

第二章

Chapter 2

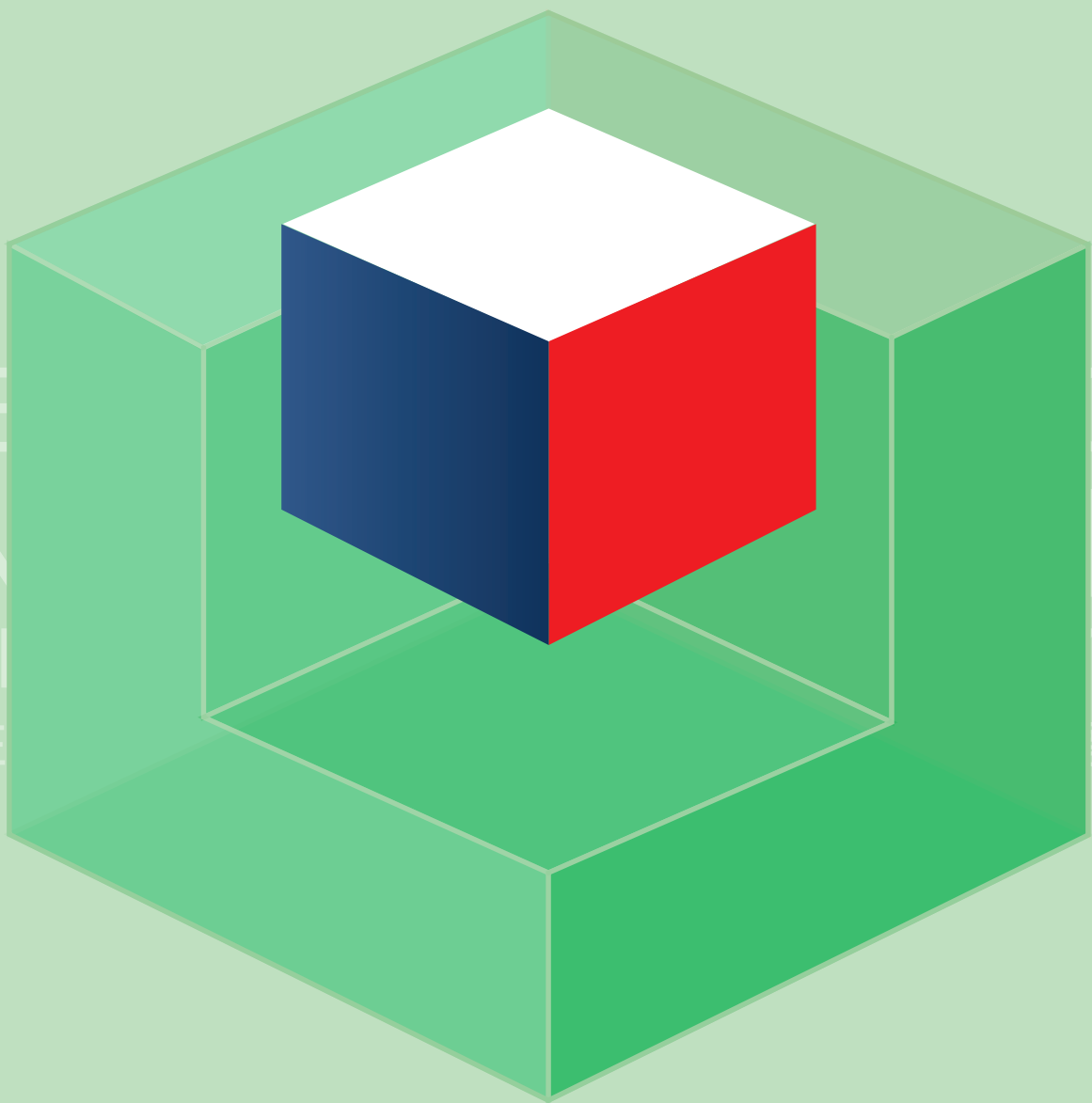
**監察投訴處理**

**Monitoring the**

**handling of complaints**

R 監察 INDEPENDENCE 獨立  
MONITOR 監察 INDEF  
IMPARTIALITY 公正 INTEGRITY 誠信 INI  
R 監察 INDEPENDENCE 獨立 IMPARTIALITY 公正 MONITOR 監

INTE  
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監察 INTE



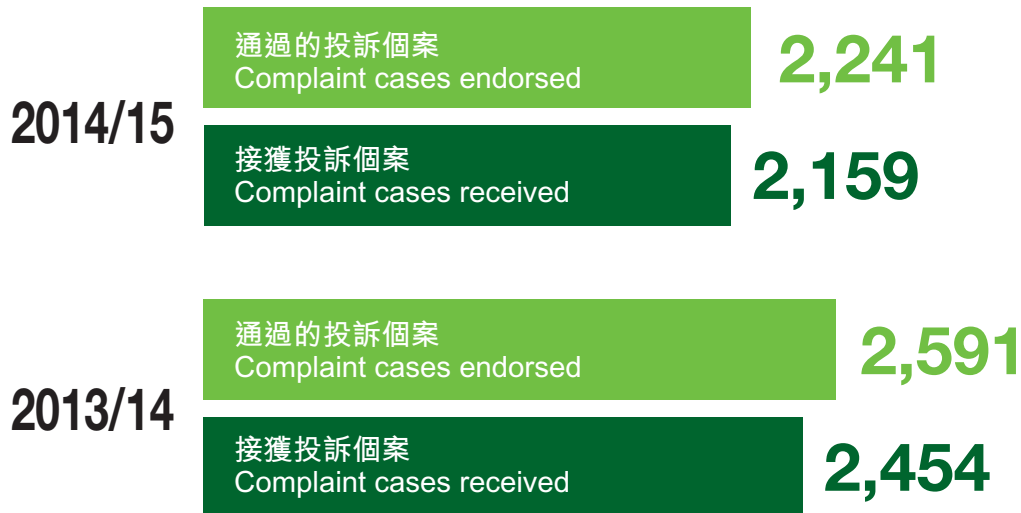
DR  
PA  
公正  
監察 IND



## 調查報告及指控數字 Number of investigation reports and allegations

### 通過及接獲的投訴個案數字

Number of complaint cases endorsed and received



在本報告期內（2014年4月1日至2015年3月31日），監警會共接獲投訴警察課就2,159宗新個案的調查報告，較去年同期的2,454宗個案減少了約12個百分比。

同期，監警會通過了2,241宗投訴個案的調查結果（包括107宗的覆核個案），比去年同期的2,591宗投訴個案減少13.5個百分比。除了覆核個案外，涉及的指控有4,088項，其中主要的三項指控為「疏忽職守」（50.9%）、「行為不當/態度欠佳/粗言穢語」（33.7%）及「毆打」（7.1%）。指控的數字比2013/14年的4,740項指控下跌了13.8個百分比。

During the reporting period (1 April 2014 to 31 March 2015), the IPCC received reports from CAPO on investigations of 2,159 new cases, a decrease of 12 percentage points compared to the 2,454 cases in the same period of the previous year.

