

**監察投訴處理**

**Monitoring  
the handling of  
complaints**



誠信 INTEGRITY

IMPARTIALITY

第 2 章  
CHAPTER

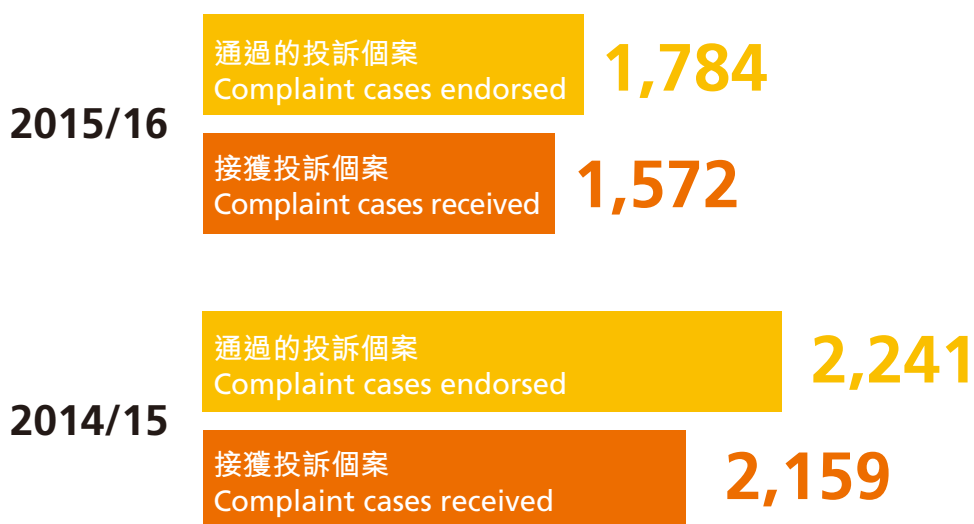
獨立 INDEPENDENCE

## 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(2015年4月1日至2016年3月31日)，監警會共接獲投訴警察課1,572宗新個案的調查報告，較去年同期的2,159宗個案減少了約27.2%。

During the reporting period (1 April 2015 to 31 March 2016), the IPCC received reports from CAPO on the investigation of 1,572 new cases, a decrease of 27.2% compared to the 2,159 cases in the same period last year.

同期，監警會通過了1,784宗投訴個案的調查結果(包括82宗覆檢個案)，比去年同期的2,241宗投訴個案減少20.4%。除了覆檢個案外，涉及的指控有3,360項，其中主要的三項指控為「疏忽職守」(45.5%)、「行為不當/態度欠佳/粗言穢語」(32.9%)及「毆打」(10.3%)。指控的數字比2014/15年的4,088項指控下跌了17.8%。

In the same period, the IPCC endorsed the results of investigations into 1,784 complaint cases (including 82 reviewed cases), a decrease of 20.4% compared to the previous year's figure of 2,241. There was a total of 3,360 allegations, excluding the reviewed cases. The three major allegations were "Neglect of Duty" (45.5%), "Misconduct/Improper Manner/Offensive Language" (32.9%), and "Assault" (10.3%). The number of allegations decreased by 17.8%, compared with the figure of 4,088 in 2014/15.

2014/15 和 2015/16 年通過的指控數字  
(按性質分類) 可見下表：

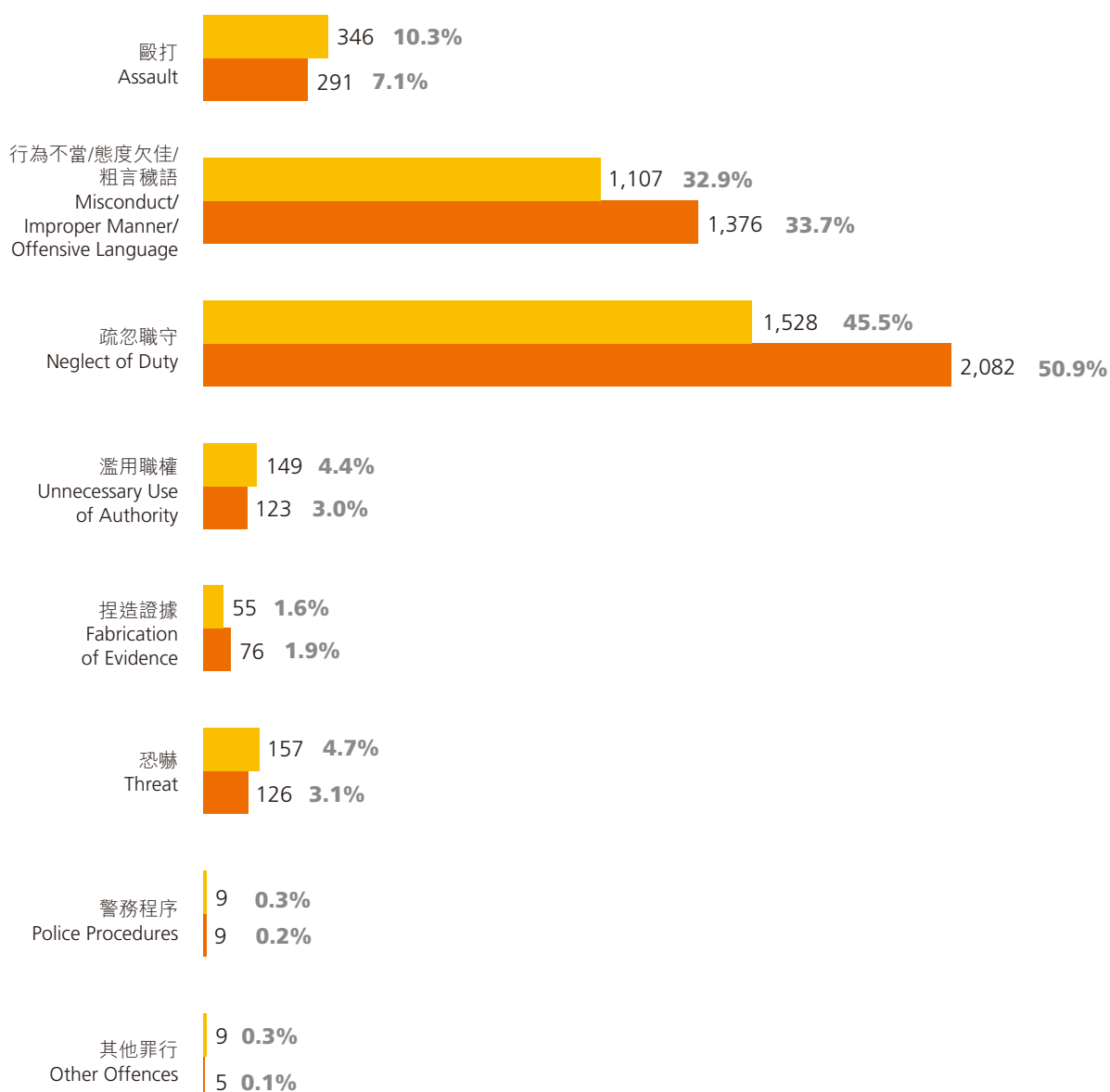
The following chart shows the number of allegations by nature  
endorsed, for the years 2014/15 and 2015/16:

