



服務質素改善建議  
Service Quality  
Improvement Initiatives



## 改善建議 Recommended Improvements

根據《監警會條例》，會方除了觀察、監察和覆檢警方處理和調查須匯報投訴的工作，亦會在嚴謹的審核程序中，積極找出警隊常規或程序可作改進的地方，並透過「服務質素改善建議」（改善建議）機制，向警方適時提出切實可行的改善建議。監警會自2009年成為獨立法定機構至今，已累積向警方提出超過220項改善建議。每項改善建議都有助警隊在不同範疇上提升服務質素，減少不必要的投訴，並加強公眾對兩層投訴制度的信心。

報告期內，會方合共提出19項改善建議[詳見第66至67頁]，涵蓋不同的警務範疇。部分與市民的日常生活關係密切，例如是優化交通執法和截停搜查的程序；部分涉及科技運用，包括建議警方善用電腦鑑證設備和隨身攝錄機，以提升警務工作的效率和準確性；部分則與溝通技巧和培訓工作有關，加強警務人員在執行任務時應對各種情況的能力。

以下是監警會於報告期內向警方提出的服務質素改善建議例子：

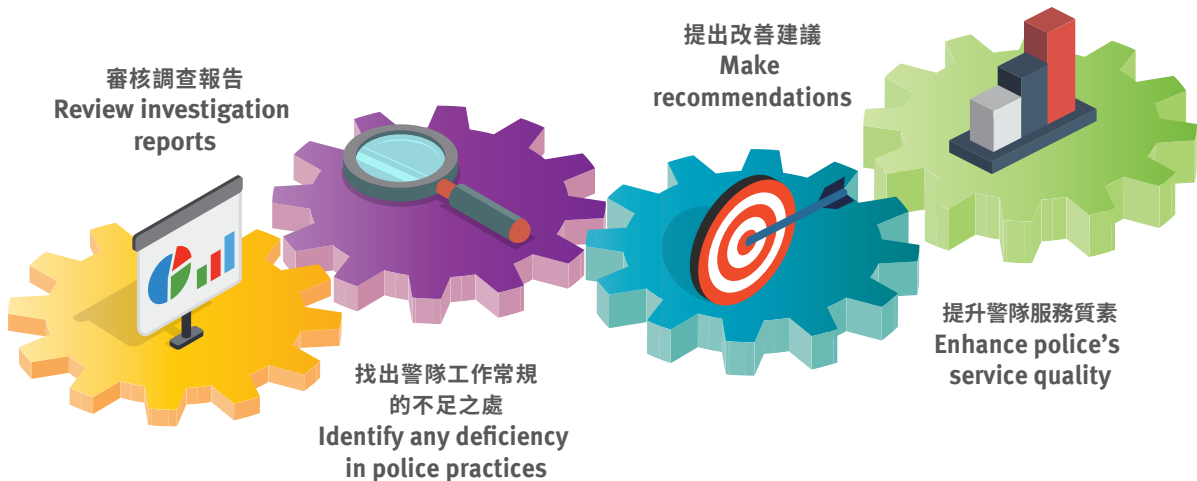
- (1) 提醒駕駛人士就交通違例或意外事故向警方提供行車記錄儀片段
- (2) 提高處理數碼法理鑑證的效率
- (3) 檢視提取及歸還「錄影會面」光碟的程序
- (4) 確保警方妥善處理及歸還涉案證物
- (5) 提醒前線警務人員妥善填寫警察記事冊

Under the Independent Police Complaints Council Ordinance (IPCCO), apart from observing, monitoring and reviewing the police's handling and investigation of Reportable Complaints, the IPCC also actively identifies areas for improvement in police practices and procedures through a rigorous vetting process, and makes timely and practical suggestions for improvement to the police through the Service Quality Improvement Initiative (SQII) mechanism. Since its establishment as an independent statutory body in 2009, the Council has made more than 220 SQIIs to the police. Each SQII has contributed to the enhanced service quality of the police in different aspects, and thus the reduction of unnecessary complaints, while strengthening public confidence in the two-tier complaints system.

During the reporting period, a total of 19 SQIIs were put forward [please refer to pages 66–67 for details], covering various policing areas — some of which are closely related to the daily lives of the public, such as optimising traffic enforcement and stop-and-search procedures; while some are related to the use of technology, including recommendations to make good use of computer forensic equipment and body-worn video cameras, thereby enhancing the efficiency and accuracy of policing work; and some are related to communication skills and training, with a view to enhancing police officers' capability to respond to different situations in performing their duties.

The following are examples of SQIIs made by the IPCC to the police during the reporting period:

- (1) Remind drivers to provide the police with car camcorder footage for traffic contraventions or accidents
- (2) Improve the efficiency of handling digital forensics evidence
- (3) Review procedures for collection and return of video-recorded interview discs
- (4) Ensure proper handling and return of exhibits by the police
- (5) Remind frontline police officers to keep proper records in their notebooks





## 1. 提醒駕駛人士就交通違例或意外事故向警方提供行車記錄儀片段

### Remind drivers to provide the police with car camcorder footage for traffic contraventions or accidents



過去五年，每年與交通執法相關的投訴個案均佔整體投訴數字接近 20%。於上述期間，監警會合共提出 14 項與交通執法有關的改善建議，以助警隊提升服務質素。這些建議涵蓋不同範疇，當中包括：提升前線警務人員識別有問題或非法改裝車輛的能力；優化處理《交通意外傷亡援助計劃》表格的處理程序；以及修訂警方內部指引，要求人員記錄輕微交通事故中涉事雙方司機的和解事宜等。

