



獨立監察警方處理投訴委員會
Independent Police Complaints Council

獨立

INDEPENDENT

監察

MONITOR

REPORT · 工作報告

2010/11

**監警會竭盡所能，監察警隊依法執行職務，
確保香港警隊優良傳統，為市民服務。**

The Independent Police Complaints Council will do its utmost to ensure that the Police carry out their duties in accordance with the law and safeguard the fine traditions of our Police Force to serve the people of Hong Kong.

我們的運作

獨立

Our Operation is Independent

我們是行政長官委任的獨立機構，監察警隊就須匯報投訴進行的調查。
唯有獨立，我們才能站在不偏不倚的位置，公平公正地審閱每宗
警察投訴個案，貫徹監警會獨立、公正、透徹的精神。

We are an independent body appointed by the Chief Executive to monitor and review investigations by the Complaints Against Police Office of reportable complaints against members of the Police Force. Only with full autonomy can we truly maintain our neutrality and unbiased position in handling all complaints both fairly and justly and preserve the independence of the Independent Police Complaints Council and its spirit of fairness and thoroughness.

我們的角色是 監察

Our Role is to
Monitor

我們專責觀察、監察和覆檢警務處對須匯報投訴的處理和調查。香港的投訴警察制度是一個兩層的架構，所有投訴先交由投訴警察課處理和調查。完成調查後，調查報告便會交予監警會審核，兩層架構確保每宗投訴個案均能得到公平公正的裁斷。

We are tasked to observe, monitor and review the handling and investigation of reportable complaints against the Police. We have a two-tier complaints handling system in which the Police investigate complaints made by the public. All complaints will first be handled and investigated by the Complaints Against Police Office. Investigation results will then be impartially reviewed by the Independent Police Complaints Council. The two-tier system ensures that all complaints will receive fair and just rulings.

我們的使命是

求真

Our mission is to seek the Truth

我們有責任堅持不懈地追尋每宗投訴之事實真相。所以在審核調查報告時如察覺有疑點或不足之處，我們會立即要求投訴警察課澄清甚至重新調查。務求每宗個案的調查結果都可以建基於事實和證據的裁斷。

We bear the ultimate responsibility of finding out the truth when we go into every investigation. As such, if we detect any discrepancies or questionable points in our review of a case, we will not hesitate to clarify the situation with the Complaints Against Police Office or request that the case be reinvestigated. We hope our perseverance and transparency will ensure that every investigation outcome is derived from facts and evidence.

我們的態度

Our stance is to maintain
Fairness

持平

我們致力維護一個公平、有效率和具透明度的投訴警察制度。所以我們一直審慎和徹底地審閱須匯報投訴個案，確保每個投訴處理得當。努力維持投訴警察個案得到不偏不倚、公平公正的處理。

We strive to safeguard a police complaints system that is fair, efficient and transparent. That's why we insist on taking a cautious and thorough approach in reviewing all reportable complaints against the Police to ensure that all investigation decisions and rulings are made in a fair and just manner.

監警會

Independent Police
Complaints Council

是市民與警隊一道安心的

Serves as a trustworthy
Link

橋樑

監警會確保每一宗須匯報投訴個案均得到公正、仔細和不偏不倚的審核。警隊能貫徹為每宗須匯報投訴個案找到事實真相的公正精神，是對市民可以生活在一個公平社會的保證。就憑這一份保證，進一步增強市民與警隊間之互信，建立一個更安心的生活環境。

As a trusted link between the public and the Police, the Independent Police Complaints Council will ensure that every case receives fair treatment and thorough investigation. The public can rest assured that fairness and justice will be upheld because the Police will at all times conduct their investigations of reportable complaints with a spirit of fairness and unwavering determination to seek the truth. We hope this level of assurance will further boost the mutual trust between the public and the Police in order to create an even better living environment for us all.

有助提升警隊服務的

質素

Helps raise the Police Force's service Quality

監警會除致力監察投訴個案，亦同時努力協助警隊建立良好的程序、常規和價值觀。憑藉仔細的觀察和審核個案的經驗，監警會可以提出建議，改善警隊的常規和程序，藉以減少投訴警察個案，讓警隊質素能進一步提升。

Besides focusing its efforts on monitoring complaints against members of the Police Force, the Independent Police Complaints Council also assists the Police in setting down good operational procedures and effective rules as well as maintaining professional values. Based on its thorough observation and long experience in reviewing complaints, Independent Police Complaints Council can make recommendations to improve police practices, procedures and rules in order to rectify any deficiencies, reduce future complaints and further raise the quality of the Police Force.

為市民締造更有秩序的 社會

To create a more orderly
Society

擁有良好秩序的社會，市民才有美好的生活。香港警隊肩負著維持社會秩序的重任。所以香港警察的質素，與市民的生活息息相關。監警會由監察警方處理投訴做起，令警隊服務更臻完善，從而促使我們的生活環境得以優化。

Only a civilised and orderly society can provide a good living environment for its citizens. The Police bear a heavy responsibility to safeguard social order, and hence their quality of service is intrinsically linked with the well-being of every citizen. The Independent Police Complaints Council ensures that the quality of service of the Police is maintained by closely monitoring the handling of complaints so as to facilitate an even better living environment for all citizens.

主席前言 CHAIRMAN'S FOREWORD



我欣然向大家發表獨立監察警方處理投訴委員會(監警會)2010/11年的工作報告，報告涵蓋的一年實在是充滿挑戰、令人振奮。監警會成為法定機構已經兩年，期間我樂見機構的一些重要發展，充分突顯了監警會作為監察警方處理投訴的一個獨立機構，影響力與日俱增。

2011年1月，監警會成員由18人增加至24人，當中有10位新委員加入。我們的觀察員亦有所增加，在觀察須匯報投訴的會面和搜集證據工作過程方面，直接提升了本會的監察能力。秘書處的審核團隊亦由四組增加至七組，可加快審閱及監察程序，以上種種轉變均令人鼓舞。然而，在公眾對警隊服務期望日高的氛圍下，我們預料資源限制仍然是監警會的一個主要挑戰。

I am very pleased to present this annual report of the Independent Police Complaints Council (IPCC). This reporting year has been a challenging and exciting one. Two years after becoming a statutory body, I am glad to see some major developments which underscore the increasing impact of the IPCC as an independent police complaints oversight body.

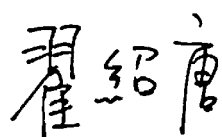
In January 2011, the Council welcomed 10 new Members, expanding our membership from 18 to 24. We have added to the number of Observers to strengthen our monitoring function through on-the-spot observation of interviews and evidence collection for reportable complaints. The number of vetting teams in the Secretariat has also been increased from four to seven. As a result, our review and monitoring process has been considerably expedited. These are all very encouraging improvements. That said, with public expectations constantly rising with regard to police service, we anticipate that limited resource constraints will remain a major challenge for us.

近年市民大眾對問責和透明度的認知及期望不斷上升，監警會作為獨立的監察機構，發揮了明顯的作用，確保投訴警察課公平、公正及有效率地處理每一宗個案，並持續地提供意見給投訴警察課。該課在確立和分析投訴個案的事實時，現已採納更多樣化的手法，因而能更有效率地完成調查，調查結果亦更能協助警隊精益求精。同時，我們和投訴警察課緊密合作，精簡處理投訴的流程，確保盡可能有效地跟進所有投訴。鑒於過去數年，逾七成的須匯報投訴均屬性質較輕微的個案，我們已經開始推行新措施以改善投訴處理的流程，務求更有效率地運用有限的資源。監警會和投訴警察課已成立了一個聯席小組，研究不同的方案。我們預計具體建議將在短期內出台。我相信新措施會為公眾提供更好的服務。

除了審閱調查報告之外，監警會亦有就一些容易引致投訴的範疇提出建議。例如，在報告期內，警方便採納了我們的建議，在報案室安裝電話錄音系統，紀錄報案室電話的對話內容。此外，我們亦繼續跟進警方處理大型公眾活動的安排。

展望未來，我們會更加努力地協助公眾了解投訴警察制度的兩層架構和監警會在這制度中的角色。我們殷切期望透過主動接觸各持份者、關注團體及傳媒，加強公眾對本會的認識。我們相信，讓公眾更了解監警會和投訴警察機制，市民和警方均能得益。

最後，我感謝所有監警會委員和觀察員為監警會所作出的巨大貢獻。他們不吝付出心力，為監警會獨立、公正的監察機制奠下穩健的基礎，讓公眾對香港投訴警察制度的兩層架構更有信心，為此我謹向他們致以衷心謝意。



翟紹唐 資深大律師
主席

With increasing public awareness and higher expectations of accountability and transparency, the IPCC plays a significant role in ensuring that complaint investigations are handled by the Complaints Against Police Office (CAPO) in a fair, just and efficient manner. With our ongoing advice, CAPO has adopted a wider range of measures of establishing and analyzing the facts of a complaint, which lead to more effective and efficient investigation findings. We have been working closely with CAPO to streamline the complaints handling process so as to ensure that all complaints would be handled as effectively as possible. In particular, in the past few years, over 70% of all reportable complaints are of relative minor nature. With this in mind, we have started an initiative to improve the complaint handling process so that our limited resources are not used disproportionately. A joint Working Group has been looking into various possibilities and it is envisaged that some concrete proposals will be put forward very shortly. I am confident that the public will be better served by these initiatives.

In addition to reviewing investigation reports, the Council has also made recommendations to the Police concerning areas that have frequently generated complaints. For example, during the reporting year, the Police completed the installation of a system to record all telephone calls in Report Rooms as a result of the Council's recommendation. We also continued to engage with the Police concerning their handling of public order events.

Moving forward, we are consciously aware that more could be done to enhance public understanding of the two-tier complaints system and our role. We are also keen to raise public awareness of the Council through outreach to stakeholders, concerned groups and the media. We believe that better public understanding of the Council and the police complaints system will benefit both the public and the Police.

Last but not least, I would like to thank all our Council Members and Observers for their enormous contributions to our work. Their efforts and advice lay the foundation of our independent and impartial monitoring mechanism, a key to ensuring public confidence in the two-tier police complaints system of Hong Kong.



JAT Sew-Tong, SC
Chairman

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Vision, Mission and Values of IPCC

監警會的抱負、使命及價值觀

抱負 Our Vision

- 確保香港的投訴警察制度公平、有效率和具透明度，使每一宗須匯報投訴個案均得到公正、迅速、仔細和不偏不倚的調查。
- That Hong Kong has a fair, effective and transparent police complaints system which ensures that the investigation of each and every reportable complaint against the Police is conducted justly, promptly, thoroughly and without prejudice.

使命 Our Mission

- 以獨立、公正、透徹的精神，監察投訴警察課就須匯報投訴進行調查的結果。
- 找出及建議改善現行投訴警察制度的方法，使調查更加透徹、透明、公正和有效率。
- Independent, impartial and thorough monitoring of the results of investigation into reportable complaints against the Police conducted by the Complaints Against Police Office.
- Identification of and making recommendations on ways and means of improving the thoroughness, transparency, fairness and speed of the police complaint investigation process.

價值觀 Our Values

- 不偏不倚、堅持不懈地追尋事實的真相
- 審慎和徹底地審閱投訴個案的調查結果
- 作出合理、公正和迅速的判斷
- 提倡良好的程序、常規和價值觀，藉以減少投訴警察個案
- 有效地運用資源
- 嚴格遵守保密原則
- Unbiased and persistent pursuit of truth
- Thorough and attentive examination of investigation results
- Reasonable, fair and prompt in making judgements
- Promotion of good procedures, practices, and values which would minimise police complaints
- Efficient and effective use of resources
- Strict observance of the code of confidentiality

“良好法治乃香港賴以成功的其中一項重要支柱。就此，監警會擔當重要角色：一方面要協助提升警隊的表現及其服務質素水平；另一方面要確保投訴警察個案得到公正及適時的處理。雖然我的任命僅開展了九個月，但這份經驗既豐實，亦具有挑戰性。

Law and order is one of the most important pillars to guarantee the success of Hong Kong. IPCC has an important role to play to help enhance the performance standards of the Police Force and to ensure that complaints are handled fairly and expeditiously. I have been a Member of IPCC for barely nine months and I find the experience extremely rewarding and challenging. ”

梁繼昌先生

於2011年1月1日獲委任為監警會委員

Mr Kenneth LEUNG Kai-cheong

Appointed as IPCC Member on 1 January 2011

第一章
Chapter 1

關於監警會！ About IPCC

香港的投訴警察制度

Hong Kong Police Complaints System

香港的投訴警察制度是一個兩層的架構。所有投訴警察的個案，不論來源，均交由香港警務處投訴警察課處理及調查。此為香港投訴警察制度的第一層。

投訴警察課完成投訴調查後，便會把須匯報投訴的調查報告，連同所有調查的相關檔案、文件及材料，提交獨立監察警方處理投訴委員會（簡稱「監警會」）審核。

監警會在審核調查報告及其他材料時，如察覺有疑點，將會要求投訴警察課澄清或提供更多資料；如發現有不足之處，更會要求該課重新調查投訴。監警會在完全同意投訴個案處理得當後，才會通過調查結果。此為投訴警察制度的第二層。

兩層架構的優點，是確保投訴警察個案可以公平公正地處理。監警會作為獨立機構，可以客觀地觀察、監察和覆檢警務處處長對須匯報投訴的處理和調查，並向警務處處長和行政長官提供與須匯報投訴有關的意見和建議。

Hong Kong has adopted a two-tier police complaints system. Regardless of their origin, all complaints against the Police are referred to the Complaints Against Police Office (CAPO) of the Hong Kong Police Force for handling and investigation. This is the first tier of the system.

When the CAPO has completed the investigation of a reportable complaint, it will submit the investigation report, together with relevant files, documents and materials, to the Independent Police Complaints Council (IPCC) for scrutiny.

If doubt arises while reviewing the investigation report and other materials, IPCC will ask CAPO for clarification or further information. If IPCC finds the investigation inadequate, it will request that the case be further investigated. Only when IPCC completely agrees that the complaint has been properly handled will it endorse the investigation report. This is the second tier of the police complaints system.

The advantage of the two-tier system is to assure that complaints against the Police will be dealt with fairly and justly. As an independent body, IPCC can objectively observe, monitor and review the handling and investigation of reportable complaints by the Commissioner of Police, and put forward opinions and recommendations regarding reportable complaints to the Commissioner of Police and the Chief Executive.

香港投訴警察制度的兩層架構 Hong Kong's two-tier police complaints system



監警會的角色和功能

The Role and Function of IPCC



監警會是根據《獨立監察警方處理投訴委員會條例》（簡稱《監警會條例》）（香港法例第604章）成立的獨立機構，職能是觀察、監察和覆檢警務處處長就須匯報投訴的處理和調查工作。

監警會成員包括一名主席、三名副主席和不少於八名委員。成員全部由行政長官委任，分別來自社會不同界別，包括法律界、醫學界、衛生服務界、教育界、社福界、傳播界、商界和立法會議員等。監警會借助成員多方面的專業知識，獨立、公正、透徹地監察投訴警察課的調查工作。截至2011年3月31日，監警會共有24名成員。

監警會於2009年6月1日成為法定機構。隨著《監警會條例》生效，警方有法定責任遵從監警會根據條例所提出的要求。條例進一步提高監警會的獨立性，以履行其監察職能。

IPCC is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604, Laws of Hong Kong) to observe, monitor and review the handling and investigation of reportable complaints against the Police by the Commissioner of Police.

IPCC comprises a Chairman, three Vice-Chairmen and no less than eight Members, all appointed by the Chief Executive. They are drawn from a wide spectrum of society including the legal, medical, health care, education, social welfare, communications and business sectors, and Legislative Council members. This composition enables IPCC to draw upon the diverse expertise of its Members to monitor CAPO's investigation of police complaints in an independent, impartial and thorough manner. As of 31 March 2011, IPCC has 24 Members.

IPCC became a statutory body with the commencement of the IPCC Ordinance on 1 June 2009. The Police have a statutory duty to comply with the Council's requirements. The ordinance has further enhanced the independence of the IPCC to carry out its monitoring functions.

《監警會條例》賦予監警會的主要職能如下：

The main functions of IPCC as provided for under IPCCO are:

1	<p>觀察、監察和覆檢警務處處長處理和調查須匯報投訴的工作</p> <p>To observe, monitor and review the handling and investigation of reportable complaints by the Commissioner of Police</p>
2	<p>監察警務處處長已經或將會向與須匯報投訴有關的警務人員採取的行動</p> <p>To monitor actions taken or to be taken in respect of any police officer by the Commissioner of Police in connection with reportable complaints</p>
3	<p>找出警隊工作常規或程序中引致或可能引致須匯報投訴的缺失或不足之處</p> <p>To identify any fault or deficiency in police practices or procedures that has led to or might lead to a reportable complaint</p>
4	<p>向警務處處長和/或行政長官提供與須匯報投訴有關的意見和/或建議</p> <p>To advise the Commissioner of Police and/or the Chief Executive of its opinion and/or recommendation in connection with reportable complaints</p>
5	<p>加強公眾對監警會的角色認識</p> <p>To promote public awareness of the role of the Council</p>

監警會的監察程序

Monitoring Procedures of IPCC

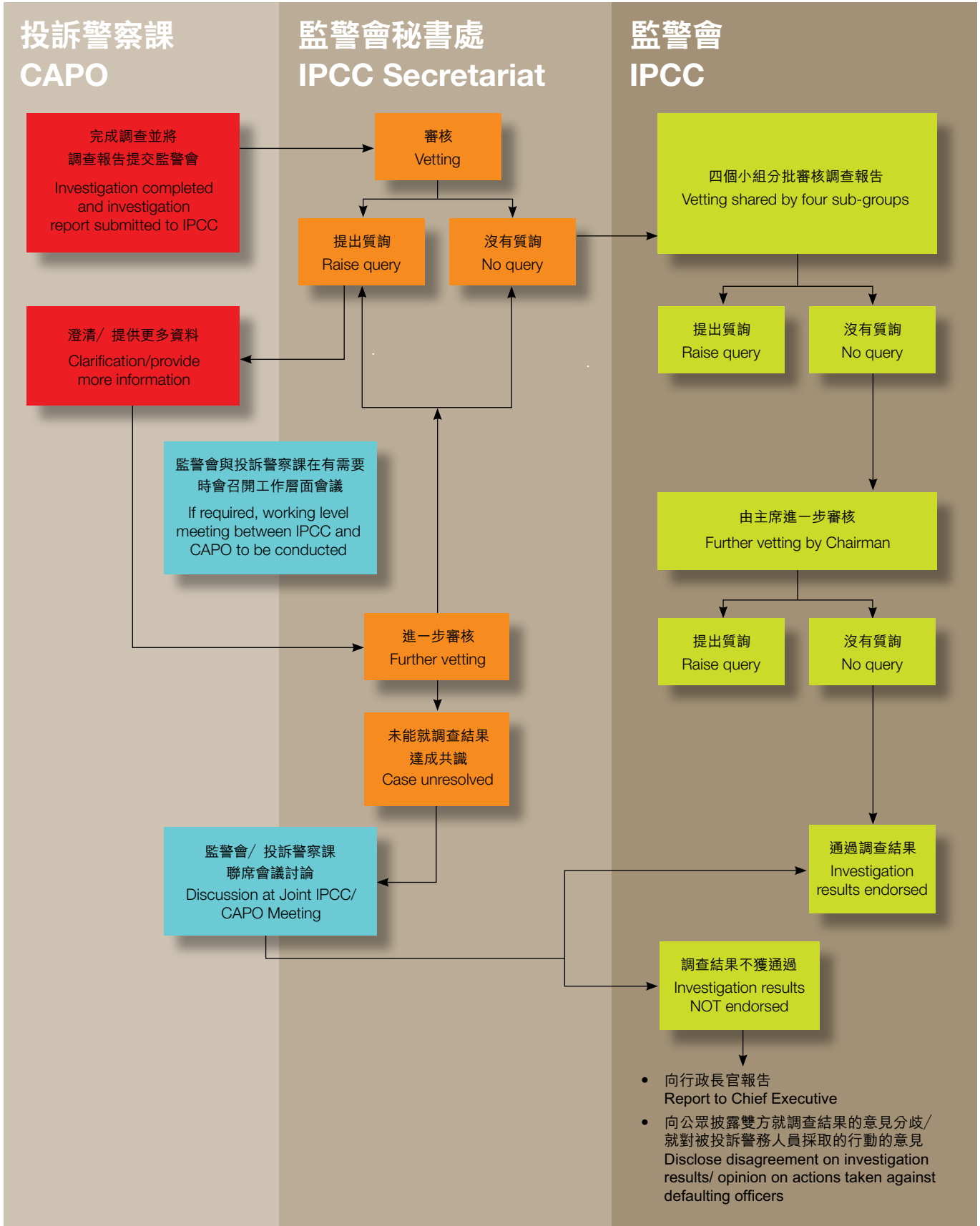
在投訴警察制度的兩層架構下，投訴警察課在完成投訴調查後，便會把須匯報投訴的調查報告提交予監警會秘書處審核，秘書處會就調查報告向投訴警察課提出質詢、要求該課澄清或提供更多資料。若秘書處對調查報告沒有質詢，便會將調查報告提交予監警會成員審核。

若監警會和投訴警察課未能就調查結果達成共識，雙方可在工作層面會議或聯席會議上討論。如監警會最後決定不通過某宗投訴個案的調查結果，可向行政長官報告或向公眾披露雙方對調查結果的意見分歧，包括向行政長官或警務處處長表達監警會對警務處處長就須匯報投訴向被投訴的警務人員採取行動的意見。

Under the two-tier police complaints system, after CAPO has conducted the investigation of a reportable complaint, it will submit the investigation report to the IPCC Secretariat for examination. Based on the report, the Secretariat may pose questions and ask for clarification or further information. If the Secretariat has no query about the report, the investigation report will be submitted to Council Members for scrutiny.

If IPCC and CAPO cannot agree on the findings of an investigation, they can discuss the case at working level meeting or at the Joint IPCC/CAPO Meeting. If IPCC's final decision is not to endorse the results of the investigation of a particular case, it may disclose the disagreement of both parties on the findings of the investigation to the Chief Executive or the public, including expressing its views to the Chief Executive and the Commissioner of Police on the action to be taken by the Commissioner of Police regarding the police officer against whom the reportable complaint has been lodged.

監警會監察程序 IPCC MONITORING PROCEDURES



監警會的會面

IPCC Interview

除了審核調查報告外，監警會亦可要求和個案相關人士會面，以澄清事項。會見計劃於1994年開始推行，在這計劃下，監警會為考慮投訴警察課的調查報告，可以會見任何能夠就調查報告向監警會提供資料或其他協助的人士。

如監警會認為有需要直接會見某些人士，便會邀請他們出席會面。這些人士可以是投訴人、被投訴人、證人或其他獨立人士。監警會會面由不少於兩位監警會委員組成的小組主持，而秘書長則負責有關的安排及協助。

In addition to reviewing the investigation report, IPCC may ask for interviews with persons related to the case to clarify matters. An Interview Scheme was introduced in 1994, under which IPCC may, for the purpose of considering CAPO's investigation report, interview any person who may provide relevant information or assistance.

If IPCC deems it necessary to meet with certain individuals, it will invite them for interviews. These individuals may be complainants, complainees, witnesses, or other independent persons. The interviews will be conducted by a panel of not less than two Council Members. The Secretary-General is responsible for providing necessary arrangements and assistance.



觀察員計劃

Observers Scheme



觀察員計劃於1996年開始推行，旨在加強監警會的監察職能，協助監警會觀察投訴警察課處理和調查須匯報投訴的方式。在這計劃下，由保安局局長委任的觀察員，可出席投訴警察課就調查須匯報投訴而進行的會面和證據收集工作。監警會成員同樣可進行觀察。

投訴警察課會盡量在會面或證據收集行動前至少48小時通知監警會。收到通知後，監警會秘書處便會知會觀察員有關安排。觀察員可觀察任何警方為了調查投訴而與投訴人、被投訴人或證人進行的會面，以及證據收集工作。除了預先安排的會面和證據收集工作外，觀察員亦可在突擊的情況下，出席和觀察警方這些活動。

觀察員的角色是觀察和匯報，基於公平公正的原則，在觀察會面及證據收集行動期間，觀察員不會作出任何干預或發表個人意見，以防影響會面或證據收集的進行。

在觀察完畢後，觀察員須向監警會報告會面或證據收集是否公平公正地進行，以及有否察覺任何不當之處。若觀察員匯報有任何不當之處，監警會便會和投訴警察課跟進。

所有就須匯報投訴與投訴警察課會面的人士，均可要求觀察員出席有關會面。倘監警會接到這些要求，定當盡力安排。

截至2011年3月31日，監警會共有110名觀察員。

The Observers Scheme was introduced in 1996 to strengthen IPCC's monitoring function. Under the Scheme, Observers appointed by the Secretary for Security may attend interviews and observe the collection of evidence in connection with CAPO's investigation of reportable complaints. IPCC Members can likewise conduct such observations.

