

## 第 2 章 *CHAPTER 2*

# 監察投訴處理

# Monitoring the handling of complaints

## 調查報告及指控數字

## Number of investigation reports and allegations

### 通過及接獲的須匯報投訴個案數字

### Number of Reportable Complaint cases endorsed and received

	2016/17	2015/16
接獲的須匯報投訴個案 Reportable Complaint cases received	1,567	1,572
通過的須匯報投訴個案 Reportable Complaint cases endorsed	1,550	1,784

在本報告期內(2016年4月1日至2017年3月31日)，監警會共接獲投訴警察課就1,567宗新的須匯報投訴個案的調查報告，按年減少了約0.3%。

同期，監警會通過了1,550宗須匯報投訴個案的調查結果(包括107宗的覆檢個案)，按年減少13.1%。除了覆檢個案外，涉及的指控有2,807項，按年下跌了16.5%，其中主要的三項指控依次序為「疏忽職守」、「行為不當/態度欠佳/粗言穢語」及「毆打」。

During the reporting period (1 April 2016 to 31 March 2017), the IPCC received reports from CAPO on the investigation of 1,567 new Reportable Complaint cases, a decrease of 0.3% compared to that of last year.

In the same period, the IPCC endorsed the results of investigations for 1,550 Reportable Complaint cases (including 107 reviewed cases), a decrease of 13.1% compared to that of previous year. There was a total of 2,807 allegations, excluding the reviewed cases, a decrease of 16.5% compared to that of last year. The three major allegations in descending order were "Neglect of Duty", "Misconduct/ Improper Manner/ Offensive Language" and "Assault".

通過的指控數字(按性質分類)可見下表：

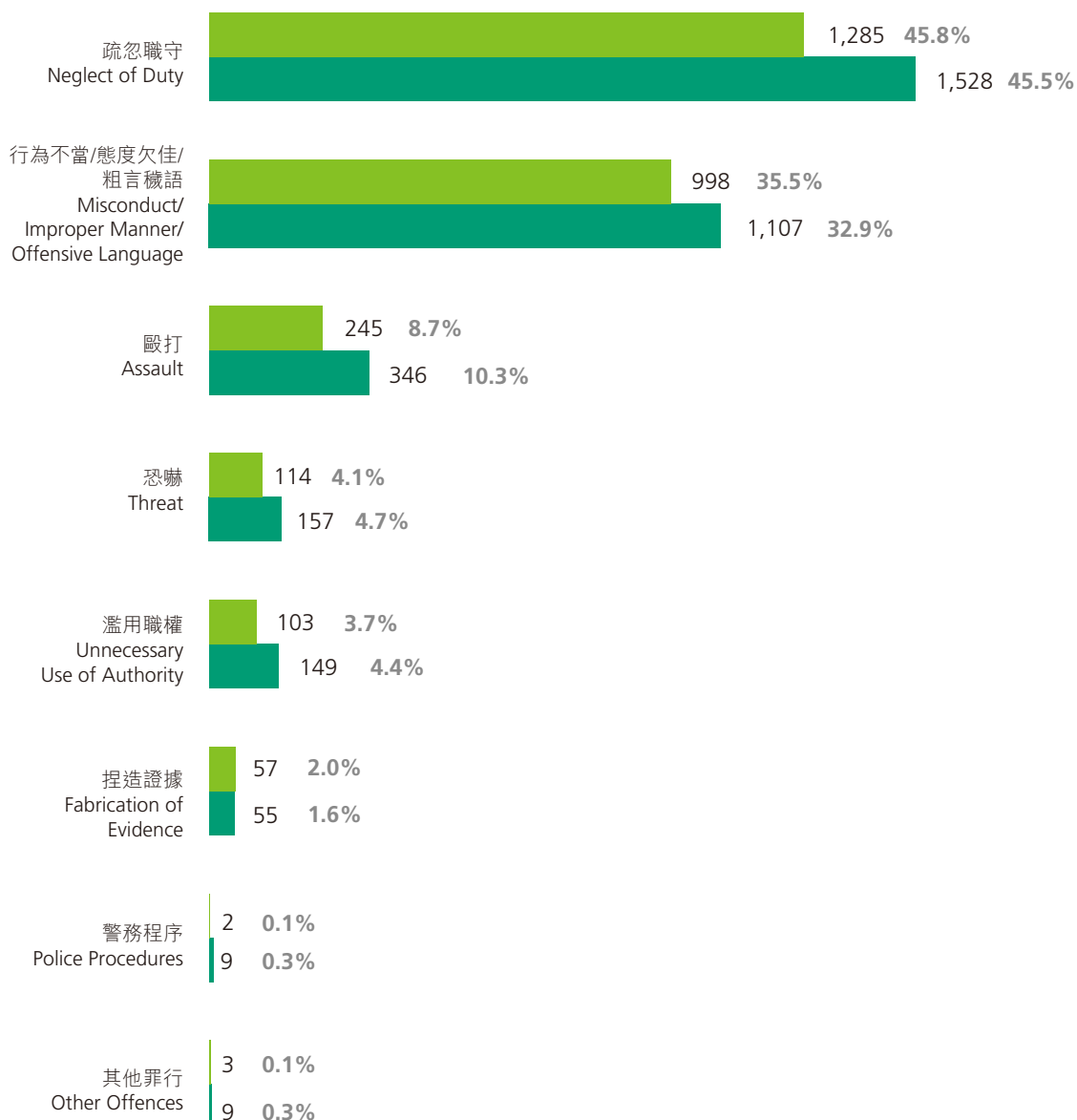
The following chart shows details of the number of allegations endorsed (by nature):

