切實可行的改善建議。可幸的是，這些建議獲警方和遊行主辦單位採納，在近兩、三年有關大型公眾活動的投訴數字亦已大幅下降至近乎零。另一令我感受深刻的，就是偶爾在街上有市民上前向我感謝監警會的工作。他們明白在兩極化的社會氛圍下，會方的工作殊不容易，要有效發揮獨立公正的兩層架構投訴警察制度，更是任重而道遠。

回首四載，我為能夠親身參與監警會的工作引以為傲。在整個團隊的齊心協力下不斷作出改善，監警會的管治及管理得以顯著提升，並在多方面反映出實質成效，當中包括(i)審核投訴個案的效率持續提升，令積存的複雜個案幾乎全部得以妥善處理；(ii)審核個案的平均所需日數由2015/16年度的高峰(144天)，大幅下降三分之一至本年度的96天；(iii)向投訴警察課提出建議的接納比率由四年前的64%增至本年度的73%；以及(iv)觀察員協助監察警方工作，出席率由2014/15年度的79%，上升至本年度近95%等。

監警會的工作重點之一，是協助提升警隊的服務質素。多年來，會方一直密切注視和分析投訴個案的趨勢，並就改善警隊常規和程序向投訴警察課提出建議。今年，會方就修訂執行公務時使用私人手提電話的指引、加強處理家庭暴力案件的培訓等範疇提出建議，令警務程序在報告期內得以進一步優化。

監警會的觀察員計劃協助會方在須匯報投訴個案的調查初期，以獨立身分監察警方會面、採證等工作。會方非常感激義務觀察員利用私人時間協助維護兩層架構投訴警察制度。近年來，會方在各個層面均不斷加強對觀察員的支援，例如提升電子預約系統、與投訴警察課舉辦交流會、協調警方和其他相關部門的行政安排以縮短觀察員在場等候的時間等，有賴各方的努力，令觀察員計劃更有效地發揮監察功能。

Public order events that took place during the past few years did give rise to many complaints. Apart from keeping a close eye on how they were dealt with, the IPCC also proposed a number of practical improvement recommendations to the Police. It was encouraging to see those suggestions being accepted by the Police and procession organisers, and consequently the number of complaints arising from large-scale public order events has dropped significantly to almost none in the recent years. Another thing that touched me deeply was the compliment on IPCC's work received from citizens when I was walking in the streets. They understood how demanding it has been for the IPCC to carry out its duties in a polarised social climate, and the challenge to effectively implement an independent and impartial two-tier police complaints system.

It was my privilege to play a part in IPCC's work in the past four years. Through concerted efforts of the entire team, we strived to improve and have made substantial achievements in effective governance and management including: (i) continued enhancement in vetting efficiency with almost all complicated, long-pending cases being properly processed; (ii) a noticeable one-third reduction in average time required for vetting cases which dropped from the 144-day peak in 2015/16 to 96 days in the current year; (iii) the increased Complaints Against Police Office (CAPO's) acceptance rate of 73% in 2017/18 for recommendations made by the IPCC compared to 64% four years ago; and (iv) a surge in the attendance rate of Observers, who played a role in monitoring the work of the Police, from 79% in 2014/15 to nearly 95% in 2017/18.

One of the IPCC's key duties is to enhance the quality of police services. Over the years, the IPCC has been paying close attention to and analysing the trends in complaint cases, as well as advising CAPO on how to improve relevant police practices and procedures. Having made suggestions this year in relation to guidelines on the use of private mobile phones for official purposes and reinforced training on handling of domestic violence, the IPCC has helped enhance relevant police procedures during the reporting period.

The Observers Scheme enables the IPCC to monitor, as an independent party, the interviews and collection of evidence carried out by the Police during its initial investigation of Reportable Complaints. The IPCC is grateful to all Observers for spending their personal time to assist upholding of the two-tier police complaints system. Over the past few years, we have been providing Observers with enhanced support from multiple aspects, such as upgrading of the electronic booking system, organising workshops with CAPO, as well as coordinating administrative arrangements with the Police and other Government departments to reduce the on-site waiting time of Observers. With the efforts of all concerned parties, the effectiveness of Observers Scheme in monitoring has been greatly enhanced.