Insofar as practicable, CAPO will notify IPCC at least 48 hours in advance of any impending interview or collection of evidence. The IPCC Secretariat will then inform Observers of the appointments. Observers can observe any interviews with complainants, complainees, or witnesses, or any collection of evidence conducted in the course of a complaint investigation. Apart from prearranged observations, Observers can attend and observe investigations on a surprise basis.

The role of an Observer is primarily to observe and report. The Observer will remain impartial without offering personal opinions or interference while observing the conduct of interviews or collection of evidence.

After each observation, the Observer will submit a report to IPCC stating whether the interview or collection of evidence was conducted in a fair and impartial manner, and if any irregularities were detected. Should any irregularities be reported, IPCC will follow up with CAPO.

All persons who are to be interviewed by CAPO in connection with a reportable complaint can request for an Observer to be present during the interview. Upon receipt of such a request, IPCC will make an effort to arrange the observation accordingly.

As of 31 March 2011, there were a total of 110 IPCC Observers.

監警會和投訴警察課的聯席會議

Joint Meetings by IPCC and CAPO

監警會和投訴警察課一直保持緊密聯繫，除了工作層面的會議外，監警會和投訴警察課每季會舉行一次聯席會議，討論投訴警察的相關事宜。

為了讓公眾更了解監警會的工作，會議設有公開部分讓市民及傳媒旁聽。會議的日期和議程會在開會前於監警會的網頁公布，公開部分會議的會議紀錄亦會上載至監警會網頁 www.ipcc.gov.hk。

IPCC and CAPO maintain close contact. Apart from working level meetings, IPCC and CAPO conduct a joint meeting every quarter to discuss matters relating to police complaints.

To enable the public to understand better the work of IPCC, part of the meeting is open to the public and media. The date and agenda of the meeting will be published on IPCC's website before the meeting. Minutes of the open part of the meeting will also be uploaded to IPCC's website: www.ipcc.gov.hk.

觀察員的委任

(監警會條例第33條)

監警會觀察員是由保安局局長委任。為確保觀察員的中立角色，以下人士均不會被委任為觀察員：

1. 在政府政策局或部門擔任受薪職位(不論屬長設或臨時性質)的人士
2. 秘書長、法律顧問或監警會任何其他僱員
3. 曾屬警隊成員的人士



Appointment of Observers

(Section 33 of IPCCO)

IPCC Observers are appointed by the Secretary for Security. To ensure their impartiality, the following persons are not eligible for appointment as Observers:

1. A person who holds an office of emolument, whether permanent or temporary, in a Government bureau or department
2. The Secretary-General, the Legal Adviser or any other employee of the Council
3. A person who was a member of the Police Force

須匯報投訴和須知會投訴

Reportable Complaints and Notifiable Complaints

須匯報投訴

「須匯報投訴」是指市民就當值的警務人員或表明是警隊成員的休班人員的行為所作出的投訴。這些投訴必須由直接受影響的人士（或其代表）真誠地作出，而且並非瑣屑無聊或無理取鬧的投訴。不過，下列投訴個案的調查報告和資料則毋須提交監警會：

- 純粹關乎發出傳票或施加定額罰款通知書是否有效而引致的投訴
- 投訴人以自己作為警務人員的身份作出的投訴
- 屬於其他法定機構調查範圍內的投訴

投訴警察課必須按條例規定，提交須匯報投訴的調查報告予監警會審核。



Reportable Complaints

“Reportable Complaints” refer to complaints lodged by members of the public, not vexatious or frivolous, and made in good faith, that relate to the conduct of police officers while on duty or who identify themselves as police officers while off duty. The complaint should be made by or on behalf of a person directly affected by the police misconduct.

CAPO must submit investigation reports to the IPCC for scrutiny as stated in the Ordinance. However, investigation reports and information on the following complaints need not be submitted to the IPCC:

- Complaints arising from the issue of a summons or imposition of a fixed penalty which solely relates to the validity of the issue
- Complaints lodged by a person in his official capacity as a member of the Police Force
- Complaints that fall under the scope of investigation of other statutory bodies

須知會投訴

「須知會投訴」是指既不屬須匯報投訴，亦非前文所述毋須提交監警會的投訴，一律歸類為「須知會投訴」。例如：由匿名人士作出的投訴，或由並非直接受影響的人士作出的投訴。

投訴警察課需定期提交「須知會投訴」的個案撮要予監警會審核。若監警會認為某宗投訴應歸類為「須匯報投訴」，可向投訴警察課作出相應的建議，投訴警察課便須重新考慮該宗投訴的歸類。此外，監警會可要求投訴警察課提供支持將某宗投訴歸類的解釋及資料。

Notifiable Complaints

“Notifiable Complaints” are complaints not categorised as “Reportable Complaints” or complaints that need not be submitted to the IPCC as listed above. These include anonymous complaints or complaints lodged by persons who are not directly affected by the police misconduct.

CAPO must regularly submit a summary of “Notifiable Complaints” to IPCC. If the IPCC considers any of these cases to be “Reportable Complaints”, IPCC may suggest CAPO to reconsider the categorisation of the complaint. Moreover, IPCC may request CAPO to submit further supporting information and explanation regarding any particular complaint.



調查結果分類

Classification of Investigation Results

一宗投訴可涉及一項或多於一項的指控。指控經投訴警察課全面調查後，會根據調查結果歸入下列六項分類之一：

A complaint may consist of one or more allegations. After an allegation has been thoroughly investigated by CAPO, it is classified as one of the following six types according to the findings:

1 獲證明屬實

如投訴人提出的指控有足夠的可靠證據支持，指控會被列為「獲證明屬實」。

2 未經舉報但證明屬實

如在投訴人提出的原有指控以外，發現其他與投訴本身有密切關係和對調查有重要影響的事宜，並且證明屬實，則該事宜會被列為「未經舉報但證明屬實」。

3 無法完全證明屬實

如投訴人的指控有若干可靠的證據支持，但這些證據未能充分證明投訴屬實，指控會被列為「無法完全證明屬實」。

4 無法證實

如投訴人的指控沒有充分的證據支持，指控會被列為「無法證實」。

5 並無過錯

在下述兩種情況下，投訴通常會被列為「並無過錯」：第一，投訴人可能對事實有所誤解；第二，被投訴人是按照其上司的合法指示或警方的既定做法行事。

6 虛假不確

如有足夠的可靠證據顯示投訴人的指控並不真確，不論這些指控是懷有惡意的投訴，抑或不含惡意但亦非基於真確理由而提出的，指控會被列為「虛假不確」。

當一宗投訴被列為「虛假不確」時，投訴警察課會視乎情況，徵詢律政司的意見，考慮控告投訴人誤導警務人員。

Substantiated

An allegation is classified as “Substantiated” where there is sufficient reliable evidence to support the allegation made by the complainant.

Substantiated Other Than Reported

An allegation is classified as “Substantiated Other Than Reported” where matters other than the original allegations raised by the complainant, which are closely associated with the complaint and have a major impact on the investigation, have been discovered and are found to be substantiated.

Not Fully Substantiated

An allegation is classified as “Not Fully Substantiated” where there is some reliable evidence to support the allegation made by the complainant, but it is insufficient to fully substantiate the complaint.

Unsubstantiated

An allegation is classified as “Unsubstantiated” where there is insufficient evidence to support the allegation made by the complainant.

No Fault

Two common reasons for classifying a complaint as “No Fault” are first, the complainant may have misunderstood the facts; and second, the complaine was acting under the lawful instructions of his superior officer or in accordance with established police practice.

False

An allegation is classified as “False” where there is sufficient reliable evidence to indicate that the allegation made by the complainant is untrue, be it a complaint with clear malicious intent or a complaint which is not based upon genuine conviction or sincere belief but with no element of malice.

When a complaint is classified as “False”, CAPO will consider, in consultation with the Department of Justice as necessary, prosecuting the complainant for misleading a police officer.

其他投訴分類

Other Complaint Classifications

有些投訴是透過其他方法處理，無需進行全面調查。這些投訴的分類為：

Some complaints are handled by other means so that no full investigation is necessary. These complaints can be classified as:

1 投訴撤回

「投訴撤回」是指投訴人不打算追究。

即使投訴人撤回投訴，監警會仍會審視個案，確保投訴人沒有受到任何不恰當的影響而撤回投訴，以及警方能從合適的個案中汲取教訓，並確保投訴警察課採取相應的補救行動。

即使投訴人撤回投訴，個案亦不一定被列為「投訴撤回」。監警會及投訴警察課會審閱所得證據，決定是否需要進行全面調查，並根據所得資料，考慮任何一項指控是否屬實。

2 無法追查

在下述情況下，指控會被列為「無法追查」：

- 不能確定被投訴的警務人員的身份
- 資料不足而未能繼續調查
- 未能取得投訴人的合作，以致無法繼續追查

上述定義並不表示若果投訴人未能確定被投訴人的身份，投訴警察課便不會採取進一步行動。投訴警察課會根據所得資料，盡量追查被投訴人的身份；只有追查不果時，才會作出未能確定被投訴人身份的結論。

假如投訴人拒絕合作以致投訴被列為「無法追查」，警方可在投訴人願意提供所需資料時，重新展開調查。

3 終止調查

「終止調查」是指有關投訴已由投訴警察課備案，但鑑於特殊情況（例如證實投訴人精神有問題）而獲投訴及內部調查科總警司授權終止調查。

4 透過簡便方式解決

「透過簡便方式解決投訴」旨在迅速解決一些性質輕微的投訴，例如態度欠佳或粗言穢語的指控。

適宜透過簡便方式解決的輕微投訴，不會有全面調查。投訴會由一名總督察或以上職級的人員處理，並擔任調解人員。調解人員會分別向投訴人及被投訴人了解實情。如果他認為事件適宜透過簡便方式解決而又得到投訴人同意，有關投訴便可循此途徑解決。

Withdrawn

A complaint is classified as “Withdrawn” where the complainant does not wish to pursue the complaint made.

Even when a complainant initiates the withdrawal of a complaint, IPCC will ensure that no undue influence has been exerted on the complainant, and that the Police can learn from the complaint. IPCC will also ensure that CAPO will take corresponding remedial action.

A complainant’s withdrawal does not necessarily result in the case being classified as “Withdrawn”. IPCC and CAPO will examine the available evidence to ascertain whether a full investigation is warranted despite the withdrawal and/or whether any of the allegations are substantiated on the basis of information available.

Not Pursuable

An allegation is classified as “Not Pursuable” when:

- The identity of the officer(s) in the complaint cannot be ascertained
- There is insufficient information to proceed with the investigation
- The cooperation of the complainant cannot be obtained to proceed with the investigation

The above definition does not mean that no further action will be taken when the complainant cannot identify the complainee. CAPO will make an effort to identify the complainee(s) on the basis of the information available. Only after such an effort has been made to no avail will the conclusion be reached that the identity of the complainee cannot be ascertained.

If a complaint has been classified as “Not Pursuable” due to the lack of cooperation from the complainant, it may be reactivated later when the complainant comes forward to provide the necessary information.

Curtailed

A complaint is classified as “Curtailed” where it has been registered with CAPO but on the authorisation of the Chief Superintendent (Complaints and Internal Investigations Branch), is curtailed, i.e. not to be investigated further, owing to special circumstances such as known mental condition of the complainant.

Informally Resolved

The Informal Resolution Scheme aims at a speedy resolution of minor complaints, such as allegations of impoliteness or use of offensive language, the nature of which is considered relatively minor.

A minor complaint suitable for “Informal Resolution” will not be subject to a full investigation. Instead, a senior officer, at least at the rank of Chief Inspector of Police, will act as the Conciliating Officer. He will make enquiry into the facts of a complaint with the complainant and the complainee separately. If he is satisfied that the matter is suitable for “Informal Resolution”, and with the agreement of the complainant, the complaint will be informally resolved.

“

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

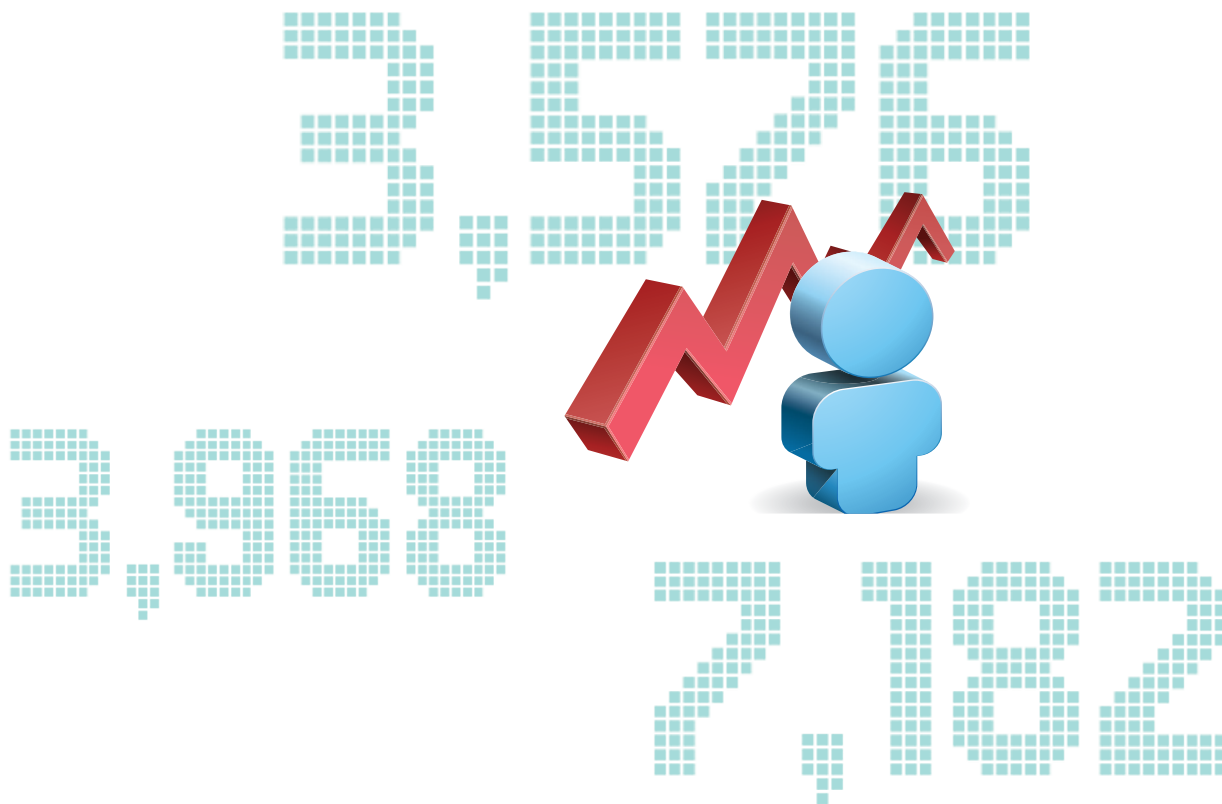
Appointed as IPCC Member on 1 January 2011

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%。

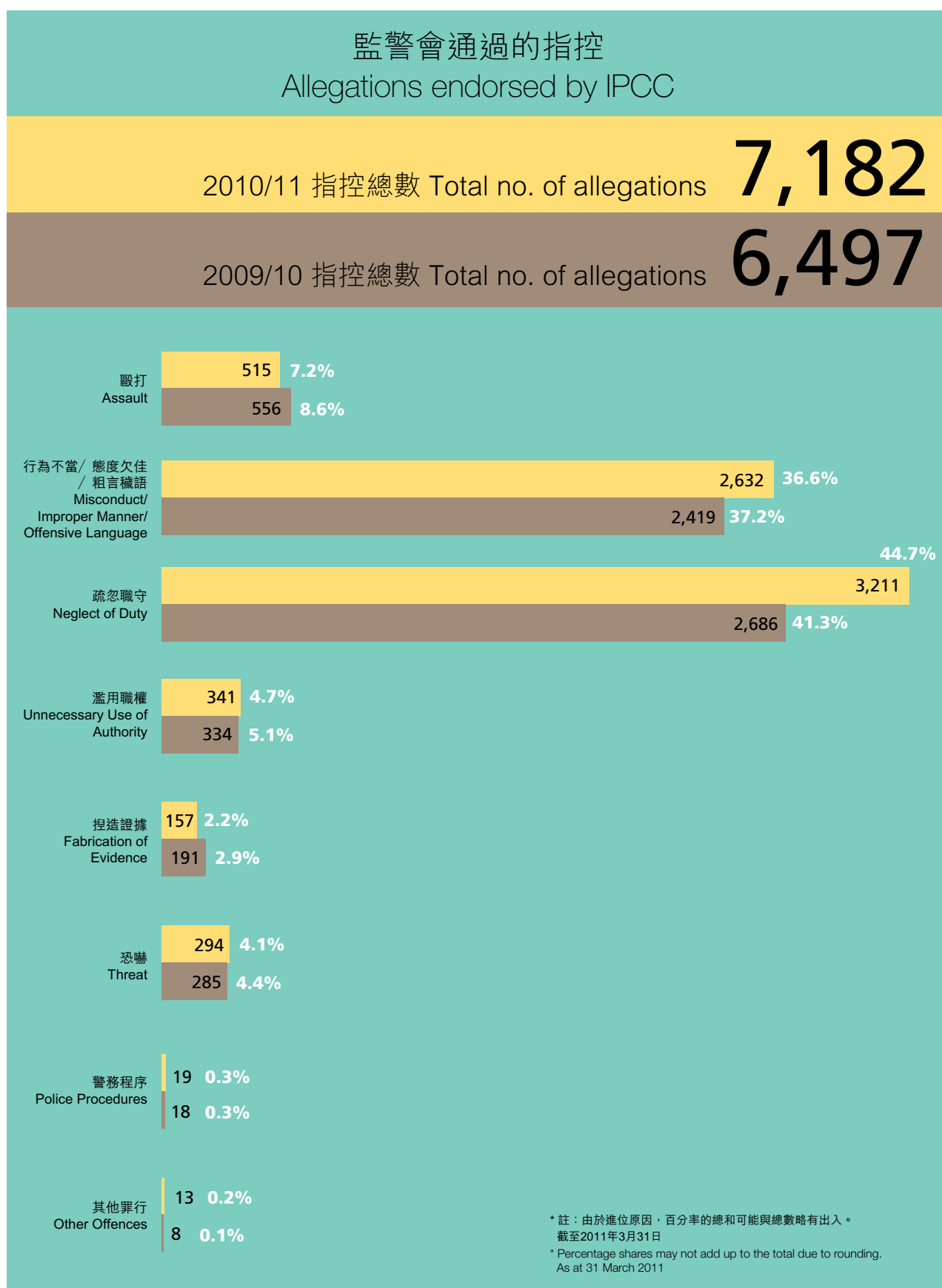
同年，監警會通過了3,968宗投訴個案的調查結果(包括140宗的覆檢個案)，比去年同期的3,827宗投訴個案輕微上升了3.7%。涉及的指控有7,182項，其中主要的三項指控為「疏忽職守」(44.7%)、「行為不當/ 態度欠佳/ 粗言穢語」(36.6%)及「毆打」(7.2%)。指控的數字比2009/10年的6,497項指控增加了約10.5%。

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".

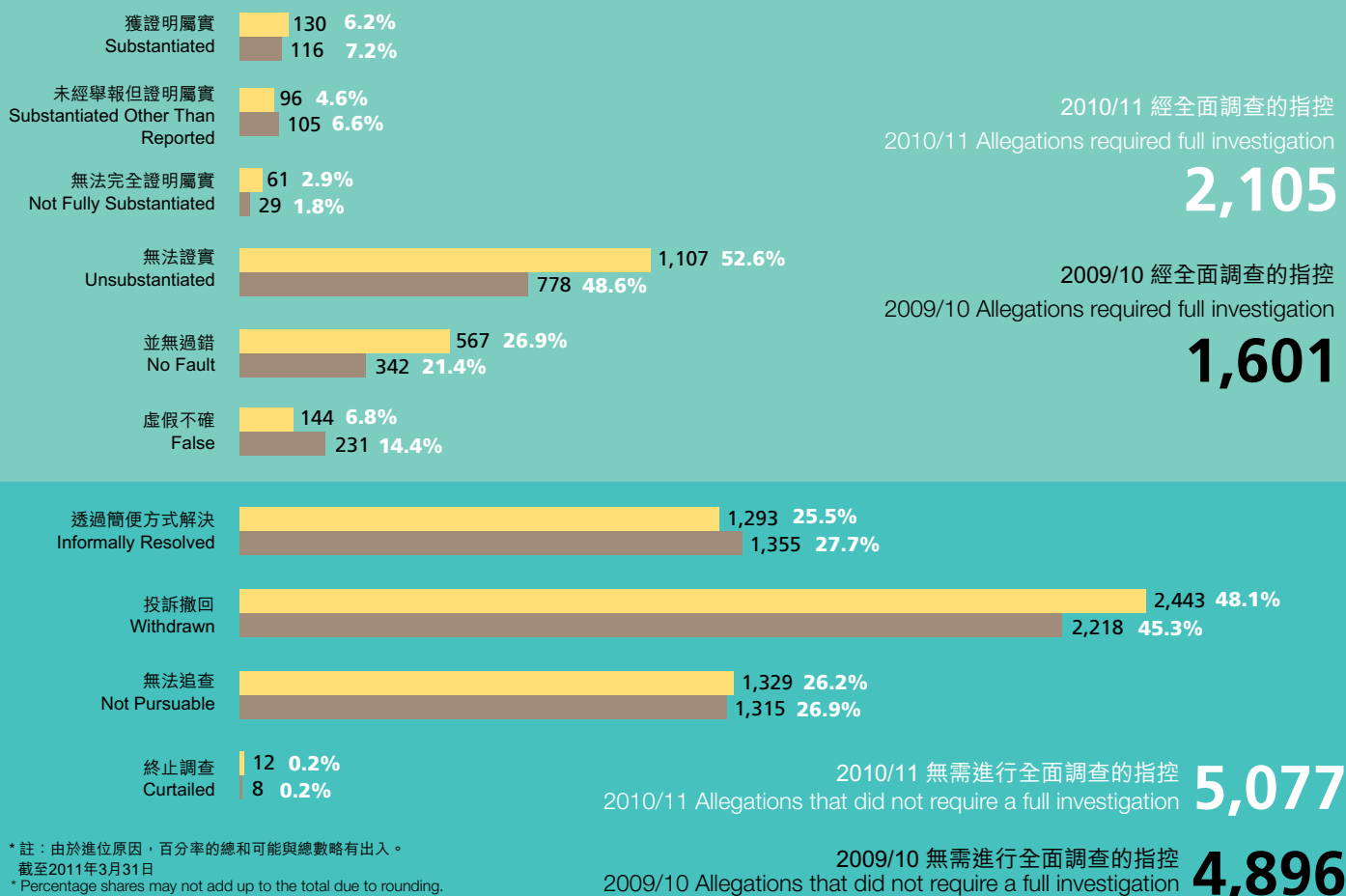
Please refer to the table below for comparison of 2009/10 and 2010/11 figures:

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

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。

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.