In the same period, the IPCC endorsed the results of investigations into 2,241 complaint cases (including 107 reviewed cases), a decrease of 13.5 percentage points compared to the previous year's figure of 2,591. In all, there were 4,088 allegations involved, excluding the reviewed cases. The three major allegations were "Neglect of Duty" (50.9%), "Misconduct/Improper Manner/Offensive Language" (33.7%), and "Assault" (7.1%). The number of allegations decreased by 13.8 percentage points, compared with the figure of 4,740 in 2013/2014.



## Monitoring the handling of complaints

2013/14和2014/15年通過的指控數字（按性質分類）可見下表：

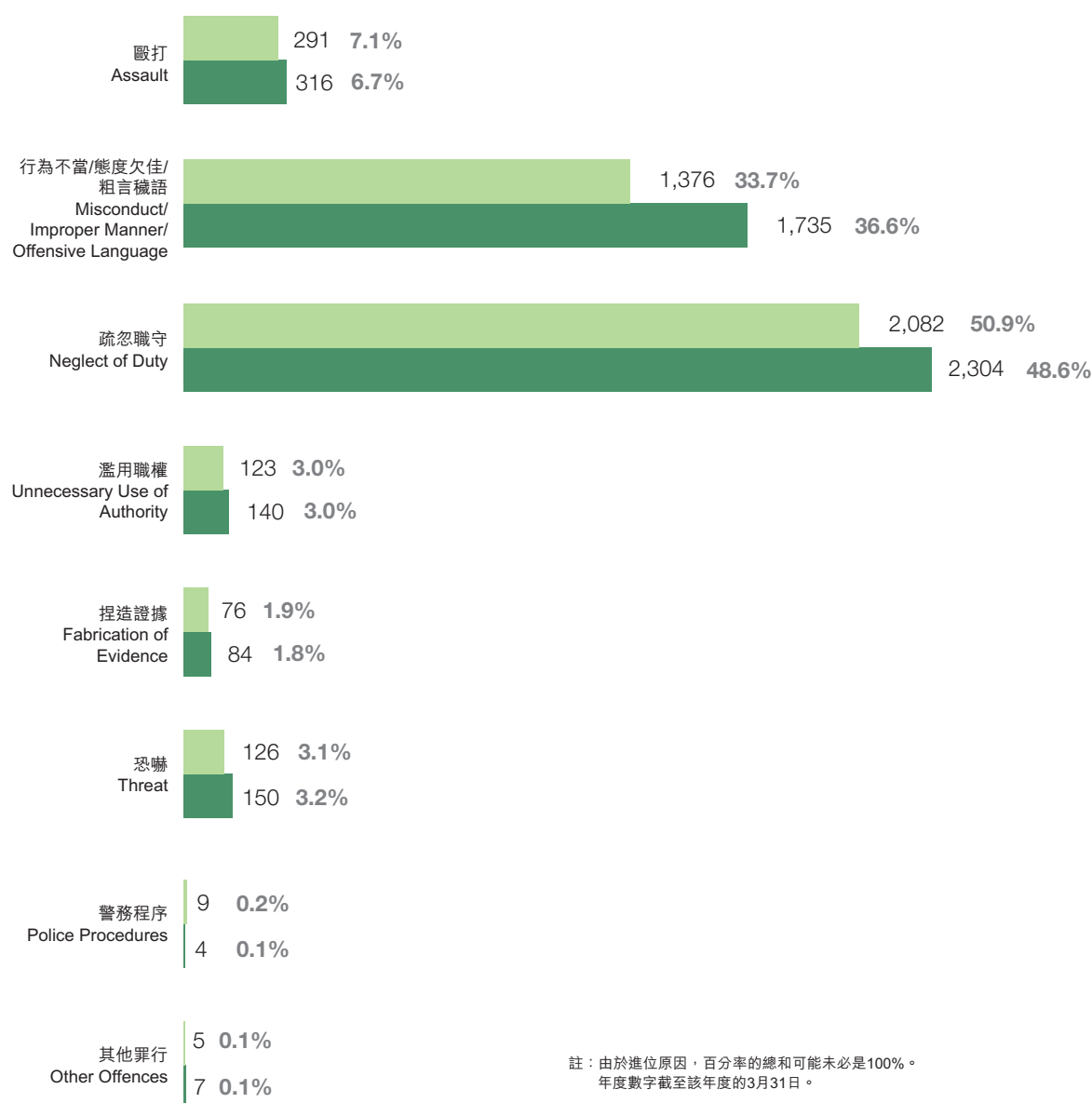
The following chart shows the number of allegations by nature endorsed for the years 2013/14 and 2014/15:

## 監警會通過的指控

## Allegations endorsed by the IPCC

2014/15 指控總數 Total number of allegations **4,088**

2013/14 指控總數 Total number of allegations **4,740**



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 as at 31 March of the respective reporting year.



## 調查結果 Investigation findings



在2014/15年獲通過的4,088項指控中，經全面調查的指控有1,309項，當中76項被列為「獲證明屬實」，佔所有經全面調查指控的5.8%。51項被列為「未經舉報但證明屬實」佔3.9%，26項被列為「無法完全證明屬實」佔2%，560項被列為「無法證實」佔42.8%，522項被列為「並無過錯」佔39.9%，74項則被列為「虛假不確」，佔總數的5.7%。

在其餘的2,779項無需進行全面調查的指控中，328項「透過簡便方式解決」，佔無須進行全面調查指控中的11.8%。1,442項被列為「投訴撤回」佔51.9%，1,009項被列為「無法追查」佔36.3%。

Of the 4,088 allegations endorsed in 2014/15, 1,309 were fully investigated. Of these, 76 (5.8% of fully investigated allegations) were classified as “Substantiated”; 51 (3.9%) as “Substantiated Other than Reported”; 26 (2%) as “Not Fully Substantiated”; 560 (42.8%) as “Unsubstantiated”; 522 (39.9%) as “No Fault”; and 74 (5.7%) as “False”.

Of the remaining 2,779 allegations that were not fully investigated, 328 (11.8% of those not fully investigated) were “Informally Resolved”; 1,442 (51.9%) were classified as “Withdrawn”; and 1,009 (36.3%) as “Not Pursuable”.



