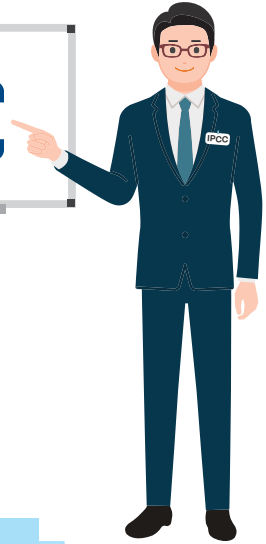


Q

甚麼是監警會

What is the IPCC



獨立監察警方處理投訴委員會(監警會)於2009年6月1日隨著《監警會條例》生效而正式成為獨立法定機構。

市民對警員的投訴會由投訴警察課接收及進行調查。我們的主要角色是監察投訴警察課是否公平、公正地處理投訴，以及就違規警員採取的跟進行動是否恰當。

我們亦會研究投訴類型、數字和趨勢，找出可能引致投訴的不足之處，向警方作出改善建議，協助警隊提升服務質素。

The Independent Police Complaints Council (IPCC) became an independent statutory organisation on 1 June 2009 when the Independent Police Complaints Council Ordinance (IPCCO) came into effect.

Complaints against police officers are received and investigated by the **Complaints Against Police Office (CAPO)**. Our main role is to monitor whether CAPO has handled the complaints fairly and impartially and whether follow-up actions taken against defaulting officers are appropriate.

We also study the various types, figures and trends of complaints. If we identify any deficiency that could possibly lead to complaints, we will make recommendations to the Police so that they can enhance their service quality.

Q 監警會有哪些職能

What are the functions of the IPCC

五大法定職能

Five main statutory functions



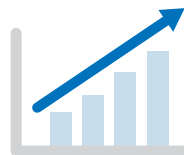
- 1** 觀察、監察和覆檢投訴警察課呈交的須匯報投訴調查報告
To **observe, monitor** and **review** reports submitted by CAPO on its investigations of Reportable Complaints

- 2** 監察警方對涉及須匯報投訴的違規警務人員採取的行動
To **monitor** actions taken by the Police against defaulting officers in connection with Reportable Complaints



- 3** 找出警隊工作常規或程序中的不足之處
To identify deficiencies in **police practices or procedures**

- 4** 向警務處處長和/或行政長官作出改善建議
To **make recommendations for improvement** to the Commissioner of Police and/or the Chief Executive



- 5** 加強公眾對監警會角色的認識
To **increase public awareness** of IPCC's role

* 根據《監警會條例》第3部
In accordance with Part 3 of the IPCCO

Q 誰是監警會的委員 ?

Who are the Members of the IPCC

由行政長官委任，監警會委員由不同行業及專業人士組成，包括律師、醫生、會計師、校長、商人和立法會議員等。憑藉委員的專業知識和豐富經驗，讓我們在審核投訴時作出多角度思考，確保監警會能夠獨立、公正和透徹地監察投訴警察課的調查工作。

監警會設有秘書處，由秘書長領導，支援監警會及管理日常運作。

Appointed by the Chief Executive, IPCC Members are drawn from a wide spectrum of sectors and professions, including lawyers, doctors, accountants, school principals, businessmen, and Legislative Councillors. Their diverse expertise and extensive experience ensure that we can review complaints from different angles, so that we can monitor CAPO's investigation of complaint cases in an independent, impartial and thorough manner.

The IPCC has a Secretariat – an office led by the Secretary - General providing support to the IPCC and managing day-to-day operations.



* 根據《監警會條例》第 2 部及附表 1
In accordance with Part 2 & Schedule 1 of the IPCCO



監警會委員的分工

Division of work among IPCC Members



監警會委員分為數個審核小組，審核投訴警察課提交的調查報告。監警會亦按照工作範疇設立了五個專責委員會，包括「嚴重投訴個案委員會」、「宣傳及意見調查委員會」、「管理委員會」、「運作及程序諮詢委員會」和「法律事務委員會」，以便更有效地履行法定職能。

Members of the IPCC are divided into several sub-groups to examine investigation reports submitted by the CAPO. Five committees have also been set up to enable effective performance of IPCC's statutory functions, namely the Serious Complaints Committee, the Publicity and Survey Committee, the Management Committee, the Operations Advisory Committee and the Legal Committee.