## 監警會通過的指控

### Allegations endorsed by the IPCC

2016/17 指控總數 Total number of allegations: **2,807**

2015/16 指控總數 Total number of allegations: **3,360**



註：由於進位原因，百分率的總和可能未必是100%。  
年度數字截至該年度的3月31日。

Note: Percentage shares may not add up to exactly 100% due to rounding of figures.  
Figures are as at 31 March of the respective reporting year.

## 調查結果 Investigation findings



在2016/17年獲通過的2,807項指控中，經全面調查的指控有936項，當中49項被列為「獲證明屬實」，佔所有經全面調查指控的5.2%。40項被列為「未經舉報但證明屬實」，佔4.3%；10項被列為「無法完全證明屬實」，佔1.1%；389項被列為「無法證實」，佔41.5%；375項被列為「並無過錯」，佔40.1%；73項則被列為「虛假不確」，佔總數的7.8%。

在其餘的1,871項無需進行全面調查的指控中，204項是屬於「透過簡便方式解決」，佔無需進行全面調查指控中的10.9%。653項被列為「投訴撤回」，佔34.9%；1,014項被列為「無法追查」，佔54.2%。沒有指控被列為「終止調查」。

Of the 2,807 allegations endorsed in 2016/17, 936 were fully investigated. Of these, 49 (5.2% of fully investigated allegations) were classified as "Substantiated"; 40 (4.3%) as "Substantiated Other than Reported"; 10 (1.1%) as "Not Fully Substantiated"; 389 (41.5%) as "Unsubstantiated"; 375 (40.1%) as "No Fault" and 73 (7.8%) as "False".

Of the remaining 1,871 allegations which did not require full investigation, 204 (10.9% of those not fully investigated) were "Informally Resolved"; 653 (34.9%) were classified as "Withdrawn"; 1,014 (54.2%) as "Not Pursuable". There was no allegation classified as "Curtailed".

2015/16年和2016/17年的調查結果數據比較可見下表：

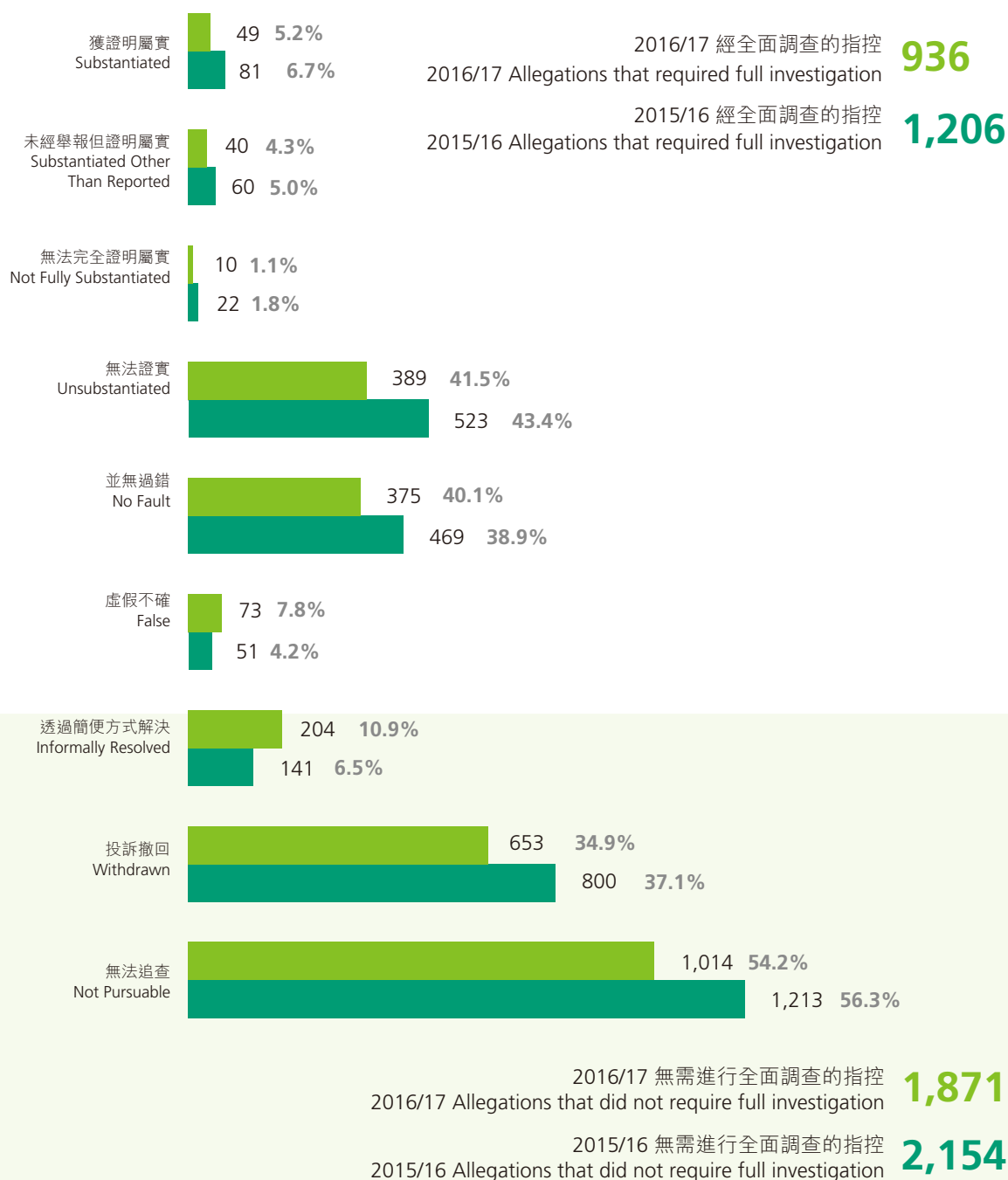
The following table shows a comparison of the figures regarding investigation results between 2015/16 and 2016/17:

### 監警會通過的調查結果

#### Investigation results endorsed by the IPCC

2016/17 指控總數 Total number of allegations **2,807**

2015/16 指控總數 Total number of allegations **3,360**



註：由於進位原因，百分率的總和可能未必是100%。  
年度數字截至該年度的3月31日。

Note: Percentage shares may not add up to exactly 100% due to rounding of figures.  
Figures are as at 31 March of the respective reporting year.

## 監警會通過的須匯報投訴個案的指控數字(根據性質和調查結果劃分)

Number of allegations involved in the Reportable Complaints cases endorsed by the IPCC (by nature and by results of investigations)

	疏忽職守 Neglect of Duty		行為不當/態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language		毆打 Assault		恐嚇 Threat	
	2016-17	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17	2015-16
經全面調查的指控 Allegations that required full investigation								
獲證明屬實 Substantiated	35	67	11	7	0	1	0	1
未經舉報但證明屬實 Substantiated Other Than Reported	36	53	1	1	0	0	0	1
無法完全證明屬實 Not Fully Substantiated	3	14	5	4	0	2	1	0
無法證實 Unsubstantiated	151	229	190	220	17	29	4	10
並無過錯 No Fault	260	353	72	62	8	10	4	5
虛假不確 False	8	2	18	15	14	8	8	4
小計 Subtotal	493	718	297	309	39	50	17	21
無需進行全面調查的指控 Allegations that did not require full investigation								
透過簡便方式解決 Informal Resolution	97	77	107	62	0	0	0	0
投訴撤回 Withdrawn	312	349	228	276	60	91	32	60
無法追查 Not Pursuable	383	384	366	460	146	205	65	76
小計 Subtotal	792	810	701	798	206	296	97	136
總數 Total	1,285	1,528	998	1,107	245	346	114	157

	濫用職權 Unnecessary Use of Authority		捏造證據 Fabrication of Evidence		警務程序 Police Procedures		其他罪行 Other Offences		總數 Total	
	2016-17	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17	2015-16
	3	4	0	0	0	0	0	1	49	81
	2	2	0	0	1	3	0	0	40	60
	1	2	0	0	0	0	0	0	10	22
	22	25	5	8	0	0	0	2	389	523
	25	26	5	8	1	3	0	2	375	469
	0	2	25	20	0	0	0	0	73	51
	53	61	35	36	2	6	0	5	936	1,206
	0	0	0	0	0	2	0	0	204	141
	13	17	7	5	0	0	1	2	653	800
	37	71	15	14	0	1	2	2	1,014	1,213
	50	88	22	19	0	3	3	4	1,871	2,154
	103	149	57	55	2	9	3	9	2,807	3,360

