

秘書處代表團訪問澳洲監察機構

Secretariat delegation's visit to oversight bodies in Australia



監警會代表團與執法與行動委員會(新南威爾斯州)合照

Group photo of IPCC's delegation and the Law Enforcement Conduct Commission (New South Wales)

俞官興秘書長率領法律顧問陳敏儀女士、高級審核主任余嘉慶先生和審核主任胡佩欣女士，於2017年11月13日至21日間赴澳洲考察，走訪了包括聯邦申訴專員公署、執法與行動委員會(新南威爾斯州)、獨立反貪腐委員會(維多利亞州)和公共廉潔辦公室(南澳)四間監察機構。

訪問期間，監警會代表團向各組織管理團隊概述了香港的兩層架構投訴警察制度，分享該制度面對的挑戰及機遇。同時，代表團亦瞭解了澳洲各地區的投訴機制及成效，從宏觀角度探討兩地機制的同異，從中汲取經驗以作借鏡。

有別於澳洲監察機構單一由受薪員工全權負責，監警會除了聘有秘書處受薪職員支援日常運作外，更有來自社會不同界別、由行政長官委任的28名委員負責審核對警隊的投訴。這項優勢令監警會能夠借助委員多方面的專業知識、獨立思考和分析力，秉持會方獨立、公正、誠信的價值觀，確保投訴人和被投訴人都得到公平的對待。

Mr Richard Yu (Secretary-General) led a delegation comprising Ms Cherry Chan (Legal Adviser), Mr Anthony Ser (Senior Vetting Officer) and Miss Sofie Wu (Vetting Officer) to visit four oversight bodies in Australia from 13 to 21 November 2017, namely the Commonwealth Ombudsman, the Law Enforcement Conduct Commission (New South Wales), the Independent Broad-based Anti-Corruption Commission (Victoria) and the Office for Public Integrity (South Australia).

During the visits, the IPCC delegation introduced the two-tier police complaints system in Hong Kong, as well as the challenges and opportunities of the system to the management teams of these organisations. The delegation in turn gained an understanding of complaint mechanisms applied by various States of Australia. Additionally, the delegation drew lessons from these counterparts through exploring the similarities and differences between the complaints systems in Hong Kong and Australia from a macro perspective.

Unlike the Australian oversight bodies the delegation visited, which are wholly operated by salaried employees, the IPCC in Hong Kong, apart from hiring salaried Secretariat staff to support its daily operations, also enjoys the support from 28 Members from a wide spectrum of society. Appointed by the Chief Executive, members are responsible for reviewing complaints against the Police Force. By drawing upon Members' professional knowledge, critical thinking and analytical skills, the IPCC can further uphold its values of independence, impartiality and integrity, and ensure Complainants and Complainees are treated fairly.



聯邦申訴專員公署
The Commonwealth Ombudsman



獨立反貪腐委員會(維多利亞州)
The Independent Broad-based Anti-Corruption Commission (Victoria)



公共廉潔辦公室(南澳)
The Office for Public Integrity (South Australia)

四個澳洲監察機構皆負責接收投訴，部分亦負責調查涉及貪污的投訴。他們通常以建議方式與警方尋求共識，鮮有需要啟動法定權力，以履行其職責。而在本港，雖然接收投訴和調查工作由投訴警察課負責，但監警會的觀察員計劃賦予觀察員獨立角色，觀察警方搜證的工作，在調查初期已發揮監察角色；至審核投訴調查報告時，監警會也可會見個案相關人士，以及運用法定權力，向投訴警察課提出質詢，要求提供資料甚至重新調查。

總結是次訪問，監察投訴警察工作並無萬全之策，各地區的機制也因應其歷史背景和社會需要而各有不同。自2009年成為獨立法定機構以來，監警會一直積極履行法定職能，兩層架構亦行之有效。展望未來，監警會將繼續留意世界各地監察組織的發展，集思廣益，提升警隊服務質素，竭力維持公平、公正的投訴警察制度，為本港廣大市民服務。

All these four Australian oversight bodies are responsible for receiving complaints, while some of them also investigate corruption related complaints. They usually communicate with the police by way of recommendations to try to reach consensus, and only on rare occasions, invoke statutory powers to perform their duties. In Hong Kong, although all complaints are received and handled by CAPO, the IPCC administers an Observers Scheme that endows Observers with independent role to observe the collection of evidence by the Police. As a result, the IPCC can play a monitoring role in the early stages of an investigation; while in the course of examining an investigation report, the IPCC may interview any person in relation to the complaint case and leverage its statutory power to raise queries, ask for further information or even request CAPO to re-investigate.

Through visiting the oversight bodies, it has revealed that there is no “one-size-fits-all” approach in monitoring complaints against the Police. The mechanisms vary from one place to another, depending on their distinctive historical backgrounds and social needs. Since its inception as an independent statutory body in 2009, the IPCC has been actively carrying out its statutory functions and the two-tier system has proven effective. Looking forward, the IPCC shall remain alert regarding the development of oversight bodies around the globe, in order to learn from others and enhance the service quality of the Police. The IPCC will also do its utmost to maintain an impartial police complaints system to serve Hong Kong’s general public.