## 監警會通過的指控

### Allegations endorsed by the IPCC

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

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



## 調查結果 Investigation findings



在2015/16年獲通過的3,360項指控中，經全面調查的指控有1,206項，當中81項被列為「獲證明屬實」，佔所有經全面調查指控的6.7%。60項被列為「未經舉報但證明屬實」佔5%，22項被列為「無法完全證明屬實」（佔1.8%），523項被列為「無法證實」（佔43.4%），469項被列為「並無過錯」（佔38.9%），51項則被列為「虛假不確」，（佔4.2%）。

在其餘的2,154項無需進行全面調查的指控中，141項「透過簡便方式解決」，佔無需進行全面調查指控中的6.5%。800項被列為「投訴撤回」（佔37.1%），1,213項被列為「無法追查」（佔56.3%），及沒有指控被列為「終止調查」。

Of the 3,360 allegations endorsed in 2015/16, 1,206 were fully investigated. Of these, 81 (6.7% of fully investigated allegations) were classified as "Substantiated"; 60 (5%) as "Substantiated Other than Reported"; 22 (1.8%) as "Not Fully Substantiated"; 523 (43.4%) as "Unsubstantiated"; 469 (38.9%) as "No Fault" and 51 (4.2%) as "False".

Of the remaining 2,154 allegations that were not fully investigated, 141 (6.5% of those not fully investigated) were classified as "Informally Resolved"; 800 (37.1%) as "Withdrawn"; 1,213 (56.3%) as "Not Pursuable"; and no allegation was classified as "Curtailed".

2014/15 年和 2015/16 年監警會通過的  
調查結果可見下表：

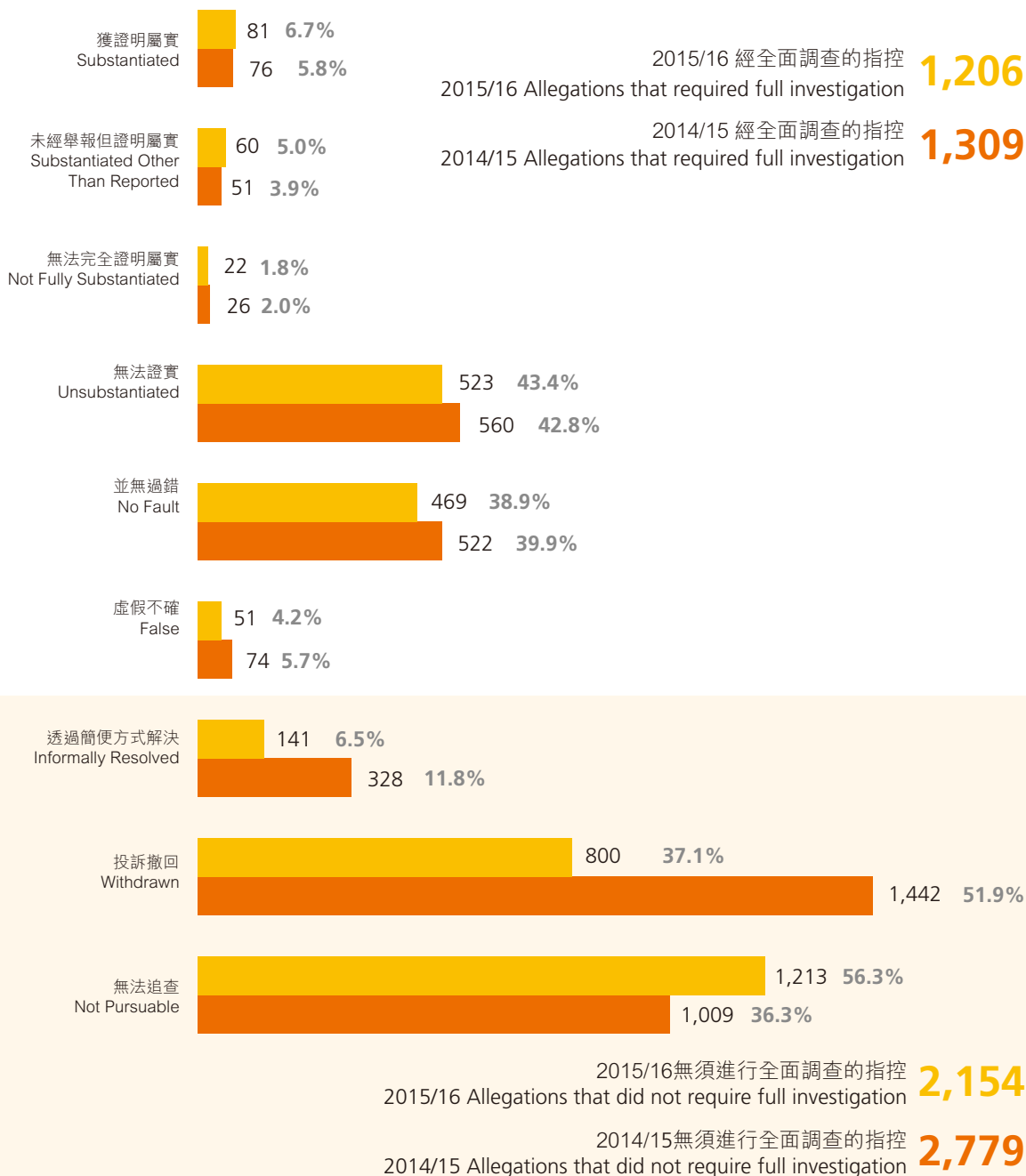
The following table shows the investigation results endorsed by the  
IPCC in 2014/15 and 2015/16:

## 監警會通過的調查結果

### Investigation results endorsed by the IPCC

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

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



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.

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<br>Assault |         | 行為不當 /<br>態度欠佳 / 粗言穢語<br>Misconduct/<br>Improper Manner/<br>Offensive Language |         | 疏忽職守<br>Neglect of Duty |         | 濫用職權<br>Unnecessary Use of<br>Authority |         |
|---|---------------|---------|--|---------|-------------------------|---------|---|---------|
|   | 2015-16       | 2014-15 | 2015-16  | 2014-15 | 2015-16                 | 2014-15 | 2015-16                                 | 2014-15 |
| 經全面調查的指控 Allegations that required full investigation           |               |         |  |         |                         |         |   |         |
| 獲證明屬實<br>Substantiated  | 1             | 0       | 7  | 15      | 67                      | 59      | 4                                       | 1       |
| 未經舉報但證明屬實<br>Substantiated Other<br>Than Reported               | 0             | 0       | 1  | 3       | 53                      | 44      | 2                                       | 2       |
| 無法完全證明屬實<br>Not Fully Substantiated                             | 2             | 0       | 4  | 6       | 14                      | 20      | 2                                       | 0       |
| 無法證實<br>Unsubstantiated   | 29            | 16      | 220  | 260     | 229                     | 237     | 25                                      | 31      |
| 並無過錯<br>No Fault  | 10            | 6       | 62   | 92      | 353                     | 380     | 26                                      | 26      |
| 虛假不確<br>False   | 8             | 15      | 15   | 10      | 2                       | 12      | 2                                       | 1       |
| 小計 Subtotal   | 50            | 37      | 309  | 386     | 718                     | 752     | 61                                      | 61      |
| 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<br>Informally Resolved                                 | 0             | 0       | 62   | 153     | 77                      | 174     | 0                                       | 0       |
| 投訴撤回<br>Withdrawn   | 91            | 84      | 276  | 498     | 349                     | 770     | 17                                      | 28      |
| 無法追查<br>Not Pursuable   | 205           | 170     | 460  | 339     | 384                     | 386     | 71                                      | 34      |
| 小計 Subtotal   | 296           | 254     | 798  | 990     | 810                     | 1,330   | 88                                      | 62      |
| 總數 Total  | 346           | 291     | 1,107  | 1,376   | 1,528                   | 2,082   | 149                                     | 123     |