## 警方對違規人員採取的跟進行動

### Police actions against defaulting officers

在本報告年度獲監警會通過的個案中，共有 89 名警務人員需接受紀律聆訊或其他內部行動，涉及 77 宗個案。分項數字見下表：

In this reporting year, disciplinary proceedings or internal actions were taken against 89 police officers regarding 77 cases endorsed by the IPCC. The following table shows the breakdown of figures:

#### 警方於 2015/16 及 2016/17 年就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 taken against defaulting officers  
regarding cases endorsed by the IPCC during 2015/16 and 2016/17

	人員數目 Number of officers	
	2016/17	2015/16
A. 刑事訴訟 Criminal proceedings	0	1
B. 紀律處分 Disciplinary proceedings	9	15
C. 其他內部行動 Other internal actions		
警告 Warnings	18	35
訓諭 Advice	62	109
<b>總數 Total</b>	<b>89</b>	<b>160</b>

註：2015/16 年的數字已因應部分個案覆核後，予以調整。

Note: Figures for 2015/16 have been adjusted following case reviews.



## 監警會進行會面

### IPCC interviews conducted

	2016/17	2015/16
涉及的須匯報投訴個案 Number of Reportable Complaint cases involved	3	1
出席會面的人數 Number of persons attending interviews	3	2

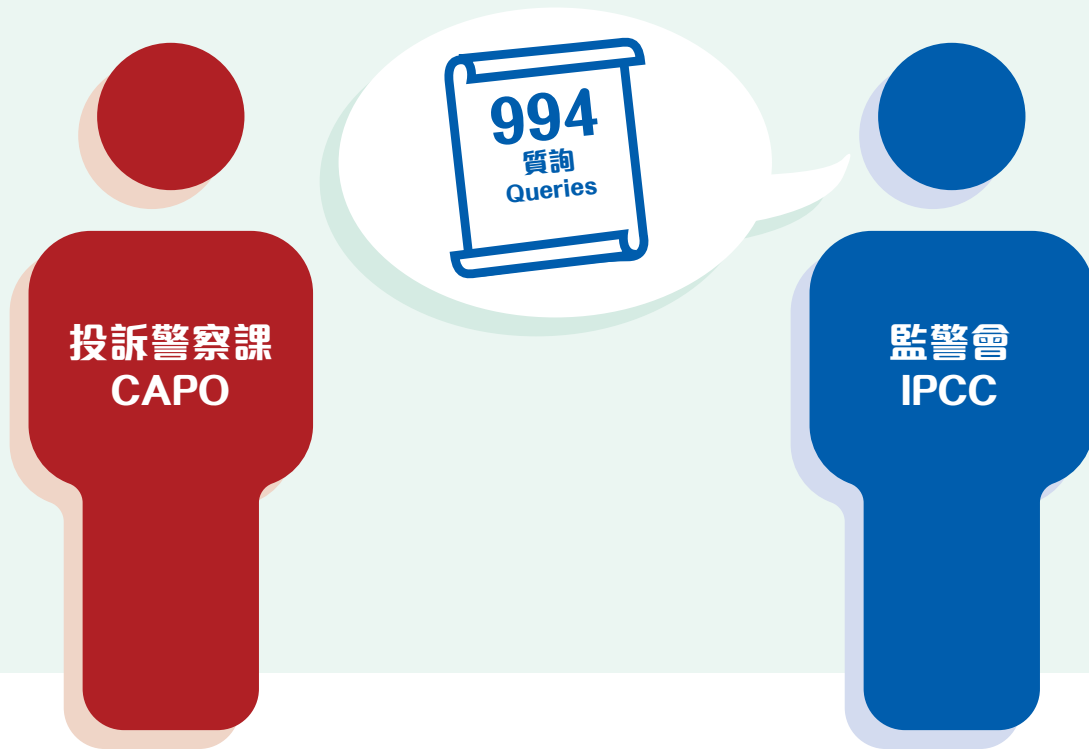
《監警會條例》第20條列明，監警會在審核報告期間，可以會見任何能夠或可能就報告向委員會提供資料或協助的人士。會見目的純粹是為了向有關人士澄清事項，監警會不會取代投訴警察課的調查角色。

報告期內，共有三位人士，包括兩名投訴人及一名被投訴人應監警會邀請出席會面，共涉及三宗投訴個案。

According to section 20 of the IPCCO, in the course of examining CAPO's investigation report, the IPCC may interview any person who is or may be able to provide information or assistance to the Council in relation to the report. The purpose of interviews is solely to clarify matters with the concerned persons. The IPCC will not take over the investigative role of CAPO.

During the reporting period, three persons including two Complainants and one Complainee were invited by the IPCC to attend interviews involving three complaint cases.