為加強與本港青少年的互動，鼓勵年輕一代以多角度分析時事，會方在2016年展開校園推廣計劃。在校長和師生們的支持下，該計劃持續擴大，在過去一年多，會方已透過32次學校探訪和演講，接觸逾3,200名大專和中小學師生，讓更多青少年認識並加深了解監警會的職能。

除了投訴處理和公眾教育的範疇，委員會在過去四年亦全面強化機構管治和行政工作，包括(i)修訂委員會和小組委員會的規則；(ii)聘請顧問檢視人力資源管理並落實顧問報告的建議；(iii)增設研究組；(iv)推行系統化員工發展和培訓計劃；(v)加強資訊科技的應用，引入個案資料電子管理系統，以及提升電子郵件安全系統等等。委員會同時亦增聘了人手和擴充了辦公地方。這些舉措大大改善了員工的工作環境，提升了工作效率，讓監警會奠定了穩固的基礎，為未來的發展和挑戰積極作好準備。

我希望藉此機會誠摯感謝全體委員會成員、觀察員和默默耕耘的秘書處同寅一直以來的協助和專業精神，讓監警會於過去一年再次取得長足的發展。我亦要鳴謝警方投訴警察課及市民的合作和支持，讓監警會秉持以證據為依歸的原則，全面及公平公正地審核投訴個案，還投訴人和被投訴人一個公道。

監警會主席一職自2018年6月1日由梁定邦資深大律師接任。梁先生無論在公職和法律方面均經驗豐富，我深信他定能帶領監警會全面履行法定職能，進一步協助優化警隊的服務質素，維護監警會獨立、公正、誠信的核心價值，繼續為廣大市民竭誠服務。謹此衷心祝願監警會工作順利，前程萬里。



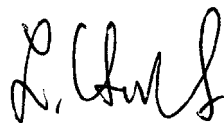
郭琳廣，SBS，JP
監警會時任主席

In order to strengthen its interaction with local youth and encourage the younger generation to analyse current affairs from multiple perspectives, the IPCC has launched its School Programme since 2016. With the support from school principals, teachers and students, we continue to expand the programme. Over the past year or so, the IPCC reached out to over 3,200 teachers and students from tertiary institutions as well as secondary and primary schools through 32 visits and talks, enabling more young people to better understand the IPCC's functions.

Apart from complaint handling and public education, the Council has also stepped up its efforts in corporate governance and administration on all fronts over the past four years, including: (i) revision of the Council and Committee rules; (ii) conduct of Human Resources Management Review and implementation of suggestions set out in the consultancy report; (iii) establishment of Research Team; (iv) introduction of a structured staff development and training programme; and (v) application of information technology such as introducing electronic database system for managing complaint cases and upgrading the electronic mail security system. Furthermore, the acquisitions of additional resources such as manpower and office space have remarkably improved both the work environment and efficiency of the organisation. Through these measures, the IPCC has laid down a solid foundation to be better equipped for future development and rise up to emerging challenges.

I would like to take this opportunity to express my most sincere gratitude to all of our Members, Observers and the Secretariat staff for their continued support and professionalism, without which the IPCC would not have made such significant achievements again in the past year. I would also like to thank CAPO and the general public for their cooperation and support which allowed the IPCC to serve justice to both the Complainants and the Complainees by comprehensively, fairly and impartially vetting each complaint case under its evidence-based principle.

Mr Anthony Francis Neoh, SC was appointed as the Council Chairman on 1 June 2018. With his extensive experience both in public services and the legal field, I have every faith that Mr Neoh will lead the IPCC to fully discharge its statutory duties, further enhance service quality of the Police, preserve the IPCC's core values of independence, impartiality and integrity, and continue to serve the people of Hong Kong with dedication. I wish the IPCC all the best in its future endeavours.



Larry KWOK Lam-kwong, SBS, JP
Former IPCC Chairman



梁定邦先生，QC，SC，JP
Mr Anthony Francis NEOH, QC, SC, JP

前瞻

我在2018年中正式接任獨立監察警方處理投訴委員會(監警會)主席一職，能夠擔此重任，我深感榮幸；儘管上任時間尚短，但已深深感受到各委員和秘書處同事的專業、敬業與樂業的精神；我亦很高興與各觀察員在九月舉行的周年工作坊會面，他們的熱忱同樣令我印象深刻。我希望能借助我在其他公營組織和機關的經驗及網絡，與我們這個優秀團隊砥礪前行，攜手維護香港的兩層架構投訴警察制度。

子曰：人而無信，不知其可也。作為個人，乃至機構，「信」是我們工作的主要基石。以下我希望透過三個「信」字，與大家分享我對監警會發展的期望。

Prospect

I assumed office as Chairman of the Independent Police Complaints Council (IPCC) in mid-2018. It is a great honour to be entrusted with this important role. Though I have only taken up this position for a short period of time, the professionalism, dedication and enthusiasm of the Council Members and Secretariat staff have deeply impressed me, as has the dedication of our Observers, whom I have had the pleasure of meeting at the annual workshop in September. This is such an impressive team, and I look forward to building on my experience and network at other public organisations and authorities, in working with the team to uphold Hong Kong's two-tier police complaints system.