| 捏造證據<br>Fabrication of Evidence |           | 恐嚇<br>Threat |            | 警務程序<br>Police Procedures |          | 其他罪行<br>Other Offences |          | 總數<br>Total  |              |
|---------------------------------|-----------|--------------|------------|---------------------------|----------|------------------------|----------|--------------|--------------|
| 2015-16                         | 2014-15   | 2015-16      | 2014-15    | 2015-16                   | 2014-15  | 2015-16                | 2014-15  | 2015-16      | 2014-15      |
| 0                               | 0         | 1            | 0          | 0                         | 1        | 1                      | 0        | 81           | 76           |
| 0                               | 0         | 1            | 0          | 3                         | 2        | 0                      | 0        | 60           | 51           |
| 0                               | 0         | 0            | 0          | 0                         | 0        | 0                      | 0        | 22           | 26           |
| 8                               | 3         | 10           | 9          | 0                         | 0        | 2                      | 4        | 523          | 560          |
| 8                               | 10        | 5            | 5          | 3                         | 3        | 2                      | 0        | 469          | 522          |
| 20                              | 33        | 4            | 3          | 0                         | 0        | 0                      | 0        | 51           | 74           |
| <b>36</b>                       | <b>46</b> | <b>21</b>    | <b>17</b>  | <b>6</b>                  | <b>6</b> | <b>5</b>               | <b>4</b> | <b>1,206</b> | <b>1,309</b> |
| 0                               | 0         | 0            | 0          | 2                         | 1        | 0                      | 0        | 141          | 328          |
| 5                               | 22        | 60           | 38         | 0                         | 1        | 2                      | 1        | 800          | 1,442        |
| 14                              | 8         | 76           | 71         | 1                         | 1        | 2                      | 0        | 1,213        | 1,009        |
| <b>19</b>                       | <b>30</b> | <b>136</b>   | <b>109</b> | <b>3</b>                  | <b>3</b> | <b>4</b>               | <b>1</b> | <b>2,154</b> | <b>2,779</b> |
| <b>55</b>                       | <b>76</b> | <b>157</b>   | <b>126</b> | <b>9</b>                  | <b>9</b> | <b>9</b>               | <b>5</b> | <b>3,360</b> | <b>4,088</b> |



## 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 158 名，涉及 99 宗個案。分項數字見下表：

In this reporting year, disciplinary proceedings or internal actions were taken against 158 police officers regarding 99 cases endorsed by the IPCC. The following table shows the breakdown of figures:

#### 警方就 2014/15 至 2015/16 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 2014/15 to 2015/16

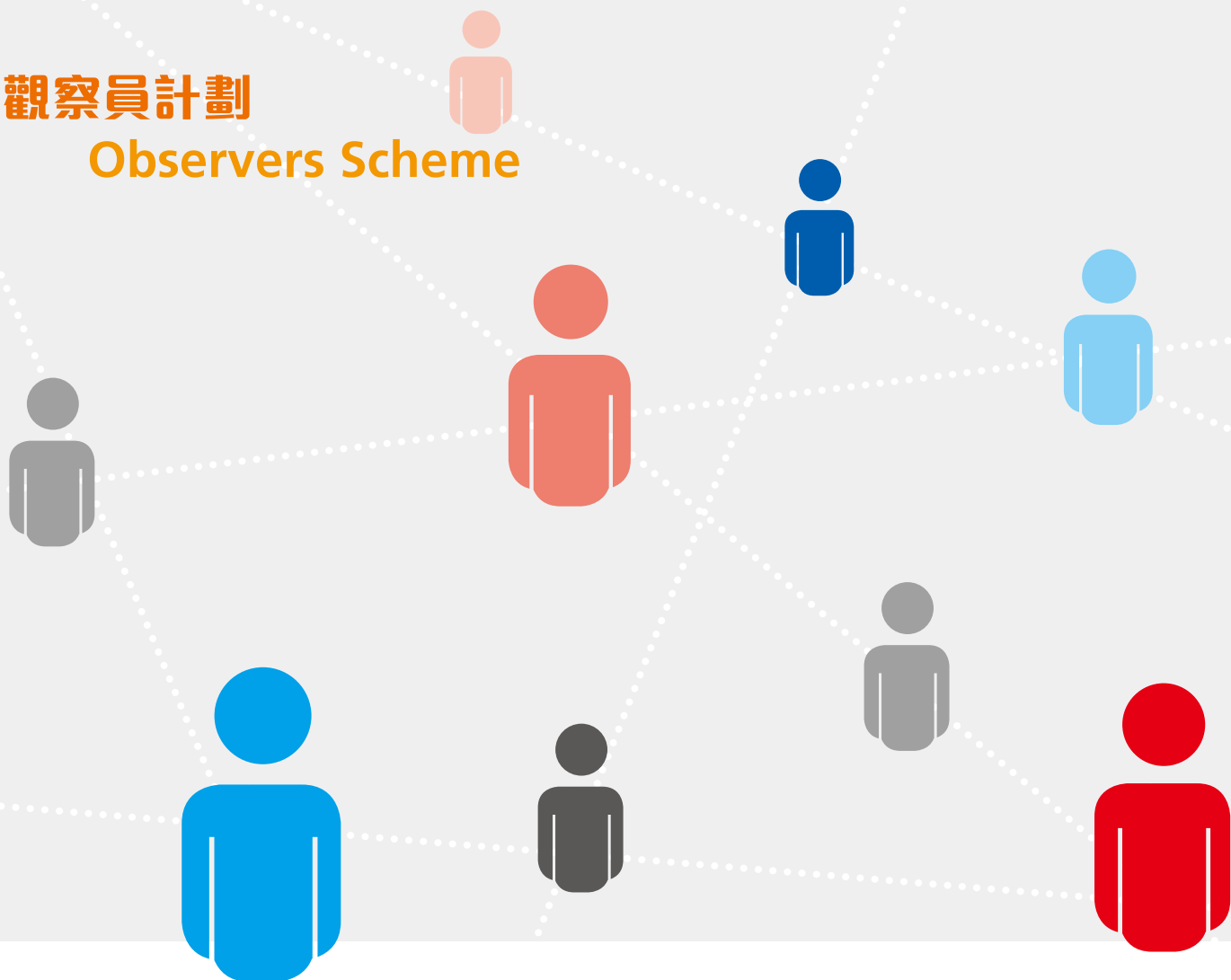
|                                  | 人員數目 Number of officers |            |
|----------------------------------|-------------------------|------------|
|                                  | 2015/16                 | 2014/15    |
| A. 刑事訴訟 Criminal proceedings     | 0                       | 0          |
| B. 紀律處分 Disciplinary proceedings | 15                      | 16         |
| C. 其他內部行動 Other internal actions |                         |            |
| 警告 Warnings                      | 35                      | 20         |
| 訓諭 Advice                        | 108                     | 121        |
| <b>總數 Total</b>                  | <b>158</b>              | <b>157</b> |