隨著行車記錄儀日益普及，不少車輛已安裝攝錄器材，記錄車輛行駛時周遭的情況和影像。倘若駕駛人士發生意外或涉嫌違反交通規例，有關行車錄影片段往往是重要和有利的證據，有助釐清事件經過及責任誰屬，亦可協助警方跟進調查。

在一宗投訴個案中，警員駕駛警車途經尖沙咀時，遇上一輛的士突然切線而需急煞停車。警員隨即截停的士，告知的士司機（即投訴人）涉嫌「不小心駕駛」，並會被票控。投訴人其後收到警方傳票檢控「不小心駕駛」。投訴人否認控罪，並向法院提交其的士行車記錄儀拍攝的片段，顯示其駕駛行為並未構成「不小心駕駛」，最終獲判無罪。投訴人事後投訴負責調查的警務人員沒有向他查詢便作出檢控 [指控：疏忽職守]。

In the past five years, traffic enforcement-related complaints accounted for nearly 20% of the total number of complaints each year. During the above period, the IPCC put forward a total of 14 SQIs regarding traffic enforcement to enhance the service quality of the police. These recommendations cover various areas, including: strengthening frontline officers' ability to identify vehicles with defects or illegal alterations; optimising the procedures for handling Traffic Accident Victims Assistance Scheme application forms; and amending the police's internal guidelines on requiring officers to record settlements of the drivers involved in minor traffic accidents.

With the increasing popularity of car camcorders, many vehicles have installed video-recording devices to record the surrounding situations and images of vehicles while driving. If a driver is involved in an accident or suspected of contravening traffic regulations, the video footage taken while driving is often important and strong evidence to clarify the course of the incident and who is responsible, and assist the police in follow-up investigations.

In a complaint case, a police officer driving a police vehicle passing through Tsim Sha Tsui was suddenly cut off by a taxi and had to brake abruptly. The police officer immediately intercepted the taxi, and told the driver (the complainant, COM) that he was suspected of careless driving and would be summonsed. Subsequently, COM received a summons for "Careless Driving". Pleading not guilty, COM submitted to the court video footage captured by his taxi's camcorder, showing that his driving behaviour did not constitute "Careless Driving". He was eventually acquitted. COM then complained that the investigating officers prosecuted him without conducting enquiry with him [Allegation: Neglect of Duty].

經調查後，投訴警察課原先將指控分類為「並無過錯」，理由是投訴人並無主動告知警方他可提供行車記錄儀拍攝的影片協助調查個案；而現場截停投訴人的士的警員也沒有記錄投訴人的車輛有否安裝行車記錄儀。因此，投訴警察課認為負責調查的警務人員無從得知投訴人有行車影片可以提供，故他們沒有就此向投訴人查詢亦屬合理。

然而，就本案而言，較佳的做法是調查人員在檢控投訴人前先詢問他有否任何回應或能否提供證據協助警方調查個案。不過，向投訴人作出查詢與否，乃取決於調查人員的當下判斷，包括是否已掌握充分證據作出檢控。有關調查人員衡量過現場截停投訴人的士的警員所作之觀察、供詞及紀錄，認為已達致足夠證據檢控投訴人，故此不向投訴人再作查詢並非不可接受，亦難而斷定他的做法是否有不恰當之處。因此，該課最終將調查結果重新分類為「無法證實」。

監警會在審核投訴個案時，發現警方沒有明確規定警務人員在決定檢控違規司機前，必須向其作出查詢，或確認司機有否任何行車記錄儀拍攝的影片可提供予警方作為證據，協助調查案件。有見及此，監警會建議警方優化處理交通違例檢控的程序，在警方檢控涉嫌違例的駕駛人士前，應確保涉案司機有機會作出解釋，尤其是提醒他們如有行車記錄片段，應盡快提供給警方，以支持他們的解釋。

警方同意監警會的建議，並在向涉案駕駛人士發出的「擬檢控通知書」中，提醒他們可以提供任何資料協助警方調查個案。投訴警察課亦透過外展計劃和培訓，提醒前線警務人員在處理交通案件時，應留意車輛有否安裝行車記錄儀，以便檢取相關影片協助調查。如涉案駕駛人士同意提交行車片段予警方作證物，前線警務人員亦應妥善記錄。

Upon investigation, CAPO originally classified the allegation as “No Fault” on the grounds that COM did not take the initiative to tell the police that he could provide video footage taken by his car camcorder to assist in the investigation of the case. Moreover, the police officer who intercepted COM’s taxi did not record whether the taxi was equipped with a car camcorder. Therefore, CAPO considered that the investigating officers had no way of knowing that COM had car camcorder footage to provide, and it was reasonable that they did not enquire with COM in this regard.

In the present case, it would have been better if — before prosecuting COM — the investigating officers had enquired whether he had any response to the allegation of careless driving, or whether he could provide evidence to assist the police in investigating the case. However, whether to enquire with COM depended on the investigating officers’ judgement, including whether sufficient evidence is available to prosecute COM or whether further clarification is required from COM. The investigating officers evaluated the observations, statement and record of the police officer who intercepted COM’s taxi at the scene and concluded that there was sufficient evidence to lay a charge on COM. Therefore, it was not unacceptable that the police officer did not enquire with COM, and it was difficult to determine whether his conduct was inappropriate. As a result, CAPO reclassified the finding of the investigation as “Unsubstantiated”.