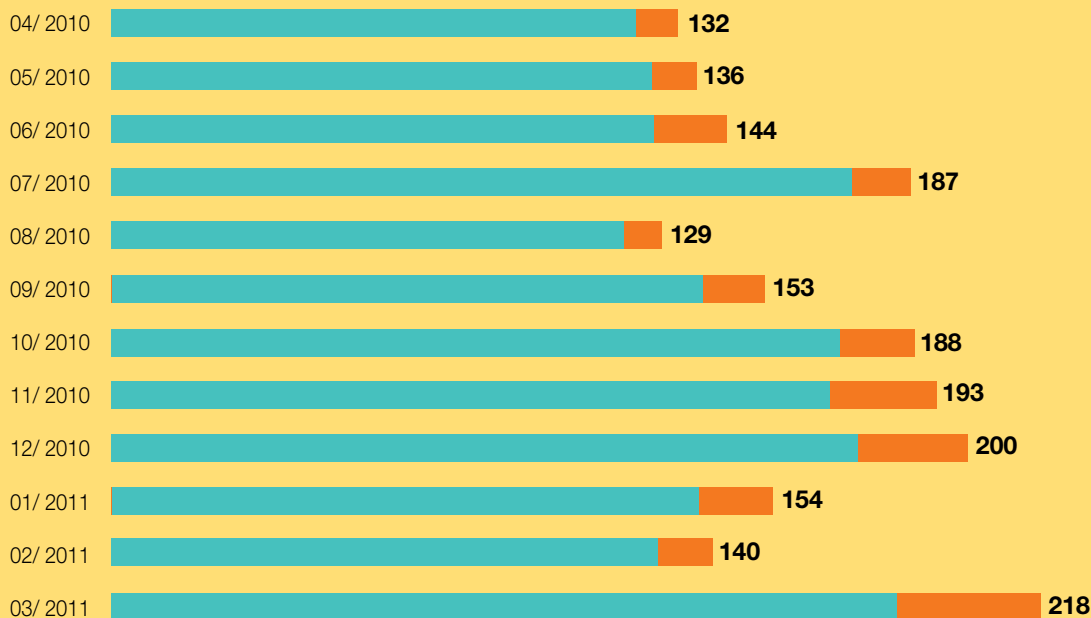
監警會的委員及觀察員進行觀察的每月分項數字請見下表：

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

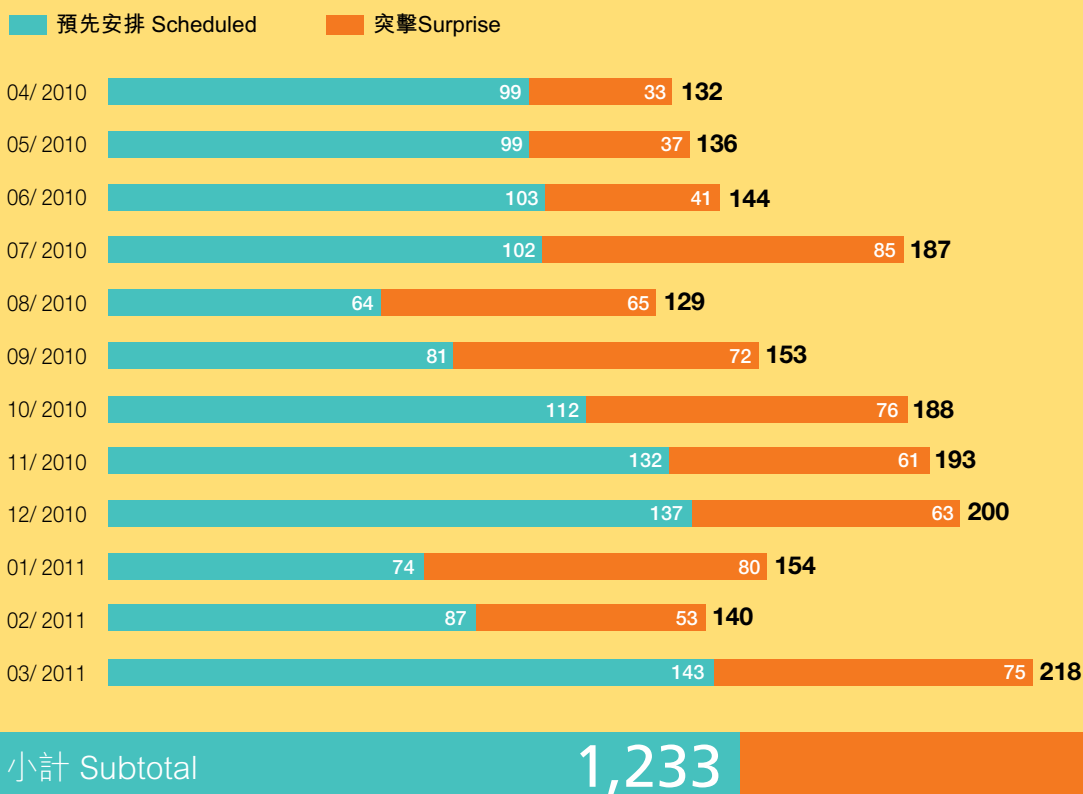
觀察會面和證據收集工作的分項數字：

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

* Percentage shares may not add up to the total due to rounding.
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

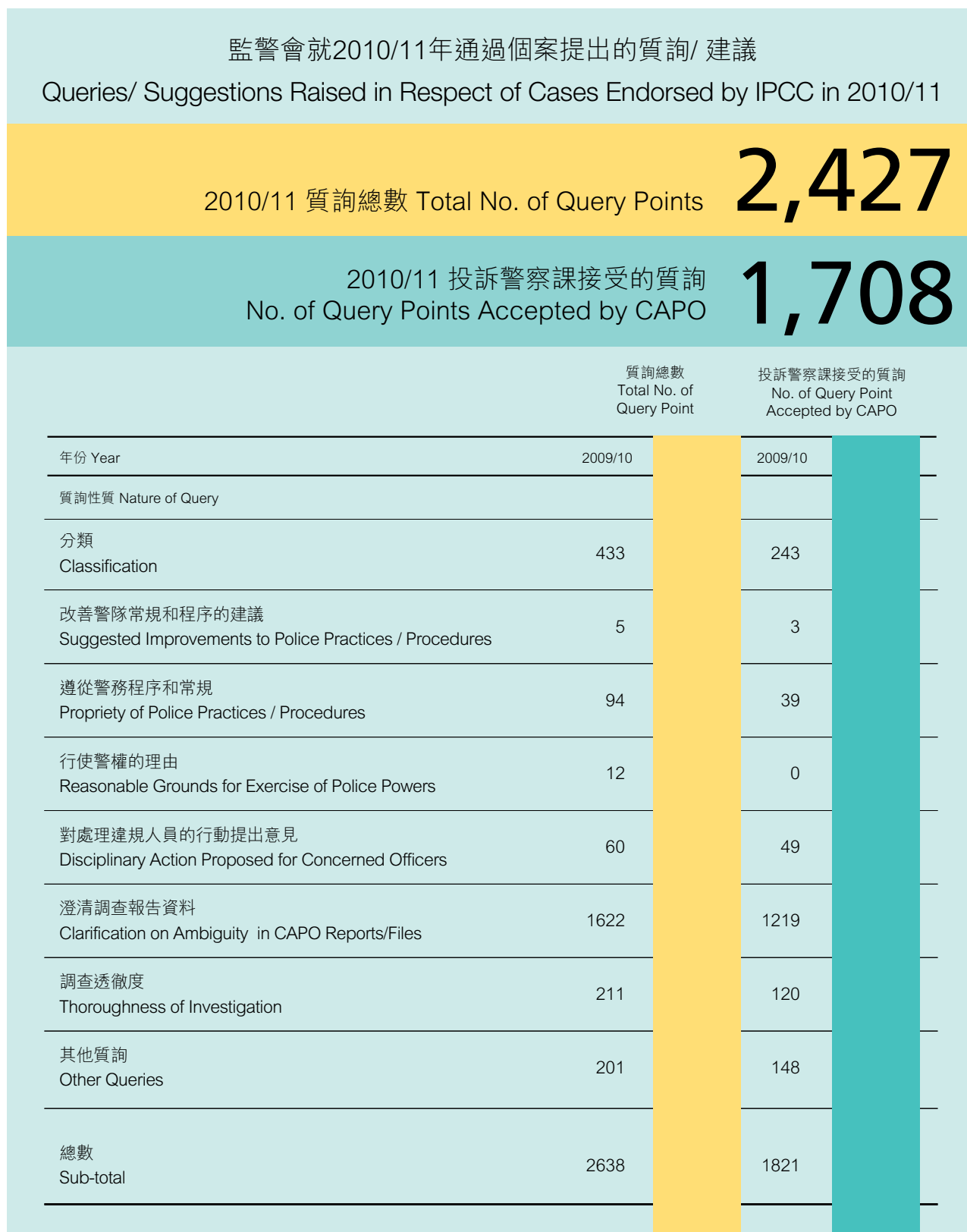
2010/11年，監警會共提出177項有關調查透徹程度的質詢，其中94項獲投訴警察課接納，並就監警會提出的事項作進一步調查和提供更多資料。其餘的質詢則獲該課給予圓滿解釋。

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

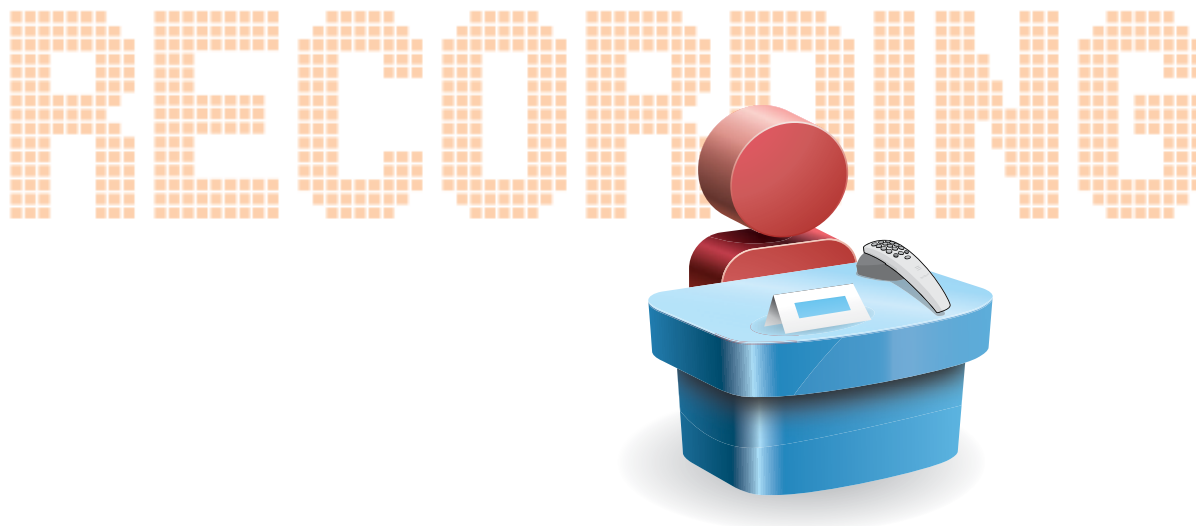
Equipping Report Room Telephones with Recording System

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

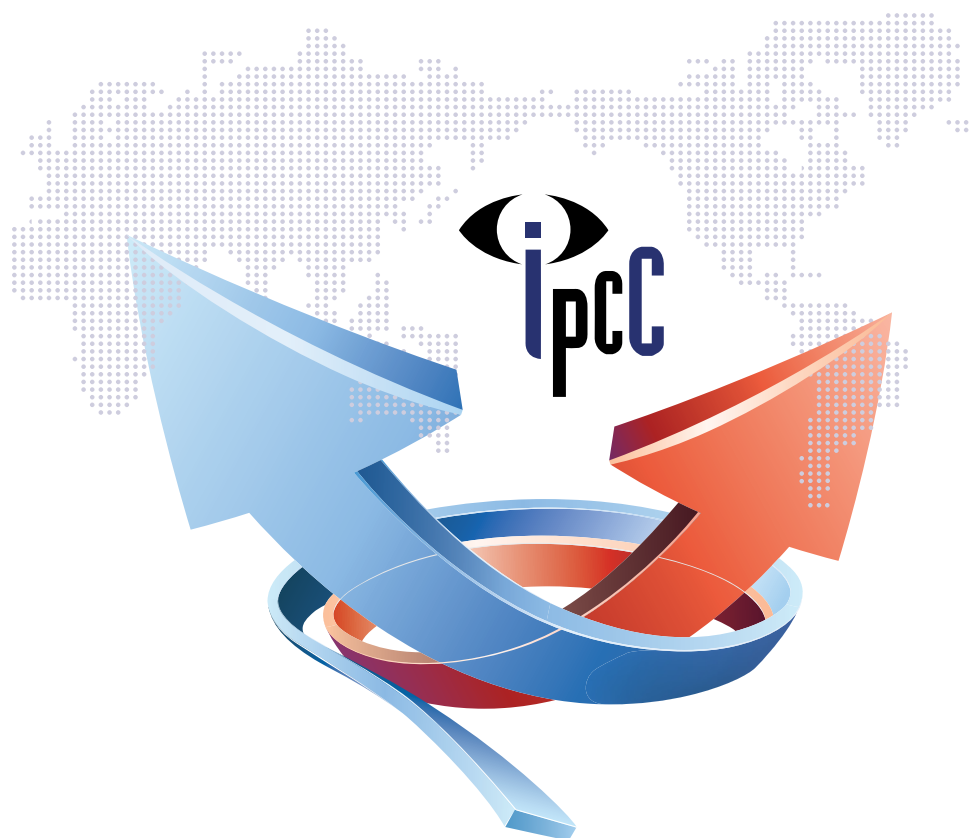
Way Forward

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

“ 在任內我期望有關良好投訴調查的常規和準則能被規範化並輯錄成文。我亦希望在達致公義的過程中，能彰顯出公正持平、多元共容，及從學習中改進的精神。

During my tenure at IPCC, I would like to see standards and best practices in investigating complaints consolidated into documentation, and impartiality, sensitivity to diversity and a culture of learning and improvement ingrained in every element of achieving justice. ”

黃幸怡女士

於2011年1月1日獲委任為監警會委員

Miss Sandy WONG Hang-ye

Appointed as IPCC Member on 1 January 2011

投訴警察真實個案

Actual Cases of Police Complaints

01

個案 Case 01

Progress

Report

個案重點

此個案顯示監警會不但可在審核投訴個案時，要求投訴警察課重新考慮投訴的歸類，同時亦會質疑投訴警察課在調查過程中裁斷事實時，衡量涉案人士證詞可信性和可靠性的方法。

投訴人不滿兩名警務人員只票控投訴人違例駕車駛入限制區，而未有票控另一位同樣駛入限制區的人士，遂投訴該兩名警務人員「行為不當」及「疏忽職守」。由於其中一項指控是投訴當中一位警務人員沒有票控另一位駕車駛入限制區的人士，投訴警察課認為投訴人並不是直接受影響的人士，所以將該指控歸類為「須知會投訴」分別處理。監警會並不同意，因為投訴人對兩名警員的指控有緊密的關連，所以要求投訴警察課重新考慮投訴的歸類。此外，監警會亦不同意投訴警察課稱當時沒有獨立證人或其他確實證據證明或反駁投訴人的說法，因此要求投訴警察課重新考慮「無法證實」的調查結果。

經過監警會三輪質詢，投訴警察課接納監警會的論點，把指控歸類由「須知會投訴」改為「須匯報投訴」。並把另一項指控的調查結果分類由「無法證實」改為「無法完全證明屬實」。

Highlights of the Case

This case demonstrates that when examining complaint cases, IPCC will not only ask CAPO to reconsider the categorisation of a complaint but also enquire into the method CAPO used in weighing the credibility and reliability of a witness' statement to reach its findings during investigation.

The complainant was dissatisfied with two police officers who ticketed her for driving in a prohibited zone after allowing another driver, who had preceded her into the prohibited zone, to go free. She lodged a complaint against the two police officers for "Misconduct" and "Neglect of Duty". One of the allegations was against one of the police officers

for failing to ticket the driver who preceded her into the prohibited zone. Since the complainant was not a directly affected party, CAPO categorised it as a “Notifiable Complaint” and dealt with it separately. IPCC disagreed, as the complainant’s allegations against the two police officers were closely connected, and asked CAPO to reconsider the categorisation of the complaint. IPCC also disagreed with CAPO that there was no independent witness or corroborative evidence to support or disprove the complainant’s story and asked CAPO to reconsider its “Unsubstantiated” finding.

After three rounds of queries, CAPO accepted IPCC’s observations and recategorised the allegations from “Notifiable Complaint” to “Reportable Complaint”. It also reclassified the finding of one of the allegations from “Unsubstantiated” to “Not Fully Substantiated”.

詳細個案

事發當日，投訴人駕車前往西區海底隧道途中，在德輔道中附近迷路。於是她跟隨一輛由一名男司機駕駛的私家車行駛，未幾兩輛車均被警員截停。兩名警員其後分別接觸兩位司機。其中一名警員告知投訴人，將會票控她在限制區內駕駛。投訴人辯稱因不熟悉附近路段，遂跟隨著前方車輛。該名警員指兩位司機均會因同一罪名而被票控。聽罷，投訴人便出示駕駛執照和身份証讓警員簽發告票。

過程中，她看到該名男司機下車與另一名警員交談。不久，該男司機在沒有收到告票的情況下便駕車離開了。投訴人就此詢問正在向她簽發告票的警員，他答稱該男司機已被票控。她對此感到懷疑遂詢問另一名警員，這名警員回答稱該男司機並沒有被票控。

Details of the Case

On the day in question, the complainant was driving her vehicle en route to the West Harbour Tunnel. She lost her way when she approached Des Voeux Road Central, and decided to follow another private car driven by a man in front of her. Shortly afterwards, both vehicles were intercepted by police officers, who approached the vehicles separately. One officer informed the complainant that she would be ticketed for driving in a prohibited zone. The complainant contended that she was just following the vehicle ahead of her as she was unfamiliar with the vicinity. The officer told her that both drivers would be ticketed for the same offence. On hearing that, the complainant produced her driving license and identity card so the officer could issue a ticket.

In the process, she saw the driver from the car ahead of her alight from his vehicle and talk to the other police officer. Moments later, the driver returned to his car and drove off without receiving a ticket. The complainant then questioned the officer who was writing her ticket; he replied that the other driver had been issued a ticket. Doubting this reply, the complainant approached the other police officer to ask if the driver ahead of her had received a ticket; he replied that he had not.

她對這不公平的處理方法大感不滿，於是投訴票控她的警員(指控一)「行為不當」因他謊稱另一名司機有被票控，及(指控二)「疏忽職守」因他不公平地只票控投訴人。另外，她亦投訴另一警員(指控三)「疏忽職守」，因他沒有以同一罪名票控該名男司機。但由於投訴人並不是直接受影響的人士，所以投訴警察課把指控三歸類為「須知會投訴」分別處理。

經調查後，投訴警察課把指控一列為「無法證實」，因當時並沒有獨立證人或其他確實證據證明或反駁雙方的說法。至於指控二，由於證據顯示警員行為不當，投訴警察課列為「證明屬實」。因此，投訴警察課通知中央交通檢控組撤消對投訴人的票控，並退回有關罰款。

監警會對第一項指控的調查結果有所保留，原因如下：

- (i) 事發當日，投訴人透過傳真書面詳述了她的投訴(投訴人被票控時間為當日下午1時，警方於同日下午2時51分收到傳真)。傳真內容與投訴人其後向投訴警察課敘述的內容一致。
- (ii) 投訴人的傳真和證供中的詳情與兩名警員的陳述一致，而她的說法既合情理，亦沒有與其他證據矛盾。事發後她抄下兩名警員的編號和作出書面投訴等事情亦與她的證供一致。
- (iii) 兩名警員的記事簿中均沒有記錄他們與投訴人的對話內容。票控投訴人的警員曾表示當日聽到投訴人質疑他撒謊，而沒有票控另一名男司機的警員亦確認這點。在這種情況下警員審慎的做法是應該在記錄簿上記錄所發生的事。
- (iv) 兩名警員的證供中出現很多不一致之處，包括事發經過和對事件的描述。

儘管上述分析證明投訴人的證供明顯地更可靠和合情理，但因為指控一是嚴重指控，必須要有更多確切的證據支持才能證實。綜合各方因

Feeling aggrieved by this unfair treatment, the complainant lodged a complaint alleging that the police officer had (i) lied to her by saying the other driver was also ticketed, an allegation of Misconduct, and (ii) unjustly ticketed her while the other driver was spared, an allegation of "Neglect of Duty". She also complained against the second officer for (iii) failing to ticket the male driver for the same offence, an allegation of "Neglect of Duty". Since the complainant was not a directly affected party with regard to the third allegation, CAPO categorised it as a "Notifiable Complaint" and dealt with it separately.

After investigating the incident, CAPO found the first allegation to be "Unsubstantiated", in the absence of an independent witness or any corroborative evidence to support or disprove either side's story. CAPO classified the second allegation as "Substantiated" because there was sufficient reliable evidence proving the first police officer's impropriety. Therefore, CAPO informed the Central Traffic Prosecution Division to rescind the complainant's ticket and issue a refund of the fine she had paid.

IPCC had reservations concerning the finding on the first allegation for the following reasons:

- (i) The complainant's version of events was first set out in detail in a written complaint faxed to the Police on the same day the incident occurred (the fax was received by the Police at 14:51 hours; the ticketing occurred at around 13:00 hours on the same day). The details in the fax were consistent with a statement made by the complainant to CAPO later.
- (ii) Most of the facts in the complainant's letter and statement were supported by the two police officers' statements. In addition, the complainant's version of events was inherently probable and was not contradicted by any independent or documentary evidence. The fact that she jotted down the police identification numbers of both officers and made a written complaint to the Police soon after the incident was also consistent with her version of events.
- (iii) Notebook entries of the two police officers did not contain any record of the conversations with the complainant. Given that the first police officer stated that he heard the complainant challenge him and assert that he had lied to her, a prudent response would have been for the officer to record what had happened in his notebook.
- (iv) There were also notable inconsistencies in the versions of events told by the two police officers concerning the sequence and description of events.

In spite of the above analysis showing that the complainant's story was apparently more reliable and inherently probable, given the serious nature of the first allegation, more cogent evidence was

素，監警會認為指控一應列為「無法完全證明屬實」。

同時，監警會不同意把指控三列為「須知會投訴」，因為投訴人對兩名警員的指控有緊密的關連。實際上，本案中只有一項投訴同時指控兩名警員。所以，投訴警察課應一同處理三項指控並衡量各指控的相互影響。就此，監警會判斷應把指控三歸類改為「須匯報投訴」。

經過三輪的質詢後，投訴警察課最終認同監警會的觀察，並改列指控一為「無法完全證明屬實」。投訴警察課亦把指控三重新歸類為「須匯報投訴」。經進一步調查後，投訴警察課把此指控列為「獲證明屬實」。監警會同意這宗個案的修訂調查結果。

required to fully substantiate the allegation. In balancing all relevant factors, IPCC considered that a "Not Fully Substantiated" classification would be more appropriate in the circumstances.

IPCC also disagreed with the "Notifiable Complaint" categorisation of the third allegation, because the complainant's allegation against the second officer was closely connected with that against the first one; in effect, there was only one complaint in this case against both officers. As such, CAPO should view the allegations as a whole and consider their effects on each other. On this basis, IPCC judged that the third allegation should be recategorised as a "Reportable Complaint".

After three rounds of enquiry, CAPO eventually subscribed to the IPCC's observations and reclassified the first allegation as "Not Fully Substantiated". CAPO also recategorised the third allegation as a "Reportable Complaint". After further investigation, CAPO classified it as "Substantiated". IPCC endorsed CAPO's revised investigation findings accordingly.

02

個案 Case 02

Progress

Report

個案重點

此個案顯示監警會在衡量警方於刑事調查中採取行動的理由和依據時，定必嚴謹分析、細心求証。投訴人因濫用警權的行為而受屈，在監警會的質詢下，警方同意有關警務人員在未有徹底調查事件前採取拘捕行動，而錯誤的拘捕導致隨後非必要的保釋程序，確有「疏忽職守」及「濫用職權」的情況。

投訴人因一宗刑事恐嚇案遭拘捕，惟處理案件的主管並沒有徹底調查報案人口供前後矛盾便拘捕投訴人，其後並讓投訴人保釋外出。案件主管的上司認為無法證明報案人所聲稱的恐嚇成立，所以不同意跟進調查。當投訴人到警署報到時，案件主管的上司下令無條件釋放投訴人。投訴人不滿警方處理此事的手法，認為案件主管未有徹底調查事件便採取拘捕行動，也沒有權力要求投訴人保釋，遂投訴案件主管「疏忽職守」及「濫用職權」。

經調查後，投訴警察課認為兩項指控的調查結果為「無法證實」和「並無過錯」。但經監警會質詢，兩項指控的調查結果均改為「獲證明屬實」。

Highlights of the Case

This case demonstrates that IPCC is meticulous in its analysis and verification of the reasons and background behind the actions taken by the Police during criminal investigations. The complainant felt aggrieved because of a police officer's "Unnecessary Use of Authority". Under IPCC query CAPO eventually agreed that, as the officer concerned had made an arrest before investigating the case properly and the wrongful arrest led to unnecessary bail procedures, he was at fault for "Neglect of Duty" and "Unnecessary Use Of Authority".