## 向投訴警察課提出質詢 Queries raised with CAPO



在2016/17年度，監警會向投訴警察課合共提出994項質詢，內容包括監警會向投訴警察課提出的各類要求，例如更改調查報告的內容，就報告內容提供更多資料及澄清、及監警會就警方的工作提供改善建議等。

根據《監警會條例》，投訴警察課必須回覆監警會的質詢。每當監警會收到投訴警察課的回覆，審核團隊會研究當中的資料、解釋及觀點，然後提交予委員組成的審核小組考慮是否接納其回覆。有需要時，監警會可以就同一事項向投訴警察課再提出質詢，或將事項提交到工作層面會議上和投訴警察課商討，直至監警會滿意其解釋，才會通過該宗投訴個案。

報告期內，共有574項質詢獲投訴警察課接納，其餘的質詢則經由監警會再質詢或雙方開會討論後，得到滿意解釋及解決。

IPCC raised a total of 994 Queries to CAPO in 2016/17. These Queries included various requests to CAPO, for example, changing the content of the investigation reports, providing more information and clarification regarding the report, and the IPCC giving improvement suggestions on the Police's works, etc.

According to the IPCCO, CAPO must reply the IPCC's Queries. When the IPCC receives the responses from CAPO, the vetting team will scrutinize the information, explanations and views before passing on to the Members of the vetting sub-group for consideration of accepting the reply. When necessary, the IPCC can raise follow-up Queries regarding the same matters, or bring up the matters to the working level meetings for further discussion with CAPO until the IPCC is satisfied with the explanation, and so endorses the case.

During the reporting period, 574 Queries were accepted by CAPO. The remaining Queries were given satisfactory explanation and resolved after further Queries by the IPCC's or discussion with CAPO at meetings.

監警會提出質詢的詳細數據請見下表：

The following table shows the breakdown of figures regarding Queries raised by the IPCC:

**質詢總數 Total number of Queries: 994**

**投訴警察課接受的質詢**

**Number of Queries accepted by CAPO: 574**

年份 Year	質詢總數 Total number of Queries		投訴警察課接受的質詢 Number of Queries accepted by CAPO	
	2016-17	2015-16	2016-17	2015-16
質詢性質 Nature of Queries				
調查結果分類 Classification of investigation results	360	324	198	162
改善警隊常規和程序的建議 Recommended improvements to police practices and procedures	10	17	6	10
遵從警務常規和程序 Compliance with police practices and procedures	22	12	4	4
行使警權的理由 Reasons for exercising police power	9	9	1	1
對處理違規人員的行動提出意見 Comments on actions against defaulting officers	26	18	18	11
澄清調查報告資料 Clarification of information in investigation reports	329	251	204	106
調查透徹度 Investigation thoroughness	132	61	84	34
其他質詢 Other Queries	106	101	59	53
<b>總數 Total</b>	<b>994</b>	<b>793</b>	<b>574</b>	<b>381</b>

## 調查結果分類

監警會在2016/17年就調查結果分類提出360項質詢，而獲投訴警察課全面接納的則有198項，因此予以修正調查結果的指控有209項，包括：

## Classification of investigation results

Out of a total of 360 Queries raised by the IPCC in 2016/17 regarding the classification of findings, CAPO accepted 198 of them and as a result, the investigation results of 209 allegations were reclassified, including:

**9** 項由「無法證實」改列為「獲證明屬實」  
reclassified from “Unsubstantiated” to “Substantiated”

**5** 項由「並無過錯」改列為「獲證明屬實」  
reclassified from “No Fault” to “Substantiated”

**4** 項由「並無過錯」改列為「無法完全證明屬實」  
reclassified from “No Fault” to “Not Fully Substantiated”

**43** 項由「並無過錯」改列為「無法證實」  
reclassified from “No Fault” to “Unsubstantiated”

**26** 項由「無法證實」改列為「並無過錯」  
reclassified from “Unsubstantiated” to “No Fault”

**11** 項由「無法追查」改列為「虛假不確」  
reclassified from “Not Pursuable” to “False”

更改分類的詳細數據請參考下表：

The following table shows the breakdown of figures regarding changes of classifications:

## 2016/17 年度監警會通過的再分類調查結果

### Changes of classification endorsed by the IPCC in 2016/17

原來分類 Original classification	最後分類 Final classification							總數 Total
	獲證明屬實 Substantiated	無法完全證明屬實 Not Fully Substantiated	無法證實 Unsubstantiated	並無過錯 No Fault	虛假不確 False	無法追查 Not Pursuable	投訴撤回 Withdrawn	
獲證明屬實 Substantiated	N/A	0	1	0	0	0	0	1
無法完全證明屬實 Not Fully Substantiated	4	N/A	0	0	0	0	0	4
無法證實 Unsubstantiated	9	4	N/A	26	0	7	0	46
並無過錯 No Fault	5	4	43	N/A	7	2	0	61
虛假不確 False	0	0	6	6	N/A	4	0	16
無法追查 Not Pursuable	2	0	4	37	11	N/A	1	55
投訴撤回 Withdrawn	1	1	4	14	4	2	N/A	26
<b>總數 Total</b>	<b>21</b>	<b>9</b>	<b>58</b>	<b>83</b>	<b>22</b>	<b>15</b>	<b>1</b>	<b>209</b>