2013/14 年和 2014/15 年的數據比較可見  
下表：

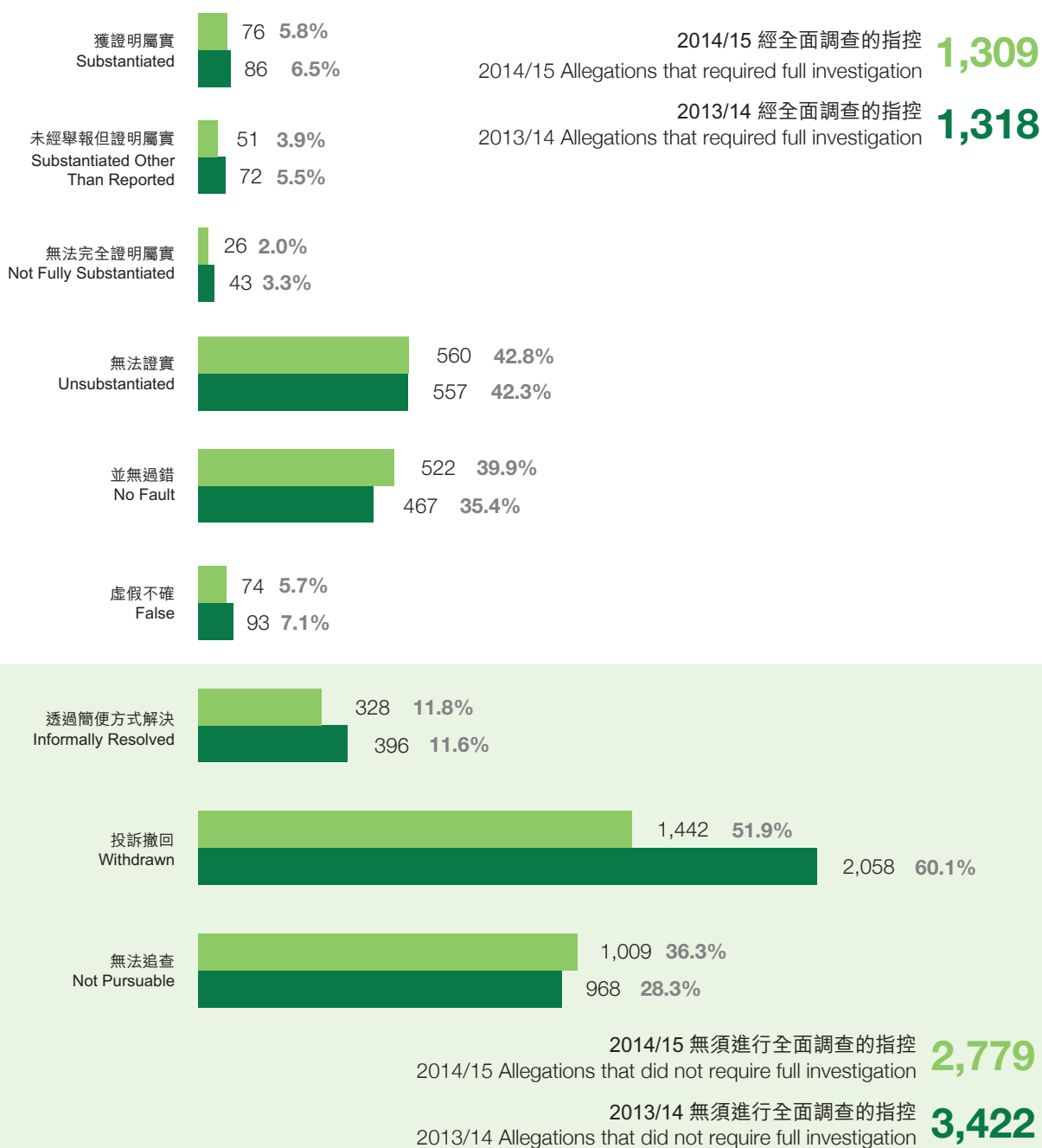
The following table shows a comparison of the 2013/14 and  
2014/15 figures:

### 監警會通過的調查結果

### Investigation results endorsed by the IPCC

2014/15 指控總數 Total number of allegations **4,088**

2013/14 指控總數 Total number of allegations **4,740**





## 監察投訴處理 Monitoring the handling of complaints

監警會通過投訴警察課個案的指控數字（根據性質和調查結果劃分）  
Number of allegations involved in CAPO cases endorsed by the IPCC  
(by nature and by results of investigations)

年份 Year	毆打 Assault		行為不當/態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language		疏忽職守 Neglect of Duty		濫用職權 Unnecessary Use of Authority	
	2014-15	2013-14	2014-15	2013-14	2014-15	2013-14	2014-15	2013-14
經全面調查的指控 Allegations that required full investigation								
獲證明屬實 Substantiated	0	0	15	11	59	70	1	5
未經舉報但證明屬實 Substantiated Other Than Reported	0	0	3	1	44	64	2	6
無法完全證明屬實 Not Fully Substantiated	0	1	6	12	20	25	0	4
無法證實 Unsubstantiated	16	19	260	257	237	231	31	29
並無過錯 No Fault	6	13	92	96	380	314	26	26
虛假不確 False	15	20	10	14	12	5	1	9
小計 Subtotal	37	53	386	391	752	709	61	79
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 Informally Resolved	0	0	153	195	174	201	0	0
投訴撤回 Withdrawn	84	99	498	794	770	1,046	28	31
無法追查 Not Pursuable	170	164	339	355	386	348	34	30
小計 Subtotal	254	263	990	1,344	1,330	1,595	62	61
總數 Total	291	316	1,376	1,735	2,082	2,304	123	140



捏造證據 Fabrication of Evidence		恐嚇 Threat		警務程序 Police Procedures		其他罪行 Other Offences		總數 Total	
2014-15	2013-14	2014-15	2013-14	2014-15	2013-14	2014-15	2013-14	2014-15	2013-14
0	0	0	0	1	0	0	0	76	86
0	0	0	0	2	0	0	1	51	72
0	1	0	0	0	0	0	0	26	43
3	6	9	13	0	0	4	2	560	557
10	15	5	0	3	3	0	0	522	467
33	29	3	15	0	0	0	1	74	93
46	51	17	28	6	3	4	4	1,309	1,318
0	0	0	0	1	0	0	0	328	396
22	20	38	67	1	0	1	1	1,442	2,058
8	13	71	55	1	1	0	2	1,009	968
30	33	109	122	3	1	1	3	2,779	3,422
76	84	126	150	9	4	5	7	4,088	4,740





## 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，遭紀律聆訊或在內部採取其他行動的警務人員共 157 名，涉及 113 宗個案。分項數字見下表：

In this reporting year, disciplinary proceedings or internal actions were taken against 157 police officers, regarding 113 cases endorsed by the IPCC. The following table shows the breakdown of figures:

警方就2013/14至2014/15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 taken against defaulting officers regarding cases endorsed by the IPCC from 2013/14 to 2014/15