監警會的誕生

Birth of the IPCC

1977

「行政立法兩局非官守議員警方投訴事宜常務小組」（常務小組）成立，監察投訴警察課的調查工作，是兩層架構投訴警察制度的起源。

The Unofficial Members of the Executive and Legislative Councils (UMELCO) Police Group was established to monitor CAPO's investigations of complaints. This was the origin of the two-tier police complaints system.



1974



投訴警察課成立，專責調查市民對警方的投訴。

CAPO was set up to investigate complaints against the Police.

1986



常務小組改組為「投訴警方事宜監察委員會」。

The UMELCO Police Group was transformed to become the Police Complaints Committee (PCC).

* 根據《監警會條例》第2部
In accordance with Part 2 of the IPCCO

1994

為更好地反映其獨立地位，「投訴警方事宜監察委員會」改稱為「投訴警方獨立監察委員會」（警監會）。

To better reflect its independence, the PCC was renamed the Independent Police Complaints Council (IPCC).



2009

《監警會條例》生效，監警會正式成為獨立法定機構。「警監會」改稱為「獨立監察警方處理投訴委員會」（監警會），以強調其獨立監察職能。



The IPCCO came into effect and the IPCC became an independent statutory body. While the IPCC's English name remained unchanged, its Chinese name was modified to highlight its monitoring role.

Q 甚麼是兩層架構投訴警察制度 ?

What is the two-tier police complaints system

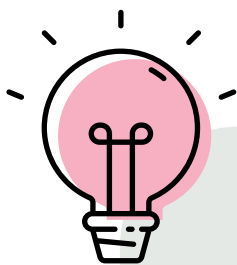
1 投訴警察課 CAPO



* 根據《監警會條例》第3部
In accordance with Part 3 of the IPCCO

2 監警會 IPCC





兩層架構投訴警察制度 有甚麼優點？

What are the advantages of the two-tier police complaints system?



確保公平、公正及有效率地處理投訴
Ensures fair, just and efficient handling of complaints



監警會獨立審核調查報告，釋除公眾對警察「自己人查自己人」的疑慮

The IPCC reviews investigation reports independently, thus addresses the public concern about the situation of "Police investigating the Police"

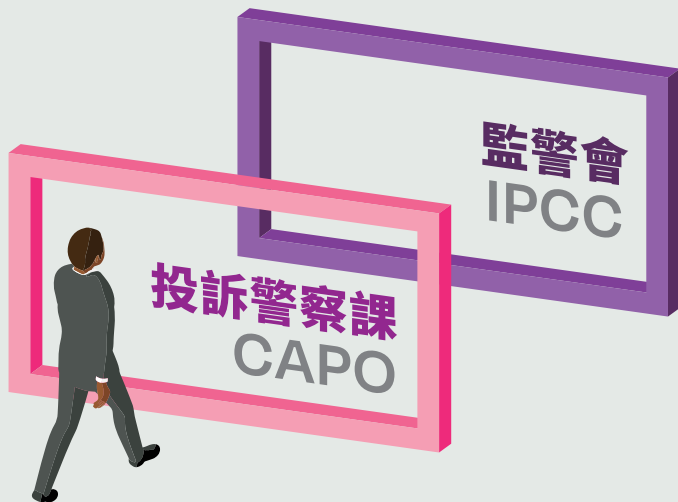


如果我作出了投訴， 可否要求監警會直接調查該投訴？

If I have a complaint against the Police,
can I ask the IPCC to investigate it directly?

不可以。在兩層架構投訴警察制度下，市民如欲投訴警務人員，必須先向投訴警察課提出，再由該課負責調查。監警會如收到有關投訴，須轉介該課處理及調查。

No. Under the two-tier police complaints system, members of the public can only make complaints against the police officers through CAPO. These complaints will then be investigated by CAPO. If the IPCC receives a complaint, we must refer it to CAPO for handling and investigation.



Q 甚麼是「觀察員計劃」 ?