此外，監警會年內通過了40項「未經舉報但證明屬實」的指控，當中有20項是經監警會提出質詢後而增加的，另外有36宗事件記錄為「旁支事項」\*。

\* 「旁支事項」是指任何違反紀律或警隊通令的事項。這些事項在調查過程中被披露，但與投訴內容並無密切關係。

Moreover, the IPCC endorsed 40 counts of “Substantiated Other Than Reported” allegations; of these, 20 were registered after the IPCC had raised Queries. Another 36 incidents were recorded as “Outwith” matters\*.

\* An “Outwith” matter refers to any breach of discipline or Police Force orders that has been disclosed in the course of a complaint investigation but is not closely related to the complaint.

### 改善警隊常規和程序的建議

根據《監警會條例》第8條(1)(c)，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。報告期內，監警會就改善警隊常規和程序提出了10項建議。

### Recommended improvements to police practices and procedures

Under section 8(1)(c) of the IPCCO, the IPCC may make recommendations to the Commissioner of Police and/or the Chief Executive if it identifies any fault or deficiency in a police practice or procedure that has led to or might lead to a complaint. During this reporting period, the IPCC suggested 10 improvement measures to the Police.

### 遵從警務常規和程序

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常規和程序。報告期內，屬於這類的質詢共有22項。

### 行使警權的理由

監警會亦關注警務人員在執勤時的警權運用。報告期內，監警會就警務人員在運用警權時的理據提出九項質詢。

### 對處理違規人員的行動提出意見

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。報告期內，監警會曾就有關事項提出26項質詢。

### 澄清調查報告資料

報告期內，監警會就投訴調查報告內含糊不清的地方，共提出了329項質詢，例如要求投訴警察課就投訴的背景提供更多資料。

### 調查透徹度

報告期內，監警會共提出132項有關調查透徹程度的質詢，即要求投訴警察課就調查採取更深入的行動，例如會見證人和收集更多證據等。

### Compliance with police practices and procedures

The IPCC may raise Queries with CAPO to ascertain if the police officers involved in a complaint case have complied with relevant police practices and procedures in exercising their constabulary powers. During this reporting period, 22 Queries were raised under this category.

### Reasons for exercising police power

The use of police power by officers in the discharge of their duties is also a concern of the IPCC. During this reporting period, the IPCC raised nine Queries with respect to the reasons for the use of police power.

### Comments on actions against defaulting officers

While the dispensing of advice or disciplinary action to police officers is a matter for the Commissioner of Police, the IPCC will examine the actions taken or to be taken to ascertain whether they commensurate with the gravity of the offence. The IPCC raised 26 Queries on such actions during the reporting period.

### Clarification of information in investigation reports

During this reporting period, the IPCC raised 329 Queries regarding the ambiguous points in investigation reports. For example, CAPO was requested to provide more background information of the complaint cases.

### Investigation thoroughness

During this reporting period, the IPCC raised 132 Queries regarding the thoroughness of police investigations. These Queries included asking CAPO to conduct more in-depth investigation, including conducting interview with witness and collection of more evidence.

## 審核個案所需時間

### Time required for examining complaint cases

審核投訴個案所需日數會因應個案的複雜情況、監警會是否同意投訴警察課的觀點等多個因素而定。現在很多性質輕微或瑣碎的投訴，已循「透過簡便方式解決」及表達不滿機制處理，所以需要經全面調查後提交給監警會的投訴個案，性質相對複雜，審查時間亦較長。