While vetting the complaint case, the IPCC found that the police did not specify that police officers were required to enquire with a driver accused of an offence before deciding to prosecute him or her, or to confirm whether the driver had any video taken by a car camcorder that could be used as evidence by the police to assist in the case investigation. To this end, the IPCC has proposed that the police should enhance the procedures for handling traffic offence prosecutions. Before prosecuting drivers suspected of offences, the police should ensure that the drivers have the opportunity to explain their actions, and in particular to remind drivers that if they have any car camcorder footage, they should provide it to the police as soon as possible to support their explanations.

The police agreed with IPCC’s recommendation, and will remind drivers involved in traffic incidents to provide any information for police investigations regarding the “Notice of Intended Prosecution” issued to them. CAPO will, through their outreach programme and training, remind frontline officers to pay attention to whether car camcorders are installed in vehicles when handling traffic cases, so as to obtain any relevant videos to assist in investigations. If the driver concerned agrees to provide the police with the car camcorder footage as evidence, frontline officers should make a proper record of it.

## 2. 提高處理數碼法理鑑證的效率

### Improve the efficiency of handling digital forensics evidence



現今社會資訊科技發達，科技應用及數碼商貿早已成為市民生活不可或缺的一部分。然而，不法之徒看準網絡空間的保安漏洞，伺機利用數碼科技犯案。根據警方公布的數字顯示，警方在2022年接獲的科技罪案高達22,797宗，對比2020年的12,916宗上升近一倍。當中常見的罪案包括商業詐騙、網上購物騙案、網上戶口盜用等等，受害市民往往在精神和金錢上蒙受不少損失。

警隊的網絡安全及科技罪案調查科(網罪科)負責處理有關網絡安全的事項及調查科技罪案，當中包括檢取案件中的電腦、手機等數碼證物，進行數碼法理鑑證檢驗的工作，以供日後呈堂之用。面對科技罪案率不斷攀升，數碼科技日新月異，應用於罪案的科技亦日漸繁複，網罪科的工作也相應增加。

在一宗投訴個案中，投訴人被指竊取了前僱主研發的電腦軟件程式編碼，涉嫌「有犯罪或不誠實意圖而取用電腦」而被捕。他的兩台電腦被警方檢取並轉交網罪科檢驗，以查看電腦中有否包含投訴人竊取電腦軟件程式編碼的證據。最終因前僱主不予追究，導致證據不足而終止調查。投訴人不滿警方調查時間過長，以致長時間扣查他的電腦[指控：疏忽職守]。投訴警察課調查過後，發現警務人員在向網罪科提出數碼法理鑑證的申請上確實有所延誤，因此將指控分類為「獲證明屬實」，並對相關警務人員作出訓諭但無須將事件記入其分區報告檔案中。

With the development of information technology, technology application and digital commerce have long become an integral part of people's lives. However, criminals are taking advantage of security loopholes in cyberspace to commit crimes using digital technology. According to figures published by the police, the number of cybercrimes received by the police in 2022 reached 22,797, nearly doubling from 12,916 cases in 2020. Commercial fraud, online shopping fraud and online account theft are among the most common types of cybercrimes, and the victims often suffer a great deal both emotionally and financially.

The police's Cyber Security and Technology Crime Bureau (CSTCB) is responsible for handling cyber security-related matters and investigating cybercrimes, including the seizure of digital evidence from computers and mobile phones in crime cases and conducting digital forensics examinations for future court proceedings. Given the surge in cybercrimes, the rapid development of digital technology, and the increasing sophistication of technology applied to crime, the workload of CSTCB has also increased accordingly.

In a complaint case, the complainant (COM) was arrested on suspicion of the offence of "Access to Computer with Criminal or Dishonest Intent" for stealing computer software codes developed by his former employer. Two of his computers were seized by the police, and handed over to CSTCB for examination to see whether they contained evidence that COM had stolen the alleged computer software codes. The police eventually ceased the investigation due to insufficient evidence, as the former employer decided not to pursue the case. COM felt aggrieved by the lengthy police investigation, which resulted in the prolonged custody of his computers [Allegation: Neglect of Duty]. CAPO investigation revealed that there was indeed a delay in filing an application by the police officer for digital forensics evidence to CSTCB. Therefore, CAPO classified the allegation as "Substantiated" and the police officer concerned was given an advice without Divisional Record File entry.



監警會在審核個案時，留意到除了前線警務人員在向網罪科提出申請上有延誤外，網罪科亦花了約36個月才完成個案的數碼法理鑑證工作。就此，投訴警察課解釋網罪科近年要處理之案件數量大增，網罪科會根據案件之嚴重性去訂立優先次序進行數碼法理鑑證。因此，有個別案件的輪候時間可能相對較長。有見及此，監警會建議警方制定有效措施，以提升網罪科處理數碼法理鑑證的效率。

警方已著手制定多項措施提升數碼法理鑑證效率，到目前為止已落實的措施包括：

- (1) 增加網罪科人手，以紓緩日益繁重的工作；
- (2) 改良現有申請數碼法理鑑證的電腦系統，確保前線警務人員於申請數碼法理鑑證時提供詳細資料，以減少網罪科需要向申請警務人員澄清事項或索取相關資料的次數及時間；
- (3) 推行「攝證計劃」，為全部警署的錄影會面室添置實物投影支援系統，讓前線警務人員在錄影會面中可使用系統拍下與案有關的電子裝置畫面內容，並將拍下的影像在日後審訊時直接作呈堂及舉證之用。此舉可免卻再花額外時間把電子裝置交到網罪科作數碼法理鑑證以擷取有關電子裝置的內容。這既可加快處理涉及電子裝置的案件，同時亦可減輕網罪科的工作負荷；及
- (4) 加強培訓，提升前線警務人員進行簡單法理鑑證及處理數碼證據的能力，讓人員在合適的情況下初步檢視數碼證據。