Paraphrasing Confucius, a man or an organisation without credibility has no place in society. As an independent statutory body that serves a monitoring function, "credibility" is the cornerstone based on which IPCC's work is carried out. I would like to share with you my vision for the IPCC's development through three aspects involving "credibility", namely mutual trust, integrity and conviction.

互信：我們深明市民作出投訴時的不滿情緒，亦同樣理解被投訴警員所承受的無形壓力。作為獨立公正的法定機構，我們的中立角色正好平衡雙方的期望和訴求，是其所是，非其所非，本著一貫嚴謹、以證據為本的審核標準，確保投訴人和被投訴人均得到公平的待遇。唯有同時取得市民(投訴人)和警方(被投訴人)的信任，整個投訴警察制度才能更穩固，更能發揮其法定職能。

可是，監警會亦須維護審核個案的公正性及遵守保密責任，因此在未完成審核個案調查報告前，不應為了取信於任何一方而對外披露投訴的細節或作出評論，雖然這做法可能因而影響市民對透明度方面的觀感。即便如此，為了讓大眾更明瞭監警會的審核工作程序、調查結果分類，以及如何協助警隊提升服務質素等工作，會方近年已採取以主題方式，適時透過《監警會通訊》及《工作報告》發布更多已通過的投訴個案，讓公眾了解會方如何按每宗個案的獨特性，採取以證據為依歸的原則審視個案，並涵蓋會方就個案細節向投訴警察課提出質詢和討論的過程，最後得出對投訴人和被投訴者公平公正的調查結果分類。

另外，監警會亦會繼續透過溝通和交流，主動地接觸不同部門的前線警員，了解他們的工作和面對的各種挑戰，令會方在審核個案時更能設身處地理解情況，掌握不同類型和性質的投訴個案在事發時的環境及問題，有助還原真相。

誠信：誠信是監警會的三大核心價值之一。監警會的28名委員分別來自金融界、商界、政界、工程界、法律界、慈善界、醫學界、學術界、社區服務界等，每一位都是業界翹楚，且具備豐富的公共服務經驗，除了對自己的專業擁有真知灼見，更具備敏銳的社會觸覺。多元化、多層面的意見有助監警會從不同觀點思考問題，從而提升我們的監察功能。在這個團隊中，每一位成員均以證據為依歸，以法律為準繩，以公正為目標，全面檢視每宗投訴個案，絕不徇私，充分體現委員會對投訴機制的誠信、承諾和承擔。

Mutual trust: we are fully aware of people's frustration when making complaints, just as we understand the unseen pressure faced by police officers being complained against. As an independent and impartial statutory body, our neutral role allows us to find the right balance between the expectations and demands of both sides. Upholding the unyielding principle of truthfulness, the IPCC maintains a meticulous and evidence-based vetting standard, so as to ensure fair treatment for both the Complainants and Complainees. Only by gaining trust from both the public (the Complainants) and the Police (the Complainees) can we be able to strengthen the police complaints system and discharge the statutory duties fully.

The IPCC is also obliged to maintaining impartiality and complying with its confidentiality obligation for case vetting work. The IPCC is therefore not in a position to disclose any details of or make any comments on a complaint case before the conclusion of the vetting process even though we want to gain trust of parties involved. Though this approach may affect public perception about the Council's transparency, the IPCC has enhanced its efforts in releasing endorsed cases timely in a thematic basis through the *IPCC Newsletter* and its annual report, enabling the general public to gain a deeper insight into the Council's vetting process, classifications of investigation results and recommendations made to improve the service quality of the Police. By doing so, the IPCC hopes the community would better understand our efforts in scrutinising every single case based on its merits, evidence, as well as raising Queries and discussing case details with CAPO. The ultimate goal of our work is to attain an investigation result which is fair to both the Complainants and the Complainees.

In addition, the IPCC will continue to take the initiative to communicate and interact with frontline officers from different units, so as to learn about their duties and the challenges they faced. This allows the IPCC to place itself in other's position when vetting complaint cases and helps to restore case facts by understanding the setting and issues associated with different categories and nature of complaint cases.

Integrity: this is one of the IPCC's three core values. The 28 IPCC Members come from a wide spectrum of sectors, including the financial, business, political, engineering, legal, philanthropic, medical, academic and social services sectors. Each a leader in their respective fields with extensive experience in public services, the IPCC Members not only contribute with their professional insights, but are also acutely aware of social issues. Assisted by diversified opinions that cover multiple aspects, the IPCC can deliberate on matters from different perspectives, thereby improving its monitoring function. Each Member in the team makes judgement based on evidence and in accordance with applicable laws with an aim to reach impartial conclusion. The IPCC conducts thorough examination of each complaint case which demonstrates the Council's integrity, commitment and accountability in safeguarding the complaints system and fairness.