What is the Observers Scheme

在「觀察員計劃」下，監警會的觀察員（包括監警會委員）可出席投訴警察課就須匯報投訴進行的會面，以及觀察證據收集工作，並須於觀察完畢後向會方作出匯報。「觀察員計劃」目的是讓監警會能監察投訴警察課的調查工作。觀察員來自各階層和專業領域，由保安局委任，全部以義務性質履行觀察職務。

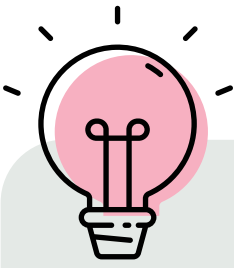
Under the Observers Scheme, IPCC Observers (including IPCC Members) may attend interviews and observe the collection of evidence related to CAPO's investigations of Reportable Complaints, and submit reports to the IPCC after each observation. This Scheme enables the IPCC to monitor CAPO's complaint investigations. Observers are drawn from a wide spectrum of society and various professions, and are appointed by the Security Bureau, all on a voluntary basis.

程序 Procedures

- 預先安排 Scheduled
- 未經預約 Without prior appointment

為確保公平公正，觀察員在觀察期間不會作出任何干預或發表個人意見。

To safeguard fairness and impartiality, our Observers do not interfere or offer any personal opinion while observing interviews or collection of evidence.



如果我向投訴警察課作出投訴後，我可否主動要求監警會安排觀察員出席有關會面？

If I make a complaint to CAPO, can I ask for an IPCC Observer to be present during the interview?

可以。任何就須匯報投訴與投訴警察課會面的人士，均可要求監警會觀察員出席有關會面。事實上，無論有否收到要求，我們都會盡力安排觀察員出席會面。

儘管根據《監警會條例》，監警會觀察員並非必須出席所有的會面和證據收集工作，但近年來觀察員的出席率均超過95%。

Yes. Anybody who will be interviewed by CAPO regarding a Reportable Complaint can ask for an IPCC Observer to be present during the interview. In fact, we will do our best to arrange for an Observer to attend the interview regardless of whether or not we receive any request.

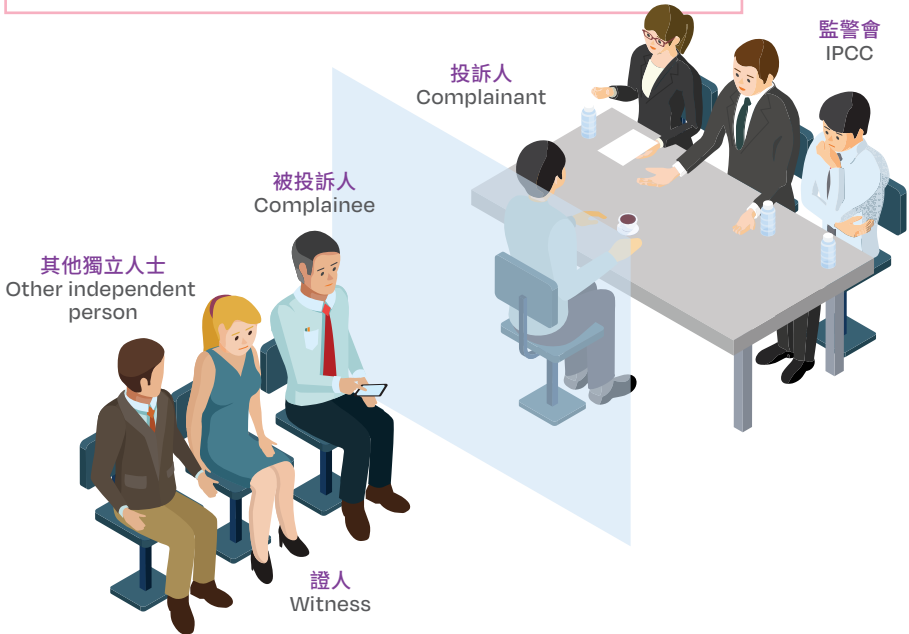
Though it is not compulsory for IPCC Observers to attend all the interviews and collection of evidence under the IPCCO, the Observers' attendance rate has exceeded 95% in recent years.

Q 甚麼是「監警會會面」?