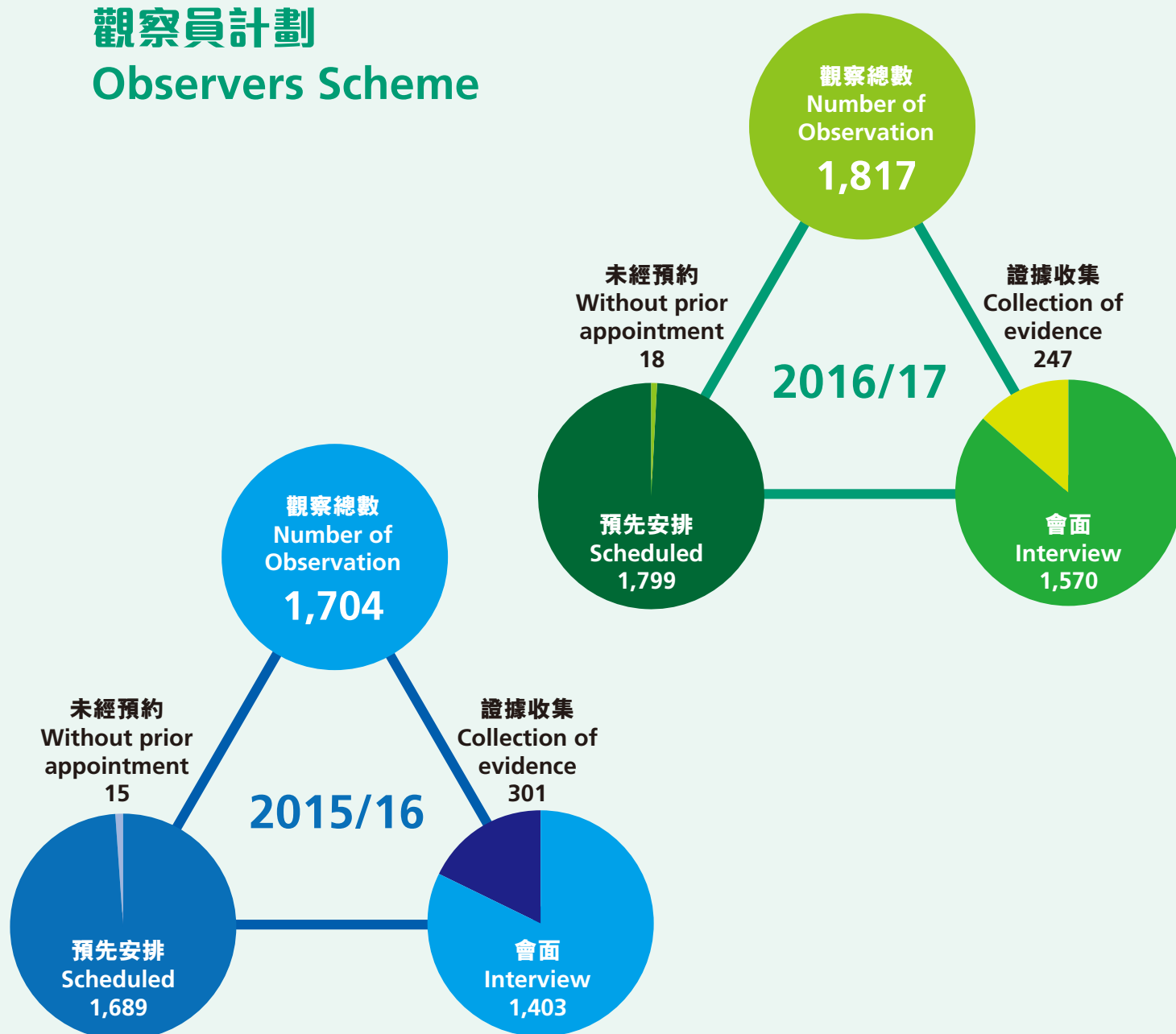
審核個案的平均所需日數由2015/16年度的144天下降至2016/17年度的133天。

The number of days required to examine a complaint case depends on a number of factors, such as the complexity of the case and whether the IPCC agrees with CAPO's views. Complaints that are relatively minor or frivolous in nature are now handled via "Informal Resolution" and Expression of Dissatisfaction Mechanism, the complaint cases that are handled via full investigation are of a more complicated nature, and to meticulously scrutinise this type of complaint cases requires more time.

The average number of days required to examine an investigated case decreased from 144 days in 2015/16 to 133 days in 2016/17.

	2016/17	2015/16
<b>審核個案所需的平均日數</b> Average number of days required to examine a complaint case	<b>133</b>	144

## 觀察員計劃 Observers Scheme



2016/17年，監警會的委員及觀察員通過觀察員計劃共進行了1,817次觀察，較上年上升了6.6%，當中預先安排的有1,799次，未經預約的有18次。這1,817次觀察，有1,570次是觀察會面，其餘247次是觀察證據收集的工作。

Under the Observers Scheme, 1,817 observations were conducted by Members and Observers of the IPCC in the year 2016/17, a 6.6% increase compared to that of last year. Those observations included 1,799 scheduled observations and 18 observations without prior appointment. Of the 1,817 observations, 1,570 involved the conducting of interviews and 247 involved the collection of evidence.



### 觀察員出席觀察及接獲通知的數字

#### Number of observations attended by IPCC Observers and notifications received

年份 Year	出席觀察 Observations attended	接獲通知 Notifications received	出席比率 Attendance rate (觀察/接獲通知) (Observations/Notifications received)
2016/17	1,817	2,068	87.9%
2015/16	1,704	1,928	88.4%

### 投訴警察課的通知

投訴警察課會盡量在可行的情況下，於進行會面或證據收集前，給予監警會不少於48小時的通知。在2016/17年，監警會接獲投訴警察課共2,068次通知。

在本報告期內，監警會觀察員出席了1,817次觀察，包括觀察會面和證據收集，佔整體通知的87.9%，出席比率和前一年相若。

### Notifications from CAPO

CAPO has agreed that, insofar as practicable, the IPCC will be notified at least 48 hours in advance of any impending interview or collection of evidence. In 2016/17, 2,068 notifications were received from CAPO.