The complainant was arrested for criminal intimidation, but the officer-in-charge made the arrest without investigating properly the contradictions in a statement given by the informant. The officer-in-charge subsequently released the complainant on bail. The supervising officer of the officer-in-charge was of the opinion that the alleged

intimidation could not be proved and did not agree to a follow-up investigation. When the complainant reported to the police station, the supervising officer instructed that he be released unconditionally. The complainant was dissatisfied with the way the Police had handled the case. He felt the officer-in-charge had made an arrest without a thorough investigation and did not have the authority to put him on bail. So he lodged a complaint against the officer-in-charge for "Neglect of Duty" and "Unnecessary Use of Authority".

After investigation, CAPO's findings classified the two allegations as "Unsubstantiated" and "No Fault" respectively. However, after the queries by IPCC, the findings of the investigation of both allegations were changed to "Substantiated".

詳細個案

投訴人和A先生皆是退休警員，二人在2005年10月分別被選為所居住屋苑的互助委員會司庫和主席。上任不久，投訴人與A先生就互助委員會的運作意見分歧。投訴人發現互助委員會的會計帳目異常，遂於2005年12月起接管記帳本及銀行存摺。

2006年5月13日，A先生聲稱曾致電投訴人，要求他歸還互助委員會的帳本及銀行存摺。A先生指投訴人拒絕並威脅若他繼續糾纏此事便會毆打及殺死他。在同年5月15日下午3時10分，A先生到警署報案指投訴人刑事恐嚇，並擔心自己的人身安全。

刑事恐嚇案的案件主管接管此案，隨即指派一名偵緝探員調查。當日下午3時53分，該探員為A先生正式錄取口供，A先生重覆投訴人恐嚇他。可是他的口供與早前說法矛盾，指自己是退休警員所以不害怕投訴人的恐嚇。

A先生指投訴人之前亦曾作出類似恐嚇。另外，他亦明確地指出他報案的真正目的是要借助警方之力，令投訴人交還互助委員會的財政紀錄。

Details of the Case

The complainant and another man (Mr A) are both retired police officers. In October 2005, they were elected as the Treasurer and Chairman respectively of the Mutual Aid Committee (MAC) of the housing estate at which they resided. Shortly after taking office, the complainant had disagreements with Mr A over the operation of the MAC. After noticing irregularities in the MAC's accounting records, the complainant took control of the MAC's cashbook and bankbook from December 2005.

On 13 May 2006, Mr A claimed to have called the complainant requesting that the MAC's cashbook and bankbook be returned to him. The complainant refused, and allegedly threatened to beat and kill Mr A if he continued to pursue the matter. On the afternoon of 15 May 2006 (at around 15:10 hours), Mr A went to a police station to make a criminal intimidation report against the complainant, saying he was worried about his personal safety.

The officer-in-charge of the criminal intimidation report took over the case, and assigned a Detective Police Constable as the investigating officer. When the investigating officer took a formal statement from Mr A at 15:53 hours on the same day, Mr A repeated that the complainant had intimidated him, but in contradiction to his earlier statement, he said he was not afraid because he was a retired police officer.

Mr A added that the complainant had made similar threats to him before. Mr A also stated unambiguously that his real intention in making the report was to seek police assistance in getting the complainant to return the MAC's financial records to him.

同日，即2006年5月15日，負責調查的警員亦為投訴人錄取口供。投訴人否認指控，亦否認曾在2006年5月13日與A先生有指控中的那段對話。相反，投訴人反指責A先生報假案及盜用互助委員會帳戶1,000港元。

案件主管研究A先生和投訴人的證供以及這刑事恐嚇案的案情，他質疑投訴人的說法，並認為有足夠的表面證據拘捕投訴人。

案件主管在2006年5月15日晚上下令負責調查的警員拘捕投訴人，但其後讓他保釋外出。案件主管認為此一連串行動是正確和恰當的，即使他沒有證據證明A先生與投訴人於2006年5月13日曾通電話，亦沒有其他證據證明任何人曾於此事中犯罪。

案件主管建議跟進調查，但他的上司認為無法證明A先生所聲稱的恐嚇成立，所以不同意跟進調查。2006年6月4日，當投訴人到警署報到時，案件主管的上司下令無條件釋放投訴人。

投訴人不滿警方處理此事的手法，遂作出投訴和提出兩項指控：(指控一) 案件主管「疏忽職守」，因為他未有徹底調查事件便採取拘捕行動；(指控二) 案件主管「濫用職權」，因為他只需要查問投訴人，而沒有權力要求投訴人保釋。

經調查後，投訴警察課把第一項指控列為「無法證實」，因沒有明確證據證明雙方的供詞。同時，投訴警察課認為案件主管拘捕投訴人並要求他保釋是恰當的做法，亦合乎程序，因此投訴警察課把第二項指控列為「並無過錯」。

監警會對兩項指控的調查結果有所保留，原因如下：

(i) 第一項指控的關鍵是案件主管在拘捕投訴人之前並沒有徹底地調查事件。案件主管沒有要求A先生澄清為何他改變初衷，於2006年5月15日在短時間內，由聲稱害怕投訴人的恐嚇到後來表示不害怕。投訴警察課未有針對此事質詢案件主管。案件主管認同A先生與投訴人之間的通話紀錄是

The investigating officer also recorded an interview with the complainant on the same day, during which the complainant denied committing an offence, and denied having had the alleged conversation with Mr A on 13 May 2006. On the contrary, the complainant counter-accused Mr A of making a false report and embezzling HK\$1,000 from the MAC account.

Having studied the statements of Mr A and the complainant, and the circumstances surrounding the criminal intimidation report, the officer-in-charge cast doubt on the complainant's version of events and concluded there was prima facie evidence to arrest the complainant.

He ordered the investigating officer to arrest the complainant on the evening of 15 May 2006, but later released him on police bail. The officer-in-charge considered such a course of action proper and appropriate even though he had no record of the telephone call between the complainant and Mr A on 13 May 2006 and there was no other evidence that an offence had been committed.

The officer-in-charge recommended a follow-up investigation, but was overturned by his supervising officer, who opined that the alleged intimidation could not be proven. Upon his instruction, the complainant was released unconditionally when he reported to the police station on 4 June 2006.

Feeling aggrieved by the way the Police handled the case, the complainant lodged a complaint and alleged, among other things, that the officer-in-charge (i) failed to investigate the case properly before arresting him, an allegation of "Neglect of Duty"; and (ii) should have only questioned him and had no authority to put him on bail, an allegation of "Unnecessary Use of Authority".

After investigating the incident, CAPO classified the first allegation as "Unsubstantiated" in the absence of corroborative evidence to support either side's version of events, and the second allegation as "No Fault" because the officer-in-charge's decision to arrest the complainant and put him on police bail was appropriate and in line with police procedures.

IPCC had reservations over the findings of both allegations on the following grounds:

(i) The crux of the first allegation was the officer-in-charge's lack of thoroughness in conducting an investigation prior to arresting the complainant. CAPO's investigation and subsequent query with the officer-in-charge was unable to address his failure to clarify with Mr A why he changed his story (from being worried about the complainant's alleged intimidating remarks to not being afraid of such remarks) within a very short span of time on 15 May 2006. The absence of the call records between the complainant and Mr A (which the officer-in-charge admitted were essential evidence

案件關鍵證物，但他一直未有取得該紀錄。其他證據亦顯示，案件主管在當時拘捕投訴人是倉促和有問題的決定。

- (ii) 沒有表面證據顯示，A先生對於改變初衷有難言之隱。
- (iii) A先生已明確表示他報案是另有原因，即借助警方之力，令投訴人交還互助委員會的財政紀錄。可是案件主管未有即時進一步與A先生釐清此事。
- (iv) 案件主管的上司迅速地否決案件主管進一步調查的提議，並決定無條件釋放投訴人，這證明當時沒有足夠證據支持拘捕行動。案件主管在缺乏詳細調查的情況下拘捕投訴人是「疏忽職守」的表現。
- (v) 由於兩項指控關係密切，任何一項指控的結果如有改變可能會影響另一項指控。如果第一項指控的調查結果有變，亦需要重新考慮第二項指控「並無過錯」的決定。

經過四輪的質詢後，投訴警察課把投訴案件主管因未有詳細調查案件而「疏忽職守」的指控，改為「獲證明屬實」。另一項「濫用職權」的指控改為「無法證實」。儘管如此，監警會對第二項指控的調查結果仍然有所保留。

監警會和投訴警察課於工作層面會議上再詳細討論本案。投訴警察課接納監警會的意見，認同兩項指控的調查結果應該同步，所以改列第二項指控為「獲證明屬實」。由於案件主管的疏忽，導致投訴人被剝奪自由此嚴重後果，即使案件主管並無惡意，投訴警察課在考慮監警會的建議後改變對案件主管的處分。處分由毋須在部門紀錄中備案的口頭勸導，改為毋須備案的訓諭，警告他在處理同類案件時表現要更為專業。

第二項「濫用職權」的指控是第一項指控的合理後果，而投訴人亦獲准保釋外出。投訴警察課同意監警會的建議，決定不用就此對案件主管採取進一步的行動。監警會通過這宗個案的修訂調查結果。

in the case) and other independent evidence suggested that the officer-in-charge's decision to arrest the complainant at that juncture was premature and problematic.

- (ii) There was no prima facie evidence to suggest that Mr A was precluded from disclosing the reason for his change of story for reasons beyond his control.
- (iii) Mr A had made known in very clear terms his genuine intention in making the report (i.e. that he wanted the Police to help him get the complainant to return the MAC's financial records to him), yet the officer-in-charge failed to further clarify the matter with Mr A then and there.
- (iv) The supervising officer's swift decision to overturn the officer-in-charge's decision and his instruction to release the complainant unconditionally showed that there was insufficient evidence to justify the complainant's arrest, and that the officer-in-charge had been negligent in discharging his duties by not investigating the case more thoroughly before making the arrest.
- (v) Since the two allegations were closely related, any change in the findings regarding one allegation would likely have a bearing on the other. The "No Fault" classification of the second allegation would therefore need to be reconsidered if there was a change in the classification of the first allegation.

After four rounds of queries, CAPO reclassified the allegation of "Neglect of Duty" in failing to investigate the case as "Substantiated", and the other charge of "Unnecessary Use of Authority" as "Unsubstantiated". Notwithstanding this, IPCC still had reservations over the revised finding of the second allegation.

This case was further discussed at the working level meeting held between IPCC and CAPO. After reconsideration, CAPO subscribed to IPCC's observation that the findings with regard to the two allegations should go hand-in-hand, and hence reclassified the second allegation as "Substantiated". Since the officer-in-charge's negligence resulted in the serious consequence of depriving the complainant of his personal liberty, although there was no bad faith on his part, CAPO, on IPCC's advice, agreed to upgrade the action to be taken against the officer-in-charge from verbal advice without a Divisional Record File entry to a warning without a Divisional Record File entry, cautioning him to be more professional in handling similar situations in future.

As the alleged "Unnecessary Use of Authority" was a logical consequence of the substantiation of charges in the first allegation, and the granting of bail meant that the complainant could be released from police custody, CAPO also concurred with IPCC's suggestion that no further action would be taken against the officer-in-charge. IPCC endorsed the findings of the investigation in this case.

03

個案 Case 03

Progress

Report

個案重點

此個案反映監警會在審核投訴個案時，是從個案整體的情況考量，仔細分析投訴警察課的假設再作判斷。即使被列為「旁支事項」的事宜亦會審慎處理。

投訴人涉嫌刑事毀壞而被捕，其後被判無罪，遂投訴警方在未清楚調查事件之前逮捕她乃「疏忽職守」。投訴警察課認為拘捕她的警員在拘捕行動之前，已在現場作出充分的查詢，故決定把指控列為「並無過錯」。投訴警察課在調查時，發現拘捕投訴人的警員在法庭作供時未有根據其筆記如實作供。故此，對該警員加以一項「疏忽職守」的指控，列為「未經舉報但證明屬實」，投訴警察課並忠告為投訴人錄取口供的警員及其直屬上司，在向投訴人澄清其原來的警誡供詞時，需要再警誡投訴人。投訴警察課對錄取口供的警員和其直屬上司的疏忽列為「旁支事項」。

經監警會的質詢後，「並無過錯」的調查結果改為「無法證實」，而「旁支事項」的疏忽指控改為「未經舉報但證明屬實」的「疏忽職守」。

Highlights of the Case

This case demonstrates that the IPCC considers each case in its entirety, and that it will carefully analyse and evaluate the assumptions made by CAPO. Allegations classified as “Outwith” are also prudently reviewed.

The complainant was arrested upon suspicion of criminal damage, but was acquitted after trial. She lodged a “Neglect of Duty” allegation against the arresting officer for his failure to investigate the case thoroughly before arresting her. CAPO, judging that the arresting officer had made sufficient enquiry into the situation at the scene before arresting the complainant, classified the allegation as “No Fault”. Yet CAPO had found that the arresting officer did not give proper testimony in court in accordance with the facts recorded in his notebook. CAPO therefore registered a “Substantiated Other Than Reported” count of “Neglect of Duty” against the arresting officer, and advised the officer that took the complainant’s statement and his supervising officer of the need to caution an arrested person when they sought to clarify what he or she initially said

under caution. The matter was registered by CAPO as an “Outwith” matter against this officer and his supervising officer.

After IPCC’s query, the finding of “No Fault” was changed to “Unsubstantiated”, and the negligence pertaining to the “Outwith” matter was reclassified as a “Substantiated Other Than Reported” count of “Neglect of Duty”.

詳細個案

事發當日，投訴人帶同其12歲的兒子到前僱主A先生的店舖，並懷疑以紅色不褪色箱頭筆在金屬餐具上寫上侮辱性字句。警方接報後派遣一隊警員到現場。查詢情況後，一名警員以懷疑刑事毀壞的理由拘捕投訴人。投訴人、其兒子及A先生被一同帶回警署協助調查。這案件由分區調查隊接手處理，並由一名偵緝警員負責調查。經進一步調查後，投訴人被指其行為構成刑事毀壞，但經審訊後獲判無罪。投訴人不滿警方處理這案件的手法 and 對她兒子的安排，認為警方在未清楚調查事件之前而當場逮捕她，故向拘捕她的警員提出一項「疏忽職守」的指控；她還投訴另一名呼喝她的警員「不禮貌」；而對第三名警員在未知會她之前送她的兒子回家，以及在警署錄取口供時沒有給她解釋的機會而提出兩項「疏忽職守」的投訴。

調查後，投訴警察課認為拘捕她的警員在拘捕行動之前，已在現場作出充分的查詢才拘捕投訴人，故決定把第一項指控列為「並無過錯」。由於其他指控缺乏獨立證人和佐證以支持或反駁，均列為「無法證實」。此外，投訴警局課在審視有關法庭研訊的紀錄時，發現拘捕投訴人的警員在法庭作供時未有根據其筆記如實作供。故此，對該警員加以一項「疏忽職守」的指控，並列為「未經舉報但證明屬實」。由於這警員缺乏上庭經驗和在警界資歷尚淺，其指揮官只需訓示他將來上庭作供的重要性。投訴警察課審視後亦忠告錄取口供的警員及其直屬上司(B警長)在向投訴人澄清其原來的警誡供詞時，需要再警誡投訴

Details of the Case

On the day in question the complainant, with her 12-year-old son, went to the shop of her former employer (Mr A) and allegedly wrote abusive words with a non-erasable red marker pen on some metal utensils. A police report was made, and in response, a police party arrived at the scene. After enquiring into the circumstances, one police officer arrested the complainant upon suspicion of criminal damage, and she, her son and Mr A were taken to a police station for further questioning. The complainant’s case was taken over by a divisional investigative team, with a Detective Police Constable assigned as the investigating officer. After further investigation, the complainant was charged with the offence of criminal damage, but was acquitted after trial. Dissatisfied with the way the Police handled the case and treated her son, the complainant lodged a “Neglect of Duty” allegation against the arresting officer for his failure to investigate the case thoroughly before arresting her at the scene; she also accused a second police officer of “Impoliteness” for shouting at her, and a third officer with two counts of “Neglect of Duty” for failing to inform her before sending her son back home and for failing to allow her to offer an explanation when her statement was taken at the police station.

After investigation, CAPO classified the first allegation as “No Fault”, judging that the arresting officer had made sufficient enquiry into the situation at the scene before arresting the complainant. The other allegations were all classified as “Unsubstantiated” in the absence of independent witnesses or corroborative evidence to support or disprove the allegations. In addition, a “Substantiated Other Than Reported” count of “Neglect of Duty” was registered against the arresting officer, because a review of the acquittal showed that he did not give proper testimony in court in accordance with facts recorded in his notebook and made in his statement. However, in light of the officer’s lack of experience in court and his relatively short period of police service, he was merely reminded by his commanding officer of the importance of giving evidence in court in future. The acquittal review also recommended that the officer that took the complainant’s statement and his supervising officer (Sergeant B) should be advised

人。投訴警察課把對這警員和B警長的疏忽列為「旁支事項」。因為他們已得到指揮官的忠告，所以投訴警察課對他們不作進一步行動。

在審核這個案後，監警會有以下觀察：

- (i) 對拘捕投訴人的警員「疏忽職守」的指控，投訴警察課的裁決是建基於假設警員當時在筆記上記錄的案情是真實和正確的，只是他在法庭上的表現欠佳。但事實上他在庭上的口供是在宣誓下所作出的，而他的筆記卻並非誓章，所以作出以上假設並不妥當。值得注意的是在法庭上他供稱即使他看着他的證人陳述書（內容應與他的筆記一致），也不會有助他恢復當時的記憶。故此不應斷定警員拒絕重覆其證人陳述書和筆記內容只因表現欠佳，而有可能是因為他不想在已宣誓的情況下複述不正確的記錄。投訴警察課被要求重新考慮這指控的「並無過錯」分類。
- (ii) 原被列為「旁支事項」，即錄取口供警員和B警長的疏忽，其實是與投訴人的指控有密切關係，並可能影響此個案的結論。雖然不能確定投訴人是否曾在錄口供時向警員要求作辯護解釋，該警員和B警長未有尋求進一步澄清，足以影響是否有充分證據起訴投訴人。因此投訴警察課應把這項不當行為由「旁支事項」改列為「未經舉報但證明屬實」的「疏忽職守」。
- (iii) 安排投訴人兒子回家的幾名警員行為也有不當。拘捕的警員和被指「不禮貌」的警員均認為該男孩年紀尚輕，在事發現場沒有人可以照顧他，因此在拘捕投訴人時一併帶他回警署。然而，錄口供的警員卻讓該男孩晚上10時在沒有警員陪同下從警署乘巴士回家。如果認為以男孩的年齡可以獨自乘巴士回家，起初就不應該帶到警署。似乎拘捕的警員未有考慮或與投訴人商討是否讓男孩回家；他們只假定以他小小年紀應與母親一起到警署。因此監警會要求投訴警察課調查有關的幾名警員做法有否不當。

of the need to caution an arrested person when they sought to clarify what he or she initially said under caution. However, as this issue had no direct impact on the complainant's allegations, CAPO registered it as an "Outwith" matter against this officer and Sergeant B. No action would be taken against them by CAPO as they had already been advised by their commanding officer.

After examining the findings in this investigation and the case materials, IPCC had the following observations:

- (i) With regard to the allegation of "Neglect of Duty" against the arresting officer, CAPO's analysis proceeded on the assumption that what the officer had recorded in his notebook was the true and correct version of events, and that the problem lay only in his poor performance when giving evidence in court. However, given that his testimony in court was made under oath while his notebook entry was not, it was not safe to proceed on this assumption. It was noteworthy that the officer said in court that even if he were to be shown his witness statement (presumably it contained the same facts as his notebook entry), it would not help refresh his memory. As such, one could not rule out the possibility that the officer's refusal to repeat what he said in his witness statement and notebook was not because of his poor performance, but because the facts stated therein were not true and he did not wish to repeat them under oath. CAPO was thus requested to revisit the "No Fault" classification in this instance.
- (ii) The negligence pertaining to the "Outwith" matter registered against the officer who took the complainant's statement and Sergeant B was closely related to the complainant's allegation against this officer, and had an impact on the conclusion in this case. Although it could not be ascertained whether the complainant had asked the officer to allow her to offer an explanation in her defence when her statement was taken, the failure of the officer and Sergeant B to seek further clarification would be a factor in assessing the sufficiency of evidence of the complainant's commission of the offence. As such, CAPO should handle this impropriety by way of a "Substantiated Other Than Reported" count of "Neglect of Duty" rather than as an "Outwith" matter.
- (iii) The police officers concerned should be faulted concerning the handling of the complainant's son. Both the arresting officer and the officer accused of "Impoliteness" said that as the boy was young and there was no other person to look after him at the scene, they brought him to the police station with his mother after arresting her. However, at the police station, the officer who took the complainant's statement found it appropriate to allow her son to return home by bus unaccompanied by an officer, although it was after 22:00 hours. If the boy was considered old enough to be able to return home alone by bus, he should not have been taken to the police station in the first place. It seemed that the arresting

經過兩輪質詢，投訴警察課作出以下回應：

- (i) 投訴警察課認同監警會對拘捕投訴人的警員「疏忽職守」的觀察，並改列為「無法證實」。
- (ii) 投訴警察課亦同意監警會意見，把原列為「旁支事項」的疏忽指控改為「未經舉報但證明屬實」的「疏忽職守」。為此對錄取口供的警員和B警長一同新增一項指控。
- (iii) 有關投訴人兒子的安排，投訴警察課維持原來的判斷，即有關警員決定把男孩從案發現場帶回警署是恰當的處理方法。但投訴警察課發現錄口供的警員在讓男孩獨自乘巴士回家之前，未有諮詢當值警官，亦沒有安排警員陪同男孩回家或衡量投訴人的女兒是否有能力在家照顧男孩，故此該警員被指控多一項「未經舉報但證明屬實」的「疏忽職守」。由於投訴警察課認為有關警員的做法是出於善意而且沒有不良意圖，加上男孩最終安全回家，因此建議提示該警員將來須遵從警方有關處理被拘留人士子女的守則和指引。這提示將不會記錄在部門記錄文件。

監警會通過這宗個案的調查結果。

officers did not consider or discuss with the complainant the option of allowing her son to return home; they simply proceeded on the assumption that because of his young age he should be taken to the police station together with his mother. CAPO was requested to examine if any impropriety was found on the part of the officers involved.

After two rounds of query, CAPO responded as follows:

- (i) CAPO subscribed to IPCC's observation on the "Neglect of Duty" allegation against the arresting officer, and reclassified it as "Unsubstantiated".
- (ii) CAPO also concurred with the Council's view that the negligence pertaining to the "Outwith" matter should be disposed of by way of a "Substantiated Other Than Reported" count of "Neglect of Duty". To this end, a fresh allegation was registered against the officer who took the complainant's statement and Sergeant B.
- (iii) Regarding the police officer handling of the complainant's son, CAPO maintained that the decision to bring the boy from the crime scene to the police station was appropriate. However, CAPO found that the officer had failed to consult the Duty Officer before sending the boy home alone by bus. He also failed to arrange a police escort for the boy or to ascertain the capability of the complainant's daughter to look after the boy at home. An additional "Substantiated Other Than Reported" count of "Neglect of Duty" was therefore registered against the officer who sent the boy home alone. As CAPO opined that the officer had acted in good faith with no ill intent and the boy had eventually returned home safely, the officer would be advised without a Divisional Record File entry to follow the relevant provisions in police orders and guidelines in handling children of detained persons in future.

IPCC endorsed the findings of the investigation into this case.

04

個案 Case 04

Progress

Report

個案重點

此個案突顯監警會作為獨立的監察機構，確保投訴處理公平公正，不偏不倚。在監察投訴警察課處理投訴時，如遇到投訴人涉嫌濫用投訴機制，無理取鬧，監警會不會偏袒任何一方。

投訴人駕駛時以流動電話拍攝一輛警車使用快綫行車的片段作為證據，投訴駕駛該輛警車的警務人員違例。經調查後，負責此宗投訴個案的高級督察認為沒有證據證明當日負責駕駛該輛警車的警務人員有不小心或魯莽駕駛，遂終止有關調查。但由於投訴人在駕駛時使用流動電話觸犯法例，高級督察決定運用酌情權不檢控投訴人，只向他發出警告信。惟此舉惹起投訴人不滿，並投訴該名負責的高級督察有意報復他指控駕駛警車的警務人員。監警會了解事件後，同意投訴警察課把個案列為「並無過錯」。

Highlights of the Case

This case highlights the IPCC's role as an independent oversight body in ensuring that complaints against police handling of cases are treated justly and without prejudice. In monitoring CAPO's handling of complaint cases, IPCC will not take sides even when a complaint is trivial or represents an abuse of the system.