除此之外，警隊的數碼法理鑑證中心於2023年7月正式投入服務。此全新設備取代已使用近20年的電腦法理實驗室，進一步協助警隊處理案件的調查協作、檢驗、數據分析、數據檢視和證物管理等工作；加強協作成效，並提升警隊的調查效率。會方樂見警方實行上述的改善措施，並會繼續留意有關措施的成效。

In reviewing the case, the IPCC noticed that, apart from the delay in the filing of an application by the frontline police officer, CSTCB had taken about 36 months to complete the digital forensics work for the case. In this regard, CAPO explained that CSTCB has seen a significant upsurge in caseload in recent years. CSTCB prioritised the forensics examination according to the seriousness of the case. As such, some cases might have experienced a longer waiting time. In view of the situation, the IPCC recommended that the police formulate effective measures to enhance the efficiency of CSTCB in handling digital forensics evidence.

CSTCB has devised a number of projects so as to enhance the efficiency of digital forensics examination. The measures implemented so far included:

- (1) Increasing the manpower of CSTCB to alleviate the increasingly heavy workload;
- (2) Upgrading the existing computer system at CSTCB for the application of digital forensics evidence to ensure that frontline police officers provide detailed information when applying for digital forensics evidence, thereby reducing the number and time required by CSTCB to clarify matters or request relevant information from the officers applying for digital forensics evidence;
- (3) Implementing “Project CAPTURE”, which involves installing visualisation support systems in video interview rooms of all police stations. This enables frontline police officers to use these systems to capture content on the screens of electronic devices that are related to crime cases, thus recording videos that can be used for direct presentation of evidence in future court proceedings. This can obviate the need to submit the electronic devices to CSTCB in order to extract their contents, in turn expediting the processing of cases involving electronic devices and reducing the workload of CSTCB; and
- (4) Strengthening training to enhance the ability of frontline police officers to conduct simple forensics evidence examination and handle digital evidence, so that they can perform preliminary examination on digital evidence under appropriate circumstances.

In addition, the police’s Digital Forensics Complex was officially launched in July 2023. The new facility replaces the Computer Forensics Laboratory, which has been in use for nearly 20 years, and further assists the police in handling case investigation, collaboration, examination, data analysis, data review and evidence management. This helps enhance collaboration effectiveness and efficiency of the police’s investigation. The IPCC welcomes the implementation of the above-mentioned improvement measures by the police and will continue to monitor their effectiveness.

### 3. 檢視提取及歸還「錄影會面」光碟的程序

#### Review procedures for collection and return of video-recorded interview discs



在刑事調查的過程中，警務人員可透過筆錄或錄影會面形式，向受查人士錄取警誡口供。當警方進行錄影會面時，不論受查人士有否招認，其錄影片段均會被儲存並燒錄成光碟作日後呈堂之用。每一次錄影會面必須使用一套全新的錄影會面光碟，每套光碟皆獲編配獨一無二的光碟序號。而光碟只可使用一次，不能重用、修改或刪除內容。相對筆錄形式，錄影會面不僅省時，更重要的是整個會面都在高透明度的情況下進行，更好呈現受查人士在會面時的對答及舉止，有助減少日後在法庭審訊時，就會面自願性或安排是否妥當的爭議。

為免會面紀錄的內容或錄取過程在法庭審訊時遭到質疑，警方須確保各個環節均處理得當，保存證據鏈的完整性。負責調查工作的警務人員必須妥善記錄錄影會面光碟的提取、使用及交還詳情。然而，監警會在審核投訴個案時發現，警務人員在提取及歸還錄影會面光碟時，偶爾未有嚴格執行有關程序，並留意到相關分發及交還光碟的程序有改善空間。

在一宗投訴個案中，投訴人因「盜竊」被捕，警方以錄影會面方式向投訴人錄取警誡口供。投訴人指，警方跟他進行了兩次錄影會面。投訴人指稱兩名調查人員（一名警員及一名警長）在第二次錄影會面誘使他認罪[指控：行為不當]。該兩名調查人員否認有關指控，並表示警方只跟投訴人進行過一次錄影會面。

In the course of a crime investigation, a police officer may take a cautioned statement from a person under investigation by way of a written statement or a video-recorded interview (VRI). When the police conduct a VRI, the video footage will be stored and burnt onto a disc for possible future submission to court, regardless of whether the person under investigation has confessed or not. Each VRI must use a new set of discs marked with a unique serial number. These discs can only be used once, and cannot be reused, modified or deleted. Compared with written statement, VRI not only saves time but, more importantly, enables the whole interview to be conducted with a high degree of transparency, and better presents the response and behaviour of the interviewee during the interview. In subsequent court proceedings, this can help reduce any controversy over voluntariness or proper arrangements of the interviews.

To forestall any challenge against the content of a VRI or the statement-taking process during court proceedings, the police must ensure that every step of the procedure is properly managed to preserve the integrity of the chain of evidence. Police officers conducting investigations are required to properly record the details of collection, use and return of the VRI discs. However, in vetting complaint cases, the IPCC found that police officers occasionally did not strictly follow the procedures when collecting and returning the VRI discs, and observed that there was room for improvement in the procedures.

In a complaint case, the complainant (COM) was arrested for “Theft” and his cautioned statement was taken by the police in a VRI. COM claimed that the police had conducted two VRIs with him. COM alleged that the two interviewing officers (one police constable and one sergeant) induced him to admit the offence during the second VRI [Allegation: Misconduct]. Denying the allegation, the two interviewing officers argued that they had conducted only one VRI with COM.