During this reporting period, IPCC Observers attended 1,817 observations, including interviews and the collection of evidence, comprising 87.9% of the notifications received. The attendance rate is similar to that of previous year.

## 須知會投訴 Notifiable Complaints

### 須知會投訴個案數字

#### Number of Notifiable Complaint cases

	2016/17	2015/16
經監警會審核的須知會投訴個案 Notifiable Complaint cases examined by the IPCC	729	479
重新歸類為須匯報投訴 Cases re-categorised as Reportable Complaints	6	3

根據《監警會條例》第9條，投訴警察課須定期向監警會提交須知會投訴的個案撮要以供檢視，並解釋將該投訴歸類為須知會投訴的理由。若監警會認為某宗投訴應歸類為須匯報投訴，便會向投訴警察課作出相應的建議，投訴警察課需相應重新考慮該宗投訴的歸類。

在報告期內，監警會審核了729宗須知會投訴的個案撮要，較去年同期上升52.2%。經審核後，其中六宗投訴個案應監警會建議被重新歸類為須匯報投訴。

Under section 9 of the IPCCO, CAPO must regularly submit a summary of Notifiable Complaints to the IPCC for examination and explain the reasons for categorising the complaints as Notifiable Complaints. If the IPCC considers that any of these cases should be classified as Reportable Complaints instead, the IPCC will give relevant suggestions to CAPO, and CAPO will then need to reconsider the categorisation.

During the reporting period, the summary of 729 Notifiable Complaints as examined by the IPCC, an increase of 52.2% compared to that of the previous year. After the examination, six cases have been re-categorised as Reportable Complaints as per the IPCC's recommendations.

## 表達不滿機制 Expression of Dissatisfaction Mechanism (EDM)

### 表達不滿機制的個案數字

#### Number of EDM cases

	2016/17	2015/16
經監警會審核的表達不滿機制個案 EDM cases examined by the IPCC	1,229	1,331
重新歸類為須匯報投訴 Cases re-categorised as Reportable Complaints	18	10
重新歸類為須知會投訴 Cases re-categorised as Notifiable Complaints	1	0

為更有效處理性質輕微的投訴個案和善用資源，監警會和投訴警察課於2015年制訂了表達不滿機制，在正式投訴程序以外，為投訴人提供處理輕微投訴的另一項選擇。

在機制下，作出投訴的市民能透過投訴警察課把其不滿及意見直接向有關警區的指揮官反映，如投訴人不滿意表達不滿機制處理投訴的結果，亦可要求重新以正式投訴的方式處理投訴。為確保機制不被濫用及個案分類恰當，投訴警察課需定期提交有關表達不滿機制個案的列表予監警會審核。

在報告期內，監警會共檢視了1,229宗經由表達不滿機制處理的個案，較去年下跌了6.3%，其中18宗個案應監警會建議被重新歸類為須匯報投訴，一宗則被重新歸類為須知會投訴。

To handle minor complaints more effectively and make optimal use of investigation resources, the IPCC and CAPO introduced the EDM in 2015 as an alternative to the formal complaint investigation process for handling minor complaints.

Through the EDM, a Complainant can directly reflect his/her dissatisfaction and views to the commander of the Formation concerned. If the Complainant is still not satisfied with the results of the EDM, he/she may lodge a formal complaint. In order to maintain the integrity of the EDM and ensure appropriate categorisation, CAPO is required to regularly submit a gist of the EDM cases to the IPCC for vetting.

During the reporting period, the IPCC examined 1,229 cases handled via the EDM, a decrease of 6.3% compared to the previous year. Among these cases, 18 cases have been re-categorised as Reportable Complaints as per the IPCC's recommendations and one case has been re-categorised as Notifiable Complaint.

## 公眾查詢 Public enquiries

為提高透明度，監警會設立了不同途徑供市民向會方查詢或表達意見。在報告期內，監警會共收到6,349宗公眾透過電話、電郵、傳真及親臨的查詢。除部分與監警會無直接關係的查詢外，其餘有關兩層架構投訴警察制度，包括投訴個案和觀察員計劃等查詢或意見，會方均已按服務承諾的時間回覆及適時跟進。

In order to enhance transparency, the IPCC has set up various channels for the public to enquire or express their opinion to the IPCC. During the reporting period, the IPCC received 6,349 public enquiries via telephone, email, fax and in person. Except for enquiries that are not directly related to the IPCC, all enquiries regarding the two-tier police complaint system, including those relating to complaint cases and Observers Scheme, are replied and followed up within the time under the IPCC's performance pledge.