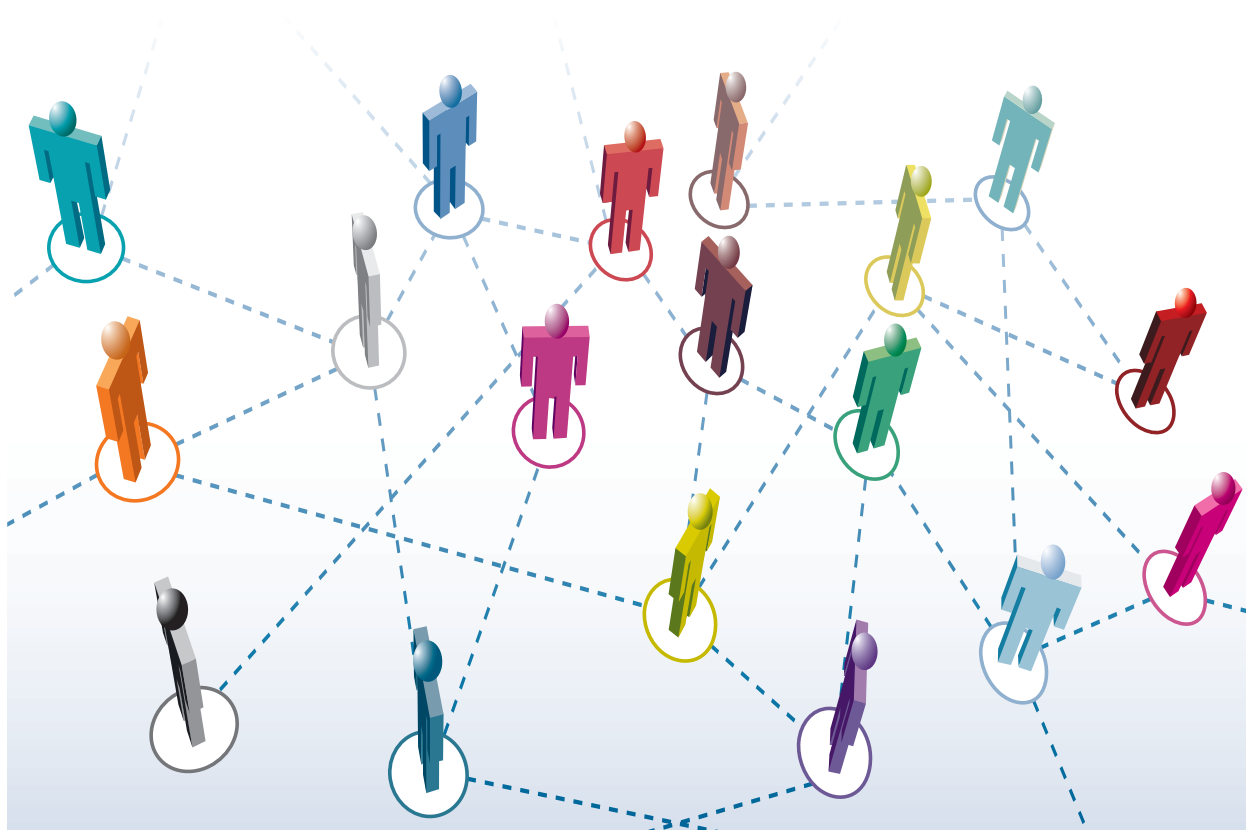
	警務人員數目 Number of officers	
	2014/15	2013/14
A. 刑事訴訟 Criminal proceedings	0	0
B. 紀律處分 Disciplinary proceedings	16	11
C. 其他內部行動 Other internal actions		
警告 Warnings	22	30
訓諭 Advice	119	140
總數 Total	157	181

註：2013/14年的數字已因應部分個案覆核後，予以調整。

Note: Figures for 2013/14 have been adjusted following case reviews.



## 觀察員計劃 Observers Scheme



2014/15年，監警會的委員及觀察員共進行了2,259次觀察（預先安排的有2,242次，突擊的有17次），較2013/14年的2,471次觀察下跌了8.6個百分比。在2,259次觀察中，有1,764次是觀察會面的進行，其餘495次是觀察證據收集的工作。

在觀察投訴調查和透過簡便方式解決會面的數字方面，觀察透過簡便方式解決的會面為416次，比去年同期的611次減少了31.9個百分比。投訴調查的觀察則為1,843次，比2013/14的1,860次減少了0.9個百分比。

Under the Observers Scheme, 2,259 observations were conducted by Members and Observers of the IPCC (2,242 scheduled observations and 17 surprise observations) in the year 2014/15. The number of observations decreased by 8.6 percentage points compared with the 2,471 observations in 2013/14. Of the 2,259 observations, 1,764 involved the conducting of interviews and 495 involved the collection of evidence.

Among informally resolved cases, 416 involved IPCC's participation in interviews, a decrease of 31.9 percentage points from the previous year's figure of 611. Another 1,843 cases involved IPCC's observation of investigations, a decrease of 0.9 percentage points, from 1,860 in 2013/14.



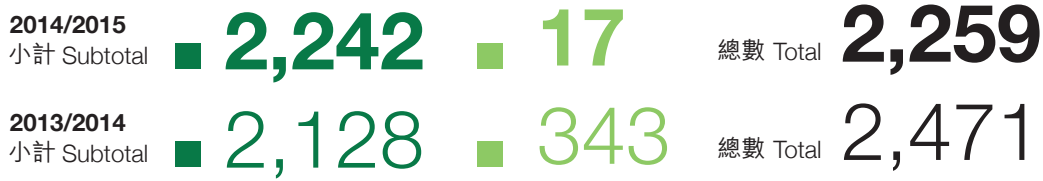
## 監察投訴處理 Monitoring the handling of complaints

觀察員（包括委員）進行觀察的每月分項數字可見下表：

The following tables show the monthly breakdown of observations conducted by Observers (including Members):