鑑於沒有證據證明警方與投訴人進行了一次還是兩次錄影會面，或有關調查人員有否誘使投訴人認罪，因此無法斷定任何一方的說法，投訴警察課遂將指控列為「無法證實」。儘管如此，投訴警察課在調查時發現，兩名調查人員遺失了一套錄影會面光碟，但他們並沒有遵從《警察通例》的規定，向分區指揮官匯報遺失光碟一事。故此，投訴警察課向該兩名調查人員新增了一項「未經舉報但證明屬實」的指控，並對他們作出警告，但無須將事件記入其分區報告檔案中。

在審核該投訴個案期間，監警會注意到根據《警察程序手冊》（「程序手冊」）的規定，各警署須備存一本分發及交還錄影會面光碟的登記冊，以記錄警務人員提取的光碟序號、提取及交還光碟的時間，以及未交還光碟的原因。投訴警察課應監警會的要求，向多區警署查詢，發現各警署備存登記冊的格式並不統一。同時，程序手冊未有確切列明監督人員需要檢查登記冊上的資料是否完整無誤。

為確保警務人員準確記錄相關光碟的提取及交還情況，並及時交還所有未使用的光碟，監警會認為警方有必要全面檢視及優化相關程序指引，統一各警署的做法，並制定監察機制。

投訴警察課同意監警會的建議，修訂了有關程序手冊，列明所有警察單位須對光碟的分發和交還進行監督。同時投訴警察課亦透過預防投訴刊物，提醒前線警務人員在提取及交還錄影會面光碟時必須妥善記錄。監警會認為，上述修訂程序能有效改善及監察錄影會面光碟分發及交還的程序。

As there was no evidence indicating whether the police conducted one or two VRIs with COM and whether the interviewing officers had induced COM to admit the offence, it was not possible to conclude either party's version, and CAPO classified the allegation as "Unsubstantiated". Nevertheless, CAPO noted during the investigation that the two interviewing officers had lost one set of VRI disc, but they had not complied with the Police General Orders by reporting the loss of the discs to their Divisional Commander. Therefore, CAPO registered an additional count of "Substantiated Other Than Reported" against the two officers, and issued warnings against them without Divisional Record File entry.

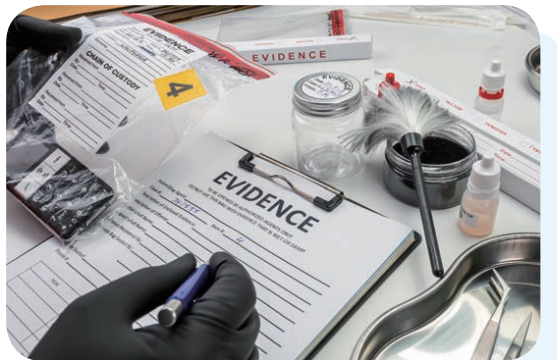
During the scrutiny of this complaint, it came to the attention of the IPCC that, according to the Force Procedures Manual (FPM), police stations are required to maintain a register of the collection and return of VRI discs, in order to record the serial number of each disc collected by police officers, the time of retrieval and return of the discs, and the reasons for any non-return of discs. At the request of the IPCC, CAPO enquired with various police stations and found that the formats of their registers varied. Also, the FPM does not specifically state that supervisors should check the completeness of the information in the registers.

To ensure that police officers accurately record the collection and return of relevant discs and return all unused discs in a timely manner, the IPCC considers it necessary for the police to comprehensively review and refine the relevant procedural guidelines, standardise the practices of every police station, and formulate a monitoring mechanism.

CAPO agreed with the IPCC's recommendations and had amended the guidelines and procedures, requiring all police units to supervise the distribution and return of VRI discs, and CAPO had reminded frontline police officers to make proper records when collecting and returning VRI discs through its publications regarding complaints prevention. The IPCC is of the view that these measures will effectively improve and monitor the procedures for the distribution and return of VRI discs.

## 4. 確保警方妥善處理及歸還涉案證物

### Ensure proper handling and return of exhibits by the police



警方在查案時經常會檢取證物。結案後，除非案中證物需銷毀或充公，否則警方會將證物歸還物主。然而，在歸還的過程中，偶爾會因為案件的後續發展，以致未能即時物歸原主。有些個案甚至因警務人員疏忽，導致本來需要歸還的證物被銷毀，令市民蒙受損失。由2021年至今，每年約有20宗因警方未有妥善處理及歸還涉案證物而衍生的投訴個案，較以往每年平均約12宗個案有所增加。以下是三個案例：

#### 個案一：因案件尚未正式完結而未能即時歸還證物

在一宗投訴個案中，投訴人因「刑事毀壞」而被警方拘捕。被捕後，警務人員檢取了投訴人的手提電話作證物。其後，法庭裁定投訴人罪名成立。投訴人之後向警方查詢歸還手提電話事宜。警方告知投訴人將於結案後將手提電話還給他。然而，投訴人罪成三個月後，仍未收到該手提電話[指控：疏忽職守]。投訴警察課在調查時發現，投訴人罪成後，警方緝捕了另一名與該「刑事毀壞」案有關的疑犯。由於投訴人的手提電話資料可能有助證實該名疑犯有份參與「刑事毀壞」，故警方繼續保留投訴人的手提電話作進一步調查，並於該名疑犯的案件結束後才將電話歸還投訴人。投訴警察課遂把指控分類為「並無過錯」。就本個案而言，監警會認為儘管警方有合理原因未能即時將電話歸還物主，但警方應盡快通知物主未能即時歸還證物的原因，以免引起不必要的投訴。