會方除了密密做審核工作外，也一直重視社會對我們的期望。因此，我們除了致力提升審核的透明度，透過不同渠道走進社區分享更多投訴個案，亦會向大眾闡釋監警會的角色，如何適當運用條例下所賦予的權力——即觀察員計劃下觀察員可出席監察警方搜證的程序及會方可約見個案的有關人士或專家提供資料，讓市民理解監警會獨立公正、不偏不倚的原則，藉此取得市民的認同。身為監察機構的監警會，我們秉持誠信，開誠布公，面對廣大市民、關注團體和媒體的監察。

信念：監警會通過的每個調查結果均具示範作用，調查結果除了為投訴個案下定論，也是汲取經驗甚或教訓的途徑，有則改之，無則加勉。

市民對政府及公共機構的要求和期望日漸提高，監警會作為投訴警察架構的第二層，自然不能置身事外。有鑑於此，監警會立意加強研究和分析工作，利用過去多年累積的數據找出問題癥結，向警方提出對症下藥的改善及減低投訴的建議；我們也就審核投訴個案期間的發現，深入研究警隊守則和工作常規，亦會向世界各地的監察機構借鏡；從程序、培訓、配備和指引等方面，向警方提出有效和切實可行的改善建議，以預防同類型的投訴一再出現。

監警會將秉持「沒有最好，只有更好」的信念，持之以恆，進一步優化警隊的服務質素，預防投訴，鞏固兩層架構投訴警察制度。

最後，我想藉此機會感謝上屆主席郭琳廣先生對監警會的付出和貢獻，同時亦感謝現任委員、秘書處職員及剛卸任的杜國鑾先生和甄孟義資深大律師，對監警會盡心竭力的支持和協助。

In addition to vetting cases, the IPCC also attaches great importance to the expectation of the society. Accordingly, further to effort in enhancing the transparency of our vetting procedures by sharing more complaint cases with the community through various channels, we also endeavour to explain the IPCC's roles to the public and how we properly exercise powers conferred under the functions as provided for under the IPCC Ordinance. For instance, Observers may observe the collection of evidence in connection with the Police's investigation as set out in the Observers Scheme; the Council may also conduct interviews with case-related persons or experts to obtain information. By educating the public about the IPCC's principles of independence and impartiality, it is hoped that we could gain more recognition from the society. As a monitoring body, the IPCC upholds integrity, adopts an open and transparent approach, and accepts monitoring of our work by the general public, concern groups and the media.

Conviction: each investigation result endorsed by the IPCC could be a good reference for future. Arriving at the classification for each complaint case does not just mark the completion of the examination of a complaint case, it also presents opportunity to learn from and reflect on past experience, enabling remedial or preventive actions be taken where necessary.

As the second tier of the police complaints system, the IPCC inevitably finds itself amid the growing public expectations towards governmental and public organisations. On this account, the IPCC sets out to enhance its research and analytical efforts, to identify the causes of issues using data collected over the years, and to provide the Police with practical suggestions to make improvements and reduce complaints. We will also study in depth relevant codes and practices of the Police based on findings from our vetting work as well as drawing lessons from overseas monitoring bodies with a view to offer effective and practical recommendations to the Police to improve in areas such as procedures, training, equipment and guidelines, for preventing the recurrence of similar complaints.

The IPCC is convinced that there is no "best", only "better" with regard to its work. It will therefore constantly keep up its effort to improve the quality of police services, to prevent complaints and to strengthen Hong Kong's two-tier police complaints system.

Last but not least, I would like to take this opportunity to express my heartfelt gratitude to my predecessor, Mr Larry Kwok Lam-kwong, for his dedication and contribution to the IPCC. I would also like to thank all of our current Members, Secretariat staff, as well as Mr Clement Tao Kwok-lau and Mr John Yan Mang-ye, SC, who retired from the IPCC service recently, for their unwavering support and assistance to the Council.

自監警會成立以來，九個寒暑匆匆而過，我很高興能夠帶領監警會邁步向前，與大家一同迎接10周年。監警會將秉承獨立、公正、誠信的價值觀，以前瞻的信念並在取得各持份者互信的基礎上，力求進步，為香港市民服務。

Nine years since the IPCC's inception have swiftly passed and I am grateful for the opportunity to lead the IPCC forward and stride towards our 10th anniversary. Adhering to its values of independence, impartiality and integrity, the IPCC will continue to make improvement based on a forward-looking conviction and mutual trust built among various stakeholders, so as to better serve the people of Hong Kong.



梁定邦，QC，SC，JP
監警會主席



Anthony Francis NEOH, QC, SC, JP
IPCC Chairman