While he was driving, the complainant took a video clip with his mobile phone of a police vehicle traveling in the third lane as evidence to lodge a complaint against the police driver for violating traffic regulations. After investigation, the Senior Inspector assigned to the case concluded that there was insufficient evidence to prove that the police driver had carelessly or recklessly contravened any traffic regulation and dismissed the case. However, the complainant had violated traffic regulations by using his mobile phone while driving. The Senior Inspector exercised her discretion and decided not to charge the complainant, but to issue him a warning letter. Dissatisfied with the outcome, the complainant lodged a complaint against the Senior Inspector, claiming she sought to take revenge against him for complaining about the police driver. After looking into the incident, IPCC agreed with CAPO's "No Fault" finding.

詳細個案

事發當日，投訴人在快速公路駕駛時，指稱目睹一輛警車沿途使用右邊行車綫(即快綫)，涉嫌違反香港法例第374Q章《道路交通(快速公路)規例》(第12條)有關「交通局限在左邊行車」的規定。投訴人即日向警方投訴，並提供一段由他在駕駛時以流動電話拍攝的影片作為證據。一名高級督察被指派負責調查該宗投訴，看罷有關影片後，該督察認為沒有充分證據證明當日負責駕駛該輛警車的警務人員有不小心或魯莽駕駛，因為當時正有其他車輛使用左邊行車綫，令該輛警車沒有足夠空間和距離，由右邊行車綫安全地駛回左邊行車綫。因此該名高級督察建議毋須作出進一步行動，並終止有關調查。

然而，在調查過程中，該名高級督察留意到投訴人在駕駛時使用流動電話，因為有關影片清楚顯示投訴人只用單手控制駕駛盤，而這行為已觸犯了香港法例第374G章《道路交通(交通管制)規例》(第42條(1)(g))有關「在汽車移動中使用流動電訊設備」的規定。雖然如此，該名高級督察決定運用酌情權，只向投訴人發出一封警告信，提醒他在駕駛時使用流動電話的危險。該名高級督察獲得上司的同意後，便向投訴人發出警告信。

投訴人因不滿警方處理此投訴的手法，以及向他發出警告信。遂投訴該名負責的高級督察「疏忽職守」，認為該名高級督察報復他指控駕駛警車的警務人員，因而無理地向他發出警告信。

經進一步調查後，毫無疑問投訴人在駕駛時確曾使用流動電話拍攝事件經過。投訴警察課認為沒有證據顯示，該名高級督察向投訴人發出警告信乃存心報復。相反，該名高級督察恰當和公平地履行職責，向涉嫌觸犯交通條例的人士採取行動。因此，投訴警察課把個案列為「並無過錯」。

為了確保可公平公正地審核有關「疏忽職守」的指控，監警會要求審閱該名高級督察所發出的警告信。在審閱過該警告信後，監警會認同發出該信是恰當及公正的，因此同意投訴警察課的調查結果。

Details of the Case

The complainant stated that, while driving along an expressway one day, he witnessed a police vehicle travelling in the third lane, apparently in contravention of a regulation that restricts traffic to the nearside lane under s.12 of the Road Traffic (Expressways) Regulations, Cap. 374Q. The complainant lodged a traffic complaint the same day, and provided Police with a video clip of the incident taken with his mobile phone while he was driving. A Senior Inspector of Police was assigned to investigate the traffic complaint. After viewing the footage provided by the complainant, the Senior Inspector concluded that there was insufficient evidence to prove that the police driver had carelessly or recklessly contravened any traffic regulation, as there was not enough space for the police vehicle to safely pull back from the third lane to the inner lane, which was occupied by other vehicles at the time. The Senior Inspector therefore recommended that no action be taken against the police driver, and dismissed the case.

In the course of the investigation, however, the Senior Inspector noticed that the complainant had used his mobile phone while driving. The footage clearly showed him controlling his vehicle with a single hand on the steering wheel, which constituted the offence of using a mobile telephone or other telecommunications equipment while the vehicle is in motion, under s.42(1)(g) of the Road Traffic (Traffic Control) Regulations, Cap. 374G. Nonetheless, the Senior Inspector exercised her discretion and decided only to issue a warning letter to the complainant, to give him the clear message that it was dangerous to use a mobile phone while driving. The Senior Inspector's recommendation was endorsed by her supervising officer, and the letter was issued accordingly.

The complainant, dissatisfied with the way his complaint was handled and with the warning letter issued to him, lodged a complaint against the Senior Inspector. The complainant alleged that the Senior Inspector had been negligent in her duty in unreasonably giving him a warning, which he viewed as revenge against him for complaining about the police driver.

After further investigation, it was undisputed that the complainant had used his mobile phone to video-record the incident while driving at the same time. The CAPO concluded that there was no evidence that the Senior Inspector had issued the warning letter with the intent of taking revenge against the complainant. On the contrary, CAPO found that she had carried out her duty properly and impartially, as she was duty bound to take appropriate action against any offender suspected of committing a traffic offence. As such, CAPO classified the case as "No Fault".

To ensure that the investigation into the allegation of "Neglect of Duty" was fair and impartial, IPCC requested CAPO to provide a copy of the warning letter issued by the Senior Inspector to the complainant. After examining its contents, IPCC was satisfied that the letter was issued in a proper and just manner, and hence endorsed CAPO's finding.

“ 一個民主社會得以健康發展，關鍵在於能否在維護法紀和保障人民政治及公民權利兩者之間找到一個合理的平衡點。在兩年的任期內，我會促請監警會(i)審視和監察警方處理公眾秩序活動和涉及重大公眾利益的相關事宜；以及(ii)接觸和聆聽弱勢持份者和關注警權及人權的組織。

For the healthy development of a democratic society, it is of utmost importance to seek a reasonable balance between maintaining law and order and protecting civil and political rights of its citizens. In the coming two-year term of service, I will urge IPCC to (i) examine and monitor police handling of public order events and other related issues of major public interest; and (ii) reach out and listen to under-privileged stakeholders and concerned groups. ”

黃碧雲博士

於2011年1月1日獲委任為監警會委員

Dr Helena WONG Pik-wan

Appointed as IPCC Member on 1 January 2011

宣傳及與持份者聯繫！

Publicity and Stakeholders' Engagement

宣傳及與持份者聯繫

Publicity and Stakeholders' Engagement

監警會一直希望可以增加公眾對監警會的认识，讓大眾更加了解監警會的工作和認識香港的投訴警察制度。而監警會也很重視與持份者的聯繫，我們的委員定期和不同的持份者會面，包括警方和其他關注團體，以確保他們可以直接向委員會表達意見。以下報告2010/11年監警會的對外宣傳工作和與持份者聯繫的詳情。

It has always been the wish of IPCC to enhance public awareness and understanding of its work and the Hong Kong police complaints system. IPCC also values its relations with stakeholders. Its members regularly meet with various stakeholders, including the Police and other concerned groups, to gain direct access to their views. The following is a report on IPCC's publicity work and its engagement with stakeholders in 2010/11.

監警會通訊半年刊

IPCC Biannual Newsletter

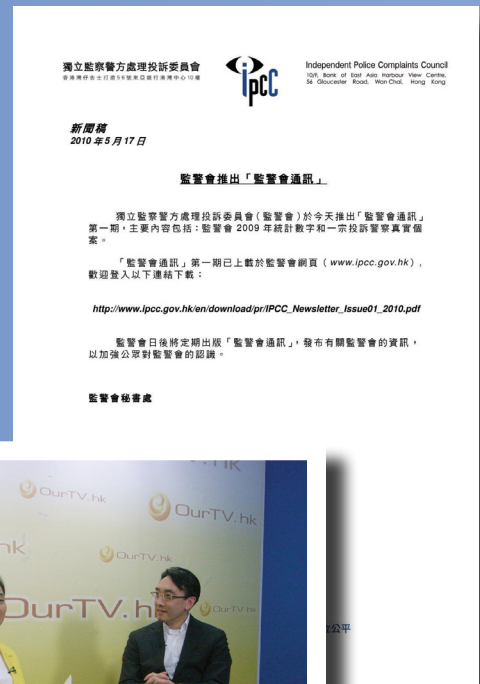
為了增加監警會的透明度和加強與持份者聯繫，會方在2010年5月開始推出監警會通訊半年刊，以電子刊物的形式報導監警會的最新動向、審核個案的統計數字、委員會近期工作，以及投訴警察的真實個案等。監警會通訊除了會以電郵形式寄給持份者外，還上載至監警會網頁。在監警會通訊推出時，會方曾安排傳媒簡佈會，由監警會翟紹唐主席向傳媒介紹通訊的內容。監警會正計劃將通訊由半年刊轉為季刊，讓公眾人士更快收到會方的資訊。

To increase the transparency of IPCC and to strengthen its engagement with stakeholders, the Council launched an IPCC biannual newsletter in May 2010. In the form of an electronic publication, it reports on the Council's current direction, statistics on the cases it has reviewed, its recent work, and examples of real-life police complaint cases. The biannual newsletter is sent to stakeholders by email and uploaded to the IPCC website. The newsletter was launched by IPCC Chairman, Mr Jat Sew-Tong, at a media briefing. IPCC is planning to turn the biannual newsletter into a quarterly one to deliver more updated information on IPCC to the public.



新聞發放和傳媒訪問

Press Releases and Media Interviews



監警會定期向傳媒發放會方的最新訊息，也會安排傳媒活動，加強和傳媒代表的聯繫。在本報告期內，會方共發放了四份新聞稿，內容包括監警會年報和監警會通訊、新秘書長的任命等。政府新聞處亦就監警會新委員的任命等發放了三份新聞稿。再者，監警會主席亦有會見傳媒和接受訪問，談論監警會關注的議題。如在2010年4月監警會主席曾接受香港電台節目《鏗鏘集》訪問，以及在9月出席OurTV.hk節目《議會內外》接受訪問。

IPCC regularly releases its latest news to the media. It also organises activities to strengthen its relationship with media representatives. In this reporting period, four press releases were issued, covering the publication of IPCC's annual report and newsletter, and the appointment of a new Secretary-General. The Information Services Department also issued three press releases regarding the appointment of new IPCC Members. The Chairman met with the media and gave interviews on issues of concern to IPCC. In April 2010, the Chairman was interviewed on RTHK's programme, "Hong Kong Connection" and on OurTV.hk's programme "Inside and Outside Legco" in September.

公開會議

Open Meetings

監警會在報告期共舉行了四次和投訴警察課的聯席會議，每次會議部分環節均會開放予公眾旁聽。一些有趣的投訴個案和重要的政策議題都會安排在公開會議上討論，以提高透明度和增加公眾對我們工作的認識。

A total of four joint IPCC/CAPO Meetings were held during this reporting period and part of each meeting was open to the public. Interesting complaint cases and important policy issues were discussed during the open part of the meetings to enhance transparency and public understanding of IPCC's work.

2010年6月10日 10 June 2010



討論當時警方正草擬的《公眾秩序守則》和警方增強閉路電視系統之事宜。監警會要求警方在《守則》草擬完成後諮詢監警會委員意見，警方承諾在《守則》發布前可向監警會作全面的簡報，介紹《守則》的大綱、文件背後的理據、《守則》的內容，以及給警務人員提供的指引。此外，監警會曾就警署多次發生閉路電視系統故障，以致無法檢取有關錄影記錄協助投訴調查的情況表示關注。投訴警察課當日在會議上向監警會匯報警署閉路電視系統正進行數碼化，截至2010年5月初，警方已經安裝了共57部數碼錄影機。新系統可自動錄影和儲存錄影記錄，減低人為錯誤引致的遺漏。除了提升設備，警方亦發出新的運作指引，引入定時檢查的機制確保系統運作正常。警方並在會上介紹警務人員專業敏感度及相關培訓。

The Public Order Manual being drafted by the Police and the upgrade of its CCTV system were discussed. IPCC asked to be consulted when the draft was completed. The Police promised to give IPCC a complete briefing before releasing the Manual, to introduce the outline, the rationale behind the document, the content and the guidelines given to police officers. IPCC also expressed concern over repeated malfunctioning of the CCTV systems in police stations resulting in the loss of video footage that would assist in complaint investigations. CAPO informed IPCC that CCTV systems in police stations had been undergoing digitalisation. By early May 2010, 57 video recorders had been installed. The new system has automatic recording and storage functions to minimise the loss of recording due to human error. Apart from the equipment upgrade, the Police have issued new operational guidelines introducing a regular inspection system to ensure normal functioning of the system. The Police also introduced to the meeting a training programme in professional sensitivity and other relevant skills for police officers.

2010年9月2日 2 September 2010

討論「警隊的紀律行動」，了解「證明屬實」的投訴個案所採取的跟進行動。監警會察覺到當投訴被列為「證明屬實」後，投訴警察課在調查報告中，未有詳細交代在決定對被投訴的警務人員採取甚麼行動時背後的考慮因素。有鑒於此，監警會邀請警方出席會議並向委員會簡介警方可採取的行動以及相關的考慮因素。投訴警察課並同意在調查報告中闡釋對被投訴警務人員採取的行動之考慮因素，協助委員在審核報告時掌握有關資料。

To understand the follow-up action taken when a complaint was found to be "Substantiated", the Force's disciplinary action was discussed. IPCC found that when a complaint had been classified as "Substantiated", CAPO did not give a detailed explanation of the factors considered when deciding what action to take against the officer involved. In view of this, IPCC would invite the Police to attend a meeting to brief Members on the possible actions and the relevant factors that would be taken into consideration. CAPO agreed to explain in the investigation reports the factors considered when making their decision, and to give Council Members relevant information that would help them in evaluating investigation reports.

2010年12月9日 9 December 2010

討論《公眾秩序守則》。鑒於大型公眾活動不時引致投訴，監警會向警方表達了對警方處理這些活動的關注。警方當日在會議上，向監警會簡介他們草擬《公眾秩序守則》的工作，並介紹《守則》涵蓋的範圍。監警會歡迎警方草擬內部《守則》，又指出活動能否順利進行，關鍵在於警方與主辦單位的溝通。警方同意監警會的觀點，並會研究如何向公眾傳達相關的主要訊息。

The Public Order Manual was discussed. IPCC noted that complaints arise from public order events from time to time and expressed concern about Police handling of such events. At the meeting, the Police briefed the Council on their work in drafting the Public Order Manual and the areas that the Manual would cover. IPCC welcomed the coming promulgation of the Manual, and suggested that the key to the smooth handling of events would be communication with the organisers. The Police agreed with the views of IPCC and said they would work on ways to communicate relevant messages to the public.



2011年3月1日 1 March 2011

討論警方預防投訴的機制。警方在會上介紹其預防投訴機制和措施，監警會表示會積極支持警方這方面的工作。

The system for preventing police complaints was discussed. The Police introduced to the meeting their mechanism and measures for preventing complaints. IPCC expressed its staunch support for this work.

與警方交流

Engaging the Police

警方是監警會最重要的持份者。因此，委員會有需要不斷和警隊各部門和各階層的代表會面，了解他們執行職務時遇到的困難和他們對投訴制度的意見。這些交流活動有助委員考慮調查報告和提出改善警隊服務的建議。

As the Police is IPCC's major stakeholder, it is necessary for the Council to continue to meet with police units and formations at different levels to understand the difficulties they encounter in discharging their duties, and their views on the police complaints system. These exchanges help Council Members in considering investigation reports and in raising recommendations to improve the service of the Police Force.

2010年5月3日 3 May 2010

與新界北總區前線警務人員會面及對談。警務人員在會上分享他們處理糾紛個案和家庭暴力案件的體驗，監警會主席亦藉此機會鼓勵前線警務人員出席監警會的會面，因此舉可讓監警會直接向警務人員澄清與投訴相關的事宜。



IPCC Members met and talked with frontline officers in New Territories North Region. Officers shared their experience in handling disputes and domestic violence. The IPCC Chairman took the opportunity to urge frontline officers to attend such meetings, as they allowed IPCC to clarify issues relating to police complaints directly to the officers.

2010年9月10日 10 September 2010

與西九龍總區前線警務人員會面。當日的活動有逾70名西九龍總區的前線警務人員出席，包括警察員佐級協會的代表。監警會委員亦參觀了九龍城裁判法院的羈留設施。他們隨後到訪九龍總區指揮及控制中心，了解警方如何處理999報警求助的來電。



A meeting was held with frontline officers in West Kowloon Region. Over 70 frontline officers attended, including representatives from the Junior Police Officers' Association. Council Members also visited Kowloon City Magistracy detention facilities. They later went to Kowloon Regional Command and Control Centre to see how the Police handle 999 calls.

2010年12月4日 4 December 2010

探訪九龍東總區討論交通相關投訴事宜。當日九龍東總區代表先簡介警方在交通問題上的職責，再由監警會委員和逾50名前線警務人員交流，分享在處理交通相關投訴的經驗。委員在會上鼓勵前線警務人員，不要因為害怕被市民投訴而影響他們執行職務。



Council Members visited Kowloon East Region to discuss traffic-related complaints. Representatives from Kowloon East Region first gave a briefing on police responsibility in traffic control. IPCC Members then engaged in discussion with over 50 frontline officers, who shared their experience with traffic-related complaints. Members urged frontline officers not to be deterred by fear of complaints from the public when carrying out their duties.



2011年2月11日 11 February 2011

探訪支援部，並和該部的代表交換意見。在這次活動中，支援部代表向委員介紹其組織架構、工作及現時的主要研究項目，包括改善錄音系統、檢討羈留和保釋的安排、集中安排羈留的設施、拘留的手續和應付懷疑精神有問題的人士等。

A visit was paid to the Support Wing and views were exchanged. Representatives from the Support Wing explained to the Council Members their organisational structure, work, and major current studies, including improvement of the recording system, reviewing detention and bail arrangements, pooling of detention facilities, detention procedures, and dealing with individuals suspected of having mental problems.

與其他持份者聯繫

Liaison with Other Stakeholders

監警會委員亦有和不同的持份者交流會面。報告期內監警會向立法會保安事務委員會提交工作報告；並和內地的公安局以及監察學會會面，分享相關經驗。

IPCC Members also engaged other stakeholders in meetings and discussions. In the reporting period, IPCC submitted a report on its work to the Legislative Council's Panel on Security. IPCC also met with Shenzhen Municipal Public Security Bureau and China Supervision Institute representatives to exchange relevant experience.

2010年7月21日 21 July 2010

成為法定機構一周年，監警會向立法會保安事務委員會提交工作報告，講解一年來的工作要點。

On its first anniversary as a statutory body, IPCC submitted a report to the Legislative Council's Panel on Security, outlining the key points of its work.

2010年10月15日 15 October 2010



深圳市公安局代表團一行17人到訪監警會。委員馬恩國先生和秘書長向他們介紹香港如何處理投訴警察個案。

A delegation of 17 members from the Shenzhen Public Security Bureau visited IPCC. Council Member Lawrence Ma Yan-kwok and the Secretary-General briefed them on the procedures for handling police complaints in Hong Kong.

2010年10月26日 26 October 2010

中國監察學會代表團到訪監警會，以了解監警會的工作情況。

A delegation from the China Supervision Society visited IPCC to gain better understanding of the work of IPCC.



其他宣傳途徑

Other Publicity Initiatives

網頁

監警會網頁 (www.ipcc.gov.hk) 是提供監警會最新消息和重要資訊的資料庫。監警會的年報、刊物、新聞稿、公開會議的議程及會議紀錄均上載到網頁供市民查閱。

刊物

各區警署的報案室均備有監警會小冊子和觀察員計劃單張，供市民取閱。市民亦可到監警會位於灣仔的辦事處索取有關刊物。此外，監警會每年均會發表年報，報告監警會在該年度的工作詳情。

Website

The IPCC website (www.ipcc.gov.hk) serves as an archive of news and important information concerning the Council. Publications and press releases, as well as the agendas and minutes of open meetings, are available online for public access.

Publications

IPCC booklets and leaflets on the Observers Scheme are available at the Police Report Rooms in all districts. The publications can also be collected at the IPCC Office in Wan Chai. Moreover, IPCC releases its annual report each year to report on the work of IPCC.



“ 有意見認為監警會的成立是為了解決香港仍未有一個獨立調查投訴警察事宜組織的權宜之計。今次的任命能夠讓我從一個新角度去了解及探討這個課題。我期望在任內能得出一個滿意的結論。

IPCC is seen as a solution of not having an independent institution in resolving complaints against Police. Becoming part of it will definitely bring me a new dimension in understanding this issue. Hopefully, I can come to a better judgement at the end of the day. ”

葉成慶先生, JP

於2011年1月1日獲委任為監警會委員

Mr IP Shing-hing, JP

Appointed as IPCC Member on 1 January 2011

組織架構 Organisational Structure

委員會

The Council

監警會是根據《獨立監察警方處理投訴委員會條例》（簡稱《監警會條例》）（香港法例第604章）成立的獨立機構，主席、副主席和委員全部由行政長官委任。當中包括一位主席和三位副主席，報告期內委員名單如下：

The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604, Laws of Hong Kong). The Chairman, three Vice-Chairmen and Members are all appointed by Chief Executive. The membership of IPCC during this reporting period is as follows:

主席 Chairman

翟紹唐先生
Mr JAT Sew-tong, SC

任期：2008年6月1日起
Since 1 June 2008

副主席 Vice-Chairman

李國麟議員
Dr the Hon Joseph
LEE Kok-long, SBS, JP

任期：2007年1月1日起
Since 1 January 2007

副主席 Vice-Chairman

林大輝議員
Dr the Hon
LAM Tai-fai, BBS, JP

任期：2009年1月1日起
Since 1 January 2009

副主席 Vice-Chairman

石禮謙議員
The Hon Abraham
SHEK Lai-him, SBS, JP

嚴重投訴個案委員會主席
Chairman,
Serious Complaints Committee
任期：2009年1月1日起
Since 1 January 2009

委員 Member

楊耀忠先生
Mr YEUNG Yiu-chung,
BBS, JP

管理委員會主席
Chairman, Management Committee
任期：2005年1月1日至
2010年12月31日
(2001年至2004年出任副主席)
Appointment from 1 January 2005 to
31 December 2010
(From 2001 to 2004 as Vice-Chairman)

委員 Member

謝德富醫生
Dr TSE Tak-fu, BBS, JP

宣傳及意見調查委員會主席
Chairman,
Publicity and Survey Committee

任期：2005年1月1日至
2010年12月31日
Appointment from 1 January 2005 to
31 December 2010

委員 Member

王沛詩女士
Ms Priscilla
WONG Pui-sze, JP

任期：2005年1月1日至
2010年12月31日
Appointment from 1 January 2005 to
31 December 2010

委員 Member

阮陳淑怡博士
Dr Helena
YUEN CHAN Suk-yee

任期：2006年1月1日起
Since 1 January 2006

<p>委員 Member</p> <p>林志傑醫生 Dr Lawrence LAM Chi-kit, BBS, MH</p> <p>任期：2007年1月1日起 Since 1 January 2007</p>	<p>委員 Member</p> <p>張妙嫦女士 Ms Emily CHEUNG Mui-seung</p> <p>任期：2008年1月1日起 Since 1 January 2008</p>	<p>委員 Member</p> <p>陳嘉敏女士 Ms Carmen CHAN Ka-mun, JP</p> <p>任期：2009年1月1日至 2010年12月31日 Appointment from 1 January 2009 to 31 December 2010</p>	<p>委員 Member</p> <p>張達明先生 Mr Eric CHEUNG Tat-ming</p> <p>任期：2009年1月1日起 Since 1 January 2009</p>
<p>委員 Member</p> <p>張仁良教授 Professor Stephen CHEUNG Yan-leung, BBS, JP</p> <p>任期：2009年1月1日起 Since 1 January 2009</p>	<p>委員 Member</p> <p>方敏生女士 Ms Christine FANG Meng-sang, BBS, JP 工作小組監警會方召集人 IPCC Convener, Working Group</p> <p>任期：2009年1月1日起 Since 1 January 2009</p>	<p>委員 Member</p> <p>吳克儉先生 Mr Eddie NG Hak-kim, SBS, JP 管理委員會主席 Chairman, Management Committee</p> <p>任期：2009年1月1日起 Since 1 January 2009</p>	<p>委員 Member</p> <p>陳培光醫生 Dr CHAN Pui-kwong</p> <p>任期：2010年1月1日起 Since 1 January 2010</p>
<p>委員 Member</p> <p>鄭經翰先生 Mr Albert CHENG GBS, MHKIE, JP 宣傳及意見調查委員會主席 Chairman, Publicity and Survey Committee</p> <p>任期：2010年1月1日起 Since 1 January 2010</p>	<p>委員 Member</p> <p>馬恩國先生 Mr Lawrence MA Yan-kwok</p> <p>任期：2010年6月1日起 Since 1 June 2010</p>	<p>委員 Member</p> <p>方文雄先生 Mr David FONG Man-hung, BBS, JP</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>葉成慶先生 Mr IP Shing-hing, JP</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>
<p>委員 Member</p> <p>劉玉娟女士 Ms LAU Yuk-kuen</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>梁繼昌先生 Mr Kenneth LEUNG Kai-cheong</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>馬學嘉博士 Dr MA Hok-ka</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>鄧麗芳女士 Miss Belinda TANG Lai-fong</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>
<p>委員 Member</p> <p>黃幸怡女士 Miss Sandy WONG Hang-ye</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>黃碧雲博士 Dr Helena WONG Pik-wan</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>黃德蘭女士 Miss Mary Teresa WONG Tak-lan</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>	<p>委員 Member</p> <p>葉振都先生 Mr Adrian YIP Chun-to, MH, JP</p> <p>任期：2011年1月1日起 Since 1 January 2011</p>