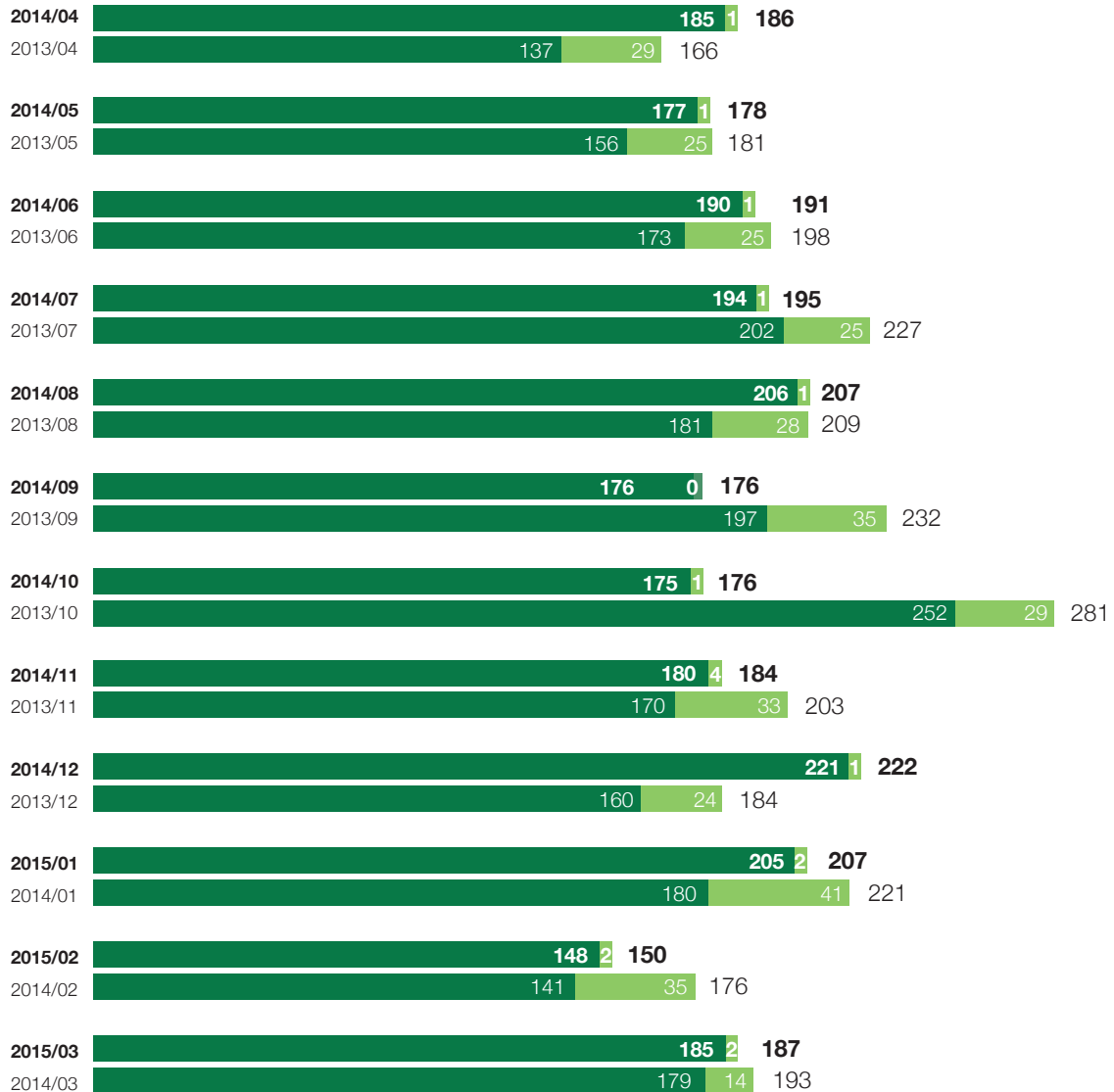
### 預先安排和突擊觀察的分項數字

#### Number of scheduled and surprise observations



年/月  
Year/Month

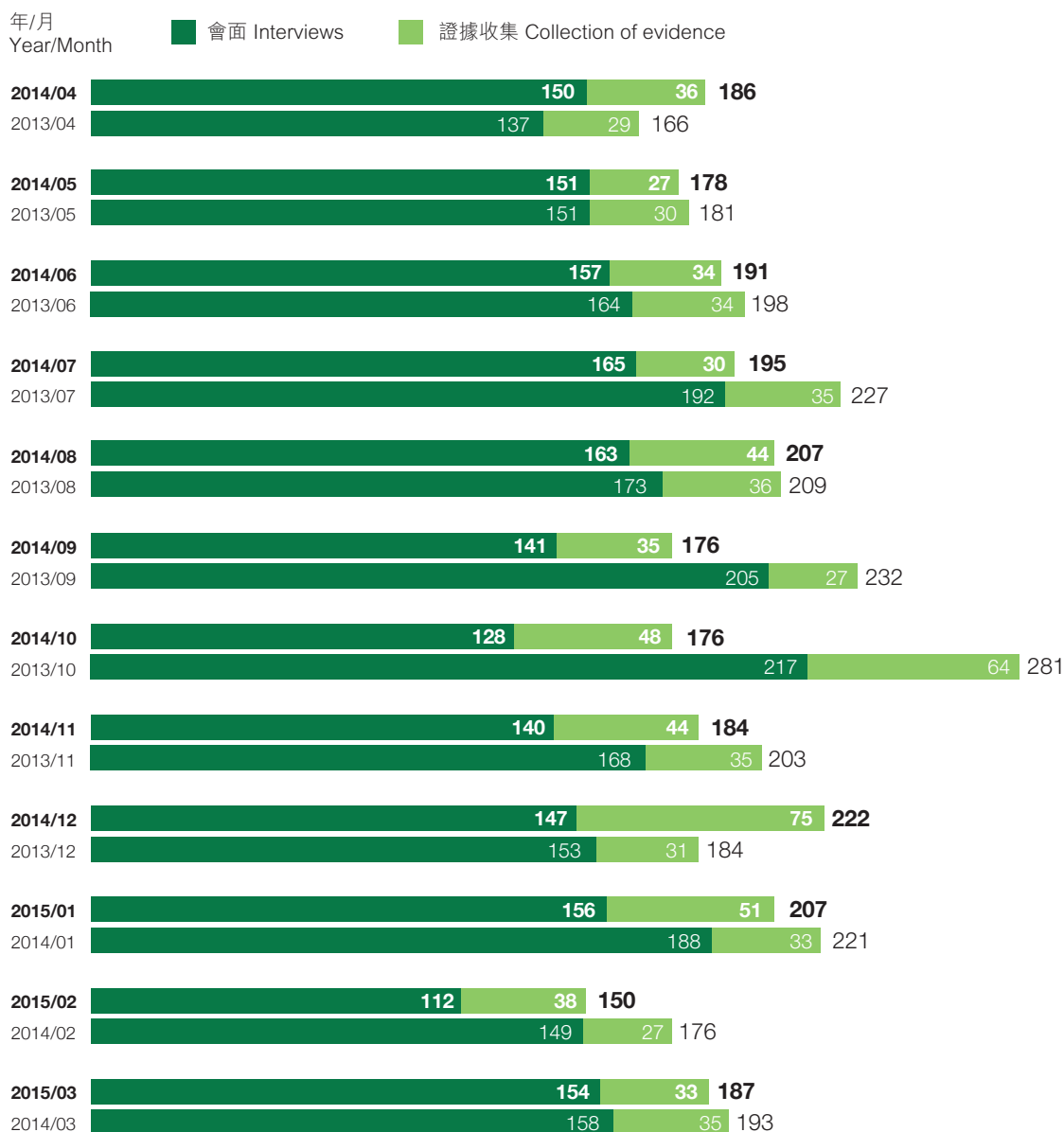
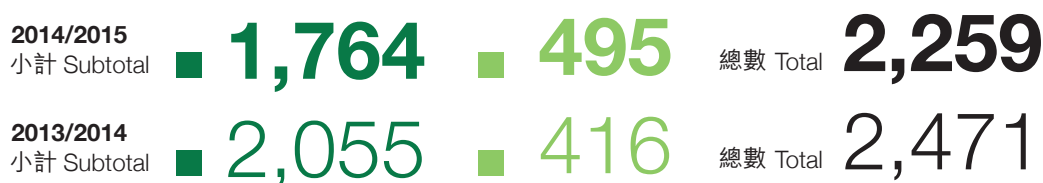
■ 預先安排 Scheduled ■ 突擊 Surprise