What is the IPCC Interview

我們在審核投訴警察課調查報告的過程中，可會見任何能夠協助我們更好地了解投訴的人士，包括投訴人、被投訴人、證人或其他獨立人士等。每次會面結束後，全體委員會根據所得資料再次審視投訴個案，及與投訴警察課跟進。

When vetting CAPO's complaint investigation reports, we may interview anyone who may help us better understand the complaints — including Complainants, Complainees, witnesses, or other independent persons. After each IPCC Interview, the full IPCC Council will re-examine the complaint case based on the information obtained and follow up with CAPO.



* 根據《監警會條例》第 20 及 21 條
In accordance with Sections 20 & 21 of the IPCCO



「監警會會面」 有助我們了解投訴個案

IPCC Interview helps us
understand complaint cases



- 會面的目的是協助我們了解更多有關投訴及調查的資料
- The purpose of IPCC Interview is to help us learn more about and better understand a complaint and the related investigation



- 我們不會取代投訴警察課的調查角色
- We will not take over CAPO's role in investigating complaints

Q 甚麼是「須匯報投訴」 及「須知會投訴」

What are Reportable Complaints
and Notifiable Complaints



投訴分類

Complaint Categories



* 根據《監管會條例》第3部
In accordance with Part 3 of the IPCCO

須匯報投訴

Reportable Complaints

定義

Definition

- 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
- 由直接受警員行為影響的人士（或其代表）真誠地作出的投訴
- Made by members of the public, regarding the behaviour of police officers while they are on duty, or who are off duty but tell people involved in the complaints that they are police officers
- Made in good faith by or on behalf of people who are directly affected by police misconduct

處理方式

Handling process

- 投訴警察課須提交調查報告予監警會審核
- CAPO must submit investigation reports to the IPCC for scrutiny

須知會投訴

Notifiable Complaints

定義

Definition

- 不屬於「須匯報投訴」的投訴：
 1. 可能是匿名投訴；或
 2. 由並非直接受警員行為影響的人士作出的投訴
- Not categorised as “Reportable Complaints” :
 1. maybe made anonymously; or
 2. made by people who are not directly affected by police misconduct

處理方式

Handling process

- 投訴警察課須定期向監警會提交個案撮要供審核，確保其歸類正確
- CAPO must regularly submit a summary of Notifiable Complaints to the IPCC, so that we can examine them and ensure CAPO has correctly categorised them as Notifiable Complaints



Q 有哪些投訴指控類別 ?

What are the categories of allegations



捏造證據

Fabrication of Evidence

恐嚇

Threat

濫用職權

Unnecessary
Use of Authority

毆打

Assault

警務程序

Police Procedures

**行為不當 / 態度欠佳 /
粗言穢語**

Misconduct / Improper Manner /
Offensive Language

疏忽職守

Neglect of Duty

Q 有哪些調查結果分類 ?

What are the classifications of investigation results

首三項分類表示警員有某程度犯錯，將面臨紀律處分
The first three classifications indicate that the police officers involved have certain fault and will have to face disciplinary actions

1

獲證明屬實 Substantiated

- 指控有足夠的可靠證據支持
- There is sufficient reliable evidence to support the allegation

2

未經舉報但證明屬實 Substantiated Other Than Reported

- 在原有指控以外，發現其他不足之處，並且證明屬實
- Deficiencies other than the original allegations have been identified and are found to be substantiated

3

無法完全證明屬實 Not Fully Substantiated

- 指控有若干可靠的證據支持，但未能充分證明投訴屬實
- There is some reliable evidence to support the allegation, but it is not enough to fully prove the complaint

4

無法證實 Unsubstantiated

- 沒有充分的證據支持或否定指控
- There is insufficient evidence to support or reject the allegation

5

並無過錯 No Fault

- 投訴人可能對事實有所誤解；或
- 被投訴人是按照合法指示或警方的既定做法行事
- The Complainant may have misunderstood the facts; or
- The Complainee was acting under lawful instructions or established police practices

6

虛假不確 False

- 有足夠的可靠證據顯示指控並不真確
- There is sufficient reliable evidence to indicate that the allegation is untrue

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。

Some complaints are handled in other ways, so that no full investigation is necessary.