註：2014/15 年的數字已因應部分個案覆核後，予以調整。

Note: Figures for 2014/15 have been adjusted following case reviews.

## 觀察員計劃

## Observers Scheme



2015/16年，監警會的委員及觀察員共進行了1,704次觀察（預先安排的有1,689次，突擊的有15次），較2014/15年的2,259次觀察下跌了24.6%。在1,704次觀察中，有1,403次是觀察會面的進行，其餘301次是觀察證據收集的工作。

觀察透過簡便方式解決的會面為159次，比去年同期的416次減少了61.8%。投訴調查的觀察（包括會面和證據收集）則為1,545次，比2014/15的1,843次減少了16.2%。

Under the Observers Scheme, 1,704 observations were conducted by Members and Observers of the IPCC (1,689 scheduled observations and 15 surprise observations) in the year 2015/16. The number of observations decreased by 24.6% compared with the 2,259 observations in 2014/15. Of the 1,704 observations, 1,403 involved the conducting of interviews and 301 involved the collection of evidence.

Among the informally resolved cases, 159 involved IPCC's participation in interviews, a decrease of 61.8% from last year's figure of 416. Another 1,545 cases involved IPCC's observation of investigations (including interviews and collection of evidence), a decrease of 16.2% from 1,843 in 2014/15.

觀察員(包括委員)進行觀察的每月分項數字可見下表：

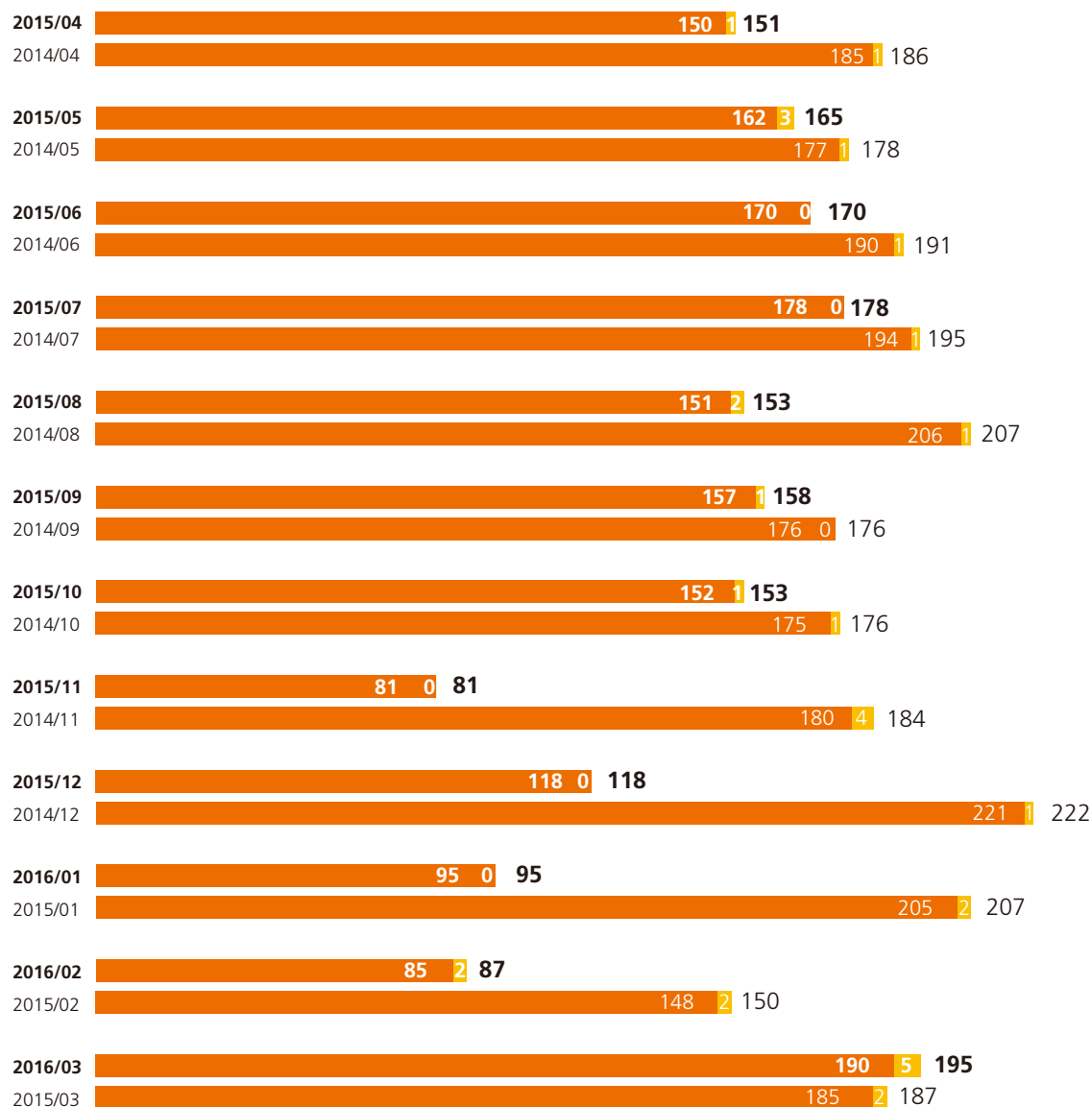
The following tables show the monthly breakdown of observations conducted by Observers (including Members):