監警會內務會議出席紀錄

IPCC Members' Attendance at IPCC In-house Meeting

日期：2010年4月至2011年3月

Date: April 2010 to March 2011

	20 May	22 Jul	30 Sep	18 Nov	27 Jan	24 Mar
主席Chairman						
翟紹唐先生 · SC Mr JAT Sew-tong, SC	●	●	●	●	●	●
副主席Vice-Chairmen						
李國麟議員 · SBS · JP Dr Hon Joseph LEE Kok-long, SBS, JP	●	●	○	●	●	○
林大輝議員 · BBS · JP Dr the Hon LAM Tai-fai, BBS, JP	○	○	●	●	●	●
石禮謙議員 · SBS · JP The Hon Abraham SHEK Lai-him, SBS, JP	●	●	●	●	●	●
委員Members						
楊耀忠先生 · BBS · JP Mr YEUNG Yiu-chung, BBS, JP	○	○	●	○	N.A.	N.A.
謝德富醫生 · BBS · JP Dr TSE Tak-fu, BBS, JP	●	●	●	●	N.A.	N.A.
王沛詩女士 · JP Ms Priscilla WONG Pui-sze, JP	●	●	●	●	N.A.	N.A.
阮陳淑怡博士 Dr Helena YUEN CHAN Suk-yee	●	○	●	●	○	●
林志傑醫生 · BBS · MH Dr Lawrence LAM Chi-kit, BBS, MH	●	●	●	●	●	●
張妙嫦女士 Ms Emily CHEUNG Mui-seung	○	○	○	●	●	●
陳嘉敏女士 · JP Ms Carmen CHAN Ka-mun, JP	○	●	●	●	N.A.	N.A.
張達明先生 Mr Eric CHEUNG Tat-ming	●	●	●	●	●	●
張仁良教授 · BBS · JP Professor Stephen CHEUNG Yan-leung, BBS, JP	●	●	●	●	○	●
方敏生女士 · BBS · JP Ms Christine FANG Meng-sang, BBS, JP	●	●	●	●	●	●
吳克儉先生 · SBS · JP Mr Eddie NG Hak-kim, SBS, JP	○	○	●	○	●	○
陳培光醫生 Dr CHAN Pui-kwong	●	●	●	●	●	○
鄭經翰先生 · GBS · MHKIE · JP Mr Albert CHENG, GBS, MHKIE, JP	○	●	●	●	●	●
馬恩國先生 (2010年6月起委任) Mr Lawrence MA Yan-kwok (since June 2010)	N.A.	●	●	●	●	●
方文雄先生 · BBS · JP (2011年1月起委任) Mr David FONG Man-hung, BBS, JP (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	○
葉成慶先生 · JP (2011年1月起委任) Mr IP Shing-hing, JP (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●
劉玉娟女士 (2011年1月起委任) Ms LAU Yuk-kuen (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	○
梁繼昌先生 (2011年1月起委任) Mr Kenneth LEUNG Kai-cheong (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●
馬學嘉博士 (2011年1月起委任) Dr MA Hok-ka (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●
鄧麗芳女士 (2011年1月起委任) Miss Belinda TANG Lai-fong (since January 2011)	N.A.	N.A.	N.A.	N.A.	○	●
黃幸怡女士 (2011年1月起委任) Miss Sandy WONG Hang-yee (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●
黃碧雲博士 (2011年1月起委任) Dr Helena WONG Pik-wan (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●
黃德蘭女士 (2011年1月起委任) Miss Mary Teresa WONG Tak-lan (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●
葉振都先生 · MH · JP (2011年1月起委任) Mr Adrian YIP Chun-to, MH, JP (since January 2011)	N.A.	N.A.	N.A.	N.A.	●	●

● 出席attended ○ 缺席not attended N.A. — 不適用 Not Applicable

監警會和投訴警察課聯席會議出席紀錄

IPCC Members' Attendance at Joint IPCC/CAPO Meeting

日期：2010年4月至2011年3月

Date: April 2010 to March 2011

	10 Jun	2 Sep	9 Dec	1 Mar
主席Chairman				
翟紹唐先生 · SC Mr JAT Sew-tong, SC	●	●	●	●
副主席Vice-Chairmen				
李國麟議員 · SBS · JP Dr Hon Joseph LEE Kok-long, SBS, JP	○	○	○	●
林大輝議員 · BBS · JP Dr the Hon LAM Tai-fai, BBS, JP	●	●	●	●
石禮謙議員 · SBS · JP The Hon Abraham SHEK Lai-him, SBS, JP	○	●	●	●
委員Members				
楊耀忠先生 · BBS · JP Mr YEUNG Yiu-chung, BBS, JP	○	●	●	N.A.
謝德富醫生 · BBS · JP Dr TSE Tak-fu, BBS, JP	●	●	○	N.A.
王沛詩女士 · JP Ms Priscilla WONG Pui-sze, JP	●	●	○	N.A.
阮陳淑怡博士 Dr Helena YUEN CHAN Suk-ye	○	●	○	○
林志傑醫生 · BBS · MH Dr Lawrence LAM Chi-kit, BBS, MH	●	●	●	●
張妙嫦女士 Ms Emily CHEUNG Mui-seung	●	●	●	○
陳嘉敏女士 · JP Ms Carmen CHAN Ka-mun, JP	○	○	●	N.A.
張達明先生 Mr Eric CHEUNG Tat-ming	●	●	●	●
張仁良教授 · BBS · JP Professor Stephen CHEUNG Yan-leung, BBS, JP	●	○	●	●
方敏生女士 · BBS · JP Ms Christine FANG Meng-sang, BBS, JP	○	○	●	●
吳克儉先生 · SBS · JP Mr Eddie NG Hak-kim, SBS, JP	●	○	○	○
陳培光醫生 Dr CHAN Pui-kwong	●	●	●	●
鄭經翰先生 · GBS · MHKIE · JP Mr Albert CHENG, GBS, MHKIE, JP	●	○	○	○
馬恩國先生 (2010年6月起委任) Mr Lawrence MA Yan-kwok (since June 2011)	●	●	●	●
方文雄先生 · BBS · JP (2011年1月起委任) Mr David FONG Man-hung, BBS, JP (since January 2011)	N.A.	N.A.	N.A.	●
葉成慶先生 · JP (2011年1月起委任) Mr IP Shing-hing, JP (since January 2011)	N.A.	N.A.	N.A.	●
劉玉娟女士 (2011年1月起委任) Ms LAU Yuk-kuen (since January 2011)	N.A.	N.A.	N.A.	●
梁繼昌先生 (2011年1月起委任) Mr Kenneth LEUNG Kai-cheong (since January 2011)	N.A.	N.A.	N.A.	●
馬學嘉博士 (2011年1月起委任) Dr MA Hok-ka (since January 2011)	N.A.	N.A.	N.A.	○
鄧麗芳女士 (2011年1月起委任) Miss Belinda TANG Lai-fong (since January 2011)	N.A.	N.A.	N.A.	●
黃幸怡女士 (2011年1月起委任) Miss Sandy WONG Hang-ye (since January 2011)	N.A.	N.A.	N.A.	●
黃碧雲博士 (2011年1月起委任) Dr Helena WONG Pik-wan (since January 2011)	N.A.	N.A.	N.A.	○
黃德蘭女士 (2011年1月起委任) Miss Mary Teresa WONG Tak-lan (since January 2011)	N.A.	N.A.	N.A.	●
葉振都先生 · MH · JP (2011年1月起委任) Mr Adrian YIP Chun-to, MH, JP (since January 2011)	N.A.	N.A.	N.A.	●

● 出席attended ○ 缺席not attended N.A. — 不適用 Not Applicable

專責委員會

Sub-Committees

監警會成員分為四個小組，審核投訴警察課提交的調查報告。此外，監警會就不同工作範疇設立了三個專責委員會，更有效地履行職能。

三個專責委員會的職權範圍和成員名單如下：

Members of IPCC are divided into four groups to examine the investigation reports submitted by CAPO. IPCC has also set up three sub-committees to bring about higher efficiency in the performance of its functions.

The members and terms of reference of the three sub-committees are as follow:

嚴重投訴個案委員會 Serious Complaints Committee

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) 訂定準則，用以界定應受委員會監察的嚴重個案 (b) 研究和制定監察嚴重投訴個案的特別程序 (c) 研究是否需要尋求外間的專業意見或服務，協助審核嚴重投訴個案 (d) 審核嚴重投訴個案的調查結果，並向主席提出建議 (e) 提出委員會認為適當並與監察嚴重投訴個案有關的任何事項，供監警會考慮 | <ul style="list-style-type: none"> a. To determine the criteria by which cases are classified as “serious” and therefore to be monitored by the Committee b. To examine and determine special procedures for monitoring serious complaints c. To examine the need to seek outside professional advice or services to facilitate the scrutiny of complaint cases d. To examine the findings of serious complaint cases after investigations have been completed, and put forward recommendations to the Chairman e. To put forward any issues in relation to the monitoring of serious complaint cases for IPCC’s deliberation, as the Committee deems appropriate |
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成員

主席

石禮謙議員，SBS，JP

委員

李國麟議員，SBS，JP
 王沛詩女士，JP (至2010年12月)
 陳嘉敏女士，JP (至2010年12月)
 張達明先生
 張仁良教授，BBS，JP
 陳培光醫生
 鄭經翰先生，GBS，MHKIE，JP
 馬恩國先生 (由2010年8月至12月)
 葉成慶先生，JP (由2011年1月起)
 劉玉娟女士 (由2011年1月起)
 鄧麗芳女士 (由2011年1月起)
 黃碧雲博士 (由2011年1月起)
 葉振都先生，MH，JP (由2011年1月起)

Membership

Chairman

The Hon Abraham SHEK Lai-him, SBS, JP

Members

Dr the Hon Joseph LEE Kok-long, SBS, JP
 Ms Priscilla WONG Pui-sze, JP (till December 2010)
 Ms Carmen CHAN Ka-mun, JP (till December 2010)
 Mr Eric CHEUNG Tat-ming
 Professor Stephen CHEUNG Yan-leung, BBS, JP
 Dr CHAN Pui-kwong
 Mr Albert CHENG, GBS, MHKIE, JP
 Mr Lawrence MA Yan-kwok (from August till December 2010)
 Mr IP Shing-hing, JP (since January 2011)
 Ms LAU Yuk-kuen (since January 2011)
 Miss Belinda TANG Lai-fong (since January 2011)
 Dr Helena WONG Pik-wan (since January 2011)
 Mr Adrian YIP Chun-to, MH, JP (since January 2011)

管理委員會 Management Committee

- | | |
|--|---|
| <p>(a) 監督監警會秘書處的主要工作</p> <p>(b) 審議和批准：</p> <ul style="list-style-type: none"> • 周年預算的任何改動 • 高級審核主任/高級經理或以下級別僱員的委任、停職及終止僱用 • 對監警會服務有所影響的主要行政事宜 • 估計價值港幣五萬元或以上或涵蓋新項目範疇的擬訂新合約，但不包括宣傳及意見調查委員會權限內的合約或活動 <p>(c) 提出委員會認為適當的任何行政及管理事宜，供監警會考慮</p> | <p>(a) To oversee major areas of work of the IPCC Secretariat</p> <p>(b) To consider and approve:</p> <ul style="list-style-type: none"> • Any changes to the annual budget • The appointment, interdiction from duty, and termination of employment of personnel at or below Senior Vetting Officer / Senior Manager ranks • Key administrative matters that affect the service of IPCC • Proposed new contracts with estimated value at or above HK\$50,000 or covering a new area of activity, with the exception of those contracts or activities which come under the purview of the Publicity and Survey Committee <p>(c) To put forward any administrative or management issues for IPCC's deliberation as the Committee deems appropriate</p> |
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成員

主席

楊耀忠先生，BBS，JP (至2010年12月)
吳克儉先生，SBS，JP (由2011年1月起)

委員

翟紹唐 資深大律師
林志傑醫生，BBS，MH
鄭經翰先生，GBS，MHKIE，JP
馬恩國先生 (由2010年6月起)
方文雄先生，BBS，JP (由2011年1月起)
黃德蘭女士 (由2011年1月起)

Membership

Chairman

Mr YEUNG Yiu-chung, BBS, JP (till December 2010)
Mr Eddie NG Hak-kim, SBS, JP (since January 2011)

Members

Mr JAT Sew-tong, SC
Dr Lawrence LAM Chi-kit, BBS, MH
Mr Albert CHENG, GBS, MHKIE, JP
Mr Lawrence MA Yan-kwok (since June 2010)
Mr David FONG Man-hung, BBS JP (since January 2011)
Miss Mary Teresa WONG Tak-lan (since January 2011)

宣傳及意見調查委員會 Publicity and Survey Committee

- | | |
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| <p>(a) 審議可提升監警會形象和讓市民加深認識監警會的措施</p> <p>(b) 審議和批准已編入預算的宣傳及相關活動，包括：</p> <ul style="list-style-type: none"> • 宣傳物品的內容和設計，例如年報、網頁、短片、刊物和其他宣傳品 • 推展宣傳活動 • 挑選和委聘承辦商協助推展有關計劃 <p>(c) 審議和批准推展已編入預算的意見調查工作，以及挑選和委聘承辦商協助推展有關工作</p> <p>(d) 監察(b)和(c)項所載計劃的進度和質素</p> <p>(e) 審議年度宣傳計劃並就計劃提出意見，供監警會考慮</p> <p>(f) 提出委員會認為適當並與宣傳有關的任何事宜，供監警會考慮</p> | <p>(a) To consider measures that could enhance the image and public understanding of IPCC</p> <p>(b) To consider and approve publicity-related activities which have been budgeted for, including:</p> <ul style="list-style-type: none"> • The content and design of publicity materials, such as annual reports, website, videos, publications and other promotional materials • The launching of publicity activities • The selection and commissioning of contractors to assist in such projects <p>(c) To consider and approve the launching of surveys which have been budgeted for, and the selection and commissioning of contractors to assist in such projects</p> <p>(d) To monitor the progress and quality of the projects in (b) and (c)</p> <p>(e) To consider and advise on an annual publicity plan for IPCC's consideration</p> <p>(f) To put forward any publicity-related issues for IPCC's deliberation as the Committee deems appropriate</p> |
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成員

主席

謝德富醫生，BBS，JP (至2010年12月)
鄭經翰先生，GBS，MHKIE，JP (由2011年4月起)

委員

林大輝議員，BBS，JP
阮陳淑怡博士
張妙嫦女士
方敏生女士，BBS，JP
馬恩國先生 (由2010年6月至2011年4月)
馬學嘉博士 (由2011年1月起)
黃碧雲博士 (由2011年1月起)
黃幸怡女士 (由2011年1月起)
葉振都先生，MH，JP (由2011年1月起)

Membership

Chairman

Dr TSE Tak-fu, BBS, JP (till December 2010)
Mr Albert CHENG, GBS, MHKIE, JP (since April 2011)

Members

Dr the Hon LAM Tai-fai, BBS, JP
Dr Helena YUEN CHAN Suk-ye
Ms Emily CHEUNG Mui-seung
Ms Christine FANG Meng-sang, BBS, JP
Mr Lawrence MA Yan-kwok (from June 2010 till April 2011)
Dr MA Hok-ka (since January 2011)
Dr Helena WONG Pik-wan (since January 2011)
Miss Sandy WONG Hang-ye
Mr Adrian YIP Chun-to, MH, JP (since January 2011)

工作小組 Working Group

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。 -

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 the investigation of complaint cases.

成員

監警會方召集人

方敏生女士，BBS，JP

委員

阮陳淑怡博士

張達明先生

鄭經翰先生，GBS，MHKIE，JP (至2011年7月)

葉成慶先生，JP (由2011年3月起)

梁繼昌先生 (由2011年3月起)

Membership

IPCC convener

Ms Christine FANG, BBS, JP

Members

Dr Helena YUEN CHAN Suk-ye

Mr Eric CHEUNG Tat-ming

Mr Albert CHENG, GBS, MHKIE, JP (till July 2011)

Mr IP Shing-hing, JP (since March 2011)

Mr Kenneth LEUNG Kai-cheong (since March 2011)

觀察員

Observers

在觀察員計劃之下，保安局局長會委任合適人士出任監警會觀察員，協助監警會觀察投訴警察課處理和調查須匯報投訴的方式。報告期內監警會觀察員的名單如下：

Under the Observers Scheme, the Secretary for Security may appoint such persons as he thinks fit as IPCC Observers to assist the Council in observing the manner in which CAPO handles and investigates reportable complaints. The following is a list of Observers in the reporting period:

觀察員名單 Name of Observers	
● 區艷龍女士 ∨ Ms Lilianna AU Yim-lung ∨	● 陳仁川女士 * Ms CHAN Yan-chuen *
● 湛家雄先生，MH，JP Mr Daniel CHAM Ka-hung, MH, JP	● 陳若瑟先生，BBS Mr Joseph CHAN Yuek-sut, BBS
● 陳煒文博士，JP *** Dr Raymond CHAN, JP ***	● 鄭錦鐘博士，MH，JP ∨ ∨ ∨ Dr Eric CHENG Kam-chung, MH, JP ∨ ∨ ∨
● 陳耀星先生，SBS，JP Mr Star CHAN lu-seng, SBS, JP	● 鄭承隆先生 **** Mr Edwin CHENG Shing-lung****
● 陳家偉先生 Mr CHAN Ka-wai	● 鄭阮培恩女士 Mrs Betty CHENG YUEN Pui-yan
● 陳國旗先生，BBS Mr Jacky CHAN Kwok-kai, BBS	● 張錫容女士 Ms CHEUNG Sik-yung
● 陳理誠工程師，JP *** Ir William CHAN Lee-shing, JP ***	● 周浩鼎先生 * Mr Holden CHOW Ho-ding *
● 陳文宜女士 *** Miss Grace CHAN Man-yea ***	● 周錦祥先生，MH Mr CHOW Kam-cheung, MH
● 陳文佑先生 Mr Henry CHAN Man-yu	● 周奕希先生，BBS，JP Mr CHOW Yick-hay, BBS, JP
● 陳茂強先生 *** Mr Haydn CHAN Mou-keung ***	● 朱國樑先生 *** Mr CHU Kwok-leung ***
● 陳偉明先生，MH，JP Mr David CHAN Wai-ming, MH, JP	● 方平先生，JP Mr FONG Ping, JP
● 陳永錦先生，MH ∨ ∨ ∨ Mr Dominic CHAN Wing-kam, MH ∨ ∨ ∨	● 馮庭碩先生 ∨ Mr Eugene FUNG ∨
● 陳榮濂先生，JP Mr William CHAN Wing-lim, JP	● 何綺蓮女士 Ms Elaine HO Yee-lin

觀察員名單 Name of Observers	
● 許嘉灝先生，MH - Mr HUI Ka-hoo, MH	● 林國強先生 * - Mr LAM Kwok-keung *
● 許湧鐘先生，BBS，JP √ √ Mr HUI Yung-chung, BBS, JP √ √	● 林貝聿嘉女士，GBS，JP Mrs Peggy LAM PEI Yu-dja, GBS, JP
● 熊璐珊女士 Ms Lusan HUNG Lo-shan	● 林錫光先生，MH - Mr LAM Sek-kong, MH
● 簡志豪先生，BBS，MH Mr KAN Chi-ho, BBS, MH	● 林德亮先生，MH - Mr LAM Tak-leung, MH
● 高錦祥先生，BBS，MH Mr KO Kam-cheung, BBS, MH	● 劉佩芝女士 *** - Miss Julia LAU Pui-g ***
● 高佩璇女士 * - Ms KO Pui-shuen *	● 劉天生先生，BBS √ - Mr LAU Tin-sang, BBS √
● 江子榮先生，MH，JP - Mr James KONG Tze-wing, MH, JP	● 劉偉章先生 - Mr Peter LAU Wai-cheung
● 顧明仁博士，MH Dr Charles KOO Ming-yan, MH	● 劉月容博士 *** - Dr Ellen LAU Yuet-yung ***
● 龔靜儀女士 * - Miss Athena KUNG Ching-yeet *	● 劉玉娟女士 * ## - Ms LAU Yuk-kuen * ##
● 關治平工程師，JP - Ir Edgar KWAN, JP	● 李德權先生 **** - Mr LEE Tak-kuen ****
● 郭靜韻女士 ** - Miss Mable KWOK Ching-wan **	● 李偉恩女士 - Miss Susanna LEE Wai-yan
● 郭永強先生，MH ** - Mr KWOK Wing-keung, MH **	● 李永年博士 * - Dr Francis LEE Wing-lin *
● 黎樹濠先生，BBS，MH，JP - Mr Patrick LAI Shu-ho, BBS, MH, JP	● 李月民先生，MH ** - Mr LEE Yuet-man, MH **
● 黎達生先生，MH，JP - Mr David LAI Tat-sang, MH, JP	● 梁志培先生 Mr LEUNG Chi-pui
● 林赤有先生，MH，JP ** - Mr Billy LAM Chek-yau, MH, JP **	● 梁芙詠女士，BBS，MH Ms LEUNG Fu-wing, BBS, MH
● 林建高先生，MH - Mr Stewart LAM Kin-ko, MH	● 梁秀志先生，JP - Mr LEUNG Sau-chi, JP
● 林桂蘭女士 - Ms Julia LAM Kwai-lan	● 梁兆棠先生 *** - Mr LEUNG Siu-tong ***

觀察員名單 Name of Observers

● 李紫媚博士 * Dr Jessica LI Chi-mei *	● 顏少倫先生 * Mr NGAN Siu-lun *
● 李漢雄先生，MH，JP *** Mr LI Hon-hung, MH, JP ***	● 彭長緯先生，BBS，JP Mr Thomas PANG Cheung-wai, BBS, JP
● 李婉華女士 *** Ms Rainbow LI Yuen-wah ***	● 彭曉明先生 ∨ ∨ ∨ Mr Peter PANG Hiu-ming ∨ ∨ ∨
● 廖啟明醫生 **** Dr LIU Kai-ming ****	● 彭桓基先生 * Mr PANG Woon-kei *
● 廖金鳳女士 *** Miss Iris LIU Kam-fung ***	● 彭玉榮先生，JP Mr Joseph PANG Yuk-wing, JP
● 羅孔君女士 *** Miss LO Jane Curzon ***	● 龐創先生，BBS，JP Mr Edward PONG Chong, BBS, JP
● 盧錦華先生，MH，JP *** Mr Norman LO Kam-wah, MH, JP ***	● 龐心怡女士 ∨ Ms Samanta PONG Sum-yee ∨
● 羅世光先生，MH ** Mr LO Sai-kwong, MH **	● 卜坤乾先生 Mr PUK Kwan-kin
● 盧子安先生 Mr LO Tze-on	● 蘇麗珍女士，MH Ms SO Lai-chun, MH
● 盧永文先生，JP *** Mr Lawrence LO Wing-man, JP ***	● 蘇慧賢女士 ** Ms Herdy SO Wai-yin **
● 羅仁禮先生，JP *** Mr LO Yan-lai, JP ***	● 戴依雯女士 Miss Candy TAI Yee-man
● 呂明華先生，SBS，JP Dr LUI Ming-wah, SBS, JP	● 譚景良工程師 ∨ Ir TAM King-leung ∨
● 馬盧金華女士 * Mrs Virginia MA LO Kam-wah *	● 譚國僑先生，MH，JP Mr TAM Kwok-kiu, MH, JP
● 馬恩國先生 # Mr Lawrence MA Yan-kwok #	● 譚兆炳先生 Mr George TAM Siu-ping
● 莫仲輝先生，MH *** Mr Rex MOK Chung-fai, MH ***	● 鄧振強先生，MH，JP Mr Teddy TANG Chun-keung, MH, JP
● Mr MOTWANI Raj Sital, BBS, JP ***	● 鄧廣成先生 *** Mr TANG Kwong-shing ***
● 吳錦津先生，MH，JP Mr Stephen NG Kam-chun, MH, JP	● 鄧珮頤女士 ** Miss TANG Pui-yee **