#### 個案二：因警方延誤處理及未能聯絡物主而無法盡快歸還證物

在個案中，投訴人被控「詐騙」罪。投訴人指控警方結案後未有及時將證物歸還[指控：疏忽職守]。投訴警察課調查後，確認證物在刑事審訊完結後21個月才發還投訴

The police often seize properties as exhibits when investigating cases. After a case is closed, the police will return the case exhibits to the property owners unless there is an order for them to be destroyed or confiscated. Occasionally, due to the subsequent development of the cases, it is not possible to return the exhibits to the property owners. In some cases, however, exhibits were wrongly destroyed because of the negligence of some police officers, resulting in losses to citizens. From 2021 till now, there have been about 20 complaint cases per year arising from the police's failure to properly handle and return case exhibits, which is higher than the annual average of approximately 12 complaint cases in previous years. Here are three examples:

#### Case 1: Failure to return exhibits immediately because the case had not yet been concluded

In a complaint case, the complainant (COM) was arrested by the police for "Criminal Damage". After arrest, the police seized COM's mobile phone as an exhibit. Later, COM was convicted of the offence. COM then enquired with the police about the return of his mobile phone. The police informed COM that the phone would be returned to him upon conclusion of the case. Nevertheless, COM did not receive his phone although three months had passed after his conviction [Allegation: Neglect of Duty]. CAPO's investigation revealed that after COM was convicted, the police arrested another suspect in connection with the "Criminal Damage" case. As COM's mobile phone might contain some information that may help prove that the suspect was involved in the "Criminal Damage" case, the police continued to retain COM's mobile phone for further investigation and returned the phone to COM only after the conclusion of the suspect's case. CAPO thus classified the allegation as "No Fault". In this case, the IPCC held that although the police had a legitimate reason for failing to return the mobile phone to the owner immediately, the police should inform the owner as soon as possible of the reason for the failure to promptly return the exhibit so as not to cause unnecessary complaints.

#### Case 2: Unable to return the exhibits as soon as possible due to delay in processing by the police and failure to contact the owner

In this complaint, the complainant (COM), who was charged with "Deception", alleged that the police failed to return the exhibits right after the conclusion of the case [Allegation: Neglect of Duty]. After investigation, CAPO confirmed that the exhibits were returned to COM only 21 months

人。根據警方內部指引，刑事調查隊需於法庭發出指令六星期後盡快處置證物。投訴警察課發現該案的刑事調查隊在限期過後四個月才指示證物室人員處置證物，實有疏忽之處。而證物室人員收到指示後，花了一年多時間嘗試聯絡投訴人，但不果。證物室人員表示，曾經向投訴人發出兩封通知信，並嘗試致電聯絡但均未能找到投訴人。然而，該證物室人員沒有記錄何時致電投訴人。根據警方內部指引，如未能於三個月內成功聯絡物主，證物室人員需向案件主管匯報，以作進一步跟進。然而，此個案中的證物室人員卻沒有跟從指引要求，在三個月限期過後向案件主管匯報，延誤歸還程序。最終，證物室人員在一年後才向案件主管報告情況，主管安排人手再於兩個月後成功聯絡投訴人並歸還物件。投訴警察課審視個案後，認為該刑事案件的主管、調查人員及證物室人員均有疏忽，因此將指控分類為「獲證明屬實」，並對他們作出警告，但無須將事件記入其分區報告檔案中。監警會留意到，警方現時未有指引規定證物室人員，需將曾經聯絡物主的所有日期及時間記錄在檔案上，以致未能掌握證物室人員與物主聯絡的情況及經過。監警會認為這個做法不理想，並要求投訴警察課檢視警方歸還證物的程序。即使未能成功聯絡物主，證物室人員亦應在檔案中妥善記錄詳情，以便適切跟進。

### 個案三：因疏忽而銷毀需歸還的證物

警方以「盜竊」罪拘捕投訴人，並檢取了犯案時所穿著的衣物作證據。審訊後，法庭指示警方需將衣物歸還投訴人。然而，投訴人指控警方未有發還衣物[指控：疏忽職守]。投訴警察課調查後發現案件主管錯誤指示證物室人員銷毀投訴人的衣物。投訴警察課遂把指控分類為「獲證明屬實」，並對他作出警告，但無須將事件記入其分區報告檔案中。

歸納上述三宗投訴個案，監警會認為警方如有合理原因未能將證物即時歸還物主，相關人員應盡快通知物主並說明原因，避免引起誤會或不必要的投訴。另外，警方應優化歸還證物的指引，規定證物室人員要記錄所有曾經聯絡物主的日期及時間。警方同意檢視及優化有關程序。警方亦會多加提醒警務人員，確保前線人員能妥善處理及歸還證物。

after the conclusion of the court case. As stipulated in the police internal guidelines, a crime team is required to promptly process the disposal of exhibits six weeks after a court order is issued. CAPO revealed that the crime team in this complaint had negligent in instructing the Property Office to dispose of the exhibits only four months after the deadline. And upon receipt of the instruction, the staff member of Property Office spent more than a year trying to contact COM, but to no avail. The staff member claimed that two notification letters were sent to COM, and he tried to contact COM by phone but could not find him. Nevertheless, the staff member did not record when COM was called. According to the police internal guidelines, if the owner is not successfully contacted within three months, the staff of Property Office is required to report to the officer in charge of the case (OC Case) for further follow-up. Yet, the staff member in the said Property Office failed to follow the guidelines and reported to the OC Case after the three-month deadline, delaying the property returning process. In the end, the staff member of Property Office did not report the situation to the OC Case until one year later, and the OC Case arranged for his own officers to successfully contact COM and returned the exhibits to him two months later. After examining the case, CAPO concluded that the OC Case as well as the investigating officers of the crime team and the staff member of Property Office had been negligent in their duties. Therefore, the allegation against them was classified as “Substantiated”, and they were given warnings without Divisional Record File entry. The IPCC noticed that at present there are no guidelines for the staff of Property Office to record the time and date of all contacts with the property owners in their files, rendering it impossible to trace when and how the Property Office had tried to contact the owners. The IPCC found this undesirable and asked CAPO to review the procedures for the return of exhibits by the police. Even if the owner could not be reached successfully, the staff of Property Office should properly record the details in the file for appropriate follow-up.