7

投訴撤回

Withdrawn

- 投訴人在作出投訴後，決定不再追究
- After making a complaint, the Complainant decides he/she does not wish to take it further

8

無法追查

Not Pursuable

- 調查無法進行，因未能取得投訴人的合作；或
- 不能確定被投訴警務人員的身份
- The investigation cannot proceed, as it proves impossible to obtain cooperation of the Complainant; or
- It proves impossible to identify the police officer involved in the complaint

9

終止調查

Curtailed

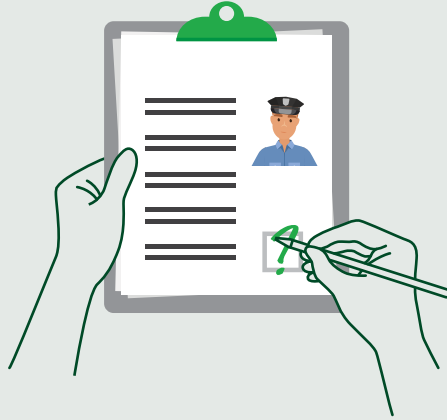
- 鑑於特殊情況（例如證實投訴人為精神病患者）而獲授權終止調查
- Authorisation is given to stop the investigation because of special circumstances, such as the Complainant having a known mental condition

10

透過簡便方式解決

Informally Resolved

- 旨在迅速解決一些性質輕微的投訴，例如指控警務人員態度欠佳或使用粗言穢語
- This can apply for speedy resolution of some relatively minor complaints. Examples include complaints in which police officers are accused of being impolite or using offensive language



無法追查 = 撒手不理?

Not Pursuable = Take no further action?

對於資料不足的投訴個案，監警會會建議投訴警察課搜集更多證據，或嘗試以不同方式聯絡投訴人。如無法取得投訴人的合作，監警會將審視現有的資料，包括人證、物證（如閉路電視片段、錄音及傳媒相片），盡力追查被投訴人的身份和行為，並作出適當跟進，確保個案經監警會審核後有更確切的調查結果，讓投訴人及被投訴人均獲得公平公正的對待。

For complaint cases with insufficient information, the IPCC will advise CAPO to collect more evidence or try contacting the Complainants through different means. If it is not possible to obtain the Complainants' cooperation, the IPCC will examine information available, including information given by witnesses and evidence such as CCTV footage, audio recordings and photos from the media, and try our best to identify the Complainees and discover how they have behaved, and take appropriate follow-up actions. This helps to ensure that the complaint cases can reach more definite investigation results after IPCC's examination, so that both Complainants and Complainees are treated justly and fairly.



如投訴獲證明屬實， 監警會有何跟進行動？

What follow-up actions will IPCC take if a complaint is substantiated?

雖然向警務人員發出訓諭、警告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程度。

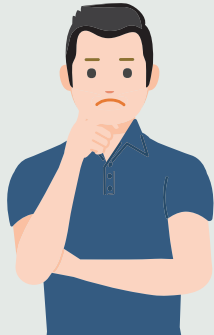
Though dispensing advice, warning or taking disciplinary action against police officers is a matter for the Commissioner of Police, the IPCC will examine the actions taken or to be taken to consider whether they are appropriate for the seriousness of the offences.



紀律覆檢 Disciplinary review
警告 Warnings
訓諭 Advice

假如我不同意須匯報投訴的調查結果，可以怎樣做？

What should I do if I disagree with the investigation result of a Reportable Complaint?



你可由投訴警察課覆函的日期起計30日內，要求該課進行覆核。投訴警察課將於覆核投訴人的投訴後，通知監警會有關覆核結果。監警會會以審核須匯報投訴的相同方式審核覆核個案，再通知投訴人覆核的結果。

You may, within 30 days from the date of the reply letter from CAPO, ask CAPO to conduct a review. After reviewing the complaint, CAPO will inform the IPCC of the result of the review. The IPCC will examine the review cases in the same manner as if examining the Reportable Complaints, and inform the Complainant of the findings of the review.