觀察會面和證據收集工作的分項數字

Number of observations of interviews and collection of evidence





### 觀察投訴調查和透過簡便方式解決會面的分項數字

### Number of observations of complaint investigations and interviews for informal resolutions

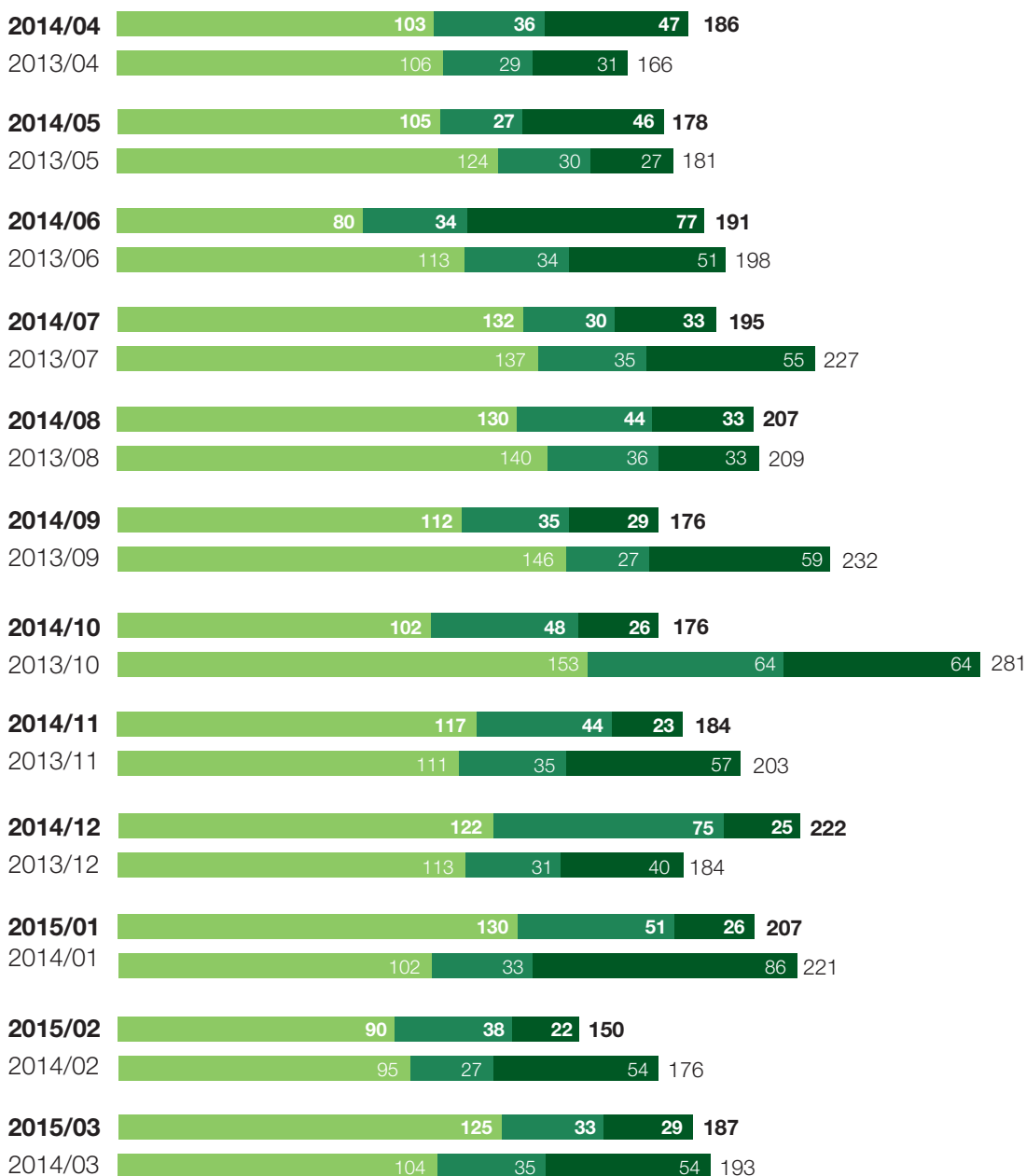
- 會面 Interviews
- 證據收集 Collection of evidence
- 透過簡便方式解決的會面  
Informal resolution interviews

2014/15 觀察投訴調查總數 **1,843**  
2014/15 Observations conducted for complaints investigation

2013/14 觀察投訴調查總數 **1,860**  
2013/14 Observations conducted for complaints investigation

2014/15 透過簡便方式解決的會面總數 **416**  
2014/15 Interviews conducted for informal resolutions

2013/14 透過簡便方式解決的會面總數 **611**  
2013/14 Interviews conducted for informal resolutions



註：觀察投訴調查包括投訴調查會面及證據收集。  
Note: Observations of complaint investigations include interviews and the collection of evidence.



## 投訴警察課的通知

## Notifications from CAPO

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2014/15年，逾九成(92.3%)的通告是在不少於48小時前收到；跟2013/14年的92.3%一樣。