### 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

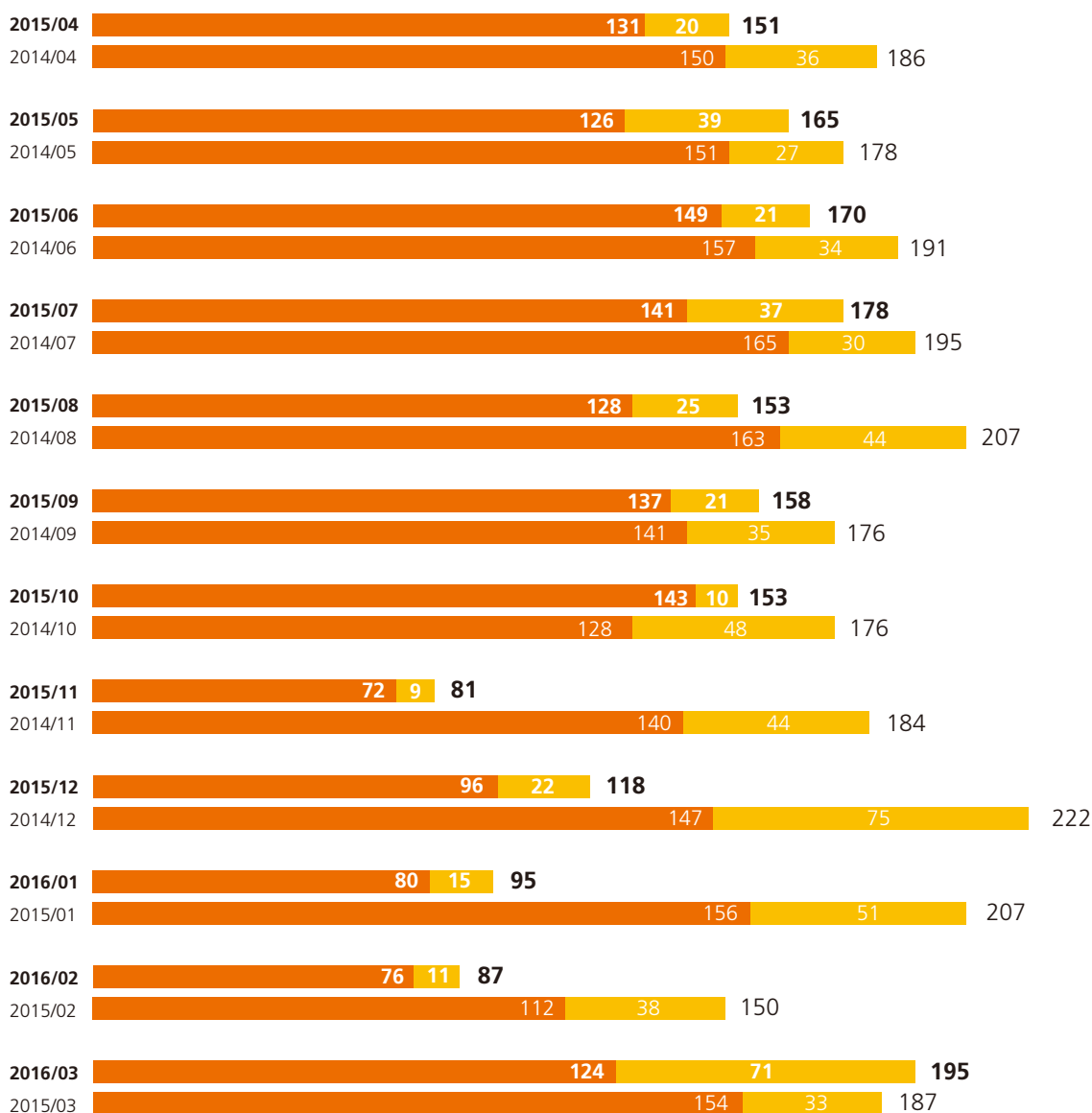
2015/2016 小計 Subtotal ■ **1,403** ■ **301** 總數 Total **1,704**

2014/2015 小計 Subtotal ■ **1,764** ■ **495** 總數 Total **2,259**

年/月  
Year/Month

■ 會面 Interviews

■ 證據收集 Collection of evidence



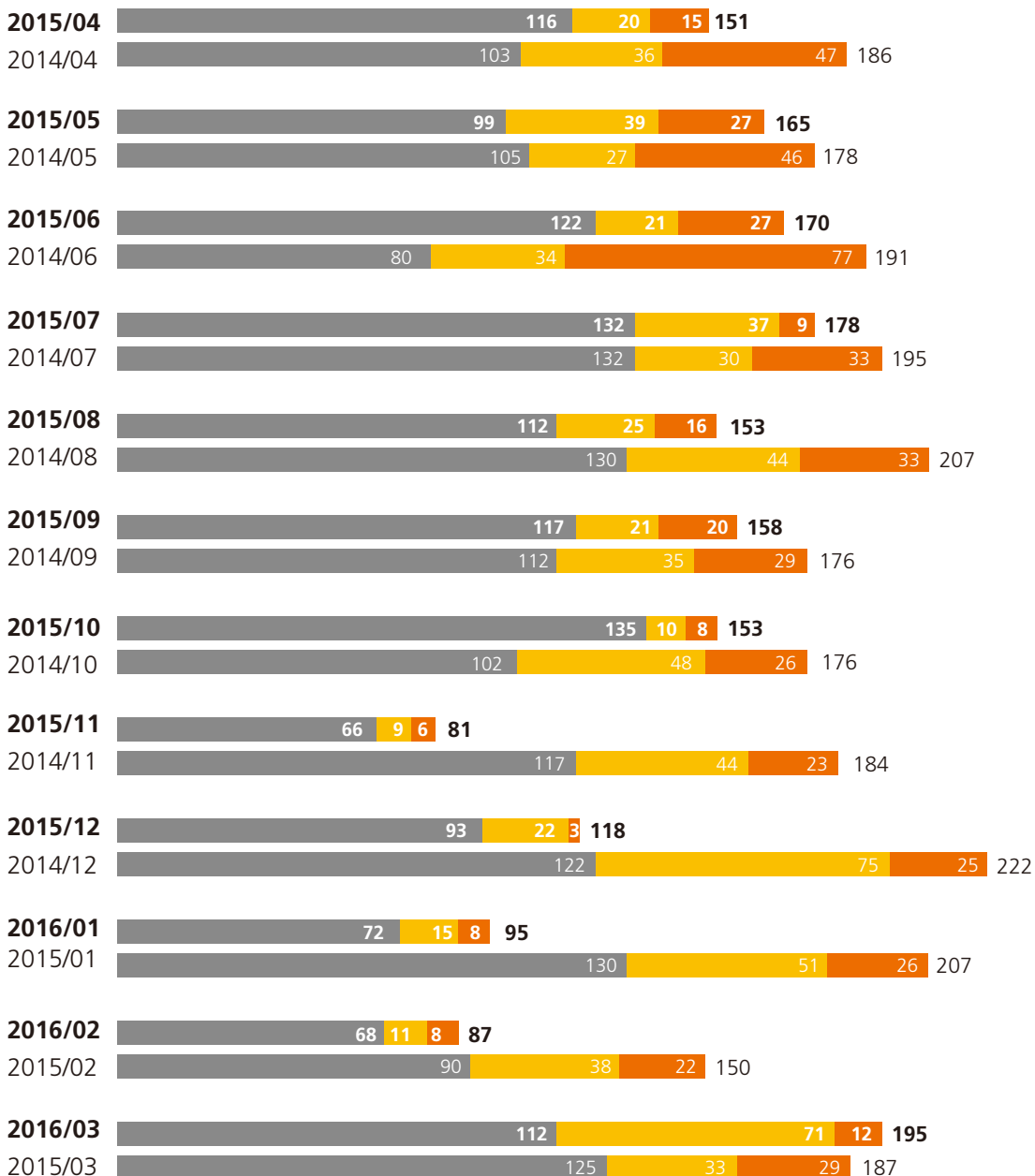
### 觀察投訴調查和透過簡便方式解決會面的分項數字

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

|   |                        |                        |
|---|------------------------|------------------------|
| 觀察投訴調查總數<br>Observations conducted for complaints investigation         | 2015/16<br><b>1545</b> | 2014/15<br><b>1843</b> |
| 註：包括會面及證據收集<br>Note: includes interviews and the collection of evidence |                        |                        |

|  |            |            |
|--|------------|------------|
| 觀察透過簡便方式解決的會面總數<br>Observations conducted for interviews of informal resolutions | <b>159</b> | <b>416</b> |
|--|------------|------------|