觀察員名單 Name of Observers

● 湯修齊先生 * - Mr Henry TONG Sau-chai *	● 黃月華女士 * - Ms Vienna WONG Yuet-wah *
● 謝禮良先生，MH - Mr Jimmy TSE Lai-leung, MH	● 胡楚南先生，JP Mr WU Chor-nam, JP
● 謝永齡博士，MH Dr John TSE Wing-ling, MH	● 吳萬強先生，BBS，MH ** Mr John WU Man-keung, BBS, MH **
● 鄒嘉彥教授，BBS ∨ ∨ Prof. Benjamin TSOU Ka-yin, BBS ∨ ∨	● 胡世謙工程師 ∨ - Ir Hugh WU Sai-him ∨
● 徐福樂醫生 Dr Michael TSUI Fuk-sun	● 楊志達先生 ∨ Mr Stanley YEUNG Chee-tat ∨
● 尹志強先生，BBS，JP - Mr Aaron WAN Chi-keung, BBS, JP	● 楊志偉先生，MH Mr Edwin YEUNG Chi-wai, MH
● 溫國雄先生 * - Mr Joseph WAN Kwok-hung *	● 楊俊昇先生 ∨ Mr Andy YEUNG Chun-sing ∨
● 王津先生，BBS，JP - Mr Justein WONG Chun, BBS, JP	● 楊學明牧師 - Rev David YEUNG Hok-ming
● 王振宇教授 *** - Prof WONG Chun-yu ***	● 葉永成先生，BBS，MH，JP Mr David YIP Wing-shing, BBS, MH, JP
● 王金文女士 * - Ms Joan WONG Kam-man *	● 葉曜丞先生，MH - Mr Chris YIP Yiu-shing, MH
● 黃建彬先生，MH - Mr WONG Kin-pan, MH	● 楊艾文先生 * - Mr Simon YOUNG Ngai-man *
● 黃江天博士 - Dr James WONG Kong-tin	● 阮陳寶馨女士 - Mrs YUEN CHAN Po-hing
● 黃永灝工程師，JP - Ir Billy WONG Wing-hoo, JP	● 翁志明先生，MH - Mr YUNG Chi-ming, MH
● 王婉芝女士 *** - Miss WONG Yuen-chi ***	● 翁國忠先生 - Mr Roger YUNG Kwok-chung

* since 1 Apr 2010 由2010年4月1日起

** since 1 Aug 2010 由2010年8月1日起

*** since 1 Nov 2010 由2010年11月1日起

**** since 1 Jan 2011 由2011年1月1日起

∨ up to 31 Jul 2010 至2010年7月31日止 -

∨ ∨ up to 31 Dec 2010 至2010年12月31日止 -

∨ ∨ ∨ up to 31 Mar 2011 至2010年3月31日止 -

became IPCC Member on 1 Jun 2010

於2010年6月1日成為監警會委員

became IPCC Member on 1 Jan 2011

於2011年1月1日成為監警會委員

監警會秘書處

IPCC Secretariat

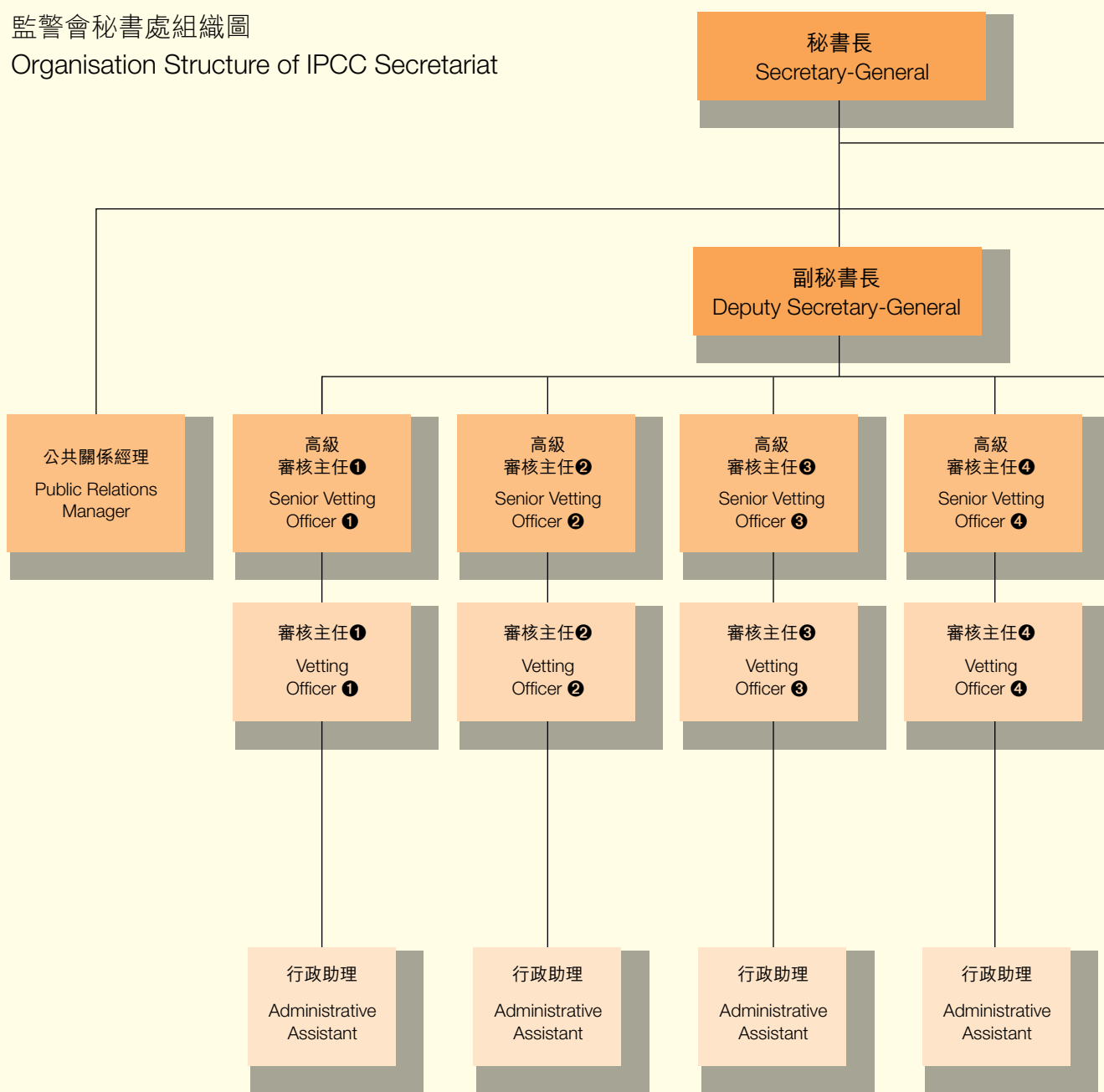
監警會由一個全職的秘書處支援。秘書處由一名秘書長領導，編制共有28名職員。秘書處的主要職責是協助委員審核投訴個案的調查報告和推廣委員會的工作。

IPCC is supported by a full-time Secretariat, headed by a Secretary-General, with a total of 28 staff. The major function of the Secretariat is to assist Council Members in examining complaint investigation reports and in promoting the work of IPCC.

監警會秘書處的組織圖（截至2011年3月31日）如下：

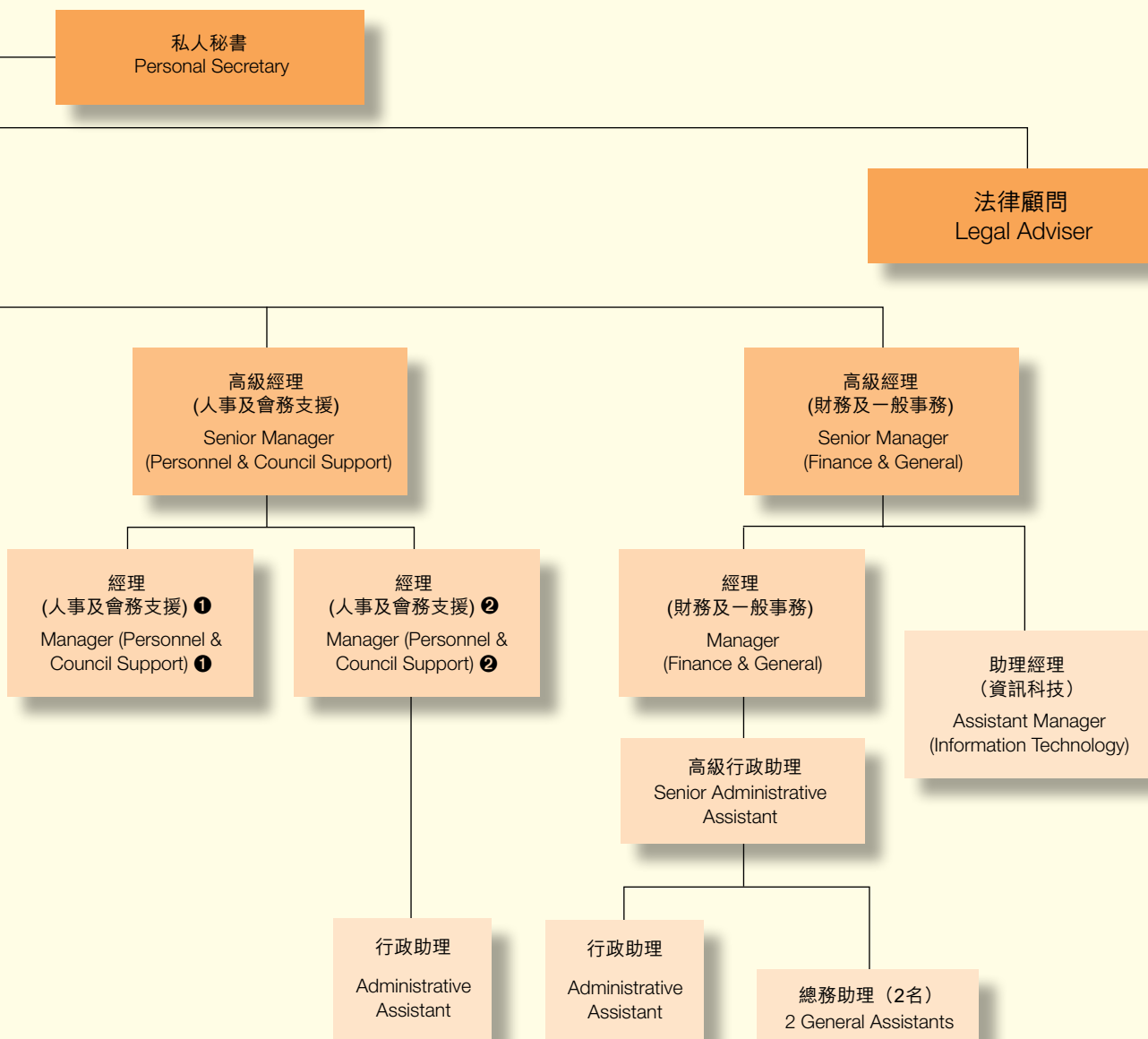
The organisational chart of the IPCC Secretariat, as of 31 March 2011, is as below:

監警會秘書處組織圖
Organisation Structure of IPCC Secretariat



隨著監警會成為法定機構，監警會正逐步聘請自己的員工，以取代由政府借調的公務員。截至2011年3月31日，秘書處編制的28個職位中，有20個是由監警會僱員出任，當中包括在2011年1月3日履新的秘書長。我們預計在2012年5月底（即法定監警會成立三周年）前，所有借調到秘書處的公務員會由監警會的僱員取代。

Since IPCC became a statutory body, it has started recruiting its own staff with the intention of replacing the seconded civil servants working at the Secretariat. As of 31 March 2011, out of 28 staff, 20 are IPCC employees, including the Secretary-General who reported for duty on 3 January 2011. It is envisaged that all civil servants will be phased out no later than the end of May 2012 (i.e. three years from the establishment of the statutory IPCC).



“

非常高興獲委任為監警會成員。我會繼續確保本會的獨立性，並透過確立一套公平及具透明度的投訴警察機制，增強大眾對投訴警察課負責調查的公信力。

I am most pleased to be appointed as a Member of IPCC. I will continue to safeguard the independence of IPCC, and enhance the credibility of investigations by CAPO through a fair and transparent police complaints system. ”

劉玉娟女士

於2011年1月1日獲委任為監警會委員

Ms LAU Yuk-kuen

Appointed as IPCC Member on 1 January 2011

第六章
Chapter 6

財務報表 Financial Statements

獨立監察警方處理投訴委員會
(根據《獨立監察警方處理投訴委員會條例》成立)

Independent Police Complaints Council
(Established under the “Independent Police Complaints Council Ordinance”)

二零一一年三月三十一日止年度的財務報表
Financial Statements For the Year Ended 31 March 2011

(中文譯本 — 中英文版如有歧異, 概以英文版作準)

獨立核數師報告書致獨立監察警方處理投訴委員會

Independent auditor's report to the Independent Police Complaints Council

(根據《獨立監察警方處理投訴委員會條例》成立)

(Established under the Independent Police Complaints Council Ordinance)



本核數師(以下簡稱「我們」)已審核刊於第96至第110頁獨立監察警方處理投訴委員會(「貴會」)的財務報表，此財務報表包括貴會於二零一一年三月三十一日的資產負債表與截至該日止年度的全面收益表、儲備變動表和現金流量表，以及主要會計政策概要及其他附註解釋。

貴會就財務報表須承擔的責任

貴會須負責根據香港會計師公會頒布的《香港財務報告準則》編製財務報表，以令財務報表作出真實而公平的反映及落實其認為編製財務報表所必要的內部控制，以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

核數師的責任

我們的責任是根據我們的審核對該等財務報表作出意見。我們是按照《獨立監察警方處理投訴委員會條例》(第604章)附表1第29條的規定，僅向貴會報告。除此以外，我們的報告書不可用作其他用途。我們概不就本報告書的內容，對任何其他人士負責或承擔法律責任。

我們已根據香港會計師公會頒布的《香港核數準則》進行審核。這些準則要求我們遵守道德規範，並規劃及執行審核，以合理確定此等財務報表是否不存有任何重大錯誤陳述。

審核涉及執行程序以獲取有關財務報表所載金額及披露資料的審核憑證。所選定的

We have audited the financial statements of the Independent Police Complaints Council (the "Council") set out on pages 96 to 110 which comprise the balance sheet as at 31 March 2011, the statement of comprehensive income, the statement of changes in reserves and the cash flow statement of the Council for the year then ended, and a summary of significant accounting policies and other explanatory information.

The Council's responsibility for the financial statements

The Council is responsible for the preparation of the financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants and for such internal control as the Council determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. This report is made solely to you, as a body, in accordance with section 29 of Schedule 1 of the Independent Police Complaints Council Ordinance (Cap.604), and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement,

程序取決於核數師的判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，核數師考慮與該實體編製財務報表以作出真實而公平的反映相關的內部控制，以設計適當的審核程序，但並非為對實體的內部控制的效能發表意見。審核亦包括評價貴會所採用的會計政策的合適性及所作出的會計估計的合理性，以及評價財務報表的整體列報方式。

我們相信，我們所獲得的審核憑證是充足和適當地為我們的審核意見提供基礎。

意見

我們認為，該等財務報表已根據《香港財務報告準則》真實而公平地反映貴會於二零一一年三月三十一日的財務狀況及截至該日止年度的盈餘和現金流量。

畢馬威會計師事務所

執業會計師
香港中環遮打道10號
太子大廈8樓

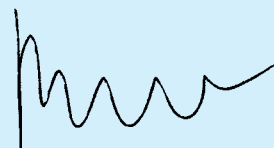
二零一一年六月二十日

including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the state of affairs of the Council as at 31 March 2011 and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.



Certified Public Accountants

8th Floor, Prince's Building
10 Chater Road
Central, Hong Kong

20 June 2011

全面收益表 —— 截至二零一一年三月三十一日止年度

Statement of comprehensive income for the year ended 31 March 2011

(以港幣列示)

(Expressed in Hong Kong dollars)

	附註 Note	截至 二零一一年 三月三十一日 止年度 Year ended 31 March 2011	自二零零九年 六月一日 (法團成立日期) 至二零一零年 三月三十一日 止期間 Period from 1 June 2009 (date of incorporation) to 31 March 2010
收入 Income			
政府補助 Government grants	3	\$ 28,677,410	\$ 22,998,600
其他收入 Other income	4	40,081	5,410
		\$ 28,717,491	\$ 23,004,010
支出 Expenditure			
員工成本 Staff costs	5(a)	\$ 17,849,191	\$ 15,041,455
一般及行政費用 General and administrative expenses		6,665,467	4,859,783
本會成員酬金 Honorarium to Council members		483,060	369,180
		\$ 24,997,718	\$ 20,270,418
年/期內盈餘及全面收益 Surplus and comprehensive income for the year/period	5	\$ 3,719,773	\$ 2,733,592

第100至第110頁的附註為本財務報表的一部分。

The notes on pages 100 to 110 form part of these financial statements.

資產負債表 —— 二零一一年三月三十一日

Balance sheet as at 31 March 2011

(以港幣列示)

(Expressed in Hong Kong dollars)

	附註 Note	2011	2010
非流動資產 Non-current assets			
固定資產 Fixed assets	7	\$ 807,394	\$ 917,248
流動資產 Current assets			
按金及預付款項 Deposits and prepayments	8	\$ 349,740	\$ 309,949
現金及現金等價物 Cash and cash equivalents	9	7,149,672	3,320,937
		\$ 7,499,412	\$ 3,630,886
流動負債 Current liabilities			
遞延政府補助 Deferred government grants	11	\$ 193,410	\$ 193,410
其他應付款項及應計費用 Other payables and accruals	10	369,982	583,905
		\$ 563,392	\$ 777,315
流動資產淨值 Net current assets		\$ 6,936,020	\$ 2,853,571
資產總值減流動負債 Total assets less current liabilities		\$ 7,743,414	\$ 3,770,819
非流動負債 Non-current liabilities			
遞延政府補助 Deferred government grants	11	\$ 493,900	\$ 687,310
員工約滿酬金撥備 Provision for staff gratuities	12	796,149	349,917
		\$ 1,290,049	\$ 1,037,227
資產淨值 NET ASSETS		\$ 6,453,365	\$ 2,733,592
儲備 RESERVES			
累計盈餘 Accumulated surplus		\$ 6,453,365	\$ 2,733,592

本會於二零一一年六月二十日批准並授權公佈本財務報表

Approved and authorised for issue by the Council on 20 June 2011


翟紹唐 資深大律師
主席JAT Sew-Tong, SC
Chairman

第100至第110頁的附註為本財務報表的一部分。

The notes on pages 100 to 110 form part of these financial statements.

儲備變動表

截至二零一一年三月三十一日止年度

Statement of changes in reserves for the year ended 31 March 2011

(以港幣列示)

(Expressed in Hong Kong dollars)

於二零一零年四月一日的結餘 Balance at 1 April 2010	\$	2,733,592
年內盈餘及全面收益 Surplus and comprehensive income for the year		3,719,773
於二零一一年三月三十一日的結餘 Balance at 31 March 2011	\$	6,453,365
於二零零九年六月一日 (法團成立日期) 的結餘 Balance at 1 June 2009 (date of incorporation)	\$	-
期內盈餘及全面收益 Surplus and comprehensive income for the period		2,733,592
於二零一零年三月三十一日的結餘 Balance at 31 March 2010	\$	2,733,592

第100至第110頁的附註為本財務報表的一部分。

The notes on pages 100 to 110 form part of these financial statements.

現金流量表

截至二零一一年三月三十一日止年度

Cash flow statement for the year ended 31 March 2011

(以港幣列示)

(Expressed in Hong Kong dollars)

	附註 Note	截至二零一一年 三月三十一日止年度 Year ended 31 March 2011	自二零零九年六月一日 (法團成立日期) 至二零一零年 三月三十一日止期間 Period from 1 June 2009 (date of incorporation) to 31 March 2010
年 / 期內盈餘及全面收益 Surplus and comprehensive income for the year/period		\$ 3,719,773	\$ 2,733,592
調整項目 Adjustments for :			
固定資產撥備 Impairment loss on fixed assets		1,540,000	-
折舊 Depreciation		224,009	26,451
利息收入 Interest income		(36,561)	(3,393)
營運資金變動前之營運盈餘 Operating surplus before changes in working capital		\$ 5,447,221	\$ 2,756,650
按金及預付款項之增加 Increase in deposits and prepayments		(39,791)	(309,949)
遞延政府補助之 (減少) / 增加 (Decrease)/increase in deferred government grants		(193,410)	880,720
其他應付款項及應計費用之 (減少) / 增加 (Decrease)/increase in other payables and accruals		(227,511)	568,956
員工約滿酬金撥備之增加 Increase in provision for staff gratuities		446,232	349,917
營運活動產生的現金流量 Cash generated from operating activities		\$ 5,432,741	\$ 4,246,294
投資活動的現金流量 Cash flows from investing activities			
購入固定資產之付款 Payment for purchase of fixed assets		\$ (1,640,567)	\$ (928,750)
已收利息 Interest received		36,561	3,393
投資活動所用的現金淨額 Net cash used in investing activities		\$ (1,604,006)	\$ (925,357)
現金及現金等價物之增加淨額 Net increase in cash and cash equivalents		\$ 3,828,735	\$ 3,320,937
年 / 期初的現金及現金等價物 Cash and cash equivalents at the beginning of the year/period		3,320,937	-
年 / 期末的現金及現金等價物 Cash and cash equivalents at the end of the year/period	9	\$ 7,149,672	\$ 3,320,937

第100至第110頁的附註為本財務報表的一部分。

The notes on pages 100 to 110 form part of these financial statements.

財務報表附註

Notes to the financial statements

(以港幣列示) -

(Expressed in Hong Kong dollars) -

1 本會的概況

獨立監察警方處理投訴委員會(「本會」)是根據《獨立監察警方處理投訴委員會條例》成立的一個法團。根據《獨立監察警方處理投訴委員會條例》(第604章)(「本會條例」)，本會擔任法定機構的角色，獲授權負責觀察、監察及覆檢須匯報投訴個案的處理和調查工作，並就本會條例所指明的須匯報投訴個案的處理和調查工作向警務處處長或行政長官或兼向上述兩者提出建議。本會亦會就處長因應須匯報投訴個案而已經或將會對任何相關警務人員作出的行動進行監察，並對有關行動提供意見。

由於本會並非謀利機構，且無須遵守任何外間訂立的資本規定，因此本會的主要財務及資本管理目標是維持每年收支平衡，從而能夠持續運作及履行法定機構的角色和職能。

本會的資金主要源自政府撥款。任何營運盈餘必須結轉至下一個財政年度，以應付未來本會運作所需的開支。

2 主要會計政策

(a) 遵例聲明

本財務報表是根據香港會計師公會頒布的所有適用的香港財務報告準則，此統稱包含所有適用的個別香港財務報告準則、香港會計準則和詮釋和香港公認會計準則編製。以下是本會採用的主要會計政策概要。

香港會計師公會已頒布若干於二零一零年四月一日或之後開始的會計期間生效的新增及經修訂的香港財務報告準則。然而此等新發展對本會在本年度及過往營運並不相關。

本會並無採用在當前會計期間尚未生效的任何新準則或詮釋(附註15)。

1 Status of the Council

The Independent Police Complaints Council (the "Council") is a body corporate established under the Independent Police Complaints Council Ordinance. Under the Independent Police Complaints Council Ordinance (Cap. 604) (the "Ordinance") the Council assumes its statutory role as the authority for observing, monitoring and reviewing the handling and investigation of reportable complaints, and making recommendations to the Commissioner of Police or the Chief Executive or both of them in respect of the handling or investigation of reportable complaints as specified in the Ordinance. The Council also monitors actions taken or to be taken in respect of any member of the police force by the Commissioner in connection with reportable complaints, and to advise them of its opinion on such actions.