### Case 3: Negligent destruction of exhibits to be returned

The police arrested the complainant (COM) for “Theft”, and seized the clothing he was wearing at the time of the offence as evidence. After the trial, the court ordered the police to return the clothing to COM. However, COM alleged that the police failed to return the clothing [Allegation: Neglect of Duty]. CAPO’s investigation found that the OC Case had wrongfully instructed the staff of Property Office to destroy COM’s clothing. CAPO thus classified the allegation as “Substantiated” and gave the OC Case a warning without Divisional Record File entry.

In summary, the IPCC, based on the above three cases, opined that if the police fail to return the exhibits to the owner immediately for legitimate reasons, the relevant officer should notify the owner with explanation as soon as possible to avoid misunderstanding or unnecessary complaints. In addition, the police should improve the guidelines for the return of exhibits by requiring the staff of Property Office to record the date and time of all contacts with the owner. The police accepted the IPCC’s recommendation, and agreed to review and enhance the relevant procedures. Moreover, the police will remind their officers of the guidelines from time to time to ensure that frontline officers handle and return exhibits in a proper manner.



## 5. 提醒前線警務人員妥善填寫警察記事冊

### Remind frontline police officers to keep proper records in their notebooks

根據《警察通例》，警務人員須在當值時隨身攜帶警察記事冊，以記錄與職務有關的事情，特別是行使權力的詳情及理據。

然而，會方在審核投訴個案時留意到，有部分前線人員未有在警察記事冊妥善記錄其日常職務及行使警權的詳情，例如進行截停搜查的搜身範圍、處理交通意外的過程，以及檢取證物的程序。在2021/22及2022/23年度，分別有26及29項因未有妥善填寫警察記事冊的指控被分類為「未經舉報但證明屬實」。

以截停搜查為例，香港法例授權警方在特定情況下截停市民搜身，例如是懷疑個別人士藏有武器或毒品，藉以偵查及防止罪案。市民在公眾地方被警員搜身時可能感到尷尬或有損尊嚴，容易引起投訴。就截停搜查的工作，《警察通例》訂明，警務人員在搜身後須把搜身詳情記錄在警察記事冊內。監警會在審核由截停搜查衍生的投訴個案時，也會審核警察記事冊，以了解事件的經過。妥善的警察記事冊紀錄有助還原事件經過，甚至可以證明警務人員行為合理和恰當。然而，若警務人員未有根據指示在警察記事冊作出應有的紀錄，而有關事項與投訴人的指控有密切關係，這便會被列為一項「未經舉報但證明屬實」指控。

就處理輕微交通意外方面，警務人員須邀請同意和解的涉事司機在警察記事冊簽署確認他們的和解意願。另外，警務人員需將其進入處所搜查時之權力及理據，檢走的財物的詳情記錄在警察記事冊內，並邀請相關人士簽署確認。不過，投訴警察課和監警會偶有發現有警務人員在上述情況中沒有按照規定，要求有關人士簽署確認，因而將其疏忽列為「未經舉報但證明屬實」指控。

前線警務人員在日常執勤時，必須填寫警察記事冊，記錄行使有關警權的理據和相關詳情。這對日後警務人員準備就相關事項於法庭作供尤其重要。有見及此，會方建議警隊加強提醒前線人員遵守警隊相關的指引，在警察記事冊妥善記錄執法詳情和理由，以助釐清事發經過。這不單有助警務人員在事後重溫相關事件，更可讓案件及事故有關人士保留證據資料，對警務人員及市民雙方均有好處。

According to Police General Orders, police officers on duty are required to carry their notebooks with them to record matters relating to their duties, especially the details of and reasons for exercising their powers.

However, in reviewing the complaints, the IPCC noticed that some frontline police officers did not properly record in their notebooks the details of their daily duties and the reasons they exercised their police powers, such as the scope of a body search when carrying out a stop-and-search, the process of handling a traffic accident, and the procedures for seizing an exhibit. In 2021/22 and 2022/23, there were 26 and 29 allegations, respectively, involving improper recording in notebooks that were classified as “Substantiated Other Than Reported” (SOTR).

Taking stop-and-searches as an example. The Laws of Hong Kong empower police officers to intercept and search a citizen under certain circumstances, such as suspecting that an individual is in possession of weapons or drugs, in order to detect and prevent crime. Members of the public may feel embarrassed or detrimental to their dignity when they are searched by police officers in public places. This may sometimes lead to complaints. The Police General Orders stipulate that when conducting stop-and-searches, police officers are required to jot down details of the searches in their notebooks. When reviewing complaints arising from stop-and-searches, the IPCC also examines police notebooks to understand what happened. A proper notebook record helps with understanding the course of an incident, and may serve as proof that the police officers' act is reasonable and proper. However, if a police officer has not made due records in the notebook as instructed, and the missing record is closely related to the allegation, a count of SOTR will be registered.