年/月 Year/Month      ■ 會面 Interviews      ■ 證據收集 Collection of evidence      ■ 透過簡便方式解決的會面 Informal resolution interviews



## 投訴警察課的通知

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2015/16年，逾九成(95.1%)的通知是在不少於48小時前收到；比2014/15年的92.3%為高。

在本報告期內，監警會接獲投訴警察課共1,928次通知，觀察員出席了當中的1,704次，包括觀察會面工作和證據收集工作，佔整體的88.4%；較2014/15年的79.3%上升9.1%（接獲投訴警察課的2,847次通知並出席當中2,259次），亦較2013/14年的83.2%上升5.2%（接獲投訴警察課的2,971次通知並出席當中2,471次）。

## 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 2015/16, 95.1% of such notifications were given with at least 48 hours in advance, which was higher than the 92.3% recorded in 2014/15.

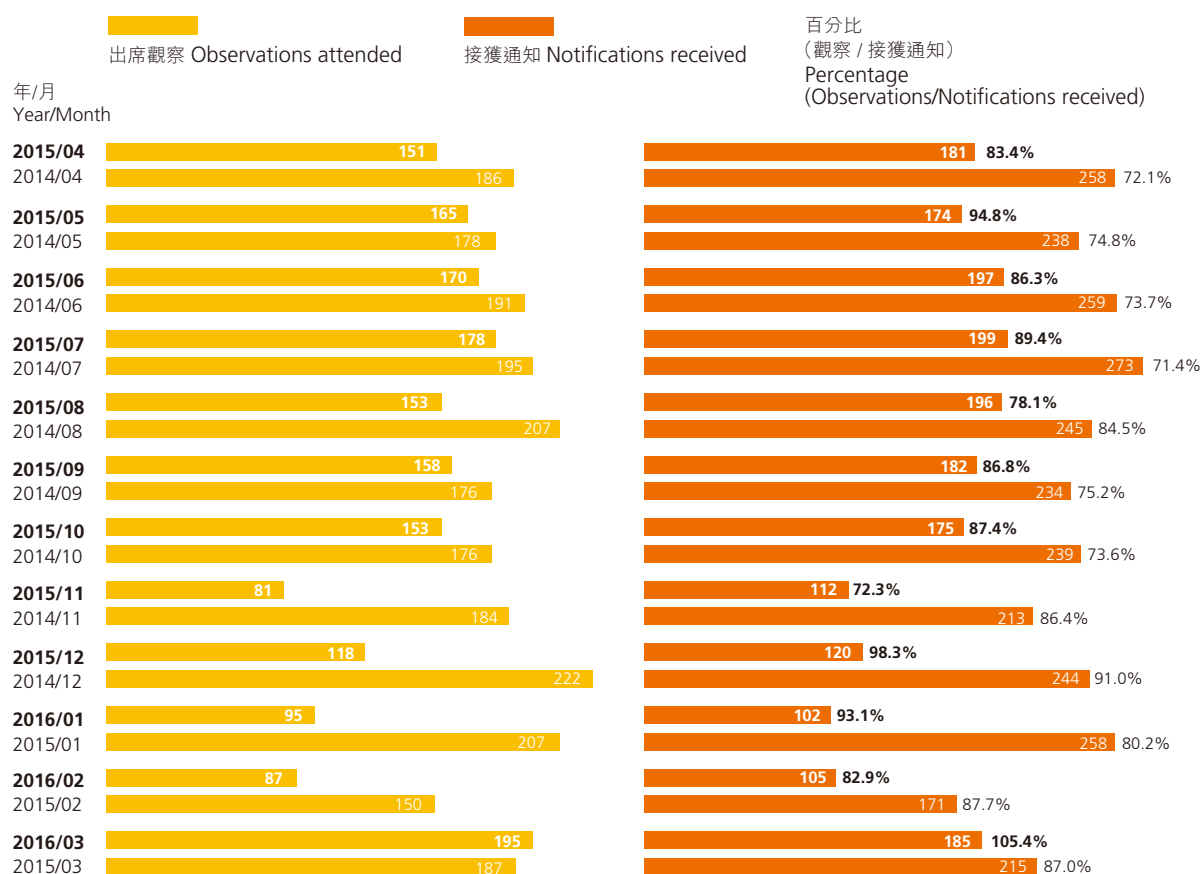
During this reporting period, IPCC Observers attended 1,704 observations, including interviews and the collection of evidence, comprising 88.4% of 1,928 notifications received from CAPO. This represents an increase of 9.1% over the 79.3% in 2014/15 (2,259 observations out of 2,847 notifications received) and 5.2% over the 83.2% in 2013/14 (2,471 observations out of 2,971 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

2015/16 出席比率：**88.4%**  
2015/16 Attendance rate:

2014/15 出席比率：**79.3%**  
2014/15 Attendance rate:



## 監警會進行會面

### IPCC Interviews conducted

《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。會見純粹是為了跟有關人士澄清事項。監警會不會取代投訴警察課的調查角色。

在本報告期內，監警會曾邀請兩位人士（一位投訴人及一位被投訴人）出席會面，涉及一宗投訴個案，兩位均有出席監警會會面。

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, the IPCC invited two persons (one complainant and one complaine) to attend interviews involving one complaint case. Both persons attended the interviews.

#### 監警會進行會面的數字

##### Number of IPCC Interviews conducted

邀請會面的人數  
Persons invited to  
interviews



出席會面的人數  
Number of persons  
attending interviews



## 審核個案所需時間

### Time required for reviewing 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。現在因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，審核時間亦稍長。

因此，審核個案的平均所需日數由2014/15年度的101天上升至2015/16年的144天。

The number of days required to review a complaint case depends on a number of factors, such as the complication of the case and whether the IPCC agrees with CAPO's views, etc. As complaints that are minor or frivolous in nature are now handled via "Informal Resolution" and the 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 slightly more time.

As a result, the average number of days required to review an investigated case increased from 101 days in 2014/15 to 144 days in 2015/16.