監警會如何協助 警隊預防投訴和跟進 建議的實施進度



How does the IPCC assist the Police in preventing complaints and follow up on the implementation progress of recommendations

我們於審核須匯報投訴時，若發現警隊工作常規或程序有任何缺失或不足之處，會適時向警方提出可行的改善建議。其後，我們會透過「調查報告通過後的跟進事項」以及與投訴警察課舉行的定期聯席會議，監察警方實施改善建議的進度，以進一步提升警隊的服務質素。

If the IPCC identifies any fault or deficiency in the police practices or procedures while vetting Reportable Complaints, we make timely and practical recommendations to the Police. Afterwards, we monitor the Police's implementation progress of these recommended improvement measures through "monitoring actions on post endorsement issue" and regular Joint Meetings with CAPO with an aim to enhance the Police service quality.

監警會
IPCC

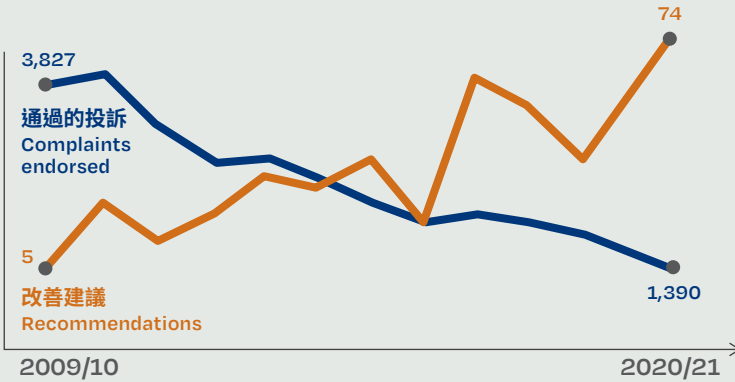


投訴警察課
CAPO



至今監警會向警方 提出過多少項改善建議？

So far how many recommendations have the IPCC made to the Police?



監警會至今已向警方提出累積超過180項改善建議，涵蓋範疇包括培訓、警員裝備更新、相關程序或指引的修訂等，有助避免日後發生類似的投訴。

另外，我們於2020年發表了一份專題審視報告，就警方處理大型公眾活動提出52項相關建議。

The IPCC has made more than 180 recommendations to the Police to date, which covered issues ranging from training and upgrading the equipment of police officers to amending procedures or guidelines. These recommendations helped prevent similar complaints in the future.

Also, in 2020 we published a Thematic Study Report with 52 recommendations regarding the Police's handling of large-scale public order events.

Q 投訴人有甚麼權利和責任 ?

What are Complainants' rights and responsibilities

權利

Rights

投訴人有權就警務人員的不當行為或疏忽作出投訴。

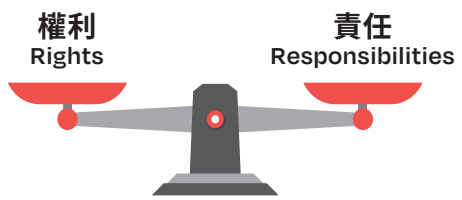
Complainant has the right to make complaint against the police officer for misconduct or negligence.

責任

Responsibilities

投訴是極為嚴肅的事情。雖然投訴人有權作出投訴，但亦有責任盡快提供全面和準確的資料，以及有效的聯絡方法，如電話號碼，確保兩層投訴警察制度能夠有效運作，讓投訴個案得到公平公正的處理，從而改善警隊的服務質素。

Making complaint is a very serious matter. While a Complainant has the right to make complaint, he/she also has the responsibility to provide complete and accurate information, as well as a way to contact him/her, such as telephone number. This ensures that the two-tier police complaints system can operate effectively to handle complaints in a fair and impartial manner, which in turn helps improve service quality of the Police Force.





作出虛假投訴會有甚麼後果？

What are the consequences of making a false complaint?

當一宗投訴被列為「虛假不確」時，投訴警察課可徵詢律政司的意見，及考慮控告投訴人提供虛假資料或作出虛假的陳述或指控，以誤導警務人員。

When a complaint is classified as "False", CAPO may consult with the Department of Justice and consider prosecuting the Complainant for misleading a police officer by giving false information or by making false statements or accusations.





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