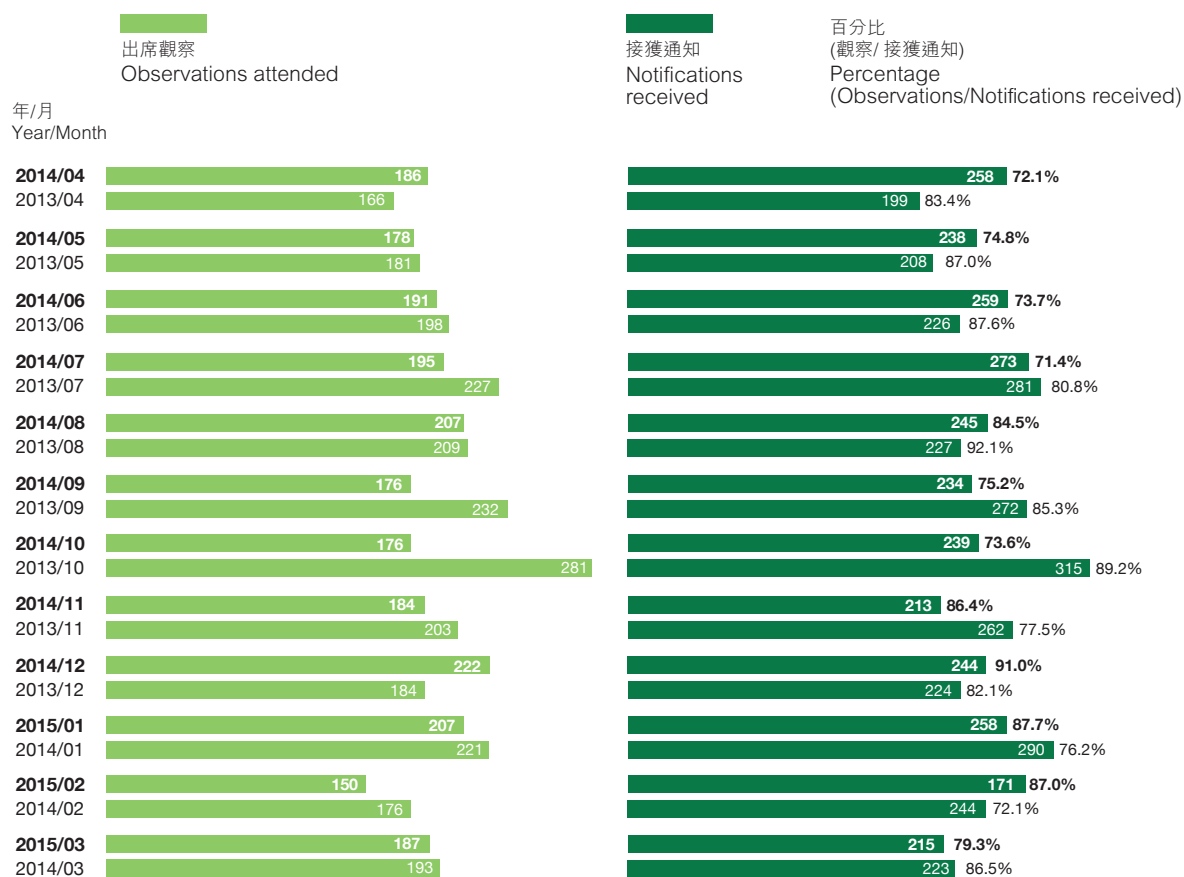
在本報告期內，監警會接獲投訴警察課共2,847次通知，觀察員出席了當中的2,259次，包括觀察會面工作和證據收集工作，佔整體的79.3%，較2013/14年的83.2%輕微下跌了3.9個百分比（接獲投訴警察課的2,971次通知並出席當中2,471次），比2012/13年的67.5%多11.8個百分比（接獲投訴警察課的2,980次通知並出席當中2,012次）。

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 2014/15, 92.3% of such notifications were given within at least 48 hours – the same percentage as in 2013/14.

During this reporting period, IPCC Observers attended 2,259 observations, including interviews and the collection of evidence, comprising 79.3% of 2,847 notifications received from CAPO. The percentage represents a slight decrease of 3.9 percentage points over the 83.2% in 2013/14 (2,471 observations out of 2,971 notifications received) and an increase of 11.8 percentage points over the 67.5% in 2012/13 (2,012 observations out of 2,980 notifications received).

## 觀察員出席觀察及接獲通知數字

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





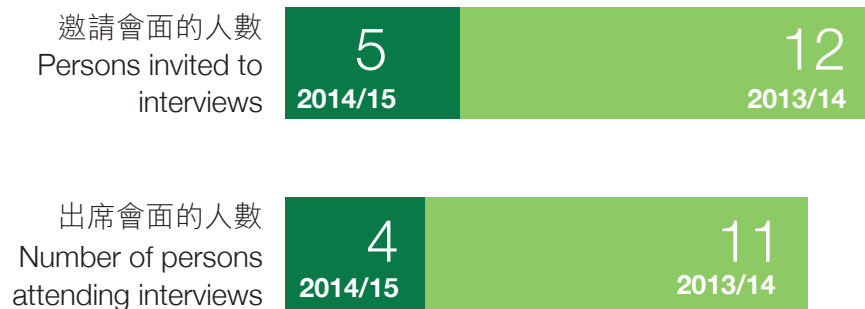
## 監警會進行會面 IPCC interviews conducted

在本報告期內，監警會曾邀請五位人士（一位投訴人、一位被投訴人及三位警務人員）出席會面，涉及一宗投訴個案，當中四位有出席監警會會面。

During the reporting period, the IPCC invited five persons (one complainant, one complainee and three police officers) to attend interviews involving one complaint case. Four of these persons attended the interviews.

### 監警會進行會面的數字

#### Number of IPCC interviews conducted





## 審核個案所需時間

# Time required for reviewing complaint cases

為加快審核個案的速度和增進處理投訴個案的效率，監警會秘書處於2011/12年度簡化內部審核個案的程序。以往每宗投訴個案的調查報告均先由秘書處的審核團隊檢視，向投訴警察課提出質詢。在收到投訴警察課的回覆後，才再將報告呈交予秘書長及副秘書長審核，並再根據秘書長及副秘書長的疑問詢問投訴警察課。

在2011年年初開始，秘書長、副秘書長及法律顧問每周主持內部會議，和審核團隊一同討論每宗投訴個案，再將秘書處的疑問加以整合，一次過向投訴警察課提出質詢，在收到投訴警察課的回覆後，便將調查報告呈交予委員審核，藉此簡化了秘書處的內部審核程序，加快個案審核速度。

在這安排下，審核個案的平均所需日數，由2012/13年度的105天降至2013/14年的97天。在報告期內，審核個案所需時間為101天。

In order to accelerate the case review process and to enhance efficiency, the IPCC Secretariat simplified its internal vetting procedures in the year 2011/12. Previously, each report on a complaint investigation had to be checked by a vetting team of the Secretariat, which could raise Queries with CAPO. Only after CAPO's reply was received was a report delivered to the Secretary-General and the Deputy Secretary-General for review. Additional questions were then raised with CAPO should they have any enquiries.

Since early 2011, the Secretary-General, the Deputy Secretary-General and the Legal Adviser conduct weekly internal meetings to discuss each complaint case with the vetting team. The Secretariat then consolidates their Queries and forwards them to CAPO collectively. Once CAPO's reply is received, the investigation report would be reviewed by Members. This streamlined procedure has accelerated the case review process.

The average number of days required for reviewing an investigated case decreased from 105 days in 2012/13 to 97 days in 2013/14. During the reporting period, the time required for reviewing an investigated case is 101 days.