#### 審核個案所需的平均日數

Average number of days required to review a complaint case

144

2015/16

101

2014/15



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

在2015/16年，監警會向投訴警察課合共提出793項質詢和建議，當中有381項獲投訴警察課全面接納，接納質詢或建議的比率為48%。其餘則由投訴警察課作出滿意解釋。

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。

### 更改分類

監警會在2015/16年就調查結果分類提出324項質詢，獲投訴警察課全面接納的有162項質詢，因此須予以修正的調查結果有132項指控。包括：

IPCC raised a total of 793 Queries and suggestions to CAPO in 2015/16. Among these, 381 were accepted by CAPO and the acceptance rate was 48%. CAPO has given satisfactory explanations to the remainder.

After the IPCC Secretariat receives responses from CAPO, the vetting team would scrutinize them before passing on to Members of the vetting sub-groups for consideration. When necessary, the Queries and responses would be discussed in working level meetings between IPCC and CAPO to work towards a compromise. Only when the IPCC Secretariat and Members accept CAPO's responses would a complaint case be endorsed.

### Classification changes

CAPO accepted there was merit in 162 out of a total of 324 Queries raised by the IPCC in 2015/16 regarding the classification of findings. As a result, CAPO reclassified the results of 132 investigations, including:

- 2** 項由「無法證實」改列為「獲證明屬實」；  
reclassified from "Unsubstantiated" to "Substantiated"
- 8** 項由「無法證實」改列為「無法完全證明屬實」；  
reclassified from "Unsubstantiated" to "Not Fully Substantiated"
- 15** 項由「無法證實」改列為「並無過錯」；  
reclassified from "Unsubstantiated" to "No Fault"
- 3** 項由「無法追查」改列為「獲證明屬實」；  
reclassified from "Not Pursuable" to "Substantiated"
- 11** 項由「無法追查」改列為「並無過錯」；  
reclassified from "Not Pursuable" to "No Fault"
- 1** 項由「投訴撤回」改列為「獲證明屬實」；  
reclassified from "Withdrawn" to "Substantiated"
- 10** 項由「投訴撤回」改列為「並無過錯」；  
reclassified from "Withdrawn" to "No Fault"

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:

## 2015/16 年度監警會通過的再分類調查結果

### Changes of classification endorsed by the IPCC in 2015/16

| 最後分類 Final classification           |                        |                                     |                         |                  |               |                       |                   |             |
|-------------------------------------|------------------------|-------------------------------------|-------------------------|------------------|---------------|-----------------------|-------------------|-------------|
| 原來分類<br>Original classification     | 獲證明屬實<br>Substantiated | 無法完全證明屬實<br>Not Fully Substantiated | 無法證實<br>Unsubstantiated | 並無過錯<br>No Fault | 虛假不確<br>False | 無法追查<br>Not Pursuable | 投訴撤回<br>Withdrawn | 總數<br>Total |
| 獲證明屬實 Substantiated                 | N/A                    | 1                                   | 0                       | 0                | 0             | 0                     | 0                 | 1           |
| 無法完全證明屬實<br>Not Fully Substantiated | 4                      | N/A                                 | 0                       | 0                | 0             | 0                     | 0                 | 4           |
| 無法證實 Unsubstantiated                | 2                      | 8                                   | N/A                     | 15               | 1             | 4                     | 0                 | 30          |
| 並無過錯 No Fault                       | 9                      | 4                                   | 37                      | N/A              | 0             | 5                     | 1                 | 56          |
| 虛假不確 False                          | 0                      | 0                                   | 2                       | 4                | N/A           | 1                     | 0                 | 7           |
| 無法追查 Not Pursuable                  | 3                      | 0                                   | 3                       | 11               | 0             | N/A                   | 4                 | 21          |
| 投訴撤回 Withdrawn                      | 1                      | 0                                   | 1                       | 10               | 1             | 0                     | N/A               | 13          |
| <b>總數 Total</b>                     | <b>19</b>              | <b>13</b>                           | <b>43</b>               | <b>40</b>        | <b>2</b>      | <b>10</b>             | <b>5</b>          | <b>132</b>  |

此外，監警會年內通過了 60 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，另有 14 宗事件記錄為「旁支事項」\*。

Moreover, the IPCC endorsed 60 counts of “Substantiated Other Than Reported” allegations; of these, 20 were included after the IPCC had raised Queries. Another 14 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

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，向警務處處長和/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 17 項建議，例如有關警方處理大型公眾活動、警察記事冊、投訴警察課處理投訴的程序等，當中有 10 項建議為投訴警察課所全面接納，並會作出跟進。

## 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 17 improvement measures to the Police in relation to the handling of public order events, police notebooks, CAPO's complaint handling procedures, etc. Of these, 10 were accepted by CAPO and would be followed up on.

以下是於報告期內，警方就監警會過去提出的有關警方執法建議而落實修改警務程序的其中兩個例子。

The following are two examples during this reporting period of which the Police had implemented refined procedures based on the IPCC's past recommendations regarding the Police's enforcement of the law.

### 檢視有關規管安裝在車輛內的侵擾者警報系統的條例

根據《噪音管制條例》(香港法例第400章)第13條B(1)：

凡侵擾者警報系統已安裝在車輛之內、之上或之下，該車輛的登記車主須確保該侵擾者警報系統設有一個有效的自動裝置，該裝置—

- (a) 不得發出由一項非與車輛有直接實質接觸的作為所導致的任何可聽信號，不論該項作為是蓄意的或非蓄意的；及
- (b) 須導致任何可聽信號在觸發後不超過5分鐘停止。

在一宗投訴個案中，投訴人發現有一輛私家車發出警報聲，隨後向警方報案。警務人員抵達現場後，發現私家車的其中一道後門沒有關妥。車門被關妥後，警報聲隨即停止。投訴人不滿警方沒有就其車輛造成噪音滋擾而檢控車主；一系列指控中，其中一項指稱警員不了解《噪音管制條例》裡相關的條文。投訴警察課調查後，發現車主並沒有違反《噪音管制條例》第13條B(1)。

監警會建議警方就以下兩點作出澄清，以改善服務質素：

- (a) 侵擾者警報系統是否只受《噪音管制條例》規管，並沒有其他條例管制？
- (b) 會方注意到有些在香港被普遍使用的侵擾者警報系統會在車門未關妥的情況下發出可聽信號，這是否表示所有此類系統均違反第13條B(1)(a)？

### To examine the legislation governing intruder alarm systems installed in vehicles

Section 13 B(1) of the Noise Control Ordinance (Cap 400, Laws of Hong Kong) states that:

*“Every registered owner of a vehicle who has an intruder alarm system installed in, on or under that vehicle shall ensure that the intruder system is provided with an efficient automatic device which:-*

- (a) shall not emit any audible signal caused otherwise than by an act of direct physical contact with the vehicle, whether that act is intentional or unintentional; and*
- (b) shall cause any audible signal to cease not more than 5 minutes after the activation of the signal.”*

In one complaint case, the Complainant found a private car emitting an alarm sound and reported it to the police. Police officers arrived at the scene and found that one of the rear doors was not properly closed. The alarm stopped after the door was properly closed. The Complainant was not satisfied that the police did not prosecute the vehicle owner for causing noise nuisance, and alleged, inter alia, that the Police did not understand the relevant legal provisions in the Noise Control Ordinance. CAPO's investigations found that there was no violation of s.13B(1) of the Noise Control Ordinance.