When dealing with minor traffic accidents, police officers are required to invite the drivers involved who have agreed to settle the case to sign in the notebook to confirm their willingness to settle. In addition, during house search, police officer is required to record in the notebook the authority under which he/she is exercising and the details of the seized property, as well as the acknowledgement of the seized property in the notebook. Nevertheless, both CAPO and the IPCC occasionally found that police officers had failed to comply with the signing requirement in the above circumstances, and registered counts of SOTR as a result of their negligence.

Frontline police officers are required to record the reasons for and details of the exercise of their police powers in the course of their daily duties. This is particularly important for police officers to be prepared to give evidence in court in the future. In view of the above, the IPCC recommends that the police should put more efforts into reminding frontline officers to diligently record the details of and rationales for their enforcement actions in the notebooks, in compliance with the relevant instructions. This can help clarify the circumstances of incidents, and assist police officers with recalling the incidents. It can even help the parties involved to retain evidence that is beneficial to both police officers and citizens.



## 監警會於2022/23年度提出的19項服務質素改善建議和意見 19 SQIs and comments proposed by IPCC in 2022/23

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| 1. 提醒涉及交通意外的駕駛人士向警方提供行車記錄儀片段，以協助個案調查。                          | 1. To remind driver(s) involved in traffic accidents to provide the police with dash camera footage to assist case investigations.   |
| 2. 增加報案室電話錄音系統的電話線路數目，以迎合市民對警隊服務的需求。                           | 2. To increase the number of call lines in the report room recording system to cater to the public demand for police services.   |
| 3. 檢討指引及制定改善措施，確保警方能盡快將涉案證物歸還物主。                               | 3. To review guidelines and formulate improvement measures to ensure that the police can return case exhibits to property owners as soon as practicable.   |
| 4. 如警方因特殊情況未能即時將涉案證物歸還物主，應及時通知物主。                              | 4. To promptly notify property owners if case exhibits cannot be immediately returned to them due to special circumstances.  |
| 5. 制定措施以提醒槍械庫的警務人員須在巡邏裝備登記冊上作妥善記錄，以及前線警務人員須就其武力使用在警察記事冊內作妥善記錄。 | 5. To formulate improvement measures to remind armoury officers to keep proper records in the beat equipment register. Frontline officers should also be reminded to properly document their use of force in their police notebooks. |
| 6. 提高網絡安全及科技罪案調查科處理數碼法理鑑證的效率。                                  | 6. To enhance the efficiency of processing digital forensics evidence in the Cyber Security and Technology Crime Bureau.   |
| 7. 檢視提取及歸還「錄影會面」光碟的程序。   | 7. To review procedures for collection and return of video-recorded interview discs.   |
| 8. 進一步評估在警署以外的場所(例如警車)進行搜身是否合法和恰當。                             | 8. To further assess the legality and appropriateness of conducting body searches in locations other than police stations (such as in police vehicles).  |
| 9. 改善投訴警察課聯繫投訴人的指引，以確保該課有效地取得投訴人的協助。                           | 9. To enhance CAPO's guidelines regarding contacting complainants to secure assistance from them effectively.  |
| 10. 制定措施，以協助投訴警察課有效地及早辨認被投訴警務人員的身分。                            | 10. To devise effective measures for early identification of complainees by CAPO.  |

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| 11. 檢討公眾人士被警方帶進警署的處理程序及指引，確保警方就過程作出妥善記錄，並按照警方指引處理該人士。同時，確保該人士在警署內獲得合適照顧。 | 11. To review the handling procedures and guidelines regarding persons brought into police stations to ensure that frontline officers properly record the whole process, handle such persons in compliance with police guidelines, and uphold the police's duty of care to such persons. |
| 12. 加強警署報案室的警務人員在處理市民查詢時的溝通技巧。   | 12. To enhance the communication skills of report room officers in their handling of public enquiries.   |
| 13. 提醒在報案室值班的警員需確保適時接待親身到訪的市民。   | 13. To remind report room officers regarding the need for timely receiving members of the public visiting the report room.   |
| 14. 提醒前線警務人員在處理與抗疫有關的報案時，在警察記事冊內作妥善記錄。                                   | 14. To remind frontline officers to make proper police notebook records when handling anti-epidemic-related reports.   |
| 15. 提醒前線警務人員須依照警察通例，在向外籍或非以廣東話為母語的人士錄取口供時，須按該人士的意願，以其選擇的方言進行會面。          | 15. To remind frontline officers about the requirements for taking statements with foreign nationals or non-local Chinese in their preferred dialects as stipulated in current guidelines.   |
| 16. 提醒前線警務人員需按警方指引在其警察記事冊內記錄搜身的必要性及範圍。                                   | 16. To remind frontline officers to record the necessity and scope of searches in their notebooks in compliance with police guidelines.  |
| 17. 提醒警務人員改善溝通以防止因誤會令隨身攝錄機之影片被刪除。  | 17. To remind officers to prevent reoccurrence of misunderstanding which led to the overwriting of Body Worn Video Camera footage.   |
| 18. 要求督導人員加強檢查「取消法庭手令登記冊」，以確保警方適時及準確地把不再被法庭通緝的人士從通緝名單中刪除。                | 18. To require supervisory officers to strengthen inspection of the "Register for Cancellation of Warrants" to ensure that the police promptly and correctly remove persons who are no longer wanted for court warrants from the wanted list.  |
| 19. 提醒投訴警察課應只對性質輕微的個案採用「透過簡便方式解決投訴」。                                     | 19. CAPO is reminded to be mindful and adopt Informal Resolution only for cases of a minor nature.   |