### 審核個案所需的平均日數

Average number of days required to review a complaint case

101

2014/15

97

2013/14





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

在2014/15年，監警會向投訴警察課分別提出727項質詢或建議。在這些質詢或建議中，有431項獲投訴警察課全面接納，其餘則由投訴警察課作出滿意解釋。接納質詢或建議的比率為59.3%。

監警會秘書處在收到這些解釋後，審核團隊會再研究，並提交予委員組成的審核小組考慮。有需要時並會將相關的質詢資料和解釋，在工作層面會議上和投訴警察課商討尋求共識，待監警會秘書處和委員均接受投訴警察課的解釋，才會通過該投訴個案。

IPCC raised a total of 727 Queries, which contain either requests for clarifications or suggestions, to CAPO in 2014/15. Among these, 431 were responded to or accepted by CAPO and the remainder received satisfactory explanations. The acceptance rate was 59.3%.

After the IPCC Secretariat receives the responses from CAPO, the vetting team further studies them and passes them on to the vetting sub-group Members for consideration. When necessary, the Queries and responses are discussed in working level meetings with CAPO. Only when the IPCC Secretariat and Members accept CAPO's responses would a complaint case be endorsed.

### 更改分類

#### Classification changes

監警會在2014/15年就調查結果分類提出338項質詢，而為投訴警察課全面接納的則有205項，因此而須予修正的調查結果有167項。包括：

CAPO accepted there was merit in 205 of 338 Queries raised by the IPCC in 2014/15 regarding the classification of findings. As a result, CAPO reclassified the results of 167 investigations, including:

19

項由「無法證實」改列為「並無過錯」  
reclassified from "Unsubstantiated" to "No Fault"

6

項由「無法證實」改列為「無法完全證明屬實」  
reclassified from "Unsubstantiated" to "Not Fully Substantiated"

3

項由「無法證實」改列為「獲證明屬實」  
reclassified from "Unsubstantiated" to "Substantiated"

17

項由「無法追查」改列為「並無過錯」  
reclassified from "Not Pursuable" to "No Fault"

2

項由「無法追查」改列為「獲證明屬實」  
reclassified from "Not Pursuable" to "Substantiated"

20

項由「投訴撤回」改列為「並無過錯」  
reclassified from "Withdrawn" to "No Fault"

6

項由「投訴撤回」改列為「獲證明屬實」  
reclassified from "Withdrawn" to "Substantiated"



## Monitoring the handling of complaints

更改分類的詳細數據請參考下表：

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

## 2014/15年度監警會通過的再分類調查結果

## Changes of classification endorsed by the IPCC in 2014/15

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
無法完全證明屬實 Not Fully Substantiated	6	NA	1	0	0	0	0	7
無法證實 Unsubstantiated	3	6	NA	19	0	4	0	32
並無過錯 No Fault	2	4	48	NA	4	4	2	64
虛假不確 False	0	0	0	3	NA	0	0	3
無法追查 Not Pursuable	2	2	2	17	8	NA	1	32
投訴撤回 Withdrawn	6	0	0	20	2	0	NA	28
總數 Total	19	12	52	59	14	8	3	167

此外，監警會年內通過了51項「未經舉報但證明屬實」的指控，當中有23項是經監警會提出質詢後而增加的，另有18宗事件記錄為「旁支事項」\*。

Moreover, the IPCC endorsed 51 counts of “Substantiated Other Than Reported” allegations; of these, 23 were included after the IPCC raised Queries. Another 18 incidents were recorded as “Outwith” matters\*.

\*「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。

\* 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

### Recommended improvements to police practices and procedures

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。年內監警會就改善警隊常規和程序提出了14項建議，當中有九項建議為投訴警察課所全面接納。

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 recommended 14 improvement measures to the Police, of which nine were accepted by CAPO.

## 遵從警務常規和程序

### Compliance with police practices and procedures

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。2014/15年，屬於這類的質詢共有14項，投訴警察課完全同意監警會在其中七項質詢中的觀點。

The IPCC may raise Queries with CAPO to ascertain whether the police officers involved in a complaint case have complied with relevant police practices and procedures in exercising their constabulary powers. In 2014/15, out of the 14 Queries raised under this category, CAPO agreed with IPCC's view on seven occasions.





## 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2014/15年，監警會就警務人員在運用警權時的理據提出八項質詢。

The use of police power by officers in the discharge of their duties is also a concern of the IPCC. In 2014/2015, the IPCC raised eight Queries regarding the reasons for the use of police power.

## 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。2014/15年，監警會曾在有關事項上共提出八次意見，其中六次獲投訴警察課全面接納。

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 are commensurate with the gravity of the offence. The IPCC commented on such actions on eight occasions in 2014/15, with six of the comments accepted by CAPO.





### 澄清調查報告資料

## Clarification of information in investigation reports

2014/15年，監警會共提出200項關於調查報告內含糊不清之處的質詢及意見，其中123項獲投訴警察課全面接納。其餘的質詢則獲該課給予圓滿解釋。

In 2014/2015, the IPCC raised 200 Queries which requested clarification on ambiguous points in investigation reports; CAPO accepted 123 of these requests and provided the IPCC with satisfactory explanations for the remainder.



### 調查透徹度

## Investigation thoroughness

2014/15年，監警會共提出30項有關調查透徹程度的質詢，其中23項獲投訴警察課全面接納，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 2014/2015, the IPCC raised 30 Queries regarding the thoroughness of police investigations. CAPO accepted the IPCC's view in 23 of these Queries. They then made further investigations and provided additional information on the issues raised by the IPCC. For the remaining Queries, the IPCC received satisfactory responses from CAPO.



## Monitoring the handling of complaints

監警會在2013/14年及2014/15年提出質詢或建議的數目和性質請見下表：

The following table shows the number and nature of the Queries raised by the IPCC in 2013/14 and 2014/15:

## 監警會通過個案提出的質詢/建議

## Queries raised/suggestions provided in respect of cases endorsed by the IPCC

質詢總數 Total number of Queries **727**

投訴警察課接受的質詢 Number of Queries accepted by CAPO **431**

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	
	2014/15	2013/14	2014/15	2013/14
質詢性質 Nature of Queries				
分類 Classification	<b>338</b>	352	<b>205</b>	183
改善警隊常規和程序的建議 Recommended improvements to police practices and procedures	<b>14</b>	15	<b>9</b>	6
遵從警務常規和程序 Compliance with police practices and procedures	<b>14</b>	12	<b>7</b>	5
行使警權的理由 Reasons for exercising police power	<b>8</b>	2	<b>1</b>	0
對處理違規人員的行動提出意見 Comments on actions against defaulting officers	<b>8</b>	15	<b>6</b>	10
澄清調查報告資料 Clarification of information in investigation reports	<b>200</b>	176	<b>123</b>	119
調查透徹度 Investigation thoroughness	<b>30</b>	68	<b>23</b>	38
其他質詢 Other Queries	<b>115</b>	162	<b>57</b>	65
總數 Total	<b>727</b>	802	<b>431</b>	426