IPCC recommended that the Police should further clarify the following issues for service improvement purposes:

- (a) Whether the intruder alarm system is only regulated by the Noise Control Ordinance but no other legislations?
- (b) It is noted that some commonly available intruder alarm systems in Hong Kong emit an audible signal if any of the car doors were not properly closed. Does this mean that all such alarm systems would be in breach of s.13B(1)(a)?

警方隨後向環境保護署就有關《噪音管制條例》第13條B的釋義尋求進一步澄清。另外，警方亦就該條文的釋義尋求法律意見，並確定《噪音管制條例》是唯一提供法定權力以管制及減低侵擾者警報系統所造成的滋擾的條例。

為確保警務人員正確了解此法律條文，投訴警察課隨後透過該課的電子通訊向全警隊作出提醒。

### **檢視現行警隊就「與罪案投訴人的通訊」的指引**

有些對警察作出的投訴是源於警員對市民查詢的答覆（或所缺乏的答覆）。這類投訴是可以透過優化溝通指引而減少或避免的。

在一宗投訴個案中，投訴人向警方舉報，指稱在1980年，一名未經授權的政府土地佔用人非法售賣一間不合法建於該土地上的棚屋。其後警方告知投訴人，警方在該案並沒有偵查到任何刑事成分。投訴人事後三度以書面形式詢問該案的調查人員，警方有否向有關的證人查詢及有否尋求法律意見，但調查人員沒有回應。

投訴警察課在調查此投訴個案期間，決定檢視現行警隊就「與罪案投訴人的通訊」的指引（例如在答覆裡應披露多少細節），以達到公眾對警方回覆他們的查詢的期望。監警會要求投訴警察課告知會方有關檢視工作的進度及結果。

警方隨後推出一項先導計劃（「敬賢計劃」），旨在減少從刑事調查中衍生的可避免投訴。計劃中，偵緝警長跟涉及刑事案件的舉報人、受害人及證人保持緊密聯繫，亦會解答他們對調查工作的進度及相關議題的疑問。

The Police then sought clarification from the Environmental Protection Department regarding the interpretation of s.13B of the Noise Control Ordinance. In addition, the Police also sought legal advice on this ordinance and confirmed that the Noise Control Ordinance was the only legislation providing statutory control to restrict and reduce any nuisance caused by the intruder alarm systems.

To ensure that police officers have a correct understanding of this legal provision, CAPO issued a Force-wide reminder through the CAPO e-Newsletter.

### ***To review the existing guidelines on “Communication with Complainants of Crime”***

Some complaints against the Police stem from the Police’s responses (or lack thereof) to queries from the public. Such complaints could potentially be reduced or prevented through enhancing communication guidelines.

In one complaint case, the Complainant reported to the Police in 1980, that an unauthorised occupant of a piece of government land had illegally sold a hut that was unlawfully built thereon. The Complainant was later informed by the Police that no crime was detected in his case. The Complainant then wrote to the investigating officer on three different occasions, asking whether the Police had made enquiries with the relevant witnesses and whether they had sought legal advice, but the officer did not respond to the Complainant’s queries.

During the investigation, CAPO initiated a study on whether the existing police guidelines on “Communication with Complainants of Crime” could be further enhanced (such as how much detail should be given in a reply), with a view to better meeting the public’s expectations of the Police’s replies to their queries. The IPCC requested CAPO to keep them informed of the progress and outcome of the study.

A pilot project (“Project RESPECT”) was then launched, aiming to reduce avoidable complaints stemming from criminal investigations. Team Detective Sergeants were assigned to maintain close liaison with informants, victims and witnesses of crime cases, and to answer queries on progress of investigations and related issues.

### 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。2015/16年，屬於這類的質詢共有12項，投訴警察課完全同意監警會在其中四項質詢中的觀點。

### 行使警權的理由

此外，監警會亦關注警務人員在執勤時的警權運用。在2015/16年，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。2015/16年，監警會曾在有關事項上共提出18次意見，其中11次獲投訴警察課全面接納。

### 澄清調查報告資料

2015/16年，監警會共提出251項關於調查報告內含糊不清之處的質詢及意見，其中106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。

### 調查透徹度

2015/16年，監警會共提出61項有關調查的透徹程度的質詢，其中34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。

### 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. In 2015/16, out of 12 Queries raised under this category, CAPO agreed with four Queries made by the IPCC.

### 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. In 2015/2016, 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 are commensurate with the gravity of the offence. The IPCC commented on such actions on 18 occasions in 2015/16, of which 11 were accepted by CAPO.

### Clarification of information in investigation reports

In 2015/2016, the IPCC raised questions and comments on 251 ambiguous points in investigation reports, with 106 of these questions and comments accepted by CAPO. The IPCC received satisfactory explanations from CAPO regarding the remaining questions and comments.

### Investigation thoroughness

In 2015/2016, the IPCC raised 61 Queries regarding the thoroughness of police investigations. Of these, 34 were accepted by CAPO, which led to their further investigation and the provision of additional information on the issues raised by the IPCC. As to the rest, the IPCC received satisfactory explanations from CAPO.

監警會在2014/15年及2015/16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 2014/15 and 2015/16:

## 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/建議總數 Total number of Queries/suggestions **793**

投訴警察課接受的質詢/建議 Number of Queries/suggestions accepted by CAPO **381**

| 年份 Year  | 質詢 / 建議總數<br>Total number of<br>Queries/suggestions |           | 投訴警察課接受的<br>質詢 / 建議<br>Number of Queries/<br>suggestions accepted<br>by CAPO |           |
|--|---|-----------|--|-----------|
|  | 2015 – 16   | 2014 – 15 | 2015 – 16  | 2014 – 15 |
| 質詢 / 建議性質 Nature of Queries/suggestions  |   |           |  |           |
| 調查結果分類<br>Classification of investigation results                              | <b>324</b>  | 338       | <b>162</b>   | 205       |
| 改善警隊常規和程序的建議<br>Recommended improvements to police practices and<br>procedures | <b>17</b>   | 14        | <b>10</b>  | 9         |
| 遵從警務常規和程序<br>Compliance with police practices and procedures                   | <b>12</b>   | 14        | <b>4</b>   | 7         |
| 行使警權的理由<br>Reasons for exercising police power                                 | <b>9</b>  | 8         | <b>1</b>   | 1         |
| 對處理違規人員的行動提出意見<br>Comments on actions against defaulting officers              | <b>18</b>   | 8         | <b>11</b>  | 6         |
| 澄清調查報告資料<br>Clarification of information in investigation reports              | <b>251</b>  | 200       | <b>106</b>   | 123       |
| 調查透徹度<br>Investigation thoroughness  | <b>61</b>   | 30        | <b>34</b>  | 23        |
| 其他質詢<br>Other Queries  | <b>101</b>  | 115       | <b>53</b>  | 57        |
| <b>總數 Total</b>  | <b>793</b>  | 727       | <b>381</b>   | 431       |