Since the Council is not profit-oriented and is not subject to any externally imposed capital requirements, its primary financial and capital management objectives are to maintain a balance between annual income and expenditure, so that it has the ability to operate as a going concern and perform its statutory roles and functions.

The Council is primarily financed by government subventions. Any operating surplus shall be carried forward to the following financial year to meet future expenditure required for the operations of the Council.

2 Significant accounting policies

(a) Statement of compliance

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards ("HKFRSs"), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA") and accounting principles generally accepted in Hong Kong. A summary of the significant accounting policies adopted by the Council is set out below.

The HKICPA has issued certain new and revised HKFRSs that are first effective or available for early adoption for the current accounting period of the Council. However, none of these developments are relevant to the Council for the current and prior accounting periods reflected in these financial statements.

The Council has not applied any new standard or interpretation that is not yet effective for the current accounting year (note 15).

2 主要會計政策 (續)

(b) 財務報表的編製基準

編製本財務報表時是以歷史成本作為計量基準。

管理層需在編製符合香港財務報告準則的財務報表時作出會對會計政策的應用，以及對資產、負債、收入和支出的列報金額造成影響的判斷、估計和假設。這些估計和相關假設是根據以往經驗和管理層因應當時情況認為合理的各項其他因素而作出的，其結果構成為了管理層在無法從其他途徑下得知資產與負債的賬面價值時所作出判斷的基礎。實際結果可能有別於估計金額。

管理層會不斷審閱各項估計和相關假設。如果會計估計的修訂只是影響某一期間，其影響便會在該期間內確認；如果該項修訂對當前和未來期間均有影響，則在作出修訂的期間和未來期間確認。

(c) 固定資產

固定資產是以成本減去累計折舊和減值虧損(參閱附註2(d))後記入資產負債表。

折舊是在扣減固定資產的預計剩餘價值(如有)後，按預計可用年限以直線法沖銷其成本，計算方法如下：

• 租賃裝修工程	3年
• 辦公室設備	5年
• 電腦設備	3年
• 傢具及裝置	3年

資產的可用年限和剩餘殘值(如有)會每年檢討。

報廢或處置固定資產項目所產生的損益為處置所得款項淨額與項目賬面金額之間的差額，並於報廢或處置日在全面收益表中確認。

2 Significant accounting policies (continued)

(b) Basis of preparation of the financial statements

The measurement basis used in the preparation of the financial statements is the historical cost basis.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

(c) Fixed assets

Fixed assets are stated in the balance sheet at cost less accumulated depreciation and impairment losses (see note 2(d)).

Depreciation is calculated to write off the cost of items of fixed assets, less their estimated residual value, if any, using the straight line method over their estimated useful lives as follows:

– Leasehold improvements	3 years
– Office equipment	5 years
– Computer equipment	3 years
– Furniture and fixtures	3 years

Both the useful life of an asset and its residual value, if any, are reviewed annually.

Gains or losses arising from the retirement or disposal of an item of fixed assets are determined as the difference between the net disposal proceeds and the carrying amount of the item and are recognised in the statement of comprehensive income on the date of retirement or disposal.

2 主要會計政策 (續)

(d) 資產減值

本會在每個資產負債表日參考內部和外來的信息，以確定固定資產是否出現減值跡象，或是以往確認的減值虧損已經不再存在或可能已經減少。

如果出現任何這類跡象，便會估計資產的可收回金額。當資產的賬面金額高於其可收回金額時，減值虧損便會在全面收益表中確認。資產的可收回金額是其淨售價與使用價值兩者中的較高者。在評估使用價值時，預計未來現金流量會按照能反映當時市場對貨幣時間價值和資產特定風險的評估的稅前折現率，折現至其現值。如果用以確定可收回金額的估計基準出現正面的變化，有關的減值虧損便會撥回。

所撥回的減值虧損以在以往年度沒有確認任何減值虧損的情況下而確定的資產賬面金額為限。所撥回的減值虧損在確認撥回的期間內計入全面收益表中。

(e) 租賃資產

如果本會是以營運租賃獲得資產的使用權，則根據租賃作出的付款會在租賃期所涵蓋的會計期間內，以等額在全面收益表中列支，但如另有一種方法更能代表租賃資產所產生的收益模式則除外。租賃所涉及的激勵措施均在全面收益表中確認為租賃淨付款總額的組成部分。或有租金在其產生的會計年度內在全面收益表中列支。

(f) 按金及預付款項

按金及預付款項按公允價值初始確認，其後按攤銷成本減去呆賬減值撥備（參閱附註2(d)）後所得的金額入賬，但如折現影響並不重大則除外。在此情況下，應收款會按成本減去呆賬減值撥備後所得的金額入賬。

(g) 其他應付款項及應計費用

其他應付款項及應計費用按公允價值初始確認，其後按攤銷成本入賬；但如折現影響並不重大，則按成本入賬。

2 Significant accounting policies (continued)

(d) Impairment of assets

Internal and external sources of information are reviewed at each balance sheet date to identify indications that fixed assets may be impaired or an impairment loss previously recognised no longer exists or may have decreased.

If any such indication exists, the asset's recoverable amount is estimated. An impairment loss is recognised in the statement of comprehensive income whenever the carrying amount of an asset exceeds its recoverable amount. The recoverable amount of an asset is the greater of its net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of time value of money and the risks specific to the asset. An impairment loss is reversed if there has been a favourable change in the estimates used to determine the recoverable amount.

A reversal of impairment losses is limited to the asset's carrying amount that would have been determined had no impairment loss been recognised in prior years. Reversals of impairment losses are credited to the statement of comprehensive income in the year in which the reversals are recognised.

(e) Leased assets

Where the Council has the use of assets under operating leases, payments made under the leases are charged to the statement of comprehensive income in equal instalments over the accounting periods covered by the lease term, except where an alternative basis is more representative of the pattern of benefits to be derived from the leased asset. Lease incentives received are recognised in the statement of comprehensive income as an integral part of the aggregate net lease payment made. Contingent rentals are charged to the statement of comprehensive income in the accounting period in which they are incurred.

(f) Deposits and prepayments

Deposits and prepayments are initially recognised at fair value and thereafter stated at amortised cost less allowance for impairment of doubtful debts (see note 2(d)), except where the effect of discounting would be immaterial. In such cases, the receivables are stated at cost less allowance for impairment of doubtful debts.

(g) Other payables and accruals

Other payables and accruals are initially recognised at fair value and thereafter stated at amortised cost unless the effect of discounting would be immaterial, in which case they are stated at cost.

2 主要會計政策 (續)

(h) 現金及現金等價物

現金及現金等價物包括銀行存款和現金、存放於銀行和其他金融機構的活期存款，以及短期和高流動性的投資。這些投資在沒有涉及重大價值變動的風險下可以隨時轉算為已知數額的現金，並在購入後三個月內到期。

(i) 僱員福利

薪金、有薪年假、界定供款退休計劃的供款和非貨幣福利成本在僱員提供相關服務的年度內累計。如果延遲付款或結算會造成重大的影響，則這些金額會以現值入賬。

(j) 撥備及或有負債

如果本會須就已發生的事件承擔法定或推定義務，因而預期很可能會導致經濟利益流出，在有關金額能夠可靠地估計時，本會便會對該時間或金額不確定的負債計提撥備。如果貨幣時間價值重大，則按預計所需費用的現值計提撥備。

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該義務披露為或有負債，但經濟利益流出的可能性極低則除外。如果本會的義務須視乎某項或多項未來事件是否發生才能確定是否存在，該義務亦會被披露為或有負債，但經濟利益流出的可能性極低則除外。

(k) 收入確認

如果經濟利益可能會流入本會，而收入和成本(如適用)又能夠可靠地計量時，收入便會在全面收益表裏確認為：

(i) 政府補助

當可以合理地確定本會將會收到政府補助並履行該補助的附帶條件時，政府補助便會按其公允價值確認。

有關購置固定資產的政府補助歸入遞延政府補助，並於相關資產的預計可用期限內按直線法計入全面收益表。

2 Significant accounting policies (continued)

(h) Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

(i) Employee benefits

Salaries, paid annual leave, contributions to defined contribution retirement plans and the cost of non-monetary benefits are accrued in the year in which the associated services are rendered by employees. Where payment or settlement is deferred and the effect would be material, these amounts are stated at their present values.

(j) Provisions and contingent liabilities

Provisions are recognised for liabilities of uncertain timing or amount when the Council has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

(k) Income recognition

Provided it is probable that the economic benefits will flow to the Council and the income and costs, if applicable, can be measured reliably, income is recognised in the statement of comprehensive income as follows:

(i) Government grants

Government grants are recognised at their fair value where there is a reasonable assurance that the grant will be received and the Council will comply with all attached conditions.

Government grants relating to the purchase of fixed assets are included in deferred income and are credited to the statement of comprehensive income on a straight-line basis over the expected lives of the related assets.

2 主要會計政策 (續)

(k) 收入確認 (續)

(ii) 利息收入

利息收入是在產生時按實際利率法確認。

(l) 關聯方

就本財務報表而言，下列的另一方會被視為本會的關聯方：

(i) 該另一方能夠透過一家或多家中介機構，直接或間接控制本會或對本會的財務和營運決策有重大影響，或可共同控制本會；

(ii) 本會與該另一方受到共同控制；

(iii) 該另一方是本會的聯營實體或本會作為合營者的合營企業；

(iv) 該另一方是本會的關鍵管理層成員，或與此個體關係密切的家庭成員，或受到此個體控制、共同控制或重大影響的實體；

(v) 該另一方是第(i)項內所述的另一方的關係密切的家庭成員，或受到此個體控制、共同控制或重大影響的實體；或

(vi) 該另一方是為本會或作為本會關聯方的任何實體的僱員福利而設的離職後福利計劃。

與個體關係密切的家庭成員是指預期他們在與實體的交易中，可能會影響該個體或受該個體影響的家庭成員。

3 政府補助

政府補助是指政府撥款以供本會履行服務的資金。有關補助是按照本會的需要 (已載列於年度預算及建議項目中) 而釐定。

2 Significant accounting policies (continued)

(k) Income recognition (continued)

(ii) Interest income

Interest income is recognised as it accrues using the effective interest method.

(l) Related parties

For the purposes of these financial statements, a party is considered to be related to the Council if:

(i) the party has the ability, directly or indirectly through one or more intermediaries, to control the Council or exercise significant influence over the Council in making financial and operating policy decisions, or has joint control over the Council;

(ii) the Council and the party is subject to common control;

(iii) the party is an associate of the Council or a joint venture in which the Council is a venturer;

(iv) the party is a member of key management personnel of the Council, or a close family member of such an individual, or is an entity under the control, joint control or significant influence of such individuals;

(v) the party is a close family member of a party referred to in (i) or is an entity under the control, joint control or significant influence of such individuals; or

(vi) the party is a post-employment benefit plan which is for the benefit of employees of the Council or of any entity that is a related party of the Council.

Close family members of an individual are those family members who may be expected to influence, or be influenced by, that individual in their dealings with the entity.

3 Government grants

Government grants represent the funds granted by the Government for the Council's services which is determined with regard to the needs of the Council as presented in its annual budget and proposed projects.

4 其他收入

4 Other income

	截至 二零一一年 三月三十一日 止年度 Year ended 31 March 2011	自二零零九年 六月一日 (法團成立日期) 至二零一零年 三月三十一日 止期間 Period from 1 June 2009 (date of incorporation) to 31 March 2010
利息收入 Interest income	\$ 36,561	\$ 3,393
雜項收入 Sundry income	3,520	2,017
	\$ 40,081	\$ 5,410

5 年 / 期內盈餘及全面收益

5 Surplus and comprehensive income for the year/period

年 / 期內盈餘及全面收益已計入：

Surplus and comprehensive income for the year/period is arrived at after charging:

	截至 二零一一年 三月三十一日 止年度 Year ended 31 March 2011	自二零零九年 六月一日 (法團成立日期) 至二零一零年 三月三十一日 止期間 Period from 1 June 2009 (date of incorporation) to 31 March 2010
(a) 員工成本 Staff costs		
薪金、工資及其他福利 Salaries, wages and other benefits	\$ 17,663,847	\$ 14,936,141
強制性公積金供款 Contributions to Mandatory Provident Funds	185,344	105,314
	\$ 17,849,191	\$ 15,041,455
(b) 其他項目 Other items		
核數師酬金 Auditor's remuneration	\$ 66,000	\$ 51,000
折舊 Depreciation	224,009	26,451
物業的營運租賃費用 Operating lease charges in respect of properties	2,168,532	2,130,029
固定資產撥備 Impairment loss for fixed assets	1,540,000	-

6 稅項

根據《稅務條例》第87條的規定，本會獲豁免課稅，因此本會無須在本財務報表計提香港利得稅撥備。

6 Taxation

No provision for Hong Kong profits tax is required to be made in these financial statements as the Council is exempted from taxation pursuant to section 87 of the Inland Revenue Ordinance.

7 固定資產

7 Fixed assets

	租賃 裝修工程 Leasehold improvements	傢具及 裝置 Furniture and fixtures	辦公室 設備 Office equipment	電腦設備 Computer equipment	總額 Total
成本 Cost :					
於二零一零年四月一日 At 1 April 2010	\$ 74,800	\$ -	\$ 830,945	\$ 37,954	\$ 943,699
增置 Additions	-	22,485	160,744	1,470,926	1,654,155
減值 Impairment	-	(16,685)	(149,494)	(1,373,821)	(1,540,000)
於二零一一年三月三十一日 At 31 March 2011	\$ 74,800	\$ 5,800	\$ 842,195	\$ 135,059	\$ 1,057,854
累計折舊 Accumulated depreciation :					
於二零一零年四月一日 At 1 April 2010	\$ 6,942	\$ -	18,040	1,469	26,451
年內折舊 Charge for the year	24,933	1,933	167,314	29,829	224,009
於二零一一年三月三十一日 At 31 March 2011	\$ 31,875	\$ 1,933	\$ 185,354	\$ 31,298	\$ 250,460
賬面淨值 Net book value :					
於二零一一年三月三十一日 At 31 March 2011	\$ 42,925	\$ 3,867	\$ 656,841	\$ 103,761	\$ 807,394
	租賃 裝修工程 Leasehold improvements	傢具及 裝置 Furniture and fixtures	辦公室 設備 Office equipment	電腦設備 Computer equipment	總額 Total
成本 Cost :					
於二零零九年六月一日 At 1 June 2009	\$ -	\$ -	\$ -	\$ -	\$ -
增置 Additions	74,800	-	830,945	37,954	943,699
於二零一零年三月三十一日 At 31 March 2010	\$ 74,800	\$ -	\$ 830,945	\$ 37,954	\$ 943,699
累計折舊 Accumulated depreciation :					
於二零零九年六月一日 At 1 June 2009	\$ -	\$ -	\$ -	\$ -	\$ -
期內折舊 Charge for the period	6,942	-	18,040	1,469	26,451
於二零一零年三月三十一日 At 31 March 2010	\$ 6,942	\$ -	\$ 18,040	\$ 1,469	\$ 26,451
賬面淨值 Net book value :					
於二零一零年三月三十一日 At 31 March 2010	\$ 67,858	\$ -	\$ 812,905	\$ 36,485	\$ 917,248

7 固定資產 (續)

在本年度間，本會向香港政府購入電腦設備，辦公室設備與家具及裝置，總價值為港幣1,540,000元正，本會亦同時收到相同數額的政府非經常性補助。本會隨後評估這些固定資產的可收回數額，包括考慮到這些固定資產已經使用超過五年。本會估計可收回數額時參考本會其他相同類別的固定資產的估計可使用年期，其範圍為三至五年。因此本會認為這些固定資產在購買當日便已經提足折舊，並把當時的賬面值全數核銷。

7 Fixed assets (continued)

During the year, the Council acquired computer equipment, office equipment, and furniture and fixtures with aggregate original costs of \$1,540,000 from the Government and at the same time received an equivalent amount of non-recurrent subvention from the Government. The Council subsequently assessed the recoverable amounts of these fixed assets including taking into account that these fixed assets have been in use for over five years. The estimate of the recoverable amounts is determined with reference to the expected useful lives the Council adopts for its existing fixed assets of the same categories, which range from three to five years. As a result, the Council is of the view that these fixed assets were all fully depreciated at the date of purchase and therefore has fully written off the then carrying amounts of these fixed assets.

8 按金及預付款項

	2011	2010
按金及其他應收款 Deposits and other receivables	\$ 349,740	\$ 309,949

8 Deposits and prepayments

所有按金及預付款項預期可於一年內收回。

All of the deposits and prepayments are expected to be recovered within one year.

9 現金及現金等價物

	2011	2010
銀行存款 Cash at bank	\$ 7,148,172	\$ 3,320,199
現金 Cash on hand	1,500	738
	\$ 7,149,672	\$ 3,320,937

9 Cash and cash equivalents

10 其他應付款項及應計費用

	2011	2010
應計費用 Accrued expenses	\$ 369,982	\$ 583,905

10 Other payables and accruals

所有其他應付款項及應計費用預期於一年內繳付。

Other payables and accruals are expected to be settled within one year.

11 遞延政府補助

11 Deferred government grants

有關補助是用作更換即時傳譯及視聽設備。

The grants are for the replacement of simultaneous interpretation and audio-visual equipment.

	2011	2010
於二零一零年四月一日 / 二零零九年六月一日 (法團成立日期) 的結餘 Balance as at 1 April 2010/1 June 2009 (date of incorporation)	\$ 880,720	\$ -
已收補助 Grants received	-	901,518
年 / 期內確認為收入的數額 Recognised as income in the year/period	(193,410)	(20,798)
於二零一一年 / 二零一零年三月三十一日的結餘 Balance as at 31 March 2011/2010	\$ 687,310	\$ 880,720
減：歸入「流動負債」的數額 Less: Amount included in "current liabilities"	193,410	193,410
歸入「非流動負債」的數額 Amount included "non-current liabilities"	\$ 493,900	\$ 687,310

12 員工約滿酬金撥備

12 Provision for staff gratuities

	2011	2010
於二零一零年四月一日 / 二零零九年六月一日 (法團成立日期) 的結餘 At 1 April 2010/1 June 2009 (date of incorporation)	\$ 349,917	\$ -
已計提撥備 Provision made	537,349	371,659
已動用撥備 Provision utilised	(91,117)	(21,742)
於二零一一年 / 二零一零年三月三十一日的結餘 At 31 March 2011/2010	\$ 796,149	\$ 349,917

員工約滿酬金撥備是為了支付受聘當日起計已完成三年合約的員工的約滿酬金而設立。

Provision for staff gratuities is set up for the gratuity payments which will be payable to employees of the Council who complete their three-year contract commencing from the date of their employment.

13 承擔

(a) 資本承擔

就於結算日的固定資產而言，於二零一一年三月三十一日未償付而又未在財務報表內計提撥備的資本承擔如下：

	2011	2010
已訂約但未計提撥備 Contracted but not provided for	\$ -	\$ 5,800

13 Commitments

(a) Capital commitments

Capital commitments outstanding at 31 March 2011, in respect of fixed assets at the balance sheet date not provided for in the financial statements were as follows:

(b) 營運租賃承擔

於二零一一年三月三十一日，根據不可解除的營運租賃在日後應付的物業最低租賃付款總額如下：

	2011	2010
一年內 Within 1 year	\$ 1,296,580	\$ 1,296,580
一年後但五年內 After 1 year but within 5 years	-	-
	\$ 1,296,580	\$ 1,296,580

(b) Operating lease commitments

At 31 March 2011, the total future minimum lease payments under non-cancellable operating leases in respect of properties are payable as follows:

14 關聯方交易

有關採購貨品及服務的所有交易（當中涉及本會的成員及主要管理人員可能持有權益的機構）是在日常業務過程中按照本會的財務責任及正常採購程序進行。

除本財務報表所披露的交易及相關結餘外，本會還進行了以下關聯方交易：

支付本會成員以下職分所收到的酬金

14 Related party transactions

All transactions related to the procurement of goods and services involving organisations in which a member of the Council and key management personnel may have an interest are conducted in the normal course of business and in accordance with the Council's financial obligations and normal procurement procedures.

In addition to the transactions and balances disclosed elsewhere in these financial statements, the Council had the following related party transactions:

Honorarium paid to Council members in the capacity of

	截至 二零一一年 三月三十一日 止年度 Year ended 31 March 2011	自二零零九年 六月一日 (法團成立日期) 至二零一零年 三月三十一日 止期間 Period from 1 June 2009 (date of incorporation) to 31 March 2010
本會成員 Council members	\$ 483,060	\$ 369,180

15 已頒布但尚未在截至二零一一年三月三十一日止年度生效的修訂、新準則和詮釋可能帶來的影響

截至本財務報表公佈日，香港會計師公會已頒布多項在截至二零一一年三月三十一日止年度尚未生效，且本財務報表尚未採用的修訂、新準則和詮釋。

本會正在評估這些修訂、新準則和新詮釋對首次採用期間的影響。到目前為止，本會相信，採納這些修訂、新準則和新詮釋對本會的營運業績和財政狀況不會構成重大的影響。

15 Possible impact of amendments, new standards and interpretations issued but not yet effective for the year ended 31 March 2011

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments, new standards and interpretations which are not yet effective for the year ended 31 March 2011 and which have not been adopted in these financial statements.

The Council is in the process of making an assessment of what the impact of these amendments, new standards and new interpretations is expected to be in the period of initial application. So far it has concluded that the adoption of them is unlikely to have a significant impact on the Council's results of operations and financial position.

服務承諾

Performance Pledges

監警會重視工作效率和優質表現，定下一系列的服務承諾：

We attach great importance to efficient and quality performance. Our performance pledges are:

	Handling of Cases 個案的處理	Performance Target (standard response time)* 表現指標 (標準回應時間) *
Enquiries 查詢	By telephone / in person 致電/ 親臨	Immediately 即時
	In writing 書面	Within 10 days 10天內
Monitoring of Complaints 監察投訴	Normal Cases # 一般個案 #	Within 3 months 3個月內
	Complicated Cases + 複雜個案 +	Within 6 months 6個月內
	Review Cases ^ 覆核個案 ^	Within 6 months 6個月內

* 由接獲投訴警察課最終調查報告/ 回應的日期起計

一般個案：向投訴警察課提出不多於一輪質詢的輕微個案 (例如無禮或疏忽職守)

+ 複雜個案：所有嚴重的個案 (例如毆打或捏造證據)，或向投訴警察課提出多於一輪質詢的輕微個案

^ 覆核個案：要求覆核須匯報投訴的調查結果分類的個案

* Measured from the date of receipt of CAPO's final investigation report/ response

Normal cases: minor cases (such as impoliteness or neglect of duty) with no more than one round of query raised by IPCC with CAPO

+ Complicated cases: all serious cases (such as assault or fabrication of evidence) and minor cases with two or more rounds of queries raised by IPCC with CAPO

^ Review cases: requests for reviewing the classification of reportable complaints

“ 很榮幸獲委任為監警會成員。希望在我卸任時，聽到警界及更多市民說：「有監警會是一件好事！」。這確實不易，但我會盡我所能，達致目標。

It is an honor to be appointed. I hope at the end of it, I can hear more of the general public and the Police say they are glad we have an IPCC. This is indeed not an easy task. But I will do what I can towards achieving this goal. ”

黃德蘭女士

於2011年1月1日獲委任為監警會委員

Miss Mary WONG Tak-lan

Appointed as IPCC Member on 1 January 2011

“

作為監警會成員，我有責任確保所有投訴警察個案得到透徹及公正的調查。

As a Member of IPCC, I am entrusted with a public duty to make sure all complaints against the police are thoroughly and justly investigated. ”

馬學嘉博士

於2011年1月1日獲委任為監警會委員

Dr MA Hok-ka

Appointed as IPCC Member on 1 January 2011

“

作為監警會成員，我希望本會繼續致力維持一套公平、有效及具透明度的投訴警察機制。

As a Member of IPCC, I hope we will continue to maintain a fair, effective and transparent police complaints system. ”

葉振都先生, MH, JP

於2011年1月1日獲委任為監警會委員

Mr Adrian YIP Chun-to, MH, JP

Appointed as IPCC Member on 1 January 2011

“

作為監警會新的一員，我會秉承本會的抱負及價值觀，並確信大家能為香港建立一套公平、有效及具透明度的投訴警察機制。

As a new team member of IPCC, I am fully committed to its vision and values. I am positive that we will be able to achieve a fair, effective and transparent police complaints system in Hong Kong. ”

鄧麗芳女士

於2011年1月1日獲委任為監警會委員

Miss Belinda TANG Lai-fong

Appointed as IPCC Member on 1 January 2011



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